

Workmen's Compensation Act, B.E. 2537 (1994)

Translation

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 Labor protection in connection with Compensation and Compensation Fund;

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

Section 1

This Act is called "Workmen's Compensation Act, B.E. 2537 (1994)"

Section 2

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 National Executive council No. 103, dated 16 March B.E. 2515 and Clause 3 and Clause 10 of the Announcement of the National Executive Council No. 103, dated 16 March B.E. 2515 which is modified by the Act amending the Announcement of the National Executive Council No. 103 (No. 1) B.E. 2533, are hereby repealed.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.

Section 4

This Act shall not apply to:

- (1) Central Administration, Provincial Administration and Local Administration,
- (2) State enterprise on the law of the state enterprise official relationship,
- (3) employer who operates the private school business under the law on the Private school, specific with regard to the teachers or the headmasters,
- (4) employer who undertakes non-profit activity,
- (5) others employers as specified in the 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 entrusted 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 entrusted by such authorized person to act thereon;

"employee" means a person agreeing to work for an employer in return for wages irrespective of designation but excluding an employee who is employed for domestic work which does not involve in business;

"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 to be calculated by the duration or the result of the 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, calculated or paid, in any nature or method, and the name used;

"Sufferings from injury" means physical or mental injury or death suffered by an employee as the result of work employment or in the course of protecting interest of the employer or according to the commands of the employer.

"sickness" means illness suffered by an employee as the result of work caused by diseases incidental to the nature or the condition of work.

"Disappearance" means an employee is disappeared in the period of working or acting under the commands of the employer to whom believe reasonable that he is death because of suffering injury during the work or the connection of commands of the employer including the employee who is absent in the period of traveling by land, air or waterway vehicles in order to work for the employer to whom believe reasonable that vehicles are damaged from accident and the employee is death, but all these things happened in the period of not less than a hundred and twenty days as from the date of accident.

"Loss of the capability" means to be lost of organ or ability of working of the body or the mental after the hospitality by the medical method come to an end.

"Compensation" means money which are paid as indemnity, medical expense, rehabilitation expense and funeral expense,

"Indemnity" means money which an employer pays to an employee, or the entitled person thereto under Section 20 for injury, or sickness or loss of an employee.

"Medical expense" means expense concerning medical examination, treatment, nursing and other necessary medication in order to relieve or end the result of injury or sickness including expense for equipment or Sections substituting or helping for the injured organ.

"Expense of industrial rehabilitation" means the expense necessary for rehabilitation in working.

"Industrial rehabilitation" means to manage the employee who suffers from the injury or sickness and loss of working capability to receive the physical or mental rehabilitation or occupational rehabilitation in order to be capable to perform the works according to the physical condition.

"Funeral expense" means expense incurred in respect of funeral arrangement according to the customs of the deceased employee or according to the local customs; in the case an employee died as the result of suffering from injury or illness or disappearance.

"Contributions" means the money which is paid to contribute by an employer to become the compensations for an employee.

"Fund" means the Workmen's Compensation Fund.

"Office" means Social Security Office or Provincial Social Security Office, as the case may be.

"Committee" means the Workmen's Compensation Fund Committee.

"Member" means a member of the Workmen's Compensation Fund.

"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.

Section 6

The Minister of Labor and Social Welfare shall have charge and control of the execution of this Act and shall have powers to appoint competent officials and to issue Ministerial Regulations, Rules and Promulgations for the execution of this Act.

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

Section 1

General Provisions

Section 7

The claims or the obtaining of the right or the benefit under this Act does not deprive the right or the benefit which the employee is obtained under the other laws.

Section 8

The Ministry of Labor and Social Welfare shall have the power to appoint the competent official who is qualified person having academic title not less than the bachelor degree of Law in order to have power to bring and to plead an action concerning the indemnity according to this Act for an employee or a person entitled under Section 20.

The employee or the person entitled under Section 20 who wish the competent official to bring or to plead an action according to the first paragraph, shall have the right to file an application to the Office according to the regulations prescribed by the Secretary-General.

