

# Promoting Good Governance in Labour Relations, among Thailand's Public Higher Education Institutions

Aree Phasansinthuwong<sup>a</sup>, Chokchai Suttawet<sup>b</sup>, <sup>a,b</sup>Faculty of Social Science & Humanities, Mahidol University, Thailand, Email: [aphasansinthuwong@gmail.com](mailto:aphasansinthuwong@gmail.com), [csuttawet@gmail.com](mailto:csuttawet@gmail.com)

This paper studies good governance in human resource management of public higher education institutions in Thailand. It then suggests developing the labour relations system. Qualitative data were collected from in-depth interviews with 58 informants, and a focus group discussion with seven participants. Questionnaires collected quantitative data from 83 public higher education institutions. The results revealed 1) a patronage system used in every process of human resource administration in universities, and 2) human resource administration, especially as to university employees, is based on each university's regulations. This paper suggests that guidelines for promoting good governance in such matters consist of two key mechanisms. They are a joint consultation system, by establishing a joint consultation committee of the university staff, and management representatives with roles comparable to those of a trade union in a company's consultation body. The State should review labour relations laws, to ensure the rights of all university employees and other workers. Measures should be announced that integrate labour relations at organisational and national levels. The universities should practically promote the roles of lecturers and staff council as a workers' democratic organisation, to negotiate and consult with management.

**Key words:** *Labour relations system, human resource management, public higher education institutions.*

## Introduction

Higher education institutes are highly important in developing human resources who have capacity and readiness to enter the labor market, in addition to creating and developing



knowledge and offering research and academic services to society. Higher education institutions are the main foundation of national economic and social development (15 Year Long Term Higher Education Plan (2008-2022)). Moreover, human resources are vital in the operation systems of higher education institutions. Human resources are composed of three groups of personnel: administrators, educators, and support.

Environmental changes affect higher education institutes, particularly in human resources management. For example, the university model is changing from government agencies to entities that are not government agencies, or “informal universities” or “public autonomous universities”. This is a concept for restructuring from the original governmental system, to improve education quality in higher education institutes, by allowing them autonomy, flexibility and academic freedom, in addition to increasing resource utilisation efficiency and achieving academic excellence under the governance of that education institute (Srisa-an, 2015). However, autonomy in management to improve higher education institute efficiency must be based on good governance in issuing rules, regulations and guidelines in the university’s normal business operations.

Governance problems exist in human resource management. Jansom (2016) studied governance and Thai higher education institute management, producing statistics of cases accepted by administrative courts of first instance in 2013 – 2015. The defendants were persons in public higher education institutes. Over 62 percent of cases were found to be issues related to human resource management. Most of the issues related to recruitment and appointment (22.71%), followed by disciplinary and dismissal issues (10.69%), respectively. Furthermore, issues from unfair dismissals, with effects on the dignity of the teaching profession, loss of academic freedom, loss of occupational security and low moral were found to have caused inequality and unfairness in the performance assessment system, because they were found to have upgraded wages and assessments of effects on employment agreements, including performance efficiency (Online available at: [https://www.matichon.co.th/politics/news\\_284768](https://www.matichon.co.th/politics/news_284768)). The Head of the National Council for Peace and Order issued two directives concerning the management of higher education institutional morals and ethics. The Head gave Directive No. 39/2559 on Regulation and Correction of Governance Issues in Higher Education Institute. It was produced to address the problem of a lack of standards for education management quality, including persecution at work and prosecutions with direct effects on the country’s education and higher education institutional image (Royal Thai Government Gazette Volume 133, Special Edition No. 155 D; Royal Thai Government Gazette dated 13 July 2016, Page 21). Another Directive of the Head, No. 2/2559, addressed similar matters (Royal Thai Government Gazette Volume 133, Special Education No. 223 D; Royal Thai Government Gazette dated 4 October 2016, Page 10).



*Demographic problems caused by Thai birth rates:* In the meantime, Thailand has become an aging society (Jarernwongsak. Online available at: <https://www.kriengsak.com/node/874>). There are also problems caused by the founding of many new higher education institutions and universities without quality. More than 1,000 education courses have been offered without a sufficient number of course educators to meet higher education course criteria and standards. Moreover, graduates' skills and competencies were mismatched with labour market demands (12<sup>th</sup> National Economic and Social Development Plan 2017 – 2021).

