

**COMPENSATION ACT,
B.E. 2537 (1994)**

BHUMIBOL ADULYADEJ, REX;
Given on the 15th Day of June B.E. 2537;
Being the 49th 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 the protection of labour in the part relating to compensation and compensation fund;

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

Section 1. This Act is called the “Compensation Act, B.E. 2537 (1994)”.

Section 2.¹ This Act shall come into force as from the day following the date of its publication in the Government Gazette.

Section 3. Clause 2 (6) and Clause 9 of the Announcement of the Revolutionary Council No. 103, dated 16 March B.E. 2515 (1972) and Clause 3 and Clause 10 of the Announcement of the Revolutionary Council No. 103, dated 16 March B.E. 2515 (1972) which is amended by the Act amending the Announcement of the Revolutionary Council No. 103 (No. 1) dated 16 March B.E. 2515 (1972), are hereby repealed.

Any other laws, rules and regulations in so far as they are prescribed in this Act or are contrary to, or inconsistent with the provisions of this Act, shall be replaced by this Act.

* Translated by Ms. Mattanee Kaewpanya 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.

¹ Published in the Government Gazette, Vol. 111, Part 28 Kor, Page 3, dated 30th June B.E. 2537 (1994).

Section 4. This Act shall not apply to:

- (1) the Central Administration, Provincial Administration, and Local Administration;
- (2) State enterprise under the law on official state enterprise relations;
- (3) employer who operates a private school business in accordance with the law on private school, specifically the parts relating to teachers or headmasters;
- (4) employer who undertakes activity without the objectives of gaining economic profits;
- (5) other employers as prescribed by Ministerial Regulation.

Section 5. In this Act:

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

“employee” means a person who works for an employer in return for wages irrespective of designation, but not including an employee whose work is housework without encompassing business undertaking;

“wages” means all types of money which are paid by an employer to an employee in return for the work done during normal working hours and days, whether calculated by duration or by result of the work done by the employee, and shall also include money which an employer pays to an employee on holidays and leave on which the employee does not work, regardless of the way it is specified, calculated or paid, in any manner or method, and regardless of what it is called;

“suffering from peril” means when an employee is physically harmed or psychologically affected or dies as a result of work or of the protection of employer’s interest or by the employer’s order,

“sickness” means illness suffered by, or death of an employee caused by diseases incidental to the nature of or the condition of work, or the work itself;

“disappearance” means when an employee has disappeared for a period of no less than one hundred and twenty days from the date of an incident, while working for or acting under the commands of the employer, where there is reasonable cause to believe that such employee has died from suffering from perils while working or acting under the commands of the employer; including when the employee has disappeared while travelling by vehicles on land, air or water in order to work for the employer, where there is

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

reasonable cause to believe that such vehicles have suffered peril and the employee has died;

“loss of capability” means a loss of an organ or capability to work of the body or the mind after medical treatment is complete;

“compensation” means money which are paid as indemnity, medical expense, work rehabilitation expense and funeral expense;

“indemnity” means money paid under this Act to an employee, or the person entitled thereto under Section 20 for perils suffered by or for sickness of or for the disappearance of an employee;

“medical expense” means expenses concerning medical examination, treatment, nursing and other necessary expenses in order to relieve or end the result of peril or sickness suffered, including also expenses relating to equipments, tools or articles substituting or working as or assisting the working of an organ suffered from peril;

“expense for work rehabilitation” means the expense necessary for work rehabilitation;

“work rehabilitation” means the arrangement for the employee who is suffered from perils or sickness and loss of working capability to receive physical or mental rehabilitation or occupational rehabilitation in order to be capable of performing the works suitable to his or her physical condition;

“funeral expense” means expense incurred with respect to funeral arrangement according to the customs of the deceased employee or according to local customs, in a case where an employee dies as the result of a peril, sickness or disappearance;

“contributions” means the money which is contributed by an employer to the compensation fund, to be used as compensations for an employee;

“Fund” means the compensation fund;

“Office” means Social Security Office or *Changwat* Social Security Office, as the case may be;

“Committee” means the Compensation Fund Committee;

“Member” means a member of the Compensation Fund Committee;

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

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

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

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 6. The Minister of the Ministry of Labour shall have charge and control of the execution of this Act and shall have the powers to appoint competent officials and to issue Ministerial Regulations, Rules and Notifications for the execution of this Act.