Section 9

Debts as the result of non payment the compensation, contributions or additional payment according to this Act, the employee of the Office shall have preferential right over all properties of the employer who is debtor at the same level of preferential right on taxation value according to the Civil and Commercial Code.

Section 10

In the case where an employer who is the subcontractor, does not pay the compensation, contribution or additional payment to the proceeding subcontractor even it is having thoroughly the line to the principal contractor who is not an employer being jointly liable with the subcontractor who is an employer being obligated to pay the compensation contribution or additional payment.

The principal contractor or the subcontractor who is not an employer having paid compensation, contribution or additional payment, shall have the right to recourse against an employer and the entire subcontractor for compensation, contribution or additional payment.

Section 11

In the case where the entrepreneur who has employed by the wholesale wages method, assigned consigning to any person to subrogate to control the work and to have responsibility for payment of wages to each person, or assigned to any person to procure and employ on employee to do the work which is not the business enterprise on the type of the procuring affairs, by the way of that work is the part or the whole parts of the process of production or business being under the responsibility of the entrepreneur, if such person who has employed by the wholesale wages, had not paid an indemnity, a contribution or an additional payment to the employee or the Office, the entrepreneur or the person who employs by the wholesale wages, is not the employer, shall be jointly liable with the person who has employed by the wholesale wage, who is the employer for the payment compensation, contribution or additional payment as being an employer.

The entrepreneur or undertakes of a package deal, who is not an employer, and had paid compensation, contributions, additional payment, shall have the right to recourse against the employer and all other undertaker of a package deal thoroughly the line in order to receive compensation, contributions, additional payment, which have been paid to the employee or the Office.

Section 12

In the case where there are prescription of time for contribution payment, information on list of any items to the Fund, applying for compensation, appeal as prescribed in this Act or Regulations or announcement issued under this Act, if the person who has duties to execute in due time, is not in the territory, or is unable to execute in due time as the result of unavoidable necessity the Secretary-General if it deems appropriate, shall extend or postpone the said due time.

Section 2 Compensation

Section 13

In the case where an employee suffers from injuries or sickness, an employer shall provide immediately medical treatment for employee in proportion to injuries or sickness, and shall pay necessary medical expenses not exceeding the rate as prescribed in Ministerial Regulations.

The employer shall pay immediately the medical expense under paragraph on when the employer's party informed to the employer.

Section 14

The Ministry of Labor and Social Welfare shall announce and prescribe the types of diseases as a result of the nature or condition of work or performing the work.

Section 15

In the case where an employer has to obtain industrial rehabilitation after suffering from injuries, or sickness, the employer shall pay for rehabilitation expense in accordance with the rules, procedures and the rate as prescribed in the Ministerial Regulations.

Section 16

In case where the employee suffers from injuries or sickness causing death or disappearance, the employer shall pay funeral expense to the person who proves having arranged the funeral at the amount of one hundred times of the highest rate of the minimum daily wages under the Law on Labor Protection.

Section 17

In the case where the employee suffers from injuries or sickness causing death without having any funeral administrator, the employer shall make funeral arrangement until there shall be the entitled person under Section 20, requesting to be the funeral administrator. But the employer shall not pay the funeral expense exceeding the one-third of the funeral expense under Section 16. If the employee has been dead for seventy-two hours, and there is not any entitled person under Section 20 requesting to be the funeral administrator, the employer shall make funeral arrangement according to the religion customs of the employee who is dead or the local customs by considering to the social conditions of the employee. For this respect, the employer shall pay the remaining funeral expense.

Section 18

When the employee suffers from injuries or sickness or disappeared, the employer shall pay the monthly indemnity 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 such employee has or has not lost an organ under (2), with the payment to be made from the first day the employee is unable to work until and throughout the time he is unable to work but not exceeding one year.

- (2) Sixty per cent of the monthly wages where the employee has lost certain organs of the body, the payment shall be made according to the category of the organs lost and the period of payment as prescribed by the Announcement of the Ministry of Labor and Social Welfare, but not exceeding ten years;
- (3) Sixty per cent of the monthly wages where the employee suffers from disablement, the payment shall be according to category of disablement and to the period of payment as prescribed by the Announcement of the Ministry of Labor and Social Welfare, but not exceeding fifteen years;
- (4) Sixty per cent of the monthly wages in case of the death of employee or disappearance, within eight years.