Due to the above-mentioned problems, governance development is a key foundation for the management of higher education institutions. Therefore, labour relations management is essential in the human resources management. It results in effective management, promoting good relationships among organisational personnel, including the development of quality of life among employees, based on moral hiring right protection in addition to promoting participation and building cooperation between employees and managers. This can be carried out in the form of collective bargaining. The joint consultation committee applied the Labour Relations Law of 1975 and the State Enterprise Labour Relations Law of 2000 with universities, based on Dunlop's Labour Relations Theory. It prepared policy proposals for the development of labour relations, to promote appropriate human resources management governance in public higher education institutes, for Thai society in the future.

Therefore, the present research studies the situation and problems of good governance in the human resource management of public higher education institutions, and provides suggestions for developing the labour relations system to promote good governance in human resource management. As a result, the quality of management will provide the success of the organisation (Sriyakul, Umam, Jernsittiparsert, 2019).

## **Literature Review**

Labour relations can be divided into one of three fields of human resource management: human resource management (HRM); human resource development (HRD) and industrial relations (IR). Labor relations has become a driving force for economic and social development in many countries (Salamon, 2000; Jungtrakul, 2010; Armstrong, 2010). Labour relations was applied in various dimensions: 1) labour relations involving both individual and collective relationships (Jungtrakul, J. & Sheehan, Choi & Ju, 2013); 2) industrial relations concentrating on the relationships between employees or a group of employees and employers in the collective orientation of the employment relationship (Dunlop, 1958; Salamon, 2000); 3) employee relations giving priority to individuals rather than collective relationships; and 4) employment relations considered as a broad term covering all components of the employment relationship.



According to Dunlop (1958), who introduced the notion of a labor relations system, an industrial relations system is identified as “a system of society distinct from, but overlapping the economic and political subsystem” with the following four major interrelated components: 1) Actors: management, non-managerial employees and their representatives and special government agencies concerned with industrial relations; 2) Contexts: influences and constraints on the decisions and actions of the actors emanating from other parts of society, particularly the technological character of the organisation; the market or budgetary constraints affecting the organisation and the locus and distribution of power within society; 3) Ideology: beliefs within the system that not only define the role of each actor or group of actors, but also define the view that they have of the role of other actors in the system. If the views of the interpersonal roles are compatible then the system will be stable, but if the views are incompatible then the system will be unstable; and 4) Rules: the regulatory framework developed by a range of processes and presented in a variety of forms is expressed, as based on the terms and nature of the employment relationship.

In Thailand, human resource management is sometimes called personnel management. The first law on human resource management in the Thai public sector was the Procedures for Public Personal Administration Act 1928. The revised edition in 1975 included key issues about the position classification system for human resource management systems in the public sector. The Office of the Civil Service Commission acted as the core human resource management agency for bureaucratic system development, under the Office of the Public Sector Development Commission (OPDC).

Good governance is part of the new public management concept with an emphasis on reforming public organisations, focused on six main groups: 1) productivity from the government’s reform efforts to expand service provision for people with lower resource investment; 2) marketisation; 3) service; 4) decentralisation; 5) policy; and 6) accountability. In Thailand, the Office of the Prime Minister issued the Decree on Good Governance of 1999. In higher education institute management, good governance was integrated in education management with the following six main components: 1) legality; 2) morality; 3) transparency; 4) participation; 5) responsibility and 6) cost-efficiency (Ministry of Education, 2003).

## **Research Methods**

The research strategy for the present study was a concurrent, embedded approach (Creswell and Clark, 2007; Creswell, 2009).

## Population

The population includes leaders of organisations. They represent university employees and human resources management administrators in 83 public universities, consisting of 24 state-supervised universities, 47 affiliates with Rajabhat University and Rajamangala University of Technology, and 12 public universities (Office of the Higher Education Commission data, as of 10 Feb 2016). The population was divided into groups including the human resources and leaders of organisations representing university employees, namely faculty councils or other comparable names. The investigation found 71 higher education institutions with aggregation as organisations representing university employees.

