

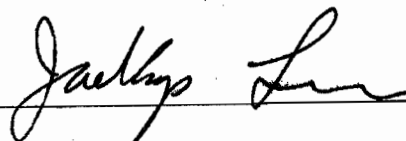
Agreement
For the Extension of the Validity
of the Memorandum Of Understanding(MOU)
on the Sending of Workers To the Republic of Korea
between the Ministry of Labour of the Kingdom of Thailand
and the Ministry of Labor of the Republic of Korea
on August 30th, 2006

The Ministry of Labour of the Kingdom of Thailand and the Ministry of Labor of the Republic of Korea agree to extend the validity period of the current MOU, according to its Paragraph 21, until the signing of the new MOU, with the maximum extension period of three month.

This Agreement is signed in Bangkok and in Seoul respectively on the August 21st, 2008 in the English language.



For the Ministry of Labour
of the Kingdom of Thailand



For the Ministry of Labor
of the Republic of Korea

**Memorandum of Understanding between
the Ministry of Labour of the Kingdom of Thailand and
the Ministry of Labor of the Republic of Korea
on the Sending of Workers to the Republic of Korea
under the Employment Permit System**

The Ministry of Labour of the Kingdom of Thailand and the Ministry of Labor of the Republic of Korea (hereinafter referred to as the "Ministries"),

Respecting the principle of equality and mutual benefit,

Desiring to enhance the existing friendly relations between the two countries through cooperation in the field of labor affairs and human capacity building, and

Recognizing the benefits to be derived from such cooperation by both countries,

Have reached the following understanding.

Paragraph 1 Purpose

The purpose of this Memorandum of Understanding (hereinafter referred to as "MOU") is to establish a concrete framework for cooperation between the Ministries and to increase transparency and efficiency in the process of sending Thai workers to the Republic of Korea, by setting out the provisions for the two Ministries to follow concerning the sending of workers under the Employment Permit System for Foreign Workers (hereinafter referred to as the "EPS") in the Republic of Korea.

Paragraph 2 Definitions

For the purposes of this MOU:

- (1) The term "employer" refers to a business owner who obtains permission from the Ministry of Labor of the Republic of Korea (hereinafter referred to as the "MOL") to employ foreign workers pursuant to the Act on Foreign Workers'

Employment of the Republic of Korea (hereinafter referred to as the "Foreigner Employment Act") or a person who carries out specific tasks as a proxy of the business owner.

- (2) The term "job seeker" refers to a Thai national who wants to work in the Republic of Korea pursuant to the Foreigner Employment Act.
- (3) The term "worker" refers to a person who has signed or intends to sign a labor contract with an employer in the Republic of Korea for the purpose of working in the Republic of Korea for a certain period pursuant to the Foreigner Employment Act.
- (4) The term "sending agency" refers to an agency which has the authority to recruit, select and send workers who want to be employed in the Republic of Korea pursuant to the Foreigner Employment Act.

Both Ministries will comply with the following provisions to meet the purpose of this MOU.

Paragraph 3 Sending Agency

- (1) The Ministry of Labour of the Kingdom of Thailand (hereinafter referred to as the "MOLT") will be the primary Thai government agency responsible for recruiting, selecting and sending Thai workers to the Republic of Korea. However, in implementing this MOU, the Ministries agree that the Department of Employment (hereinafter referred to as the "DOE") will be designated by the MOLT to act as the sending agency .
- (2) The DOE is a subsidiary organization of the MOLT financed from the Thai national budget and is directly involved in recruiting, selecting and sending Thai workers and no other organization than the DOE can take part in the process under this MOU.

Paragraph 4 Sending Fee

- (1) The DOE can receive the actual amount of money that was spent in carrying out recruiting, selecting and sending operations from each worker.
- (2) The DOE shall inform the MOL in advance pursuant to Paragraph 1 of the amount of the fee to be paid by every worker and shall deliver expenditure list to the latter. The MOL can request the DOE to reduce the fee if the MOL deems that the fee includes unnecessary items or is assessed to be excessively high when considering Thai's economic situation (such as national income) and other countries' sending fees.
- (3) The MOLT and the DOE shall publicly announce in Thailand the fee that was agreed with the MOL. The MOL, when necessary, can investigate the fee and its composition paid by the Thai workers that entered the Republic of Korea.
- (4) When changes in the fee which has originally been agreed upon are inevitable due to inflation or other reasons, the DOE shall inform the MOL and consult on the matter in advance.

