

Thailand Country Profile

March 2003

Employment of People with Disabilities: The Impact of Legislation (Asia and the Pacific)

*Prepared by the ILO InFocus Programme on
Skills, Knowledge and Employability
in the framework of a project funded by
Development Cooperation Ireland (DCI)*



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First published 2003

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ISBN 92-2-115398-3

First published 2003

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1. INTRODUCTION

Many countries throughout the world have, in recent years, adopted policies aiming to promote the rights of people with disabilities to full and equal participation in society. This has often been in response to the ILO Convention No. 159 concerning Vocational Rehabilitation and Employment of Disabled Persons (1983) policy on employment opportunities for people with disabilities is frequently supported by legislation and implementation strategies as essential tools to promote integration and social inclusion.

Countries in Asia and Pacific have made considerable progress in introducing legislation concerning the equalisation of opportunities for persons with disabilities, particularly during the Asian and Pacific Decade of Disabled Persons 1993-2002. Many of these laws have yet to be effectively implemented, however. The Biwako Millennium Framework for Action toward an Inclusive, Barrier-Free and Rights-Based Society for Persons with Disabilities in Asia and the Pacific refers to this in identifying critical issues to be tackled in the second decade which will span the period 2003 – 2012:

‘The challenge of integrating and including persons with disabilities in the economic mainstream has not been met. Despite international standards and the implementation of exemplary training and employment legislation, policies and practices in some countries, persons with disabilities, and especially women, youth and those in rural areas, remain disproportionately undereducated, untrained, unemployed, underemployed and poor.’

The question of the effectiveness of laws in improving employment opportunities for disabled persons – whether they are vocational rehabilitation laws, quota legislation anti-discrimination or employment equity legislation - is central, not only in terms of the economic rights of disabled people, but also to their broader social and political rights, which are closely linked to economic empowerment.

This country study for Thailand is part of the ILO project ‘Employment of People with Disabilities – the Impact of Legislation’ which aims to enhance the capacity of national governments in selected countries of Asia and East Africa to implement effective legislation concerning the employment of people with disabilities. Starting with a systematic examination of laws in place to promote employment and training opportunities for people with disabilities in selected countries of Asia and the Pacific (Australia, Cambodia, China, Fiji, Japan, India, Mongolia, Sri Lanka and Thailand), the project sets out to examine the operation of such legislation, identify the implementation mechanisms in place and suggest improvements. Technical assistance is provided to selected national governments in implementing necessary improvements.

The country study outlines the main provisions of the laws in place in Thailand concerning the employment of people with disabilities. A brief review of the implementation of the legislation is also provided, insofar as this was possible, based on a survey of documentary sources, a study by an in-country consultant and feedback from Thai delegates to a Project Consultation held in Bangkok, 17 January 2003. It may be read in conjunction with the regional overview prepared for this Consultation ‘*Employment of People with Disabilities – the Impact of Legislation (Asia and the Pacific). Project Consultation Report, Bangkok 17 January*’, ILO 2003.

2. CONTEXT

For most of its history, Thailand was an absolute monarchy changing to a constitutional monarchy following a coup in 1932. Thailand was ruled by a series of military governments interspersed with brief periods of democracy from 1932 until the 1992 elections. Since the elections, Thailand has been a functioning democracy with constitutional changes of government. Unlike many other developing countries, including its bordering neighbours, Thailand has never been colonized by a foreign power.

With a population of 62.9 million¹, Thailand is ranked 70 out of 173 on the UNDP Human Development Report (2002). Four key indicators used to calculate the HDI, longevity, educational attainment, standard of living and adult literacy rate show the following:

- Longevity, measured as life expectancy at birth, was 67.3 years for men and 73.2 for women.
- Standard of Living, measured as annual per capita GDP, was US\$ 6,402.
- Educational attainment measured as the gross enrolment ratio was 60 per cent.
- Adult Literacy Rate was 93.9 per cent for women and 97.1 per cent for men.

In 2002 there were 41.4 million persons of working age; unemployment was 2.4 per cent in 2000. The labour force was estimated to be 32.6 million². Over half of the labour force (54 per cent) is employed in agriculture, a third (31 per cent) in services and 15 per cent in industry. According to the national poverty line in 1998, 12.4 per cent of the population was considered poor.³

2.1 People with disabilities

Estimates of the number of disabled people in Thailand vary significantly. Studies carried out by the National Statistical Office (NSO) put the prevalence at approximately 1.8 per cent (1.1 million people) in 1991, and 1.7 per cent in 1996. These rates are considered to underestimate the incidence of disability, since the studies focused on people with severe disability and used a random sampling approach. In 1992/93, the National Public Health Foundation (NPHF) of the Ministry of Public Health carried out a more comprehensive survey of the Thai population aged over five years, based on medical check-ups, and identified 4.8 million disabled people. This figure, representing approximately 8.1 per cent of the population, is more in line with international estimates of disability prevalence than the NSO estimates, and is viewed as being a more reliable guide for policy makers (Sumvit, W., 1997).

¹ Mahidol Population Gazette, 2002

² World Fact Book, country Thailand, 1997

³ <http://www.adb.org/Statistics/Poverty/THA.asp>

3. LEGISLATIVE FRAMEWORK

The main legal instruments in this area are Constitution of Thailand, the Rehabilitation of Disabled Persons Act A.D. 1991 and allied Ministerial Regulations. The government has plans to enact a “Disability Employment Institute for People with Disabilities Act” in 2003. Since 1991, the Government has issued many regulations and policies to implement the Act. These are noted in table 1. Other laws that deal directly with the rights, and employment and training of people with disabilities and related issues are in Table 1.

