PROMOTION OF LABOUR SKILLS DEVELOPMENT ACT (No. 2) B.E. 2557 (2014)

BHUMIBOL ADULYADEJ, REX; Given on the 26th Day of December B.E. 2557 (2014); Being the 69th Year of the Present Reign

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that: Whereas it is expedient to amend the law on the promotion of labour skills development,

Be it, therefore, enacted by the King, by and with the advice and consent of the National Legislative Assembly, as follows:

Section 1. This Act is called the "Promotion of Labour Skills Development Act, (No. 2) B.E. 2557 (2014)".

Section 2. This Act shall come into force ninety days as from the day following the date of its publication in the Government Gazette.¹

Section 3. In this Act, the definition of "development of labour skills" in Section 5 of the Promotion of Labour Skills Development Act, B.E. 2545 (2002) shall be repealed and replaced with the following:

" " development of labour skills" means the procedure which makes the trainee and the working-age population capable in the development of work, have skills, knowledge and capability, ethics of the profession, and attitude towards work to be developed

¹ Published in the Government Gazette, Vol. 131, Part 87a, dated 26th December, B.E. 2557 (2014).

^{*} Translated by Mr. Sitthi Leekbhai, and reviewed by Prof. Phijaisakdi Horayangkura under contract for the Office of the Council of State of Thailand's Law for ASEAN project. -Initial Version – pending review and approval by the Office of the Council of State.

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into skilled labour, including training of labour skills, the prescription of standards for labour skills, the accreditation of knowledge and capability, and other related matters";

Section 4. The definition of "personal record book", "evaluation", "evaluator", "accreditation of knowledge and capability" and "occupational organisation" shall be provided between the definitions of "labour skill standard test provider" and "business operator" in Section 5 of the Promotion of Labour Skills Development Act, B.E. 2545 (2002).

" "personal record book" means a document or any other item which is used to record a person's history in the part related to his or her education, training, seminar, labour standard skills testing, past occupation, and work or any other case as prescribed by the Committee, for the purpose of carrying out an occupation, or hiring for work";

"evaluation" means the consideration and measurement of the level of skill, knowledge, capability, personal qualities and experience or success in carrying out an occupation at different levels prescribed by the Committee";

" " evaluator" means a person who is registered to perform the duty of evaluating an applicant for a certificate of knowledge and capability.";

" " accreditation of knowledge and capability" means accreditation of knowledge and capability in carrying out an occupation of a person who has passed evaluation at different levels prescribed by the Committee";

" " certificate of knowledge and capability" means a document issued to a person who has passed the accreditation of knowledge and capability";

" " occupational organisation" means a group of persons or an institution with the objective of promoting the carrying out of an occupation which has been approved by the Committee as having the rights and duties under this Act, in accordance with the criteria, method and conditions which the Committee prescribes by Notification, and shall also include other professional organisations under other laws"

Section 5. The provisions of section 6 and section 7 of the Promotion of Labour Skills Development Act, B.E. 2545 (2002) shall be repealed and replaced with the following:

"Section 6. The Minister of Labour shall have charge and control of the execution of this Act and shall have powers to appoint the competent official and prescribe a Ministerial Regulation prescribing the fees not exceeding those prescribed in the Annex of

this Act, to exempt fees and to prescribe other matters, including to prescribe a Regulation and Notification, for the execution of this Act.

Such Ministerial Regulations, Regulations and Notifications shall come into force upon their publication in the Government Gazette.

Section 7. The Minister shall have power to prescribe by notification:

(1) an occupational field of which the labour skills development shall be promoted;

(2) an occupation field, a work position or a type of work which may be dangerous to the public, or which needs a person who has knowledge and capability, or which must be carried out by a person with a certificate of knowledge and capability, in accordance with the recommendation of the Committee with the approval of the Council of Ministers, with the exception of any field of occupation, work position, or type of work which is already governed by a law, which shall be under the law on matters."

Section 6. The following shall be added as Chapter 2/1 Accreditation of Knowledge and Capability, Section 26/1 to Section 26/15 of the Promotion of Labour Skills Development Act, B.E. 2545 (2002):

"CHAPTER II/I

ACCREDITATION OF KNOWLEDGE AND CAPABILITY"

Section 26/1. A person who wishes to have a personal record book, or to have additional information recorded on a personal record book shall make an application to the Registrar.

