

HIRING THAI WORKERS: EMPLOYERS' MANUAL

The Department of Employment, Ministry of Labour

Established on September 23, 1993 under the Ministry of Labour, the Department of Employment has the duty of employment promotion and job seekers protection by analyzing the labour market situation and trends, being the labour market information center, as well as developing and promoting the administrative system on employment promotion in order that the working-age people will be able to get jobs that are most suitable to their knowledge and aptitudes and receive appropriate and fair benefits.

The Department of Employment mainly promotes and expands overseas job market and job placement in order to generate job opportunity to the people under 3 principles as follows;

1. The workers should gain more experiences and labour skills in order that they can be resourceful persons of the country.
2. The workers should receive an adequate income as well as benefits and welfare in according to that receiving country.
3. The workers should have an appropriate standard of living in accordance with the environment and cost of living in that receiving country.

To implement the above mentioned policy, the Department of Employment provides language and pre-departure training for workers and manages Overseas Job-Seekers Registration Centre where job-seekers can come to sign in and look for overseas jobs and employers may also look for properly matched workers. At the same time control and supervision of private recruitment agencies according to existing law and regulations is also another major duty of the DOE. Its main function also aims at reducing costs of going to work abroad, preventing fraud, protecting rights and benefits of job-seekers before and during working period including after they return home, and providing appropriate assistance for those who have trouble with overseas employment.

Potential Overseas Thai Workers

Thai workers went for overseas employment since 1965 to several countries in which they created great performance and productivity to overseas employers. Number of Thai workers dramatically increased during 2005 and 2008 with the exception of 2009 due to global economic crisis. Then, they are increased again during 2010 to 2011 and are decreased in 2012 mainly in Israel and Taiwan, as a result of transitional period from private to governmental sending to Israel and the reducing recruitment fee policy to send Thai workers to Taiwan. However, dramatically decreasing remained in 2013 due to increasing in country's minimum wage.

The numbers of Thai workers with outstanding potentiality are now being dispatched to the Middle East and African countries. Thai workers ensure overseas employers of their capability to support their business and to strengthen their competitiveness among others. Thai workers are not only well known among overseas employers of their well-trained in vocational education; local law, culture but also of their hard working, patience, dedication and easy going personality.

Moreover, the Ministry of Labour and the DOE prefer to dispatch more potential and skilled or semi-skilled Thai workers to more developed countries to reinforce workers skills and experiences in order to boost the country productivity and economic development.

Services of the Department of Employment

The DOE through the Overseas Employment Administration Office is coordinating necessary functions with the cooperation between public and private sectors engaging in the process of dispatching Thai workers to work overseas. The office consists of staff from the Ministry of Labour, the National Police Bureau and the Ministry of Foreign Affairs. The aim is to facilitate Thai workers to manage concerned matters including passport issuance and criminal record check before going to work overseas within a short time and to cut off middlemen and illegal agents. Thai workers, recruitment agencies and the foreign employers can enjoy benefits from DOE as follows:

- 1) Recruiting Thai workers on behalf of overseas employers according to the demand letters.
- 2) Provision of public overseas job placement and promotion services with free of charge to the job-seekers.
- 3) Reception of self-arrangement overseas job placement report workers who contact directly with overseas employer.
- 4) Registration of job seekers in the Overseas Job-Seekers Registration Centers (Labour banks) for overseas employers and recruitment agencies to select the workers. Job-seekers wishing to work overseas must register themselves in the centers.
- 5) Issuance of passports by the Ministry of Foreign Affairs.
- 6) Examination of the criminal record of Thai workers by National Police Bureau.
- 7) Providing of Aid Fund for Overseas Workers application. Thai workers may pay 300 - 500 Baht (10 – 17 US\$) to apply for the fund membership and are eligible for enjoying privileges and rights against situations where they are abandoned overseas without financial support to return home. The assistance also covers workers with legal and financial difficulties.

8) Provision of pre-departure training. All Thai workers who are going to work overseas must attend the pre-departure orientation conducted by the DOE, Ministry of Labour with free of charge.

