

THEMATIC TITLE	LEGAL DEVELOPMENT ON PROMOTING ELDERLY CITIZEN EMPLOYMENT
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ABSTRACT

This research aims to study the legal development on promoting elderly citizen employment. At present, Thailand has been completely reaching the elderly society which leads to several aspects of impacts, especially the employment problems. However, there are a large number of elderly citizens who still have the potential and want to work. In this case, the government sector has promoted the elderly citizen employment by issuing the policy to support the elderly citizen employment but it lacks efficiency and concrete legal mechanism.

The study found the following problems. (1) The problem on definition of the elderly citizen employment, there are no legal provisions in the Elderly Person Act B.E. 2546, the Civil and Commercial Code and the Labor Protection Act B.E. 2541, which specifically provides the definition of the elderly citizen employment. The laws only specify the elderly citizens to have rights on getting protection, promotion, and support of proper occupation or occupational training. This leads the companies or the entrepreneurs to ignore the importance of elderly labor and consider them as the labor with no potential as much as it should be. (2) The problem on the rights which the elderly citizens should get in order to promote the employment, the Elderly Person Act B.E. 2546 does not specify types or proper occupation for the elderly citizen employment which causes the operation on promoting and supporting work or occupation and occupational training for the elderly citizen to lack clarity and not in compliance with the elderly needs. This results in the elderly citizen employment unaccepted among companies or entrepreneurs. (3) The problem on supervising and inspecting the elderly citizen employment, the Elderly Person Act B.E. 2546 does

not specify the National Elderly Committee to have specific authority to supervise and inspect the elderly citizen employment. On the other hand, it specifies the overall duties of the elderly citizen management. This leads to the unfair employment and the employers taking advantage of elderly citizens. In comparison to the United Kingdom and Japan, both countries put emphasis on the elderly citizen employment by issuing clear and concrete laws to promote the elderly citizen employment. For example, the United Kingdom contains the laws relating to nondiscrimination in employment on account of age, repeals the retirement criteria as well as establishes the working group to operate the promotion of the elderly citizen employment. Japan contains the law providing the definition of elderly labor and establishes the Silver Human Resource Center (SHRC) to provide assistance regarding working for the elderly citizens.

Therefore, the researcher would like to propose the legal solution for the above problems by making the amendments to the Elderly Person Act B.E. 2546 to specify the following provisions : (1) the provision on the clear definition of the elderly citizen employment; (2) the provision on the rights which the elderly citizens should have in order to promote the apparent employment opportunity consisting of access to occupational information, recruitment assistance, job application and rights to have flexibility to work; and (3) the provision providing authority for supervising and inspecting the elderly citizen employment to the National Elderly Committee by assigning the duties of organizing the database of the elderly citizen labor, specifying rules and regulations of the elderly citizen employment, as well as supervising and inspecting the elderly citizen employment.