



Standard Operating Procedure

STANDARD OPERATING PROCEDURES FOR INITIAL SCREENING

To identify indicators among individuals for whom there are reasonable grounds to suspect that they may be victims of exploitation through forced labour or services, or labour trafficking, pursuant to Section 6/1 of the Anti-Trafficking in Persons Act, B.E. 2551 (2008), as amended.

Revised March 2026



Secretariat Office of the Command Center
for the Prevention of Labour Trafficking (SEC CCPL) Office
of the Permanent Secretary,
Ministry of Labour

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This publication serves as a guide, knowledge resource, and set of operational guidelines for Ministry of Labour personnel engaged in preventing and combating forced labour or services and labour trafficking. It may also be used to support integrated operations with relevant agencies, enhance operational effectiveness, and further knowledge management.



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PREFACE

Following the promulgation of the Emergency Decree amending the Anti-Trafficking in Persons Act, B.E. 2551 (2008), which took effect on 8 April 2019, the Minister of Labour was designated to jointly administer the Act. This authorized the Ministry of Labour to take action in relation to the offense of forced labour or services, including by establishing additional acts that constitute this offense and specific penalties for such acts. These provisions aim to prevent forced labour or services affecting vulnerable workers, including Thai and migrant workers, resulting from the exploitative conduct of employers, business establishments, or other groups of persons, and to prevent labour trafficking, which adversely affects Thailand's reputation. Accordingly, to ensure that such inspections are conducted effectively and in accordance with a consistent standard, the Ministry of Labour developed the Standard Operating Procedure (SOP) for Initial Screening to identify indicators among persons for whom there are reasonable grounds to suspect that they may be victims of exploitation through forced labour or services or labour trafficking under Section 6/1 of the Anti-Trafficking in Persons Act, B.E. 2551 (2008), as amended. The SOP is intended to serve as a common operational standard for Ministry of Labour personnel. It was submitted to the Anti-Trafficking in Persons Committee (ATP Committee) for consideration at Meeting No. 1/2022 on 23 March 2022. The Committee endorsed the Ministry of Labour's use of the SOP as operational guidance and supported implementation under the National Referral Mechanism (NRM).

Since 2022, the Ministry of Labour has directed its agencies at both the central and regional levels to implement the Standard Operating Procedure (SOP). Operational results and recommendations have been compiled to revise the SOP so that it aligns with the NRM and more closely reflects the operational practices of Ministry of Labour personnel in the field.

Finally, the Secretariat Office of the Command Center for the Prevention of Labour Trafficking sincerely hopes that this SOP will support the work of Ministry of Labour personnel and other relevant agencies.

Ministry of Labour

Secretariat Office of the Command Center
for the Prevention of Labour Trafficking
December 2023



ACKNOWLEDGMENTS

The Ministry of Labour therefore developed the Standard Operating Procedure (SOP) for Initial Screening to identify indicators among individuals for whom there are reasonable grounds to suspect that they may be victims of exploitation through forced labour or services or labour trafficking under Section 6/1 of the Anti-Trafficking in Persons Act, B.E. 2551 (2008), as amended. The SOP serves as a common operational standard for Ministry of Labour personnel. Since 2022, agencies under the Ministry of Labour at both the central and regional levels have been directed to implement the SOP.

In 2023, the Ministry of Labour, in collaboration with the International Justice Mission Foundation (IJM Foundation) under the Office to Monitor and Combat Trafficking in Persons (J/TIP), revised the Standard Operating Procedure (SOP) for Initial Screening. The revision was undertaken to ensure that the SOP reflects the evolving context of forced labour or services and labour trafficking and aligns with the National Referral Mechanism (NRM). The process incorporated feedback, concerns, challenges, and recommendations from relevant government agencies and nongovernmental organizations in both central and regional areas. Participating organizations included the Ministry of Labour; Ministry of Interior; Ministry of Justice; Ministry of Social Development and Human Security; Royal Thai Police; Ministry of Agriculture and Cooperatives; IJM Foundation; SR Law; Thailand Counter Trafficking in Persons Project, supported by the U.S. Agency for International Development (USAID Thailand CTIP); International Organization for Migration (IOM); Human Rights and Development Foundation (HRDF); Labour Rights Promotion Network (LPN); and Stella Maris.

On this occasion, the Office of the Permanent Secretary, Ministry of Labour, extends its appreciation to all those who provided valuable information and recommendations that contributed to the development of this manual. It is intended to support labour inspectors in identifying preliminary indicators and circumstances of forced labour and efficiently referring information to the multidisciplinary team.

**Office of the Permanent Secretary,
Ministry of Labour**

Secretariat Office of the Command Center
for the Prevention of Labour Trafficking

December 2023



LIST OF PARTICIPATING ORGANIZATIONS

SOP for initial screening to identify indicators among individuals for whom there are reasonable grounds to suspect they may be victims of exploitation through forced labour or services or labour trafficking under Section 6/1 of the Anti-Trafficking in Persons Act, B.E. 2551 (2008), as amended.

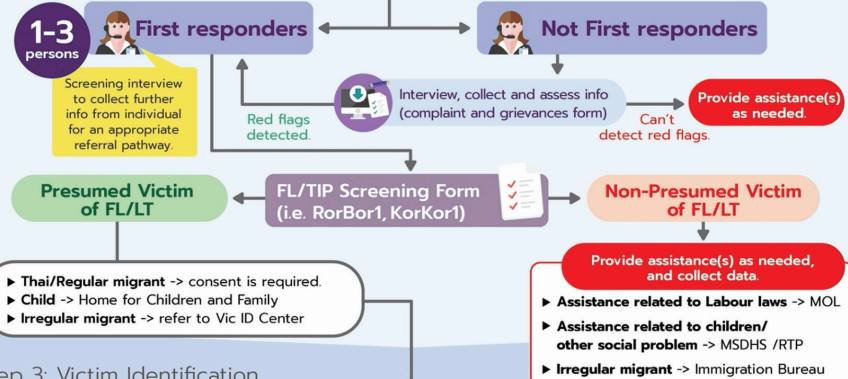
1. Ministry of Interior (Department of Provincial Administration)
2. Ministry of Justice (Department of Special Investigation)
3. Ministry of Social Development and Human Security (Division of Anti-Trafficking in Persons)
4. Ministry of Labour (Department of Labour Protection and Welfare, Department of Employment, Department of Skill Development, and Social Security Office)
5. Royal Thai Police (Anti-Trafficking in Persons Division)
6. Ministry of Agriculture and Cooperatives (Department of Fisheries)
7. IJM Foundation
8. SR Law Office (SR Law)
9. Thailand Counter Trafficking in Persons Project, supported by the United States Agency for International Development (USAID Thailand CTIP)
10. International Organization for Migration (IOM)
11. Human Rights and Development Foundation (HRDF)
12. Labour Rights Promotion Network (LPN)
13. Stella Maris

SOP for Assisting Victim of Forced Labour/ Labour Trafficking (FL/LT)

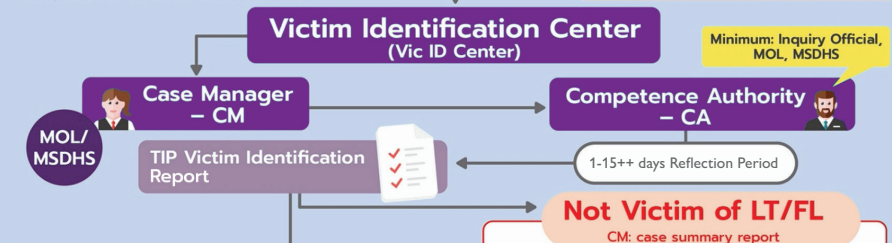
Step 1: Reporting on FL/LT



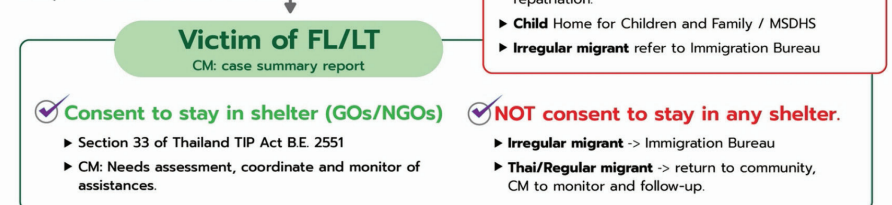
Step 2: Victim Screening



Step 3: Victim Identification



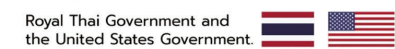
Step 4: Victim Protection



Developed by:

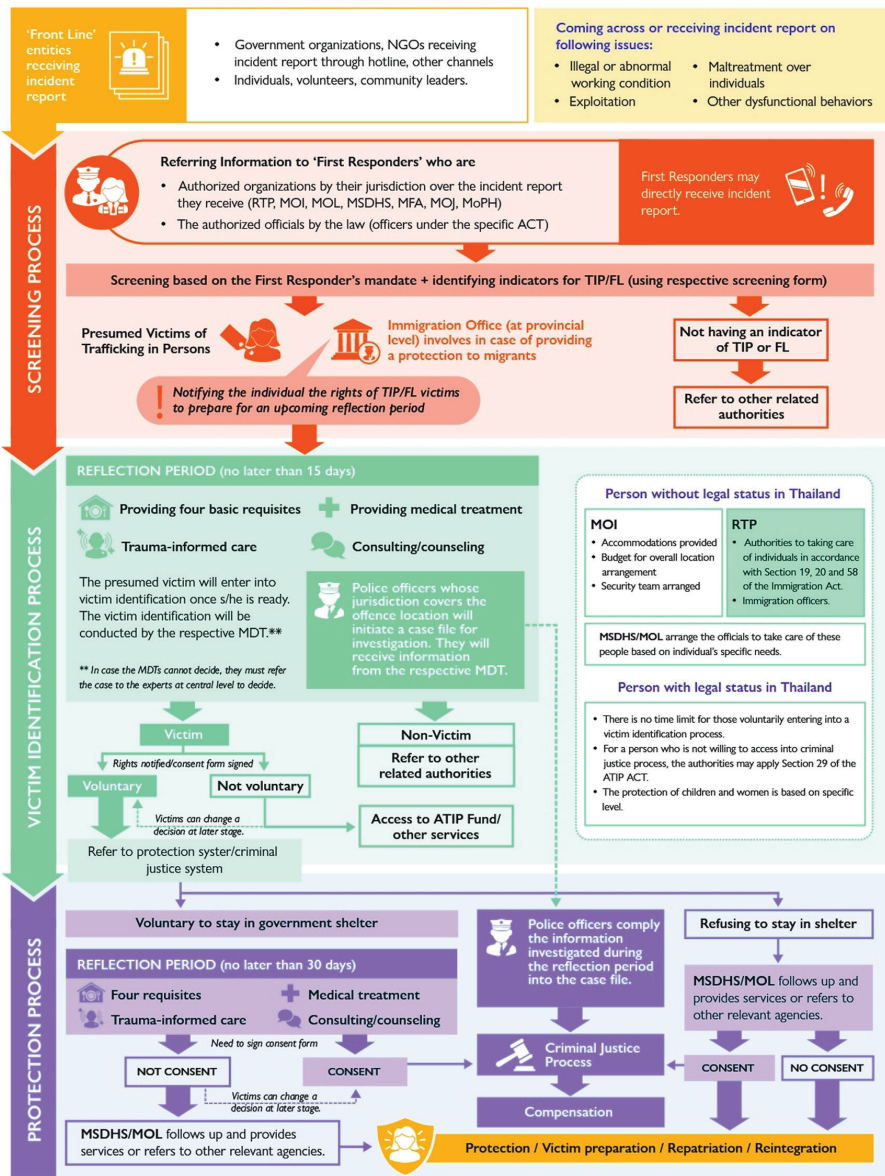


Funding provided by:





NATIONAL REFERRAL MECHANISM



Sub-Committee on National Referral Mechanism

1

INTRODUCTION

In recent years, efforts to address forced labour, human trafficking, and child labour have made significant progress and have moved increasingly in line with the approaches of the International Labour Organization. Progress has also been made in strengthening the agencies responsible for addressing human trafficking, forced labour, and illegal child labour to ensure the greatest possible effectiveness of these efforts.

Accordingly, it is essential to establish a framework for conducting initial screening by relevant officials. This requires, in particular, a clear understanding of the meanings and definitions of relevant terms, as well as the ability to distinguish the similarities and differences among cases involving forced labour, human trafficking, and child labour. This will enable the accurate identification and application of the legal provisions relevant to the facts of each case. The objective is to ensure accurate initial screening and facilitate subsequent victim identification and fact-finding procedures.

1.1 Definitions ¹

Employee means a person who agrees to work for an employer in return for wages, regardless of the title used.

Employer means a person who agrees to employ an employee and pay wages. This term also includes a person authorized to act on behalf of an employer. Where the employer is a juristic person, it also includes a person authorized to act on behalf of the juristic person and any person authorized by that person to act on its behalf.

Use of labour means requiring a person to perform work of an economic nature, whether or not the person receives compensation.

¹ Research Institute for Investigation and Litigation Development, *Case Management Manual for Child Labour and Forced Labour Cases*, Academic Office, Office of the Attorney General, 2022; Academic Paper, Ministry of Labour, 2009, p. 2



Service means the performance of services for another person, the provision of conveniences, or any other act that satisfies the other party.

Forced labour means work or services obtained from a person through threats or other means that place the person in a condition of involuntary labour.

Labour means persons of working age who are capable of working through physical and mental effort, with varying levels of knowledge and ability, for the economic benefit of the nation.

Trafficking in persons means procuring, buying, selling, transferring, transporting, detaining, confining, harboring, or receiving any person by means of threats, force, abduction, fraud, deception, abuse of power, abuse of a position of vulnerability arising from physical, mental, educational, or other disadvantage, unlawful threats to use legal proceedings, or the giving of money or other benefits to a parent or caregiver in order to obtain that parent's or caregiver's consent to the exploitation of a person under their care.

Child labour means causing or allowing a child under 18 years of age to perform work that is harmful to the child's well-being and interferes with the child's educational opportunities, development, or future livelihood.

Criminal organization means a group of three or more persons that has existed for a period of time and acts in concert for the purpose of committing serious offenses in order to obtain, directly or indirectly, financial, property, or other material benefits.

1.2 Situation and Challenges: “Forced Labour Cases”

The International Labour Organization (ILO) estimated that 50 million people worldwide were living in situations of modern slavery in 2021. Of this total, 28 million people were in forced labour, while 22 million were in forced marriages. The number of people living in modern slavery increased substantially over the preceding five years. Compared with the global estimate in 2016, the number of people in modern slavery increased by 10 million in 2021. Women and children remain more vulnerable than other groups.



Modern slavery occurs in nearly every country around the world, regardless of ethnicity, culture, or religion. Most forced labour cases (86 percent) occur in the private sector. Forced labour in sectors other than commercial sexual exploitation accounts for 63 percent of all forced labour, while forced commercial sexual exploitation accounts for 23 percent. Nearly four out of five people subjected to forced commercial sexual exploitation are women or girls. State-imposed forced labour accounts for 14 percent of all forced labour, and nearly one in eight people in forced labour is a child (3.3 million children), more than half of whom are subjected to commercial sexual exploitation².

In Thailand, despite government reforms in the fishing industry, many workers, particularly migrant workers, continue to face forced labour, debt bondage imposed by recruitment agents, restrictions on changing employers, wages below the minimum wage, and wage payments delayed for several months. Thailand's labour situation therefore involves a range of issues requiring careful consideration. Officials must distinguish between cases involving **general labour-law violations** and **cases constituting forced labour under the Anti-Trafficking in Persons Act**.

> 1.2.1 General Labour Cases

These are matters involving employers, employees, and other persons whose rights and obligations are prescribed by labour laws. A legal case arises only where a dispute or conflict exists between two or more parties, causing one party to lose a right or benefit, and cannot be remedied or otherwise resolved through lawful means. In such cases, a lawsuit must be filed to seek a court order for enforcement³.

In addition to the general provisions of the Civil and Commercial Code, general labour cases are also governed by laws that directly regulate labour matters, including the Labour Protection Act, B.E. 2541 (1998); the Labour Relations Act, B.E. 2518 (1975); the Homeworkers Protection Act, B.E. 2553 (2010); and the Maritime Labour Act, B.E. 2558 (2015).

