

Unofficial Translation

SOCIAL SECURITY ACT,
B.E. 2533 (1990)¹

BHUMIBOL ADULYADEJ, REX.

Given on the 11th Day of August B.E. 2533 (1990)

Being the 45th Year of the Present Reign

His Majesty King Bhumibol Adulyadej is graciously pleased to proclaim that:

Whereas it is expedient to revise the law on social security,

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

Section 1. This Act is called the “Social Security Act, B.E. 2533 (1990)”

Section 2. This Act shall come into force as from the day following the date of its publication in the Government Gazette except the provisions of Chapter 2 of Title 2 shall come into force after one hundred and eighty days from the date this Act comes into force and the provisions of Section 40 shall come into force within four years from the date this Act comes into force.²

Section 3. The Social Security Act, B.E. 2497 (1954) shall be repealed.

The provisions of all other laws, rules, and regulations insofar as are already

¹ Translated by Center for Translation and Language Services, Research Institute for Languages and Cultures of Asia, Mahidol University under contract for the Office of the Council of State of Thailand's Law for ASEAN project.- Initial version- pending review and approval.

² Published in the Government Gazette, Vol. 107, Part 161, Page 1 Special Issue, dated 1st September B.E. 2533 (1990)

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provided for in this Act or are contrary to or inconsistent with the provision of this Act, shall be replaced by this Act.

Section 4. This Act shall not apply to

- (1)³ Public officials, permanent employees, daily temporary employees and hourly temporary employees of Central Administration, Provincial Administration and Local Administration but excluding monthly temporary employees;
- (2) Employees of foreign governments or international organizations;
- (3) Employees of employers having offices in the country and who are stationed abroad;
- (4) Teachers or headmasters of private schools under the law on private schools;
- (5) Students, nurse students, undergraduates or interning physicians who are employees of schools, universities or hospitals;
- (6) Other activities or employees as may be prescribed in the Royal Decree.

Section 5. In this Act:

“Employee” means a person agreeing to work for an employer in return for wages irrespective of designation but excluding employee employed for domestic work which does not involve business activities;

“Employer” means a person agreeing to accept an employee for work by paying him or her wages, and includes a person designated by an employer to act on his or her behalf, in the case an employer is a juristic person, it shall include the person authorized to act on behalf of such juristic person and the person designated by such authorized person to act thereon;

³ Section 4 (1) as amended by the Social Security Act (No. 2), B.E. 2537 (1994)

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“Wages” mean all types of money which are paid by an employer to an employee in return for work done during normal working hours and days, whether to be computed by duration or result of work being done, and includes money which an employer pays to an employee for holidays and leaves on which the employee does not work, regardless of the way it is specified, computed or paid, in any nature or method, and the name used;

“Working day” means a day scheduled for an employee to work normally;

“Insured person” means a person who pays contributions which provides entitlement to benefits under this Act;

“Parturition” means the delivery of an infant from mother’s womb in which a period of pregnancy is not less than twenty-eight weeks, irrespective of whether the infant is alive or not;

“Invalidity” means loss of an organ or the capacity of an organ or the capacity of the body or loss of normal mental capacity to the extent that such employee is unable to work according to the criteria as may be determined by the Medical Committee;

“Unemployment” means an insured person ceases to work resulting from termination of legal relations between an employer and an employee under hire of service contract;

“Fund” means the Social Security Fund;

“Office” means the Social Security Office;

“Committee” means the Social Security Committee;

“Member” means a member of the Social Security Committee;

“Competent official” means a person appointed by the Minister for the execution of this Act;

“Secretary-General” means the Secretary-General of the Social Security Office;

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“Minister” means the Minister having charge and control of the execution of this Act.

Section 6.⁴ The calculation of wages for payment of contribution shall be based on wages received on a monthly basis.

In order to equate non-monthly wages to monthly wages, the actual wages received by an employee in any month shall be deemed the monthly wages for that month.

For the purpose of computing time period for remittance of contribution of an insured person, it shall be deemed that the contribution deducted from the wages paid to the employee in any one month, shall be the payment of the contribution of such month and, no matter how many times such contribution is deducted or remitted in a month, it shall be deemed that the time period available for remittance contribution is equal to one month.

Section 7. The Minister of Interior shall have charge and control of the execution of this Act and shall have the power to appoint competent officials, issue Ministerial Regulations prescribing fees not exceeding the rates provided in the schedules hereto attached, grant exemption from fees, and prescribe other activities for the execution of this Act.

Such Ministerial Regulations shall come into force upon publication in the Government Gazette.

⁴ Section 6 as amended by the Social Security Act (No. 2), B.E. 2537 (1994)

TITLE 1
General Provisions

Chapter 1
Social Security Committee

Section 8. There shall be established a Committee called the “Social Security Committee” consisting of the Permanent Secretary for Labour*, as Chairperson, a representative of the Ministry of Finance, a representative of the Ministry of Public Health, and a representative of the Bureau of the Budget, and five representatives of employers and five representatives of employees appointed by the Minister, as members, and the Secretary-General shall be a member and secretary.⁵

The Committee may appoint any person as an assistant to the Secretary.

The Minister may appoint not more than five qualified persons as advisers to the Committee, of which shall at least be qualified persons in social security system, labour affairs, medical affairs, legal affairs and others.

Section 9. The Committee shall have the following powers and duties

- (1) to propose opinions to the Minister with respect to the social security policy and measures under this Act;
- (2) to consider and provide opinions to the Minister with respect to the issuance of Royal Decrees, Ministerial Regulations and other regulations for the execution of this Act;

⁵ Section 8 paragraph one as amended by the Social Security Act (No. 2), B.E. 2537 (1994)

(3) to issue regulations, with the approval of the Ministry of Finance, with respect to the receipts, payments and taking custody of the Fund;

(4) to lay down regulations, with the approval of the Ministry of Finance, in respect of the seeking of benefits for the Fund;

(5) to review the balance sheet and statement of receipts and expenditures of the Fund and the annual report on the performance of the Office with respect to social security under this Act;

(6) to provide consultations and advice to other committees or the Office;

(7) to perform other functions prescribed in this Act or other laws as those of the Committee or as designated by the Minister.

In the performance of the duties under paragraph one, the Committee may assign the Office to perform the same and report to the Committee for further proceedings.

Section 10. A member or an adviser appointed by the Minister shall hold office for a term of two years.

The member or the adviser who vacates his or her office may be reappointed, but not for more than two consecutive terms.

Section 11. In addition to vacating office at the end of the term under Section 10, a member or an adviser appointed by the Minister shall vacate office upon

(1) death;

(2) resignation;

(3) being removed by the Minister;

(4) being a bankrupt;

(5) being insane or mental infirmity;

(6) being imprisoned by a final judgement to a term of imprisonment, except for an offence committed through negligence or petty offence.

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In a case where a member appointed by the Minister vacates his or her office before the expiration of his or her term, the Minister may appoint another person of the same description of qualifications according to Section 8 to replace him or her and the appointee shall hold office for the remaining term of the member so replaced.

In a case where an additional adviser is appointed by the Minister during the term of office of the advisers already appointed, the appointee shall hold office for the remaining term of office of the advisers already appointed.

Section 12. In a case where members appointed by the Minister have completed the term of office but new Committee has not yet been appointed, the members who vacate office upon the expiration of the term of office shall, in the mean time, remain in office to carry out duties until the newly appointed members assume their duties.