Table 1. Regulations and policies related to implementing legislation

Regulation or statement	Relation to Law	Content
Ministerial Regulation No. 1 B.E. 2537 (1994) on the Employment of Disabled Persons and the Contribution to the Fund for Rehabilitation of Disabled Persons	Section 17 of the Rehabilitation Persons Act stipulated private companies are to hire disabled persons.	Purpose is to establish a ratio of disabled employees to be hired by private companies and the rate of payment which must be paid by employers or owners of the companies to the Rehabilitation Fund for Disabled Persons (See note)
Ministerial Regulation No. 2 B.E. 2537 (1994) on the Designation of Type and Criteria of Disabled Persons	Section 4 of the Rehabilitation of Disabled Persons Act stipulated that persons with disabilities means a person with physical, intellectual or mental abnormality or malfunctioning.	To designate type and criteria of persons with disabilities. The types are classified as those with impairments in terms of : hearing or communication, physical or locomotion, mentality or behaviour, intellectual or learning ability. Criteria are defined.
Ministerial Regulation No. 3 B.E. 2537 (1994) on Provision of Medical Rehabilitation Service and Expenses for Nursing Care and Equipment	Section 15 of the Rehabilitation of Disabled Persons Act stipulates that registered under Section 14 may receive medical care.	To establish medical rehabilitation service and expenses for nursing care and equipment. The purpose is to readjust physical, intellectual or emotional condition or improve existing condition of disabled persons.
Ministerial Regulations on Accessibility for People with Disabilities, December 1999	Related to Section 17 of the Rehabilitation of Disabled Persons Act given the minister the right o prescribe the characteristics of buildings, etc.	Includes provisions of welfare protection, social service including improving living conditions, equality and eradicating any barriers which deprive disabled persons from access to the facilities in building, sites, vehicles and public services.
Cabinet Resolution 12 July 1994 Vocational Rehabilitation and Employment for People with Disabilities	Relates to Section 15 (2) of the RDP Act which makes provisions for mainstreaming	This Cabinet resolution declared that all vocational training institutions must accept students with disabilities (ESCAP, 1999, p. 292).
Cabinet Resolution 8 April 1997 Employment opportunities for People with Disabilities in State and Parastatal	Section 17 of RDP Act which only specified “employers” and not the state	Encourages employment opportunities for People with Disabilities in State and Parastatal Organizations but does not include a quota.
Cabinet Resolution 10 March 1998 Accessibility Resolution	Section 17 of the RDP Act and the prior Ministerial regulation	A 1998 cabinet resolution directed state agencies to modify facilities for disabled access, but most government agencies have not done so. The 1999 regulation that makes compliance mandatory has not been enforced.
Cabinet Resolution 10 November 1998 Declaration on the Rights of People with Disabilities	Rehabilitation of Disabled Persons Act	To further strengthen the Rehabilitation Act, including provisions on the right to receive vocational rehabilitation, vocational training and employment services.

Note: The quota scheme requires that employers with more than 200 employees must hire at least one disabled person, and for employers with more than 200 employees, they must hire one additional disabled person for every 100 additional employees. The Government has a responsibility to define the kind of work disabled persons can do and for sending candidates for jobs opening filed by companies covered by the act. If companies fail to hire suitable candidates or otherwise prefer not to do so, they must make a financial allocation to the Rehabilitation Fund based on half the minimum wage. However, there are no provisions for punishment if companies both fail to hire and elect not to pay the prescribed fine.

3.1 The Constitution of Thailand

In the Constitution of the Kingdom of Thailand of 1997, Section 30 states that all persons are equal before the law and shall enjoy equal rights and that all discrimination based on physical or health condition is prohibited. Chapter III, Section 55 states “the disabled or handicapped shall have the right to receive public conveniences and other aids from the State, as provided by law. Section 80 stipulates that the State shall ensure a good quality of life for persons with disabilities and improve upon their ability to depend upon themselves for health protection and quality of life. The Constitution eliminates all restrictions barring persons with disabilities from exercising their rights and removes previous prohibitions against voting and running for Office.⁴

3.2 Rehabilitation of Disabled Persons Act A.D. 1991

Rehabilitation of Disabled Persons Act A.D. 1991 is the main act focussed upon the employment of people with disabilities in Thailand. The act created the Office of the Committee for the Rehabilitation of Disabled Persons, a Fund for the Rehabilitation of Disabled Persons and authorized the Minister to prescribe a number of regulations.

3.2.1 Definitions

The Act defines disabled person as “...a person with physical, intellectual or psychological abnormality or impairment...” Other definitions include "Rehabilitation of Disabled Persons" which is defined as meaning the improvement of the potentials and capacities of disabled persons. Vocational training is specifically referred to as a means of increasing the employment opportunities of people with disabilities.

3.2.2 Office of the Committee for the Rehabilitation of Disabled Persons

Main tasks of the above Committee include the proposal and recommendation of policies and plans to be approved by the Cabinet and the establishment of rules, regulations and ordinances related to the Act.

3.2.3 Fund for the Rehabilitation of Disabled Persons

The act also established a Fund for the Rehabilitation of Disabled Persons to provide support to disabled persons through the provision of revolving capital for expenses incurred in the implementation and provision of assistance to disabled persons.

3.2.4 Ministerial Regulations

Significantly, the act authorizes the Minister to establish regulations prescribing:

- Accessibility requirements for building environments.
- A quota system to require that private employers “to employ disabled persons at the ratio prescribed” and to hire a certain percentage of disabled workers.
- That employers “may apply to contribute to the Fund” instead of employing disabled persons, according to ministerial regulations.
- Incentives to employers or owners of private companies, such as deducting “double the expenses” related to equipment purchases that facilitate employment of disabled persons, such as deducting double the expense from profits for tax purposes or entitlement to deductions for wages of disabled workers.

⁴ Constitution of Kingdom of Thailand, 1997.

3.3 Ministerial Regulations

Ministerial Regulations were issued subsequently in accordance with the act. The initial Ministerial Regulation was issued in response to Section 17 of the Rehabilitation Persons Act, which stipulates private companies are to hire disabled persons.⁵ Thus, Ministerial Regulation 1⁶ established a ratio of disabled employees to be hired by private companies (employers with more than 200 employees must hire at least one disabled person, and for employers with more than 200 employees, they must hire one additional disabled person for every 100 additional employees) and the financial allocation to be made to the fund by employers who do not hire the stated number of people with disabilities. This, however, is the sole prohibitive measure. In addition, the government has a responsibility to define the work type capacity for each disabled person in accordance with their ability and put forward suitable candidates for interview.