Paragraph 5 Advertisement of the EPS

- (1) The MOLT and the DOE shall actively advertise the key contents and employment procedure of the EPS in Thailand. Specifics such as the advertisement method and date will be jointly decided by the Ministries and carried out accordingly.
- (2) The MOLT and the DOE shall assist the MOL or the Human Resources Development Service of Korea (hereinafter referred to as the "HRD Korea") in advertising the EPS through means such as holding presentations in Thailand.

Paragraph 6 Conduct and Administration of the Korean Language

Proficiency Test

- (1) The MOL shall conduct the EPS Korean Language Proficiency Test

(hereinafter referred to as the "EPS-KLT") for an objective selection of job seekers.

- (2) General matters concerning the execution of the EPS-KLT such as public notification of the test, question selection and the conducting of the test will be carried out by a test agency authorized and announced by the MOL.
- (3) Qualifications for the EPS-KLT are as follows:
 - (a) Persons aging from 18 to 39 (inclusive);
 - (b) Persons who have not been convicted of a crime punishable by imprisonment or a more severe punishment;
 - (c) Persons who have no record of deportation or departure orders from the Republic of Korea; and
 - (d) Persons who are not restricted from departure from Thailand.
- (4) The MOLT and the DOE shall advertise the EPS-KLT via public media for its smooth implementation and support the execution of the EPS-KLT pursuant to the "Implementing Agreement between the Republic of Korea and Thailand on the Conduct and Administration of the KLT" to be signed later by both Ministries.
- (5) Other various matters related to the conduct and administration of the EPS-KLT such as the frequency, the execution procedure, test contents and limits of examinees will be decided by the Ministries and carried out accordingly.

Paragraph 7 Recruitment and Selection of Job Seekers

- (1) The DOE will prepare job seekers' roster (hereinafter referred to as the "roster") and send it to the HRD Korea.
- (2) When the DOE selects the workers who want to work in the Republic of Korea in order to prepare the job seekers' roster, the DOE will select job seekers who

satisfy the following qualifications.

- (a) Persons who have passed the EPS-KLT recognized by the MOL; and
- (b) Persons who have passed the health examination determined by the MOL;

If the number of qualified job seekers exceeds the total number allocated to Thailand, the selection will be made according to a method agreed on by the Ministries.

(3) The roster prepared by the DOE will include the following information:

- (a) Job-seeker's personal information (name, nationality, date of birth, identification number, passport number, etc.);
- (b) Desired employment conditions (wage, type of occupation, etc.);
- (c) Personal and career background (education, work experiences, etc.);

and

- (d) Information on the EPS-KLT taken by the job seeker (test agency, test date and score)

(4) The MOLT and the DOE will actively cooperate to shorten the time incurred in issuing a passport to facilitate a job seeker to obtain one in advance and submit its copy when making a job application.

(5) In the selection process the DOE will inform the job seekers that their inclusion in the roster will not guarantee them a job in the Republic of Korea.

Paragraph 8 Management of Job Seekers' Roster

(1) The job seekers' roster is valid for one year.

(2) The DOE will confirm the willingness to find jobs, the contact address, etc. of the job seekers listed in the roster every four months, and will inform the HRD Korea of any changes and the reason for the changes.

(3) The HRD Korea can return the roster to the DOE if there is any error in the roster,

and the DOE will correct those mistakes and send the roster back to the HRD Korea.

- (4) If there is any misconduct or false declaration in the process of the recruitment and selection of job seekers, the MOL can impose certain restrictions such as exclusion of the job seeker in question from the roster, reduction of the allocated number of job seekers to Thailand, temporary suspension of sending workers or termination of the MOU.
- (5) The MOL will inform the MOLT by the end of March of each year of the types of occupations allowed under the EPS and the allocated number of job seekers.