Section 13. At a meeting of the Committee, the presence of not less than one-half of the total number of members is required to constitute a quorum.

At any meeting, if the Chairperson is absent or is unable to perform his or her duties, the members present shall elect one member among themselves to preside over the meeting.

The resolution of the meeting shall be made by a majority of votes. Each member shall have one vote. In case of tied-vote, the person presiding over the meeting shall have an additional vote as a casting vote.

Section 14.⁶ There shall be established a Medical Committee consisting of a Chairperson and other members, totally not more than sixteen persons, appointed by the Minister, and a representative of the Office shall be member and secretary.

⁶ Section 14 as amended by the Social Security Act (No. 2), B.E. 2537 (1994)

The Chairperson and other members under paragraph one shall be appointed from qualified persons in various fields of medicine and shall hold office for a term of two years.

The provisions of Section 10 paragraph two, Section 11, Section 12 and Section 13 shall apply *mutatis mutandis*.

Section 15. The Medical Committee shall have the following powers and duties

(1) to propose opinions to the Committee with respect to the operation in the rendering of medical services;

(2) to prescribe criteria and rates of benefits for medical services provided to insured persons under Section 59, Section 63, Section 66, Section 68, Section 70 and Section 72;

(3) to submit opinions to the Committee with respect to the issuance of Ministerial Regulations under Section 64;

(4) to provide advice and recommendations on medical matters to the Committee, the Appellate Committee, and the Office;

(5) to perform other functions prescribed in this Act as those of the Medical Committee or as designated by the Minister or by the Committee.

Section 16. The Committee or the Medical Committee may appoint a sub-committee to consider or carry out any matter as designated by the Committee or the Medical Committee.

The provisions of Section 13 shall apply to the meeting of the sub-committee, *mutatis mutandis*.

Section 17. The Committee, the Medical Committee and the sub-committee shall have power to summon any person to submit documents or information

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necessary for consideration. In this regard, they may order the persons concerned to give statement.

Section 18. The members, the advisers, the Medical Committee, the Appellate Committee and the sub-committee may receive attendance remuneration, transportation allowances, per diem allowances, accommodation allowances and other allowances in performing their duties under this Act in accordance with the regulations prescribed by the Minister, with the approval of the Ministry of Finance.

Chapter 2

Social Security Office

Section 19. There shall be established a Social Security Office under the Ministry of Interior having the following powers and duties:

- (1) to perform the administrative works of the Committee, other Committees and sub-committees under this Act;
- (2) to collect, compile and analyse information concerning social security;
- (3) to prepare a register of employers and insured persons who are required to remit contributions to the Fund;
- (4) to perform other functions as prescribed in this Act or other laws as powers and duties of the Office;
- (5) to carry out other activities as designated by the Minister, the Committee, other Committees or the sub-committees.

Section 20. The duties of the Secretary-General are to generally supervise the affairs of the Office and command the officials of the Office. In this regard, there shall be

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one or more Deputy Secretary-General to assist in commanding and performing official affairs.

The Secretary-General and Deputy Secretary-General shall be ordinary government officials.

Chapter 3 Social Security Fund

Section 21. There shall be established a Fund in the Social Security Office called the “Social Security Fund” to provide benefits to the insured persons under the provisions of Title 3, and to be used for expenditures under Section 24 paragraph two.

Section 22.⁷ The Fund shall consist of

- (1) contributions from the government, employers and insured person under Section 40 and Section 46;
- (2) surcharges under Section 39, Section 49, and Section 53;
- (3) interests of the Fund under Section 26;
- (4) fees under Section 45;
- (5) money received from donation or subsidy;
- (6) money becoming property of the Fund under Section 47, Section 47 bis, Section 50, Section 53 and Section 56;
- (7) subsidy or advanced money which the Government has paid under Section 24 paragraph three;
- (8) fines collected through settlement under Section 102;
- (9) other income.

⁷ Section 22 as amended by the Social Security Act (No. 2), B.E. 2537 (1994)

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Section 23. The Fund under Section 22 shall belong to the Office and is not required to be remitted to the Ministry of Finance as state revenue.

Section 24. The Fund shall be utilized as benefits under this Act.

The Committee may allot not exceeding ten percent of the annual contributions as expenditures under Section 18 and as administrative expenditures of the Office.

In a case where the Fund is not sufficient to cover expenditures under paragraph one or two, the Government shall subsidize or provide official advanced money as it deems necessary.

Section 25. The receipts, payments and taking custody of the Fund shall be in accordance with the regulations prescribed by the Committee, with the approval of the Ministry of Finance.

Section 26. The investment of the Fund to acquire benefits shall be in accordance with the regulations prescribed by the Committee, with the approval of the Ministry of Finance.

Section 27.⁸ The Committee shall, within six months from the last day of a calendar year, submit the balance sheet and statement of income and expenditures of the Fund of the preceding year to the Office of the Auditor-General of Thailand to be audited and certified before submitting the same to the Minister.

The Minister shall submit the said balance sheet and statement of income and expenditures to the Prime Minister to further submit the same to the Parliament for information and which shall be arranged for publication in the Government Gazette.

⁸ Section 27 as amended by the Social Security Act (No. 2), B.E. 2537 (1994)

Chapter 4

Social Security Survey

Section 28. For the purpose of social security under this Act, the Royal Decree may be issued for a survey on problems and information concerning labour matters. The Royal Decree under paragraph one shall specify at least the following particulars

- (1) the purpose of the survey;
- (2) the officers or competent officials who shall carry out the survey;
- (3) the period of enforcement of the Royal Decree which shall not exceed two years.

Section 29. When the Royal Decree under Section 28 has been issued, the Secretary-General shall prescribe the following by notification

- (1) survey form;
- (2) the period of time in which the officers or competent officials will submit the form of survey to employers;
- (3) a period of not less than thirty days within which the employer is required to return the duly filled out survey form to the officers or competent officials, the details of which shall also be mentioned in the survey form.

The notification under this Section shall be published in the Government Gazette.

Section 30. The survey form under Section 29 (1) shall be sent to the employer by registered mail with acknowledgement of receipt or by hand delivery by the officers or competent officials at the domicile or resident or offices of the employer during sunrise to sunset or during working hours of the employer. In a case where the employer is

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not found at his or her domicile or resident or office, the said form may be delivered to a *sui juris* person who lives or works in the home or office apparently belongs to the employer.

Where the delivery under paragraph one cannot be made, the survey form shall be posted at a conspicuous place at the office of the employer. After having made such delivery and a period of fifteen days has elapsed, the employer is deemed to have received such survey form.

Section 31. After having received the survey form, the employer shall truthfully complete every item in the survey form and return the filled out survey form to the officers or competent officials within the period of time specified in Section 29 (3).

Section 32. All information or figures filled out in the survey form shall be confidential. The persons performing the duties under this Act shall be forbidden from disclosing such information or figures to any person who has no duties under this Act except in the case where it is necessary for the benefits of social security or labour protection or for the benefits of investigation or trial.

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TITLE 2
Social Security

Chapter 1
Insured Person

Section 33.⁹ An employee who is not younger than fifteen years of age and not older than sixty years of age, shall be an insured person.

When an employee, already an insured person under paragraph one, reaches sixty years of age and is still an employee of the employer subject to this Act, such employee shall continue to be deemed an insured person.