Ministerial Regulation 2⁷ clarifies the meaning of "...a person with physical, intellectual or psychological abnormality or impairment..." as stated in the Act. It establishes a classification system for type of disability with further definitions. The disability types are presented below:

- (1) Impairment of seeing (visually disabled)
- (2) Impairment of hearing or communication (hearing impaired)
- (3) Impairment of physical or locomotion (physically disabled)
- (4) Impairment of mentality or behaviour (intellectually disabled)
- (5) Impairment of intellectual or learning ability (psychologically disabled)

Section 17 of the Act gave the Minister the mandate to prescribe Regulations to improve the accessibility of buildings for people with disabilities. The Minister issued Ministerial Regulations on Accessibility for People with Disabilities, December 1999. The regulations include provisions promoting equality and eradicating any barriers, which deprive disabled persons from access to the facilities in building, sites, vehicles and public services.

3.4 Cabinet Resolution

In addition, to these Ministerial Regulations four Cabinet Resolutions have been issued relating to the Act. The first⁸ declared all vocational training institutions must accept students with disabilities. The second⁹ promotes employment opportunities for people with disabilities in State and parastatal organisations. The third¹⁰ directs state agencies to modify facilities for disabled access. This was followed by a 1999 Regulation making compliance mandatory, which has not yet been enforced. The final Cabinet Resolution¹¹ includes provisions on the right to receive vocational rehabilitation, vocational training and employment services.

⁵ Section 17.2 .that the employers or owners or private companies shall employ disabled persons suitable to the nature or work at an appropriate ratio with other employees. In case any employer or owner of a private company does not wish to employ disabled persons at the ratio prescribed, he/she may apply to contribute to the Fund as stipulated in Section 16 at the rate specified in the Ministerial Regulations instead of employing disabled persons.

⁶ Ministerial Regulation No. 1 B.E. 2537 (1994)

⁷ Ministerial Regulation No. 2 B.E. 2537 (1994)

⁸ Cabinet Resolution 12 July 1994

⁹ Cabinet Resolution 8 April 1997

¹⁰ Cabinet Resolution 10 March 1998

¹¹ Cabinet Resolution 10 November 1998

3.5 Laws Relating to Vocational Training

The mainstream legislation of the Occupational Training Promotion Act 1994 and Vocational Training Act 1996 also positively impact upon the employment of people with disabilities in Thailand. The former Act established occupational training among active workers to enable them to enter the skilled labour market. It calls for cooperation between employers and vocational institutes to provide students with on the job training. The latter Act entitled registered private enterprises to a 50 per cent tax reduction of training expenses as well as other incentives to encourage training. In addition a Vocational Training Committee (a tripartite group) was created to establish skill standards.

3.6 Other Laws of Relevance

Other laws of relevance to the promotion of the employment of people with disabilities include the National Education Act 1999, Workers Compensation Act 1979, Social Security Act 1990, Provident Fund Act 1987, Small and Medium Enterprise Promotion Act, February 2000 and Labour Protection Act 1998.

Table 2. Significant additional legislation on the education, employment and rehabilitation of people with disabilities

	Description
National Education Act, 1999	This act protects the rights of persons with disabilities to education in accordance with their Constitutional rights. People with disabilities are entitled to early intervention services, educational materials and facilities, and government-supported home schooling. All children receive 12 years of basic schooling free of charge. Educational materials are being produced to meet the needs of target groups.
Occupational Training Promotion Act of 1994	Establishes occupational training among active workers to enable them to enter the skilled labour market as well as improve productivity of the workforce. It calls for cooperation between employers and vocational institutes to provide students with on the job training. Ministry of Labour is responsible for implementation.
Vocational Training Promotion Act 1996	Entitles registered private enterprises to a 50 per cent tax reduction of training expenses as well as other incentives to encourage training. Established the Vocational Training Committee, a tripartite group to establish skill standards.
Workers Compensation Act 1979	Provides protection for employees disabled at work so that they receive compensation for medical expenses, prosthetic devices and equipment, and physical and mental rehabilitation. In addition, under this Act, the Social Security Office provides special occupational rehabilitation at the Industrial Rehabilitation Centre in Bangpoo, Pathum Thani Province. The act also promotes the issue of better safety and health at work places.
Social Security Act 1990	The Social Security Act covers employees in enterprises in the private sector with 10 or more workers. Insured members are granted certain benefits (health care, rehabilitation services, income replacement, etc.) in cases of illness, disability, maternity, old age and death. Chapter 8, pertaining to unemployment benefits, is not yet in force. Physical, mental and occupational rehabilitation expenses are covered by invalidity benefits. Social Security services include 500 baht (US\$12) a month cost-of living for registered persons with disabilities as a subsistence allowance
Labour Protection Act 1998	This act covers all aspects of labour protection including employment issues, rules on basic pay, holiday pay and overtime, remuneration including minimum wages, welfare, occupational safety and health, suspension from work, severance pay. The Employees Welfare Fund is also established, which assists families of deceased workers, employees who resign or other cases. The Fund will be used in companies with more than 10 employees where no Provident Fund has been established. There are no provisions relating specifically to persons with disabilities in the Labour Protection Act.
Provident Fund Act 1987	This voluntary fund was established to provide legal and regulatory framework for employer-sponsored retirement savings plans for the employees of large enterprises of the private sector in the years preceding the establishment of the Social Security Act. Employees contribute between 3 and 15 per cent of wages and employers between equal or higher contributions up to a maximum of 15 per cent. There are no disability-specific guidelines in the Provident Fund Act.
Small and Medium Enterprise Promotion Act, February 2000	Establishes a Board of SMSE development under of the Office of SMSE that oversees a fund for SMSE development and establishes a plan for SMSE development.

3.7 Discriminatory laws

Although Article 30 of the Constitution of Thailand prohibits discrimination against people with disabilities on the basis of their physical condition, nearly forty laws still block people with disabilities from applying for jobs as teachers, police, prosecutors, judges, and staff of electricity, water and railway and communications authorities.

3.8 Proposed law

“A Disability Employment Institute for Persons with Disabilities Act” is to be enacted within the year 2003.