Sufferings from injuries or sickness, causing loss of organs or the working capability of the certain part of organ, the indemnity shall be calculated in percentage of the period specified for the loss of organs or working capability of that category of organs as prescribed by the Announcement of the Ministry of Labor and Social Welfare.

The rules and procedures of calculation of the monthly wage, shall be in according with the announcement of the Ministry of Labor and Social Welfare.

The indemnity under paragraph one or paragraph two must not be less than the minimum monthly indemnity and not more than the maximum monthly indemnity as prescribed by the Announcement of the Ministry of Labor and Social Security Welfare.

Section 19

In the case where the employer pays the indemnity under Section 18 (2) or (3) and the employee is subsequently dead whereas he does not obtain indemnity within the termination of period of indemnity according to the entitlement, the employer shall pay indemnity to the entitled person under Section 20 until termination of the period under the right, but the total period for indemnity payment shall not be more than eight years.

Section 20

When an employee suffers from injuries or death as the result of illness or disappearance, the following persons shall be entitled to the compensation from the employer.

- (1) parents,
- (2) husband or wife;
- (3) son or daughter under eighteen years of age, except those who are eighteen years of age and still studying of not higher than bachelor degrees, that person shall continue to receive the share throughout the period of study;
- (4) son or daughter from the age of eighteen years and is suffering from disablement or mental infirmity who has been cared for by the employee before the employee is dead or disappeared;

Son or daughter, who was born within three hundreds and ten days as from the date of the death of the employee or the date of disappearance, shall be entitled to compensation as from the date of confinement.

In the case where there is no entitled person under paragraph one, the employer shall pay compensation to the dependent person of the employee before he died or disappeared. But such person must suffer from lacking of support from the employee who died or disappeared.

Section 21

The entitled person under Section 20 has right to receive a share of compensation equally.

In the case where the entitlement for compensation is exhausted because any entitled person under Section 20 is dead or husband or wife remarried or did not remarry but there are circumstances showing that taking as a husband or wife with other woman or other man or son have not the qualities under Section 20 (3) or (4), the part of the person whose right is exhausted due to any cause shall be contributed to the other entitled person.

Section 22

The employer shall not pay compensation in case of sufferings from injuries or sickness of the employee caused by the following cases:

- (1) The employee loses self-control as the result of taking alcoholic drink, or becoming addicted.
- (2) The employee willfully causes himself suffering injuries or allows other person to cause him suffering from injuries.

Section 23

The employer shall not deduct compensation for any matter and such compensation is not under execution of judgments.

Section 24

For the purpose of 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 to pay in full amount of indemnity for one time, or for other agreed time, but the employer shall not deduct the said compensation exceeding the rate prescribed by the Ministerial Regulations.

Section 25

For the purpose of paying compensation under this Section, in the case where the employer who has duty to pay compensation, the Office, instead of the employer shall pay compensation to the employee or the entitled person under Section 20. But if the employer had advanced compensation to the employee or the said entitled person and if it is in the case where the competent official who issued his decision considering that the employee or the entitled person had right to receive compensation, the employer shall apply for receiving advanced compensation from the Office, according to the regulations prescribed by the Secretary-General.

In the case where the employer has not duty to pay contribution and had advanced compensation to the employee or the entitled person under Section 20, if the employee or the entitled person has right to receive compensation under the order of the competent official under Section 50 or the new order under Section 51, the employer shall have right to deduct the amount of compensation prescribed by the order of the competent official from the compensation paid to the employee or the said entitled person, but not exceeding the amount of each category of compensation as prescribed by the order of the competent official.

Section 3

Workmen's Compensation Fund

Section 26

There shall be a fund in the Social Security Office called "Workmen's Compensation Fund" to be utilized for paying compensation for the employer who has duty to pay contributions under Section 44, and for the expense under Section 43.

