

**Rule of Department of Employment, B.E. 2540 (1997)**

Governing registration punishment and the proceeding of offender under Act of Employment and Work Searcher Protection B.E. 2528 and Working of Aliens Act B.E. 2521

**Translation**

For efficiency of the exercise of registration punishment and the proceeding of Province Employment Office, Local Employment Office, Work Searcher Checking and Protection Division and Legislate Division according to Act of Employment and Work Searcher Protection B.E. 2528 and according to Working of Aliens Act B.E. 2521, by virtue of Section 32 of Act of Administration Rule of Service of the King B.E. 2534, hereby Director General of Department of Employment issued the rules as follow.

**Clause 1**

This Rule is called "Rule of Department of Employment governing registration punishment and the proceeding of offender under Act of Employment and Work Searcher Protection B.E. 2528 and Working of Aliens Act B.E. 2521, B.E. 2540".

**Clause 2**

This Rule shall come into force from now.

**Clause 3**

The Announcement of the Department of Employment no. 271/2540, dated 24th April B.E. 2540, subject of the way of checking, complaint reception, registration punishment and the proceeding shall be repealed.

**Clause 4**

The Work Searcher Checking and Protection Division shall be vested with the power and duty to check, complaint, proceed the case according to Act of Employment and Work Searcher Protection B.E. 2528 and Working of Aliens Act B.E. 2521 in the Kingdom, especially the case which needs to be proceeded immediately at the time found the commission of an offence, otherwise it may cause damage to the government or the case. The division shall coordinate with the Local Employment Office or Province Employment Office as the case maybe then report to the Director General.

**Clause 5**

If it is found or there is complaint that the employment service who grant the permission from the Employment Department violates or does not comply with Act of Employment and Work Searcher Protection B.E. 2528, the Local Employment Office or Province Employment Office, which such service has located, shall check and make a synopsis together with all evidence and suggestion report to the Director General by send through Commissioner of complaint inference sift for consideration within 30 days after the date receive such complaint or the date find the case. If it is necessary to extend such period, the approval request shall be submitted to the Director General with the cause and reason, the extension shall be extent only two times and not exceeding to fifteen days each, the report shall be sent to the Director General as soon as it finish.

**Clause 6**

If it is found or there is complaint that there is an employment service without permission or there is a deceit to have a job at abroad, under Section 8, 30 or 91 tri of Act of Employment and Work Searcher Protection B.E. 2528, the Local Employment Office or Province Employment Office, which such service has located, shall check and make a synopsis together with all evidence and give a complaint to inquiry official then report to the Director General within fifteen days after the date receive such complaint or the date find the case. If it is necessary to extend such period, the approval request shall be submitted to the Director General with the cause and reason, the extension shall be extent not exceeding to fifteen days.

### **Clause 7**

In case the complainant request to the employment service who grant the permission from the Employment Department or the offender under Clause 6 to refund the service fee or expense, the concerned organization shall reconcile by reason and legal and then report the result and suggestion to the Director General that it should be some security or registration punishment or proceed with the case within the period under clause 5 or clause 6. Moreover, the refund of service fee or expense shall not be the reason to terminate the case proceeding, but minimize the punishment.

### **Clause 8**

If it is found or there is complaint that the employer or alien violates or does not comply with the Working of Aliens Act B.E. 2521, the Local Employment Office or Province Employment Office, which such service has located, shall check and make a synopsis together with all evidence and suggestion report to the Director General or governor of a province as the case may be for consideration of case proceeding then report to the Director General within fifteen days after the date receive such complaint or the date find the case.

### **Clause 9**

In case the Local Employment Office or Province Employment Office receive the complaint that there is an offend under Act of Employment and Work Searcher Protection B.E. 2528 or Working of Aliens Act B.E. 2521 outside the territorial authority of the office, shall note all matter of fact from the complainant and gather all concerned evidence and send to the concerned organization within three office day from the date receive such complaint.

In case the Work Searcher Checking and Protection Division receive the complaint, shall process by the first paragraph except such complaint is the emergency or cause serious damage to the work searcher or concern with the influence person in the local, the Work Searcher Checking and Protection Division shall send the approval request to the Director General to setup the Division to be the authorized organization.

### **Clause 10**

The Sub-Division of Case, Legislate Division reports the statistic of criminal case and civil case complaints, progress of cases and result of cases to the Director General every month. In case there is some Court's sentences are deemed interesting and useful for the function exercise under Work Searcher Protection B.E. 2528 and Working of Aliens Act B.E. 2521, the Sub-Division of Case shall make a synopsis and report to the Director General to consider to issue the letter to all concerned department.

### **Clause 11**

This rule shall be enforced instead of other rules or order that contrary with this rule.

### **Clause 12**

The Director General of Department of Employment shall have charge and control of the execution of this rule, in case there is the argument concerning to this rule, the Director General shall be arbiter.

Announced on the 26th Day of September B.E. 2540

Ms. Nitat Teerawit as Director General of Department of Employment

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