² ILO News (Geneva), International Labour Organization, Modern Slavery, accessed 1 December 2023, https://www.ilo.org/asia/media-centre/news/WCMS_855165/lang--en/index.htm

³ Legal Affairs Division, Department of Employment, *Legal Proceedings under the Employment and Job Seeker Protection Act, B.E. 2528 (1985), as amended by the Employment and Job Seeker Protection Act (No. 2), B.E. 2537 (1994), and the Alien Employment Act, B.E. 2521 (1978)*, Ministry of Labour, 1999, p. 330



➤ 1.2.2 Forced Labour Cases

Although forced labour or services is rooted in employment relationships governed by general labour law, it involves certain acts that cause serious harm to workers and violate human rights principles. It therefore differs from general labour matters, including in the classification of cases and, in particular, the laws that apply.

A “forced labour case” falls under the **Anti-Trafficking in Persons Act, B.E. 2551 (2008), as amended**. It refers to a case in which a person is coerced into working or providing services by causing that person to fear harm to their own or another person’s life, body, liberty, reputation, or property; by intimidation in any form; by physical violence; or by placing the person in a condition in which they are unable to resist.

Forced labour may occur across all sectors, including general industry, domestic work, agriculture, and fisheries. It may also take the form of forced prostitution, forced begging, forced flower-garland sales, forced work under conditions of slavery or slavery-like practices, forced work within transnational criminal organizations, and coercion in the context of human trafficking.

The key characteristics of a forced labour case include:

- ▶ The person is an **employee or worker**
- ▶ The person **has been coerced** into working or providing services through one or more means, including causing fear of harm, intimidation in any form, physical violence, retention of important documents, debt bondage, or other similar acts
- ▶ The person subjected to the acts **has not consented** or is in a condition in which they are **unable to resist**



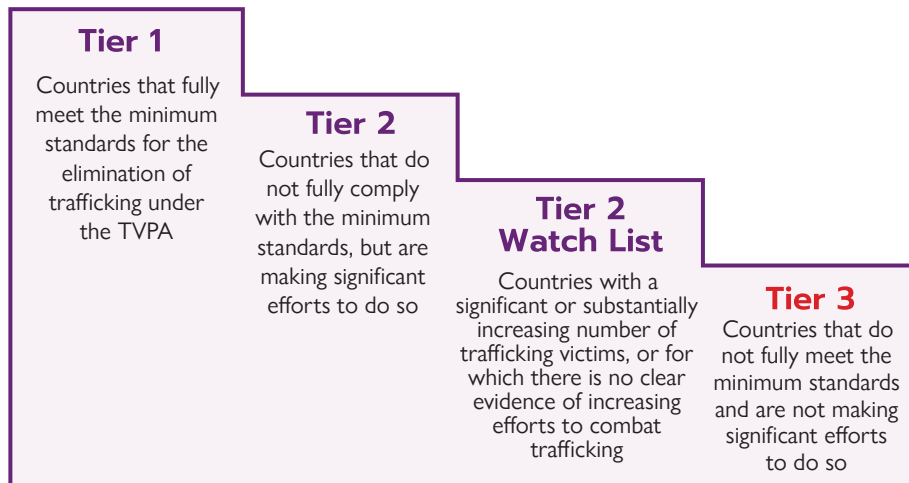
Table 1: Comparison of the Differences Between the Use of Labour and Forced Labour

Use of Labour		Forced Labour
▶ The employee is free to make an independent decision in choosing work, without deception, intimidation, or coercion.		▶ The employee is not free to choose work and may have been deceived, denied material information about the work, or compelled to work involuntarily.
▶ The employer has the authority to direct and supervise the employee, within limits of scope and duration that apply only during working hours.		▶ The employee is compelled to work through coercive means or violence, is unjustifiably deprived of rights and freedoms, cannot make independent decisions about their own life, and remains under another person's control.
▶ Workplace rules must not violate the law.		▶ The rules or practices violate the law and may include confiscating passports, withholding wages, detention or confinement, restricting contact with outside persons, requiring excessively long hours or work without days off, failing to pay wages or compensation, or paying inadequate or nominal wages or compensation.
▶ Disciplinary measures are imposed through fair procedures and at an appropriate level. They do not endanger life, inflict bodily harm, or restrict personal liberty, and they do not violate the employment contract or the law.		▶ Disciplinary measures are unlawful and involve control or punishment through threats, physical or psychological abuse, or restrictions on personal liberty.
▶ The employee is free to decide to end the employment relationship.		▶ The employee's ability to end the employment relationship depends solely on the employer's discretion.



1.3 Situation and Challenges: “Human Trafficking Cases”

The U.S. Department of State published the 2023 Trafficking in Persons Report (2023 TIP Report), which assesses human trafficking conditions in 188 countries and territories⁴. The report classifies countries and territories into four tiers, ranging from Tier 1 to Tier 3, as follows:



In 2023, Thailand was placed in Tier 2, reflecting its efforts to improve despite not yet fully meeting the minimum standards established under the TVPA.⁵ Corruption and collusion by government officials remain significant obstacles to the Thai government’s efforts to address human trafficking. Cooperation between Thailand and neighboring countries also remains necessary, as Thailand is a country of origin, transit, and destination for human trafficking.

⁴ Ministry of Foreign Affairs, *Thailand's Tier Ranking in the 2023 Trafficking in Persons Report (TIP Report) of the U.S. Department of State*, accessed 1 December 2023, <https://www.mfa.go.th/th/content/2023tip-th?cate=5d5bcb4e15e39c306000683d>

⁵ The Trafficking Victims Protection Act (TVPA) is a law for the protection of victims of human trafficking that requires the U.S. government to submit a human trafficking report to Congress. The report ranks countries for purposes of considering the suspension of nonhumanitarian and trade-related assistance.

Current forms of human trafficking may be categorized as follows⁶:

1. **Common forms of human trafficking**, such as commercial sexual exploitation, which are frequently encountered. Victims may be coerced or intimidated into providing commercial sex.
2. **Human trafficking for forced labour under slavery-like conditions**. Many victims work in plantations, farms, homes, or factories, where they are required to perform arduous work, denied rest, and subjected to abuse.
3. **Human trafficking for marriage**. This may take the form of arranging women for paid marriages, in which brokers seek women to marry men they do not know. After marriage, some women are subjected to conditions of servitude, sexual abuse, and forced commercial sex.
4. **Human trafficking for forced begging**, which has become increasingly prevalent. Brokers recruit and transport children, older persons, or persons with disabilities from their home communities to beg in major cities, both within Thailand and abroad, where they are forced to beg.

Under the Anti-Trafficking in Persons Act, B.E. 2551 (2008), as amended, a “human trafficking case” in Thailand involves the recruitment, transportation, transfer, harboring, or receipt of a person by means of threats, the use of force, other forms of coercion, abduction, fraud, deception, abuse of power, or abuse of a position of vulnerability. It also includes giving or receiving payments or benefits to obtain the consent of a person having control over another person for the purpose of exploitation. At a minimum, exploitation includes the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude, or the removal of organs.

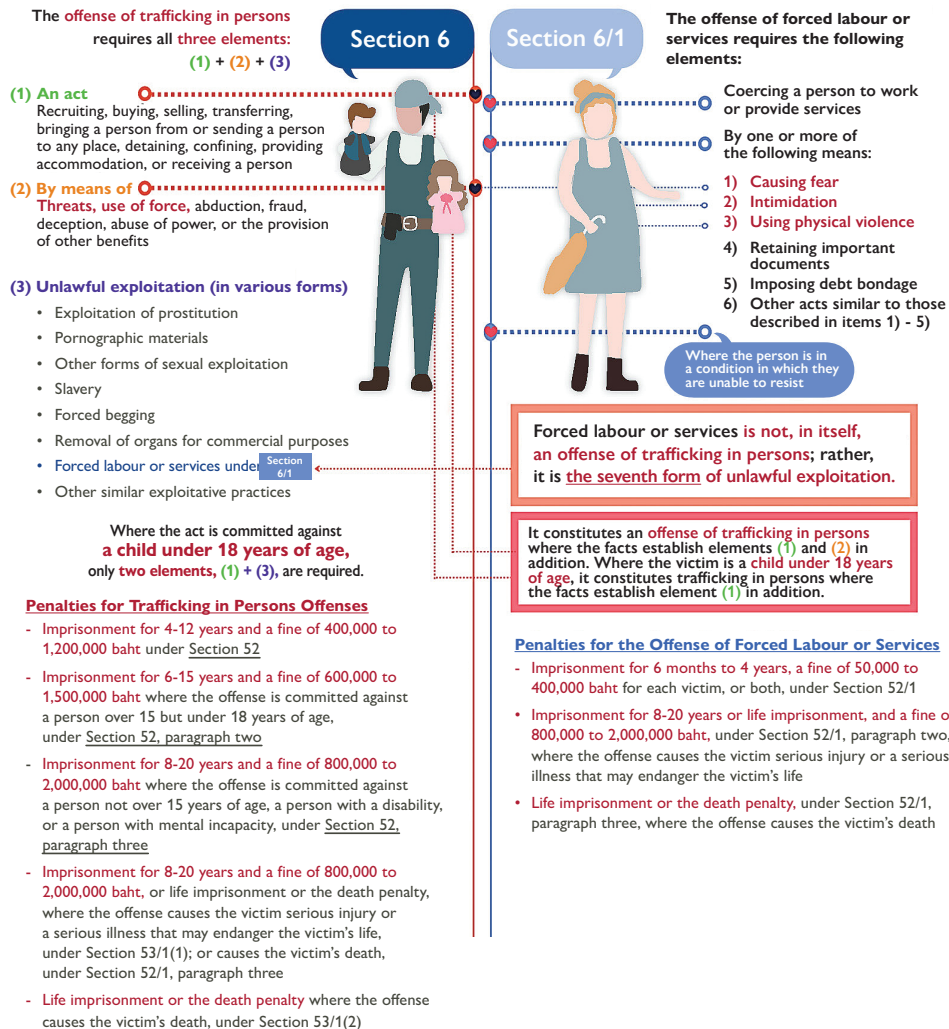
Key characteristics of a human trafficking case include:

- ▶ One or more of the following acts are involved: recruiting, transporting, or receiving a person
- ▶ The acts are carried out through the use of force or other unlawful coercive means
- ▶ The person is exploited unlawfully

⁶ Saengchan Manoi, *Thailand's Efforts to Combat Human Trafficking*, Academic Affairs Office, Secretariat of the Senate, 2014



Differences Between the Offense of Trafficking in Persons and the Offense of Forced Labour or Services



1.4 Child Labour Cases

The National Human Rights Commission of Thailand (NHRC) found that child labour and forced labour continue to occur in the fishing industry. The Labour Protection Act, B.E. 2541 (1998), prohibits the employment of children under 15 years of age. Where a child under 18 years of age is employed, the employer must strictly comply with the prescribed requirements. In addition, the Ministerial Regulation on Labour Protection in Sea Fishing Work, B.E. 2557 (2014), expressly prohibits employers from employing persons under 18 years of age on fishing vessels. Although no information concerning offenses on fishing vessels was identified in 2020, such violations continued to occur in fisheries-related businesses and the service sector, including the employment of children under 15 years of age and children under 18 years of age.

In Thailand, a "child labour case" involves employing or accepting for employment a child under 18 years of age in work that is harmful to the child's well-being and interferes with the child's educational opportunities, development, or future livelihood.

Child labour offenses include work that is inherently harmful to children because of the nature of the work or the manner in which it is performed, unlawful exploitation of children, or work that deprives children of educational opportunities. Such offenses take many forms, including general child labour; hazardous child labour; unlawful child labour; online child sexual exploitation; child labour facilitated through online media; the use of children for begging, boxing, or selling flower garlands; and other similar practices.

In practice, the facts in many child labour cases may establish forced labour or trafficking in persons, depending on the circumstances. The conduct may constitute a single act that violates multiple legal provisions, or separate offenses committed on different occasions that may be punished separately for each offense.

Key characteristics of a child labour case include:

- ▶ The person is under 18 years of age
- ▶ The child is subjected to unlawful exploitation





1.5 Differences Between Forced Labour, Trafficking in Persons, and Child Labour⁷

Practitioners may be uncertain why the Anti-Trafficking in Persons Act, B.E. 2551 (2008), establishes forced labour or services under Section 6/1 as a separate offense when Section 6 already defines trafficking in persons to include forced labour or services. For conduct involving forced labour or services to constitute trafficking in persons under Section 6, all three elements must be present: an act, a means, and a purpose, as described above. However, where one of these three elements is absent, the conduct may still constitute the separate offense of forced labour or services under Section 6/1.

However, an offense under Section 6/1 must always include the second element: the means used. The facts must show that the offender caused the person to fear harm to that person's or another person's life, body, liberty, reputation, or property; used intimidation in any form; used physical violence; retained the person's important identity documents; unlawfully imposed debt as a means of control over that person or another person; or committed other acts similar in nature to those described above.

In summary, an offense of forced labour or services under Section 6/1 may consist of the second element alone—that is, the means used—or of elements (1) and (2), or elements (2) and (3), together. However, if the second element is absent, the conduct does not constitute an offense under Section 6/1. Where forced labour or services involves all three elements, the case must be prosecuted as trafficking in persons under Section 6, rather than as an offense under Section 6/1.

In cases involving child labour, the law provides that a child under 18 years of age is a victim of trafficking in persons where only two elements are established: an act and unlawful exploitation, as described above. These elements are sufficient to establish the offense of trafficking in persons. This differs from cases involving victims 18 years of age or older, for which all three elements must be present for the conduct to constitute trafficking in persons.

Using the elements of the offense of trafficking in persons as the analytical framework, the similarities and differences among forced labour, trafficking in persons, and child labour can be summarized in the following table.

Table 2: Elements of the Offense of Trafficking in Persons

Act	Means	Purpose
▶ Procuring a person ▶ Buying, selling, or otherwise transferring a person ▶ Bringing a person from, or sending a person to, any place ▶ Detaining or confining a person ▶ Harboring or receiving a person	▶ Threats ▶ Use of force ▶ Abduction ▶ Fraud or deception ▶ Abuse of power ▶ Abuse of a position of vulnerability arising from physical, mental, educational, or other disadvantage ▶ Threatening to unlawfully use legal proceedings ▶ Giving money or other benefits to a parent or caregiver in order to obtain that parent's or caregiver's consent to the offense	▶ General intent to commit the offense; and ▶ Specific intent to unlawfully exploit the victim 1. Exploitation of the prostitution 2. Production or distribution of pornographic materials 3. Other forms of sexual exploitation 4. Slavery or practices similar to slavery 5. Forced begging 6. Removal of organs for commercial purposes 7. Forced labour or services 8. Other similar acts constituting the exploitation of a person

⁷ Labour Protection Division, *Manual for Labour Inspectors on Preventing Forced Labour and Labour Trafficking*, Department of Labour Protection and Welfare, 2020, pp. 4-8



2 RELEVANT LAWS

Once a report of forced labour or trafficking in persons has been received from frontline officials, the next step is screening, which may involve inspecting the establishment. This is a critical duty of labour inspectors, who must verify that the establishment complies with labour protection laws and that its terms and conditions of employment and working conditions meet legal requirements, without violations of labour rights in any form, including forced labour, unlawful child labour, or labour trafficking.⁸

The initial screening process for determining whether a person may be a victim of forced labour or labour trafficking is an administrative procedure. It must therefore be supported by laws establishing the authority and responsibilities of the relevant officials, including general laws setting out labour protection principles and specific laws governing forced labour or trafficking in persons, so that officials may carry out their duties lawfully.

2.1 General Laws

> 2.1.1 Constitution

The protection of labour rights is a fundamental labour principle observed by all countries to ensure that workers are not unlawfully deprived of their labour rights.

In Thailand, the principle of labour protection is recognized in the country's supreme law, the Constitution. It is set out in Chapter VI, Directive Principles of State Policy, Section 74, which provides that:

⁸ Thawat Chaiyadet, *Roles and Responsibilities of the Department of Labour Protection and Welfare in Identifying Victims of Labour Trafficking*, Labour Protection Division, Ministry of Labour, accessed 1 December 2023, https://www.doe.go.th/prd/download/download_by_pool_file/95621&ved=2ahUKEwj5tcTc74iCAx-WYn2MGHeKEB04QFnoECAyQAg&usq=AOvVaw3InluRzt4XliAoDO27FkV4



“The State should promote abilities of the people to engage in work which is appropriate to their potentials and ages, and ensure that they have work to engage in. The State should protect labour to ensure safety and vocational hygiene, and receive income, welfare, social security and other benefits which are suitable for their living, and should provide for or promote savings for living after their working age. The State should provide a system of labour relations for all relevant parties to participate in.”