The Ministerial Regulations, Rules and Notifications shall come into force upon their publication in the Royal Gazette.

CHAPTER I GENERAL PROVISIONS

Section 7. A claim or the obtaining of the rights or benefits under this Act shall not prejudice the right or benefit which an employee is entitled to under other laws.

Section 8. The Ministry of Labour shall have the power to appoint the competent official who is a qualified person having an academic qualification of no less than the bachelor degree in Law, in order to have the power to file and to plead a case concerning compensation in accordance with this Act for an employee or a person so entitled under section 20.

The employee or the person so entitled under section 20 who wishes for the competent official to file or to plead a case under paragraph one shall submit a request to the Office pursuant to the rules prescribed by the Secretary- General.

Section 9. For debts arising from the non-payment of the compensation, contributions or additional payment under this Act, the employee or the Office shall have a preferential right over all properties of the employer who is a debtor at the same order of preferential right over tax under the Civil and Commercial Code.

Section 10. In a case where an employer who is a subcontractor does not pay the compensation, contribution or additional payment, the preceding subcontractor, if any, and throughout the subcontractor's whole chain, through to the principal contractor who is not an employer, shall be jointly liable, with the subcontractor who is the employer, to pay the compensation, contribution or additional payment.

The principal contractor or the subcontractor who is not the employer having paid compensation, contribution or additional payment, shall have the right to recourse

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

against the employer and other subcontractors throughout its chain, if any, for the compensation, contribution or additional payment paid to the employee or the Office.

Section 11. In a case where an entrepreneur offers employment by way of a lump sum wage by assigning a person to supervise the work and to be responsible for the subsequent payment of wages to each employee, or by assigning a person to procure employees to do the work, where such enterprise is not an employment agency and such work for the employee is a part of, or the whole of, the process of production or business under the responsibility of the entrepreneur, and if such a person who accepts the lump sum wage does not pay the compensation, contribution or additional payment to the employee or the Office, the entrepreneur or the person accepting the lump sum wage who is not the employer shall be jointly liable with the person who accepts the lump sum wage who is the employer for the payment of compensation, contribution or additional payment as though he or she is an employer.

The entrepreneur or the person accepting the lump sum wage who is not the employer, having paid compensation, contribution or additional payment, shall have the right to recourse against the employer and all other person accepting the lump sum wage throughout its chain, if any, for the compensation, contribution or additional payment paid to the employee or the Office.

Section 12. With regard to the prescribed time for contribution payment, for notification of information to the Fund, for submission of a claim for compensation, and for an appeal, as provided by this Act or rules or notification issued under this Act, if the person who has a duty to follow such prescribed time is not in the country, or has an unavoidable necessity that he or she is unable to follow such prescribed time, the Secretary-General may, if he or she thinks fit, extend or postpone the such prescribed time as necessary for the case.

CHAPTER II COMPENSATION

Section 13. When an employee suffers from perils or sickness, the employer shall make available immediate medical treatment for the employee as appropriate to such perils or sickness and shall pay the actual necessary medical expenses, but not exceeding the rate prescribed in Ministerial Regulations.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

The employer shall pay the medical expense under paragraph one without delay when the employee side informs the employer.

Section 14. The Ministry of Labour shall issue a notification prescribing the types of diseases which are a result of the nature or condition of work or performing work.

Section 15. In a case where an employee needs to receive work rehabilitation after suffering from perils or sickness, the employer shall pay for the employee's work rehabilitation expenses as needed, in accordance with the criteria, procedures and the rates prescribed in the Ministerial Regulations.

Section 16. When an employee suffers from perils or sickness causing death or disappearance, the employer shall pay for the funeral expense to the employee's funeral administrator at the amount of one hundred times of the highest rate of the minimum daily wages under the Law on Labour Protection.

