

# ***Restriction on Foreigners' Employment Violates the Principles of Equality and Non-discrimination***

## ***—From the Perspective of Thailand Foreigners' Working Management Emergency Decree***

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**Abstract:** Thailand Foreigners' Working Management Emergency Decree has stipulated 27 occupations prohibited for foreign workers, substantially differentiating Thai national workers from non-Thai national workers. Restriction on foreigners' employment not only infringes on the non-Thai workers' right to choose their employment freely but also violates human rights centered on the principles of equality and non-discrimination. Since employment discrimination has been regulated in relevant international treaties, basic methods for judging discrimination issues are gradually derived. Besides, the research on the Proportionality Principles has continued to deepen in practical and theoretical fields. By combining the Proportionality Principles with the method of judging discrimination in national law, the legitimacy and rationality of legislation can be quantitatively determined. Based on this, it is found that although Thailand's decree restricting the employment of alien workers is stipulated to protect the employment of Thai nationals, its differential regulation ignores the sub-principle of "necessity of means" in Proportionality Principles. Hence, Thailand's decree lacks objectivity and rationality, violating the principles of equality and non-discrimination under international law.

**Keywords:** Thailand, restriction on employment, workers, the Principles of Equality and Non-discrimination, Proportionality Principles

## **1. Introduction**

With the flourishing development of the globalized economy and the increasing number of international exchanges, the flow of foreign workers between countries has become an inevitable result, which has prompted countries to pay more attention to the management of foreign employees. Some scholars believe that permitting foreign workers to be employed in a country can be generally regarded as the exercise of the country's sovereignty, while the right of employment is closely connected with the foreigner's residence right [1]. However, Ryszard Cholewinski believes that employment permits are essentially restrictions on the foreign worker to be employed, therefore, a country's restriction on employment permits for foreigners should not be complete independently

formulated by the country itself but should establish a reasonable review standard [2]. In fact, rationalized provision on employment permits reflects human rights issues centered on the principles of equality and non-discrimination [3]. For example, the Declaration of Philadelphia in 1944 proposed that all human beings have equal right to pursue both their material and spiritual development [4]. Later, the International Labour Organization (ILO) discovered some discrimination appeared in employment, which violates the rights enunciated in the Universal Declaration of Human Rights (UDHR). Therefore, the Convention Concerning Discrimination in Respect of Employment and Occupation adopted in 1958 stipulates the application of the non-discrimination principle during employment and establishes the purpose of equal employment opportunities and equal treatment [5]. Based on this, a country should establish legal and reasonable employment restriction standards for foreign workers in accordance with the guidelines of the non-discrimination principle. To manage alien workers more effectively, Thailand Ministry of Labor adopted the Thailand's Foreigners' Working Management Emergency Decree (the Decree) in 2017, setting up a strictly restricted job list for foreigners, in which 27 occupations are strictly prohibited for alien workers, ranging from public transport drivers, Thai traditional handicraft practitioners, Thai painters, auction practitioners, beauty treatment careers workers, and Law career practitioners [6].

Therefore, by stipulating the types of occupation that foreigners are prohibited from taking, Thailand's Decree essentially distinguishes workers by their nationalities. To further explore whether the Decree's employment restriction on alien workers violates the equal principle enunciated in UDHR and the Convention Concerning Discrimination in Respect of Employment and Occupation, whether unfair discrimination occurs due to the differential treatment caused by nationality, this paper will combine the theoretical basis of employment discrimination in international treaties and the current international discrimination judging methods to analyze whether the restriction in Thailand's decree is objective and reasonable, also this paper will study whether this regulation violates the principles of equality and non-discrimination in international law.

## **2. The Non-discrimination Principle and the Theoretical Basis of Employment Discrimination**

Thailand officially notified the United Nations of its decision to change its country name on May 11 1949, and obtained membership of the United Nations at the same day. Based on this, Thailand's relevant legislation shall be subject to relevant provisions of international law.