In addition to labour protection, **forced labour** and **trafficking in persons** raise further human rights concerns. Human rights work is distinctive in both its breadth and scale, and there are many categories of persons who may require protection, including children, women, older persons, persons with disabilities, agricultural workers, accused persons, stateless persons, persons who entered the country unlawfully, and foreign nationals. Some groups are often overlooked, yet collectively number more than one million people; they are generally referred to as ethnic minorities in Thailand, including highland peoples and ethnic groups from neighboring countries. These groups have distinct characteristics and markedly different challenges. These considerations should therefore be integrated into national policy and appropriately balanced with the constitutional duty to promote and protect rights, as well as Thailand’s obligations under international law.⁹

Violations of human dignity are protected under the Constitution of the Kingdom of Thailand. Article 4, paragraph one, of the General Provisions states: “**Human dignity, rights, liberties, and equality of persons shall be protected.**” The Constitution therefore recognizes and protects human rights for all persons within the Kingdom of Thailand, including migrant workers.¹⁰

⁹ Nopnithi Suriya, *The National Human Rights Commission*, Law Journal, Vol. 4, No. 29, pp. 541-542 (December 1999)

¹⁰ Rongset Phusodsri, *Thailand as a Party to the Convention on the Protection of the Rights of Migrant Workers and Members of Their Families: The Right to Form and Join Labour Unions*, master’s thesis, Faculty of Law, Thammasat University, 2020, pp. 82-83



➤ 2.1.2 Penal Code

Although forced labour or services and trafficking in persons are governed by the Anti-Trafficking in Persons Act, B.E. 2551 (2008), officials handling legal proceedings should also understand the principles of the Penal Code, which serves as the general law.

One important principle of legislative drafting is that, when the State enacts a specific law containing provisions on offenses or penalties, the prescribed penalties should be more severe than those under the existing general law. Otherwise, there would be no need to enact the specific law, since the Penal Code, as the general law, could already be applied.¹¹

Accordingly, even where a specific law imposing criminal penalties applies alongside the Penal Code, if the conduct constitutes a **single act that violates multiple statutory provisions**, Thai courts consistently apply the principle set out in Section 90 of the Penal Code. Where the conduct is genuinely a single act constituting multiple offenses, the court may impose punishment only under the provision carrying **the most severe penalty**. The judgment may nevertheless find that the conduct violates multiple provisions, including provisions of both the Penal Code and specific laws imposing criminal penalties.

2.2 Specific Laws

Initial screening for forced labour and trafficking in persons involves multiple agencies and sectors. Potential victims are not limited to Thai workers; they also include foreign workers, migrant workers, and children brought into labour. As a result, this screening process involves multiple dimensions and requires the application of several laws, particularly the Anti-Trafficking in Persons Act, B.E. 2551 (2008); the Labour Protection Act, B.E. 2541 (1998); the Immigration Act, B.E. 2522 (1979); and the Emergency Decree on the Management of Foreign Workers’ Employment, B.E. 2560 (2017).

¹¹ Sukit Samritphong, *An Example of a Law That Has Become Unnecessary, Is Inconsistent with Current Conditions, or Creates Obstacles to Livelihoods or Occupations: the Act on Offenses Committed by Employees in Organizations or Agencies of the State, B.E. 2502 (1959)*, accessed [date not specified], available at: http://web.krisdika.go.th/pdfPage.jsp%3Ftype%3Dact%26actCode%3D13756&ved=2ahUKewj_q8aNyYuCAxXwyzgGH_eLKAZgQFnoECAMQAg&usq=AOvVaw2qbtIYtMIYj56ptPrf2s9



➤ 2.2.1 Anti-Trafficking in Persons Act, B.E. 2551 (2008), as Amended

This Act directly addresses forced labour or services and trafficking in persons. Its two principal offense provisions are Sections 6 and 6/1.

1. Offense of Trafficking in Persons (Section 6)

Where the offense is committed against an adult, it has three elements:

- 1) An act: “procuring, buying, selling, transferring, bringing a person from or sending a person to any place, detaining, confining, harboring, or receiving a person”
- 2) Means: “threats, the use of force, abduction, fraud, deception, abuse of power, abuse of a position of vulnerability, intimidation, or the giving of money or other benefits to a parent or caregiver”
- 3) A purpose of unlawful exploitation, which may take several forms, including:
 - (1) Exploitation of the prostitution
 - (2) Production or distribution of pornographic materials
 - (3) Other forms of sexual exploitation
 - (4) Slavery
 - (5) Forced begging
 - (6) Removal of organs for commercial purposes
 - (7) Forced labour or services under Section 6/1
 - (8) Other similar exploitative practices

Where the offense is committed against a child under 18 years of age, it has two elements:

- 1) An act; and
- 2) A purpose of unlawful exploitation

2. Offense of Forced Labour or Services (Section 6/1)

The offense has three elements:

- 1) Coercing another person to work or provide services, involving an employer-employee relationship and compulsion to work
- 2) By one or more of the following means:
 - (1) Causing the person to fear harm to themselves or another person
 - (2) Intimidation
 - (3) Using physical violence

- (4) Retaining the person's important identity documents
- (5) Imposing debt bondage; and
- (6) Other acts similar to those described in items (1)-(5)

- 3) Placing the person in a condition in which they are unable to resist

An offense under Section 6/1 is not, in itself, an offense of trafficking in persons. Rather, it is a form of unlawful exploitation involving forced labour or services under Section 6/1. It may, however, constitute trafficking in persons where the facts also establish the act and means required under Section 6.

Section 14/1 provides that the measures for the protection and assistance of victims of trafficking in persons, as well as procedures in trafficking in persons cases, apply to offenses of forced labour or services. This authorizes competent officials under the Anti-Trafficking in Persons Act to assist and protect victims of forced labour or services in the same manner as victims of trafficking in persons.

3. Four Exceptions That Do Not Constitute Forced Labour or Services Under Section 6/2

- 1) Military service
- 2) Work required under the Constitution or by law
- 3) Work performed while serving a sentence pursuant to a court judgment
- 4) Work performed in disaster prevention or emergency situations

➤ 2.2.2 Labour Protection Act, B.E. 2541 (1998), as Amended

The Labour Protection Act, B.E. 2541 (1998), or the “labour protection law,” establishes minimum standards governing the employment relationship between employers and employees. These include minimum wage rates, regular working hours, holidays, leave, severance pay, and other employment conditions that employers must observe. Its principal purpose is to ensure appropriate standards of employment and protect employees, given the unequal bargaining power between employers and employees. Establishing minimum employment standards therefore promotes fair labour protection for employees. The Labour Protection Act is also regarded as social welfare legislation and as a law concerning public order.¹²

¹² Faculty of Law, Chiang Mai University, The Labour Protection Act: Concepts and Intent of the Law, accessed 1 December 2023, <https://www.law.cmu.ac.th/law2011/journal/e1576547827.pdf>



However, an employer's treatment of an employee or worker in violation of labour protection law does not necessarily constitute forced labour or trafficking in persons. Certain provisions of this Act may nevertheless serve as indicators of possible forced labour or trafficking in persons, including:

1. Working Hours

Section 23 requires an employer to notify employees of their normal working hours, including the starting and ending times of each workday. Such hours must not exceed the limits prescribed for each type of work under ministerial regulations and must not exceed eight hours per day. Where normal working hours on any workday are fewer than eight hours, the employer and employee may agree to add the remaining hours to another workday, provided that working hours do not exceed nine hours per day and 48 hours per week in total. For work that may endanger employees' health or safety, as prescribed by ministerial regulations, normal working hours must not exceed seven hours per day or 42 hours per week in total.

Section 24 prohibits an employer from requiring an employee to work overtime on a workday unless the employee's prior consent is obtained on each occasion.

Where the nature or conditions of the work require continuous performance and interruption would cause damage to the work, or where the work is urgent or otherwise prescribed by ministerial regulations, the employer may require overtime work only to the extent necessary.

Section 28 requires an employer to provide employees with at least one weekly holiday per week. The interval between weekly holidays must not exceed six days. The employer and employee may agree in advance to designate any day as the weekly holiday.

Where an employee performs hotel work, transportation work, forestry work, work in remote areas, or other work prescribed by ministerial regulation, the employer and employee may agree in advance to accumulate weekly holidays and defer them to another time, provided that the holidays are taken within four consecutive weeks.

2. Child Labour

Section 44 prohibits an employer from employing a child under 15 years of age.



Section 45 requires an employer who employs a child under 18 years of age to comply with the following requirements:

- (1) Notify the labour inspector of the employment of the child employee within 15 days from the date the child begins work.
- (2) Prepare and retain a record of the employment conditions, including any changes from the original conditions, at the establishment or the employer's office, and make it available for inspection by a labour inspector during working hours.
- (3) Notify the labour inspector of the termination of the child employee's employment within seven days from the date the child leaves employment.

The notification and record required under the first paragraph must be made in the form prescribed by the Director-General.

Section 49 prohibits an employer from allowing an employee under 18 years of age to perform any of the following work:

- (1) Metal smelting, blowing, casting, or rolling
- (2) Metal stamping
- (3) Work involving abnormal levels of heat, cold, vibration, noise, or light that may be hazardous, as prescribed by ministerial regulations
- (4) Work involving hazardous chemicals, as prescribed by ministerial regulations
- (5) Work involving toxic microorganisms, including viruses, bacteria, fungi, or other pathogens, as prescribed by ministerial regulations
- (6) Work involving toxic substances, explosives, or flammable materials, except work at fuel service stations, as prescribed by ministerial regulations
- (7) Operating or controlling a forklift or crane, as prescribed by ministerial regulations
- (8) Operating an electrically powered or engine-powered chain saw
- (9) Work performed underground, underwater, in caves, tunnels, or shafts in mountains
- (10) Work involving radioactive materials, as prescribed by ministerial regulations
- (11) Cleaning machinery or engines while they are in operation
- (12) Work performed on scaffolding at a height of 10 meters or more above ground level
- (13) Other work as prescribed by ministerial regulations



Section 50 prohibits an employer from permitting an employee under 18 years of age to work in any of the following places:

- (1) A slaughterhouse
- (2) A gambling establishment
- (3) An entertainment establishment under the law governing entertainment establishments
- (4) Other places as prescribed by ministerial regulations

3. Payment of Wages and Other Compensation

Section 70 requires an employer to accurately pay wages, overtime pay, holiday work pay, holiday overtime pay, and any other payments due under this Act in accordance with the following timeframes:

- (1) Where wages are calculated monthly, daily, hourly, at another interval not exceeding one month, or on a piece-rate basis, payment must be made at least once a month, unless another arrangement more favorable to the employee has been agreed upon
- (2) Where wages are calculated on a basis other than that specified in subsection (1), payment must be made according to the schedule agreed upon by the employer and employee
- (3) Overtime pay, holiday work pay, holiday overtime pay, and any other payments due under this Act must be paid at least once a month

Where an employer terminates an employee's employment, the employer must pay all wages, overtime pay, holiday work pay, holiday overtime pay, and any other payments due under this Act to which the employee is entitled within three days of the termination date.

4. Deductions from Wages

Section 70 prohibits an employer from deducting wages, overtime pay, holiday work pay, or holiday overtime pay, except for deductions made for the following purposes:

- (1) Payment of income tax in the amount payable by the employee, or other payments required by law
- (2) Payment of union dues in accordance with the trade union's by laws



- (3) Repayment of a debt owed to a savings cooperative or another cooperative of a similar nature, or of a debt incurred for welfare that benefits the employee alone, with the employee's prior consent
- (4) A security deposit under Section 10, or compensation for damage caused to the employer by the employee intentionally or through gross negligence, with the employee's consent
- (5) Contributions to a provident fund in accordance with an agreement concerning the fund

Deductions under items (2), (3), (4), and (5) may not exceed 10 percent in each case and may not, in aggregate, exceed one-fifth of the payments to which the employee is entitled at the time specified for payment under Section 70, unless the employee has consented.

➤ 2.2.3 Emergency Decree on the Management of Foreign Workers' Employment, B.E. 2560 (2017), as Amended

The Emergency Decree on the Management of Foreign Workers' Employment, B.E. 2560 (2017), repealed the Foreign Workers' Employment Act, B.E. 2551 (2008), and the Emergency Decree on Bringing Foreign Workers to Work with Employers in Thailand, B.E. 2559 (2016). Its purpose is to establish a systematic and effective framework for managing the employment of foreign workers in response to changing social conditions. It also seeks to bring employment practices into line with international standards, revise penalty provisions, and promote civil society participation in order to reduce human trafficking involving foreign workers. Its key provisions relating to forced labour and trafficking in persons are as follows:

1. Prohibition on Foreign Nationals Working Without a Work Permit

Section 8 prohibits a foreign national from working without a work permit or from performing work beyond the scope of work authorized under the work permit.

Section 9 prohibits any person from employing a foreign national who does not hold a work permit or from allowing a foreign national to perform work beyond the scope of work authorized under the work permit.



2. Prohibition on Demanding or Receiving Money or Property from Foreign Nationals

Section 49 prohibits an employer who brings a foreign national into the country to work for that employer from demanding or receiving money or other property from the foreign national in connection with such employment. An exception applies to expenses for which the foreign national is responsible and that the employer has paid in advance, including passport fees, health examination fees, work permit fees, and other similar expenses prescribed by the Director-General. The employer may deduct the actual amount advanced from wages, overtime pay, holiday work pay, or holiday overtime pay, provided that the deduction does not exceed 10 percent of the amount to which the foreign national is entitled in any month.

Where there is no agreement that the employer will bear the employee's travel expenses and the employer has paid those expenses in advance, the employer may deduct them from the amounts to which the foreign national is entitled under the preceding paragraph.

3. Retention of Work Permits

Section 131 provides that any person who retains a foreign national's work permit or important personal identification documents is subject to imprisonment for up to six months, a fine of 10,000 to 100,000 baht, or both.

Where a foreign national consents to another person keeping the work permit or documents referred to in the preceding paragraph, that person must allow and facilitate the foreign national's access to those documents at all times upon request. Any violation is subject to the same penalty as an offense under the preceding paragraph.



➤ 2.2.4 Immigration Act, B.E. 2522 (1979), as Amended

Trafficking in persons differs from migrant smuggling. Migrant smuggling involves assisting or supporting a person to enter a country unlawfully and is generally undertaken with the smuggled person's consent. However, trafficking in persons and migrant smuggling may occur concurrently and can be difficult to distinguish. Where smugglers charge fees that result in victims becoming unable to support themselves or being exploited,¹⁴ forced labour and trafficking in persons may also implicate the Immigration Act, B.E. 2522 (1979), as amended, as follows:

Section 63 provides that any person who brings or takes a foreign national into the Kingdom, or in any manner assists, supports, or facilitates a foreign national's entry into the Kingdom in violation of this Act, is subject to imprisonment for up to 10 years and a fine of up to 100,000 baht.

Section 64 provides that any person who knows that a foreign national has entered the Kingdom in violation of this Act and provides lodging, conceals that person, or otherwise assists the person in evading arrest is subject to imprisonment for up to five years and a fine of up to 50,000 baht.



3

SCREENING CRITERIA UNDER THE ANTI-TRAFFICKING IN PERSONS ACT, B.E. 2551 (2008), AS AMENDED

Initial screening for forced labour and labour trafficking is the responsibility of frontline agencies, or first responders, which may be drawn from various agencies vested by law with the relevant authority and functions. The process must be guided by criteria or indicators for determining whether a person may be a victim under the Anti-Trafficking in Persons Act, B.E. 2551 (2008).

In addition to the indicators expressly provided under domestic law, officials responsible for initial screening must also apply the indicators of the International Labour Organization (ILO) to identify persons who may be in situations of forced labour and require urgent assistance.

These indicators represent signs, or “clues,” that point to the possible existence of forced labour. They were developed from the theory and operational experience of the International Labour Organization’s Special Action Program to Combat Forced Labour (SAP-FL). Their development is grounded in the definition of forced labour set out in the Forced Labour Convention, 1930 (No. 29), which defines it as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.”



3.1 International Criteria and Indicators for Forced Labour and Labour Trafficking

ILO Convention No. 29 concerning Forced or Compulsory Labour, 1930, defines “forced labour” as all work or service exacted from any person under the menace of any penalty and for which that person has not offered themselves voluntarily. Based on this definition, the International Labour Organization has established the following indicators of forced labour:



1. Abuse of Vulnerability

This includes violations of rights and the exploitation of newly arrived workers or workers in vulnerable situations, such as those who lack knowledge of the law or the local language, are unable to pursue employment independently, belong to minority or ethnic groups, have disabilities, or have personal characteristics that set them apart from the majority. Workers who are highly dependent on their employers for employment, living conditions, food, and drinking water face an elevated risk of abuse. These circumstances are frequently found in forced labour cases.