The format of a personal record book, the issuance of a personal record book, and the recording of information shall be in accordance with the criteria, method and conditions prescribed by Notification of the Committee.

Section 26/2. When the Registrar has received an application for a personal record book or an application to have additional information recorded on a personal record book under Section 26/1, the Registrar shall examine the information from the document or evidence which an applicant has submitted or request for information from a State agency, a business establishment, or a person with knowledge of such information. In the case where the Registrar believes such information to be correct, he or she shall record such information on the personal record book of the applicant and give the personal record book to the applicant.

In the case where there is subsequently a change in the information, or the information does not reflect the facts, the Registrar may make an amendment of information to correspond to the facts.

Section 26/3. A person who works in a field of occupation, a position or a type of work which the Minster prescribes by Notification under Section 7(2) must have a certificate of knowledge and capability under Section 26/10.

Section 26/4. There shall be a Knowledge and Capability Evaluation Centre, as follows:

(1) The Department of Skill Development shall be the Central Knowledge and Capability Evaluation Centre;

(2) an occupational organisations or a State agency in accordance with the type prescribed by Notification of the Committee as approved by the Registrar shall be a Knowledge and Capability Evaluation Centre.

Section 26/5. The Department of Skill Development, as the Central Knowledge and Capability Evaluation Centre shall have the following powers and duties:

(1) to promote, support and provide evaluation and issuance of a certificate of knowledge and capability;

(2) to survey, study, analyse, research, compile and keep data on fields of occupations, positions or types of work which exist in business establishments;

(3) to coordinate with State agencies, private business establishments, or occupational organisations to solicit support in the performance of work in accordance with this Act;

(4) to perform other tasks entrusted by the Committee.

Section 26/6. The Knowledge and Capability Evaluation Centre under Section 26/5 (2) shall have the power and duty to carry out an evaluation to issue a certificate of knowledge and capability.

Section 26/7. An occupational organisation or a State agency which wishes to be a Knowledge and Capability Evaluation Centre under Section 26/4 (2) shall make an application to the Registrar.

The application, the issuance of a certificate, the application for removal of a certificate and the issuance of a replacement of a certificate of establishment of a Knowledge and Capability Evaluation Centre shall be in accordance with the criteria, method and conditions prescribed in a Ministerial Regulation.

Section 26/8. A certificate of establishment of a Knowledge and Capability Evaluation Centre under Section 26/4 (2) shall be valid for two years as from the date of its issuance by the Registrar.

Section 26/9. A Knowledge and Capability Evaluation Centre shall display a certificate of establishment of a Knowledge and Capability Evaluation Centre in its business establishment in an open and conspicuous manner.

Section 26/10. A person who wishes to apply for a certificate of knowledge and capability shall submit an application to the Central Knowledge and Capability Evaluation Centre or a Knowledge and Capability Evaluation Centre under Section 26/4 (2).

When the Central Knowledge and Capability Evaluation Centre or a Knowledge and Capability Evaluation Centre receives an application, it shall carry out an evaluation for the issuance of a certificate of knowledge and capability.

The application, evaluation, issuance of a certificate of knowledge and capability, period of validity of a certificate of knowledge and capability, the issuance of a replacement of a certificate of knowledge and capability shall be in accordance with the criteria, method and conditions prescribed by Notification of the Committee.

Section 26/11. A person who wishes to register as an evaluator shall submit an application to the Registrar. Once the Registrar has agreed to the registration, he or she shall issue a certificate of registration and an evaluator identification card to such person.

The qualification of an evaluator, application, issuance of a certificate of registration, the period of validity of a certificate of registration, and the issuance of a replacement of a certificate of registration shall be in accordance with the criteria, method and conditions prescribed by Notification of the Committee.

The evaluator identification card shall be in the form prescribed by the Committee.

In the case where an evaluator identification card is damaged or lost, the evaluator shall apply for an evaluator identification card to the Registrar.

Section 26/12. In the performance of duties of an evaluator in the Central Knowledge and Capability Evaluation Centre, an evaluator shall receive remuneration and other expenses as prescribed by a rule of the Committee.

In the case where an evaluator is an official of the Department of Skill Development and performs duties at the Central Knowledge and Capability Evaluation Centre, he or she shall receive remuneration and other expenses as prescribed by a regulation of the Committee, with the approval of the Ministry of Finance.

