



**OCCUPATIONS AND PROFESSIONS PROHIBITED FOR FOREIGN WORKERS
LIST APPENDED TO THE ROYAL DECREE IN B.E.2522 (AD 1979)
PRESCRIBING OCCUPATIONS AND PROFESSIONS PROHIBITED FOR FOREIGN WORKERS v 1.7A
(See also 'Common Issue' at the end of the document and Chart to navigate laws p.10)**

HIGHLIGHTING THOSE OF MOST RELEVANCE TO FOREIGN BUSINESS COMMUNITY in larger blue font

Activity / Profession EN and TH	Issues; JFCCT Recommendation; Priority	Notes
1. Labour work (งานกรรมกร)		(Exceptions below noted; additional unskilled labour needed for many large projects)** MoL allows (27 May & 22 June Bangkok Post, see below) with conditions***
2. Agriculture, animal husbandry, forestry, or fishery, except work requiring expertise, specialized work, or farm supervision work; (งานกสิกรรม งานเลี้ยงสัตว์ งานป่าไม้ หรืองานประมง ยกเว้นงานที่ใช้ความชำนาญ งานเฉพาะสาขา หรืองานงานควบคุมดูแลฟาร์ม)	Agriculture sector needs reform and enhancing. Agritech, restructuring supply and distribution are issues which are likely to benefit from foreign expertise in more ways than advisory, consulting. Med priority	BOI has promotions for Agriculture, including smart farming. MoL allows (27 May & 22 June Bangkok Post, see below) with conditions***
3. Bricklaying, carpentry or other construction work; (งานก่ออิฐ งานช่างไม้ หรืองานก่อสร้างอื่น)		MoL allows (27 May & 22 June Bangkok Post, see below) with conditions***
4. Wood carving; (งานแกะสลักไม้)		



5. Driving motor vehicles, driving a non-mechanically propelled carrier or driving a mechanically propelled carrier, except for piloting international aircraft; (งานขับขี่ยานยนต์ หรืองานขับขี่ยานพาหนะที่ไม่ใช่เครื่องจักรหรือเครื่องกล ยกเว้นงานขับขี่เครื่องบินระหว่างประเทศ)		
6. Shop/Outlet attendance; (งานขายของหน้าร้าน)		
7. Auction; (งานขายทอดตลาด)	May depend on the source of inventory. Lower priority.	
8. Supervising, auditing or providing services in accounting, except internal auditing on occasions; (งานควบคุม ตรวจสอบหรือให้บริการบัญชี ยกเว้น งานตรวจสอบภายในชั่วคราว)	Apart from the exception, seems to cover a full range of accounting and auditing services. Does the restriction apply to: (i) Thai incorporated companies (ii) Thai majority owned companies (iii) Using a Thai GAAP? What does 'except internal auditing on occasions' mean?	MoL allows (27 May and 22 June Bangkok Post, see below) *** except for Internal Audit
9. Cutting or polishing diamond or precious stones; (งานเจียรไน หรือขัดเพชรหรือพลอย)		
10. Haircutting, hairdressing or beauty treatment; (งานตัดผม งานตัดผม หรืองานเสริมสวย)		



11. Cloth weaving by hand; (งานทอผ้าด้วยมือ)		
12. Mat weaving or utensil making from reeds, rattan, hemp, straw or bamboo pellicle; (งานทอเสื่อ หรืองานทำเครื่องใช้ด้วยกก หวาย ปอ ฟาง หรือเยื่อไม้ไผ่)		
13. Mulberry paper making by hand; (งานทำกระดาษสาด้วยมือ)		
14. Lacquerware making; (งานทำเครื่องเขิน)		
15. Making Thai musical instruments; (งานทำเครื่องดนตรีไทย)		
16. Nielloware making; (งานทำเครื่องถม)		
17. Gold ornaments, silverware or pink gold making; (งานทำเครื่องทอง เครื่องเงิน หรือเครื่องนาก)		
18. Bronze ware making; (งานทำเครื่องลงหิน)		
19. Thai doll making; (งานทำตุ๊กตาไทย)		
20. Mattress and quilt blanket making; (งานทำที่นอนผ้าห่มนวม)		MoL allows 'bed and blanket' making (22 June Bangkok Post) with restrictions ***
21. Alms bowl making; (งานทำบาตร)		