2. Deception

This includes deceiving a person about the type of work, accommodation, living conditions, or wages promised under the employment agreement. In cases involving children deceived into forced labour, false contracts may be used with the child’s parents, which is comparable to a labour broker deceiving persons into work.



3. Restriction of Movement

This refers to conditions at a workplace or accommodation that restrict a worker’s freedom of movement, such as barred windows, locked doors, high fences around living quarters, guards monitoring entry and exit, surveillance cameras, restrictions on leaving the workplace or accommodation, persons assigned to follow the worker, financial penalties that create overwhelming debt, or delayed wage payments intended to keep the worker in employment.



4. Isolation

Isolation may involve work in remote locations far from communities or residential areas, with limited access to transportation, such as fishing operations that require workers to remain at sea for extended periods. It may also include confiscating mobile phones or restricting other forms of communication, including prohibiting contact with parents or friends or preventing workers from seeking assistance.



5. Physical and Sexual Violence

Such violence may be inflicted by persons close to the worker, including family members. It may involve physical violence, sexual abuse, threats of violence, intimidation or sexual assault, forcing workers to use drugs or alcohol to control them, compelling them to accept work that was not part of the original agreement, or kidnapping them for ransom.



6. Intimidation and Threats

This includes threats and intimidation when workers make complaints or seek to leave their jobs, including threats of violence or sexual abuse, reprimands by persons in authority, loss of wages or benefits, confinement, denial of housing, food, or drinking water, and being subjected to extremely poor working conditions.



7. Retention of Identity Documents

This includes retaining identity documents or other personal valuables in a manner that restricts or deprives workers of their right to travel, take other employment, or access essential services. Workers may be allowed access to their identity documents and personal belongings only upon request.



8. Withholding of Wages

Nonpayment, suspension, or withholding of wages may be used to compel workers to continue working for an employer by delaying payment. Where wages are paid regularly and voluntarily, this does not constitute the withholding of wages. Delayed or irregular wage payments may not, by themselves, indicate a situation of forced labour.



9. Debt Bondage

Debt bondage, or bonded labour, involves the use of advances or loans to cover recruitment, travel, or medical expenses. Opaque practices by recruitment agents may result in excessive costs, with workers unaware of the amount received and therefore required to repay more than expected, often becoming indebted without realizing it. Debts may multiply, and high interest charges may compel workers to work in order to repay them. Excessive wage deductions, such as inflated charges for food or beverages, or advances paid to a child's parents, may also contribute to debt bondage. Debt bondage is a form of forced labour and a violation of fundamental human rights. It occurs when a person is compelled to work to repay a debt. Victims are often deceived into working for little or no pay, leaving them with virtually no opportunity to repay the debt in full. In some cases, the entire family is affected, and children may inherit their parents' debts.



10. Abusive Working and Living Conditions

These refer to working and living conditions in which workers lack freedom and are subjected to unsanitary, poorly lit, poorly ventilated, substandard, and hazardous conditions. They may also involve overcrowded and confined shared accommodation, poor hygiene, and a lack of privacy.



11. Excessive Overtime

This refers to overtime work beyond the limits prescribed by law, work performed continuously for 24 hours in a day, or work performed seven days a week. The ILO Committee of Experts on the Application of Conventions and Recommendations (ILO CEACR) has found that compulsory overtime constitutes forced labour where workers are required to work overtime beyond legal limits, are compelled through threats to work excessive hours, or cannot earn the minimum wage without working overtime. In addition to the forced labour indicators described above, labour trafficking in Thailand also involves child labour issues that require appropriate and effective protection and oversight. The International Labour Organization's Minimum Age Convention, 1973 (No. 138), prohibits the employment of persons under 15 years of age or their engagement in any occupation. The International Labour Organization's Worst Forms of Child Labour Convention, 1999 (No. 182), ...



3.2 Indicators of Trafficking in Persons Under Section 6 of the Anti-Trafficking in Persons Act, B.E. 2551 (2008), as Amended

For labour trafficking, the Anti-Trafficking in Persons Act (No.3), B.E. 2560 (2017), amended the definitions of “unlawful exploitation” and “forced labour or services” set out in the Anti-Trafficking in Persons Act, B.E. 2551 (2008). It requires an offender to have the specific intent to unlawfully exploit a person. Such exploitation includes exploitation of prostitution, the production or distribution of pornographic materials, forced labour or services, forced removal of organs for commercial purposes, or other similar acts that exploit a person, regardless of whether that person consents, through any of the following acts:

1. Procuring, buying, selling, transferring, transporting, detaining, confining, harboring, or receiving a person by means of threats, the use of force, abduction, fraud, deception, abuse of power, abuse of a position of vulnerability arising from physical, mental, educational, or other disadvantage, unlawful threats to use legal proceedings, or the giving of money or other benefits to a parent or caregiver in order to obtain that parent’s or caregiver’s consent to the offender’s exploitation of the person under their care; or
2. Procuring, buying, selling, transferring, transporting, detaining, confining, harboring, or receiving a child, defined as a person under 18 years of age.

3.3 Indicators of Forced Labour or Services Under Section 6/1 of the Anti-Trafficking in Persons Act, B.E. 2551 (2008), as Amended

Forced labour or services means coercing a person to work or provide services by any of the following means:



1. **Causing a person to fear harm** to that person’s or another person’s life, body, liberty, reputation, or property. Fear may be induced by any means, including conduct, words, writing, or printed material. For example, threatening a person with a gun to force them to complete the accounts that day, or otherwise “there will be trouble,” constitutes causing fear (Supreme Court Judgment No. 1447/2513). Threatening to arrest a person when there is no authority to do so also constitutes causing fear (Supreme Court Judgment No. 611/2488). Writing or printing leaflets threatening a person with eviction from their house and land



2. Intimidation or threats in any manner means causing a person to fear that they may suffer harm in the future. The harm need not be limited to life or bodily harm; it may also involve property or liberty. For example, a victim employed in the defendant’s home may be threatened that, unless the victim submits to sexual activity, the defendant will report the victim to the police for prosecution on an immigration-related charge.

3. Use of physical violence may include physical assault, such as brutally assaulting an employee on the claimed ground that it will make the employee work faster (Supreme Court Judgment No. 15189/2556). It may also include any act that places a person in a condition in which they are unable to resist, whether by administering a substance that causes intoxication or by other similar means, pursuant to Section 1(6) of the Penal Code and Section 6/1(3) of this Act.

4. Retention of identity documents, such as a national identification card, automobile or motorcycle driver’s license, passport, or visa, where the employee cannot retrieve or access those documents.

5. Unlawfully using the debt burden of that person or another person as a means of control (debt bondage), such as placing an employee under debts so substantial that they cannot free themselves from them

6. Any other act similar in nature to those described in items 1-5. This provision is intended to cover other methods or forms of conduct resembling the acts described above, including new methods or forms that may arise in the future. Examples include requiring an employee to work from 4:00 a.m. until midnight, providing only two meals a day, and withholding wages for an extended period (by analogy to Supreme Court Judgment No. 13648/2558).





Section 6/1 of the Anti-Trafficking in Persons Act, B.E. 2551 (2008), is consistent with the definition set out in the Forced Labour Convention, 1930 (No. 29). The indicators of forced labour may be summarized into two key characteristics: **involuntariness** and **menace of penalty**. When applied to the stages of the work process, these indicators may be divided into three stages, as follows:

1. Recruitment or Bringing a Person to Work
2. Coercion During Employment
3. Coercion or Threats to Prevent the Person from Leaving

The indicators of forced labour or services under Section 6/1 of the Anti-Trafficking in Persons Act, B.E. 2551 (2008), as amended, may be summarized in accordance with international principles, together with supporting examples, as shown in the following table.



Table 3: Recruitment or Bringing a Person to Work

Recruitment or Bringing a Person to Work	Examples
Indicators of Involuntariness (for Adults)	Coercion, including abduction or taking a person into custody and confining them
	Being sold or transferred from one person to another
	Debt-related arrangements, including advance payments or loans
	Deception concerning the nature of the work; working conditions; the terms or legal validity of the employment contract; accommodation and living conditions; legal documents or the acquisition of legal status; the workplace or employer; wages; or income
Indicators of a Menace of Penalty (or Threats of Penalty)	Threats to report the person to the authorities
	Retention of identity documents or travel documents
	Sexual or physical violence
	Other forms of punishment, such as exploiting religious beliefs through curses or forced oaths
	Withholding or reducing rights or privileges, including promotion opportunities
	Retaining workers' money or property, or refusing to pay or return it
	Threats against or intimidation of family members
	Denial of future employment opportunities
	Isolation or preventing contact with the community, friends, and relatives
	Imposition of financial penalties through wage deductions
	Blackmail or public shaming before family members, the community, or the general public



Table 4: Coercion During Employment

Coercion During Employment	Examples
Indicators of Involuntariness	Required to work overtime beyond the limits prescribed by law or the employment contract
	Required to remain on call and available for work at all times, both day and night
	Freedom of movement and communication is restricted
	Degrading living conditions
	Compelled to participate in unlawful activities
	Compelled to work in the private home of the employer or a member of the employer's family
	Induced or compelled to use drugs
	Made to incur excessive or artificially inflated debts, such as through falsifying or manipulating accounts, overcharging for purchased goods or services, undervaluing goods or services produced by the worker, or charging excessively high interest rates on loans
	Being placed in a situation of dependence on the employer in multiple aspects beyond the employment relationship, such as employment for relatives or accommodation
	Being subject to the influence of the employer or persons associated with the employer in personal matters unrelated to work
Indicators of a Menace of Penalty (or Threats of Penalty)	Threats to report the worker to the authorities
	Retention of identity documents or travel documents
	Confiscation of mobile phones
	Deterioration of working conditions
	Isolation
	Confinement at the workplace or in accommodation



Coercion During Employment	Examples
Indicators of a Menace of Penalty (or Threats of Penalty)	Sexual or physical violence
	Other forms of punishment, such as withholding food or water, denying sleep, or exploiting religious beliefs through curses or forced oaths
	Using violence against a worker in the presence of other workers
	Withholding or reducing rights or privileges, such as reducing or suspending benefits or denying promotion opportunities
	Refusing to return property, including cash or other belongings
	Withholding wage payments
	Threatening or intimidating family members
	Dismissal from employment
	Denial of future employment opportunities
	Isolation or prevention of contact with the community, friends, and relatives
	Imposition of financial penalties through wage deductions
	Public shaming before family members, the community, or the general public, including blackmail

Table 5: Coercion or Threats to Prevent a Person from Leaving

Coercion or Threats to Prevent a Person from Leaving Employment	Examples
Indicators of Involuntariness	Freedom to terminate the employment relationship is restricted or withdrawn after the worker has received training or other benefits from the employer
	The worker is not free to resign from employment as permitted by law



Coercion or Threats to Prevent a Person from Leaving Employment	Examples
Indicators of Involuntariness	The worker is compelled to remain longer than agreed in order to wait for wages that are due but remain unpaid
	The worker is compelled to work for an indefinite period to repay outstanding debt or wage advances received
Indicators of a Menace of Penalty (or Threats of Penalty)	Threats to report the worker to the authorities
	Retention of identity documents or travel documents
	Deterioration of working conditions
	Confinement at the workplace or in accommodation
	Sexual or physical violence
	Other forms of punishment, such as withholding food or water, denying sleep, or exploiting religious beliefs through curses or forced oaths
	Withholding or reducing rights or privileges, including promotion opportunities
	Being kept under continuous surveillance
	Using violence against a worker in the presence of other workers
	Refusing to return property, including cash or other belongings
	Withholding wage payments
	Threatening family members through violence or threats of losing their home, land, housing, or employment
	Dismissal from employment
	Denial of future employment opportunities
	Isolation or prevention of contact with the community, friends, and relatives
	Requiring workers to perform additional work beyond their regular duties
	Imposition of financial penalties through wage deductions
	Public shaming before family members, the community, or the general public, including blackmail

4 OPERATIONAL PROCEDURES UNDER THE NATIONAL REFERRAL MECHANISM

The Ministry of Labour, as the lead agency responsible for advancing the National Referral Mechanism (NRM), has established procedures and operational guidelines to enhance the standards of practice for Ministry of Labour officials engaged in the prevention and suppression of trafficking in persons and forced labour or services. These comprise four stages:

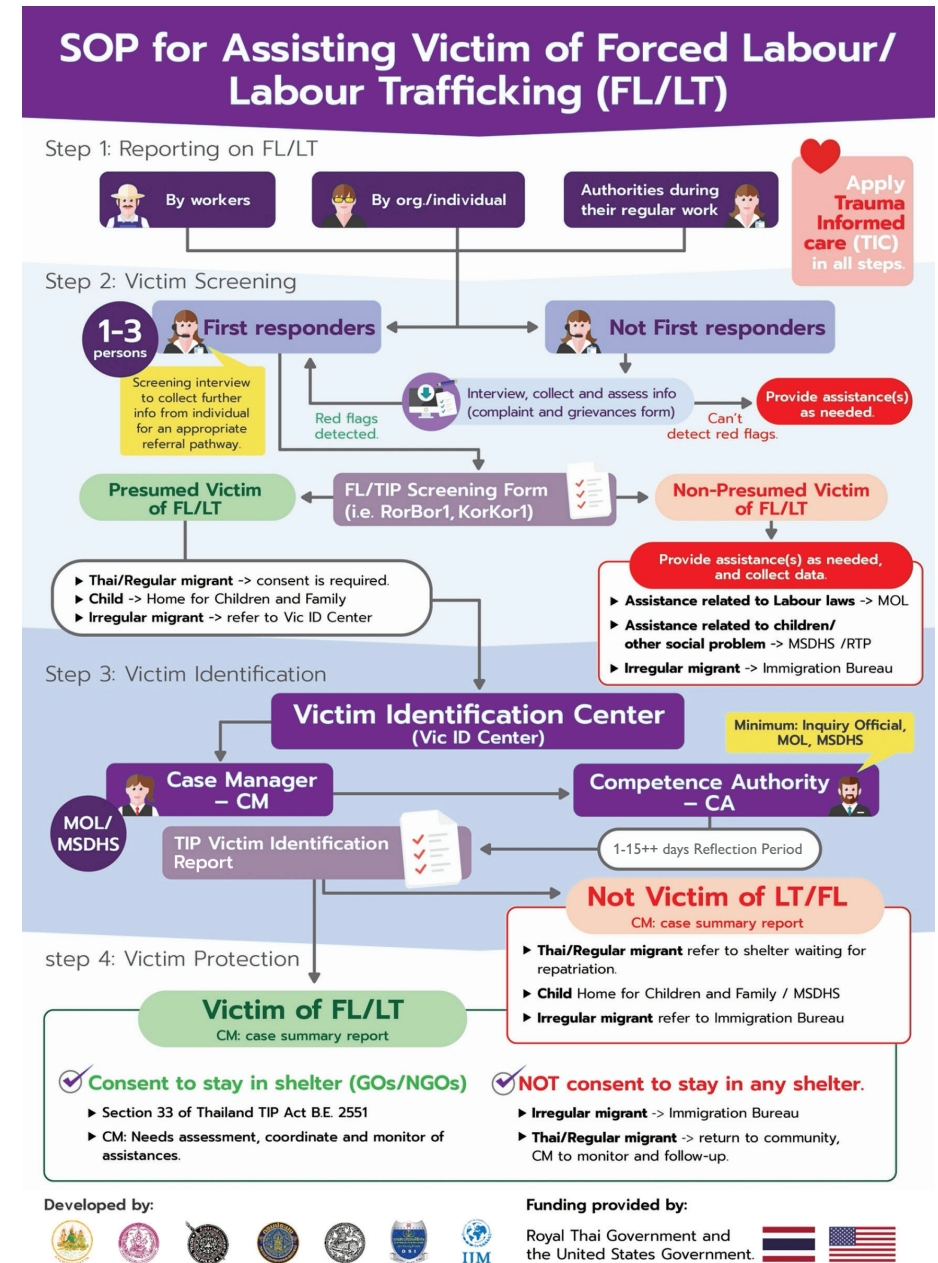
- 1. Reporting (Front Line):** This stage takes place before a case enters the NRM. When an intake agency or person receiving a report becomes aware of, or observes, circumstances related to or potentially leading to forced labour or trafficking in persons, the information is referred to facilitate further assistance for the person or group of persons in need.
- 2. Victim Screening:** In this stage, frontline agencies (first responders) conduct screening interviews with persons referred by reporting and intake agencies (front line officers). The screening interview gathers preliminary information and facts from reports or incidents and assesses them in conjunction with the indicators of trafficking in persons and forced labour or services to determine whether there are reasonable grounds to believe that the person is a victim. This enables referrals for assistance to be made effectively, and persons for whom there are reasonable grounds to believe they are victims can receive assistance and be referred for formal victim identification.



