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The Studies of the ILO's Industrial Relations Standards: A Reflection, and the Application Guidelines for Strengthening of the Industrial Relations Law Reform in Thailand, Asian and ASEAN Community Countries*

การศึกษามาตรฐานแรงงานสัมพันธ์ขององค์การแรงงานระหว่างประเทศ : การสะท้อนและแนวทางการประยุกต์ใช้เพื่อการเสริมสร้างความเข้มแข็งของการปฏิรูปกฎหมายแรงงานสัมพันธ์ในประเทศไทย ประเทศในทวีปเอเชีย และประเทศในประชาคมอาเซียน

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Abstract

It is generally recognized that the law reform will further bring in the reformation of the relating social, economic and political activities in concern. The industrial relations arena is also affected by the change of industrial relations law affecting from the social, economic and political interactions. In the area of industrial relations, Thailand and the rest of the Asian and ASEAN countries, as the members of the International Labor Organization, are needed to find out what are the central matters of the ILO's industrial relations standards and how to make use of them for the reform of the countries' industrial relations law and industrial relations activities that further enrich country development. Among the ILO's labour standards, vested in the ILO's conventions, the industrial relations standards have been more than a half-century gradually produced and announced. The main scope of the labour standards of the industrial relations activities shaping the three stakeholders; employers, workers, and state; are especially announced through the ten conventions and recommendations; 1) Freedom of Association and Protection of the Right to Organize, 2) Collective Bargaining, Promotion and Agreement, 3) Voluntary Conciliation and Arbitration, 4) Co-operation and Consultation at the Levels of the Undertaking, Industry and National, 5) Communications within the Undertaking, 6) Workers' Representatives, 7) Examination of Grievances, 8) Tripartite Consultation, 9) Labor Administration, and 10) Labor Relations in Public Service. This article is thus aimed to grasp the central standard contents regarding industrial relations at the three tiers; firm, industry and national levels. Educating employers,

employees and government officials by education institutions, workers' and employers' organizations and so on about these standards are therefore fundamentally important for law and industrial relations reform. In addition, the applications of the international industrial relations standards into national industrial relations law will be worthwhile affecting to the sound, peaceful and sustainable relationships among the stakeholders, and benefits not only to the employers, workers, and the state but also to the public at large.

Keywords: International Industrial Relations Standards; Labour Law Reform; ILO Conventions and Recommendations

บทคัดย่อ

นับเป็นเรื่องที่ยึดถือกันโดยทั่วไปได้ว่า การปฏิรูปกฎหมายจะนำมาซึ่งการปฏิรูปความสัมพันธ์ทางสังคม เศรษฐกิจ และการเมือง ที่เกี่ยวข้องกัน อีกทั้งบริบททางแรงงานสัมพันธ์ย่อมได้รับผลกระทบจากการเปลี่ยนแปลงและปฏิสัมพันธ์ของกิจกรรมทางสังคมเศรษฐกิจและการเมือง ในส่วนของแรงงานสัมพันธ์ไทยและของประเทศอื่นๆ ในเอเชีย ในฐานะประเทศเหล่านี้เป็นสมาชิกขององค์การแรงงานระหว่างประเทศนั้น จึงจำเป็นที่จะต้องค้นหาว่าเนื้อหาสาระสำคัญของมาตรฐานแรงงานสัมพันธ์ขององค์การแรงงานระหว่างประเทศ (ILO) เป็นอย่างไร และจะใช้ประโยชน์จากมันอย่างไรในการปฏิรูปกฎหมายแรงงานสัมพันธ์ของประเทศ อันจะช่วยเสริมส่งหรือยังความก้าวหน้าในการพัฒนาประเทศ ในบรรดามาตรฐานแรงงานสากลของ ILO ซึ่งลงหลักปักฐานอยู่ในอนุสัญญาของ ILO นั้น มาตรฐานแรงงานสัมพันธ์ได้ถูกประกาศใช้มานานกว่าครึ่งศตวรรษ โดยขอบเขตหลักของมาตรฐานแรงงานดังกล่าวกำหนดบทบาทต่อผู้มีส่วนได้เสียทั้งสามฝ่าย คือ นายจ้าง คนทำงาน และรัฐ ผ่านเนื้อหาในสิบอนุสัญญาและข้อแนะนำ คือ 1) เสรีภาพในการสมาคมและการคุ้มครองสิทธิในการรวมตัว 2) การเจรจาต่อรองร่วม การส่งเสริมและข้อตกลงร่วม 3) การไกล่เกลี่ยและการอนุญาโตตุลาการโดยสมัครใจ 4) ความร่วมมือและการปรึกษาหารือในระดับสถานประกอบการธุรกิจ อุตสาหกรรม และระดับชาติ 5) การสื่อสารภายในสถานประกอบการ 6) ผู้แทนแรงงาน 7) การตรวจสอบการร้องทุกข์ 8) การปรึกษาหารือไตรภาคี 9) การบริหารงานแรงงาน และ 10) แรงงานสัมพันธ์ในภาคบริการสาธารณะ บทความนี้จึงมีวัตถุประสงค์เพื่อทำความเข้าใจในเนื้อหาของมาตรฐานกลางสากลเกี่ยวกับแรงงานสัมพันธ์ ทั้งสามชั้น คือ ระดับ สถานประกอบการ ระดับอุตสาหกรรม และระดับชาติ และการกล่าวถึงการให้การศึกษแก่ นายจ้าง คนทำงาน และเจ้าหน้าที่ของรัฐ โดยสถาบันการศึกษา องค์การแรงงานและนายจ้างและอื่นๆ เกี่ยวกับมาตรฐานเหล่านี้ อันถือเป็นพื้นฐานสำคัญยิ่งสำหรับการปฏิรูปกฎหมายแรงงานสัมพันธ์ นอกจากนี้ การประยุกต์ใช้มาตรฐานแรงงานสัมพันธ์ระหว่างประเทศเข้ากับกฎหมายแรงงานสัมพันธ์ของประเทศ จะมีคุณค่าต่อการสร้างความสัมพันธ์อันยั่งยืน ระหว่างผู้มีส่วนได้ส่วนเสีย