### **2.1. General Provisions of The Non-discrimination Principle in Employment**

The sources of the non-discrimination principle are based on the relevant provisions about human rights in international law. The Charter of the United Nations (UN Charter), UDHR, International Covenant on Civil and Political Rights (ICCPR), and International Covenant on Economic, Social and Cultural Rights (ICESCR) are both normative documents that reveal equal human rights in current international treaties. Among them, Subparagraph 3 of Article 1, Subparagraph 1(b) of Article 13, Subparagraph 1(c) of Article 55, and Subparagraph 1(c) of Article 76 in the UN Charter all stipulate that to promote equality without distinction of race, sex, language or religion, discriminatory behavior should be avoided in international issues such as economic, political, cultural and social issues [7]. Subparagraph 1 of Article 2 of UDHR stipulates that everyone enjoys rights and freedoms entitled in the Declaration, without any kind of distinction. Besides, ICCPR and ICESCR provide a more detailed explanation on the principles of equality and non-discrimination reflected in the human rights protection problem, and list the equal rights in detail to which human beings are entitled, such as gender equality and racial equality.

Based on the protection provisions of human rights in the above international treaties, the Declaration of Philadelphia in 1944 proposes that “all human beings, irrespective of race, creed or sex, have the right to pursue both their material well-being and their spiritual development in conditions of freedom and dignity, of economic security and equal opportunity”, stipulating every human beings has the right to enjoy the rights of taking occupation and obtaining development equally. After considering employment discrimination occurred in reality and taking the Declaration of Philadelphia as fundamental, the ILO issued the Convention Concerning Discrimination in Respect of Employment and Occupation (the 1958 Convention) in 1958, in which Subparagraph 1 of Article 1 stipulates that “all conducts that impair equality of employment opportunities and treatment in employment shall be considered discrimination”.

## **2.2. Definition of Employment Discrimination**

Although employment discrimination has been described in the 1958 Convention to some extent, its definition and connotation are still general and vague. According to the description of discrimination in Article 1 of the 1958 Convention, “discrimination” can be regarded as being treated differently in employment opportunities and treatment in employment or occupation due to certain factors such as race, color, gender, religion, political opinion, ethnic origin or social origin. In addition, differential behaviors, exclusionary behaviors or preferential behaviors based on the inherent needs of specific occupations cannot be deemed to be discrimination. Meanwhile, if someone is suspected or proven to have participated in activities detrimental to national security, any measures taken by the state against that individual should not be considered discrimination as well [5]. Based on this, this paper believes that "employment discrimination" has the following two characteristics: first, there exists differential treatment; second, there is no justifiable reason for the existence of differential treatment. Differential treatments in employment refer to any distinction, exclusion or preference made due to race, color, sex, religion, political opinion, national extraction or social origin, such as setting specific recruitment conditions, restricting specific individuals from participating in recruitment interviews or employment training, setting specific employment terms and conditions for specific individuals. Without a justifiable reason to conduct differential treatment means that if the differential treatment lacks legitimate reasons for the intrinsic needs of the occupation or national security protection, this treatment would be considered discrimination. Therefore, when there are some special provisions about employment restrictions in a country's laws and regulations, but their necessity cannot be justified with legitimate reasons, the country's employment that infringes specific human rights should be deemed employment discrimination.

## **3. Basic Methods of Judging Discrimination**

### **3.1. Basic for Judging Discrimination**

Currently, the ICCPR and the *General Comment No. 18: Non-discrimination* are the basic international treaties to judge whether there exists a situation of discrimination. As stated in Article 26 of the ICCPR, all individuals are equal before the law and deserve equal protection from the law without discrimination, all persons are guaranteed equal and effective protection against discrimination on any basis like race, color, sex, language, religion, political or other opinions, national or social origin, property, birth, or other status. Meanwhile, Article 12 of General Comment No. 18: Non-discrimination regulates that although ICCPR has limited the scope of the rights to be protected against discrimination, Article 26 breaks such limitations by expanding the list of rights to be protected [8]. Therefore, the articles above require all countries to implement and apply the non-discrimination principle in their legislation at legal and factual levels. In a word, employment

discrimination is one type of discrimination, when determining whether specific facts constitute employment discrimination, the above provisions should be followed.