Section 26/13. The Central Knowledge and Capability Evaluation Centre or a Knowledge and Capability Evaluation Centre under Section 26/4 (2) which is an agency of State may collect service fees from an applicant for a certificate of knowledge and capability at a rate not exceeding the rate prescribed by notification of the Minister.

A Knowledge and Capability Evaluation Centre under Section 26/4 (2) which is an occupational organisation may collect fees from an applicant for a certificate of knowledge and skill at a rate in accordance with those prescribed by the Ministerial Regulation.

Section 26/14. For the purpose of examination by competent officials, a Knowledge and Capability Evaluation Centre under Section 26/4 (2) shall maintain documents and evidence of applicants for a certificate of knowledge and capability and the results of the consideration for not less than two years.

Section 26/15. A Knowledge and Capability Evaluation Centre under Section 26/4 (2) shall report the operational results to the Registrar in accordance with the criteria and methods prescribed by Notification of the Committee."

Section 7. The following shall be added as (3/1) of paragraph two of Section 27 of the Promotion of Labour Skills Development Act, B.E. 2545 (2002):

"(3/1) fees or testing fees collected under this Act."

Section 8. The following shall be added as (3/1) and (3/2) of paragraph one of section 28 the Promotion of Labour Skills Development Act, B.E. 2545 (2002):

"(3/1) to aid or subsidise occupational organisations which play part in the development of labour skills, the categorisation and the determination of levels of knowledge and capability of a person carrying out an occupation, and the determination of the range of wages which is suitable to the level of knowledge and capability of a person carrying out an occupation in accordance with the criteria prescribed by Notification of the Committee;

(3/2) to aid or subsidise the performance of work of the Central Knowledge and Capability Evaluation Centre in the certification of knowledge and capability. In the case where the number of Knowledge and Capability Evaluation Centres under Section 26/4 (2) is insufficient for the certification of knowledge and for supporting or subsidizing the performance of work, the Knowledge and Capability Evaluation Centre under Section 26/4 (2) in the certification of knowledge and capability in the field of occupation, position, or type of work which requires promotion or support, so that there are persons carrying out occupation which is sufficient for the labour demand, or in accordance with the opinion of the Committee for

the purpose of the development of labour skills, in accordance with the criteria prescribed by notification of the Committee."

Section 9. The provisions of Section 29 of the Promotion of Labour Skills Development Act, B.E. 2545 (2002) shall be repealed and replaced with the following:

"Section 29. The Minister, with the advice of the Committee may by Notification require a business operator who operates a business of a certain type, size and in a certain locality to remit contribution to the Fund at the rate prescribed by Section 30.

In the case where any business operator under paragraph one organizes a labour skills training to its employees as prescribed in Chapter I, or has employees who attend the National Labour Skills Standards Test, and has passed the National Labour Skills Standards Test in accordance with Chapter II, or has an employee who passes a certification of knowledge and capability under Chapter II/I, such business operator shall be exempt from remitting contribution to the Fund for such year, hereby, in accordance with the criteria prescribed by Notification the Committee."

Section 10. The provisions of Section 31 of the Promotion of Labour Skills Development Act, B.E. 2545 (2002) shall be repealed and replaced with the following:

"Section 31. Any business operator who fails to pay the contribution within the prescribed time period or did not pay the full amount prescribed in Section 29 shall pay a surcharge at the rate of one point five per cent per month of the contribution which has not been paid or the missing contribution as from the day following the date the contribution is required to be paid. In regard to a fraction of a month, if it is at least fifteen days, it shall be deemed as one month. If it is less than fifteen days, it shall be disregarded.

In the case where the Director-General has assessed the contribution or surcharge, and orders the person who has a duty to remit the contribution or a surcharge under paragraph one, if such person refuses to make the payment, the provisions relating to the administrative enforcement under the law on the administrative procedure shall apply.

The criteria and methods in assessing the contribution or the surcharge under paragraph two shall be in accordance with the rule prescribed by the Committee."