3.9 International commitments

Thailand signed the Proclamation on the Full Participation and Equality of People with Disabilities in the Asian and Pacific Region as of 1 September 2001. It has not yet ratified Vocational Rehabilitation and Employment (Disabled Persons) Convention, 1983 (No. 159).

4. IMPLEMENTATION

4.1 Institutional Framework

The principal Ministry promoting the interests of people with disabilities is the Ministry of Social Development and Human Security (formerly the Ministry of Labour and Social Welfare). However, the Ministry of Education, the Ministry of Finance also have a positive impact upon this area. Together with the Office of the Committee for Rehabilitation of Disabled Persons (OCRDP), these comprise the main Ministries working towards the full participation of persons with disabilities in employment through their policies and programmes.

4.1.1 Ministry of Social Development and Human Security

The Ministry Social Development and Human Security is comprised of the Department of Public Welfare, Department of Skills Development, Department of Labour Protection and Welfare and the Social Security Office. The main roles of these departments are presented below:

4.1.1.1 Department of Public Welfare

The Department has primary responsibility for implementing national social welfare policies. The Department works in partnership with the private sector, modifying regulations to comply with people's rights as outlined in the 1997 Constitution. One of its major activities outlined in its last Annual Report (2000), was "providing vocational training and upgrading quality of life of disadvantaged young women and people with disabilities as well as promoting income generation."

The Social Security Division, Welfare Assistance Divisions and most importantly, the Office of the Committee on Rehabilitation of Disabled Persons are within its Central Administration.

4.1.1.2 Committee for Rehabilitation of Disabled Persons (OCRDP)

This committee was established under the Rehabilitation Act and includes representatives of Ministries of Labour, Public Welfare, Public Health, Education, University Affairs, Budget Bureau and Department of medical services, the Employers Confederation of Thailand, as well as representatives from six NGOs. This broad composition reflects the multi-dimensional nature of the task of improving opportunities for disabled people and the need for action across a range of different policy areas if equality of opportunity is to be achieved. The Committee, which is chaired by the Minister of Labour and Social Welfare, has policy and planning roles concerning the implementation of the Rehabilitation Act. In relation to vocational training and employment, it provides assistance in the development and rehabilitation of disabled persons, and supports disability related services of public and non-governmental organizations by providing appropriate technical and financial assistance, facilities or services. In addition, the Committee approves programme and project applications for loans or grants from the Fund for Rehabilitation of Disabled Persons.

4.1.1.3 Office Committee for Rehabilitation of Disabled Persons (OCRDP)

The Office of the Committee for Rehabilitation of Disabled Persons (OCRDP) was also established under the Rehabilitation Act. Its main objective is to liaise with Government and NGOs involved with service delivery and with policy concerning the implementation of the Rehabilitation Act. Other activities include the collection and retrieval of information on

Persons with Disabilities and related matters, the preparation of rehabilitation programmes for submission to the Committee, coordination and cooperation with rehabilitation service providers as well as monitoring and follow up activities.

Persons with Disabilities who register with the OCRDP have the right to vocational guidance and training, as well as to education either in special schools or in ordinary schools. Vocational training and employment activities include employment promotion, small-scale job placement service. In addition, public and NGO disability-related services are to be supported through the provision of appropriate technical and financial assistance and the approval of project applications for loans or grants from the Fund for the Rehabilitation of Disabled Persons.

In 1999 the OCRDP set up Provincial Committees for the Rehabilitation of Disabled Persons in every province. These committees are required to have four disabled persons as members to promote disability issues related to achieving national, regional and international objectives.

The main committee is comprised of six sub-committees, three of which are of particular relevance to the employment of disabled persons. The Director General of the Department of Skills Development chairs the Development, Rehabilitation Sub Committee. It facilitates the participation of people with disabilities in mainstream training programmes, ensuring the use of proper equipment, assistive devices and training techniques. In addition, it encourages people with disabilities to form training and occupation self-help groups.

The Director of the Employment Services Department chairs the Employment Service Systems for People with Disabilities Sub Committee. It reviews and selects firms that are models for hiring people with disabilities and identifies organizations that provide employment support services.

The third Sub Committee is concerned with the Promotion of People with Disabilities in Self Employment. It provides advisory services, small business management information, marketing, product development and other assistance to those borrowing money from the Rehabilitation Fund. In addition, it had established a data centre for self-employment promotion and service access.

4.1.2 Department of Skills Development

It enhances the development of the labour force through its skill development institutes. Other activities include industrial restructuring, mobilising skill development information systems, improving legal measures to encourage the private sector to engage in skill development and increasing cooperation in skill development at national and international levels.

4.1.3 Department of Labour Protection and Welfare (DLPW)

DLPW is mandated to cover safety, health and welfare of workers. It includes the National Institute for the Improvement of Working Conditions and Environment (NICE) and its 17 regional centres, and 75 provincial labour protection and welfare offices and 19 offices in Bangkok.

4.1.4 Social Security Office (SSO)

The SSO manages the Workers Compensation Fund which seeks to compensate employees who are injured, sick or disabled as a result of work related activities. Includes Industrial Rehabilitation Centre Division that runs rehabilitation centres

4.2 Policy

Government policies and programmes concerned with the employability of disabled persons are both mainstream and disability specific.

4.2.1 National Plans containing policies on disability

Governmental Plans responding to the need to maximize the employability of people with disabilities include the Ninth National Economic and Social Development Plan (2002-2006), the Draft Plan of Quality of Life Development for People with Disabilities (2002-2006) and the Plan for Employment Promotion and Development for People with Disabilities and Identification of 2002 as the Year of Employment Promotion for People with Disabilities.

4.2.1.1 Ninth National Economic and Social Development Plan (2002-2006)

The promotion of economic stability and sustainability (with targets related to GDP growth, job creation (230,000 jobs per year) among others) is one of the major objectives of the Ninth National Economic and Social Development Plan (2002-2006). Others include the establishment of a strong national development foundation (including human resource development, education and health systems reforms, and setting up social protection systems) and secondly, the reduction of poverty (with a target to reduce absolute poverty to less than 12 percent of the total population by 2006).