Regarding the application of the non-discrimination principle, the *United Nation Human Rights Committee* (HRC) adopts the concept of “sense of proportion” when judging whether a case constitutes discrimination. This concept has an intuitive reflection in the case of *Oulajin and Kaiss v. The Netherlands*, in which Oulajin and Kaiss presented that it is unjust to deny benefits to foster children simply because they cannot actively participate in their upbringing. The differential treatment is not based on reasonable and objective criteria [9]. However, HRC held that “the principle of non-discrimination and equality before the law implies that any distinctions in the enjoyment of benefits must be based on reasonable and objective criteria”, therefore, after considering the objective distinction between own children and foster children, the differential treatment about benefits between them cannot be considered unreasonable given the budget limitations that exist in the Netherlands government. Meanwhile, the General Comment No. 18: Non-discrimination also emphasizes the application of “sense of proportion” in judging discrimination. From Article 13 of General Comment No.18, not every differential treatment can be judged as discrimination, as long as it is reasonable and objective, aimed to achieve a legitimate purpose under the ICCPR [8].

In summary, “sense of proportion” is the method used internationally when determining whether a differential treatment in legislation is reasonable or not. The core of proportion is to measure the rationality and objectivity. If the intended legitimate purpose can be fully realized or realized to the maximum extent through appropriate means, then this differential treatment can be regarded as reasonable, so that it shall not constitute discrimination.

### 3.2. Proportionality Principles in Judging Discrimination

The HRC applies the “sense of proportion” in determining whether discrimination is constituted which centers on measuring the objectivity and rationality between legislation means and legislative purpose. The “sense of proportion” shares a highly consistent normative structure with Proportionality Principles, both of which focus on the essential relationship between means and purposes. The essence of Proportionality Principles lies in the relationship between means and ends, it requires the means that contributed to realize the legitimate purpose must be appropriate, necessary, and concretization [10].

According to the concept of the Proportionality Principles and the inherent meaning of Appropriateness, Necessity and Concretization, which are the three sub-principles of the Proportionality Principles, the rational relationship between purposes and means can be reviewed through the following three aspects, namely considering whether the means used can achieve the intended purposes under Appropriateness sub-principle, whether the use of this mean is better than other means under Necessity sub-principle and when using this means to achieve legitimate purpose whether the infringement of right is kept within reasonable limits under Concretization sub-principle. Meanwhile, by the HRC’s understanding of ICCPR Article 26, the committee’s approach to judging whether differential treatment is objective and reasonable is to first examine whether there is differential treatment existing in the case. If there is differential treatment, it is necessary to judge whether this differential treatment constitutes discrimination. The judgment criteria for discrimination are mainly centered on the rationality and objectivity of the legislation. The specific judging method is to first examine the purpose of this differential treatment, second, examine the specific means of differential treatment, and then analyze whether the means taken to achieve this purpose are proportional. If there is no objective and reasonable reason for differential treatment, it would constitute discrimination. The Proportionality Principles is the key sector to determine whether the differential treatment is reasonable and objective [11].

Combining the HRC's method to judge discrimination with the Proportionality Principles, when determining whether Thailand's Decree restricting foreign workers from engaging in specific occupations violates the principles of equality and non-discrimination, this paper will first determine whether differential treatment exists in the Decree. If the differential treatment does exist, the relationship of means and purposes of the differential treatment will be measured according to the Appropriateness, Necessity and Concretization sub-principles under the Proportionality Principles, so that the rationality and objectivity of differential treatment can be judged. Finally, a presumption on whether the provision of Thailand's Decree is discriminatory and violates the non-discrimination principle can be deduced.

## **4. Analysis of the Restriction on Foreigner's Employment in Thailand's Decree**

### **4.1. The Existence of Differential Treatment**

This paper believes that the two characteristics of employment discrimination are differential treatment and the lack of justifiable reason. Therefore, judging whether the restrictions on foreign workers' employment stipulated in Thailand's Decree constitute differential treatment is important to determine whether the Decree violates the principles of equality and non-discrimination in international law.

As mentioned before, the prerequisite for differential treatment is the existence of the same situation or similar situations [11]. Thailand issued the Labour Protection Act B.E. 2541 in 1998, which enjoys a higher legal effect than that of the Decree. Therefore, the relevant provisions of the Decree shall not conflict with the Labour Protection Act. The Labour Protection Act stipulates that all employees shall be treated properly in accordance with the rights and duties by the labor law, and the "employee" means a person who agrees to work for an employer in return for wages regardless of the name used [12]. Therefore, regardless of whether the workers have Thai nationality or not, as long as they accept legal employment, they will share equal status in the legal sense of Thailand, enjoying same rights and performing same obligations. Regardless of which nationality they held, workers who have paid corresponding labor and received corresponding remuneration within Thailand are considered workers equally, and they enjoy the same legal status under the Thailand Labor Protection Act. Therefore, workers with Thai nationality and without Thai nationality can be concluded to stay in the same situation, therefore, it meets the prerequisite of differential treatment.