Section 11. The provision which is the title of Chapter 4 of the Promotion of Labour Skills Development Act, B.E. 2545 (2002) shall be repealed and replaced with the following:

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"CHAPTER IV RIGHTS AND BENEFITS"

Section 12. The following provisions shall be added as Section 33/1 of the Promotion of Labour Skills Development Act, B.E. 2545 (2002):

"Section 33/1. A business operator who hires a person who has received a certificate of knowledge and capability in the number prescribed by the Committee shall receive the following rights and benefits:

(1) the right to be exempted from income tax under a special circumstance for the income of the business operator at the percentage rate of the wages paid to a person who has received a certificate of knowledge and capability under Section 26/3, in the wage range under Section 39 (5). In this respect, it shall be enacted as a Royal Decree in accordance with the Revenue Code;

(2) benefits to receive consultation and recommendations from the Department of Skill Development relating to the process of analysis, categorisation of work position or the management of wages and remuneration;

(3) benefits to receive consideration for permission to use a symbol to show that it is a business operator which hires a person who has received a certificate of knowledge and capability. In this respect, the form of a symbol, criteria, method and conditions in an application for permission and the use of the insignia shall be in accordance with the Notification of the Committee;

(4) other rights and benefits prescribed in a Ministerial Regulation."

Section 13. The provisions of Section 38, Section 39 and Section 40 of the Promotion of Labour Skills Development Act, B.E. 2545 (2002) shall be repealed and replaced with the following:

"Section 38. There shall be the Labour Skill Development Promotion Committee consisting of the Permanent Secretary of the Ministry of Labour as chairperson, a representative from the Ministry of Finance, a representative from the Ministry of Tourism and Sport, a representative from the Ministry of Science and Technology, a representative of the Ministry of Education, a representative of the Ministry of Industry, a representative of Bureau of the Budget, a representative of the Board of Investment Office, a representative of the Thai Chamber of Commerce, a representative of the Federation of Thai Industries, a representative of the Thai Bankers Association, a representative of the Tourism Council of Thailand as

members and six other members appointed by the Minister, two of whom shall be appointed from qualified persons, two of whom shall be from an occupational organisation, one of whom shall be a representative of employers, and one representative from employees.

The Director-General of the Department of Skill Development shall be member and secretary, and the Committee shall have the power to appoint a Government official from the Department of Skill Development as assistant secretary.

Qualified members under paragraph one shall be appointed by the Minister from persons having experience in the field of the development of labour skills for not less than ten years.

A member who is a representative of occupational organisations, a representative of employees and a representative of employees shall be appointed by the Minister in accordance with the criteria and methods prescribed by a rule of the Ministry of Labour.

Section 39. The Committee shall have the following powers and duties:

(1) to propose opinions to the Minister in the stipulation of policy, work plan and measures relating to the development of labour skills, the accreditation of knowledge and capability, and the Fund;

(2) to make recommendations and consultation to the Minister in the issuance of a Ministerial Regulation, Rule or a Notification under this Act;

(3) to issue a Rule or a Notification under this Act;

(4) to prepare the national standard of labour skills in fields of occupation under Section 22. In the case where any standard of labour skills is already prescribed by law or is an internationally accepted standard that is already generally used, the national standard of labour skills shall correspond with such standards;

(5) to categorise and determine the level of knowledge and capability of a person carrying out an occupation, and to prescribe a range of wages that is suitable to the level of knowledge and capability in each field of occupation for use as a guide in the management of wages and remuneration in accordance with knowledge and capability;

(6) to prescribe criteria on the promotion of labour skills development and the accreditation of knowledge and capability;

(7) to promote the hiring of persons who have passed a labour skills standard test or a person who has passed accreditation of knowledge and capability by a business operator for work in a business establishment;

(8) to promote the establishment of a labour skills training centre, a labour

skills standard testing centre and a Knowledge and Capability Evaluation Centre under Section 26/4 (2);

(9) to promote competitions on labour skills;

(10) to promote coordination between the public and the private sector in the development of labour skills and the shared use of resources;

(11) to promote evaluation and accreditation of knowledge and capability in carrying out an occupation;

(12) to promote the establishment of an occupational organisation and participation in the implementation of this Act;

(13) to monitor the results of the development of labour skills, the testing of labour skills standards, the accreditation of knowledge and capability and the operation of the Fund;

(14) to consider and decide on appeals against orders of the Registrar under this Act;

(15) to perform other acts as prescribed by this Act or other laws to be the powers and duties of the Committee, or as entrusted by the Minister.

Section 40. A member who is appointed by the Minister shall hold office for a term of two years.