Section 34. An employer employing employees who are insured persons under Section 33, shall submit statement listing names of insured persons, rate of wages, and other information, in accordance with the form prescribed by the Secretary-General, to the Office within thirty days from the date on which the employees have become insured persons.

Section 35. In a case where a business operator, by means of wage contracting, contracts another person to supervise the work and take responsibility for payments of employee wages, or assigns any person to recruit employees for work which is not a placement service business operation, and such work is a part of production process or business activities carried out in the business establishment of the business operator and the main tools for such work are procured by the business operator, such being the case,

⁹ Section 33 as amended by the Social Security Act (No. 2), B.E. 2537 (1994)

the business operator shall be regarded as the employer whose duty is to comply with the provisions of this Act.

In a case where the wage contractor under paragraph one is the person submitting the statement of particulars under Section 34 to the Office in the capacity of the employer, the wage contractor shall have the duty to comply with this Act in the same manner as the employer. Such being the case, the business operator shall be discharged from the liability of the indebted amount of contributions and surcharge forasmuch as the wage contractor has remitted the same to the Office.¹⁰

Section 36. When the employer has submitted the statement of particulars under Section 34, the Office shall issue to the employer a social security certificate of registration, and to the employees social security cards in accordance with the form, criteria and procedures prescribed in the Ministerial Regulations.

Section 37. In a case where it appears to the Office or from an employee complaint that an employer fails to submit the statement of particulars under Section 34 or the employer has submitted such statement but the name of some employees who are insured persons under Section 33 are omitted, the Office, upon considering relevant evidence, shall have the power to record details in the statement of particulars under Section 34, and then issue the social security certificate of registration to the employer and/or a social security card to an employee under Section 36, as the case may be.

Before taking the action mentioned in paragraph one, the Secretary-General or the person designated by the Secretary-General may first investigate the matter.

Section 38. An insured person under Section 33 shall cease to be an insured person upon:

¹⁰ Section 35 paragraph two as added by the Social Security Act (No. 2), B.E. 2537 (1994)

- (1) death;
- (2) cessation of being an employee.

In a case where the insured person who ceases to be an employee under (2) has paid full amount of contributions in accordance with the condition of time entitling him or her to receive benefits under Title 3, the said insured person shall continue to be entitled to the rights under Chapter 2, Chapter 3, Chapter 4 and Chapter 5, for a further period of six months from the date his or her employment is terminated or for a period of time prescribed in the Royal Decree which shall not be longer than twelve months from the date his or her employment is terminated.¹¹

Section 39.¹² Any person who is an insured person under Section 33, having paid contributions for a period of not less than twelve months and, subsequently ceases to be an insured person in pursuance of Section 38 (2), if such person wishes to continue to be an insured person, he or she shall, within six months from the date of his or her termination of being an insured person, express his or her intention to the Office according to the regulations prescribed by the Secretary-General.

The amount of money used as the basis for the calculation of the contributions which the insured person under paragraph one has to remit to the Fund under Section 46 paragraph two, shall be in accordance with the rates prescribed in the Ministerial Regulations taking into account also the current economic situation.

The insured person under paragraph one shall remit monthly contribution to the Fund within the fifteenth day of the following month.

The insured person under paragraph one, who does not remit contributions or has done so but not in full amount within the period of time prescribed in paragraph three, shall pay a surcharge at the rate of two per cent per month of the unpaid contributions or

¹¹ Section 38 paragraph two as amended by the Social Security Act (No. 3), B.E. 2542 (1999)

¹² Section 39 as amended by the Social Security Act (No. 2), B.E. 2537 (1994)

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the shortcoming amount from the day following the due date. If a fraction of one month is fifteen days or more, it shall be considered a full month, if less, it shall be disregarded.

Section 40. Any other person who is not an employee under Section 33 may apply to be an insured person under this Act by expressing his or her intention to the Office.

Criteria and rate of contributions, type of benefits entitled to under Section 54 including criteria and conditions of benefit entitlement shall be prescribed in a Royal Decree.

Section 41.¹³ An insured person under Section 39 shall cease to be an insured person upon

- (1) death;
- (2) having subsequently become an insured person under Section 33;
- (3) resigning from being an insured person by expressing his or her intention to the Office;
- (4) failure to remit contributions for a period of three consecutive months;
- (5) having remitted less than nine months of contributions during a period of twelve months.

The cessation of being an insured person under (4) shall take place in the first month in which no contribution has been remitted, and the cessation of being an insured person under (5) shall take place in the month in which nine month remittance of contributions is not fulfilled.

In a case where an insured person who ceased to be an insured person under (3), (4) and (5) has remitted the contributions in accordance with the condition of time which entitles him or her the rights under Title 3, such person shall be entitled to the rights under Chapter 2, Chapter 3, Chapter 4 and Chapter 5, for a further period of six months from the

¹³ Section 41 as amended by the Social Security Act (No. 2), B.E. 2537 (1994)

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date his or her insurance is terminated.¹⁴

Section 42. For the purpose of creating entitlement for an insured person to receive benefits under the provisions of Title 3, each and every period of time of his or her insurance under Section 33 and/or Section 39 shall be counted together.

Section 43. Any business operation subjected to this Act shall continue to be so subjected until it ceases to operate, even it subsequently has less employees than the prescribed number, and the remaining employees shall continue to be insured persons. In a case where such business operation has employed new employees, they shall be insured persons under this Act, even the total number of employees is less than the prescribed number.

Section 44.¹⁵ In a case where the fact relating to particulars in the statement submitted to the Office has changed, the employer shall notify the Office in writing in accordance with the regulations prescribed by the Secretary-General, in order to request for change or amendment of the particulars within the fifteenth day of the month following the month in which the change has taken place.

The provisions of Section 37 shall apply in a case where the employer does not comply with the provisions of this Section, *mutatis mutandis*.

Section 45. In a case where the social security certificate of registration or the social security card is lost, destroyed or materially defaced, the employer or the insured person shall, within fifteen days from the date he or she is aware of the loss, destruction or defacement, file an application to the Office for a substitute of the social security certificate

¹⁴ Section 41 paragraph three as amended by the Social Security Act (No. 3), B.E. 2542 (1999)

¹⁵ Section 44 as amended by the Social Security Act (No. 2), B.E. 2537 (1994)

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of registration or the social security card, as the case may be. The filing of the application thereof shall be in accordance with the regulations prescribed by the Secretary-General.

Chapter 2 Contributions

Section 46.¹⁶ The Government, the employers and the insured persons under Section 33 each shall equally remit contributions to the Fund at the rates prescribed in the Ministerial Regulations for payment of benefits relating to injury or sickness, invalidity, death and parturition, but the remittance thereof shall not exceed the rates of contributions attached hereto.

The Government, the employers and the insured persons under Section 33, shall remit contributions to the Fund at the rate prescribed in the Ministerial Regulations for payment of benefits relating to child benefits, old-age benefits, and unemployment benefits, but the contributions thereof shall not exceed the rates of contributions attached hereto.

For the self insurance under Section 39, the Government and the insured persons shall remit contributions to the Fund as follows. The Government remits one times the rate of contributions and the insured person remits two times the rate of contributions, at which each party is required to pay as prescribed in paragraphs one and two.

In prescribing the rates of contributions under paragraphs one and two, the benefits payment and the administrative expenditures of the Office under Section 24 shall also be taken into account.

