

Thesis Title	Problems of the Right to Work for the Foreign Labors Fled into the Country
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### **ABSTRACT**

The objectives of this thesis were to study about problems of the right to work for the foreign labors fled into the country which were the problems of entering into the country, the problem of the types of jobs that allowed the foreign labors fled into the country do and the problem of practicing on labor protection according to the labor law.

The mentioned study was a documentary research from text books, technical documents, researches, thesis, literatures, journals and various of printing materials in both Thai and foreign languages. The collected information was analyzed qualitatively by means of description.

According to the study it was found that there are three important problems of the foreign labors fled into the country as follow:

1. Problem on entering the country to find job of the foreign labors fled into the country caused by the Clause 12 (3) of the Immigrant Act B.E. 2522 which is a hindrance for entering to work of the foreign labors since the Act prohibits the foreigners to enter into the royal territory to work as labors despite of the fact that presently Thailand has been requiring unskilled foreign labors to take workers' occupation.

2. Problem on the types of jobs allowed for the foreign labors fled into the country to do since the Working of Foreigners Act B.E. 2521 and the decree, which stipulates that 39

occupations and professions are not allowed to the foreigners or foreign labors who entered into the royal territory legally to take workers' occupation as well. On the contrary, the government has a policy to indulgently allow the foreign labors fled in to the country of Myanmar, Laos, and Cambodia nationalities to be able to work as workers, due to the announcement of the Ministry of Labor on stipulation of jobs for the immigrants according to Clause 12 of the Working of Foreigners Act B.E. 2521 to be allowed to take, which makes overlapping in practicing and creates problem of discrimination against the foreign labors.

3. Problem on implementation of labor protection according to the labor law. The laws related to labor protection according to the Thai laws were still unclear, resulting in problems on implementation. Foreign labors fled into the country and those who are on the process of pending to be send out off the royal territory often get no protections despite of the Thai labor protection law can be used to enforce protection for every foreign labor who works in Thailand regardless of being the foreign labors who hold work permit or not.

This thesis proposes to have some amendments of the laws on the following points:

1. Revoke Clause 12 (3) of the Immigrant Act B.E. 2522 and add a provision in Clause 34 that the foreigners who enter into the royal territory temporarily have to enter for the following purposes (16) to take worker's occupation or to be employed to work with stamina without using knowledge or technical training, or to take servant job in the house, or any other jobs. All this is due to the conditions and terms stipulated in the announcement of the Ministry of Labor by approval of the Cabinet.

2. Revoke worker's job in the decree which stipulates the occupations and professions which prohibit the foreigners to take in order to harmonize with the Immigrant Act B.E. 2522.

3. Recommend the additional provisions in the Working of Foreigners Act B.E. 2521 by having a provision to bring the Labor Protection Act B.E.2541 to enforce to the foreign employees who work without work permit. And by adding Clause 5 of the Labor Protection Act B.E. 2541 should be added and amended the definition of employees to be the persons who agreed to work for the employer by getting wage no matter what they might be called, regardless of nationality of the employees and with or without work permit.