Upon expiry of the term prescribed by paragraph one, if a new member has not yet been appointed, the member whose term has expired shall remain in office to perform his or her duties until a newly appointed member takes office.

The member who vacates his or her office at the end of the term under paragraph one may be reappointed, but for not more than two consecutive terms."

Section 14. The provisions of Section 45 and Section 46 of the Promotion of Labour Skills Development Act, B.E. 2545 (2002) shall be repealed and replaced with the following:

"Section 45. In the performance of duty under this Act, the Registrar or competent official shall have the following powers:

(1) to issue a letter summoning a training provider, a trainer, a trainee, a provider of the labour skill standard test, a person taking labour skill standard test, a business operator, a person who has been certified as a knowledge and capability evaluating centre, an evaluator, an applicant for evaluation, a person working in a knowledge and capability evaluation centre, or any relevant person to give statement or to issue an order requiring such

person to submit document or other evidence for consideration;

(2) to enter into a place of training, a labour skill training centre, a labour skill standard testing centre, or a Knowledge and Capability Evaluation Centre during operational hours in order to inspect and to give recommendation to the training provider, provider of labour skill standard test, business operator, evaluator, person carrying out work at a knowledge and capability evaluation centre, or any other relevant person for compliance with Act.

Section 46. In the course of performance of duties by the Registrar or a competent official under section 45 (2), the training provider, provider of labour skill standard test, a business operator, an evaluator, a person carrying out work at a knowledge and capability evaluation centre, or any other relevant person in such place shall provide assistance as appropriate."

Section 15. The provision which is the title of Chapter VII of the Promotion of Labour Skills Development Act, B.E. 2545 (2002) shall be repealed and replaced with the following:

"CHAPTER VII

REVOCATION OF THE STATUS OF TRAINING PROVIDER, SUSPENSION AND REVOCATION OF THE LICENSE, REVOCATION OF CERTIFICATE AND PERMISSION TO USE SYMBOL"

Section 16. The following shall be added as Section 49/1, Section 49/2, Section 49/3, Section 49/4 and Section 49/5 in Chapter VII Revocation of the Status of Training Provider, Suspension and Revocation of the License, Revocation of Certificate and Permission to Use Symbol of the Promotion of Labour Skills Development Act, B.E. 2545 (2002):

"Section 49/1. In the case where it appears to the Registrar that a Knowledge and Capability Evaluation Centre or an evaluator fails to duly comply with this Act, and such action or inaction can be corrected, the Registrar shall make an order in writing to comply therewith within a prescribed time.

In the case where the Registrar has made an order under paragraph one, if the Knowledge and Capability Evaluation Centre acts or fails to duly comply or correct the act within the prescribed time, the Registrar may make an order to suspend its operation until due compliance or correction has been made.

In the period in which an order has been made to suspend the operation, the Knowledge and Capability Evaluation Centre shall not carry out any act relating to the

accreditation of knowledge and capability.

Section 49/2. In the case where it appears to the Registrar that a Knowledge and Capability Evaluation Centre or an evaluator acts or fails to act in accordance with this Act and such act or inaction cannot be corrected, the Registrar shall make an order to revoke the certificate of establishment of the Knowledge and Capability Evaluation Centre, or a certificate of registration of the evaluator.

Section 49/3. The order of the Registrar under Section 49/1 and Section 49/2 shall be made in writing and notified to the Knowledge and Capability Evaluation Centre or the evaluator for information, and the provisions of Section 48 paragraph three shall apply *mutatis mutandis*.

Section 49/4. In the case where it is found that a business establishment which has been permitted to use the symbol under Section 33/1 (3) has employed persons who have received a certificate of knowledge and capability at a number less than that prescribed by Notification of the Committee, the Registrar shall make an order in writing for due compliance or rectification of the matter within one hundred and twenty days as from the date an order is received. If the business establishment fails to duly comply therewith, the Registrar shall make an order to revoke the permission to use the symbol.

Section 49/5. In the case where the issuance of a certificate of knowledge and capability is incorrect or not in compliance with Section 26/10, the Registrar shall have the power to issue an order to revoke such certificate of knowledge and capability."