## Research Procedure

In the quantitative research method, the data were collected from questionnaires. The questionnaire consisted of three parts: The first part contained the questions concerning the personal information of the respondents; the second part contained 83 questions concerning opinions toward the current problems and situations of good governance in the human resources management of public higher education institutions. Good governance includes six aspects: rule of law, morality, transparency, accountability, participation and efficiency. Human resources management includes four aspects: recruitment and selection, human resources development, retention and utilisation of human resources. This part is a rating scale questionnaire.

The third part was an open-ended questionnaire to acquire information for further guidance on the development system and human resources management of public higher education institutions. The questionnaire was tested for reliability and obtained a Cronbach's alpha coefficient score of 0.9838 (Cronbach, 1990).

The researcher used a questionnaire to collect data from two purposively sampled informants in each institutions: 142 questionnaires were sent, 94 questionnaires were returned for a 64.8-percent return rate.

With the qualitative research method, data were collected from in-depth interviews, focus group discussions, and document reviews. The in-depth interviews addressed ten issues in eight groups of key informants selected with a purposive sampling method as: 1) two state enterprises; 2) state-supervised higher education institutions including four representative public universities; 3) policymakers from three related government sectors; 4) high-level administrators of higher education institutions and/or administrators of the human resources management in higher education institutions; 5) experts in labour law and/or labour relations; 6) organisations of university employees; 7) leaders of labour and/or leaders of state

enterprise labour unions, employer, and employee confederations; and 8) university employee representatives working in higher education institutions who have knowledge and understanding of labour relations systems.

The key focus group discussions were conducted with samples selected from participants. They include representatives of policy makers at the ministry level or its equivalent, experts with expertise in labour law, and/or experts in labour relations, and organisations involved with university employees. The focus groups were to reflect samples' attitudes and opinions, and to seek an approach to developing a labour relations system to promote good governance in the human resources management of public higher education.

Frequency distribution, percentage, mean and standard deviation were used in the quantitative data analysis, while the content analysis was applied for investigating the qualitative data. Triangulation (Dezin, 1989) was used to consider the interaction between the documentary data, interviews, group discussions, and questionnaire results.

## **Results**

### ***Good Governance in the Human Resource Management of Public Higher Education Institutions***

Analysis was made of the personal factors of the faculty council presidents and human resource management directors of 94 public higher education institutions; namely gender, age, status, education, position type, position level, position, under the university, contract type, tenure through frequency and percentage as presented in analysis of the findings.

The survey showed that the sample was composed of 57 males (60.6%), 24 participants aged 41-45 years (24.4%), 59 participants who were married (62.7%), 48 participants who had graduated with master degrees (51.0%), 49 participants who were civil servants (52.1%), 33 participants who were instructors (35.1%), 73 participants (77.6%) who were the presidents of faculty councils, 45 participants under long term contract and 38 samples who had worked for over 20 years (39.3%).

***Levels of Good Governance in the Human Resource Management of Public Higher Education Institutions***

Table 1 – Shows an Overview of the Mean Scores for Good Governance in the Human Resource Management of Public Higher Education Institutions.

(n=94)

| Good Governance | Autonomous University |       | Rajabhat University and Rajamangala University of Technology |       | Public University |       |
|-----------------|-----------------------|-------|--|-------|-------------------|-------|
|                 | $\bar{X}$             | Level | $\bar{X}$  | Level | $\bar{X}$         | Level |
| Rule of Law     | 4.09                  | High  | 3.75   | High  | 4.18              | High  |
| Morality        | 4.17                  | High  | 3.71   | High  | 4.34              | High  |
| Transparency    | 3.71                  | High  | 3.43   | Fair  | 4.18              | High  |
| Accountability  | 4.05                  | High  | 3.61   | High  | 4.28              | High  |
| Participation   | 3.90                  | High  | 3.44   | Fair  | 4.07              | High  |
| Efficiency      | 3.91                  | High  | 3.61   | High  | 4.18              | High  |
| <b>Total</b>    | 3.97                  | High  | 3.59   | High  | 4.21              | High  |
| <b>Overall</b>  | 3.92                  |       |  |       |                   | High  |

Table 1 suggests that the overall standard deviation of good governance in the public higher education institutions was high ( $\bar{X} = 3.92$ ). The findings also reveal each topic to have high scores, except for Rajabhat University and Rajamangala University of Technology where scores in this area were fair, followed by scores for transparency ( $\bar{X} = 3.43$ ) and participation ( $\bar{X} = 3.44$ ), respectively.

