

Implementation of the Amended Organic Act on Anti-Corruption in Thailand and Actions Required by Companies

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OAL Thailand Office

On June 5, 2025, the amended “Organic Act on Anti-Corruption (No.2) B.E. 2568 (2025)” was promulgated and went into effect. This amendment *greatly enhances the protection of whistleblowers* involved in anti-corruption measures and is extremely important for all companies conducting business in Thailand.

This newsletter outlines the major points of this legal amendment and recommended responses for companies.

1. Background of the Amendment

Corruption remains a serious social issue in Thailand, and its eradication is a matter of national priority. However, there have been many cases where those considering reporting corruption hesitate out of fear of disadvantageous treatment (such as dismissal or relocation) or being sued for defamation or other retaliatory lawsuits. The recent amendment aims to further encourage reporting of corruption and facilitate its eradication by legally providing robust protection for such whistleblowers.



2. Main Points of the Amendment

The most important aspect of this amendment is the addition of *Article 132*, which clearly stipulates comprehensive protection for bona fide whistleblowers.

- **Immunity for Whistleblowers (Criminal, Civil, and Disciplinary)**

With a resolution from the National Anti-Corruption Commission (NACC), individuals who, in good faith (i.e., without personal animosity or malice and for public interest), provide information to authorities such as NACC or competent official, are explicitly exempt from **criminal, civil, or disciplinary liability** arising from such whistleblowing. Exemption from criminal and civil liability applies to both public officials and private citizens, but exemption from disciplinary liability applies only to public officials.

- **Prevention of Retaliatory Lawsuits**

In cases where legal action is taken against a whistleblower, the NACC may issue an opinion to the relevant authorities stating that the individual is not guilty. This opinion must be taken into consideration by the police, prosecutors, or the courts during the investigation and/or court proceedings. This greatly reduces the risk of whistleblowers being targeted by unjust lawsuits.

- **Reinforced NACC Protective Measures**

The NACC is empowered to take broad-ranging actions for the protection of whistleblowers, including:

- Requesting police, prosecutors, courts, and other relevant agencies to protect whistleblowers;
- Providing legal assistance, including assigning lawyers and covering litigation costs if whistleblowers become involved in lawsuits;
- Ordering organizations to remedy any disadvantage (such as dismissal) suffered by whistleblowers, who are public officials.

3. Impacts on Companies and Recommended Measures

With this amendment, employees and business partners now have a much safer environment to directly report corporate wrongdoing, e.g. bribery committed by the company,¹ to external authorities such as the NACC. This means that potential risks within companies are more likely to be disclosed and investigated. While the Organic Act on Anti-Corruption does not apply to internal corporate fraud and does not impose a legal obligation on companies to provide the same level of whistleblower protection, we strongly recommend that companies take the following actions:

- **Review and Strengthen Internal Whistleblowing Systems**

It is essential to develop a system whereby employees feel safe to consult an internal point of contact before resorting to external authorities. If internal whistleblower systems are not trusted, employees are likely to report directly to the NACC.

- Ensuring the independence and confidentiality of the reporting channel;
- Clearly stipulating in internal regulations that no disadvantageous treatment will be tolerated for whistleblowers and strictly enforcing these rules;
- Ensuring fairness and transparency in investigation processes.

- **Re-examine Compliance Structures**

- Please review whether your internal policies and codes of conduct for the prevention of bribery and corruption are fully compliant with the latest legal requirements.

- **Awareness and Education for Employees**

It is advisable to educate all employees on the contents of this legal amendment and your company's commitment to compliance, through appropriate training.

4. Conclusion

This amendment is a major change to the compliance environment in Thailand. Rather than viewing this as a mere risk, we encourage companies to take this opportunity to strengthen governance and transparency, and to take a proactive approach.

If you have any questions regarding this amendment, or if you wish to consult about building or reviewing your internal whistleblowing system, please feel free to contact our office.




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¹ Under Section 176 of the Organic Act on Anti-Corruption, any companies, whether established under Thai or foreign law, as well as their representatives or any individuals acting on their behalf, that gives, offers, or promises a bribe to a public official, including domestic, foreign, or officials from international organizations with the intent to induce improper performance, delay, or neglect of official duties, is subject to imprisonment for up to 5 years, a fine of up to 100,000 Baht, or both.

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