Section 17. The following shall be added as Section 51/1 of the Promotion of Labour Skills Development Act, B.E. 2545 (2002):

"Section 51/1. A Knowledge and Capability Evaluation Centre under Section 26/4 (2), an evaluator of a business establishment, or a person with a certificate of knowledge and capability who has received an order under Section 49/1, Section 49/2, Section 49/3, Section 49/4 or Section 49/5 shall have the right to appeal against the order of the Registrar to the Committee within fifteen days as from the date of notification of the order, and the Committee shall consider the appeal within forty five days as from the date of receipt of the appeal and notify the results of the decision to the appellant without delay.

The decision of the Committee shall be final."

Section 18. The provisions of Section 53 of the Promotion of Labour Skills Development Act, B.E. 2545 (2002) shall be repealed and replaced with the following:

"Section 53. Any person who carries out labour skills standards testing without a licence under Section 24, or acts in contravention of Section 49 paragraph four shall be liable to a fine of not more than sixty thousand baht."

Section 19. The following shall be added as Section 53/1, Section 53/2, Section 53/3, Section 53/4, Section 53/5, Section 53/6, and Section 53/7, in Chapter IX Penalties of the Promotion of Labour Skills Development Act, B.E. 2545 (2002):

"Section 53/1. Any person who fails to comply with Section 26/3 shall be liable to a fine of not more than five thousand baht.

Section 53/2. Any person who hires a person who does not have a certificate of knowledge and capability under Section 26/3 to work in a business establishment in a field of occupation, position or type of work which may be dangerous to the public, or which requires a person with knowledge and capability in accordance with the notification of the Minister under Section 7(2) shall be liable to a fine of not more than thirty thousand baht.

Section 53/3. Any person who operates as a Knowledge and Capability Evaluation Centre under Section 26/4 (2), or as an evaluator without receiving a certificate from the Registrar under Section 26/7 or Section 26/11 shall be liable to a fine of not more than sixty thousand baht.

Section 53/4. Any person who uses a symbol under Section 33/1 (3) without permission shall be liable to a fine of not more than five thousand baht.

Section 53/5. Any person who fails to give a statement or fails to comply with an order of the Registrar or obstructs or fails to provide assistance the Registrar or a competent official in the course of performance of their duty under Section 45 or Section 46 shall be liable to a fine of not more than five thousand baht.

Section 53/6. Any person who fails to comply with Section 49/1 paragraph three shall be liable to a fine of not more than five thousand baht.

Section 53/67. All offences under this Act may be settled by way of payment of fine by the power of the Registrar."

Section 20. A schedule of fee rates shall be annexed to this Act shall be the Schedule fee rates of the Promotion of Labour Skills Development Act, B.E. 2545 (2002).

Section 21. The Promotion of Labour Skills Development Committee under the Promotion of Labour Skills Development Act, B.E. 2545 (2002) which exists on the day this

Act comes into force shall perform the duties of the Promotion of Labour Skills Development Committee under the Promotion of Labour Skills Development Act, B. E. 2545 (2002) as amended by this Act.

Section 22. The Minister of Labour shall have charge and control of the execution of this Act.

Countersigned by:

General Prayut Chan-o-Cha Prime Minister

"FEE RATES

(1) Personal record book (2) Adding information in a personal record book	100 baht per document 50 baht per item, but not over 500 baht per request
 (3) Registration as a Knowledge and Capability Evaluation Centre under Section 26/4 (2) (4) Certificate of registration as a Knowledge and Capability Evaluation Centre under Section 26/4 (2) (5) Renewal of a certificate of registration as a Knowledge and Capability Evaluation Centre under Section 26/4 (2) (6) Replacement of a certificate of registration as a Knowledge and Capability 	2,000 baht per application 10,000 baht per document 10,000 baht per document 500 baht per document
Evaluation Centre under Section 26/4 (2) (7) Evaluation for the issuance of a certificate of knowledge and capability under Section 26/13 paragraph one (8) Duplicate of a certificate of knowledge and capability (9) Certificate of registration as an evaluator (10) Replacement of a certificate of registration as an evaluator (11) Evaluator identification card (12) Permission to use symbol under Section 33/1 (3)	 5,000 baht per evaluation 100 baht per document 1,000 baht per document 100 baht per document 100 baht per document 5,000 baht per request

In the issuance of a Ministerial Regulation prescribing the rate of fees, such fees may differ. Regard shall be had to the field of occupation, position or type of work.