Section 17. In a case where an employee suffers from perils or sickness causing death without having a funeral administrator, the employer shall make funeral arrangement until an entitled person under section 20, requests to be the funeral administrator. However, the employer must not spend the funeral expense exceeding one-third of the funeral expense under section 16. If the employee has died for seventy-two hours, and there is still no entitled person under section 20 requesting to be the funeral administrator, the employer shall make funeral arrangement according to the religious customs of the employee who has died or the local customs, by considering the social status of the employee. In this respect, the employer may spend the remaining funeral expense.

Section 18. When the employee suffers from perils or sickness or has disappeared, the employer shall pay the monthly compensation to the employee or the entitled person under section 20, as the case may be, as follows:

(1) sixty per cent of the monthly wages where the employee is unable to work for more than three consecutive days, notwithstanding whether such employee has or has not lost an organ under (2), whereupon payment shall be made from the first day that the employee is unable to work throughout the time that he is unable to work, but not exceeding one year;

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

(2) sixty per cent of the monthly wages where the employee has lost certain organs of the body, the payment shall be made in accordance with the category of the organs lost and the period of payment as prescribed by the Ministry of Labour, but not exceeding ten years;

(3) sixty per cent of the monthly wages where the employee suffers from disability, the payment shall be in accordance with the category of disability and to the period of payment as prescribed by the Ministry of Labour, but not exceeding fifteen years;

(4) sixty per cent of the monthly wages in case of death or disappearance of employee, for eight years.

The compensation for the sufferings from perils or sickness, causing loss of organs or certain working capability of the organ, shall be calculated in percentage from the period specified for the loss of organs or working capability of that category of organs, as prescribed by the Ministry of Labour.

The criteria and procedures for the calculation of the monthly wage, shall be in according with the announcement of the Ministry of Labour.

The compensation under paragraph one or paragraph two must be no less than the minimum monthly compensation and no more than the maximum monthly compensation as prescribed by the Ministry of Labour.

Section 19. In a case where an employer pays the compensation under Section 18 (2) or (3) and, subsequently, the employee dies while the compensation has not yet been completely paid for the entitled period, the employer shall continue to pay compensation to the entitled person under Section 20 until it is completely paid for the entitled period. However, such period for payment of compensation must not exceed eight years in total.

Section 20. When an employee suffers from perils or sickness causing death or disappearance, the following persons shall be entitled to compensation from the employer:

(1) father, mother;

(2) husband or wife;

(3) son or daughter under eighteen years of age, except when having reached eighteen years of age and still being in education at a level not higher than a bachelor degree, such person shall continue to receive his or her part throughout the period of education;

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

(4) son or daughter at the age of eighteen onward and is suffering from disability or mental infirmity, who was under the care of the employee before the employee has died or disappeared.

An employee's son or daughter who is born within three hundred and ten days from the date of death or disappearance of the employee shall be entitled to compensation as from the date of delivery.

In a case where there is no entitled person under paragraph one, the employer shall pay compensation to the person under the care of the employee before he or she dies or disappears. However, such person must be in state of suffering from the lack of support from the employee who has died or disappeared.

Section 21. The entitled persons under section 20 shall have right to receive the compensation in equal parts.

In a case where the entitlement for compensation is exhausted because an entitled person under section 20 is dead, or the husband or the wife remarries, or he or she does not remarry but there are circumstances showing that he or she has taken another woman or man as a husband or a wife, or the son or daughter no longer has the characteristics under section 20 (3) or (4), the part of compensation of the person, whose right is exhausted due to any of such causes, shall be shared among other entitled persons.

Section 22. The employer needs not to pay compensation in case where the suffering from perils or sickness of the employee is caused by the one of the following cases:

- (1) the employee loses self-control as a result of taking intoxicating, or other addictive substances;
- (2) the employee intentionally causes himself or herself to suffer perils or allows others to cause him or her to suffer from perils.

Section 23. An employer shall not deduct compensation for any matter and compensation is not subject to the execution of judgments.