และเป็นประโยชน์ไม่เฉพาะต่อนายจ้าง คนทำงาน และรัฐ แต่ยังรวมถึงสาธารณชน
ทั่วไปอีกด้วย

คำสำคัญ: มาตรฐานแรงงานสากลด้านแรงงานสัมพันธ์; การปฏิรูปกฎหมาย
กฎหมายแรงงาน; อนุสัญญาและข้อแนะนำขององค์การแรงงานระหว่าง
ประเทศ

Introduction

Labor reforms of any country would be made in an essence through the development of labor laws. But it should not only consider whether the provision of law to better solve the problems faced by each of the parties in the land. It should be improved by the use of universal concept and practice of labor standards as well.

Thailand and the other countries in Asia, as members of the ILO should give more attention to the essence of the ILO's labor standards to help promote the study and the application of international labor standards in order to reform the law of the countries benefiting further to national trading and economies (Suttawet and Yawichian 2014).

This article thus highlights and calls for a consideration of the key essence of the international labor standards related to labor relations area, as that, what are they? Since a better industrial or labor relations law of any country should be substantially in line with international labor standards, so what are the industrial relations standards that should be educated and to be utilized for reforming the country's industrial relations. Also, what should be the desirable future of labor law in Thailand and other countries in Asia?

Although industrial relations according to international labor standards will famously focus on the two key controversial issues underlying mechanisms. The first one is a fundamental organizational mechanism. It is for the employer and labor organizations (Freedom of Association and Protection of the Right to Organize) (according to ILO Convention May. 87, 1948). The second one is the relationship mechanism between the two organizations which deals with the

collective bargaining power of the employer or employers' organizations and workers or trade unions (according to ILO Convention on the Application of Collective Bargaining, May. 98, 1949). Nevertheless, it is not easy for countries to ratify these two fundamental ILO's standards, especially when the country is ruled by the dictatorship governments, or even the democratic government but has less enthusiasm for ratification of the standards formally.

Thailand is yet one of this kind of situations that both the military junta and the democratic governments have been always showing no strong commitment to the labor standards of the both ILO Conventions No. 87 and 98 to be ratified. Albeit, the Thai governments in the past until today always shows many times in the light of both conventions to be ratified.

Questions of studies

The main questions for the creative labor relations stakeholders, such as, a social democrat, academics, labor union leaders, entrepreneurs or employers, human resource officers and various developers of this field are that: What are international labor standards related to labor relations; How we could design the laws of labor relations from minimum standards of the International Labor Organization (ILO), which is universally agreed by the representatives of government, employers, and unions from around the world.

The Theoretical Explanation: The Making and Important of the International Labour Standards in the Reform of the National Labour Laws and Industrial Relations System

Some theories can explain well why law or rule is important for the interaction of actors involving in the social or economic and political relations.