The Ninth Plan specifically identified the need to increase mainstream self-employment opportunities as a reaction to the Asian Financial Crisis and to realize the goal of reducing poverty. "Emphasis should be placed on the development of community enterprises by promoting the establishment of revolving funds to finance businesses. Micro credit projects need to be expanded to alleviate liquidity problems in many local economies."

4.2.1.2 Draft Plan of Quality of Life Development for People with Disabilities (2002-2006)

This Draft Plan is awaiting Cabinet approval. The plan articulates how to improve the quality of life for disabled people with specific strategies and targets related to education and employment among other areas.

Most of significance to the employment and education of persons with disabilities are the allied goals to increase the percentage of people with disabilities who have access to an education by 5 per cent per year and increase the percentage of people with disabilities who are employed by the same percentage.

Measures to enhance the employability of persons with disabilities in the Plan include initiatives for vocational training, referral and placement services, mechanisms for employment support, employment quotas, financial incentives and support for self-employment enterprises.

4.2.1.3 Vocational Training

It is stated that opportunities are to be provided for persons with disabilities to gain access to all public and private training centres. In addition, business firms are encouraged to provide on the job training for persons with disabilities especially those of intellectual, mental and behavioural disabilities. The training is to include knowledge about skill development, product development, market promotion, business management, and sources of funds for persons with disabilities who want to be self-employed with participation of their families, communities and the society.

4.2.1.4 Referral and Placement Services

The Plan declares that an employment and placement system is to be established with vocational capability assessment services and job placement services. Employment opportunities for persons with disabilities will be promoted by using public and private networks, as well as funding for NGOs.

4.2.1.5 Financial Incentives

Financial incentives for both employers potential and otherwise of persons with disabilities include an increase in benefits to private firms that employ disabled persons and a tax exemption when importing goods and equipment used by persons with disabilities for earning their living coupled with an adjustment of accounting to modernize the tax-exempt method. Financial incentives for the benefit of persons with disabilities include protective services for persons with disabilities to obtain fair welfare and income.

4.2.1.6 Social Measures

Social measures are to be used as a tool to encourage private firms, government agencies, and state enterprises that do not employ persons with disabilities to do so.

4.2.1.7 Legislative Mechanisms

No information was obtained in preparing this draft country profile.

4.2.2 Disability Specific Programmes

The quota scheme is the pivotal programme for employment promotion of people with disabilities in Thailand. It was established by the Rehabilitation of Disabled Persons Act¹² and further clarified by Ministerial Regulations¹³. The disability specific programmes are for the most part allied to the law and regulations. There are vocational training and self employment programmes as well as an employment service and occupational development centre.

4.2.2.1 Vocational Training Programmes

Vocational training courses specifically for people with disabilities are run by a number of government departments including the Ministry of Education and Special School Options and the Industrial Rehabilitation Centre operated by the Social Security office. In addition, the Department of Public Welfare operates eight residential vocational training centres and provides seventeen training courses. People with disabilities apply through provincial welfare offices. Initial assessment involving a basic literacy, paper and pencil tests and basic ability test through situational analysis determines a person's eligibility for training. One such Development Centre is situated in Pak Ket, it provides employment for disabled people who completed training in the Public Welfare and non governmental organisation centres. The aim is to enhance the skills and experience of disabled people and to familiarise them with the requirements of the working environment before they enter the workforce.

4.2.2.2 Special Employment Services

The OCRDP provides a small-scale job placement service for disabled persons based in Bangkok. This service focuses predominantly on providing information on job vacancies from a central location to job seekers and training centres. It does not play a proactive role in securing employment or in following up after recruitment to promote job retention. However,

¹² See section 3.2

¹³ See section 3.2.4

it is not the sole disability specific placement service, the Vocational Training Centres of the Department of Public Welfare seek jobs for graduates from their centres, relying primarily on arrangements which exist with specific companies locally and regionally.

4.2.2.3 Self Employment and Income Generation

The Department of Public Welfare provides loans to people with disabilities for the purposes of either self-employment or expanding an existing business. The loans are sourced through the Rehabilitation Fund¹⁴. (This fund is made up of government grants, employer payments linked to the non-fulfilment of quota obligations and private donations.) In order to qualify for the loan, the applicant must be registered with the OCRDP and the proposed activity be considered viable. The loan is 20,000 baht, it is interest free with a maximum five year repayment period. However, no formal business development services or training are offered.

4.2.2.4 Occupational Development Centre

This is the only sheltered workshop operated by the government for People with Disabilities. It has been in operation since 1983 as a model of real enterprise. It employs graduates of training centres who are skilled in dressmaking but are not ready for open or self-employment.

4.2.3 Mainstream Programmes

Mainstream initiatives include vocational training, employment service and self-employment programmes.

4.2.3.1 Vocational Training

The aim is to increase vocational training facilities throughout the country via networking with disabled persons organisations and non-governmental organisations. In addition, a centre providing pre vocational training preparatory courses and a centre to assess working capacity are to be established. Vocational contests for persons with disabilities are to be organised with the aim of increasing awareness of the valuable potential of disabled persons.

Both the Ministry of Education and the Ministry of Labour and Social Welfare operate vocational training programmes through the respective departments of the Department of Technical Vocational Education, Department of Non Formal Education and the Department of Skills Development and the Department of Public Welfare. By virtue of the aforementioned Cabinet Resolution 1994, vocational training institutions must accept people with disabilities. Although, the Department of Skills Development actively encourages integration of people with disabilities into mainstream program, no accommodations are made for disabilities.

4.2.3.2 Plan for Employment Promotion and Development for People with Disabilities and Identification of 2002 as the Year of Employment Promotion for People with Disabilities

The Subcommittee on Employment Promotion for People with Disabilities consists of agencies such as the Ministry of Labour and Social Welfare, Ministry of Education, and organization of people with disabilities, developed a Plan for Employment Promotion and Development for People with Disabilities (2002-2006). Input from this plan contributed to the overall Quality of Life Development for People with Disabilities (2002-2006). The six sub committees of the Office of the Committee for Rehabilitation of Disabled Persons (OCRDP), will develop action plans and measures related to implementing the plan.