The consequence of differential treatment is that the group of victims is generally at a disadvantage compared with other groups [11]. The provisions in the Decree prohibiting foreign workers from engaging in Thai publishing careers, tourism-related careers, law-related careers, and some handicraft-related careers, directly infringe the human rights and property rights of foreign workers entitled in the UDHR. Restriction on foreign workers' employment directly infringes on human rights enunciated in the UDHR, that everyone has the right to work, and to free choice of employment. Therefore, compared with Thai workers who are completely free to choose their jobs, foreign workers' right to freely choose their jobs is at relatively disadvantage. In addition to the direct infringement of the right to freely choose their jobs, other rights enunciated in the UDHR have also been infringed, for example, Article 19 of the UDHR stipulates that "everyone has the right to freedom of opinion and expression". Since foreign workers are prohibited from engaging in Thai publishing careers, their right to free speech is constrained. Compared with Thai workers who are able to freely engage in the publishing industry, foreign workers have fewer ways to express their opinions. To a certain extent, the restriction on foreigner's employment has resulted in causing foreign workers' right to free speech to be at a relative disadvantage.

To sum up, Thai national workers and alien workers share equal legal statuses in Thailand's labour law, however, due to Thailand's decree restricting foreign workers from engaging in certain specific

occupations, some rights such as free choice of employment and freedom of expression shared by alien workers have fallen into a relatively disadvantaged position. Hence, due to the premise of differential treatment and the consequences of differential treatment both put the victim at a relative disadvantage, the Decree restricting foreign workers' employment constitutes differential treatment.

## **4.2. The Rationality and Objectivity of Differential Treatment**

Since the provision of the Decree restricting foreign workers from engaging in certain specific occupations constitutes differential treatment, in order to examine whether this differential treatment is objective and reasonable, this paper will comprehensively prove step by step by applying the three sub-principles of the Proportionality Principles, and fully demonstrate whether a reasonable proportional relationship has been achieved between the legislative means and the legislative purpose.

### **4.2.1. Appropriateness**

As the sub-principle of the Proportionality Principles, the Appropriateness principle emphasizes the relationship between legislative means and legislative purposes, reviewing whether the means can achieve the intended purpose. Generally speaking, a legislative purpose can often be achieved through a variety of methods. In addition, legislation itself is a prediction, although the legislative authority is convinced that means they regulated can fully realize the intended legislative purpose when formulating the law, the predictions may be biased afterward due to the ever-changing reality and other reasons [13]. Therefore, in the review of the Appropriateness principle, the criteria for reviewing the relationship between legislative means and legislative purposes should not be set too strict, only requiring that the means can contribute to the realization of the purpose.

According to the history of Thailand's economy, in the 1880s, a large number of Chinese from Guangdong, Hainan, Guangxi, and Yunnan moved into Thailand. They were hard-working and capable, with good marketing and business skills. Therefore, after they took a job in Thailand, they made a significant impact on Thailand's job market, which also affected the stability of Thai society to a certain extent [14]. After the outbreak of World War II, Thai nationalism emerged, and Thailand increasingly emphasized the concept of Thai Niyom ('Thai-ism'). Many foreign workers from China, France, Portugal, the United Kingdom, who had a great influence on the Thai labor market, were dismissed and deported. Against this social background, the Thai military autocratic government adopted relevant policies to restrict foreign workers from engaging in specific occupations in order to comply with public sentiment. In 1997, the Asian financial crisis broke out in Thailand, causing the country's economy to collapse and the national unemployment rate to surge. During this period, many people lived in extreme poverty. After the financial crisis in Thailand was resolved, the country's economy gradually recovered, and the Thai people attached great importance to their personal employment situation due to the impact of the crisis. Therefore, the Thai government paid more attention to the formulation of employment policies and regulations.