Max Weber is one of the most influencing thinkers on legal and authority argument in a rational-legal society. In his well-known work since 1922 “Die drei reinen Typen der legitimen Herrschaft” or “The three types of legitimate rule” (trans. 1958), society may be distinguished into three pure types according to the authority of society, namely; traditional authority, rational-legal authority, and charismatic authority. The traditional authority is inherited from the past generations and religious bounded. While the charismatic authority is created by individual him/herself. These two authorities will not be suited to a modern society of rational action that goes beyond emotion and irrational decisions. In the modern society, Max Weber proposes rational action as the key characteristic of the civilized nation. So that rational-legal authority in industrial society is the most suitable. Legality will serve the rational action of members of society to be legitimate, not depending on leader’s traditional and personal power or characteristic. His ideal type of bureaucracy is also mentioned in the regulation of organization that helps bureaucrats for the impersonal action to hold on a neutral public service for the general people.

Moreover, looking at law in the critical perspective is important to help reform the existing labour laws (Kennedy 1981). In the same time, creating or improving labour laws one should realize

about the theory of labour legislations (Hyde 1990), concerning, for examples, on the positive theory of labour legislation, labour law and cultural tradition, questions about timing, substance and efficacy of labour legislation. Furthermore, law and development are closely related. Since law itself, legal framework and institutions will be related in the reality of national development which could be seen in terms of a progressive transformation of the economy and society (Lee 2017).

In the industrial relations field, one long well-known theory is the System Theory of John T. Dunlop (1958). His theory suggests that the aim of actors in industrial relations is to make the rules to be used among each other. The rules can be managed as a web of rules to fit in all social relations at the firm, industry or national level. Besides, the international labour standards of the ILO is one of the fundamental factors affecting to the national industrial relations system.

Thus, the international labour standards of the ILO are the rules producing through the interaction between employees, employers and the government and their organizations at the international and global level. The ratification and application of the standards of each member countries will legitimately result in the industrial relations reform of the country through changing or developing of the national law(s). Every country, either developing or developed country, could reform its industrial relations law and practices by an application rightly of the ILO's standards as the international-external factor articulating with the country international social, economic, political and cultural factors. Supporting that the

essences of the international labor standards are accommodated to the middle way relations among the stakeholders in industrial relations context (Suttawet, 2009)

The ILO's industrial relations standards

What are the ILO's industrial relations standards to be studied and applied?

At the first step, we should comply for how far the industrial relations standards are covered. There are at least ten main standards for industrial relations that the author of this article has tried to work out. Though, some those conventions have been categorized, by the International Labour Office, into the other subjects not includes them in the freedom of association and industrial relations subjects, such as labour administration, and tripartite consultation, but the author of the article sees that they can be also grouped within the topic of industrial relations which will help apply interconnecting and holistically.

These are as follows;*

* See also the list of labour standards by topics at <http://www.ilo.org/dyn/normlex/en/f?p=1000:12030:0::NO:>

** In fact, besides the convention no. 87, the ILO had produced the other three conventions on workers' association. These are for Rural Workers' (C141 - Rural Workers' Organizations Convention, 1975 (No. 141) (that came later with its recommendation on Rural Workers' Organizations Recommendation, 1975, No. 149), Right of Association in agriculture (Right of Association (Agriculture) Convention, 1921 (No. 11) and Right of Association in non-metropolitan territories (Right of Association (Non-Metropolitan Territories) Convention, 1947 (No. 84). This article however is not included these special conventions and

(1) Freedom of Association and Protection of the Right to Organize (ILO Convention No. 87, 1948)**

(2) Collective Bargaining, Promotion and Agreement (ILO Convention No. 98, 1949, and Recommendation No. 163, 1981 and No. 91, 1951)

(2) Voluntary Conciliation and Arbitration (ILO Recommendation No. 92, 1951)

(3) Co-operation and consultation at the level of the undertaking, industrial and national levels (ILO Recommendation No. 94, 1952 and No. 113, 1960)

(4) Communications within the Undertaking Recommendation, 1967 (No. 129)

(5) Examination of Grievances Recommendation, 1967 (No. 130)

(6) Tripartite Consultation (ILO Convention No. 144, 1976)

(7) Labor Relations, Public Service (ILO Convention No. 151, 1978 and Recommendation No. 159, 1978)

(8) Labor Administration (ILO Convention No. 150, 1978 and Recommendation No. 158, 1978)

(9) Workers' Representatives (ILO Convention No. 135, 1971 and Recommendation No. 143, 1971)

The author would like to summarize the key points of these conventions and recommendations that should be utilized to scope, examine and improve or reform in labor relations law as the following table compared.