¹⁴ See Section 3.2.3

On 9 October 2001, the Cabinet approved 2002 as the year to promote employment promotion of people with disabilities. Through this initiative, many government agencies and the private sector are cooperating to expand vocational rehabilitation and employment prospects for people with disabilities. The guidelines specifically refer to increasing opportunities for disabled persons for both vocational training and employment.

4.2.2.3 Employment Opportunities

In order to promote the employability of disabled persons a database is to set up on demand for disability labour and number of persons with disabilities who want to work in order to match the demand and supply properly and efficiently. Private firms are to be encouraged not only to hire more persons with disabilities but also provide secure work. Additionally, self-employment for persons with disabilities is to be researched and fostered.

Finally, a campaign is to be conducted to encourage the government to be a source of employment for persons with disabilities and the media is to be used as a tool to disseminate information about the year of employment promotion for PWD 2002.

4.3 Consultative Mechanisms

No information was obtained in preparing this draft country profile.

4.4 Enforcement

The quota scheme introduced by law does not have a formal enforcement mechanism.

4.5 Employment Promotion Measures

4.5.1 Employment Services

The employment services are operated by the Department of Employment. There is a network of 84 offices, nine in Bangkok and seventy-five in the provinces. Typically, each office has about three officers to serve both the job seekers and employers. The service includes the provision of a free labour exchange, employment counselling and career guidance, job placement services.

In addition to this, a small scale specialized placement service is provided to people with disabilities through the Office of the Committee for the Rehabilitation of Disabled Persons.

4.5.2 Support for Self-Employment and Income Generation

4.5.2.1 Mainstream support for self-employment and income generation

The Royal Thai Government is a supporter of self-employment and the development of micro (1-4 employees), small (5-19 workers) and medium (20-99 workers) enterprises, however Thailand lacks a formal policy in this area.¹⁵ As in many countries, micro enterprises are seen as a strategy for poverty alleviation and income generation and are within a welfare context rather than a job creation context and this appears to be the case in Thailand,¹⁶ but perhaps with good cause. Job creation strategies are an important development approach and a reaction to the Asian financial crisis.

The Ninth plan specifically identified the need to increase mainstream self-employment opportunities as a reaction to the crisis and to realize the goal of reducing poverty. :”Emphasis

¹⁵ ILO/UNDP, Micro and Small Enterprises in Thailand

¹⁶ Ibid

should be placed on the development of community enterprises by promoting the establishment of revolving funds to finances businesses. Micro-credit projects need to be expanded to alleviate liquidity problems in many local economies.”

Some of the self-employment initiatives in response to the crisis are noted in section 4.13 related to poverty alleviation and rural development initiatives. Since Thailand is largely an agrarian economy, many of the self-employment efforts are delivered through rural development initiatives.

Training for entrepreneurship and self-employment however, are not well developed and linkage between Ministries providing such services, except the Ministry of Industries and the Ministry of Labour and Social Welfare is lacking.¹⁷ In the course of doing this research, little information was found on training and services for micro and small enterprises. Although the DSD offers such training as noted in the section of vocational training, it seems that since people with disabilities have access to Rehabilitation Fund for loans, key informants and materials related to disability did not focus on other options.

4.5.2.2 Mainstream support for self-employment and income generation for people with disabilities

Theoretically, people with disabilities should have access to self-employment and income generating programs that exist but little information was found on this topic and it requires additional research.

4.5.2.3 Self-employment and income-generation support services for people with disabilities

The DPW provides loans to people with disabilities who want to become self-employed or expand an existing business. A maximum 20,000 baht, interest free loan with a maximum five-year repayment period is available. This is provided through the Rehabilitation Fund. However, no formal business development services or training are offered. As noted in the section on vocational training for people with disabilities, some of the centers provide business development training but no set curricula or service policies exist. The need for this is noted in the Draft Plan and has been identified by DPW officials.

¹⁷ ILO, August 2000

5. OUTCOMES AND IMPACT

5.1 Data / Statistics concerning the employment of people with disabilities

Statistics from the Public Welfare Department indicate that, between 1997 and 1999 about 5500 people with disabilities were employed, while 12,500 received loans of 20,000 baht. However, further data indicates skill deficits were the limiting factor in the number of people with disabilities gaining access to the active workforce, over the three year period from 1996 to 1998, employers covered by the Rehabilitation Act offered more than 9,000 job vacancies each year specifically for jobseekers with disabilities for which neither the DPW or the DOE Employment Service could find qualified applicants.¹⁸ In addition, employer participation in the quota scheme is on the decline, in 1997, 54 per cent of companies complied whilst in 2001 only 30 per cent complied. According to the National Statistical Office (1996) 75 per cent of the industrial sector was made up of enterprises employing one to four employees. However, the quota scheme only relates to companies of more than 200 employees and thus only addresses promoting employment for people with disabilities within a very small section of the labour force.

5.2 Open employment opportunities for people with disabilities

Theoretically, most jobs are open to people with disabilities, although as noted in Section 3, some discriminatory legislation is still on the books and has recently received considerable public scrutiny.

In addition to the special constraints people with disabilities face in accessing jobs, they also face the same challenges in finding employment as the general population. The Asian financial crisis had a real impact on the number of job seekers and the available job vacancies to meet those needs. According to the Ministry of Labour and Social Welfare Annual Report 2000:

The domestic employment statistics during 1996-2000 show that the situation of unemployment really happened... There was an increased trend of 295,023 people looking for a job and using the service in 1999 from 174,841 in 1997. The upward trend is still continuing, while the amount of job vacancies provided by workplaces is falling. The number of job vacancies was 571,678 in 1997 and then decreased to 407,135 in 1999. In 2000 (January-September), there were 332,317 vacancies, 199,740 job applicants, 95,607 of which were accepted for jobs (or 47.87 per cent of all job applicants of 28.77 per cent of the vacancies.) The main cause of this is the difference between workplaces' needs and the job applicants' qualifications in terms of education, age and work experience.¹⁹

Certainly, based on the evidence that people with disabilities are less likely to be qualified, their opportunity to effectively compete with other job seekers or fill job openings are limited. In fact, over the three-year period from 1996 to 1998, employers covered by the Rehabilitation Act offered more than 9,000 job vacancies each year, specifically for job seekers with disabilities, for which neither the DPW nor the DOE Employment Service could find qualified applicants.²⁰ The data suggests that even though job opportunities decreased and competition for jobs increased, skill deficits limited the access of people with disabilities to job opportunities.