In short, the promulgation of the Decree follows Thailand's consistent tradition of "employment protection" and aims to standardize the management of alien workers and strengthen the protection of the Thai labor market. The regulation in the Decree restricts foreigners' employment to broaden the employment options for Thai workers, giving them more employment opportunities while reducing the social security burden on the Thai government to a certain extent and maintaining the stable development of Thai society. Objectively speaking, the method of restricting employment is conducive to the realization of the legislative purpose, and the effect is even considered the "best", providing a direct and rapid means to protect the Thai labor market. Based on this, the restriction on foreigners engaging in specific occupations aligns with protecting the stability of the Thai labor market.

#### 4.2.2. Necessity

The necessity of means refers to the legislative authority choosing a means that least infringes on the rights of citizens among the means that can all achieve the legislative goal [15]. This involves considering which means is superior among all those that can achieve the goal. To demonstrate the superiority of specific legislative means, it is necessary to establish the relationship between means and goals and compare the consequences of using different means.

The Decree that restricts foreign workers from engaging in certain occupations aims to increase employment opportunities for Thai nationals and ensures employment stability in Thailand. However, restricting alien worker's employment is not the only way to protect the employment of Thai nationals. Other methods, such as restructuring the industry to expand the ability to absorb workers, promoting employment through innovation and entrepreneurship, or increasing public projects to provide more job opportunities, can also be adopted. These methods and the restriction approach can both achieve the purpose of increasing employment opportunities for Thai nationals and are consistent with the Appropriateness principle. However, their respective realizations differ. Regarding the infringement of the counterparty's rights, restricting foreign workers from engaging in specific occupations harms their right to freely choose their jobs and other human rights, such as freedom of expression. In contrast, other methods such as adjusting industrial structure, promoting innovation and entrepreneurship, and increasing public construction projects will not cause obvious damage to the rights of foreign workers or Thai nationals. These methods only require higher requirements on the government, requiring comprehensive coordination and planning, and more detailed arrangements for fiscal fund allocation and other issues.

In summary, the method of restricting foreigners from engaging in specific occupations is the most harmful method. Considering that this method is neither the only way to protect the employment of Thai nationals nor the method with the least infringement consequences, the means of restricting foreign workers' employment cannot be regarded as the most effective and necessary method. In short, the Necessity sub-principle is violated.

#### 4.2.3. Concretization

The Concretization sub-principle has the connotation of maintaining the resulting infringement by methods in a corresponding reasonable proportion. If a means will cause unnecessary harm to the counterparty, and this kind of harm exceeds the value of the legislative purpose, then the use of this means does not comply with the principle of Concretization.

German scholar Robert Alexy proposed the Law of Balancing and the Weight Formula to specifically quantify the Concretization principle. Based on the first Law of Balancing, Alexy proposed a simple Weight Formula that considers the intensity of interference  $I_i$  of the infringed right  $P_i$  and the degree of importance  $I_j$  of the protected right  $P_j$ . However, this formula ignores the relative abstract weight of rights and the reliability of empirical assumption. Therefore, after fully considering the abstract weight  $W_i$ ,  $W_j$  and the reliability of empirical assumption  $R_i$ ,  $R_j$  of the right  $P_i$  and  $P_j$ , the complete Weight Formula (1) is proposed:

$$W_{i,j} = \frac{I_i \cdot W_i \cdot R_i}{I_j \cdot W_j \cdot R_j} \quad (1)$$

According to the complete Weight Formula, Alexy classifies the degree of each elements into three scales: serious(s), moderate(m) or light(l), and use a cardinal scale such as a scale from  $2^0$ ,  $2^1$  and  $2^2$  for metrification [16].

As far as the Decree is concerned, all the occupations prohibited from foreigners to take are technical jobs, except for the above-restricted occupations, alien workers can engage in any other

jobs. According to Thailand Labor Index Report for the second quarter of 2023, the number of foreign workers engaged in technical jobs other than restricted occupations only accounts for 6.22% of the total number of foreign workers [20], most of the foreign workers entering Thailand are engaged in non-technical jobs. Since the vast majority of foreign workers in Thailand choose to take in non-technical occupations, the infringement of foreign workers' right to freedom of employment restricted by the Decree can be regarded as a degree of light(l). On the other hand, when focusing on the employment rate of Thai nationals in different occupations, it is found that 11.40% of Thai nationals are engaged in handicraft-related occupations, which is the fourth most employed occupation in Thailand. In addition, as of June 2023, the number of Thai national workers is 40.31 million [17], and the number of alien workers in Thailand is 2,745,223 which accounts for approximately 5% of the employment in the Thai labor market [18]. Since the Decree restricts foreign workers from engaging in traditional handicrafts occupations, which are the main occupations of Thai nationals, considering the number of Thai national workers and alien workers, the protection of these occupational positions can intuitively and effectively protect the employment of Thai nationals. Therefore, restricting these occupations is of great significance to the protection of the Thai labor market, so that it can be considered as a degree of serious(s).