Section 24. For the compensation payment under Section 18 or Section 19 the employer and employee or entitled person under Section 20, as the case may be, may agree for the compensation to be paid in full by one payment or by other agreed time period, but the employer shall not deduct the said compensation in an amount exceeding the rates prescribed by Ministerial Regulation.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 25. For the purpose of paying compensation under this Section, in a case where the employer has a duty to pay a contribution, the Office, instead of the employer, shall pay the compensation to the employee or the entitled person under section 20. However, if the employer had advanced the compensation to the employee or the said entitled person and if it is a case where the competent official has made the decision that such employee or entitled person had right to receive compensation, the employer may request the advanced compensation to be paid back to him from the Office, in accordance with the rules prescribed by the Secretary-General.

In a case where the employer does not have a duty to pay a contribution and had advanced the compensation to the employee or the entitled person under section 20, if such employee or entitled person has the right to receive compensation in accordance with the competent official's order under section 50, or the new order under section 51, the employer shall have the right to deduct the amount of such advanced compensation from the compensation paid to the employee or the said entitled person in accordance with the competent official's order, but not exceeding the amount of compensation for each category of compensation prescribed by the competent official's order.

CHAPTER III COMPENSATION FUND

Section 26. A Compensation Fund shall be established under the Social Security Office in order to pay compensation to an employee on behalf of the employer, who has a duty to pay contribution under section 44, and to pay for the expenses under section 43.

The Compensation Fund under the Announcement of the Revolutionary Council No. 103, dated 10 March B.E. 2515 (1972), which is modified by the Modification of the Announcement of the Revolutionary Council No. 103 dated 10 March B.E. 2515 (No.1) Act B.E. 2533 (1990), shall be the Fund under this Act.

Section 27. The Fund shall consist of:

- (1) Compensation Fund under section 26 paragraph two;
- (2) contributions;
- (3) benefits of the Fund under section 29;
- (4) additional payment under section 46;

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

- (5) money becoming property of the Fund under section 47;
- (6) fines collected through settlement under section 66;
- (7) properties received as donation or subsidy;
- (8) other incomes;
- (9) fruits of the Fund.

Section 28. For the benefit of the execution of this Act, money and properties of the Fund under section 26 shall be deemed to be under the ownership of the Social Security Office and shall not be sent to the Ministry of Finance as public revenue, and shall be paid as compensation in accordance with this Act, on behalf of the employer.

The Ministry of Labour has the power to allocate no more than twenty-two per cent of the interests of the Fund per year to be used as expenses for medical care and work rehabilitation of the employees as prescribed by the Ministry of Labour, and to be used as expenses for the promotion or protection of occupational safety; and no more than three per cent of the interest of the Fund per year to be used as expenses for the operation of the Office of Compensation Fund and for the expense under section 43.

Section 29. The receipt, payment and safekeeping of the Fund and the seeking of benefits for the Fund shall be in accordance with the rules prescribed by the Committee with the approval of the Ministry of Labour.

Section 30. Within one hundred and twenty days from the last day of a calendar year, the Office shall submit the balance-sheet and the statement of incomes and expenditures of the Fund in the foregoing year to the Office of Auditor General to be audited, certified and submit to the Committee.

The Committee shall submit the said balance-sheet and statement of income and expenditures to the Minister, and the Minister shall further submit to the Council of Ministers for information and shall arranged for its publication in the Royal Gazette.

CHAPTER IV

COMPENSATION FUND COMMITTEE AND MEDICAL COMMITTEE

Section 31. There shall be a Committee called “Compensation Fund Committee” consisting of the Secretary-General of the Social Security Office as the

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

chairperson, no more than six qualified persons, three representatives of employees and three representatives of employers appointed by the Minister as members, and a representative of the Office as a member and secretary.

For the appointment of qualified persons under the first paragraph, the Minister shall appoint from those who are experts in medicine, in law, in economics, in finance, in social security, or in insurance.

Section 32. The Committee shall have the following powers and duties:

(1) to submit opinions to the Minister concerning the administration policy of the Fund and the compensation payment;

(2) to consider and give opinions to the Minister in the issuance of the Ministerial Regulations and rules for the execution of this Act;

(3) to issue rules, with the approval of the Ministry of Labour, concerning the receipt, payments and safe-keeping of the Fund;

(4) to issue rules, with the approval of the Ministry of Labour, concerning the seeking of benefits for the Fund;

(5) to consider and decide on appeals under section 52;

(6) to provide consultation and give advice to the Social Security Office for the execution of this Act;

(7) to perform any other duties as prescribed in this Act or in other Acts to be the powers and duties of the Committee or as assigned by the Minister.