The Workmen's Compensation Fund under the Announcement of the National Executive Council No. 103, dated 10 March B.E. 2515 which is modified by the Modified Act of the Announcement of the National Executive Council No. 103, dated 10 March B.E. 2515 (No.1) B.E. 2533 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) interest of the Fund under Section 29;
- (4) additional payment according to Section 46;
- (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) interest of the Fund

Section 28

For the purpose of execution of this Act, it shall be deemed that money and properties of the Fund under Section 26 is the property of the Social Security Office and shall not be sent to the Ministry of Finance as the national income, and instead of the employer, the Office shall pay as compensation according to this Act.

The Ministry of Labor and Social Welfare has right to contribute to the Fund, but not exceeding twenty-two percent of the annual interest of the Fund for the expense for medical care and industrial rehabilitation of the employees as prescribed by the Announcement of the Ministry of Labor and Social Welfare, and for the expense for the promotion or protection of industrial safety and not exceeding three percent of annual interest of the Fund for the expense for the operation of the Office of Workmen's Compensation Fund, and for the expense under Section 43

Section 29

The receipts, payment and safekeeping of the Fund and investment of the Fund shall be in accordance with the regulations prescribed by the Committee with the approval of the Ministry of Labor and Social Security Welfare.

Section 30

Within one hundred and twenty days as from the last day of 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 of Thailand to be audited and certified and submit to the Committee.

The Committee shall submit the said balance-sheet and statement of income and expenditures to the Minister to further submit to the Cabinet for information and it shall be published in the Government Gazette.

Section 4

Workmen's Compensation Fund Committee and Medical Committee

Section 31

There shall be a Committee called "Workmen's Compensation Fund Committee" consisting of the Secretary-General of the Social Security Office as the chairman, 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.

Appointing qualified persons under the first paragraph, the Minister may appoint qualified person of whom at least shall be qualified person in medical affairs, in legal affairs, in economic affairs, in financial affairs, in social security system, or in affairs of insurance.

Section 32

The committee shall have the following powers and duties:

- (1) to submit opinions to the Minister in regard to policy concerning administration of the Fund and the compensation payment.
- (2) to consider and give opinions to the Minister in respect of the issuance of the Ministerial Regulations and rules for the execution of this Act.
- (3) to issue regulations, with the approval of the Ministry of Labor and Social Welfare, in regard to receipts, payments and safe-keeping of the Fund.
- (4) to issue regulations, with the approval of the Ministry of Labor and Social Welfare, in regard to the productive investment of the Fund.
- (5) to decide on appeals under Section 52.
- (6) to provide consultation and give advice for the execution of this Act to the Social Security Office.
- (7) to perform other duties as prescribed in this Act to be powers and duties of the Committee or being assigned by the Minister.

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

Section 33

A member appointed by the Minister shall hold Office for a term of two years.

The member who vacates his Office may be reappointed, but 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 Office upon:

- (1) death,
- (2) resignation,
- (3) dismissal by the Minister,
- (4) being a bankrupt,
- (5) being insane or mentally unfit,
- (6) being imprisoned by a final judgment to imprisonment.

In the case where a member appointed by the Minister vacates his office before the expiration, the Minister shall appoint another person of the same status according to Section 31 to fill vacancy. The appointed member shall hold office for remaining period of the term of the member he replaces.

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

Section 36

At a meeting of the Committee, the presence of not less than one-half of the total number of members shall constitute a quorum.

For a meeting of the Committee, if the chairman is not present at the meeting or is unable to perform his duty, the members present shall elect one among themselves to preside over the meeting.

The decision of the meeting shall be made by a majority of votes. Each member shall have one vote. In the case of and equality of votes, the Chairman of the meeting shall have an additional vote as a casting vote.

Section 37

At a meeting of the Committee, if a member of the committee has a personal advantage in the case which is being considered, he has no right to attend the meeting.

Section 38

There shall be a Medical Committee consisting of a Chairman and other members, totally not more than fifteen persons appointed by the Minister.

The Member of the Committee under the first paragraph shall be appointed from qualified persons in various fields of medical profession.

The Minister shall appoint an official of the Social Security Office as a member and secretary.

The provisions of Section 33, Section 34, Section 35, Section 36 (2) shall apply *mutatis mutandis*.