9) Reception and processing of an application for permission to set up an overseas recruitment agency. An applicant must have at least one million Baht registered capital together with a guarantee of five million Baht cash, bond or bank guarantee for their performance.

10) Issuance of permit for private recruitment agencies to dispatch Thai workers to work overseas.

11) The Department of Employment is responsible for providing free of charge services for employers wishing to hire Thai workers and for Thai job-seekers wishing to work overseas.

Channels of Overseas Employment

There are five legal channels to go overseas for employment:

1. Through the arrangement of the Department of Employment: foreign employers who wish to employ Thai workers to work overseas can directly request the Department of Employment to recruit Thai workers for them. The foreign employers will be the persons who make final selection and undertake the employment agreement with the workers. It is a free of charge service for both employers and job seekers.

2. Through the arrangement of licensed private recruitment agencies: before undertaking recruitment, any recruitment agency that wishes to recruit job seekers for foreign employers has to submit an application to and is permitted by the Department of Employment in order to undertake recruitment in advance.

3. Through the arrangement of local employers: local employers who have the head office or contract overseas may take their workers to work overseas after having a permission from the Director – General of the Department of Employment.

4. Through the training channel: local employers can send their employees for overseas training to acquire new technology. Through this channel the employers must have the permission from the Director – General of the Department of Employment before sending their employees for overseas training.

5. Through the self-arrangement: before leaving Thailand, the workers who have directly contact with overseas employers must inform about their departure to the Director – General of the Department of Employment not less than 15 days in advance.

Hiring Thai Workers

An overseas employer may recruit Thai workers by either authorizing private recruitment agencies or the Department of Employment to act on his behalf. There are more than 100 recruitment agencies in Thailand willing to cooperate with the employer in the recruitment process. Meanwhile, a worker may also contact directly with the employer and can only report to the Department of Employment together with certain employment contract as certified or seen by the authorities concerned before departure. List of Private Recruitment Agencies is provided in www.overseas.doe.go.th.

According to the Recruitment and Job-Seeker Protection Act, B.E.2528 (1985) and B.E. 2537 (1994) section 50 “Any overseas employer or the representative is prohibited to directly select and recruit the employee in the Kingdom for working overseas, unless such an employer or the representative has authorized any overseas recruitment agency or the Department of Employment to recruit thereof”.

An employer wishing to apply for the service of the Overseas Employment Administration Office, Department of Employment is required to carry out the following steps:

Step 1. Request for approval

The employer shall contact and ask for approval from the Department of Employment or contact Office of Labour Affairs, Royal Thai Embassy or Royal Thai Consulate-General in the employer’s country.

Documents to be submitted for consideration:

1. The Power of Attorney which authorizes the Department of Employment to recruit workers and to apply for visas.
2. Demand Letter to the Director-General of the Department of Employment. This document shall state the type of workers requirement, the nature of work, number of workers and their qualifications and working conditions.
3. Copy of the certificate of registration or permit to operate business in the country where the Thai workers will be employed, certified by Notary Public or Chamber of Commerce.
4. Model or standard form of employment contract in English
5. Document granting permission for the Thai workers to work in that country, i.e. visas, N.O.C. (NO Objection Certificate)

Remarks:

1. The Employment Contract shall be made by the employer himself.
2. All documents must be certified by Office of Labour Affairs or Royal Thai Embassy or Royal Thai Consulate- General responsible for Thai labour in the country to be employed.
3. Offices of Labour Affairs are located in 12 countries including Brunei, Germany, Republic of Korea, Singapore, Saudi Arabia, Hong Kong, Malaysia, Japan, Israel, Switzerland, U.A.E., Libya, and 2 offices in Taiwan.
4. There is no need to approve the documents in case an implementation under Memorandum of Understanding (MoU) on dispatching Thai workers to work overseas between the Government of Thailand and the Government of receiving countries, or between DOE and any agency of receiving countries i.e. IM (Public Interest Foundation, International Manpower Development Organization) in Japan.