In the performance of duties under paragraph one, the Committee may assign the Social Security Office to perform duties.

Section 33. A member appointed by the Minister shall be in office for a term of two years.

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

Section 34. In addition to vacating office at the end of the term under section 33, any committee member appointed by the Minister shall vacate his or her office upon:

(1) death;

(2) resignation;

(3) dismissal by the Minister;

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

- (4) being a bankrupt;
- (5) being of unsound mind and mental infirmity;
- (6) being imprisoned by a final judgement to imprisonment.

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 shall appoint another person of the same category in accordance with section 31 to fill the vacancy. The appointed member shall hold office for the remaining period of the term of the member he or she replaces.

Section 35. In a case where members appointed by the Minister have completed the term of their office, but a new Committee has not yet been appointed, the retiring Committee members shall remain in office and conduct their duties until the new appointees assume their duties.

Section 36. At a meeting of the Committee, the presence of no less than one-half of the total number of members shall constitute a quorum.

For a meeting of the Committee, if the chairperson is not present at the meeting or is unable to perform his or her duty, the members present shall elect one 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 the case of an equality of votes, the presiding member shall have an additional vote as the casting vote.

Section 37. At a meeting of the Committee, if a member of the committee has a personal interest in the case which is being considered, he or she shall not have to right to attend the meeting.

Section 38. There shall be a Medical Committee consisting of a Chairperson and other members, no more than fifteen persons in total appointed by the Minister.

The Minister shall appoint the members of the committee under paragraph one from experts in various fields of the medical profession.

The Minister shall appoint a civil servant of the Social Security Office as a member and secretary.

The provisions in section 33, section 34, section 35 and paragraphs two and three of section 36 shall apply *mutatis mutandis*.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 39. At a meeting of the Medical Committee, the presence of no less than five persons shall constitute a quorum.

Section 40. The Medical Committee shall have the following powers and duties:

(1) to submit opinions concerning the performance of rendering medical services to the Committee;

(2) to provide consultation and advice on medical matters to the Committee and the Office;

(3) to give opinions to the Office regarding the issuance of Ministerial Regulations under section 13 and the Notification of the Minister of Labour issued under section 14 and section 18 (2), (3);

(4) to perform other duties as prescribed in this Act to be the powers and duties of the Medical Committee, or as assigned by the Minister or by the Committee.

Section 41. The Committee or the Medical Committee may appoint a sub-committee to consider or perform any duties assigned by the Committee or Medical Committee.

At a meeting of a sub-committee, the provision of section 36 shall apply *mutatis mutandis*.

Section 42. The Committee, the Medical Committee and the Sub-committee shall have the power to summon any relevant person to submit necessary documents, items, or data for consideration. In this respect, they may also order the relevant persons to give statement.

Section 43. The Committee, the Medical Committee and the sub-committee may receive a meeting allowance, transport allowance, per diem, lodging allowance, and other expenses in the performance of their duties under this Act in accordance with rules prescribed by the Minister.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

CHAPTER V CONTRIBUTION

Section 44. The Minister of Labour shall prescribe the categories and sizes of businesses and the localities that an employer must pay contribution.

The employer, who has a duty to pay contribution under paragraph one, shall submit a registration form for the payment of contributions and a statement showing a list of names of the employees as prescribed by the Secretary-General, and shall pay contributions at the Office in the locality that the employer submits the registration form for the payment of contribution within thirty days from the date on which the employer has the duty to pay contribution.

Section 45. For the purpose of collecting contributions from the employer under section 44, the Ministry of Labour shall prescribe the rate of contributions, of no more than five percent of the annual wages paid by the employer, the rate of deposit of no more than twenty-five per cent of annual contribution in case where the employer is requesting to pay contributions in instalment, the assessment and method of collection of contributions from the employer, including necessary rules and procedures in order that the Office is able to comply with the purposes.