Comparison of the fundamental matters of the ILO's industrial relations standard

Industrial relations topics according to ILO's Conventions and Recommendations	Main substances and application manners
C 87 – Freedom of Association and Protection of the Right to Organize*	<ol style="list-style-type: none"> 1. Workers and employers have the freedom to the association without previous authority and have been protected their rights by the government. 2. It is forbidden for the government to intervene the operation of employers' and workers' organization, and dissolve and suspend both organizations. 3. Both organizations can set up their rules by themselves and can join the federation and confederations of their own, including international organizations. 4. Protection of association and to be union members without any condition for employment or termination of employment. 5. It is forbidden for an employer to promote the establishment of worker union under employer domination or give money or anything else in order to cause union performs under the employer. 6. All types of worker including civil servant can form their organizations. But soldier and police are needed special national law or regulation to establish the organizations. 7. The state shall have a necessary and suitable measurement for the exercise freely of rights of both organizations.

* Most of key standards are clarified in the Convention no. 98.

<p>C 98 - Collective Bargaining, Promotion and agreement</p>	<ol style="list-style-type: none">1. It is the duty of the state to promote collective bargaining widely.2. The development of collective bargaining shall be done through the consultation of employer and worker organizations.3. The state has to develop and utilize the benefit of collective bargaining fully.4. The state shall promote a change of working rules and terms of employment through collective bargaining agreement.5. Each country shall organize condition for collective bargaining, closing of bargaining or making a new agreement.6. It is forbidden to sign a contract in contradiction to the collective agreement.7. The collective agreement will cover all workers in the same class, regardless of exception in the collective agreement.8. State shall promote the expansion of collective agreement scope to the most worker that should be involved, such as, a in a whole industry by the joint decision of workers and employer representatives. <p>It shall be the national arrangement in announcing law or regulation for the process of a labour dispute, and an interpretation and a suitable application, registration, and expiration and extension of the agreement.</p>
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<p>R 92 – Voluntary Conciliation and Arbitration</p>	<p>Voluntary conciliation is used for avoiding and dealing with labor dispute. Both representatives of workers and employer shall have the same numbers. Conciliation for both sides shall be free of charge and needs schedule to finish in a limited of time. Both side shall have no strike or shut down during the period of conciliations and labor dispute arbitration. It is needed to have collective agreement document. The arbitration might be organized at the final stage when mediation is failed and both sides shall follow award.</p>
<p>4. R 94 - Cooperation and consultation at the Levels of the Undertaking, Industry and National</p>	<p>The consultation and cooperation shall happen without involving collective bargaining or making of terms of employment. Consultation and cooperation shall be done by voluntarily. Consultation and cooperation should be promoted by law or regulation which can be provided by a committee for Consultation and cooperation. Whence the committee can set up structure and details of work according to differentiation of establishment. It is needed to have a suitable measure and condition in support for the success of consultation and cooperation at industry and national levels between government department, workers' and employers' organizations, and among these organizations. It is needed to have voluntary consultation and cooperation by workings of state organization, supporting of law and establishing a national organization for, such as, skill development,</p>

	protection of health safety of work, labor productivity, and giving details for implementation of social and economic development.
R 129 - Communications within the Undertaking	<p>Both workers and their organizations should recognise the importance of a climate of mutual understanding and confidence within undertakings for the efficiency of the undertaking and to the aspirations of the workers which should be promoted by the rapid dissemination and exchange of information, as complete and objective as possible, relating to the various aspects of the life of the undertaking and to the social conditions of the workers.</p> <p>Management should apply an effective policy and type of communication with the workers and their representatives, and ensure that information is given for consultation and takes place between the parties concerned before decisions on matters of major interest are taken by management, and the information will not cause damage to either party.</p> <p>The communication methods should in no way derogate from freedom of association, cause prejudice to freely chosen workers' representatives or to their organizations or curtail the functions of bodies representative of the workers in conformity with national law and practice.</p> <p>Employers' and workers' organizations should have mutual consultations and exchanges of views in order to examine the measures to be taken with a view to encouraging and promoting the acceptance of communications policies and their effective application.</p> <p>Steps should be taken to train those concerned in the use of communication methods and to make them, as far as possible, conversant with all the subjects in respect of which communication</p>

