

Title	Legal Problems Concerning Job Seekers Looking for Work Abroad Protection, Compared with the Philippines Case Study : Private Recruitment Agencies
Authors	Mr. Surasak Meebua Miss Nuengruethai Malee Mrs. Rapa Peters
Academic Year	2016

Abstract

This study has a purpose to study concepts and theories, according to laws concerning with the provisions of labor-seekers to work in foreign lands, compared with the Philippines laws. Furthermore, this research aims to study the following results of labor-seekers after their works in foreign lands. Also the research aims to study the setting of suitable guarantee of persons who are permitted to provide works for labor-seekers; the setting, as mentioned, must be compiled with the values of money within the changing, economic situation. Included with the purpose mentioned above, this research aims to study services fee and the suitability of all expenses, which the permitted persons demand or receive from the labor - seekers. The research needs to study, also, the objection of the fund for helping the labor - seekers while they are working abroad. As well as all purposes mentioned, the research will focus on the punishment measure on the permitted persons in case that the labor-seekers are not taken care as having been promised. Moreover, the research will study the punishment measure on the persons not permitted, according to Thai laws, and foreign laws. The study was done by qualitative research. Such research was done by studying from the relevant documents which were considered secondary sources.

It was found out that regulations, methods, procedure, and rules of punishment according to legal issues concerning the process of providing job seekers to work in foreign lands by the lawful private companies, already fixed in the Act of Employment Protection and Job Seekers B.E. 2528 and secondary laws. Although the mentioned Act has been amended for already a few times, there are still many loopholes. This causes improper ways which are not agreeable with the enforcement according to social conditions and ways of wrong – doings which have been changed. In other words, Thailand does not have any established government offices to follow up the supporting and taking care of the job seekers after their returning from foreign lands.

This causes the fact that these people have been neglected and ignored. Moreover, the 5 million Thai baht as guarantee which the persons who are legally permitted to provide works are defined to put at the Central Registrar of Works Provision does not cover the actual damages. Besides, there are problems concerning the service-fee, and expenses in working in foreign lands according to the laws, are numerous, compared with the job seekers' financial situations. Problems concerned the fund helping the job seekers are that the assistance does not cover every problem. Additionally, the legal punishment has been set so low that the wrongdoers are not afraid of. All these mentioned problems have directly affected the job seekers. Accordingly, the authors of this research see to the point that there should be an amendment of the law, as the followings:

1. There should be government offices which are responsible in following up the performance of the job seekers after having returned from their work in foreign lands, as the Philippines Government has done. Such offices must have work-plans to help and to take care of the job seekers in every field, for example, financial aid, or business development so that the job seekers are able to begin their new career.

2. There should be a guarantee limitation, not less than 5 million baht. Such amount of money should be raised up, considering the results accomplished by the permitted companies, every year. To do so is to guarantee any damages occurring to the job seekers in the future, and also to use the money guaranteed to help job seekers immediately.

3. There should be the reduction of service-fee, and expenses, for the job seekers, just to release their financial burden, and also to encourage people to seek for foreign workings.

4. There should be an augmentation of the Fund's objectives in helping the job seekers in every corner; also, the money for assistance should be raised to cover up the job seekers' needs.

5. There should be an increase in lawful enforcement for the wrongdoers so that they are afraid of the legal enforcement, which helps decrease wrongdoings.

Therefore, with the amendment of the mentioned Act and secondary laws, the job seekers will be really protected and taken care of, according to the intention of the Act of Employment Protection and Job Seekers B.E. 2528.

Key words: Job seekers, Private recruitment agencies, the Act of Employment Protection and Job Seekers B.E. 2528