Section 39

At a meeting of a Medical Committee, the presence of less than five persons shall constitute a quorum.

Section 40

The Medical Committee shall have the following powers and duties:

- (1) to submit opinions to the Committee in regard to the performance in rendering medical services.
- (2) to provide consultation services and give advice on medical matters to the Committee and the Office.
- (3) to submit opinions to the Office in regard to the Ministerial Regulations issues under Section 13 and the Announcement of the Minister of Labor and Social Security Welfare issued under Section 14 and Section 18(2), (3).
- (4) to perform other duties as prescribed in this Act to be powers and duties of the Medical Committee or as entrusted 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 power to summon any person to submit documents, items, or data which are necessary for consideration. In this respect, they may order the persons concerned to give statement.

Section 43

The Committee, the Medical Committee and the Sub-committee may receive meeting allowance, transport allowance, meal allowance, lodging allowance, and other expenses in performing their duties under this Act in accordance with the regulation prescribed by the Minister.

Section 5 Contribution

Section 44

The Minister of Labor and Social Security Welfare shall announce and designate the category and dimension of business and locality where the employer shall pay contribution.

The employer who has duties to pay contribution under the first paragraph, shall submit the form of payment of contributions and the statement specifying names of employees as prescribed by the Secretary-General, and shall pay contributions at the Office where the employer submit forms of registration of payment of contributions within thirty days as from the date on which the employer is required to pay contributions.

Section 45

For the purpose of collecting contributions from the employer under Section 44, the Ministry of Labor and Social Welfare shall prescribe the rate of contributions not more than five percent of annual wages received from the employer, the rate of deposit in the case where the employer is asking for paying fractionally contributions, but not exceeding twenty-five percent of annual contributions, 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 purpose.

For designating the rate of contributions under the first paragraph, it shall take in account the statistics relating to suffering from injuries of each category of business, the burden of the Fund and the amount of remaining fund.

The Ministry of Labor and Social Security Welfare shall announce and prescribe rules and procedures of deduction or addition of contributions under the first paragraph to the employer according to the loss ratio of the employer for a period of three-calendar years.

Section 46

Any employer who fails to pay contributions in due time or has paid but not in full amount, the employer shall pay an additional payment at the rate of 3 percent per month of the outstanding contributions which has not been paid.

Section 47

The Secretary-General has the power to issue written warrant to confiscate, 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 amount.

The order to confiscate, attach or sell by auction the properties may be issued after having delivered a written warning to the employer to pay the outstanding contributions (and) / or additional payment within a fixed period of not less than thirty days as from the date of receiving the warning and the employer fails to pay within the prescribed period.

Rules and procedures of confiscation, attachment and sale by auction of properties under the first paragraph shall be in accordance with the regulations 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 confiscation, attachment and auction and for payment of outstanding contribution and additional payment. Any remaining money shall be immediately returned to the employer, if the employer does not claim for this remaining money within five years, it shall become the property of the Fund.

Section 6

To submit claims, consider claims and Appeal

Section 48

In the case where the employee suffers from injuries, sickness or disappearance, the employer shall notify the suffering from injury, sickness, or disappearance to the Office in

a locality where the employee works, or at the residence of the employer according to the form prescribed by the Secretary-General within 15 days as from the date on which the employer has been known of the loss suffering from injury, sickness or disappearance of the employee.

Section 49

In the case where the employee suffer from injury, sickness or disappearance, the employee or the person entitled under Section 20 shall submit claims to the Office for receiving compensation in a locality where the employee works, or at the residence of the employer according to the form prescribed by the Secretary-General within on hundred and eighty days as from the date of suffering from injury, sickness or disappearance of the employee, as the case may be.

Section 50

Where there is notification of suffering from injury, sickness, or disappearance under Section 48 or entry of notion for receiving compensation under Section 49, or it has appeared to the Official that the employee suffers injury, sickness or disappearance, investigating officer shall order the employer to pay immediately compensation to the employee or the person entitled under Section 20 according to the form prescribed by the Secretary-General.

