

## NO&T Thailand Legal Update

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### Updated List of Prohibited Work for Foreigners of 2020

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On 21 April 2020, the Government Gazette has announced the new list of works prohibited for foreigners, namely Notification of Ministry of Labour Prescribing Works in which an Alien is Prohibited to Engage dated 1 April 2020 (the “**Notification**”), which shall be effective sixty (60) days from the date of announcement.

The change has remodeled its predecessor announced since 1979 containing thirty nine (39) items of the prohibited work to forty (40) items being divided into four (4) new annexes taking into account national security, working opportunity of Thai, and market demand of foreign employees essential to the development of Thailand including a treaty to which Thailand is a party, or under which Thailand has commitments.

Characteristics of the said four (4) annexes together with our notes worthy for you to know are as follows:

**Annex I: Strictly prohibited work for foreigners**

Most are work related traditional arts, culture, customs and folk handicrafts, e.g. wood carving, cutting or polishing jewelry, cloth weaving by hand, making of products from gold, silver or gold-copper alloy, including traditional Thai-style massage which is lastly introduced into this Annex

There are also the modern world’s works which are not relevant to tradition, customs or handicrafts, but they are reserved for Thais because of special reasons, e.g. driving of vehicles (except international pilots or forklift), auction, haircutting, hairdressing or beauty treatment, brokerage or agency (except international trading or international business), tour guide, office clerk or secretary, legal service or litigation (except an arbitrator and those who assist or represent in the arbitral processing in which foreign laws as the governing law).

**Annex II: Prohibited work which foreigners are allowed if it is under a treaty to which Thailand is a party, or under which Thailand has commitments**

In the old day, accounting, engineering, and architecture professions are the works strictly prohibited for foreigners. However, under the Notification, it has now been relaxed for accounting, engineering and architecture work under ASEAN Mutual Recognition Arrangement (MRAs) or certain treaty or international commitments provided that those foreigners must duly obtain license, registration or certification from relevant federation of professions under Thai law.

**Annex III: Prohibited skilled and semi-skilled work which foreigners can perform only as an employee**

Some skilled and semi-skilled craftsman work are opened to a foreigner, provided that he/she must be employed as an employee of a certain employer.

This is to solve the labour shortages in certain businesses, e.g. work in agriculture, animal husbandry, forestry or fishery, bricklaying, carpentry or building construction works, making of mattress or quilt blanket, etc.

**Annex IV: Prohibited work which foreigner can perform only (i) as an employee and (ii) when such foreigner entered into Thailand under the memorandum of understanding (so-called the MOU) between Thai government and foreign governments**

Similar to work in Annex III, to solve the labour shortages, unskilled labour from neighboring countries under the MOU (Nowadays, only Cambodia, Lao PDR, Myanmar, and Vietnam) can work in Thailand for unskilled manual workers and shop attendance but he/she must be employed as an employee only.

Nevertheless, every foreigner who wishes to work in Thailand is still required to obtain regular work permit from Department of Employment.

**Full details of the prohibited work under the Notification are below:**

**Annex I: Strictly prohibited work for foreigners**

- (1) Wood carving
- (2) Driving mechanically propelled carrier or driving non-mechanically-propelled vehicle domestically, excluding international aircraft piloting or forklift driving
- (3) Auction
- (4) Cutting or polishing jewelry
- (5) Haircutting, hairdressing or beauty treatment
- (6) Cloth weaving by hand
- (7) Weaving of mat or making products from reeds, rattan, hemp, straw, bamboo, bamboo pellicle, grass, chicken feather, coconut palm stem, thread, wire or other materials
- (8) Making of rice paper (Sa paper) by hand
- (9) Lacquerware making
- (10) Making of Thai musical instruments
- (11) Nielloware making
- (12) Making of products from gold, silver or gold-copper alloy
- (13) Bronzeware making
- (14) Making of Thai dolls
- (15) Alms bowls casting
- (16) Making of silk products by hand
- (17) Casting of Buddha images
- (18) Making of paper or cloth umbrella
- (19) Brokerage or agency excluding brokerage or agency in international trading or investment business
- (20) Thai-style massage
- (21) Cigarette making by hand
- (22) Guide or conducting sightseeing tours
- (23) Street vending
- (24) Type-setting of Thai characters by hand
- (25) Drawing and twisting silk-thread by hand
- (26) Office or secretarial work
- (27) Legal or litigation service except the following works:
  - (a) Working as arbitrator
  - (b) Any work that assists or representation in the arbitral proceeding, in case the governing law of the dispute is not Thai Law.

**Annex II: Prohibited work which foreigners are allowed if it is under a treaty to which Thailand is a party, or under which Thailand has commitments**

- (1) Supervising, auditing, perform or providing accounting services except the following works:
  - (a) Internal auditing on occasions
  - (b) Work in accordance with international agreements or obligations that Thailand has commitments provided that the Federation of Professions must certify the qualification of the foreigner
- (2) Engineering work in civil engineering branch concerning advising, project planning, designing and calculation, construction supervision or production, estimating and inspection, organization, research, testing except for those who have been registered as engineering profession and controlled engineering profession under the ASEAN Mutual Recognition Arrangement (MRAs) and other international

- agreements relating to cross-border engineering services or a person holding license to practice the controlled engineering profession, civil engineering under the law of engineering
- (3) Architectural work concerning project study, designing, management and directing the construction, inspection or providing advice except for those who have been registered as architecture profession and controlled architecture profession under the ASEAN Mutual Recognition Arrangement (MRAs) and other international agreements relating to cross-border architecture services or a person holding license to practice the controlled architecture profession under the law of architects.

**Annex III: Prohibited skilled and semi-skilled work which foreigners can perform only as an employee**

- (1) Work in agriculture, animal husbandry, forestry or fishery
- (2) Bricklaying, carpentry or building construction works
- (3) Making of mattress or quilt blanket
- (4) Knife making
- (5) Shoemaking
- (6) Hat-making
- (7) Garments-making
- (8) Pottery or ceramic ware making

**Annex IV: Prohibited work which foreigner can perform only (i) as an employee and (ii) when the foreigner entered into Thailand under the MOU between Thai government and foreign governments**

- (1) Unskilled manual works
- (2) Shop attendance

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