	<p>should take place.</p> <p>Any communications policy should be adapted to the nature of the undertaking concerned, account being taken of its size and of the composition and interests of the workforce.</p> <p>Any communications system within the undertaking should be designed to ensure genuine and regular two-way communication:</p> <ul style="list-style-type: none">(a) between representatives of management (head of the undertaking, department chief, foreman, etc.) and the workers; and(b) between the head of the undertaking, the director of personnel or any other representative of top management and trade union representatives or such other persons as may, under national law or practice, or under collective agreements, have the task of representing the interests of the workers at the level of the undertaking. <p>8. The means to communicate the information between management and workers' representatives, taking due account of the difference in the nature of the functions of supervisors and workers' representatives so as not to weaken their respective positions., should help communicate information rapidly and completely.</p> <p>9. The selection of the appropriate medium of communication, and its timing should be on the basis of the circumstances of each particular situation, account being taken of national practice.</p> <p>10. Media of communication may include:</p> <ul style="list-style-type: none">(a) meetings for the purpose of exchanging views and information;(b) media aimed at given groups of workers, such as supervisors' bulletins and personnel policy
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	<p>manuals;</p> <p>(c) mass media such as house journals and magazines; news-letters and information and induction leaflets; notice-boards; annual or financial reports presented in a form understandable to all the workers; employee letters; exhibitions; plant visits; films; filmstrips and slides; radio and television;</p> <p>(d) media aimed at permitting workers to submit suggestions and to express their ideas on questions relating to the operation of the undertaking.</p> <p>11. The information to be communicated and its presentation should be determined with a view to mutual understanding in regard to the problems posed by the complexity of the undertaking's activities.</p> <p>12. The information to be given by management should, account being taken of its nature, be addressed either to the workers' representatives or to the workers and should, as far as possible, include all matters of interest to the workers relating to the operation and future prospects of the undertaking and to the present and future situation of the workers, in so far as disclosure of the information will not cause damage to the parties.</p> <p>13. In particular, management should give information regarding...</p> <p>(a) general conditions of employment, including engagement, transfer and termination of employment;</p> <p>(b) job descriptions and the place of particular jobs within the structure of the undertaking;</p> <p>(c) possibilities of training and prospects of advancement within the undertaking;</p> <p>(d) general working conditions;</p>
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	<p>(e) occupational safety and health regulations and instructions for the prevention of accidents and occupational diseases;</p> <p>(f) procedures for the examination of grievances as well as the rules and practices governing their operation and the conditions for having recourse to them;</p> <p>(g) personnel welfare services (medical care, health, canteens, housing, leisure, savings and banking facilities, etc.);</p> <p>(h) social security or social assistance schemes in the undertaking;</p> <p>(i) the regulations of national social security schemes to which the workers are subject by virtue of their employment in the undertaking;</p> <p>(j) the general situation of the undertaking and prospects or plans for its future development;</p> <p>(k) the explanation of decisions which are likely to affect directly or indirectly the situation of workers in the undertaking;</p> <p>(l) methods of consultation and discussion and of co-operation between management and its representatives on the one hand and the workers and their representatives on the other.</p> <p>14. In the case of a question which has been the subject of negotiations between the employer and the workers or their representatives in the undertaking or of a collective agreement concluded at a level beyond that of the undertaking, the information should make express reference thereto.</p>
<p>C 135 & R 143 - Workers' Representatives</p>	<p>1. Representatives of workers means the union representatives who have been appointed by union or elected by the union members or workers who were freely elected by the workers of</p>

	<p>the undertaking, by supporting of legislation or agreement and shall not interfere with the authority of the unions.</p> <p>2. Workers’ representative acts in conformity with existing laws or collective agreements or other jointly agreed arrangements.</p> <p>3. Representatives of workers shall be effectively protected from being fired, as the person who works as a workers’ representative or on union membership or participation in union activities.</p> <p>4. The establishment shall provide facilities to serve the representatives of workers for appropriate and effective duties.</p> <p>5. Law, agreement or award of the arbitrator or the court may determine the coverage or the facilities to representatives of workers according to their types.</p> <p>6. If in any establishment, with both union representatives and representatives of the workers, such place shall not allow the minimizing role of the representatives of the union. It should provide for collaboration between representatives of elected workers and union.</p> <p>7. The national laws or regulations or collective agreements, or in any other manner consistent with national practice helps cause the convention into effect.</p>
<p>R 167 - Examination of Grievances</p>	<p>The effectiveness of this recommendation shall be through national laws or regulations, collective agreements, work rules, or arbitration awards, or in such other manner consistent with national practice as may be appropriate under national conditions.</p> <p>The rights of workers are;</p>