In terms of the abstract weight, the “rights stratification” method developed in practice can roughly classify the importance of rights considering their attributes and types. Since dignity of personality rights is the common source of value for basic human rights [19], rights that are connected to dignity should be subject to relatively strict scrutiny and receive higher-priority protection. In the Decree, its legislative purpose of protecting the employment of Thai nationals can be transformed into protecting the right of subsistence of Thai nationals, and the right infringed upon by restricting foreigners' employment is also the right of subsistence of foreign workers. The rights connected with legislative purpose and the consequences of the infringement are both rights of subsistence, which are at the same level. Therefore, the abstract weight of the above two rights can be deemed to be equal and can be ignored when calculating the complete Weight Formula.

At the level of the reliability of empirical assumption, given that the number of alien workers accounts for roughly 5% of the total number of Thai national workers, managing a relatively small number of foreign workers is more feasible compared to increasing employment through industry reconstruction or increasing public construction projects, which require higher administrative costs. However, since the government's financial resources are limited, methods that require the government to incur additional administrative costs have a relatively low possibility of implementation. Therefore, the reliability of using methods to restrict foreigners' employment can be considered a significant factor with a degree of serious(s). Meanwhile, according to the *Labor Situation Report* issued by the National Bureau of Statistics of Thailand in early 2023, it is reported that an increasing number of people have found jobs, and the current unemployment rate in Thailand has dropped to 0.9%, reaching pre-COVID 19 levels and the lowest level in the past four years [20]. Therefore, the empirical assumption regarding ensuring national employment has a relatively high reliability and can be regarded as a significant factor with a degree of serious(s). Consequently, since the reliabilities of the empirical assumption are equal for the two aforementioned rights, this factor can be disregarded when calculating the complete Weight Formula.

To sum up, after disregarding the abstract weight (W) and the reliability of empirical assumption (R), the calculation result of  $W_{i,j}$  is equal to 1/4. A value less than 1 indicates that the protection of rights allowing foreign workers to freely choose their employment is no better than protecting the employment of Thai nationals. Therefore, the restriction of foreign workers from engaging in specific occupations to protect the employment of Thai nationals does not violate the principle of concretization.



## 5. Conclusion

To ensure the stability of Thai nationals' employment and reduce the impact of foreign workers entering the domestic employment market, a restriction that deprives foreign workers of the freedom to choose their career has been implemented. However, on the one hand, this restriction treats Thai workers and foreign workers with equal legal status in Thailand differently by prohibiting foreign workers from engaging in specific occupations, which creates an object and reasonable basis for the differential treatment, fails to fully meet the Proportionality Principles that includes the sub-principles of Appropriateness, Necessity, and Concretization. Additionally, there is no justifiable reason for differential treatment. Based on this, the restriction on foreign workers' employment not only meets the characteristics of employment discrimination but also fails to satisfy the reasonableness and balance between the relationship of legislative purposes and legislative means regulated by the Proportionality Principles. Therefore, the promulgation of the Thai Degree violates the basic connotation of the principles of equality and non-discrimination in international law and constitutes formal and substantive employment discrimination.

In the short term, Thailand's Degree restricting foreign workers from engaging in specific occupations can indeed alleviate the fierce competition in the Thai labour market, effectively increasing employment opportunities for Thai workers and ensuring the employment stability of Thai nationals. However, in the long term, restricting foreigners' employment cannot solve the intense situation in Thailand's labour market. The best way to address the employment problem in Thailand is by developing and prospering the country's economy to promote employment. Currently, in the era of "Thailand 4.0", when Thailand is committed to transforming its traditional economic system into a high-value-added and innovation-driven economy, introducing high-end foreign talents, encouraging domestic innovation and entrepreneurship, and reconstructing the domestic industry will be more effective ways to stimulate the vitality of Thailand's economy and fundamentally alleviate the tense situation in Thailand's labour market than the method of constraints foreigner's employment.

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