<p>22. Hand making of silk products; (งานทำผลิตภัณฑ์จากผ้าไหมด้วยมือ)</p>		
<p>23. Buddha image making; (งานทำพระพุทธรูป)</p>		
<p>24. Knife making; (งานทำมีด)</p>		<p>MoL allows (27 May & 22 June Bangkok Post, see below) with restrictions***</p>
<p>25. Paper or cloth umbrella making; (งานทำร่มด้วยกระดาษหรือผ้า)</p>		
<p>26. Shoemaking; (งานทำรองเท้า)</p>		<p>MoL allows (22 June Bangkok Post, see below) with restrictions***</p>
<p>27. Hat making; (งานทำหมวก)</p>		<p>MoL allows (22 June Bangkok Post, see below) with restrictions***</p>
<p>28. Brokerage or agency work, except broker or agency work in international trade; (งานนายหน้า หรืองานตัวแทน ยกเว้น งานนายหน้าหรืองานตัวแทนในธุรกิจการค้าระหว่างประเทศ)</p>	<p>Brokerage could be financial assets or commodities futures or other. Should major global brands wishing to operate in Thailand be limited to hiring local staff only for domestic transactions? In the Fintech area, it is possible that some applications may involve brokerage. Does it mean that a Fintech platform owner cannot be foreign owned or that its staff must be Thai only? Must the platform owner licence its use to brokers / agents? Could be high priority in some areas</p>	



<p>29. Civil engineering works concerning design and calculation, organization, research, project planning, testing, construction supervision or advising, excluding work requiring special expertise; (งานในวิชาชีพวิศวกรรม สาขาวิศวกรรมโยธา ที่เกี่ยวกับงานออกแบบและคำนวณ จัดระบบ วิจัย วางโครงการ ทดสอบ ควบคุมการก่อสร้าง หรือให้คำแนะนำ ทั้งนี้ไม่รวมที่ต้องใช้ความชำนาญพิเศษ)</p>	<p>Does this mean that a team of civil engineers must limit non Thai staff to special expertise positions. Such special expertise positions could include leadership of skilled teams.</p> <p>Assume that civil engineering does not cover electrical, mechanical, aeronautical, automotive or other branches of engineering. Could be high priority in some areas.</p>	<p>MoL allows (27 May & 22 June Bangkok Post, see below) but only as employees; Engineering professional group says only if insufficient skills, and then must sit tests and get licence. Restrictions ***</p>
<p>30. Architectural work concerning designing, drawing of plans, cost estimating, construction directing or advising; (งานในวิชาชีพสถาปัตยกรรมที่เกี่ยวกับงานออกแบบเขียนแบบ ประเมินราคา อำนวยการก่อสร้างหรือให้คำแนะนำ)</p>	<p>Often architectural work is divided between concept / design architect (foreign) and documentation architect (local). All great cities (Bangkok included) need globally recognized designers in at least some of their skylines; and may greatly benefit from world-leading designs in housing, factories, industrial estates etc. Similarly for town planning / smart cities. The prohibition seems to cover the full gamit of architectural activity and services. The view of foreign participants in the profession needs</p>	<p>MoL allows (27 May & 22 June Bangkok Post, see below) but only as employees. Restrictions ***</p>