Paragraph 9 Labor Contract

- (1) The DOE will announce job seekers selected by employers via public media in Thailand immediately after receiving the employer's draft of the labor contract from the HRD Korea.
- (2) The DOE will explain the content of the labor contract to each worker so that he/she can fully understand it and shall decide whether or not to sign the labor contract at his/her own will.
- (3) The DOE will inform the HRD Korea whether each labor contract has been signed by a worker, or if not signed, its reason for not signing the same within 14 days of receiving the labor contract. If the position on signing of labor contract is not conveyed within the given period, the HRD Korea can make it not signed through consultation with the employer.
- (4) If any job seeker cancels the already signed labor contract or does not sign the labor contract two times without any due reason, the MOL can exclude him/her from the roster.
- (5) The DOE will provide the original copy of the labor contract to the worker who

signed it and have him/her bring it when arriving in the Republic of Korea.

- (6) The MOLT and the DOE should cooperate so that the workers designated to work in the Republic of Korea enter into the Thai social insurance program prior to entering the Republic of Korea.

Paragraph 10 Preliminary Education

- (1) The MOLT and the DOE will conduct a preliminary education for the workers who signed the labor contract, and shall decide the content and period of the education through prior consultation with the MOL.
- (2) The MOLT shall select a public agency to be entrusted with the preliminary education through prior consultation with the MOL.
- (3) If any worker is found, after his/her arrival in the Republic of Korea, not to have received the preliminary education or have but not from the designated agency, the MOL can deport the worker and take necessary measures.

Paragraph 11 Visa Issuance

- (1) The DOE will inform the workers immediately after receiving the Certificate for Confirmation of Visa Issuance from the HRD Korea and apply for the visa for the worker at the Korean diplomatic mission in Thailand with the required documents.
- (2) The HRD Korea can cancel the labor contract of any worker who does not apply for the visa within the three months of the validity period of the Certificate for Confirmation of Visa Issuance.
- (3) If the number of workers with the Certificate for Confirmation of Visa Issuance who decide not to enter the Republic of Korea for Personal reasons exceeds a certain percentage, the MOL may take necessary measures such as reduction of the allocated number of job seekers or the temporary suspension of sending workers.

- (4) The DOE is the single organization authorized to assist in visa application, and no other organizations can intervene in the process.

Paragraph 12 Entry of Workers

- (1) Any worker who has signed a labor contract will enter the Republic of Korea on the date determined by the MOL and the HRD Korea according to each employment training schedule. The Ministries will actively cooperate to ensure that he/she enters the Republic of Korea on that date.
- (2) The DOE, in order to prevent the postponement of the entry of any worker into the Republic of Korea due to shortage of flights, will take necessary measures such as making advance flight reservations.
- (3) All workers will carry the original copies of his/her labor contract and health examination certificate when entering the Republic of Korea and submit them at the request of the relevant public officials.
- (4) The Thai workers who are refused entry upon arrival at Korea Airport by relevant Korean Authorities, the MOL and the HRD Korea shall immediately inform the DOE.

Paragraph 13 Provision of Information on the Sending Process

The DOE, in order to provide information on the progress of the workers' preparations for their entry into the Republic of Korea, will input it into the EPS Network at every stage. Information will include the purchase of social insurance, the completion of preliminary education, the application for visa, etc.

Paragraph 14 Employment and Sojourn Management

- (1) The MOL will conduct employment training and health examinations for workers before they start to work. The organization(s) in charge of the employment training and health examinations will be determined by the MOL.

- (2) If there is any worker with abnormalities according to the result of the health examination, the MOL can take adequate measures such as notifying the Ministry of Justice.
- (3) If a worker returns to Thailand prior to the termination of his/her labor contract period due to disqualification in the health examination, maladjustment to the workplace, and etc, he/she will bear the general expenses including the airfare for his/her departure from the Republic of Korea. If he/she is unable to afford such expenses the Thai government shall assist the cost of his/her return to Thailand. The MOL and the HRD Korea shall immediately inform the DOE.
- (4) A worker can be allowed to work in the Republic of Korea for up to three years after the date of entry, and each labor contract periods will not exceed one year.
- (5) The MOLT and the DOE shall ensure that all workers observe all laws of the Republic of Korea including the Foreigner Employment Act and the Immigration Control Act. The MOL will protect foreign workers' right in accordance with related labor laws of the Republic of Korea.
- (6) The MOLT and the DOE will make active efforts to prevent a worker's absence without leave from his/her workplace and to provide post-managerial support such as facilitating his/her voluntary departure from the Republic of Korea upon the expiring of employment period.
- (7) If the number of Thai workers absenting themselves from their workplace without leave exceeds a certain percentage, the MOL may take necessary measures such as reduction of the allocated number of job seekers, temporary suspension of sending workers, and termination of the MOU.
- (8) The MOLT and the DOE will make active efforts for efficient post-management via measures such as dispatching post-management officers to the Republic of

Korea. The specifics such as the date and process concerning the dispatching of the post-management officers as well as their roles will be determined by future consultations between the Ministries.