Minimum and maximum wages used as bases for calculating contribution of each insured person under Section 33 shall be in accordance with the Ministerial

¹⁶ Section 46 as amended by the Social Security Act (No. 3), B.E. 2542 (1999)

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Regulations. In calculating contribution of each insured person, the fraction of the contribution in the amount of fifty satang or more shall be counted as one baht, if less, it shall be disregarded. In a case where the insured person works for several employers, the contribution shall be calculated from wages received from each employer.

Section 47.¹⁷ Every time wages are paid, the employer shall deduct from the wages of an insured person the amount to be remitted as contributions on the part of the insured person under Section 46. After the employer has made such deduction, it shall be deemed that the insured person has paid his or her contributions from the date the deduction has been made.

The employer shall remit the contributions on the part of the insured person deducted under paragraph one and on the part of the employer, to the Office within the fifteenth day of the month following the month in which the deduction has been made and shall submit the statement showing contribution remittances according to the form prescribed by the Secretary-General.

If the employer fails to pay wages on scheduled time, the employer shall have the duty to remit the contributions under paragraph two as if the wages had already been paid.

Where the employers remit the contributions on the part of the insured person or on the part of the employer to the Office in excess of the amount required to be remitted, the employer or the insured person shall apply for refund in accordance with the regulations prescribed by the Secretary-General. If the employer or the insured person does not claim for refund within one year from the date the contribution was made or does not collect the refund within one year from the date being notified to collect the refund, such money shall belong to the Fund.

¹⁷ Section 47 as amended by the Social Security Act (No. 2), B.E. 2537 (1994)

Section 47 bis.¹⁸ Where an employer does not remit the contribution or does not remit the same in full within the period of time prescribed in Section 47 paragraph two, the competent official shall send a warning notice in writing requiring the employer to remit the overdue contributions and a surcharge within a specified period of time not less than thirty days from the date of receipt of the said notice. If after having received such warning, the employer does not remit the overdue contributions and the surcharge within the specified period of time, the competent official shall have the power to assess the contributions and notify the employer in writing requiring remittance thereof, as follows

(1) If the employer had remitted contributions before, it shall be deemed that the amount of contributions to be remitted by the employer in each following month is equal to the amount of the last full month contributions remitted by the employer.

(2) If the employer who has the duty under this Act does not submit the statement under Section 34, or has submitted the statement under Section 34 but has never remitted any contributions, or has submitted the statement under Section 34 indicating the number and listing of employees less than what is actually existing, the contributions shall be assessed from the statement submitted by the employer in the past or from the number of the employees detected by the competent official, as the case may be, deeming that each employee is receiving monthly wages at the rate indicated in the statement that was submitted. If a statement had not been filed or it was filed incompletely, it shall be deemed that each employee is receiving monthly wages not less than the minimum daily wage in accordance with the law on labour protection in effect in the locality multiply by thirty.

Where it is proven by investigation within two years as from the date of notice of contribution assessment under paragraph one, that the actual amount of contributions to be remitted by the employer is more or less than the amount assessed by the competent official under (1) or (2), the Office shall send a notice informing the employer

¹⁸ Section 47 bis as amended by the Social Security Act (No. 2), B.E. 2537 (1994)

of the result of such investigation within thirty days from the date the result of the investigation is known, requiring the employer to pay the additional contribution within thirty days from the date of receipt of the notice or filing an application to the Office for refund. If the employer does not collect the said amount of money within one year from the date the result of the investigation is known, said amount of money shall belong to the Fund.

The provisions of Section 30 shall apply to the delivery of notices, notifications of the amount of contribution assessment, and notifications of the result of investigation, *mutatis mutandis*.

Section 48. Where an insured person works for more than one employer, all of the employers shall have the duty to comply with the provisions of Section 46 and Section 47.

Section 49. An employer who does not remit the contributions on his or her part or on the part of the insured persons or fails to remit the full amount of the contributions within the period of time prescribed in Section 47, shall have to pay a surcharge at the rate of two per cent per month of the unremitted contributions or of the shortcoming amount from the day following the date on which the contributions must have been remitted. If a fraction of one month is fifteen days or more, it shall be considered a full month, if less, it shall be disregarded.

The employer who did not deduct the contribution from the wages of an insured person in order to remit the same or did not deduct fully as required by Section 47 paragraph one, the employer shall be liable for the remittance of the full or unremitted amount of the contributions of such insured person and shall pay a surcharge on this amount under paragraph one from the day following the date on which the contributions must have been remitted. In such case, the rights entitled to the insured person shall be as

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if he had already remitted the contribution.

Section 50. The Secretary-General has the power to issue an order in writing to seize, attach and sell by auction the properties of the employer who fails to remit contributions and/or surcharge or fails to remit full amount of contributions under Section 49, doing so to an extent necessary to repay the outstanding amount of money.

The order to seize, attach or sell by auction the properties under paragraph one may be issued after a written notice has been sent requiring the employer to pay the unremitted contributions and/or surcharge within a period of not less than thirty days from the date of receipt of the said notice by the employer and the employer fails to remit the same within the prescribed period of time.

Criteria and procedures for seizure, attachment and sale by auction of properties under paragraph one shall be in accordance with the regulations prescribed by the Minister, in this respect the criteria and procedures under the Civil Procedure Code shall apply *mutatis mutandis*.

The proceeds from such sale by auction shall be deducted for expenses incurred in the seizure, attachment and sale by auction and for payment of unremitted contributions and surcharge. Any remainder shall be returned to the employer without delay. If the employer does not claim for the remainder within five years, it shall belong to the Fund.

Section 51. In the event of debt arising out of non-payment of contributions and/or surcharge, the Office shall have preferential right in all properties of the employer who is the debtor and shall be at the same rank of precedence as the preferential right over account of taxes and duties according to the Civil and Commercial Code.

Section 52. Where an employer is a sub-contractor, the preceding sub-

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contractors along the line, if any, including the primary contractor shall all be jointly liable with the sub-contractor who is obliged as an employer for the amount of contributions payable on the part of employer under this Act.

Section 53.¹⁹ The provisions of Section 49, Section 50 and Section 51 shall apply, *mutatis mutandis*, to the sub-contractor under Section 52, who does not remit the contribution or fails to pay full amount of contributions within the prescribed time.

TITLE 3

Benefits

Chapter 1

General Provisions

Section 54. An insured person or a person under Section 73 shall be entitled to receive the benefits from the Fund, as follows

- (1) injury or sickness benefits;
- (2) maternity benefits;
- (3) invalidity benefits;
- (4) death benefits;
- (5) child benefits;
- (6) old-age benefits;
- (7) unemployment benefits, except for an insured person under Section 39.

¹⁹ Section 53 as amended by the Social Security Act (No. 2), B.E. 2537 (1994)

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Section 55. Where an employer has, before the date of enforcement of this Act, provided welfare for non-occupational injury or sickness or invalidity or death, or for parturition, child support, old-age, or unemployment to employees who are insured persons under Section 33 and have been employed before the date of enforcement of this Act, if such welfare provides benefits in any case higher than any benefit under this Act, the employer shall present work regulations, hire of services contract, or conditions of employment agreement, which provides such welfare, to the Committee to apply for a reduction of the rated of contributions for the type of benefits already provided by the employer from the rates at which the employer and the insured persons are required to pay to the Fund under Section 46, and the employer shall use the rates of contributions after reduction to compute the amount of contributions on the parts of the insured persons and of the employer to be remitted to the Fund for the payment of other benefits.