	to be sought. Could be high priority in some areas.	
31. Dressmaking; (งานประดิษฐ์เครื่องแต่งกาย)		MoL allows 'clothes' (27 May & 22 June Bangkok Post, see below) but only as employees; restrictions***
32. Pottery or ceramic ware making; (งานปั้นหรือทำเครื่องปั้นดินเผา)		MoL allows (27 May & 22 June Bangkok Post, see below) but only as employees; restrictions***
33. Cigarette rolling by hand; (งานมวนบุหรี่ด้วยมือ)		
34. Tour guide or sightseeing tour operation; (งานมัคคุเทศก์ หรืองานจัดนำเที่ยว)	JFCCT policy is to allow foreign tour operators who can best services foreign visiting groups in the own language, culture and perspective, alongside local guides. JFCCT promotes the view that Thai operators and guides should be able to support the outbound market: to support Thai visitors to other countries; the . Med to high priority.	Suggestion that the foreign tour guides are "Tour Representatives" and will accompany local tour guides and facilitate the visit, do translation and look after the group.
35. Street vending; (งานเร่ขายสินค้า)		
36. Typesetting of Thai characters; (งานเรียงตัวพิมพ์อักษรไทยด้วยมือ)		



<p>37. Silk reeling and twisting by hand; (งานสาวและบิดเกลียวไหมด้วยมือ)</p>		
<p>38. Clerical and secretarial work; (งานเสมียนพนักงานหรืองานเลขานุการ)</p>		
<p>39. Legal service or lawsuit work; (งานให้บริการทางกฎหมายหรืออรรถคดี)</p>	<p>Generally Thai law (eg litigation) cannot be practiced by foreign lawyers. Biggest issues is Arbitration. One solution: Arbitrators need no work permit; Advocates in arbitrations can get a work permit of some kind but JFCCT recommends no work permit needed. High priority. See separate policy about Arbitration. No reported appetite from amongst foreign lawyers for a 'liberalisation' for a licence category for foreign lawyers doing non Thai law.</p>	<p>Lawyers Act, applying only to Thai nationals, requires a licence for court work only, not for giving advice on Thai law. An unqualified Thai person may give advice on Thai law. The argument that the public has to be protected from unqualified foreigners giving advice on Thai law thus seems weak.</p>
<p>Common issue: At a profession-specific level, there is profession specific legislation. This is identified in each case; JFCCT/EABC has a list of the relevant laws. The restriction is not about foreign equity limits (FEL) (governed by the FBA or sector-specific legislation), but about whether a foreign individual may carry out the professional service (provide the labour) under the 1979 Decree (and it seems under Section 7 of the 2017 executive decree on management of types of work for migrant workers) and then under the third layer of profession-specific law and regulation. Thus assuming no FEL issue, any company, local or foreign-owned company or a partnership may still be restricted from allowing foreigners to provide the professional service as contractor or employee.</p>		



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****Note:** As per Cabinet's Resolutions, foreign workers from Myanmar, Laos and Cambodia have been given an indulgence to work in the Kingdom in 2 occupations, which are 1) Labour work and 2) Domestic work.

***** Note:** conditions are being employee, not business owner; for Engineering, Architecture or Accounting, a local licence under profession-specific law is needed.

Reference : <http://www.mol.go.th/en/content/page/6347>

Professions to be opened up:

Bangkok Post, 27 May 2018

"The 12 occupations which will be delisted from the ban include labour work, bricklaying, carpentry and other construction work, though migrants are required to seek permission before taking the jobs.

"Others include agriculture, animal husbandry, forestry or fishery, except work requiring specialised knowledge, giving services in accountancy except internal auditing, making mattresses or quilts, and knife making.

"Still others are civil engineering, architectural work, dressmaking, and pottery on the condition that workers must be hired, do not own the business, and are not permitted to do work which shows Thai identity, culture or art."

But, June 1 Bangkok Post

"...we won't allow them to work independently or become business owners," – attributed to the Minister of Labour (may refer only to the four noted in the 27 May press)

Bangkok Post June 22.