For the prescription of the rates of contributions under the paragraph one, statistics relating to suffering from perils of each category of businesses, the burden of the Fund and the amount of remaining fund shall be considered.

The Ministry of Labour shall have the power to prescribe the criteria and procedures for the decrease or increase of contributions under paragraph one to the employer pursuant to the loss ratio of the employer for a period of the past three calendar years.

Section 46. Any employer who fails to pay contributions in the prescribed time, or fails to pay the full amount needed to be paid, the employer shall pay an additional payment at the rate of 3 percent per month of the outstanding contributions due.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 47. The Secretary-General has the power to issue a written order to seize, attach and sell by auction, the properties of the employer who fails to pay contributions or an additional payment, or fails to pay it in full.

The order to seize, attach or sell the properties by auction under paragraph one may be issued only after a written warning has been delivered to the employer to pay the outstanding contributions or additional payment within a prescribed period, but no less than thirty days from the date that the employer receives such warning and fails to pay within the prescribed period.

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

The money obtained from the said auction shall be deducted for expenses of the seizure, attachment and auction and for payment of the outstanding contribution and additional payment. Any remaining money shall promptly be returned to the employer and the Secretary-General is required to issue a written notification to be sent by reply registered mail for the employer to claim for the remaining money. If the employer does not claim for this remaining money within five years, it shall become the property of the Fund.

CHAPTER VI SUBMISSION OF CLAIMS, CONSIDERATION OF CLAIMS, AND APPEAL

Section 48. In a case where the employee suffers from perils, sickness or has disappeared, the employer shall notify of such perils, sickness, or disappearance to the Office in the locality where the employee works, or where the employer resides, pursuant to the form prescribed by the Secretary-General within fifteen days from the date on which the employer knows or should have known of the suffering from peril, sickness or disappearance of the employee.

Section 49. In a case where the employee suffers from perils, sickness or has disappeared, the employee or the person entitled under section 20 shall submit a claim for compensation to the Office in a locality where the employee works, or where the employer resides, pursuant to the form prescribed by the Secretary-General within one hundred and

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

eighty days from the date of suffering from perils, sickness or disappearance of the employee, as the case may be.

Section 50. Where the suffering from perils, sickness, or disappearance has been notified under section 48 or a claim for compensation has been submitted under section 49, or it has appeared to the Official that the employee suffers perils, sickness or has disappeared, the Official shall investigate and order the employer to pay compensation to the employee or the person entitled under section 20, without delay, pursuant to the form prescribed by the Secretary-General.

If the employee or the person entitled under section 20 has the right to receive compensation according to the Order under paragraph one, the Official shall prescribe the amount of compensation and shall fix the time period for payment of the compensation and shall order the employer to pay such compensation to the employee within seven days from the date on which the employer knows or is deemed to have known the order.

The employer shall pay compensation to the employee or the person entitled under section 20 at the workplace of the employee or at another place as agreed by the employer and the employee or at the Office.

Section 51. If it later appears that the consequences of suffering from perils or sickness of the employee has changed thereby causing the order relating to payment of compensation under section 50 to be not in accordance with Section 18, or there is a case under section 19, the Official shall have the power to re-issue an order the employer to pay the compensation. The new order shall be effective for the next payment of the compensation only.

In a case where a fact later becomes apparent, causing the order related to compensation under section 50 to be inaccurate, the Official shall have a power to re-issue an order for the employer to pay compensation.

In a case where the sickness occurs after the time of cessation of being an employee, the employee may submit a claim requesting compensation from the employer at the Office in the locality where the employee works or where the employer has his or her domicile within two years from the date on which the employer knows of the sickness.

Section 52. In a case where an employer, an employee or a person entitled under section 20, upon receiving the order, decision, or assessment of contributions

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

calculated by the Official under this Act, is dissatisfied with the order, decision, or assessment of such contribution, he or she shall be entitled to lodge an appeal in writing to the Committee within thirty days from the date of receipt of such order, decision or assessment of contributions unless it is the order issued under section 47.

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

Section 53. In a case where the appellant is dissatisfied with the decision of the Committee, he or she shall have the right to bring the case to the Labour Court within thirty days from the date that he or she has been notified of the decision. If the case is not brought to the Labour Court within the said period, the decision of the Committee shall be final.

