

Independent Study Title	Law on Outsourcing in Hotel Business
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## ABSTRACT

According to the expansion of tourism industry in Thailand that amount of tourists is increasing every year. A hotel business is an important mechanism in tourism industry. It plays significant role to provide gracious hospitality, accommodation and related services to tourists. The services provided in a hotel business cannot be delivered or replaced by machines as it needs human touch service more than any other services which mean human resources in direct or indirect way including outsourcing workers is very important to a hotel business. Therefore, outsourcing workers is the key of such important of a hotel business.

Outsourcing company and outsourcing worker in Thailand is governed by section 11/1 of the Labor Protection Act B.E. 2541 which is developed from the concept of additional protection to outsourcing worker that usually being taken advantage of by hotel operator. Therefore, section 11/1 of the Labor Protection Act B.E. 2541 determines that hotel operator is an employer of outsourcing worker, not the outsourcing company who entered into employment contract with outsourcing worker. Moreover, in B.E. 2555, Supreme Court had a decision based on such provision which causes more problems, obligations and liabilities to the defendant (manufacturer) in providing benefits and welfare to outsourcing workers as same as direct employees, and outsourcing companies who supply outsourcing worker did not have to liable such benefits and welfare at all.

From the labor law research of legal status between outsourcing company and outsourcing worker in International Labor Organization, Indonesian labor law, Singapore labor law and English labor law, the findings is that the International. Labor Organization, Indonesian labor law and Singapore labor law have clear definition of outsourcing service and also legal status between outsourcing company and

outsourcing worker. Furthermore, Indonesian labor law and Singapore labor law set up standard measure to control outsourcing company such as licensing system and employment contract registration system with government authorities.

In conclusion, section 11/1 of the Labor Protection Act B.E. 2541 should be amended to set the specific legal status between outsourcing company and outsourcing worker, licensing system and employment contract registration system in the future. It would establish clarity in legal relation between hotel operator, outsourcing company and outsourcing worker, and to protect hotel operator and outsourcing worker efficiently.