	<p>(a) to submit such grievance without suffering any prejudice whatsoever as a result; and (b) to have such grievance examined pursuant to an appropriate procedure.</p> <p>Worker's grievance can be taken place when measure or situation concerning the relations between employer and worker or which affects or may affect the conditions of employment appears contrary to provisions of an applicable collective agreement or of an individual contract of employment, to works rules, to laws or regulations or to the custom or usage of the occupation, branch of economic activity or country.</p> <p>The recommendation provisions shall not be applied to collective claims aimed at the modification of terms and conditions of employment.</p> <p>The distinction between cases in which a complaint submitted by one or more workers is a grievance to be examined under the procedures provided for in this recommendation and cases in which a complaint is a general claim to be dealt with by means of collective bargaining or under some other procedure for settlement of disputes is determined by a matter of national law or practice.</p> <p>Grievance procedure established through collective agreements demands the parties to such an agreement to include therein a provision to the effect that, during the period of its validity, they undertake to promote settlement of grievances under the procedures provided and to abstain from any action which might impede the effective functioning of these procedures.</p> <p>Rights and responsibilities of workers' organizations or representatives are equal with rights and responsibilities of the employers or their organizations, preferably by way of agreement, in the</p>
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	<p>establishment and implementation of grievance procedures within the undertaking, in conformity with national law or practice.</p> <p>Minimizing the number of grievances should be happened by the establishment and proper functioning of a sound personnel policy taking into account and respecting the rights and interests of the workers.</p> <p>Solving social questions affecting the workers within the undertaking, management should, before taking a decision, co-operate with the workers' representatives.</p> <p>Grievances should be settled within the undertaking itself according to effective procedures which are adapted to the conditions of the country, branch of economic activity and undertaking concerned and which give the parties concerned every assurance of objectivity.</p> <p>Limiting the right of a worker to apply directly to the competent labour authority or to a labour court or other judicial authority in respect of a grievance, where such right is recognized under national laws or regulations is inhibited by this recommendation.</p> <p>Settle grievances should be conducted directly between the worker affected, whether assisted or not and his immediate supervisor.</p> <p>Failed initial settlement of the grievance directly discussing between the worker affected and his immediate supervisor, the worker should be entitled to have his case considered at one or more higher steps, depending on the nature of the grievance and on the structure and size of the undertaking.</p> <p>The real possibility of achieving at each step of grievance should be acquired by a settlement</p>
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	<p>procedure of free acceptance by the worker and the employer.</p> <p>Formulation and application of grievance procedures should be so a real possibility of achieving at each step provided and freely accepted by the worker and the employer.</p> <p>Uncomplicated and as rapid as possible, and appropriate time limits may be prescribed if necessary for this purpose; formality in the application of these procedures should be kept to a minimum of grievance procedures.</p> <p>Worker's right is needed to participate directly in the grievance procedure and to being assisted or represented during the examinations of his grievance by a representative of a workers' organization, by a representative of the workers in the undertaking, or by any other person of his own choosing, in conformity with national law or practice.</p> <p>It is the right of the employer to be assisted or represented by an employers' organization.</p> <p>Under Paragraph 2, clause (a), of the recommendation, any person employed in the same undertaking who assists or represents the worker during the examination of his grievance should, on condition that he/she acts in conformity with the grievance procedure, shall enjoy the same protection.</p> <p>Sufficient time to participate in the procedure for the examination of the grievance is demanded for the worker concerned, or his representative if the latter is employed in the same undertaking, should be allowed and should not suffer any loss of remuneration because of his absence from work as a result of such participation, account being taken of any rules and practices, including safeguards against abuses, which might be provided for by legislation, collective agreements or</p>
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	<p>other appropriate means.</p> <p>Minutes of the proceedings may be drawn up in mutual agreement and be available to the parties if the parties consider it is necessary.</p> <p>Grievance procedures, as well as the rules and practices governing their operation and the conditions for having recourse to them, should be taken by the appropriate measures ensuring that are brought to the knowledge of the workers.</p> <p>A worker should be kept informed of the steps being taken under the procedure and of the action taken on his grievance.</p> <p>(a) procedures provided for by the collective agreement, such as joint examination of the case by the employers' and workers' organizations concerned or voluntary arbitration by a person or persons designated by the agreement of the employer and worker concerned or their respective organizations;</p> <p>(b) conciliation or arbitration by the competent public authorities;</p> <p>(c) recourse to a labour court or other judicial authority;</p> <p>(d) any other procedure which may be appropriate under national conditions.</p> <p>25. It is recommended (The Paragraph 17 of the recommendation) that worker should be allowed the time off necessary to take part in the procedures referred to in.</p> <p>26. A worker shall not lose his remuneration under a recourse of grievance procedures and every effort should be made, where possible, for the operation of these procedures outside the working hours of the workers concerned, provided for in Paragraph 17 (of the convention).</p>
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8. C 144 - Tripartite Consultation	<p>Organization of workers and employers shall be the one that is the most representative to be in consultation of the ILO's annual meeting on convention and recommendation.</p> <p>The consultation shall be for the ratification of convention and application of recommendation and also for the un-ratified convention.</p> <p>The answering of an application of the convention.</p> <p>The reporting annually for the implementation of the convention.</p> <p>The ensuring of effective consultations between representatives of the government, of employers and of workers on matters regarding items on the agenda of the International Labour Conference, submissions to competent national authorities of newly adopted ILO standards, a re-examination of unratified conventions and recommendations, reports on ratified conventions, and proposals for denunciations of ratified conventions. Employers and workers shall be represented on an equal footing on any bodies through which consultations are undertaken, and consultations shall take place at least once every year. (Retrieved from http://www.ilo.org/global/standards/subjects-covered-by-international-labour-standards/tripartite-consultation/lang--en/index.htm.)</p>
C 150 & 158 Labour Administration	<p>The labor administration will cover state agency and its organism at regional and provincial levels, and other coordinating institution.</p> <p>Designed and reviewed policy according to law or national guideline shall be made through negotiation between organizations of employer and employees.</p> <p>It is needed for a proper national condition in labor administration, consultation, cooperation and</p>