***Results of Problems Associated with Good Governance in the Labour Relations System in the Human Resource Management of Public Higher Education Institutions***

The findings from the study on the problems associated with good governance, in the labour relations system in human resource management at public higher educations, as conducted by in-depth interviews, group discussions and questionnaire surveys, are as follows:

**Recruitment and Selection**

The findings are as follows:

- 1) The patronage system continues to persist in personnel recruitment, selection and processes of university administration. Personnel are not evaluated based on their knowledge and abilities, but rather on connections and factions.

*“There are problems with legal enforcement. So, there are a lot of good governance problems. We are losing to the patronage system. This is because 'knowing about things cannot beat knowing people'. It makes it utterly useless to apply laws in any case.' Knowing about anything cannot mean you know skills. It's devastating”.*

*Interviewee No. 19*

2) Specification of rules and regulations lack input from and participation of employees.

*“The personnel management regulations and rules are outdated and do not follow the principles of the law. Personnel recruitment continues to be done by choosing groups or people from the same faction without any variety or diversity.” Interviewee No. 23*

*“A system that promotes good relations between administrators and personnel is missing. Organisational communication is weak and incomprehensive with insufficient mutual understanding and cooperation that will lead to transparent work performance evaluation. In addition, the participation that is necessary for ensuring acceptance is lacking.” Interviewee No. 24*

## **Development**

The findings are as follows:

1) There is a shortage of manpower analysis data and creation of clear personnel development plans.

Career paths are not specified. Attention is not evenly distributed in the development of personnel in each area (Srisa-an, 2015). Administration focuses on academic developments over support areas. So, there are few opportunities for growth in support areas.” Interviewee No. 24

2) There is a lack of participation and continuous disclosure of information.

Hearings should be held widely for regulations and rules in order to provide guidelines and checks and balances on the use of authority by administrators (Srisa-an, 2015).” Interviewee No. 23

## **Maintaining**

The findings are as follows:

1) The remuneration and welfare systems are unfair and do not follow resolutions passed by the Council of Ministers. As a result, personnel lack work confidence.

There are not a lot of problems with benefits and employment contracts in large universities. However, it is clear that government universities have more problems. This is because they

are threatened by laws, and academic independence for discussions, while conversations are completely absent. As for employment contracts, some places have them for many different lengths of time such as one year, three years and five years, so it takes forever to cover the entire work life. Because of that, there's no job security. Some national universities that use employment contracts also have bullying amongst employees, even though the problems might not surface in employment contracts (Srisa-an, 2015)."

Interviewee No. 19

When you look at their development, labour laws originated from labourers and workers. They don't consider university organisations, which are special organisations. Since 1999 and as consistent with the resolution by the Council of Ministers in 1999, university employees are required to receive the same benefits as civil servants. However, it is 18 years later and university employees still do not receive their entitlements as prescribed by the 1999 Council of Ministers' resolution (Srisa-an, 2015). Although their salaries are relatively similar, benefits are vastly different." Interviewee No. 22

2) Effective tools, criteria and procedures for performance evaluation are lacking.

Currently, university employees gather to make demands for raises, calling for 1.7 or 1.5. But the more they demand, the more they face disciplinary committees. They are dismissed. Their employment contracts are terminated in large numbers. That is why I went to protest at the Ministry of Education (Srisa-an, 2015). The stories about Maejo University are true. All they do is enforce the NCPO's orders." Interviewee No. 20

## **Utilisation**

The findings are as follows: There is a shortage of extensive communication for ensuring understanding, reducing conflict and seeking cooperation in regards to treatment of personnel, disciplinary systems and complaint appeals.

"Good governance in line with legal principles and equal pay for equal work are missing".  
Interviewee No. 6

## **Discussions**

The factors contributing to success in the promotion of a labour relations system and human resource management are leadership, politics, organisational culture, economy, technology and influence from the International Labour Organisation. Leadership, politics, laws and policy specifications are discussed in greater detail than other factors. This corresponds with Dunlop (1958) who proposed that "an industrial relations system in its development is regarded as comprising the following: 1) actors including the following three groups:



employers, employees and government agencies; 2) contexts such as events that influence the decision-making and conduct of actors through various parts of society; 3) ideology is a set of beliefs and values as important parts of a common idea that defines the roles and places of each actor as well as the idea each actor holds toward the places and functions of the others in the system; and 4) rules that govern employment relations.”