In a case where the person who is required to pay contributions according to decision of the Committee under paragraph one is the person who brought the case to the Court, he or she shall deposit with the Court the total amount of money to be paid according to the decision of the Committee, in order to have right to bring the case to the Court.

When adjudication of the case becomes final and the person who brought the case to the Court under paragraph two has the duty to pay compensation according to the judgement, the Court shall have the power to pay the money deposited with the Court by that person to the Office in order for the Office to pay such compensation to the employee or the person entitled under section 20 henceforth.

Section 54. In the case where the employee of the employer under section 44, the entitled person under section 20, or the employer under section 44, submits an appeal or bring the case to the Court, such appeal or entry of the action into Court shall not lessen the execution of that order or decision of the competent official or the Committee, as the case may be.

Section 55. In a case where the employer appeals against the assessment of contributions or brings the case to the Court, such appeal or entry of the action into Court shall not stay the execution of the decision of the Secretary-General, or of the competent official. However, if the Secretary-General allows the employer to wait for the decision of the appeal or judgement of the Court, the employer shall pay within thirty days from the

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

date of receipt of the decision of the appeal, or from the date of receipt of the final judgment, as the case may be.

In a case where there is a decision on the appeal or a final judgement for the employer to pay contribution or additional contribution, the employer must make such payment within the period prescribed under paragraph one.

The appeal or entry of the action into Court under paragraph one must not cause the additional payment under section 46 to be suspended.

Section 56. The provisions of section 46, section 47, section 52, section 53, section 55 and section 60 shall apply *mutatis mutandis* to the principal contractor and to the subcontractor who is not an employer under section 10, and the business operator and the person who employs employees by lump sum payment and is not the employer under section 11.

CHAPTER VII COMPETENT OFFICIALS

Section 57. In the performance of duties under this Act, a competent official shall have the following powers;

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

(2) to issue a letter of inquiry or summon any relevant persons to give statement or to produce relevant documentary evidence or other necessary items for examination;

(3) to seize, attach or sell properties by auction in accordance with the order of the Secretary-General under section 47.

Section 58. In the performance of duties of a competent official under section 57, the relevant person shall provide appropriate facilitation as the case may require.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 59. In the performance of duties, a competent official must show his or her identity card, if requested by the relevant person.

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

Section 60. In the performance of duties under this Act, the competent official shall be an officer under the Penal Code.

CHAPTER VIII SERVICE OF DOCUMENTS

Section 61. Service of order, decision, warning or notification of the assessment of contributions of the Committee, sub-committee, Secretary-General or competent official, which has been issued under this Act, shall be delivered by reply registered mail or in person by the official or competent official to the domicile, residence or office of the employer during the daytime, between sunrise and sunset, or during working hours of the employer. In the case where the employer is not found at the domicile or residence or office, or where the employer is present but refuses to take delivery of the documents, such delivery may be made to a person of legal age who lives or works in the home or office which apparently belongs to the employer.

In a case where the delivery under paragraph one cannot be made, the service of order, decision, warning or notification of the assessment of contribution shall be posted in an easily visible place at the employer's office, the employee's workplace or the domicile or residence of the employer. After having completed such delivery and a period of not less than fifteen days has passed, the employer shall be deemed to have received the service of such order, decision, warning or notification of the assessment of contribution.

CHAPTER IX PENALTY PROVISIONS

Section 62. Any employer who does not provide medical treatment under section 13 to the employee who suffers from perils or sickness, or fails to comply with

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

section 17, section 44 or section 48 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding ten thousand baht or to both.

Section 63. Any person who fails to comply with the order, issued under section 42, of the Committee, the Medical Committee, or sub-committee, or the order of the competent official under section 57 (2), or who does not facilitate the performance of a competent official's duties under section 58, shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding two thousand baht or to both.

Section 64. Any employer who does not pay compensation in accordance with the order of a competent official under section 50 or section 51, and who does not appeal under section 52, or does not bring the case to the Court under section 53, shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding twenty thousand baht or to both.