The application for the reduction of the rates of contributions and the consideration of the reduction of the rates of contributions under paragraph one shall be in accordance with the criteria, procedure and conditions prescribed by the Committee.

Section 56.²⁰ An insured person or any person who is of an opinion that he or she is entitled to any benefit as prescribed in Section 54 and wishes to receive said benefit, shall file an application according to the form prescribed by the Secretary-General, with the Office within one year from the date of such entitlement, and the Secretary-General or the person designated by the Secretary-General shall consider such application and take action promptly.

Where the benefit under paragraph one is a sum of money, if the insured person or the person with entitlement fails to collect the same within two years from the date of receiving the notice from the Office, the said money shall belong to the Fund.

²⁰ Section 56 as amended by the Social Security Act (No. 2), B.E. 2537 (1994)

Section 57.²¹ In the calculation of daily wages for compensation for loss of earnings to an insured person under Section 33, the first three months of wages – used by the employer as base for contribution calculation to be remitted to the Office – over the period of the past nine months, shall be divided by ninety. If the insured person has evidence to prove that the calculation of wages for any other three month period over the period of the past nine months results in a higher amount, then such other three month wages shall be divided by ninety, or in a case where an insured person has remitted the contribution for less than nine months, the calculation shall be made by using the last three months of wages used by the employer as base for contribution calculation to be remitted to the Office and divide that by ninety.

For the calculation of daily wages for compensation for loss of earnings to an insured person under Section 39, the average of the amount used as base for the calculation of the contribution under Section 39 paragraph two, shall be used.

Section 58. Where the benefits under this Act are medical services, an insured person or his or her spouse shall receive such services at the medical establishments as prescribed in Section 59.

Details and conditions concerning medical services to be given to an insured person or his or her spouse shall be in accordance with the regulation prescribed by the Secretary-General, with the approval of the Committee.

Section 59. The Secretary-General shall publish in the Government Gazette the area of coverage and the names of the medical establishments at which an insured person or his or her spouse shall be entitled to receive medical services.

An insured person or his or her spouse, who is entitled to receive medical services if employed or has domicile in a locality, shall receive medical services at the

²¹ Section 57 as amended by the Social Security Act (No. 2), B.E. 2537 (1994)

medical establishments in such locality as prescribed in paragraph one, except where no medical establishments under paragraph one exist in such locality, or there exist such medical establishments but at which the insured person or his or her spouse has justifiable reason for being unable to receive medical services, then the medical services may be received at the medical establishments under paragraph one in other locality.

In a case where an insured person or his or her spouse receives medical services at the medical establishments other than those prescribed in paragraph two, the insured person shall be entitled to compensation for the cost of medical services paid to such other medical establishments at the amount fixed by the Office, taking into account the conditions of injury or sickness, parturition, economic situation in each locality and the nature of medical services received. However, it shall not exceed the rates prescribed by the Medical Committee, with the approval of the Committee.

Section 60. In a case where an insured person or his or her spouse having received medical services at the medical establishments ignores or does not comply with the recommendations or instructions of the physician without justifiable reason, the Secretary-General or a person designated by the Secretary-General, with the approval of the Medical Committee, may order the benefits to be reduced.

Section 61.²² An insured person or a person under Section 38 paragraph two, Section 73, or Section 73 bis, shall not be entitled to benefits when it appears that such person has intentionally caused the injury or sickness or invalidity or death to happen or has permitted other person to cause the same to happen.

Section 61 bis.²³ In a case where an insured person is entitled to loss of

²² Section 61 as amended by the Social Security Act (No. 2), B.E. 2537 (1994)

²³ Section 61 bis as added by the Social Security Act (No. 2), B.E. 2537 (1994)

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earnings benefits under Section 64 and Section 71 and, simultaneously, entitled to allowances for maternity leave under Section 67, the said person shall be entitled to receive only one category of benefits, either loss of earnings benefit or allowances for maternity leave, by stating her intention in accordance with the form prescribed by the Secretary-General.

Chapter 2

Injury or Sickness Benefits

Section 62.²⁴ An insured person shall be entitled to non-occupational injury or sickness benefits when he or she has paid contributions for not less than three months during a period of fifteen months before the date of receiving medical services.

Section 63. Benefits for non-occupational injury or sickness shall consist of

- (1) medical examination and diagnosis expenses;
- (2) medical treatment expenses;
- (3) expenses for admission to and treatment in medical establishments;
- (4) medicine and medical supplies expenses;
- (5) cost of ambulance services or transportation for patient;
- (6) other necessary expenses.

All expenses shall be in accordance with the criteria and rates prescribed by the Medical Committee, with the approval of the Committee.

The insured person who has to take leave to receive medical treatment by the instruction of the physician, shall also be entitled to loss of earnings benefits according to the criteria prescribed in Section 64.

²⁴ Section 62 as amended by the Social Security Act (No. 2), B.E. 2537 (1994)

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Section 64. Where an insured person suffers non-occupational injury or sickness, the insured person shall be entitled to loss of earnings benefits at the rate of fifty per cent of wages under Section 57 for a period the insured person being absent from work to receive medical treatment by the instruction of the physician, which shall not exceed ninety days on each occasion and not more than one hundred and eighty days in a calendar year, except for sickness from chronic disease as prescribed in the Ministerial Regulations, for which the insured person shall be entitled to loss of earnings benefits for more than one hundred and eighty days but not exceeding three hundred and sixty five days.

The period of time for receiving loss of earnings benefit shall be computed from the first day of leave from work by the instruction of the physician until the last day of leave from work as prescribed by the physician or until the last day of leave from work in case the insured person has returned to work before the date prescribed by the physician but not exceeding the periods of time under paragraph one.

If an insured person is entitled to receive wages from the employer during leave from work for medical treatment according to the law on labour protection or work regulations, hire of services contract or conditions of employment agreement, as the case may be, the insured person shall not be entitled to receive the benefits under paragraph one until the entitlement to receive wages is terminated, and shall only be entitled to receive the said benefits for the remaining period, and, if the wages received from the employer in any case is less than the loss of earnings benefits payable by the Fund, the insured person shall be entitled to receive from the Fund, the loss of earnings benefits for the difference.

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Chapter 3

Maternity Benefits

Section 65.²⁵ The insured person shall be entitled to maternity benefits for oneself or for one's wife or, in case the insured person has no wife, for the woman who cohabits publicly with the insured person as husband and wife in accordance with the regulations prescribed by the Secretary-General, provided that the insured person must have paid the contributions for not less than seven months during the period of fifteen months before the date of receiving medical services.

Each insured person shall be entitled to receive maternity benefits for no more than two occasions of parturition.

Section 66. Maternity benefits shall consist of

- (1) medical examination and pre-natal care expenses;
- (2) medical treatment expenses;
- (3) medicine and medical supplies expenses;
- (4) child delivery expenses;
- (5) expenses for admission to and treatment in medical establishment;
- (6) nursery care and treatment expenses;
- (7) cost of ambulance services or transportation for patient;
- (8) other necessary expenses;

All expenses shall be in accordance with the criteria and rates prescribed by the Medical Committee, with the approval of the Committee.