¹⁸ EASMAT 1999

¹⁹ MOLSW, 2000 Annual Report, page 6

²⁰ EASMTAT, 1999

Currently there is no countrywide data on the total number of disabled persons in the labour market, either as employees or as self-employed. The Public Welfare Department reported that, between 1997 and 1999, about 5500 people with disabilities were employed, while 12,500 people received loans of 20,000 Baht. The figures for graduates of DPW and other training programs were noted in Section 4, however these constitute a small percentage of disabled persons.

In 1996, 1.4 million with disabilities were reported employed according to the Ministry of Public Health survey.

The quota system and employer incentives noted in Section 3 are the major incentives for employment promotion in the formal open labour market. Employer participation in the quota scheme however is on the decline. In 1997, 54 per cent of companies complied. In 2001, only 30 per cent complied.²¹ The OCRDP, which administers the law, attributes this decline to the fact that the quota is not enforced and employers are not actively fined. The law contains no enforcement provisions. The OCRDP subcommittee dealing with the law and employment is studying the possibility of recommending the law to insert provisions for non-compliance.²²

As evidenced from table 3, the number of non-complying employers has risen from 45 per cent of those obligated by the law to 70 per cent in 2001.

²¹ Verbal report from Khun Sunee

²² Ibid. Although a fine is supposed to be paid, there is no punish for failure to pay the fine.

Table 3. Employers nationwide covered by the quota system

	1997		1998		1999		2000		2001	
		Persons		Persons		Persons		Persons		Persons
Enterprises w/ more than 200 employees	5,415	15,063	5,675	16,111	5,133	11,555	5,301	10,602	5,082	10,164
Inform DPW + Employ People with Disabilities	408	815	398	958	202	370	168	224	39	45
Inform DPW but no employment	1,026	9,322	1,076	9,748	266	1,450	282	1,266	176	761
Inform that already employ People with Disabilities	737	1,811	428	1,063	412	992	1,083	1,543	667	1,490
Contribute to the fund	470	1,342	521	1,086	530	1,165	572	1,231	524	1,240
	34.93 Baht million		34.45 Baht million		34.49 Baht million		36.39 Baht million		35.47 Baht million	
Inform w/ less than 200 employees	314	-	268	-	197	-	149	-	115	-
Non-complying (no announcement, no contribution)	2,461	5,698	2,985	12,855	3,526	8,052	3,047	6,091	3,561	6,950
Complying	2,955 (54%)		2,691 (47%)		1,607 (31.3%)		2,254 (43%)		1,521 (30%)	
Non-complying	2,460 (45%)		2,985 (52%)		3,526 (68.7%)		3,047 (57%)		3,561 (70%)	

According to requests made to the Department of Social Welfare, employers most frequently request candidates to fill the following positions:

- Computer operator
- Telephone operator
- General administrative clerk
- Production worker
- Sewing machine operator
- Accountant and bookkeeper
- Cleaner
- General workers
- Bar code sticker²³

Of those individuals tracked by the Department, people with disabilities tend to be employed in the following jobs.

²³ Information provided by the Department of Social Welfare, July 2002

Table 4. Types of jobs secured by people with disabilities ²⁴

Physical Disabilities	Hearing or Communication Disabilities	Visual Disabilities	Intellectual or Learning Disabilities
Industrial Sewing Machine Operator Computer Operators General Administrative Workers Telephone Operators Production Worker General Worker	Cleaner Computer operators and general administrative workers Industrial sewing machine operator Packing worker General Worker Production Worker	Telephone Operator Traditional Masseur/masseuse	Elevator Operators Wood box maker Printer worker

Table 5. Types of occupations by disability group as of December 2000

Occupation	Visual	Hearing	Physical	Behaviour	Intellectual	Total
Trade	906	363	5170	19	61	6519
Agriculture	524	448	5214	28	183	6397
Skilled Worker	236	160	2778	3	5	3182
Total	1666	971	13162	50	249	16098

The quota system as a major vehicle for promoting jobs must be considered against the realities of the enterprise sector. The quota system applies to companies with more than 200 employees. Yet, according to data from the National Statistical Office, 75 per cent of Thailand's industrial sector in 1996 was made up of enterprises employing one to four employees. When larger enterprises are cumulatively considered, it has been found that 97 per cent of Thailand's enterprises employ less than 50 workers.²⁵ Business establishments (trade, services and hotel/restaurant establishments) show a similar trend. This suggests that even if large employers were responding to the quota system, this policy only addresses promoting employment opportunities for people with disabilities within a small sector of the possible labour force base. No data is kept on the number of people with disabilities who work for the Government or in parastatal organizations.

5.3 Employment opportunities for people with disabilities in protected work environments

The only sheltered workshop operated by the Government is the Occupational Development Center for People with Disabilities, which has operated since 1983 as a model of real enterprise. It employs graduates of training centers who are skilled in dressmaking but are not ready for open or self-employment. In 2000, 49 individuals worked at the Center.

No centralized data is available with regard to sheltered employment and the Government does not monitor them. However, based on key informant interviews, they appear to be few in number. Again, however the lack of information about activities in the NGO sector with regard to vocational rehabilitation issues makes any substantive analysis possible.

²⁴ Ibid

²⁵ ILO EASMAT, *Micro and small enterprises: Giants in employment and development*, Bangkok, June 2000, page 5.

5.4 Self-employment opportunities for people with disabilities

It is most likely that in Thailand, as in other countries, many people with disabilities work in the informal sector, where unfortunately, they are less likely to have the protections of formal employment and many working in the informal sector would be consider self-employed, or as agricultural workers, homeworkers, or are involved in microenterprises. A National Statistical Office survey of the information sector in 1996 indicates that millions of people work in this sector and it is a major contributor to socio-economic objectives. According to an ILO report, employment generated by the informal sector in manufacturing, trade and service sectors is approximately 3.5 times greater than that generated by the formal sector.²⁶ Further, it is estimated that trading is the most important.

