

Independent study Paper Title : Qualification and Appointment of Associate Judge in Labour Court  
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## ABSTRACT

Proceedings for an election of persons in order to be appointed as associate judges under the Act for the Establishment of and Procedure for Labour Court B.E. 2522 (1979) has many problems since it effects directly to the judiciary while having associates judges unqualified. Such critical matter has been realized and then the amendment of the Act for the Establishment of and Procedure for Labour Court B.E. 2522 (1979), namely the Act for the Establishment of and Procedure for Labour Court (No. 2) B.E. 2550 (2007) has been enacted and come in to force in September 13, 2007. It is, therefore, expedient to study the following matters in order to recommend the means to improve suitably process for selecting associate judges in labour court.

1. Qualifications and proceedings for selecting associate judges in labour court of Thailand and other countries.
2. Problem occurred by the proceedings for selecting associates judges in labour court under the present Act.
3. Problem occurred by the selection methods specified by the rules and regulations of the judicial commission which are implemented under Section 14 of such Act.

The summary of the study are the qualifications and the prohibited characteristics, as well as the rules and proceedings for selecting associate judges under the Act for the Establishment of and Procedure for Labour Court (No. 2) B.E. 2550 (2007) has both benefits and problems in many aspects. It is, therefore, necessary to improve its proceedings and resolve such problems. In general, there are more qualifications specified by the present Act than those in other countries. The

Act also prescribes more prohibited characteristics than previous Act, especially the prohibited characteristics relating to an offence and some occupations which are contrary to the position and may cause conflict of status. In addition, the rules and proceedings for the selection are proper and still based on tri party basis. The limitation of the amount of votes, casted by a person authorized for a number of nominations as specified, expedites vote result and diminish the disputes. Further, such limitation is another mean to prevent block vote.

Other results of the study are the practical problem incurred by the different interpretation in Section 14 of such Act. Further, the delayed appointment of associate judges has been focused. Such delay occurs since the proceedings, itself, is complicate, as well as the long period of time spent for the process of inspecting the qualifications which is the same standard as specified for those who apply for judge trainee exam.

According to the means to improve the proceedings for selecting associate judges of labour court for more efficiency, The following means are the recommendation from this study.

1. Promoting equitable chance for the representative of each business unit. In this case, it may be made either by providing a quota for the number of representatives in each province relating to the number of business units or providing that each association or labour union shall have amount of votes relating to the number of members under proper proportion.
2. Amending some methods and proceedings for selecting associate judges under the rules and regulations issued by judicial commission.
3. Shortening time frame of the proceedings.
4. Providing much more publicity and make understanding to both employer organizations and employee organizations.