The insured person who has to take leave for parturition, shall be entitled to

²⁵ Section 65 as amended by the Social Security Act (No. 2) , B.E. 2537 (1994)

receive allowances for maternity leave, according to the criteria prescribed in Section 67.²⁶

Section 67.²⁷ Where the insured person has to take leave for parturition, the insured person shall be entitled to receive allowances for maternity leave for not more than two occasions. Payment shall be made in lump sum at the rate of fifty per cent of the wages under Section 57, for a period of ninety days per one occasion.

Section 68. Where the insured person or his or her spouse is unable to receive the benefits under Section 66 because the parturition did not take place in the medical establishment prescribed in Section 59, such insured person shall be entitled to maternity benefits according to the criteria and rates prescribed by the Medical Committee, with the approval of the Committee.

Chapter 4

Invalidity Benefits

Section 69.²⁸ The insured person shall be entitled to non-work related invalidity benefits only when he or she has paid contribution for a period of not less than three months during the period of fifteen months before being invalid.

Section 70. Invalidity benefits shall consist of:

- (1) medical examination and diagnosis expenses;
- (2) medical treatment expenses;

²⁶ Section 66 paragraph three as amended by the Social Security Act (No. 2), B.E. 2537 (1994)

²⁷ Section 67 as amended by the Social Security Act (No. 2), B.E. 2537 (1994)

²⁸ Section 69 as amended by the Social Security Act (No. 2), B.E. 2537 (1994)

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- (3) medicine and medical supplies expenses;
- (4) expenses for admission to and treatment in medical establishment;
- (5) cost of ambulance or transportation for invalid person;
- (6) physical, mental and occupational rehabilitation expenses;
- (7) other necessary expenses

All expenses shall be in accordance with the criteria and rates prescribed by the Medical Committee, with the approval of the Committee.

Section 71.²⁹ In a case where the insured person has become invalid by non-work related cause, he or she shall be entitled to receive loss of earnings benefits at the rate of fifty per cent of the wages under Section 57 for life.

Section 72. In a case where the Medical Committee has decided that the invalidity of an insured person has been rehabilitated under Section 70 (6) to a better condition, the Secretary-General or the person designated by the Secretary-General may consider reducing the loss of earnings benefits in accordance with the criteria and procedures prescribed by the Medical Committee, with the approval of the Committee.

In a case where it later appears that, after a reduction of loss of earnings benefit under paragraph one, the invalidity has subsequently become deteriorated, if the Medical Committee considers that the invalidity is deteriorated from what has been considered under paragraph one, the Secretary-General may consider increasing the loss of earnings benefits.³⁰

²⁹ Section 71 as amended by the Social Security Act (No. 2), B.E. 2537 (1994)

³⁰ Section 72 paragraph two as amended by the Social Security Act (No. 2), B.E. 2537 (1994)

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Chapter 5

Death Benefits

Section 73.³¹ In the case where the insured person has died without sustaining non-work related hazard or sickness, if the insured person had paid the contribution for a period of not less than one month during the period of six months before his death, the following death benefits shall be paid

1) the funeral expenses according to the rate prescribed in the Ministerial Regulations which shall not be less than one hundred times the maximum rate of daily minimum wage under the law on labour protection, payable to the following persons in respective order

(a) the person whom the insured person specified in writing to be the administrator of his or her funeral and undertook to become the administrator as such;

(b) husband or wife, parents or children of the insured person with evidence of administratorship of the funeral of the insured person;

(c) other person with evidence of administratorship of the funeral of the insured person.

(2) Death allowances for a deceased insured person shall be paid to the person whom the insured person specified in writing to be entitled to receive such allowances. If the insured person did not set it down in writing, such allowances shall be equally shared among husband or wife, parents or children of such insured person as follows

(a) If before his or her death, the insured person had remitted contributions for more than thirty six months but less than ten years, the allowance shall be paid in an amount equal to fifty per cent of the monthly wages calculated in accordance

³¹ Section 73 as amended by the Social Security Act (No. 2), B.E. 2537 (1994)

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with Section 57 multiplied by three;

(b) If before his or her death, the insured person had remitted contributions for more than ten years, the allowances shall be paid in an amount equal to fifty per cent of monthly wages calculated in accordance with Section 57 multiplied by ten.

Section 73 bis.³² In a case where the invalid insured person under Section 71 is deceased, the provisions of Section 73 shall apply, *mutatis mutandis*, and the loss of earnings benefits received for the last month before the death of such insured person shall be used as basis for calculation.

In a case where an invalid insured person became entitled to funeral expenses and death allowances for a deceased insured person in his or her capacity as an insured person and in his or her capacity as an invalid insured person, simultaneously, such entitlement shall be restricted to the funeral expenses and death allowances for the deceased insured person under Section 73 only.

Chapter 6 Child Benefits

Section 74.³³ An insured person shall be entitled to child benefits provided that such insured person has paid contributions for a period of not less than twelve months during the period of thirty six months before the month of entitlement to child benefits.

Section 75. Child benefits shall consist of

³² Section 73 bis as added by the Social Security Act (No. 2), B.E. 2537 (1994)

³³ Section 74 as amended by the Social Security Act (No. 3), B.E. 2542 (1999)

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- (1) children living expenses;
- (2) children tuition fees;
- (3) children medical expenses;
- (4) other necessary expenses

All expenses shall be in accordance with the criteria and rates prescribed in the Ministerial Regulations.

Section 75 bis.³⁴ In a case where an insured person entitled to child benefits under Section 74, is an invalid person with entitlement to either invalidity or death benefits, such invalid person or the person specified in Section 75 quarter shall also be entitled to child benefits.

Section 75 ter.³⁵ An insured person shall be entitled to child benefits for his or her legitimate children of the age as prescribed in the Ministerial Regulations but not older than fifteen years and not exceeding two children at any one time.

In a case where both parents are insured persons, only the father or the mother shall be entitled to child benefits except in the case of registered divorce or separation, the insured person who provides for the child maintenance shall be entitled to such benefits.

Criteria, procedures, and conditions for payment of child benefits shall be as prescribed in the Ministerial Regulations.

Section 75 quarter.³⁶ In a case where an insured person is deceased, the child benefits shall be paid to the following persons in respective order

³⁴ Section 75 bis as added by the Social Security Act (No. 3), B.E. 2542 (1999)

³⁵ Section 75 ter as added by the Social Security Act (No. 3), B.E. 2542 (1999)

³⁶ Section 75 quarter as added by the Social Security Act (No. 3), B.E. 2542 (1999)

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(1) husband or wife of the insured person or the person who cohabited with the deceased insured person publicly as husband and wife according to the regulation prescribed by the Secretary-General, and who is exercising parental power.

(2) the person who provides maintenance for the child of the insured person in case the person mentioned in (1) does not provide for the child maintenance, or his or her parental power is revoked, or is deceased.

Chapter 7

Old Age Benefits

Section 76.³⁷ An insured person shall be entitled to old-age benefits provided that such person has paid contributions for a period of not less than one hundred and eighty months whether or not consecutively.

Section 77.³⁸ Old-age benefits shall consist of

- (1) monthly living allowances, namely, superannuation pension; or
- (2) lump sum payment, namely, superannuation gratuity

Criteria, procedures, time period, and rates of payment of old-age benefits shall be as prescribed in the Ministerial Regulations.