3. **Victim Identification:** This is conducted by the responsible agency at the Integrated Victim Identification Center. The agency receives information from frontline agencies regarding persons for whom there are reasonable grounds to believe they may be victims. The person then receives services during the reflection period, which provides sufficient and appropriate time to review the events that occurred and prepare to provide information to officials for the formal victim identification process.
4. **Victim Protection:** This is the final stage of the NRM. It involves the protection of victims of trafficking in persons and victims of forced labour or services. The Ministry of Social Development and Human Security is responsible for providing assistance and protection to victims in accordance with the law and with the victims' voluntary consent.



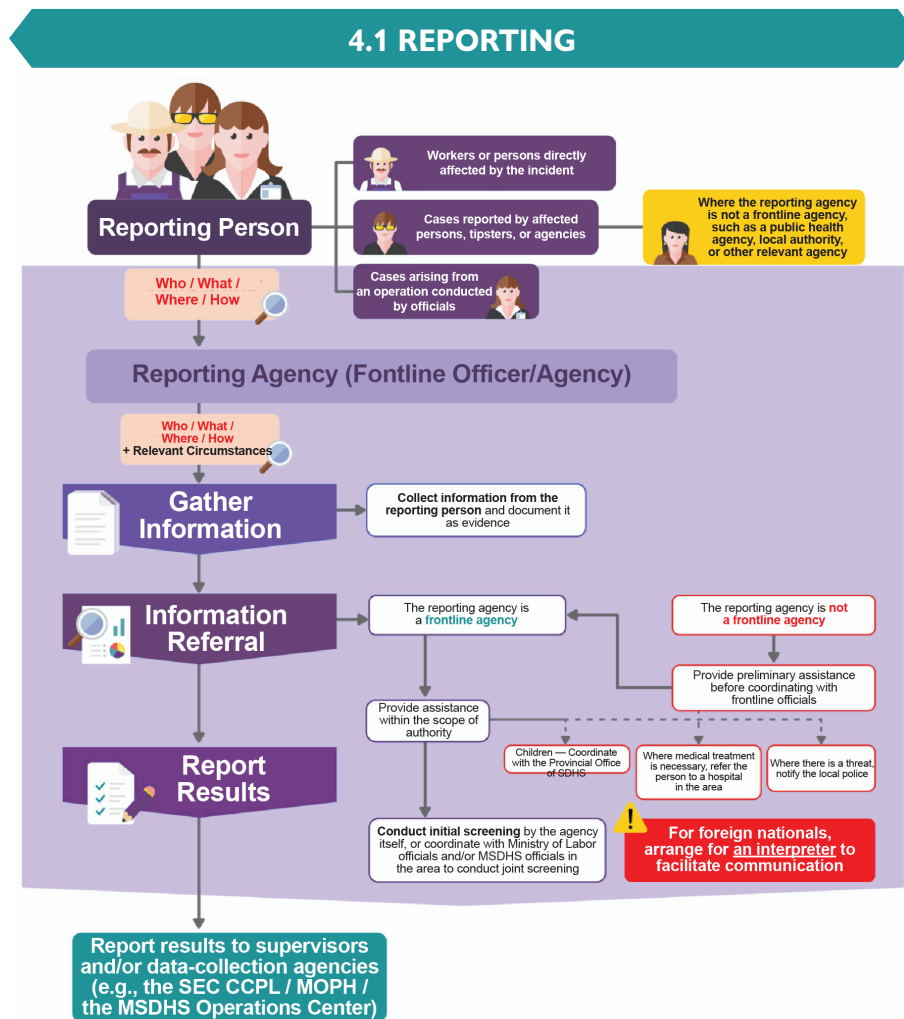
Figure 1: Operational Procedures under the NRM





4.1 Reporting (Front Line)

Figure 2: Reporting Process



The reporting stage begins when a reporting agency or receiving person becomes aware of, receives a report of, or encounters circumstances that are related to or may lead to trafficking in persons or forced labour or services. Reports may be received through various channels, such as hotlines, telephone numbers, applications, or in person at the offices of reporting agencies.

> 4.1.1 Individuals and Agencies Involved in the Reporting Stage

- (1) **Reporting person** means an individual or agency that reports an incident or submits information, documents, or evidence concerning conduct or circumstances related to, or that may lead to, trafficking in persons or forced labour or services. The reporting person may also be a person who directly experienced the incident.
- (2) **Reporting agency** (frontline officer/agency) means an agency that a reporting person can contact to request assistance. It may be an agency that already provides reporting services and channels, or an agency that a reporting person can access to report an incident or seek assistance. Reporting agencies may include government agencies, private-sector entities, civil society organizations, non-governmental organizations, and foundations, such as: 1) the Royal Thai Police; 2) the Ministry of Social Development and Human Security; 3) the Ministry of Labour; 4) the Ministry of Interior; 5) the Ministry of Justice; 6) the Ministry of Foreign Affairs; 7) the Ministry of Public Health; 8) the Internal Security Operations Command (ISOC); 9) the Thai Maritime Enforcement Command Center (Thai-MECC); and 10) nongovernmental organizations and foundations.

> 4.1.2 Reporting Procedures

Ministry of Labour agencies, acting as reporting agencies at the frontline, receive reports of or identify circumstances related to, or potentially indicative of, forced labour or services and labour trafficking. Reports may be received through various channels, including the 1506 hotline, in-person reporting at a service counter, referrals from other relevant agencies, labour inspections, and joint inspections with relevant agencies. Reporting officers must coordinate with relevant parties and conduct preliminary inquiries and interviews to collect information from the reporting person. The reporting person may be a member of the public who did not directly experience the incident or a person who directly experienced it. Officers should seek to obtain as much information as possible, including:

- 1) Date of the incident: the date on which the incident was observed.
- 2) Time: the period during which the incident was observed or occurred.
- 3) Incident location / coordinates / photographs: the place where the suspected offense occurred. Where possible, the coordinates or precise location should be clearly identified so that officials can provide timely assistance.



- 4) Circumstances: information or details concerning the incident, such as the characteristics of the location, the alleged offender, the details of what occurred, and the duration of the incident.
- 5) Reporting person's name and contact number: the reporting person's full name and telephone number, to facilitate follow-up where additional information is needed.
- 6) Name of the person seeking assistance: where known, or where the victim is the reporting person, the person's full name. If the name is unknown, a description of the person seeking assistance may be provided.

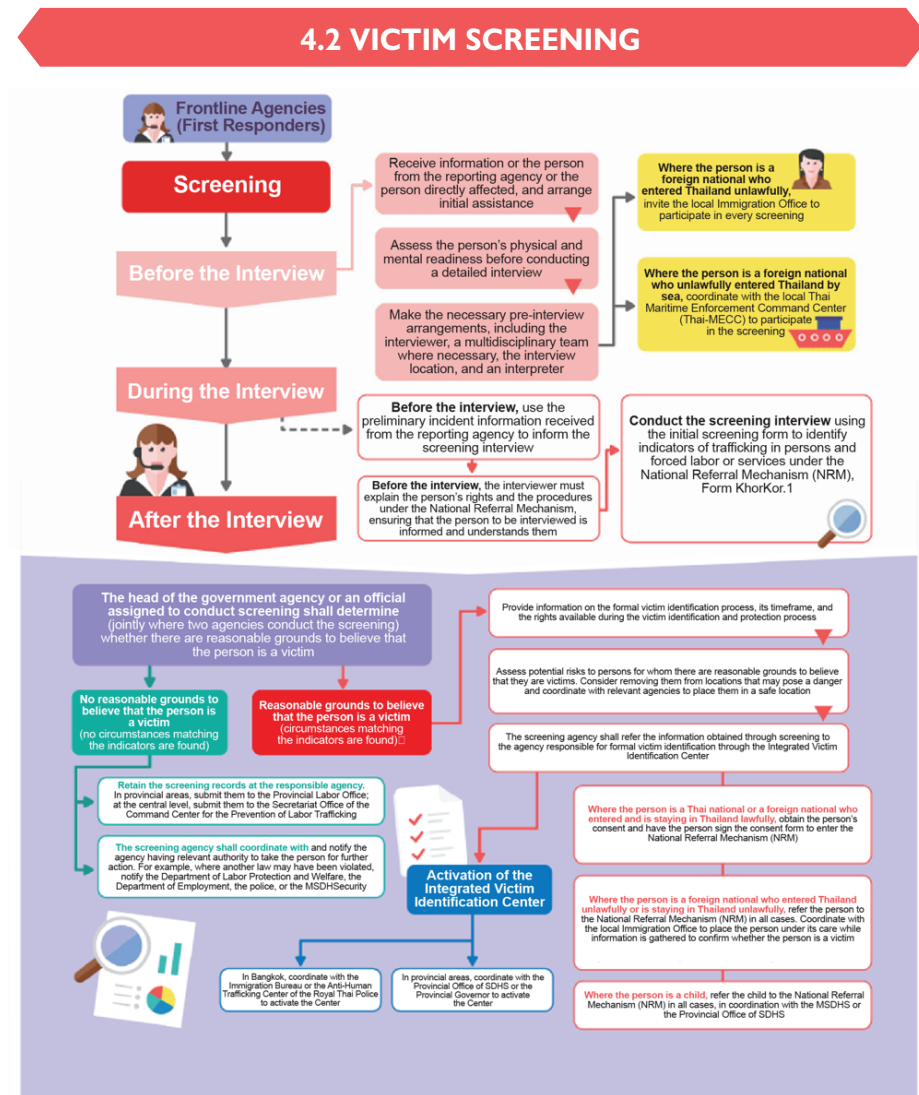
Key Considerations for the Reporting Stage

- ▶ Where the reporting person is directly affected by the incident, questioning must not cause re-traumatization.
- ▶ Where the matter concerns a child, coordinate directly with the officials responsible for child protection.
- ▶ Where urgent assistance is required, such as medical treatment or where there is a threat, a reporting agency that is not a frontline agency must notify the frontline agency as soon as possible.
- ▶ All coordination and information referrals must be kept confidential. Information must not be disclosed to persons who are not involved.
- ▶ Where a person is ill or injured, provide initial first aid or refer the person to a health care facility for treatment, in accordance with human rights principles.
- ▶ Where the person is a foreign national, arrange for an interpreter to facilitate communication in a language the person understands.



4.2 Victim Screening

Figure 3: Victim Screening Process





The screening process is conducted by frontline agencies (first responders), which carry out screening interviews with persons referred by reporting agencies. The interviews collect preliminary information and facts arising from a report or incident and assess them together with indicators of trafficking in persons and forced labour or services to determine whether there are reasonable grounds to believe that the person is a victim. This ensures that assistance is referred effectively and that persons for whom there are reasonable grounds to believe that they are victims receive assistance and are referred for formal victim identification.

Screening involves conducting interviews to obtain preliminary information or facts from an individual or group of persons to the extent feasible at that time. The information is then assessed together with indicators of trafficking in persons or forced labour or services to determine whether there are reasonable grounds to believe that the person is a potential victim of trafficking in persons or forced labour or services.

➤ 4.2.1 Frontline Agencies Responsible for Screening

Frontline agencies (first responders) are agencies with authority and responsibilities relating to the prevention and suppression of trafficking in persons and forced labour or services, as well as the provision of assistance and protection to at-risk and vulnerable persons. Agencies under the Ministry of Labour are designated as frontline agencies under the NRM.

Other frontline agencies under the NRM include the following:

1. **The Royal Thai Police, including the Metropolitan Police Bureau**, Provincial Police Regions 1-9, the Central Investigation Bureau, the Immigration Bureau, the Cyber Crime Investigation Bureau, and other agencies of the Royal Thai Police
2. **The Ministry of Social Development and Human Security**, including the Provincial Offices of Social Development and Human Security, Social Assistance Centers, Provincial Homes for Children and Families, and the Anti-Trafficking in Persons Division
3. **The Ministry of Labour**, including its agencies at the central and regional levels
4. **The Ministry of Interior**, including provincial-level agencies designated by the provincial governor and the Bureau of Investigation and Legal Affairs of the Department of Provincial Administration



5. **Ministry of Justice**, including the Department of Special Investigation
6. **Ministry of Foreign Affairs**, including embassies and consulates
7. **Ministry of Public Health**, including crisis centers for children and women affected by violence
8. **Thai Maritime Enforcement Command Center (Thai-MECC)**, including provincial Thai-MECC centers, Thai-MECC Regions 1–3, and other Thai-MECC units responsible for maritime screening
9. **Other agencies**

➤ 4.2.2 Screening Tools

For labour inspections conducted under the Standard Operating Procedure (SOP), Ministry of Labour officials shall use the Preliminary Screening Form (RorBor.1) when carrying out integrated inspections of establishments to identify indicators of forced labour or services. **Where indicators of forced labour or services are identified and referral through the NRM is required**, officials shall conduct additional interviews and make the referral using the NRM Screening Form (KhorKor.1).

Screening using Form KhorKor.1 shall be conducted in accordance with the NRM. Where a report is received through a grievance, complaint, labour case referral, or coordination from a relevant agency requesting participation in the screening of forced labour or services or trafficking in persons, officials shall use the NRM Screening Form (KhorKor.1).

➤ 4.2.3 Preparation Before Screening

Agencies under the Ministry of Labour at both the central and regional levels shall undertake the following:

- (1) Establish channels for receiving information and/or persons referred by reporting agencies
- (2) Establish a team to provide assistance in cases where a reporting agency refers information and the person requires assistance based on the report



- (3) The head of the government agency or a designated official shall be responsible for initial screening. Personnel who have completed training on trafficking in persons and forced labour or services shall be assigned to conduct interviews or obtain information for consideration
- (4) Prepare an appropriate location for screening interviews. The location must not be cramped and should provide reasonable amenities for the person, such as a waiting area and restroom
- (5) Prepare a roster of multidisciplinary team members and interpreters who may participate in the interview. Where a multidisciplinary team or an interpreter is required for the screening interview, the reporting agency shall be responsible for interpretation costs
- (6) Make arrangements for expenses incurred during screening and for initial services for persons entering the screening process, such as food, drinking water, and essential personal items
- (7) Conduct the screening interview and refer persons whose screening interview has been completed to the agency responsible for the next stage
- (8) Compile screening statistics and submit screening reports monthly. Central agencies shall submit screening reports to the Secretariat Office of the Command Center for the Prevention of Labour Trafficking. Regional agencies shall submit screening reports to the Provincial Labour Office
- (9) For screening-related expenses, agencies shall prepare project proposals and request budget support from the Anti-Trafficking in Persons Fund of the Ministry of Social Development and Human Security

➤ 4.2.4 Guidelines for Conduct During Screening

Agencies under the Ministry of Labour at both the central and regional levels shall assign responsible officials to conduct screening. Such officials must have knowledge and understanding of trafficking in persons and forced labour or services, and must conduct screening in accordance with trauma-informed care (TIC) principles and a victim-centered approach, as follows:



- (1) Conduct screening with due regard for the person's physical and mental readiness. The person must be treated as a "person receiving assistance and protection," and strict confidentiality measures must be maintained.
- (2) Use preliminary incident information received from the reporting agency to inform the screening interview.
- (3) Obtain factual information through questioning. Where an interpreter is required, priority should be given to an interpreter trained in laws on the prevention and suppression of trafficking in persons and laws relevant to the justice process. Travel companions must not be used as interpreters.
- (4) Where a multidisciplinary team is considered necessary for the screening interview, invite only those team members whose participation is necessary.
- (5) Before the interview, the interviewer must explain the person's rights and the procedures under the NRM to the person to be interviewed, ensuring that the person understands them.
- (6) Conduct the screening interview using the **preliminary screening form to identify indicators of trafficking in persons and forced labour or services under the NRM, Form KhorKor.1 (Appendix 4)**.
- (7) When screening a foreign national who entered Thailand unlawfully, local Immigration Office officials must participate in the screening on every occasion. Where the foreign national entered Thailand unlawfully by sea, coordinate with the relevant Provincial Thai Maritime Enforcement Command Center to participate in the screening.
- (8) During the screening interview, the interviewer must follow international principles for protection and assistance, including consideration of psychological trauma, avoidance of re-traumatization, and respect for differences in gender, language, culture, beliefs, and traditions.
- (9) During the screening interview, no unrelated person may be present in the interview area, particularly a person who may exercise control over the person; a broker; the owner of an establishment; or a person suspected of committing, or being involved in, an offense. This includes a person placed by an offender to pose as one of those to be interviewed. Persons to be interviewed must be separated and interviewed individually.