Step 2. Selection of workers

(1) Selection from the Labour Bank

The Overseas Job Seekers Registration Centre is set up as a labour bank where over 12,000 job seekers of various qualifications and skills were reserved and managed with a computer on-line system through the Overseas Employment Administration Office and 76 Provincial Employment Offices and 10 District Offices in Bangkok all over Thailand.

(2) Advertising in the mass media

If the Department of Employment does not have the workers of the qualification required by the employer in the Overseas Job-Seekers Registration Centre, there will be advertisement placed in the mass media or newspapers. In such case the employer shall pay the expenses (if any).

Step 3. The selection and training

The employer or the representative shall carry out the interview, if desired. In case where the workers have to be tested or further trained in any skills, the Department of Skill Development which has testing and training centres for certain qualifications or private training institutions will be called upon.

Step 4. Medical examination

The Department of Employment will have the workers be examined at a hospital or clinic according to the standard set by the Department of Employment.

Step 5. Travel documents

The Department of Employment shall facilitate the application for passports and visas which the workers shall pay their own expenses.

Step 6. Pre-departure orientation

The Department of Employment will conduct training and orientation for workers before travelling abroad. The employer may also join the training and orientation, which will be carried out mostly after the visa has been obtained.

In case of an employer contacts the licensed private recruitment agencies, only documents number 1, 2 and 3 as prescribed above need to be certified by concerned Office of Labour Affairs or Royal Thai Embassy or Royal Thai Consulate – General. In this case, document granting permission for the Thai workers to work in that country also need to be submit to DOE for consideration (if any).

Lists of Thai Labour Sections

1. Saudi Arabia

Office of Labour Affairs, Royal Thai Embassy
P.O Box 94370, Riyadh 11693, Saudi Arabia
Tel. + (966) 11 4827689

Location

E-mail: Riyadh@mol.mail.go.th

2. United Arab Emirates

Office of Labour Affairs, Royal Thai Embassy
Villa No.1 & 2, Plot No. B7 South 22, Between two Bridges,
P.O Box 47466, Abu Dhabi, United Arab Emirates
Tel. + 971-2557-6844, +971-2557-6833, + 971-2557-6811
Fax. + 971-2557-6811

E-mail: abudhabi@mol.mail.go.th

3. Japan

Office of Labour Affairs, Royal Thai Embassy
3-14-6 KAMIOSAKI, SHINAGWA-KU,
TOKYO 141-0021, JAPAN
Tel. + (81) 3-5422-7014, +(81) 3-5422-7015
Fax. + (81) 3-5422-7016

E-mail: thailabour@crest.ocn.ne.jp , japan@mol.mail.go.th

4. Malaysia

Office of Labour Affairs, Royal Thai Embassy
206 Jalan Ampang 50450, Kuala Lumpur, Malaysia
Tel. + (603) 2145-5868, + (603) 2145-6004
Fax. + (603) 2142-7000

E-mail: thai_labour_office@yahoo.com , Malaysia@mol.mail.go.th

5. Singapore

Office of Labour Affairs, Royal Thai Embassy
370 Orchard Road Singapore 238870
Tel. + 65-224-9940, + 65-224-1797
Fax. + 65-225-9995

E-mail: Singapore@mol.mail.go.th

6. Brunei Darussalam

Office of Labour Affairs, Royal Thai Embassy
No.2 Simpang 682, Jalan Tutong, Kampong Bunut,
Bandar Seri Begawan, Brunei Darussalam
Tel. + (673) 265-3517
Fax. + (673) 265-3517

E-mail: Brunei@mol.mail.go.th, Brunei@mol.go.th

7. Hong Kong

Labour Section, Royal Thai Consulate General

22/F, Room 2202, Bangkok Bank Building,
18 Bonham Strand West Road, Sheung Wan, Hong Kong
Tel. +852-2530-2343, +852-2845-0086, +852-2845-0961
Fax. +852-2845-0830