Section 77 bis.³⁹ In a case where an insured person has paid contributions for a period of not less than one hundred and eighty months, such person shall be entitled to superannuation pension as from the month following the month in which he or she has

³⁷ Section 76 as added by the Social Security Act (No. 3), B.E. 2542 (1999)

³⁸ Section 77 as added by the Social Security Act (No. 3), B.E. 2542 (1999)

³⁹ Section 77 bis as added by the Social Security Act (No. 3), B.E. 2542 (1999)

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reached the age of fifty five, except that, at such time, his or her insurance is not terminated under Section 38 or Section 41, then his or her entitlement shall begin as from the month following the month in which his or her insurance is terminated.

In a case where the insured person has paid contributions for a period less than one hundred and eighty months and his or her insurance is terminated under Section 38 or Section 41, then he or she shall be entitled to superannuation gratuity.

Section 77 ter.⁴⁰ In a case where the person entitled to superannuation gratuity has subsequently become an insured person, the payment of superannuation pension shall be suspended until the insurance of such person is terminated under Section 38 or Section 41, as the case may be.

In a case where the insurance is terminated by any causes other than death, such person shall be entitled to superannuation pension.

In a case where the insurance is terminated because of death of the insured person, his or her eligible heirs under Section 77 quarter shall be entitled to receive superannuation pension.

Section 77 quarter.⁴¹ In a case where an insured person, who is entitled to old-age benefits under Section 77 bis, is deceased before receiving such benefits or where a person who is receiving superannuation pension is dead within sixty months as from the month of his or her entitlement to such superannuation pension, the eligible heirs of such person shall be entitled to the superannuation gratuity.

The heirs mentioned in paragraph one shall be as follows

(1) a legitimate child of the deceased, except for an adopted child or own child adopted by other person, shall be entitled to two shares. If the deceased has three or

⁴⁰ Section 77 ter as added by the Social Security Act (No. 3), B.E. 2542 (1999)

⁴¹ Section 77 quarter as added by the Social Security Act (No. 3), B.E. 2542 (1999)

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more legitimate children, they shall be entitled to three shares;

(2) a husband or wife shall be entitled to one share;

(3) parents or father or mother who is surviving shall be entitled to one share.

If there are no heirs in any of the sub-section above or they were earlier deceased, the amount of money under Section 77 (2) shall be divided among the eligible heirs of the sub-section in which eligible heirs exist.

Section 77 quinque.⁴² In a case where an insured person is entitled to loss of earnings benefit under Section 71 and to superannuation pension, simultaneously, such person shall instead be entitled to loss of earnings under Section 71 and superannuation gratuity.

In a case where an insured person has already received superannuation pension and subsequently becomes an invalid within the period of time prescribed in Section 38 paragraph two, the payment of superannuation pension shall be terminated and the superannuation gratuity shall be paid instead. In this regard, the amount of the superannuation pension which had been received before becoming an invalid shall be deducted from the superannuation gratuity entitled to such person and remitted the same to the Fund.

Chapter 8

Unemployment Benefits

Section 78. An employee who is an insured person shall be entitled to unemployment benefits provided that such employee has paid contributions for a period of

⁴² Section 77 quinque as added by the Social Security Act (No. 3), B.E. 2542 (1999)

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not less than six months within a period of fifteen months before becoming unemployed and meets the following conditions

(1) being a person capable of doing work, well prepared for suitable job as provided, or having no objection to job training and having been registered with the Government Employment Service Office at which his or her presence is required for at least not less than once a month;

(2) the unemployment of an insured person is not caused by the termination as a result of misconduct, or intentionally committing a criminal offence against the employer, or intentionally causing damage to the employer, or violating rules or work regulations or grossly disobeying lawful order of the employer, or neglecting duty for seven consecutive days without justifiable reason, or negligently causing serious damage to the employer, or being imprisoned by a final judgment to imprisonment except for an offence committed through negligence or petty offence;

(3) not being a person entitled to old-age benefits under Chapter 7 of this Title.

Section 79. An insured person shall be entitled to unemployment benefits on and after the eighth day as from the date of unemployment with the last employer in accordance with the criteria and rates prescribed in the Ministerial Regulations.

Title 4
Competent Officials
and
Inspection and Regulation

Section 80. In the performance of duties, the competent officials shall

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have the following powers

(1) to enter the establishment or office of an employer, work place of an employee, between sunrise and sunset or during working hours, to inspect or inquire into facts, to inspect properties or documents, other documents, to take photographs, to photocopy documents relating to employment, payment of wages, employee register, payment of contributions, or other relevant documents, or to take the relevant documents away for examination or for other appropriate action in order to obtain facts for the execution of this Act.

(2) to search any locations or vehicles when there is a reasonable cause to suspect that there are properties of an employer who does not pay contributions and/or surcharge or fails to pay the full amount thereof, during working hours or between sunrise and sunset except in the case of prolonged search which could not be finished in time, then the search may be continued.

(3) to issue letter of inquiry or summon any persons to give statement or to submit relevant evidence documents or other necessary things for consideration. In this regard, the provisions of Section 30 shall apply *mutatis mutandis*.

(4) to seize or attach properties of an employer in accordance with the order of the Secretary-General under Section 50 where an employer does not pay contributions and/or surcharge or fails to pay the full amount thereof.

In the performance of duties under paragraph one, a competent official may bring civil servants or employees of the Office to assist in the performance thereof.

Section 81. In the performance of duties of the competent official under Section 80, the persons concerned shall provide such competent official with reasonable facilities.

Section 82. In the performance of duties, the competent official must

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show his or her identity card.

The identity card of the competent official shall be in the form prescribed by the Minister.

Section 83. In the performance of duties under this Act, the competent official shall be an official under the Penal Code.

Section 84. For the purpose of inspection and regulation of social security related affairs, an employer shall arrange to have a register of insured persons and keep the same at the work place of the employer ready for inspection by the competent official.

The register of the insured persons under paragraph one shall be in the form prescribed by the Secretary-General.

Section 84 bis.⁴³ If the person whose duty is to comply with the provisions of this Act within the prescribed time under the provisions of Section 39, Section 45, Section 47, Section 47 bis, and Section 56, is not in the country, or is unable to perform within the prescribed time due to necessity, and such person has submitted an application, indicating such necessity before the time expires for extension of time or postponement, if deemed appropriate, the Secretary-General may extend or postpone such prescribed time as necessary to the case. However, such extension or postponement shall not exceed one times the period of the prescribed time under its respective Section.

The extension as prescribed in Section 39 or Section 47 shall not result in any reduction or cancellation of surcharge.

⁴³ Section 84 bis as added by the Social Security Act (No. 2), B.E. 2537 (1994)

TITLE 5
Appeals

Section 85. The employer, the insured person or other person who is dissatisfied with the order of the Secretary-General or of the competent officials under this Act, except for the order under Section 50, shall be entitled to submit an appeal in writing to the Appellate Committee within thirty days from the date of receiving such order.⁴⁴

Criteria and procedure for submission of appeal shall be as prescribed in the Ministerial Regulations.

Section 86. There shall be established an Appellate Committee appointed by the Minister consisting of a chairperson and other qualified members in legal affairs, medical affairs, social security system affairs, and labour affairs, three representatives of employer side and three representatives of employee side, and a representative of the Office shall be a member and secretary. The total number of the members of the Appellate Committee shall not exceed thirteen.

