

Complaint No. 445/2555: Unfair treatment – a case of a rule that completion of district officer training course being a condition for promotion of civil servants in the Department of Provincial Administration may be violation of human rights

The complainant (name concealed) complained to the NHRCT, claiming that the Department of Provincial Administration set up a rule that completion of the district officer training course is a condition for promotion of civil servants in the Department of Provincial Administration in directing position in the directing work line, director position at base level (district officer), and academic position in the administration work line at special expertise level. This rule is not in accordance with standards for positions as designed by Office of the Civil Service Commission (OCSC) and also blocks opportunity of civil servants who do not complete the district officer training course to be promoted to higher positions even if they have qualifications specific for the positions as required by position standards designed by the OCSC. The complainant therefore asked the NHRCT to investigate.

The NHRCT then issued a letter inviting the complainant to attend a meeting to provide facts, but it appeared that there was no person who had made the complaint at the given address. However, as the NHRCT viewed that investigation of this matter would benefit the whole, especially civil servants who have the same status as the complainant, it made a decision to investigate whether or not the Department of Provincial Administration's setting up a rule that completion of the district officer training course is a condition for promotion of civil servants in the Department of Provincial Administration in directing position in the directing work line, director position at base level (district officer), and academic position in the administration work line at special expertise level, is in accordance with the law and is a fair practice.

The NHRCT considered facts obtained from checking related laws and had a view that the Department of Provincial Administration's Regulations on Personnel Administration B.E. 2538 (1995), which added a condition to appoint civil servants in the directing work line, position of director at base level (district officer), in the administration work line at special

expertise level, and in central administration work line (supporting work line) at special expertise level from those who complete the district officer training course, were in accordance with Section 22, Section 56, Section 58, Section 59 and Section 77 of the Civil Service Act B.E. 2535 (1992) together with the rules and methods for promotion of government officials to higher positions as designed by the OCSC, and consistent with section 18, Section 48, Section 62 and Section 132 of the Civil Service Act B.E. 2551 (2008). However, as for adding a condition for appointment of civil servants in central administration work line (supporting work line) at special expertise level to come from those who complete district officer training course, even if it is in accordance with law, it would affect progress in the work line for those who have no intention to become district officer as it would block opportunity for those officials to be appointed to higher positions in the central administration work line (supporting work line) and would consequently be unfair practice that need amendment in term of policy.

The NHRCT therefore had a view that policy recommendations and suggestions on improvement of laws should be proposed to the Department of Provincial Administration and Ministry of Interior as follows:

1. In considering to promote a civil servant to a higher position, the person should be given opportunity to choose his/her own path of progress. If the civil servant wishes to progress in the directing work line in position of director at base level (district officer), completion of district officer training course should be an additional condition for promotion to a higher position in order to select civil servants who are appropriate for position according to the Department of Provincial Administration's policy. However, for civil servants who wish to progress in the central administration work line (supporting work line), the Department of Provincial Administration should consider make adjustment and expand opportunities for progress of positions in that work line, allowing civil servants to progress in that work line without having to complete district officer

training course, so that promotion of civil servants would go on equally in all work lines and would not make civil servants feel that they are unfairly treated.

As for civil servants in the central administration work line (supporting work line) who wish to move to a position in the directing work line in position of director at base level, they should be given opportunity to do so according to rules and conditions in the Civil Service Act B.E. 2535 and Civil Service Act B.E. 2551, the Department of Provincial Administration's Regulations on Personnel Administration B.E. 2538 and other orders and guidelines determined by the OCSC, taking into consideration completion of district officer training course as a condition as well.

2. The Department of Provincial Administration should schedule for a review and consideration to amend and improve the Department of Provincial Administration's Regulations on Personnel Administration, making them consistent with guidelines for appointment of civil servants according to the NHRCT's policy recommendation No.1, so that its personnel administration would have clear and more updated guidelines.

Office of the NHRCT is required to monitor results of actions taken by the department.