E-mail: thailabouroffice@yahoo.com.hk, hongkong@mol.mail.go.th

8. Israel

Labour Section, Royal Thai Embassy

Mercazim Building 2001, 1 Abba Eban St., P.O. Box 2125, Herzliya 46120

Tel. + 972-9-9548431-3

Fax. + 972-9-9548416

E-mail: labour.israel@gmail.com, telavif@mol.mail.go.th

9. United Nations (Switzerland)

Labour Section, Permanent Mission of Thailand to the United Nations

Office and other International Organization in Geneva

5, Gustave-Moynier, 1202 Geneva, Switzerland

Tel. + 4122-7319215

Fax. + 4122-7319262

E-mail: Geneva@mol.mail.go.th

10. The Republic of Korea

Labour Section, Royal Thai Embassy

Unit 401 Geo Bless Bldg., 630-9 Hannam-dong, Youngsan-gu, seoul
140-877 ROK

Tel. +822-794-5222

Fax. +822-794-7222

E-mail: korea@mol.mail.go.th

11. Federal Republic of Germany

Office of Labour Affairs, Royal Thai Embassy

Lepiusstrasse 64-66, 12163, Berlin, Federal Republic of Germany

Tel. + (4930)-7948-1231, + (4930)-7948-1232

Fax. + (4930)-7948-1518

E-mail: berlin@mol.mail.go.th, labour_berlin@hotmail.com

12. Taiwan (Taipei)

Thailand Trade and Economic Office (Labour Affairs Office)

10th Fl., 151 Hsin-yi Rd., Section 3 Taipei 106, Taiwan R.O.C.

Tel. + 8862-2701-1413 Ext. 200,202

Fax. + 8862-2701-1433

E-mail: manila@mol.mail.go.th, manila@mol.go.th

13. Taiwan (Kaohsiung)

Thailand Trade and Economic Office, Labour Division Kaohsiung

14 F-4, 80 Mintzu Rd.1 Kaohsiung 807, Taiwan R.O.C

Tel. + (8867)-392-7620

Fax. + (8867)-392-5914

E-mail: kaosong@mol.go.th, kaosong@mol.mail.go.th

(Sample)

Power of Attorney

We M/s.....

Address.....
.....
.....

A company registered and organized under the law of

Company Reg. No.....Address.....
.....Tel:.....Fax:.....

Do hereby appoint Director-General, Department of Employment (or ..(name of Thai overseas recruiting company) to do and perform any of all the following acts:

1. To be our true and lawful attorney and recruiting agent in Thailand for the purpose of handling all affairs concerning recruitment of Thai worker to be employed by our company.
2. To sign all necessary documents and employment contracts required by the laws and regulations of Thailand.
3. To make the necessary arrangements for the worker to come to work in.....
4. To delegate this Power of Attorney to another persons, if necessary, for the above-mentioned purposes.

In witness whereof we have executed this documents on

Authorized signature and company seal

.....
.....

(Sample)

Demand Letter

Date.....

Dear sir,

We, as per our Power of Attorney dated.....

Do place an order for (Name of recruiting company in Thailand).....

.....to select and recruit Thai worker(s) as follows:

Location of project.....

Nature of Project.....

No. of Worker	Position	Salary per month
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Qualifications

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The worker is to be recruited under the following terms and conditions of service:

1. Period of contract.....
2. Food facilities.....
3. Accommodation.....
4. Working hours.....
5. Passage facilities.....
6. Medical facilities.....
7. Overtime conditions.....
8. Annual leave.....
9. Insurance coverage.....

Yours faithfully,

(.....)

Authorized Signature and seal of Company

(Sample)

Employment Contract

This agreement is made on.....at.....

Between.....of.....

(hereinafter referred to as the “Employer”) and.....

Address.....

(hereinafter referred to as the “Employee”). Both parties agree on the following:

1. Job assignment and wages

The Employer hereby engages the Employee and the Employee agrees to work for the Employer in the capacity ofat the rate ofper/hour/day/month. The wage shall be paid onday of the month.

In case of wage earned on an hourly or daily basis, the total monthly wage shall not be less than.....