➤ 4.2.5 Post-Screening Procedures

- (1) Upon completion of the screening interview, the head of the government agency or the official assigned to conduct screening shall make a determination, jointly where screening is conducted by two agencies, as to whether there are reasonable grounds to believe that the person is a victim.
- (2) The agency shall provide initial assistance to persons for whom there are reasonable grounds to believe that they are victims. Consider removing the person from any location that may pose a danger and placing the person in a safe location. Where there is a risk of harm, promptly coordinate with and notify the police. Where the person is a child, immediately contact the agency responsible for child protection. The person must not be held in detention; the person's right to privacy must be respected, personal information must be kept confidential, and re-traumatization must be avoided.
- (3) Ministry of Labour agencies, in coordination with relevant agencies, shall inform persons for whom there are reasonable grounds to believe that they are victims of the formal victim identification procedures, the expected timeframe, and the rights available under the NRM.
- (4) Ministry of Labour agencies shall coordinate with the agency responsible for activating the Integrated Victim Identification Center in order to refer persons for whom there are reasonable grounds to believe that they are victims for formal victim identification. In Bangkok, coordinate with the Immigration Bureau or the Anti-Trafficking in Persons Center of the Royal Thai Police. In provincial areas, coordinate with the provincial governor or the Provincial Office of Social Development and Human Security.
 - ▶ Where the person is a Thai national or a foreign national who entered and is staying in Thailand lawfully, obtain the person's consent and signature on the form for entry into the NRM. Where the person is a child, refer the child to the NRM in all cases.
 - ▶ Where a foreign national entered Thailand unlawfully or is staying in Thailand unlawfully, refer the person to the NRM in all cases. Coordinate with the local Immigration Office to take the person into custody while information is gathered to verify whether the person is a victim, exercising authority under the Immigration Act, B.E. 2522 (1979).



- ▶ Where the person is a child, refer the child to the NRM in all cases, in coordination with the Ministry of Social Development and Human Security or the Provincial Office of Social Development and Human Security. A Provincial Home for Children and Families may be used as the venue for carrying out the NRM process.

- (5) Where, after screening, there are no reasonable grounds to believe that the person is a victim, Ministry of Labour agencies shall coordinate with and notify the competent agency to receive the person for further action.

➤ 4.2.6 Guidelines for Referring Screening Information

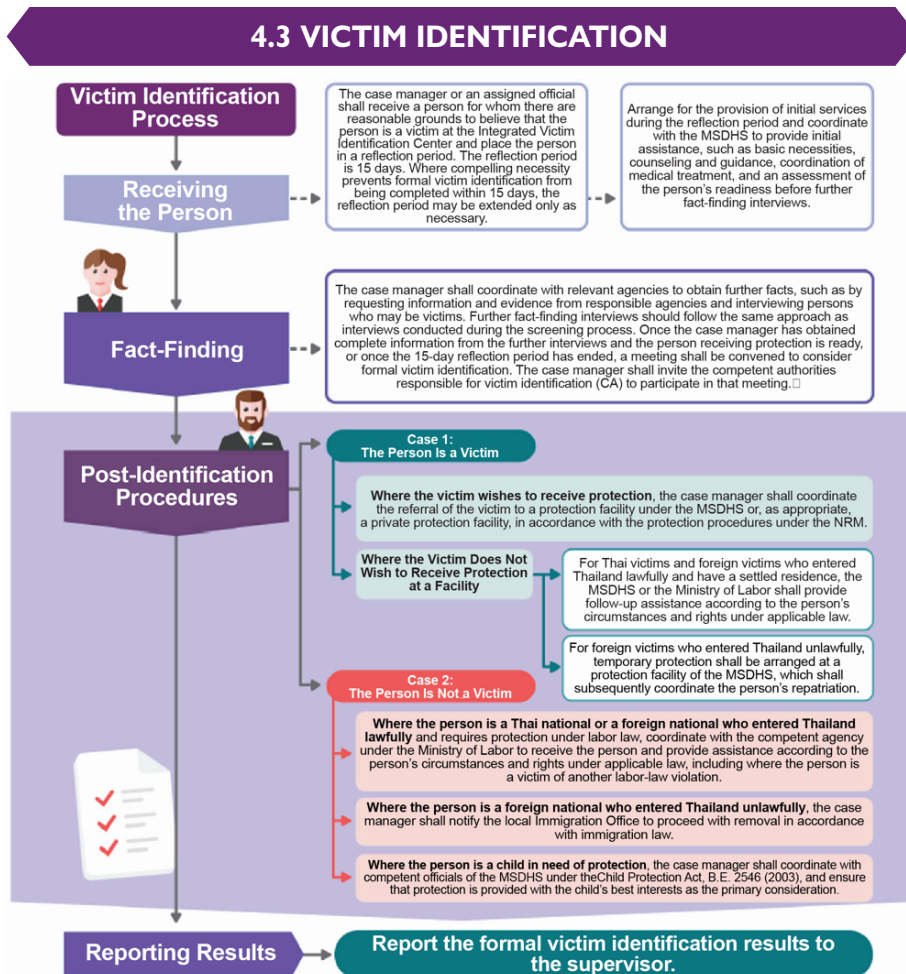
Ministry of Labour agencies conducting screening shall retain and refer information obtained through screening as follows:

- ▶ Where there are reasonable grounds to believe that a person is a victim, coordinate with the agency responsible for the Integrated Victim Identification Center and refer the person accordingly. The screening information must also be referred to the agency responsible for formal victim identification. Where the screening was conducted by a Ministry of Labour agency, that agency shall seek approval to activate the Center so that formal victim identification procedures may proceed.
- ▶ For the purpose of further investigation, prepare a record and attach the screening results using Form KhorKor.1, together with any available preliminary evidence, and notify the local police station, the Anti-Trafficking in Persons Division, or the Anti-Trafficking in Persons Division of the Department of Special Investigation.
- ▶ Where no circumstances relating to forced labour or services or trafficking in persons are identified, the Ministry of Labour agency shall retain the information for future verification of the person. For cases handled at the central level, the information shall be submitted to the Secretariat Office of the Command Center for the Prevention of Labour Trafficking. For cases handled in the regions, the information shall be submitted to the Provincial Labour Office.



4.3 Victim Identification

Figure 4: Victim Identification Process



Formal victim identification is conducted by the agencies responsible for the Integrated Victim Identification Center. These agencies receive information from frontline agencies concerning persons for whom there are reasonable grounds to believe that they may be victims. Such persons enter the reflection period, which provides sufficient and appropriate time to reflect on the events that occurred and prepare to provide information to officials for formal victim identification.



> 4.3.1 Competent Authority (CA)

A competent authority is an individual or group of individuals responsible for formal victim identification by determining the status of persons for whom there are reasonable grounds to believe that they may be victims under the NRM. The competent authority determines whether such a person is formally identified as a victim before further relevant action is taken.

Within agencies under the Ministry of Labour, the competent authority may be the director of a division or an equivalent official, the head of a regional Ministry of Labour agency, or a designated official.

The competent authority determines whether a person referred by a frontline agency as someone who may be a victim is a victim of trafficking in persons. This determination is based on facts obtained through interviews and the relevant indicators identified during the reflection period. The competent authority then refers victims of trafficking in persons or forced labour or services to the appropriate protection and assistance process.

> 4.3.2 Case Manager (CM)

The case manager is responsible for conducting interviews and gathering additional information from persons for whom there are reasonable grounds to believe that they may be victims during the reflection period.

Within agencies under the Ministry of Labour, the case manager may be the director of a division or an equivalent official, the head of a regional Ministry of Labour agency, or a designated official.



➤ 4.3.3 Operational Guidelines for the Integrated Victim Identification Center

(1) In Provincial Areas

(1.1) The Ministry of Interior, through the provincial governor, is responsible for designating the location of the Integrated Victim Identification Center, as follows:

- 1) The Center must be housed in a building that is ready for use, well ventilated, and equipped with functioning electricity and water systems. It must provide accommodation, bedding, showers, and restrooms, with separate facilities for males and females. It must also include dining and laundry areas, basic security arrangements, and a counseling room for persons receiving services at the Integrated Victim Identification Center.
- 2) The provincial governor is responsible for establishing security measures and assigning administrative officials or members of the Volunteer Defense Corps to provide security around the outside perimeter of the Center, as well as to authorize and monitor entry to and exit from the Center.
- 3) The provincial governor is responsible for the costs of the premises and security personnel.

The Ministry of Interior has established Integrated Victim Identification Centers in 76 provinces.

(1.2) The Ministry of Social Development and Human Security, through the Provincial Office of Social Development and Human Security, is responsible for managing, caring for, and assisting persons at the Integrated Victim Identification Center in all trafficking in persons cases, as follows:

- 1) Assign an official to serve as the case manager of the Integrated Victim Identification Center and manage the care and assistance provided to persons at the Center
- 2) Be responsible for expenses related to the provision of assistance, including food, essential personal items, initial medical treatment, and other necessary expenses
- 3) Assign officials and coordinate with relevant agencies to arrange for officials to participate in questioning, fact-finding, and periodic assessments of the person's readiness for formal victim identification

- 4) Coordinate with the competent authority responsible for formal victim identification and arrange for the formal victim identification process when the person is ready or when the 15-day reflection period has ended

Where the competent authority determines that compelling circumstances make it impossible to complete victim identification within the prescribed 15 days, the reflection period may be extended only as necessary. The reasons for the extension must be recorded.

(1.3) The Ministry of Labour, through its central and regional agencies, is responsible for managing, caring for, and assisting persons at the Integrated Victim Identification Center in cases involving forced labour or services and labour trafficking, as follows:

- 1) Assign an official to serve as the case manager at the Integrated Victim Identification Center and manage the care and assistance provided to persons at the Center
- 2) Coordinate with the Ministry of Social Development and Human Security or the Provincial Office of Social Development and Human Security, which shall be responsible for expenses related to the provision of assistance, including food, essential personal items, initial medical treatment, and other necessary expenses
- 3) Assign officials and coordinate with relevant agencies to arrange for officials to participate in questioning, fact-finding, and periodic assessments of the person's readiness for formal victim identification
- 4) Coordinate with the competent authority and arrange for formal victim identification when the person is ready or when the 15-day reflection period has ended

Where the competent authority determines that compelling circumstances make it impossible to complete formal victim identification within the prescribed 15 days, the reflection period may be extended only as necessary. The reasons for the extension must be recorded.





(1.4) The Royal Thai Police is responsible for the following:

- 1) The Immigration Bureau, through provincial immigration checkpoints or provincial immigration offices acting as competent officials under immigration law, shall proceed in accordance with immigration law. It shall refer foreign nationals for whom there are reasonable grounds to believe that they are victims to the Center and receive foreign nationals who have undergone formal victim identification and are found not to be victims for further action under the Immigration Act, B.E. 2522 (1979).
- 2) The police station having jurisdiction over the area where the incident occurred shall investigate to ascertain the facts and collect preliminary evidence. It may obtain information from a multidisciplinary team or a frontline agency.

(2) In Bangkok and at the Central Level

- (2.1) The Royal Thai Police and the Bangkok Metropolitan Administration are responsible for designating the location of the Center, managing its security arrangements, and covering related expenses.
- (2.2) The Anti-Trafficking in Persons Division of the Ministry of Social Development and Human Security and agencies under the Ministry of Labour shall jointly be responsible for providing care and assistance to persons for whom there are reasonable grounds to believe that they are victims, including related expenses.
- (2.3) The Immigration Bureau shall support the exercise of legal authority where a person for whom there are reasonable grounds to believe that they are a victim is a foreign national who entered Thailand unlawfully or is unlawfully present in Thailand.
- (2.4) The Bureau of Investigation and Legal Affairs, Department of Provincial Administration, Ministry of Interior, shall provide personnel to support fact-finding for formal victim identification.
- (2.5) The Anti-Human Trafficking Division, Department of Special Investigation, Ministry of Justice, shall provide personnel to support fact-finding for formal victim identification.



➤ 4.3.4 Target Groups of the Integrated Victim Identification Center

- (1) Persons without lawful status or identity documents, such as persons who entered Thailand unlawfully
- (2) Thai nationals or foreign nationals with valid identity documents, where a request has been made

➤ 4.3.5 Guidelines for Formal Victim Identification Procedures

- (1) The case manager or an assigned official shall receive persons for whom there are reasonable grounds to believe that they may be victims at the Integrated Victim Identification Center and admit them into the reflection period.
- (2) The case manager or an assigned official shall arrange for the provision of initial services during the reflection period, including basic necessities, counseling and guidance, coordination of medical treatment, and an assessment of the person's readiness.
- (3) The case manager may conduct additional fact-finding interviews with persons for whom there are reasonable grounds to believe that they may be victims. Information and facts obtained during the screening process shall be reviewed to identify matters requiring further interview or additional information. The person's readiness must be assessed before any further fact-finding interview is conducted. Interviews shall address only matters necessary for formal victim identification and should avoid repetitive questioning that may cause psychological harm. Such interviews are intended to obtain additional facts under the laws on the prevention and suppression of trafficking in persons and do not constitute an investigation.
- (4) Additional fact-finding interviews shall be conducted in the same manner as interviews conducted during the screening process.
- (5) Once the case manager has obtained complete information through the additional interviews and the person receiving protection is ready, or upon the expiry of the 15-day reflection period, a meeting shall be convened to consider formal victim identification. The case manager shall invite the competent authority (CA) to participate in the meeting.



(6) The formal victim identification meeting shall include the competent authority, the case manager, and specialists who can provide additional expert opinions on relevant matters. For example, where the person has undergone a mental health assessment during the reflection period, a psychiatrist or psychologist involved in the person's care may be invited to provide relevant information.

(7) Formal victim identification shall be based on all information and facts obtained during the screening process and case-information gathering, additional interviews conducted by the case manager, and any other relevant documents or evidence, considered together.

Where formal victim identification cannot be considered by the meeting in the locality, the case manager or competent authority may seek advice from the national committee under the Department of Provincial Administration plan to support the determination.

(8) Once the meeting has completed formal victim identification, the case manager shall inform the victim of their rights, ascertain their willingness to receive protection, and proceed in accordance with the post-identification referral procedures.

(9) The case manager shall prepare a summary report of the formal victim identification meeting, obtain the signature of the competent authority, and refer the matter to the agencies responsible for protection and law enforcement for further action within their respective mandates.

(10) The case manager shall compile the formal victim identification results and data from the Provincial Integrated Victim Identification Center, submit them to the Provincial Operations Center for the Prevention and Suppression of Trafficking in Persons for acknowledgment, and forward the information to the Subcommittee on Advancing the NRM for further consolidation.

➤ 4.3.6 Guidelines for Post-Identification Referral Procedures

(1) Where the person is identified as a victim

- ▶ Where the victim wishes to receive protection at a facility, the case manager shall coordinate the victim's referral to a protection facility of the Ministry of Social Development and Human Security under Section 33 of the Anti-Trafficking in Persons Act, B.E. 2551 (2008), or to an appropriate private protection facility, in accordance with the protection procedures under the NRM.



▶ Where the victim does not wish to receive protection at a facility

- For Thai victims and foreign victims who entered Thailand lawfully and have an established residence, the Ministry of Social Development and Human Security or the Ministry of Labour shall provide follow-up assistance according to the person's circumstances and rights under applicable law, such as the Labour Protection Act, B.E. 2541 (1998), and the Social Security Act, B.E. 2533 (1990).
- For foreign victims who entered Thailand unlawfully, coordinate with the Ministry of Social Development and Human Security or the Provincial Office of Social Development and Human Security to arrange temporary protection at a protection facility of the Ministry of Social Development and Human Security. The Ministry shall then coordinate the victim's repatriation.

▶ Where the person is a child, the case manager shall coordinate with competent officials under the Child Protection Act, B.E. 2546 (2003), to provide protection with the child's best interests as the primary consideration.