Paragraph 15 Computer Infrastructure

- (1) The DOE will establish a computer infrastructure in consultation with the MOL to facilitate the transmission of the roster, the signing of each labor contract between every worker and employer, and the protection of their personal information.
- (2) The MOL will provide the DOE with the necessary information and programs to facilitate the establishment of the computer infrastructure.

Paragraph 16 Preferential Treatment for Voluntary Leavers

The DOE will make efforts for the reemployment of workers that voluntarily left the Republic of Korea via Korea's Program for Voluntary Departure by listing them first in the roster.

Paragraph 17 Efforts to Eliminate the Illegal Stay of Workers

- (1) The Ministries will make active efforts to ensure the departure of any worker illegally staying in the Republic of Korea and to prevent future workers from staying illegally.
- (2) If the number of the Thai workers staying illegally in the Republic of Korea exceeds a certain percentage, the MOL may take necessary measures such as reduction of the allocated number of job seekers, temporary suspension of sending workers or termination of the MOU.

Paragraph 18 Support in the Sending Process

- (1) The MOL, in order to support the process of sending Thai workers to the Republic of Korea, may dispatch officers of the MOL and the HRD Korea (hereinafter

referred to as "resident officer") to Thailand.

- (2) The resident officers, through consultations with the MOLT and the DOE, may monitor, assess, advise and coordinate the labor sending process at all times.
- (3) The MOLT and the DOE will provide active cooperation for issuance of an appropriate visa (e.g. long-term visa) by the relevant authorities, provision of related materials and other matters in order to facilitate the tasks of the resident officers.
- (4) The specific roles, authority, and duties of the resident officers in the sending process will be determined through future consultations between the Ministries.

Paragraph 19 Grandfather Clause Due to Discontinuance of the Industrial Trainee System

As of January 1, 2007, the Industrial Trainee System will be discontinued and the qualifications for the previous industrial trainees in the Republic of Korea may be determined according to the decision of the Korean government.

Paragraph 20 General Provisions

- (1) The Ministries will actively cooperate when a Ministry's labor attaché or a resident officer requests information or consultation in order to perform their work.
- (2) The representatives of the Ministries, jointly with relevant authorities if necessary, may visit and assess each other's organizations at times decided on by the Ministries to appraise the implementation of Paragraph 2 through 18.
- (3) The MOLT will make active efforts to eliminate malpractices in the process of sending workers such as operating a complaint center where malpractices can be reported.
- (4) In the process of sending workers, the Ministries may add supplementary provisions in writing by mutual consent.

- (5) The HRD Korea and the DOE may sign an implementing instrument regulating specific matters regarding the process of sending Thai workers to the Republic of Korea.
- (6) Any differences or disputes which may arise in the interpretation or implementation of this MOU will be resolved through consultations between the Ministries.

Paragraph 21 Effectuation and Term of Validity

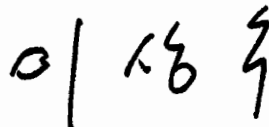
- (1) This MOU will come into effect on the date of the signature by the Ministries.
- (2) With the effectuation of this MOU, the MOU on sending labour signed in June 25th, 2004 between the Ministries will be invalid.
- (3) This MOU will remain in effect for two years; provided, however, that the MOL may suspend or terminate the validity of this MOU if there is any justifiable reason such as the violation of Paragraph 3 through 20, the number of Thai workers who have left workplaces without permission and who are staying illegally exceeding a certain percentage, and malpractices related to the sending of workers.
- (4) This MOU may be amended or extended based on mutual written consent between the Ministries.

Signed in two original copies on the 30th of August 2006 in the English language.



Minister of Labour

For the Ministry of Labour
of the Kingdom of Thailand



Minister of Labor

For the Ministry of Labor
of the Republic of Korea