	<p>bargaining between organizations of state, employer, and employees with most representatives.</p> <p>The provision of office for potential labor administration with coverage of preparation and review of policy, study and evaluation of situation, service and academic suggestion.</p> <p>Care of various types of workers shall be gradually and comprehensively expanding, such as agricultural workers, self-employed worker, worker in cooperatives, self-managed businesses and of communities.</p> <p>The staff of agency is recommended to be qualified.</p> <p>It is recommended to have labor administration according to labor standards by involving of concerning laws and with labor inspection.</p> <p>It is recommended to have potential agency in labor relations approving freedom of employer and workers.</p> <p>It is recommended to have industrial relations administration for advancing of worker quality of life through voluntary and fully association and collective bargaining.</p> <p>It is recommended to have employment administration with a potential agency.</p> <p>It is recommended to have national manpower planning and so on.</p> <p>It is recommended to have labor research.</p> <p>It is recommended to have the coordination for good participation.</p> <p>It is recommended to have a regular report for organizations of employer and workers.</p> <p>It is recommended to have enough resource and staff of labor agency.</p> <p>It is recommended to have field service.</p>
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<p>Labor Relations in Public Service</p>	<ol style="list-style-type: none">1. It applies to all workers employed by public agencies or government offices.2. A senior officer or manager of the agency may be in the protection of labor relations in the public sector, as required by law.3. Enforcement to the military and police are required by national law or regulation.4. Do not discriminate in hiring or dismissal because of union officials.5. NO discrimination of employment due to they are union members.6. The workers' organization established by government officers must be independent and no intervention in the establishing and operating of an organization by the authority of government agency.7. It is forbidden for a government agency to promote the formation of unions under the domination of the government agency, or by supports of money or anything else in order to make the unions will be under control of the agency.8. The State shall promote the development and use of collective bargaining between the State and the organization of public workers fully and voluntarily, and by the participation of employees of the state to define those collective substances.9. The state shall provide the appropriate labor disputes, such as mediation, conciliation, and disputation.10. Officials of government agencies have civil and political rights as well as general workers which are the foundation of freedom of association.11. It is recommended to the government office and workers organization to have the agreement
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	<p>and through the methods and procedures approved by law.</p>
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12. It is recommended to define a validity period and review of the collective agreement.

All of the international standards or principles above will help actors of industrial relations community pertain the timely righteous way of common interaction of the stakeholders. That is certainly the peaceful and sustainable manner of relationship. Thus, to bring in the holistic ILO's standards to be examined for the improving the quality of national labor law, in the particular area of industrial relations, in present and for the future times is thus so essential.

Discussion

Although the Conventions No. 87 and No. 98 of the International Labor Organization are oftentimes cited by many stakeholders, especially in Thailand, as a major in the field of labor when labor relations law should be amended, regardless of ratification of the two conventions or not. But these conventions are giving us only as a basic principle broadly. It is of course insufficient then to reform and improve for the right way of labor relations law of many countries, including Thailand and also the other countries in Asia and ASEAN completely without the attempt to realize the other vital and related conventions.

Industrial relations is not only the organizing of the association of workers and employers and conducting the collective bargaining between workers and employers representatives which are the basic minimum standards of the International Conventions, produced by the ILO after the Second World War ended in 1945. Nowadays and continuously, other elements were substantially created, such as mediation of labor disputes,

cooperation and consultation, communications within the undertaking representatives of workers, grievances, tripartism, labor administration, and labor relations in public service. All of these vital and related elements reflex democratic culture, cooperation patterns, and relationships at various levels, including an effect of labor relations to the success or failure of the establishment and workers' quality of life, and in-country national development. Therefore educating and reforming industrial relations should not only pay the attention to the rights of association, collective voice and agreement of workers and employers organizations but also the holistic structure, subsystem, and process of industrial relations at every level of interaction.