In accordance with the above findings, the present study proposes that it is necessary to articulate guidelines for the development of a labour relations system that promotes good governance in human resource management at government higher education institutions, one that can be implemented through the development of a bilateral labour relations system with bilateral mechanisms emerging in several forms such as the following:

1. Provide a communication or information sharing system capable of offering mechanisms for building understanding between university administrators and personnel. It was suggested that the participation of employees in organisational decision-making will bring about good understanding and provide means for collaboration, reduced conflict and peace in the industry. The level of employees' collaboration is similar to stairways or ladders, starting from information disclosure and moving to two-way communication, consultation, employer-employee co-determination and control by employees. Their concepts and theories integrated Buddhist values and culture in the Thai context, to create an approach to sound industrial relations in the Buddhist way such as the Middle Way Theory, as well as the Industrial Democracy Theory proposed by Joungtrakul (2005).

2. Grievance settlement procedures are essential for ensuring that the problems faced by employees are corrected or explained for clarification. They can be used to resolve conflict and promote good understanding between administrators and personnel.

3. Build cooperation between personnel and administrators to facilitate good labour relations in agencies. Create a joint consultation system. A joint consultation system can be established directly by administrators, as in the form of a joint consultation committee (JCC). In a bilateral system based on consent, employee representatives from various agencies can become members and proffer problems or recommendations to administrators for joint prevention, and solution considerations to reduce conflict and facilitate good relations within organisations. A labour relations system can be developed by accepting conflict and having management play the essential role of maintaining balance in conflicts that arise, by accepting labour unions as lawful organisations and giving bargaining rights to employees, along with respect for cultures and traditions (also see a study by Suttawet (2002)).

4. Administrators and employees can form joint committees composed of representatives from both sides, to deliberate on productive matters together. Joint committees can be in the

form of a complaint consideration committee, or discipline and disciplinary punishment committee, or others. Salamon (2000) suggested that employee participation is a way to establish commitment among employees that leads to good industrial relations in an organisation. Engaging employees comprises the following two types: involvement allowing employees to promote the support and commitment of employees on the objectives and value of organisations. Participation means allowing employees to influence and participate in organisational decision-making.

5. Focus on participatory management, by giving opportunities to operators to take part in management. Focus should be placed on allowing personnel to hold joint meetings or discussions on matters related to employment, facilitating good relations or other general matters. In addition, discussions can be held on different levels such as casual discussions, formal discussions and discussions to facilitate mutual understanding or "heart-to-heart discussions", or "open conversations" to improve situations.

6. Formation of University Employee Labour Unions. Dunlop's system theory (1958) states that actors or performers in the labour relations system consist of organisations, workers, employer organisations and government agencies, adding that workers and employers or unions and management will during the course of normal work engage in joint labour relations activities, to maintain work peace and order, in a "bilateral system".

Suttawet (2002) stated that labour unions are a process and part of the labour relations system aimed at its reform: "...For workers, democratic labour unions that serve as organisations of labourers, by the labourers and for the labourers are important and essentially facilitate democracy within the workplaces of labourers in addition to fighting to bring democracy to companies and state enterprises. However, other factors are also required such as the ability to maintain security in the work of labour unions in institutions and organisations within reason and consistently with each time period and the ability to at least establish ideals, ethics and social responsibility extensively inside and outside labour unions for all members, and a united structure as strong institutions capable of long-term and continuous strategic activities."

Consequently, relations should follow prescriptions in related acts and regulations such as the Universal Declaration of Human Rights (UDHR) (United Nations, 2015), International Labour Standards, Conventions, International Labour Laws (International Labour Organisation, No. 87 Freedom of Association and Protection of the Right to Organize, No. 98 Rights to Organize and Collective Bargaining, No.151 Protection of the Right to Organize and Procedures for Determining Conditions of Employment in the Public Service and No. 154 Collective Bargaining Convention).

For example, human resource management in public servants is prescribed by the Constitution of the United States of America. Mosher and Frederick (2007) show that the labour relations system in the human resource management of public servants in the United States of America is aimed at protecting and defending civil servants. The labour relations system originated in the form of labour unions with collective bargaining that allow participation in the setting of labour policies in general, since the issuance of the Pendleton Act, by which the Postal Union plays a major role in making demands.

