

THESIS TITLE	LEGAL PROBLEMS ON THE ENFORCEMENT OF THE FOREIGN WORKERS MANAGEMENT EMERGENCY DECREE, B.E. 2560 (2017)
KEYWORDS	LEGAL PROBLEMS/ LAW ENFORCEMENT OF THE FOREIGN WORKERS/ FOREIGN WORKERS MANAGEMENT
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YEAR	2020

ABSTRACT

According to the violation issues of the rights of foreign workers, Thailand has been ranked in term of credibility on human trafficking situations as the Tier 2 Watchlist that has had the violation of human rights. Therefore, the government Executive has stated the requirement to enact the Foreign Workers Management Emergency Decree, B.E. 2560 (2017) in order to solve these issues. It primarily aims to decrease the violation of the rights of foreign workers. The results of applying the emergency decree issued by the Executive to repeal the Working of Alien Act, B.E. 2551 (2008) without hearing all parties' opinions have had impacts to suspend and resolve immediately, which violates the rule of law to be certain and secure.

The Foreign Workers Management Emergency Decree, B.E. 2560 (2017) does not aim to protect the foreign workers' rights as much as it should be. By the provisions of the section 131 Paragraph 2 gives the employer to have rights in seizing the work permit or the identity document of that person in case of the employee's consent. The identity document seizure is one of the measures to enforce labours in accordance under the section 6/1 of the Anti-Human Trafficking Act, B.E. 2551 (2008). Besides, section 51 gives the rights to the employer to deduct the wage as the expenses to bring the foreign labour for working which is in conflict with the standards for the

protection of labor rights as specified in section 77, the employer is able to do as mentioned above if he receives the employee's consent and the document signed by the employee. In the case of the employee would like to change the employer, he cannot do that freely because this emergency decree requires the foreign worker to prove that "he leaves his job because it is the employer's fault or he has already paid the damages to the employer." Then a foreign worker is forced to pay the damages to the employer, which is easier to prove that it is not his fault. Moreover, the entrepreneurs bringing foreign workers are the middlemen getting the benefits or the payment from the employers and the foreign workers but there are no legislation to define their duties to protecting the violation of foreign worker's rights during staying in Thailand. As a result, it is recommended to revise the Foreign Workers Management Emergency Decree, B.E. 2560 (2017) to be able to protect the rights of foreign workers appropriately.