However, as noted in section 5.1 no reliable data exists to identify the employment or self-employment status of people with disabilities. Nevertheless, it is likely that most people with disabilities work are self-employed or in the informal sector as home or agricultural workers.

The Rehabilitation Fund is available for individuals with disabilities who want to start their own businesses. According to the Plan of Quality of Life Development, 12 per cent of those registered for services with the Department of Public Welfare have borrowed money from the fund. Of those, 72 per cent have repaid the loan, resulting in a 58 per cent monetary reimbursement. However, no support or advisory services are provided with the loan and there is no continuous evaluation of those who receive loans.²⁷ The plan recognizes the need for this as do the subcommittees of the OCRPD and the government officials dealing with disabilities contacted during this study.

Clearly, as the JICA study noted, most people with disabilities want to be self-employed, there are more work opportunities, most graduates of DPW courses designed for people with disabilities become self-employed as compared to those who work in enterprises, and the Government is looking to the micro-enterprise sector as a poverty-alleviation strategy. Finally, the availability of the Rehabilitation Fund as a revolving loan fund adds another dimension to encouraging self-employment and suggesting that it is estimated that most disabled people who are employed are employed in this sector.

Tables 6 and 7 illustrate the loans made over the years from the Rehabilitation Fund and the Repayment Rates.

²⁶ EASMAT, 2000

²⁷ Plan of Quality of Life Development for People with Disabilities (2002-2006), Unofficial translation.

Table 6. Approved loans from the Rehabilitation Fund

Year	Bangkok		Provinces		Total	
	Loans	Value (Baht)	Loans	Value (Baht)	Loans	Value (Baht)
1995	43	742,660	-	-	43	742,660
1996	242	4,686,100	946	17,976,230	1,183	22,662,330
1997	445	9,423,500	2,422	47,979,600	2,867	57,403,100
1998	304	6,370,000	2,607	51,053,450	2,911	57,423,450
1999	315	6,296,000	3,137	59,546,405	3,452	65,842,405
2000	302	6,114,500	4,721	90,681,660	5,023	96,796,160
2001	265	5,417,000	4,269	83,619,900	4,534	89,036,900
2002	169	3,605,000	3,013	59,113,175	3,182	62,718,175
Total	2085	42,654,760	21,115	409,970,420	23,200	452,625,180

Table 7. Loan repayment to the Rehabilitation Fund

Year	Bangkok	Provinces	Total
1995	15,300	-	15,300
1996	868,650	1,183,398	2,052,048
1997	2,835,650	7,235,670	10,071,320
1998	3,941,360	15,467,910	19,409,270
1999	4,139,000	20,220,430	24,359,430
2000	4,513,100	27,635,107	32,148,207
2001	4,284,615	29,721,751	34,006,366
2002	2,238,135	17,403,940	19,642,075
Total	22,835,810	118,868,206	141,704,016

Balance as of 30 April 2002 = 100,944,719.07 Million Baht
 Deposit in the Bank = 77,721,324.88

5.5 Other segregated or protected employment opportunities for people with disabilities

The National Lottery Office in the Ministry of Finance manages the sale of lottery tickets in Thailand, which can be a lucrative job since retailers get a percentage of each ticket sold. Under the current program, a percentage of jobs are set aside for sale by disabled individuals and war veterans. The program is controversial and political since other disability groups would like access to the jobs

5.6 Barriers and gaps

Barriers to employment faced by people with disabilities include:

- (1) Overall labour market competition, skill mismatching
- (2) Lack of job opportunities caused by the Asian financial crisis
- (3) Discriminatory legislation
- (4) Negative employer attitudes
- (5) Lack of education, skill development and qualifications among people with disabilities
- (6) Lack of information about work adjustments and job accommodations
- (7) Lack of employer development services

- (8) Lack of employment support services, although some providers in Thailand serving individuals with mental illness and intellectual impairment are beginning to employ techniques such as supported employment programs
- (9) Lack of reliable data upon which to make valid conclusion and adequate plans about current employment status of people with disabilities
- (10) Reliance on the quota system as a major employment policy when many jobs are within smaller businesses not covered by the quota system
- (11) Lack of enforcement of the quota system
- (12) Lack of follow-up services to determine the effectiveness of self-employment
- (13) Lack of business development services to ensure success and assist people with disabilities grow their businesses.

6. CONCLUDING COMMENT

In Thailand, the main legislative instrument promoting the employment of people with disabilities is the Rehabilitation of Disabled Persons Act. It established the Office of The Committee for the Rehabilitation of Disabled Persons as well as a Fund for the Rehabilitation of Disabled Persons. Through its allied Ministerial Regulations an employment quota system has been established. Additionally, a number of Cabinet Resolutions have reinforced the right of disabled persons to receive vocational training and employment services as well as directing state agencies to modify facilities for disabled access.

The Ministry of Labour and Social Affairs plays a central role in increasing the employability of disabled persons. It operates a number of mainstream and disability specific programmes including programmes for vocational training, employment services and self-employment. This Ministry also chairs the Office of the Committee for the Rehabilitation of Disabled Persons, which is comprised of sub-committees on vocational training, employment services and promoting self-employment for people with disabilities.

There are a number of Government Plans enumerating policies, aiming to positively impact on the employment of disabled job seekers and disabled employees. These include the mainstream Ninth National Economic and Social Development Plan (2002-2006) and the disability specific plans of the Draft Plan of Quality of Life Development for People with Disabilities (2002-2006) and the Plan for Employment Promotion and Development for People with Disabilities and Identification of 2002 as the Year of Employment Promotion for People with Disabilities.

Additionally, there are many Thai NGOs working to enhance employment opportunities for people with disabilities. The Redemptorist Vocational Training School runs the most comprehensive programme including vocational training and an employment placement service.

The basic legislative and institutional framework exists to promote the employment of people with disabilities in Thailand. However, whilst there are numerous policies supporting the employment prospects of disabled job seekers and employees, these have yet to have a significant impact on the number of disabled persons employed. Notably in this regard, there is evidence to suggest that a skills deficit is the limiting factor in increasing the number of persons with disabilities in employment.