(In case the Employee receives any special allowances, the amount and date of the special allowance must be stated clearly together with the date of the payment on the regular wage).

.....
.....
.....

2. Duration of Contract and worksite

The duration of the contract is formonth/year(s) starting from the day of arrival of the Employee in (country)and the worksite is at

The extension of the contract shall be mutually agreed upon between the Employer and the Employee.

3. Probation Period

In conformity with the local labour law, The Employer shall work on probation for a period ofdays (according to local labour law), starting from the first working day.

If the Employer should find during the probation period that the Employee is not qualified for the job assigned, the Employer may either offer the Employee the other appropriate job or position with the consent of the Employee, or cancel the contract and repatriate the Employee to domicile in Thailand.

4. Working hours

The working hours shall not exceed.....hours a day, 6 days per week.

5. Holiday and leave

5.1 The Employer shall arrange for the Employee..... day(s) off weekly with regular pay.

5.2 The Employer shall arrange for the Employee..... days off per year on local official holidays with regular pay.

5.3 Annual leave ofdays shall be allowed by the Employer for the Employee when completed one year employment with regular pay.

6. Overtime

6.1 If the Employee works more than the.....usual hours on the regular work day, the Employee shall be paid extra for overtime by the Employer at the rate ofper hour(not less than the minimum rate set by the local labour law).

6.2 If the Employee works on holidays, the Employee shall be paid extra for overtime by the Employer at the rate ofper hour/day (not less than the minimum rate set by the local labour law).

7. Food

The Employer shall provide to the Employee free of charge three meals a day or food allowances ofper day/month.

8. Accommodation

The Employer shall provide the Employee safe and hygienic accommodation free of charge during the term of contract.

9. Medical Treatment

In the event of the Employee's illness or accident caused by work during the period of the contract, the Employer shall both provide all necessary medical treatment free of charge to the Employee, and in the meantime pay regular wage and compensation on terms not less than those stipulated by the local labour law.

10. Travel and Transportation

The Employer shall pay for the cost of travel offrom Thailand toas well as pay and arrange for the transport to his assigned housing. The Employer shall also pay for the cost of the return travel ofto Thailand in all cases, except that the Employee is at fault or terminates the contract.

11. Obligation

11.1 The Employee shall abide by the rules and regulations of the Employer's company stipulated in conformity with the local labour law, and shall respect the local traditions and customs.

11.2 The Employee shall work only for the Employer's company

11.3 The Employee shall not engage in any unlawful activities such as protest or demonstration.

12. Termination of the contract

12.1 In case the Employer terminates the contract, the Employer shall give one month notice to the Employee, or pay one month wage in lieu of giving notice, or otherwise act in conformity with the local labour law. The Employer shall thereby pay for the cost of the return travel of the Employee to Thailand.

12.2 In case the Employee terminates the contract, the Employee shall give a one month notice to the Employer and shall pay for his own expenses in the return travel to Thailand

13. Others

13.1 The Employer shall pay for all necessary fees and expenses incurred on the acquisition of work permit in accordance with the local regulations on the Employee's behalf.

13.2 In the event of natural disaster, riot, fighting or war the Employer shall evacuate the Employee to the safe area, and if the situation is no longer conducive for the continuity of work, the Employer shall repatriate the Employee and shall pay for all the expenses of the repatriation.

13.3 Other conditions not mentioned in this contract shall be in accordance with the stipulations of the local labour law.

13.4 In case the Employer fails to implement any of the conditions agreed in this contract, in full or in part, the Employer shall be responsible for all the losses incurred to the Employee.

Done in duplicate, one in both Thai and English, each being equally authentic, each party holding one copy.

In Witness whereof, the undersigned, having fully understood the contents of the contract stated herein, have signed this agreement.

Signature.....Employer
(.....)

Signature.....Employee
(.....)

Signature.....Witness
(.....)

Signature.....Witness
(.....)

Remark: Details of each form can be amended upon employer's working conditions and local Labour Law.