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From July 1, migrant workers will be banned from a total of 28 job types which are reserved for Thai nationals only, Labour Minister Adul Sangsingkeo said yesterday, after chairing a meeting of the government's committee on management of work for migrant workers.

The list of jobs which migrant workers are prohibited from doing in Thailand was announced under Section 7 of the 2017 executive decree on management of types of work for migrant workers, he said.

Under the latest update to the list, migrant workers are now allowed to work as unskilled labourers. However, only migrant workers from specific countries which have signed a memorandum of understanding (MoU) with Thailand will be allowed to take up employment as unskilled labourers.

Other types of work which migrant workers are now allowed to take up, though with conditions, include farm jobs (except those requiring special expertise), construction work, bed and blanket making, knife making, shoe making, hat making, clothes making, pottery making, engineering, architecture and accounting, he said.

An important condition imposed on migrant workers is they must retain the status of employees, not be business operators or owners, he said. Foreign nationals seeking engineering, architecture or accounting jobs in Thailand will first have to be certified by the respective professional councils and obtain a proper licence, he said.

The following professions (as of September 2017) based on a workshop, should be open to Foreigners. However this is a different review/assessment to the eight noted in the main table above. So please see the eight professions of interest which are shown in blue font in the table above.

- Labour work
- Agriculture, animal husbandry, forestry, or fishery
- Bricklaying, carpentry or other construction work
- Shop/Outlet attendance
- Cutting or polishing diamond or precious stones
- Mattress and quilt blanket making



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- Shoemaking
- Hat making
- Dressmaking
- Pottery or ceramic ware making

Thus see the professions in blue larger font which are of interest.



Three Layers of regulation; and additional regulation

Subject	Effect	Regulatory source
Business activities of entities (eg companies) with more than 49% foreign shareholding	Restricts the business activity of the company (s.8): List 1: activities not open to foreigners; would need a change to the law to allow it. List 2: activities open to foreign entities with cabinet approval List 3: activities open to foreign entities via a Foreign Business Licence (s.7) granted by a committee in DBD of MOC – Foreign Business Committee (s. 23)	Foreign Business Act AD 1999. Foreign Business Licence (s.7) Under IPA (the basis of BOI promotion), a slightly different process applies – a Foreign Business Certificate (s. 12)
Professions which may not be undertaken by individual foreigners	Prohibits foreigners (individuals) from carrying out 39 professions. JFCCT has identified 8 of interest	AD 1979 Decree; (and possibly s. 7 of the 2017 executive decree on management of types of work for migrant workers)
Professional licensing or permits at sector or individual professional level.	An additional barrier which is often overlooked by regulatory moves to liberalise professions. See separate document analyzing each profession and listing relevant laws.	Various sector or profession-specific laws – eg Engineers Act, Accountants Act, Lawyers Act which typically set up a professional licensing authority. JFCCT has a list. Requirements for a licence often include speaking Thai, and some local or recognized foreign qualification. Oddly the Lawyers Act restricts Thai persons only in carrying out Court work, not in giving advice.

Separate but related topic: Work Permit & Visa

The requirement for a work permit and the definition of ‘work’ dates back to 1972, more recently embodied in the Foreign Employment Act (2008) (aka Working of Aliens Law), which was repealed in June 2017 and is now governed by that June 2017 Decree, as amended by a March 2018 Decree. The effect of the March 2018 Decree is to reduce and clarify penalties, but it continues ambiguity (rather than reducing it) about what activity is considered ‘work’. JFCCT has a detailed proposal on how to rectify this.



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Analysis: Most foreign investors (in services and manufacturing) wish to bring in their own skilled people, at least initially. Being able to start a business which is more than 49% foreign owned either because there is no restriction in a List in the FBA or because a Foreign Business Licence is granted, does not itself overcome barriers in the 1979 Decree or in the various professional-level laws. Further, as an administrative matter, a work permit may be difficult to obtain for individuals whose skills are needed.