



Legal News

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Royal Act on Foreign Working Management B.E. 2560

In order to manage the working of foreigners in Thailand systematically and efficiently, the Ministry of Labor has issued a Royal Act on Foreign Working Management B.E. 2560 which became effective 23 June 2017. This Act repeals the Foreign Working Act B.E. 2551 (2008). In accordance with the Act there shall be established a Foreign Working Management Policy Board who has the powers to prescribe policies and supervise the management of foreigners working in Thailand. In addition the Act increases the penalties/punishment to the employer and foreigner as follows:

- Any foreigner who works in Thailand without work permit shall be punished by imprisonment not exceeding 5 years or fine from Baht 2,000-100,000 or both.
- Any foreigner who works in Thailand without providing a written notification to the Labor registrar for the necessary and urgent work shall be punished by fine from Baht 20,000-100,000.
- The work permit holder must carry the work permit with him/her or keep at the place of work during working hours. If the foreigner fail to do this he/she shall be punished by fine of not exceeding Baht 10,000.

- Any work permit holder engaged in any work which is different from the category of work, employer, location or conditions as set forth in the work permit shall be punished by fine of not exceeding Baht 100,000.
- Any employer that allows a foreigner to engage in any work which is different from category of work, employer, location or conditions of work set forth in the work permit shall be punished by fine of not exceeding Baht 400,000 per a foreign worker.
- Any employer that employs a foreigner to work without work permit shall be punished by a fine from Baht 400,000-800,000 per foreigner worker.
- Any employer has to notify the Labor registrar within 7 days from the date of termination of work for the expatriate for whatever reason. If the employer fails to do this the employer shall be punished by a fine not exceeding 100,000.

Applying for work permits via electronic system

The Ministry of Labour issued a Ministerial Regulation regarding the *Application and Issuance of Work Permits and Notification of Employment of Foreign Workers* (No. 2) B.E. 2560 (2017). The Ministerial Regulation provided that the application and notification of the work permit can be submitted via internet or other available processes for the convenience of the parties involved. This Ministerial Regulation was effective from 1 April 2016. Any work permit that is issued by the computer system will be a small card containing information of the employer and expatriate employee.

Currently, applying for work permit via electronic system will initially proceed at the Department of Employment, One Stop Service Center, with companies that have been promoted by the Thailand Board of Investment. The Department of Employment will announce any updates as it relates to this Ministerial Regulation.

The Announcement of the Department of Employment regarding urgent work permit

The Department of Employment has issued the Announcement in regards to a Urgent Work Permit. This announcement provided that the work of foreigners that will completed within 15 days will be categorized as a necessary and urgent work. The foreigners covered under this announcement are required to submit an application for a urgent work permit (i.e. Form WP 10) to the Department of Employment within the start of the first working day. The urgent work can be categorized as follows:

1. Organizing meeting, conference or seminar.
2. Special academic lecture.
3. Managing of aviation.
4. Temporary Internal inspection.
5. Following-up and solving technical problem.
6. Examining quality of products
7. Inspecting production process or adjustment of production process.
8. Inspecting or repairing machineries and equipment for electricity production system.
9. Technical repairing or installing machineries.
10. Technician for electric train system.
11. Technician for aviation or aviation equipment system.
12. Consulting for repairing machineries or machineries-control system.
13. Demonstrating and testing machineries.

14. Filming and photography.
15. Recruiting people for working in foreign countries.
16. Testing technical skill for working in foreign countries.

In practice, the One Stop Service Center will allow a foreigner to apply for urgent work permit not more than 3 times per year.
Any foreigner who engages in work without notifying the Labor Registrar in writing shall be punished by a fine from Baht 20,000-100,000.

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