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## Relaxation of Work Permit Requirements in Thailand

The Royal Decree on Managing the Work of Foreigners (No. 2) B.E. 2561 (2018) came into effect on March 28, 2018, and is the third significant reform to Thailand’s law on work permits in the past three years. The new amendments are aimed at addressing the concerns of foreign workers over penalties related to work permit requirements imposed by the Royal Decree (No. 1) B.E. 2560 (2017) earlier in 2017. The key changes introduced by the amendments are detailed below.

**Definition of work.** The definition of work has been reworded, and now reads: “To perform any professional work, regardless of whether or not there is an employer, but excluding the conduct of business of foreign business license holders according to the Foreign Business Act.”

**Additional work permit exemptions.** The amendment provides for work permit exemptions in certain cases, as follows:

- ▶ Foreigners who occasionally enter Thailand to organize or attend a conference; to discuss, speak, or present at a conference, training, workshop, or seminar; to perform art and cultural activities; or to participate in sports or any activities to be prescribed by the Cabinet.
- ▶ Foreigners who enter Thailand for the purpose of establishing a business or investment, or who possess knowledge and a high level of skill, which will be beneficial to Thailand’s development, as prescribed by the Cabinet.

**Qualifications of work permit applicant.** A foreigner who wishes to apply for a work permit must not have been penalized for working without a work permit or for working outside the permitted scope of their permit, except in the cases where:

- ▶ a period of not less than two years has elapsed from the date upon which the foreigner completes his/her sentence (if any); or
- ▶ special approval has been granted.

**Waiver of government fees.** Government fees are waived for changes or additions to: (1) type of work; (2) employer; (3) location; or (4) conditions. Additionally, such changes or additions no longer require approval but only a post-change/addition notification.

**Online notification.** Any notification can be submitted electronically, and the time for the registrar to acknowledge the notification shall be clearly prescribed.

**Urgent work permit notification.** Urgent and necessary work, which was previously strictly limited to not more than 15 days, is now extendable for up to 15 days if such work by the foreigner is not finished in time. Notification to the registrar is required, and failure to do so will lead to a fine of not more than THB 50,000 for the foreigner.

**Notification by employer.** The employer will now have the duty to notify the registrar of the name, nationality, and type of work of a foreign employee within 15 days from the date of hiring the employee, and also within 15 days from the date that the employment ends. Failure to submit this notification will lead to a fine of not more than THB 20,000 for the employer. According a notification by the Thai Department of Employment, which came into effect on April 28, 2018, this requirement does not apply to an employer who has already hired a foreigner who holds a valid work permit with that employer.

**Notification by foreign employee.** A foreigner also has the duty to notify the registrar of the name of his/her employer, place of work, and type of work within 15 days from the date of being hired, and also within 15 days from the date of leaving that employer for another. Failure to do so will lead to a fine of not more than THB 20,000.

**Presentation of work permit.** Foreigners are no longer required to keep their work permit book with them or at their workplace during working hours. The amendment merely requires them to, upon request, present their work permit to the officer or registrar within an appropriate timeframe. Failure to do so will result in a fine of not more than THB 5,000.

**Sanctions for noncompliance.** The major penalties that have been significantly reduced by the amendment are listed below.

Offenses	Previous Rates	New Rates
Working without a work permit, or outside the scope of permitted work.	The foreigner faces imprisonment for up to five years, or a fine ranging from THB 2,000 to THB 100,000, or both.	The foreigner faces a fine ranging from THB 5,000 to THB 50,000.
Accepting a foreigner to work without a work permit, or to undertake work that is outside the permitted scope.	The employer faces a fine ranging from THB 400,000 to THB 800,000 per foreigner.	The employer faces a fine ranging from THB 10,000 to THB 100,000 per foreigner.  Employers who are repeat offenders face imprisonment for up to one year, or a fine ranging from THB 50,000 to THB 200,000, or both. Such employers will also be blacklisted and not allowed to hire foreign employees for three years from the date of the final court judgement.
Failure to provide notification for an urgent work permit.	The foreigner faces a fine ranging from THB 20,000 to THB 100,000.	The foreigner faces a fine of up to THB 50,000.

The amendment provides for a grace period before the new penalty rates become effective on July 1, 2018. Additionally, the Ministry of Labor is formulating a list of types of work strictly prohibited to foreigners, and expects to announce the list on the same date. 🇹🇭