



Press Release : Thailand Lifted Restrictions on Foreign Workers to Change Employers, Work Places and Types of Work

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On 6 March 2018, the Thai cabinet approved the drafted amendments to the Royal Ordinance on the Management of Foreign Workers Employment B.E. 2560 (2017). The new revision aimed to facilitate better control and monitoring of the process of bringing foreign workers into Thailand, the working conditions of foreign workers and the process of obtaining jobs in Thailand as well as adjust the terms of punishment to be in line with human rights obligations.

The new revision emphasises on the use of notification system where appropriate, instead of the permission system. This change facilitates both the employers and the employees, encompassing changes of employers, work places, types of work and the hiring of documented foreign workers, without having to request for permissions from the authority concerned. Apart from this, the drafted amendments also remove restrictions on the accommodation zoning of foreign workers.

On the terms of punishment, the drafted amendments reduce the cap on maximum fine and remove the imprisonment term on foreign workers who work without work permits. The employers who hire undocumented foreign workers will also face a fine of 10,000 - 100,000 Baht per employee. A repeated offence committed by the same employer will result in an imprisonment term of up to 1 year and/or a fine of 50,000 - 200,000 Baht per employee. The said employer will also be prohibited from hiring foreign workers for 3 years.

In addition, the drafted amendments have set additional measures to protect workers and to ensure transparency of recruitment agencies and employers; for example, licensees (brokers/recruitment agencies) are required to have pre-contracts from the employers before bringing foreign workers into the country, and employers are prohibited from collecting fees from foreign workers, except for passport issuing, health check-up, and work permit fees, all of which have fixed rates endorsed by the Government.

On the same occasion, the cabinet also approved drafted amendments to the Immigration Act, B.E. 2522 (1979) to allow foreign workers to work as labourers or to be hired to do physical work and unskilled work.

Prior to the proposed drafted amendments, public hearings were attended by all stakeholders including employers, employees, civil societies and international organisations as well as government agencies in order to revise the existing legislation and to promote closer cooperation for a better management of the employment of foreign workers in Thailand.