Upon considering the models of organisations that represent employees in Thailand's public higher education institutions, it was found that the laws governing the establishment of higher education institutions stipulate the establishment of organisations that represent employees which are known by different names such as "faculty councils", "teachers' councils" and "faculty and civil servants councils". Hence, it is possible to develop faculty and civil servant councils similarly to labour unions. The finding is consistent with surveys, in-depth interviews and focus group discussion findings. However, there are also problems. The acts governing the establishment of each university do not permit the aforementioned actions. For example, Rajabhat University has laws covering the establishment of faculty and civil servant councils and faculty council regulations. Furthermore, Section 24 of Rajabhat University Act stipulates the roles, authority and duties of faculty and civil servant councils, as advisors to the university chancellor without any bargaining powers.

Therefore, the labour relations system should be promoted by adjusting the roles of faculty councils. Some institutions might refer to them as "employee councils" or "teachers' councils", but only the name of "university employee council" should be used. The universities are public universities and laws grant too little authority to employee councils. The true authority lies with university councils. University councils represent management and do not truly represent personnel (Suwan, 2009). Therefore, there should be two separate councils because universities have many different types of employees. The importance of the role of employee commitment as towards the organisation is also illustrated in the previous studies, in the work of Jarinto, Jernsittiparsert, & Chienwattanasook (2019), which was conducted in Thailand higher education institutes and in the work of Siriattakul, Jernsittiparsert, & Abdurrahman (2019), which was conducted in the higher education institutes of Indonesia.

In summary, the labour relations system is linked to human resource management with the aim of facilitating unity, justice and reduction in conflict. It has consideration for legal principles and justice processes related to the fundamental rights of humans to peacefully and fairly coexist in society. These human rights principles and justice processes relate to the rights and freedoms inherent in labour protection, assembly, bargaining and domestic laws. Higher education institutions can clearly adopt a labour relations system that provides for fair

human resource management and develops faculty members in a manner similar to that of labour unions.

Focus group discussions were held in the study on the appropriate models and practice guidelines for promoting a labour relations system, in human resource management at public higher education institutions. The opinions of the majority of the population samples are congruent and cover the following two key models:

1. A joint consultation system, by the establishment of joint consultation committees between representatives of university employees and management.
2. Organisations that represent university employees in a similar manner to labour unions.

### **Recommendations**

The recommendations are as follows:

#### **Recommendations on Policy**

1. The government should urgently implement the following three policies: a) improving the labour protection system and increasing security for Thailand's university employees; b) developing human resource management systems that work together with the labour relations system; and c) reviewing and revising labour laws to cover university employees overall. These policies should be implemented at the organisational and national levels.
2. Development of labour laws based on the standards set by the International Labour Organisation, to protect the rights and freedoms to assembly and to form labour unions for public higher education institutions on the organisational and national levels.
3. As the supervisory body, the related Ministry should issue central regulations or rules as central standards for human resource management. These should be followed by every university to promote university employee systems, and regulations concerning the assembly of university employees, as employee unions in every university, and regulations concerning the presence of employee representatives in every university committee. In addition, the Ministry of Labour should revise labour laws to protect university employees nationwide, to facilitate labour relations promotions systems, under the principles of good governance.

#### **Recommendations on Management**

1. The (draft) Human Resource Management in Higher Education Institutions Act should be reviewed by the supervising agency to promote fairness and peace within agencies.
2. The supervising agency should specify practice guidelines concerning a bilateral labour relations system. Labour laws should also be revised to create conditions for effective and



fair consultation and cooperation systems in universities, and seminars for higher education administrators. Personnel should be regularly and continuously organised to provide knowledge about good bilateral labor.

3. The roles and responsibilities of faculty councils should be enhanced by specifying regulations and rules to protect the security of members, to participate and share their information and opinions, and faculty council roles as representatives of university employees through joint consultations and bargaining in every aspects of human resource management. The university should include all of stakeholders in human resource management considerations.

4. Human resource management departments should be specifically set up within organisations, to promote knowledge and build relationships with university employees.

5. The official network of university employees should be established to act as the national council of university employees.



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