Section 87. The Appellate Committee shall have powers and duties to consider and decide on appeals submitted under Section 85.

After having considered the appeal, the Appellate Committee shall inform the appellant of its decision in writing.

If the appellant is dissatisfied with the decision of the Appellate Committee, the appellant shall have the right to bring the case to the Labour Court within thirty days as from the date the appellant is notified of decision. If the case is not brought to the Labour Court within such period of time, the decision of the Appellate Committee shall be final.

⁴⁴ Section 85 paragraph one as amended by the Social Security Act (No. 2), B.E. 2537 (1994)

Section 88. The appeal shall not suspend the compliance with the order of the Secretary-General or of a competent official issued under this Act, except where the appellant has made a request to the Secretary-General for the suspension of the compliance with such order. If deemed appropriate, the Secretary-General may order the suspension of the compliance with such order pending the decision of the Appellate Committee.

Section 89. The Appellate Committee has the power to appoint a sub-committee for assistance in carrying out duties as assigned. After the sub-committee has performed the assigned duties, it is required to propose opinions or submit report to the Appellate Committee.

The provisions of Section 13 shall apply *mutatis mutandis* to meetings of sub-committee.

Section 90. A member of the Appellate Committee shall hold office for a term of two years.

A member who vacates office may be reappointed but the reappointment shall not be more than two consecutive terms.

Section 91. The provisions of Section 11, Section 12, Section 13, and Section 17 shall apply *mutatis mutandis* to the Appellate Committee.

Title 6 Penalties

Section 92. Any person who fails to give statement or submit documents,

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or any necessary information required by the order of the Committee, the Medical Committee, the Appellate Committee, sub-committees or competent officials, shall be punished with imprisonment for a term not exceeding one month or a fine not exceeding ten thousand baht, or both.

Section 93. Any person, who intentionally does not fill out the survey form, or fills out such form incompletely, or does not return such form within the prescribed time, shall be punished with a fine not exceeding five thousand baht.

Section 94. Any person who knowingly fills out false information or figures in the survey form shall be punished with imprisonment for a term not exceeding six months, or a fine not exceeding twenty thousand baht, or both.

Section 95. Any person who violates Section 32 shall be punished with imprisonment for a term not exceeding six months, or a fine not exceeding twenty thousand baht, or both.

Section 96. Any employer who intentionally does not submit the statement to the Office within the time prescribed in Section 34 or does not notify the Office in writing requesting changes in or amendments to the particulars within the time prescribed in Section 44, shall be punished with imprisonment for a term not exceeding six months, or a fine not exceeding twenty thousand baht, or both.⁴⁵

If an offence under paragraph one is committed continually, the offender shall be punished with an additional fine not exceeding five thousand baht per day throughout the period of violation or non-compliance.

⁴⁵ Section 96 paragraph one as amended by the Social Security Act (No. 2), B.E. 2537 (1994)

Section 97.⁴⁶ Any employer who submits the statement prescribed in Section 34 or a written notification requesting changes in or amendments to the particulars prescribed in Section 44, and intentionally fills out false information in such statement or provides false statements in the written notification requesting changes or amendments, shall be punished with imprisonment for a term not exceeding six months or a fine not exceeding twenty thousand baht, or both.

Section 98. Any person who obstructs or does not provide reasonable facilities to the competent official who is performing the duties under Section 80 shall be punished with imprisonment for a term not exceeding one month or a fine not exceeding ten thousand baht, or both.

Section 99. Any employer who fails to comply with Section 84 shall be punished with imprisonment for a term not exceeding one month or a fine not exceeding ten thousand baht, or both.

Section 100. Any person who discloses any facts, acquired or came to his/her knowledge in the performance of duties under this Act, concerning the business of an employer, which are normally treated as confidential and not revealed by the employer, shall be punished with a term of imprisonment of not exceeding one month or a fine of not exceeding three thousand baht, or both, except where the disclosure forms part of the performance of official duty for the purpose of this Act or in the interest of labour protection, labour relations or investigation or trial proceedings.

Section 101. Where an offence is committed by a juristic entity and is penalized in accordance with this Act, it shall be deemed that the representative(s), every

⁴⁶ Section 97 as amended by the Social Security Act (No. 2), B.E. 2537 (1994)

director, and the person(s) responsible for the operation of the juristic entity, be penalized by the same punishment as the juristic entity except where it is proven that they did not collude in the commission of the offense or had taken reasonable endeavours to prevent the occurrence of the offence.

Section 102. If the official designated below is of the opinion that the offender should not be penalized with a term of imprisonment or prosecuted, for offences punishable with a fine only or the offence punishable with a fine or a term of imprisonment not exceeding six months, except for the punishment under Section 95, the official shall have the power to compound the matter as follows

- (1) The Secretary-General or his or her designate, for offenses taking place in the Bangkok Metropolis;
- (2) The Provincial Governor or his or her designate, for offenses taking place in provinces other than the Bangkok Metropolis.

In the event of an investigation, if the investigating officer finds that a person has committed an offense under this Act and the punishment for which is compoundable and that person consents that the case be settled by paying fine, the investigating officer shall refer the matter to the Secretary-General or the Provincial Governor, as the case may be, within seven days from the date the person consents that the case be settled by payment of fine.

When the offender pays the fine so imposed within thirty days, it shall be deemed that the case has been settled in accordance with the Criminal Procedure Code.

If the offender does not agree to the settlement of the case, or has agreed to the settlement of the case but fails to pay the fine within the period prescribed in paragraph three, the prosecution shall proceed.

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Transitory Provisions

Section 103. This Act shall be applicable to business operations having twenty or more employees as from the date it comes into force.

After a period of three years from the date of coming into force, this Act shall be applicable to business operations having ten or more employees.

The promulgation of a Royal Decree is required when this Act is to be applicable to employers having less than ten employees in any locality.⁴⁷

Section 104. The collection of contributions shall be carried out for the purpose of providing injury or sickness benefits, invalidity benefits, and non-work related death benefits, and maternity benefits as from the date the provisions of Chapter 2 of Title 2 come into force.

Time to start collection of contributions for child benefits and old-age benefits shall be prescribed in a Royal Decree, which shall be in force no later than the 31st day of December, B.E. 2541 (1998).⁴⁸

Time to start collection of contributions for unemployment benefits shall be prescribed in a Royal Decree.

Countersigned by:

Major General Chatchai Choonhavan
Prime Minister

⁴⁷ Section 103 paragraph three as added by the Social Security Act (No. 2), B.E. 2537 (1994)

⁴⁸ Section 104 paragraph two as amended by the Social Security Act (No. 2), B.E. 2537 (1994)

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Rates of fees

- | | |
|--|--------------|
| (1) A substitution for Social Security
Registration Certificate | 50 baht each |
| (2) A substitution for Social Security
Identification Card | 10 baht each |

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Rates of Contribution Appended to the Act
Rates of Contribution

Contributors	Rates of contribution in percentage of wages of insured persons
1. Contribution for payment of injury or sickness benefits, invalidity benefits, death benefits or maternity benefits	
(1) Government	1.5
(2) Employer	1.5
(3) Insured Person	1.5
2. Contribution for payment of child benefits and old-age benefits	
(1) Government	3
(2) Employer	3
(3) Insured Person	3
3. Contribution for payment of unemployment benefits	
(1) Government	5
(2) Employer	5
(3) Insured Person	5

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