(2) Where the person is not identified as a victim

- (2.1) Where other violations of labour law are identified, such as violations of the Labour Protection Act, B.E. 2541 (1998), or the Employment and Job Seeker Protection Act, B.E. 2538 (1995), the relevant agencies under the Ministry of Labour shall promptly provide assistance within their authority.
- (2.2) Where a violation of the Prevention and Suppression of Prostitution Act, B.E. 2539 (1996), is identified, coordinate with the Ministry of Social Development and Human Security or the Provincial Office of Social Development and Human Security to provide protection, rehabilitation, and assistance within their authority.
- (2.3) Where the person is a child in need of protection, coordinate with competent officials under the Child Protection Act, B.E. 2546 (2003), to provide protection with the child's best interests as the primary consideration.
- (2.4) Where the person is a foreign national who entered Thailand unlawfully, notify the local Immigration Office so that it may proceed with removal in accordance with immigration law.



4.4 Victim Protection

Figure 5: Victim Protection



The protection stage is the final stage of the NRM. It provides protection to victims of trafficking in persons and victims of forced labour or services. The Ministry of Social Development and Human Security is the lead agency responsible for providing protection and assistance to victims in accordance with the law and with the victims' consent.

Ministry of Labour agencies at both the central and regional levels shall coordinate and share information with local officials of the Ministry of Social Development and Human Security to arrange legal assistance on labour and employment matters, as well as skills and vocational training, for Thai and foreign victims receiving protection at state or private protection facilities, as follows:

4.4.1 Protection Procedures at the Central Level

Through the Secretariat Office of the Command Center for the Prevention of Labour Trafficking, Ministry of Labour agencies shall coordinate with the Department of Labour Protection and Welfare, the Department of Employment, the Department of Skill Development, and the Social Security Office to follow up and provide assistance to victims of forced labour or services and labour trafficking in accordance with their rights under relevant laws, such as the Labour Protection Act, B.E. 2541 (1998), and the Social Security Act, B.E. 2535 (1992).

- For Thai workers, follow up on their rights under applicable law and assess their needs for employment, skills development, and other assistance. Where a person does not wish to receive protection at a protection facility and returns to their home locality, the Secretariat Office of the Command Center for the Prevention of Labour Trafficking shall coordinate with the Provincial Labour Office to provide further assistance.
- For foreign workers, follow up on their rights under applicable law and assess their needs for employment and other assistance.

4.4.2 Protection Procedures at the Regional Level

Through the Provincial Labour Office, Ministry of Labour agencies shall coordinate with the Provincial Employment Office, Provincial Labour Protection and Welfare Office, Provincial Institute for Skill Development, and Provincial Social Security Office to follow up and provide assistance to victims of forced labour or services and labour trafficking in accordance with their rights under applicable laws, such as the Labour Protection Act, B.E. 2541 (1998), and the Social Security Act, B.E. 2535 (1992).



► For **Thai workers**, follow up on their rights under applicable law and assess their needs for employment, skills development, and other assistance.

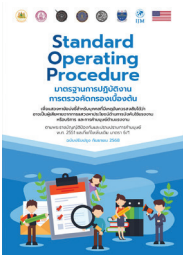
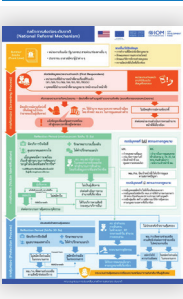
► For **foreign workers**, follow up on their rights under applicable law and assess their needs for employment and other assistance.

The Provincial Labour Office shall compile information on assistance provided to victims by agencies under the Ministry of Labour and submit a monthly implementation report to the Ministry of Labour.

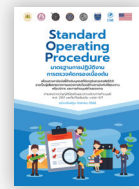
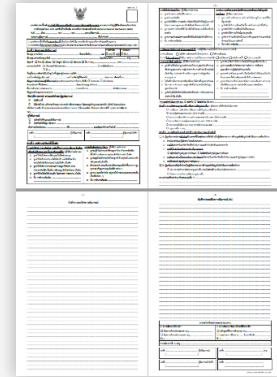


ROLES, AUTHORITY, AND RESPONSIBILITIES IN THE ADMINISTRATION OF THE NATIONAL REFERRAL MECHANISM AND THE SOP

Frontline Agencies of the Ministry of Labour Prepared by the Secretariat Office of the Command Center for the Prevention of Labour Trafficking, February 2026

Stage	Implementation under Regular Mandates	Implementation under the National Referral Mechanism (NRM)
Officials of agencies under the Ministry of Labour - Provincial Labour Offices - Provincial Employment Offices - Provincial Labour Protection and Welfare Offices - Secretariat Office of the Command Center for the Prevention of Labour Trafficking - Other relevant agencies	Regulatory oversight, monitoring, and inspection under labour laws      	 



Inspection of Establishments under Agency Mandates	Reporting > Screening > Identification > Protection (NRM)
The 76 Provincial Labour Offices conduct integrated inspections of high-risk establishments to undertake preventive inspections and labour screening under the SOP, using Form RorBor.1, which may also be used by other agencies. Where persons who may be subjected to exploitation through forced labour or services or labour trafficking are identified, the following NRM procedures apply. SOP  Screening Forms RorBor.1 and KhorKor. 1 (where the case enters the screening process)  Where a person is identified as meeting the relevant indicators and criteria under Form RorBor.1, Form KhorKor.1 shall be completed as supporting documentation for referral to the NRM. (***At this stage, screening is considered complete.)	(Reporting)  Reports may be received from workers directly affected by an incident, reporting persons providing information, or cases identified during officials' field operations. - Where the reporting agency lacks relevant expertise: refer the case to the appropriate agency. - Where the reporting agency is a primary agency, such as the Ministry of Social Development and Human Security, the Ministry of Labour, or the Royal Thai Police: undertake reporting, screening, and referral. - Where the reporting agency is a primary agency, such as the Ministry of Social Development and Human Security, the Ministry of Labour, or the Royal Thai Police: undertake reporting, screening, and identification. - For cases involving sexual exploitation or other issues, the Ministry of Social Development and Human Security serves as the case manager. - For labour-related cases, the Ministry of Labour serves as the case manager. - For cases involving sexual exploitation, labour, or other issues, notify the relevant authorities (Anti-Trafficking in Persons Division, the Metropolitan Police Bureau, the local police station, or the Immigration Bureau). These authorities may also be notified and may serve as case managers.



(Screening)

Form RorBor.1

Form KhorKor.1

For cases identified through inspections conducted under the Ministry of Labour's regular mandate, the Provincial Labour Office shall conduct screening using Form RorBor.1. Where a person is identified as meeting indicators of forced labour or services, the Provincial Labour Office shall serve as the case manager and convene a formal victim identification meeting, using Form KhorKor.1 as supporting documentation for referral under the NRM.

Where a labour-related report or tip is received, the receiving agency shall serve as the case manager and conduct screening using Form KhorKor.1.

Notes

– For foreign workers who are lawfully present in Thailand and Thai workers, where screening indicates that the person may be a victim, activation of the Integrated Victim Identification Center is not required solely to await formal victim identification because the person can be contacted and followed up. Where safety concerns or other circumstances arise, activation of the Center may be requested.

– In all cases involving foreign workers who are unlawfully present in Thailand, coordinate with the Immigration Bureau. Where screening indicates that the person may be a victim, activate the Center and complete the NRM procedures before referring the person to the Integrated Victim Identification Center for formal victim identification.

*** Where screening indicates that a person may be a victim, officials must record every case in the MSDHS E-AHT system.

*** Ministry of Labour officials shall prepare information to support the filing of charges.

In both cases, once screening has been completed, the Ministry of Labour official shall serve as the case manager and shall:

- Notify the MSDHS to request activation of the Integrated Victim Identification Center.
- Coordinate with the multidisciplinary team, including the police, MSDHS, the Immigration Bureau, and other relevant agencies.
- Schedule a formal victim identification meeting, specifying the date, time, and location.
- Ensure that multidisciplinary team members attending the meeting are qualified to serve as competent authorities, with authority to make determinations under the applicable legal elements, in order to determine whether the person is a victim under Sections 6 or 6/1.
- Record statements.
- Prepare a formal victim identification meeting report, signed by the competent authorities from all three participating agencies.
- Distribute the formal victim identification meeting report to all multidisciplinary team members for their records.
- Where the victim identification determination finds that the person is a victim, notify MSDHS to arrange protection under the NRM.



(Victim Identification)

Victim Identification

Where a Ministry of Labour official serves as the case manager (CM) and has coordinated with the multidisciplinary team, including the police, the Ministry of Social Development and Human Security (MSDHS), the Immigration Bureau, and other relevant agencies:

- Convene a victim identification meeting, specifying the date, time, and venue.
- Multidisciplinary team members attending the meeting must be eligible to serve as competent authorities (CAs), with authority to assess the relevant legal elements and exercise discretion in determining whether a person is a victim under Sections 6 or 6/1.
- Record statements. Detailed statement records are particularly useful because they enable the meeting report to refer easily to the section on the background of the case without duplicating the record.
- Prepare a formal victim identification meeting summary report. The CAs from all three multidisciplinary agencies should sign the report; however, CAs from only two agencies may sign, such as the Ministry of Labour and MSDHS, the Ministry of Labour and the Royal Thai Police, or the Ministry of Labour and the Immigration Bureau. Include any available supporting documents or evidence, such as statement records, photographs, medical certificates, and phones.
- Submit the victim identification meeting report, Form KhorKor.1, and supporting evidence to all agencies represented on the multidisciplinary team for their records.
- Where the determination is that the person is a victim, notify MSDHS so that protection can be provided under the NRM.
- File and retain the information at the agency, and prepare to bring charges in accordance with the mandate of the relevant agency under the Ministry of Labour.



(Victim Protection)

หน้า ๑๑
ฉบับ ๑๓๔ ตอนพิเศษ ๕๔ ง
ราชกิจจานุเบกษา
๒๔ กุมภาพันธ์ ๒๕๖๐

ประกาศสำนักนายกรัฐมนตรี
เรื่อง กำหนดประเภทงานที่คนต่างด้าวตามมาตรา ๑๓ (๒) แห่งพระราชบัญญัติ
การทำงานของคนต่างด้าว พ.ศ. ๒๕๕๑ ซึ่งเป็นผู้เสียหายจากการกระทำผิดฐานค้ามนุษย์
หรือหาประโยชน์ตามพระราชบัญญัติป้องกันและปราบปรามการค้ามนุษย์ พ.ศ. ๒๕๕๑ ทำได้

อาศัยอำนาจตามความในมาตรา ๑๓ (๒) แห่งพระราชบัญญัติการทำงานของคนต่างด้าว
พ.ศ. ๒๕๕๑ คณะรัฐมนตรีได้มีมติเมื่อวันที่ ๒๔ มกราคม พ.ศ. ๒๕๖๐ ตามข้อเสนอแนะของ
คณะกรรมการพิจารณาการทำงานของคนต่างด้าวออกประกาศไว้ ดังต่อไปนี้

ข้อ ๑ ให้ยกเลิกประกาศสำนักนายกรัฐมนตรี เรื่อง กำหนดประเภทงานที่คนต่างด้าว
ตามมาตรา ๑๓ แห่งพระราชบัญญัติการทำงานของคนต่างด้าว พ.ศ. ๒๕๕๑ ทำได้ ลงวันที่ ๒๔ กุมภาพันธ์
พ.ศ. ๒๕๕๕

ข้อ ๒ ให้เพิ่มก่งต่างดังต่อไปนี้ ซึ่งนายรัฐมนตรีและรัฐมนตรีว่าการกระทรวงมหาดไทย
โดยอนุมัติของคณะรัฐมนตรีมีอำนาจออกประกาศเป็นกรณีพิเศษ ทำหน้าที่ผู้ประสานงาน
ตามสนธิสัญญาได้แก่ ดังนี้

(๑) คนต่างด้าวที่เป็นผู้เสียหายจากการกระทำผิดฐานค้ามนุษย์

(๒) คนต่างด้าวที่เป็นผู้เสียหายที่มีใบพำนักเป็นการชั่วคราวระหว่างรอการดำเนินการด้านคดีกับ
ผู้กระทำความผิดตามพระราชบัญญัติป้องกันและปราบปรามการค้ามนุษย์ พ.ศ. ๒๕๕๑

(๓) ผู้ติดตามที่เป็นบุตรของคนที่ตาม (๑) หรือ (๒) ที่อยู่ในเมืองกว่าสิบห้าปี
แต่ไม่กลับประเทศ

(๔) คนต่างด้าวตาม (๓) ซึ่งเคยมีอายุเกินสิบแปดปี และได้ดำเนินการอยู่ในเขตผู้ขังทำงาน
และปรับปรุงแก้ไขและเป็นประโยชน์เป็นปัจจุบันภายใต้เงื่อนไขก่อนออกเดินทางกลับประเทศ

ประกาศ ณ วันที่ ๒๐ กุมภาพันธ์ พ.ศ. ๒๕๖๐
พลเอก ประยุทธ์ จันทร์โอชา
นายกรัฐมนตรี

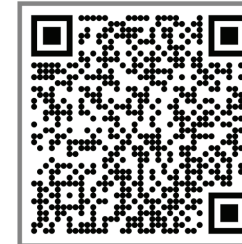
Victim Identification

Where a victim under Section 6, including a person exploited through forced labour, or Section 6/1 is a foreign national who is unlawfully present in Thailand and wishes to work, agencies under the Ministry of Labour may support protection facilities in providing employment assistance. Such assistance may be provided, within the scope of the agencies' mandates, in accordance with the regulation prescribing occupations prohibited to foreign nationals under Section 13(2) of the Foreign Workers' Employment Act, B.E. 2551 (2008), for victims of trafficking in persons or attempted trafficking in persons under the Anti-Trafficking in Persons Act, B.E. 2551 (2008).

APPENDICES

List of Appendices

1. Appendix 1: Action Plan on the National Referral Mechanism, Case Management, and Assistance and Protection for Victims of Trafficking in Persons and Forced Labour or Services, B.E. 2565 (2022)
2. Appendix 2: Guidelines for Implementing the National Referral Mechanism (NRM)
3. Appendix 3: Table of Agencies Responsible at Each Stage
4. Appendix 4: Initial Screening Form (Form KhorKor.1)
5. Appendix 5: Forced Labour or Services and Labour Trafficking (Form RorBor.1)
6. Appendix 6: Readiness Assessment Form for Persons for Whom There Are Reasonable Grounds to Believe They May Be Victims
7. Appendix 7: International Labour Organization Indicators of Forced Labour
8. Appendix 8: Initial Screening Form for Identifying Indicators of Trafficking in Persons and Forced Labour or Services under the National Referral Mechanism (NRM)
9. Appendix 9: Integrated Victim Identification Centers in 76 Provinces
10. Appendix 10: Request Form for Approval to Activate the Integrated Victim Identification Center
11. Appendix 11: Sample Victim Identification Meeting Report Form



Scan to download
the appendices





ELEMENTS OF THE OFFENSE UNDER SECTION 6 (All Three Elements Must Be Satisfied)

ACT

- ▶ Recruiting, buying, selling, or transferring a person who is a victim
- ▶ Transporting the person from or sending the person to a destination
- ▶ Receiving, detaining, confining, or harboring the person

MEANS

- ▶ The use of force, threats, abduction, fraud, deception, abuse of power, or abuse of a position of vulnerability arising from physical, mental, educational, or other disadvantage; threats to misuse legal proceedings; or the giving of money or other benefits to a parent or caregiver in order to obtain that person's consent for the offender

PURPOSE

- ▶ Subjecting a person to unfair treatment in order to benefit from that person's work
- ▶ Taking advantage of a situation or opportunity to obtain an unfair benefit for oneself
- ▶ Exploiting another person unfairly for one's own benefit



ELEMENTS OF THE OFFENSE Under Section 6/1 of the Anti-Trafficking in Persons Act

- 1 Coercing a person to work or provide services
- 2 By any one of the following means:



Causing the person to fear harm to their own or another person's life, body, liberty, reputation, or property



Intimidation in any manner



Use of physical violence



Retention of the person's identity documents



Unlawfully using the debt burden of that person or another person as a means of control

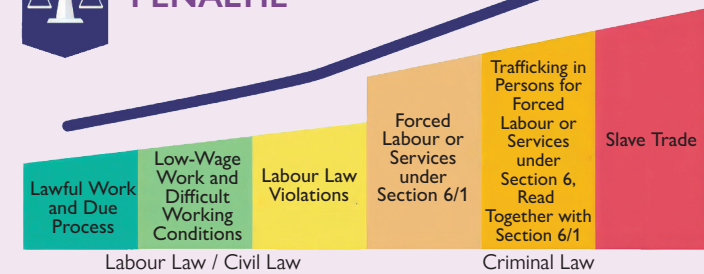


Any other act similar in nature to items 1-5

- 3 The person is unable to resist



SEVERITY OF PENALTIE





SUMMARY

Summary of Key Provisions of the Labour Protection Act B.E. 2541 (1998) as Amended