Because the industrial relations covers more other issues than association and collective bargaining saying in the ILO's core labour standards and have been directed into a universal labor standard of the ILO for a long period of times, as mentioned earlier. The Asian countries, Thailand and especially the other ASEAN member countries as the members of the ILO would be worthwhile from the ratification and application of their laws toward the ILO's conventions and recommendations. To bring in the concerning ILO's industrial relations standards to be examined for the reforming and or improving the quality of labor law in present and for the future times is thus very much essential!

Concluding Remarks

In summary, the international industrial relations standards have been started from the issues of the rights of workers and employers to organize then become collective bargaining, conciliation and arbitration, co-operation and consultation, workers' grievances, tripartite consultation, labor relations in public service, labor administration, and workers' representatives, correspondingly.

These industrial relations international standards of the ILO would be able to be taken advantage of all countries by the education institutions, workers and employers organizations and state offices. The reformation of any country labor relations, should mainly through a reformation or development of the matter of labor relations law(s). The lawmakers will also have their clearer integral-legal outlook how to reform the industrial relations law of the international labour standards on industrial relations are set forth at the further step, after an analyzing of the country's existing problems should be taken place.

Recommendations

Application guidelines of the international industrial relations standards of the ILO for the national industrial relations law reform

How could we design for the better industrial relations law?

1. Those involved champions of industrial relations policy and practice in Thailand and other countries in Asia and ASEAN Community should work together to make labor laws more suitable

in the future. At least the reformation industrial relations law should have been cleared with the next following recommendations.

2. The industrial relations reform and law should cover labor activity and coherent unity, at the local, industry or branch and national level, in particular the bargaining and cooperation or joint consultation and other labour-management participation alternatives. Of this approach, the country needs a participative industrial relations regime. The top-down culture of the national character of the countries in Asia and ASEAN Community should be well adjusted to new bottom-up culture that would help greatly for participative industrial relations practices.

3. The key provisions in the system that are not in the current law such as "labor administration", "tripartite consultation should be set together. These might be done through the "Labor-Management Relations Promotion Committee" and the usage of international standards on labor relations. The mechanism of joint consultation and cooperation to be used to strengthen the whole security and sustainability of industrial relations institution. The advancing experiences of some countries such as Singapore, Japan and South Korea will help fix the suitable structure and mechanism of labour and employer management and the organization relationships.

4. There is a provision that represents the freedom of association incorporating the expansion of trade unions' and employers' organization. The more constructive, extensive and expansive the objectives of unions and employers' organizations, the more integration of cooperation between the two organizations of workers and employers organizations.

5. There should be a required provision leading to the creation of labor productivity and quality of life of working people together, including a guarantee that the result of the enforcement of labor laws will make the institution of industrial relations in Thailand and other Asian countries to signify the success of developing countries and the creation of the post-modern states.

6. It is however the vulnerability and the need for further improvements of all sides and institutions especially in higher education that should provide education to their students and research communities on the essence, and ratification or active application of the international labor standards in the field of labor relations and the relating economic and political areas.

7. Labor law industrial relations law in Thailand and in other Asian and ASEAN Community countries should be matched with the international standards. This would be done through annual review, as same as the salience of the constitution of the country. To see how both the international standards and each national constitution are getting along with, especially under the domestic atmosphere and international democratic principles. The constitution should provide constructive support to international standard and national labor laws regime bringing in of innovation and progress of the whole country.

8. Labor laws by the evolution heritage of the constructive national laws of the country in Asia, or even in ASEAN + 6 countries (Japan, China, South Korea, Australia, New Zealand and India), are needed to be seen constructively reformed by the intellectuals of all member countries. In fulfilling the objectives of the ASEAN Community responding to its economic and social goals, the

industrial relations law of ASEAN member countries should include all of the elements of the industrial relations main topics as mentioned earlier. The key matters that should be therefore stipulated constructively in the industrial relations law correspondingly are: Freedom of Association and Protection of the Right to Organize, Collective Bargaining, Promotion and Agreement, Voluntary Conciliation and Arbitration, Co-operation and Consultation at the level of the undertaking, Industrial and National Levels, Examination of Grievances, Tripartite Consultation, Labor Administration, Workers' Representatives, and Labor Relations in Public Service.

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