Section 65. Any person who gains or acquires knowledge of any facts relating to an employer's businesses through the performance of duty under this Act and discloses such facts which normally would have been kept confidential by the employer, shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding three thousand baht, or to both, unless such disclosure is for the purpose of official performance for the benefit of this Act, or for labour protection, investigation or adjudication.

Section 66. All offences under this Act, if the following officers are of the opinion that the offender does not deserve a penalty of imprisonment or prosecution for offence, he or she shall have the power to settle the offence:

(1) The Secretary-General, for the offence committed in the Bangkok Metropolitan;

(2) The *Changwat's* Governor, for the offence committed in other provinces.

In a case where there is an investigation and if the investigating officer finds that a person has violated this Act, and that person agrees to settle, the investigating officer shall submit the case to the Secretary-General or the *Changwat's* Governor, as the case may be, within seven days from the date that the person agrees to settle. The decision whether the settlement will be done or not shall be for the consideration of the officers under (1) or (2), as the case may be.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

For the settlement of the case under this Section, the person who has the power to settle an offence shall settle the fine for no less than one-half of the rate as prescribed for that offence. And when the offender has paid the fine at the assessed amount within thirty days, the case shall be deemed to be settled in accordance with to the Code of Criminal Procedure.

If the offender does not agree to have the case settled or after having agreed to have the case settled, fails to pay the fine within the prescribed period under paragraph three, the case shall be further processed.

TRANSITORY PROVISIONS

Section 67. The employer who, in any case, has a duty to pay a contribution in accordance with the Notification of the Ministry of Interior as prescribed in the Announcement of the Revolutionary Council No.103 dated 16 March, B.E. 2515 (1972) amended by the Act amending the Announcement of the Revolutionary Council No. 103 dated 16 March, B.E. 2515 (No.1) B.E. 2533 (1990) before the date of the entry into force of this Act, shall continue to pay contributions at the rate prescribed by the Ministry of Interior, in accordance with such Notification of the Ministry of Interior until the entry into force of the Notification of the Ministry of Labour under section 45.

Section 68. Any person who is already entitled to receive compensation from an employer in accordance with the Notification of the Ministry of Interior issued by the Announcement of the Revolutionary Council No.103 dated 16 March, B.E. 2515 (1972) which is amended by the Act amending the Announcement of the Revolutionary Council No.103 dated 16 March, B.E. 2515 (No.1) B.E. 2533 (1990), before the date of coming into force of this Act, shall still receive compensation under such Notification of Ministry of Interior, until the payment has been received in full in accordance with such entitlement.

Section 69. In a case where a claim has not yet been finalized or a case is still being considered by the Court before the date of the entry into force of this Act, the Notification of the Ministry of Interior issued by the Announcement of the Revolutionary Council No.103 dated 16 March, B.E. 2515 (1972) which is amended by the Act amending the Announcement of the Revolutionary Council No.103 dated 16 March, B.E. 2515 (No.1) B.E. 2533 (1990) shall apply until such claim or such case becomes final.

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES ANDCONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.

Section 70. All Notifications or Orders issued by the Announcement of the Revolutionary Council No.103 dated 16 March, B.E. 2515 (1972) which is amended by the Act amending the Announcement of the Revolutionary Council No.103 dated 16 March, B.E. 2515 (No.1) B.E. 2533 (1990) shall continue to apply in so far as it is not contrary to or inconsistent with this Act until there are Ministerial rules, regulations, Notification or order issued in accordance with this Act to be applied.

Countersigned by
Chuan Leekpai
Prime Minister

Office of the Council of State

DISCLAIMER: THIS TEXT HAS BEEN PROVIDED FOR EDUCATIONAL/ COMPREHENSION PURPOSES AND CONTAINS NO LEGAL AUTHORITY. THE OFFICE OF THE COUNCIL OF STATE SHALL ASSUME NO RESPONSIBILITY FOR ANY LIABILITIES ARISING FROM THE USE AND/OR REFERENCE OF THIS TEXT. THE ORIGINAL THAI TEXT AS FORMALLY ADOPTED AND PUBLISHED SHALL IN ALL EVENTS REMAIN THE SOLE AUTHORITY HAVING LEGAL FORCE.