Prepared by:
Labour Protection Prevention and Resolution Group
Labour Protection Division
Department of Labour Protection and Welfare

Tel. 02 660 2069, 02 660 2071
Hotlines: 1506, Press 3, and 1546

Scope of Application

- ✓ Applies to all private-sector employment, whether or not an employment contract exists
- ✓ Applies to persons of all nationalities, religions, and genders
- ✗ Does not apply to employment by government agencies or state enterprises, or to teachers at private schools



Days Off

- ✓ Employers must provide at least one weekly day off, with no more than six days between weekly days off
 - ** Except for certain prescribed types of work
- ✓ Employers must designate at least 13 traditional holidays per year, including Labour Day
- ✓ Employees who have worked continuously for one year are entitled to at least six days of annual leave
 - ** These are minimum standards. Employer may provide more favorable benefits



Employment of Women

- ✗ Employers must not require female employees to perform work in mines; construction work underground, underwater, or in caves; or work on scaffolding more than 10 meters above ground level, among other prohibited work
- ✗ Employers must not require pregnant employees to perform work involving machinery or engines that produce vibration; work involving the operation of, or work performed on, a vehicle; or lifting, carrying, shouldering, head-carrying, pulling, or pushing objects weighing more than 15 kilograms
- ✗ Employers must not terminate a female employee because of pregnancy
 - ** Exception: fixed-term employment contracts of not more than 98 days, for which the employer must pay wages for actual days worked, not exceeding 45 days



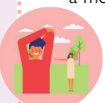
Normal Working Hours

- ✓ Normal working hours must not exceed eight hours per day. Where normal working hours on any workday are fewer than eight hours, the remaining hours may, by agreement, be added to another workday, provided that working hours do not exceed nine hours per day
 - ** Except for certain prescribed types of work
- ✗ Employers may not require employees to work overtime unless the employees consent



Leave

- ✓ Employees are entitled to sick leave to the extent of their actual illness, with wages paid for up to 30 days per year. For sick leave of three or more consecutive workdays, an employer may require a medical certificate
- ✓ Employees are entitled to leave for sterilization and leave related to sterilization, as prescribed and certified by a physician
- ✓ Employees are entitled to at least three working days of personal leave
 - ** These are minimum standards. Employers may provide more favorable benefits



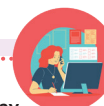
Child Labour

- ✗ Employers must not employ children under 15 years of age
- ✓ Where a child under 18 years of age is employed, the employer must:
 1. Notify the labour inspector of the employment within 15 days from the date of employment
 2. Maintain a record of any changes in the conditions of employment at the establishment or the employer's office and make it available to a labour inspector during working hours
 3. Notify the labour inspector of the termination of employment within seven days from the date the child leaves employment. Children must also not perform prohibited work, such as metal smelting, blowing, casting, rolling, or stamping



Wages, Overtime Pay, Holiday Work Pay, and Holiday Overtime Pay

- ✓ Employers must make payment in Thai currency, unless the employee consents otherwise
- ✓ Employers must make payment at the employee's workplace, unless the employee consents otherwise
- ✓ Where an employee works overtime, the employer must pay at least 1.5 times the hourly wage rate calculated in proportion to the employee's normal working-day wage
- ✓ Where an employee works on a holiday under Sections 28, 29, or 30, the employer must pay an additional amount of at least one time the employee's wage rate where the employee is entitled to holiday pay, and at least two times the wage rate where the employee is not entitled to holiday pay, except for certain prescribed types of work
- ✓ Where an employee works overtime on a holiday, the employer must pay at least three times the hourly wage rate for a normal working day
- ✗ Employers must not deduct wages, overtime pay, holiday work pay, or holiday overtime pay, except for the following purposes:
 1. Payment of tax or other payments required by law
 2. Payment of union dues in accordance with the trade union's bylaws
 3. Repayment of debts owed to a cooperative or for welfare that benefits the employee alone, with the employee's prior consent
 4. A security deposit under Section 10 or compensation for damage caused to the employer, with the employee's consent
 5. Contributions to a provident fund in accordance with an agreement concerning the fund



Filing and Consideration of Claims

- ✓ Where an employer violates or fails to comply with provisions concerning an employee's entitlement to payments under the Labour Protection Act, the employee or, as applicable, the employee's heir at law may file a claim with the labour inspector for the locality where the employee works or where the employer is domiciled.
- ✓ Upon receipt of a claim, the labour inspector shall investigate the facts and issue an order within 60 days. Where necessary, the period may be extended for no more than 30 additional days from the expiry of the original period.
- ✓ Once the labour inspector has issued an order, an employer, employee, or heir at law who is dissatisfied with the order may bring the matter before the court within 30 days from the date on which the order is received.



Severance Pay

- ✓ An employer must pay severance pay to an employee whose employment is terminated, as follows: from the date on which the order is received.
 1. Where the employee has worked for 120 days but less than one year, severance pay must be no less than 30 days' wages at the employee's final wage rate.
 2. Where the employee has worked for at least one year but less than three years, severance pay must be no less than 90 days' wages at the employee's final wage rate.
 3. Where the employee has worked for at least three years but less than six years, severance pay must be no less than 180 days' wages at the employee's final wage rate.
 4. Where the employee has worked for at least six years but less than 10 years, severance pay must be no less than 240 days' wages at the employee's final wage rate.
 5. Where the employee has worked for at least 10 years but less than 20 years, severance pay must be no less than 300 days' wages at the employee's final wage rate.
 6. Where the employee has worked for at least 20 years, severance pay must be no less than 400 days' wages at the employee's final wage rate.
- ✗ An employer is not required to pay severance pay where an employee's employment is terminated under any of the following circumstances:
 1. The employee performs duties dishonestly or intentionally commits a criminal offense against the employer.
 2. The employee intentionally causes damage to the employer.
 3. The employee causes serious damage to the employer through gross negligence.
 4. The employee violates work rules, regulations, or a lawful and fair order of the employer after having received a written warning, except in serious cases where no warning is required. A written warning remains effective for one year from the date of the violation.
 5. The employee is absent from duty for three consecutive working days without justifiable cause, regardless of whether holidays intervene.
 6. The employee is sentenced to imprisonment by a final judgment.



Employee Welfare Fund

- ✓ The Employee Welfare Fund authorizes the Employee Welfare Fund Committee to issue regulations governing the payment of employee welfare benefits. It is intended to promote employee protection by encouraging employers to make payments to employees, with the Fund serving as an initial source of payment in good faith.





WORST FORMS OF CHILD LABOUR

Women, Children, and Labour Protection Network Group
Department of Labour Protection and Welfare, Ministry of Labour

WORST FORMS OF CHILD LABOUR

Thailand ratified the International Labour Organization's Worst Forms of Child Labour Convention, 1999 (No. 182), concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour, on 16 February 2001. The Convention seeks to eliminate the worst forms of child labour.

A child means any person under 18 years of age.

The worst forms of child labour include the forced or compulsory recruitment of children for slavery or practices similar to slavery, such as the forced recruitment or sale of children in trafficking in persons; the forced or compulsory recruitment of children for use in armed conflict; the use of children in unlawful activities, such as prostitution, the production of pornographic materials or pornographic performances, or the production, sale, or transportation of narcotic drugs; and work that, by its nature or the circumstances in which it is carried out, is likely to harm a child's health, mental well-being, safety, or morals.

Examples of Places and Types of Work in Which Employers are PROHIBITED from Employing Persons Under 18 Years of Age

PROHIBITED



LABOUR PROTECTION ACT, B.E. 2541 (1998), AS AMENDED

PENALTY

Employing a child under 18 years of age in hazardous work, such as metal stamping or work involving hazardous chemicals, or in prohibited places, such as slaughterhouses or gambling establishments.

A fine of 400,000 to 800,000 baht for each child employee, imprisonment for up to two years, or both.

PENALTY

Where an employer induces a child employee under 18 years of age to perform hazardous work or work in a place where children are prohibited from working, resulting in physical or psychological harm to the child employee or the child's death, the employer is subject to a more severe penalty

A fine of 800,000 to 2,000,000 baht for each child employee, imprisonment for up to four years, or both

Where you identify or receive information indicating the use of children in the worst forms of child labour, **please report it to:**

- Women, Children, and Labour Protection Network Group
Department of Labour Protection and Welfare
Tel. 0 2246 8006, 0 2246 8024 (during office hours)
Email: lpnd@labour.mail.go.th
- Bangkok Labour Protection and Welfare Offices, Areas 1-10
- Provincial Labour Protection and Welfare Offices nationwide





GOOD LABOUR PRACTICES (GLP)



FOUR PROHIBITIONS

- No child labour
- No forced labour
- No discrimination
- No trafficking in persons



Benefits for Employers and Establishments

- Sound labour-management practices
- Reduced trade barriers, particularly those related to labour
- Enhanced trade competitiveness
- A positive organizational image

SIX POSITIVE PRACTICES

- Effective labour-management systems
- Freedom of association
- Opportunities to communicate with employers
- A safe working environment
- Hygiene and waste-management measures
- Appropriate welfare benefits



Benefits for Employees

- Better care and improved quality of life
- Greater morale at work and loyalty to the organization
- Confidence that their employer does not exploit them



Bureau of Labour Standards Development,
Department of Labour Protection and Welfare
Tel. 02-2457211, 02-468670 www.els.labour.go.th



WHAT EMPLOYERS SHOULD KNOW Occupations Prohibited to Foreign Nationals

27 OCCUPATIONS ABSOLUTELY PROHIBITED TO FOREIGN NATIONALS

- | | | |
|---|---|------------------------------------|
| 1. Wood carving | 9. Lacquerware making | 18. Paper or cloth umbrella making |
| 2. Operating motor vehicles | 10. Thai musical instrument making | 19. Brokerage or agency work |
| 3. Auctioneering | 11. Nielloware making | 20. Thai massage |
| 4. Diamond and gem cutting or polishing | 12. Gold, silver, or nak jewelry making | 21. Cigarette rolling |
| 5. Beauty services | 13. Stone-inlay work | 22. Tour guiding |
| 6. Handloom weaving | 14. Thai doll making | 23. Street vending |
| 7. Mat weaving | 15. Alms bowl making | 24. Typesetting |
| 8. Handmade sa paper making | 16. Handloom silk weaving | 25. Silk reeling and twisting |
| | 17. Buddha image making | 26. Secretarial work |
| | | 27. Legal services |

3 RESTRICTED OCCUPATIONS

Permitted Only to Foreign Nationals from Countries That Have Agreements with Thailand

1. Accounting profession
2. Engineering profession
3. Architectural profession

2 RESTRICTED OCCUPATIONS

Permitted Only to Foreign Workers Who Have an Employer and Are Authorized to Enter Thailand under a Memorandum of Understanding (MOU)

1. Labourer work
2. Storefront sales work

8 RESTRICTED OCCUPATIONS

Permitted Only to Foreign Workers Who Have an Employer

1. Agriculture
2. Construction work
3. Bedding making
4. Knife making
5. Footwear making
6. Hat making
7. Garment making
8. Pottery making



A foreign worker is subject to a fine of 5,000 to 50,000 baht and removal from Thailand.

An employer is subject to a fine of 10,000 to 100,000 baht for each foreign national.

For a repeat offense, the employer is subject to imprisonment for up to one year, a fine of 50,000 to 200,000 baht, or both, and is prohibited from employing foreign nationals for three years.



www.doe.go.th



Hotline: 1506
Press 2



Central Employment
Registration and Job Seekers
Protection Division



www.doe.go.th/ipd



DEPARTMENT OF EMPLOYMENT

THERE ARE 5 LEGAL WAYS TO WORK ABROAD



1

PLACEMENT BY THE DEPARTMENT OF EMPLOYMENT

The Department of Employment arranges overseas employment for jobseekers who wish to work abroad. No service fee is charged; however, jobseekers must pay necessary expenses, such as passport fees, health examination fees, visa fees, and airport taxes.



2

PLACEMENT BY A RECRUITMENT AGENCY

The recruitment agency must be licensed by the Central Registrar, namely the Director-General of the Department of Employment. It must obtain authorization from the Department of Employment before recruiting and placing jobseekers abroad. Recruitment fees and service charges may not exceed the limits prescribed by law.



3

SELF-ARRANGED OVERSEAS EMPLOYMENT

A jobseeker who independently contacts an overseas employer, or who is already employed by an overseas establishment and has specific qualifications or intends to return to work there, must notify the Department of Employment before departure.



4

A THAI EMPLOYER TAKES ITS EMPLOYEES TO WORK ABROAD

A Thai employer with an affiliated company abroad, or that has secured work overseas, and wishes to send its employees to work abroad must obtain authorization from the Department of Employment.



5

A THAI EMPLOYER SENDS ITS EMPLOYEES ABROAD FOR TRAINING

The employer must notify the Department of Employment of an employee's overseas training travel by submitting the prescribed notification form for sending employees abroad for training.



“Working abroad through lawful channels ensures legal protection and entitlements under the law.”



Department of Employment



@PRDOE



www.doe.go.th



@PRDOE_Official



Hotline: 1506 Press 2



FUND FOR ASSISTING JOBSEEKERS Seeking Employment Overseas



BENEFITS AVAILABLE FROM THE FUND



ABANDONED OVERSEAS

Assistance of up to 30,000 baht per person



DEATH BEFORE OR DURING OVERSEAS TRAVEL

Assistance of 30,000 baht per person



INJURED WHILE WORKING OVERSEAS

Medical expenses of up to 30,000 baht per person



WAR, NATURAL DISASTER, OR EPIDEMIC OUTBREAK

Assistance of 30,000 baht per person



DISMISSED FROM EMPLOYMENT DUE TO AN INJURY

Assistance of 15,000 baht per person



DEATH OVERSEAS

Assistance of 40,000 baht per person



INJURY RESULTING IN DISABILITY

Assistance of 15,000 baht per person
Total disability: 30,000 baht per person



REPATRIATED DUE TO A PROHIBITED DISEASE

Worked for fewer than 6 months: assistance of 25,000 baht per person
Worked for more than 6 months: assistance of 15,000 baht per person



EXPERIENCING PROBLEMS OVERSEAS

Assistance of 30,000 baht per person



SUBJECT TO CRIMINAL PROCEEDINGS FOR AN UNINTENTIONAL OFFENSE OR DUE TO UNFAIR TREATMENT AT WORK

Legal-fee assistance of up to 100,000 baht

APPLYING FOR FUND MEMBERSHIP

Central Office

- Thai Overseas Workers Welfare Fund, Social Security Office Building, Area 3, 10th Floor
- Bangkok Employment Offices, Areas 1-10

Regional Offices

- Provincial Employment Offices nationwide

FUND CONTRIBUTION RATES

Group 1

Countries in Europe, North America, or Australia, and persons traveling to work in the Republic of Korea

500 BAHT PER PERSON

Group 2

Countries in Asia, Bahrain, Brunei, Oman, Israel, Saudi Arabia, Morocco, Sudan, Djibouti, Tunisia, the United Arab Emirates, Jordan, Somalia, Algeria, Lebanon, Libya, Singapore, Syria, Yemen, Egypt, Iraq, Mauritania, and Iran

400 BAHT PER PERSON

Group 3

All other countries not included in Groups 1 and 2

300 BAHT PER PERSON



Ministry of Labour
Kingdom of Thailand



www.mol.go.th



Hotline: 1506 Press 2



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Standard Operating Procedure

STANDARD OPERATING PROCEDURES FOR INITIAL SCREENING

To identify indicators among individuals for whom there are reasonable grounds to suspect that they may be victims of exploitation through forced labour or services, or labour trafficking, pursuant to Section 6/1 of the Anti-Trafficking in Persons Act, B.E. 2551 (2008), as amended.



Secretariat Office of the Command Center
for the Prevention of Labour Trafficking (SEC CCPL) Office of the Permanent
Secretary, Ministry of Labour
Mit Maitri Road, Din Daeng Subdistrict, Din Daeng District, Bangkok 10400



Hotline: 1506, Press 5

Tel. 0 2232 1075 / 0 2232 1099



Secretariat Office of the Command Center for
the Prevention of Labour Trafficking



@ruremmij



[www.https://ccpl.mol.go.th](https://ccpl.mol.go.th)