If the employee or the person entitled under Section 20 have right to receive compensation according to the order under the first paragraph, the official shall prescribe the value of compensation and shall fix the time for paying compensation and shall order the employer to pay the said compensation to the employee within seven days from the date on which the employer has been known that order.

The employer shall pay compensation to the employee or the person entitled under Section 20 at the Office of the employee or other place where the employer and the employee designated by mutual agreement or at the Office.

Section 51

When it has thereafter appeared that the consequences of suffering from injuries or sickness of the employee had changed and had caused the order relating to payment of compensation under Section 50 does not comply with Section 18, or Section 19, the official shall have a power to order the employer to repay compensation, but that order will be taken into effect at the next payment of the compensation.

In the case where the facts cause mistake to the order relating to compensation under Section 50, the official shall have a power to order the employer to repay compensation.

In the case where the sickness occurred after the time of cessation of being an employee, the employee shall make a request to the employer for receiving compensation at the Office of the employee or the residence of the employer within two years from the date on which the employer has been known of the sickness.

Section 52

In the case where an employer, an employee or a person entitled under Section 20, upon receiving the order, decision, or assessment of contributions calculated by the official under this Act, is dissatisfied with the order, or decision, or assessment of contribution, he shall be entitled to lodge an appeal in writing to the Appeal Committee within thirty days as from the date of receiving such order, decision or assessment of contributions unless it is the order issued under Section 47.

After having considered the appeal, the Appeal Committee shall inform the decision in writing to the appelland.

Section 53

If the appelland is dissatisfied with the decision of the Appeal Committee, has the right to bring the case to the Labor Court within thirty days as from the date of notification of the

decision. If the case is not brought to the Labor Court within the said period, the decision of the Appeal Committee shall be final.

In the case where the person who is required to pay contributions according to decision of the Appeal Committee under the first paragraph, is the person who brought the case to the Court, he shall deposit the total amount of money to pay according to the decision of the Appeal Committee in order to have right to bring the case to the Court.

After the case has become final, the person who brought the case to the Court under paragraph two shall pay compensation according to the judgment and the Court shall have powers to pay money deposited by that person to the Office in order to pay compensation to the employee or the person entitled under Section 20 thenceforward.

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, appeal in writing or bring the case to the Court. Such appeal or entry of action in Court does not suspend the execution of that order or decision of the official or decision of the Appeal Committee, as the case may be.

Section 55

In the case where the employer lodges an appeal against the assessment of contributions or brings the case to the Court, such appeal or entry of action in Court does not suspend the execution of the decision of the Secretary-General, or of the competent official. If the Secretary-General allows the employer for waiting the decision of the Appeal Committee or judgment, the employer shall pay compensation within thirty days as from the date of receiving the decision of the Appeal Committee, or from the date on which the judgment has been finalized, as the case may be.

Section 56

The provisions of Section 46, Section 47, Section 52, Section 53, Section 55 and Section 60 shall apply mutatis mutandis to the principle contractor and to the subcontractor who are not the employer under Section 10, and the entrepreneur or the persons who employ employees by the wholesale wages method and not the employers under Section 11.

Section 7

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, work place of an employee, between sunrise and sunset or during working hours to inspect or inquire into facts, to inspect properties or other documents, to take photographs, to photocopy documents relating to employment, wages payment, employer records, payment of contributions, or other relevant documents or to take the relevant documents for examination or for other appropriate action in order to obtain facts for the execution of this Act.
- (2) to issue letter of inquiry or summon any persons to give information or to produce relevant items or documents or other necessities for examination.
- (3) to confiscate or attach or sell properties by auction according to the order of the Secretary-General under Section 47.

Section 58

In the performance of duties of competent official under Section 57, the person concerned shall provide appropriate facilities as the case may be.

Section 59

In the performance of duties, the competent official must show his identity card, if requested by the person concerned.

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

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

Section 8

Service of documents

Section 61

Service of order, decision, notification or notification indicating the assessment of contributions of the Committee, Sub-Committee, Secretary-General or Competent Official, shall be delivered by reply registered mailing or by hand delivery of the office or competent official to the domicile or resident or office of the employer between sunrise and sunset or during working hours of the employer. In the case where the employer is not present at his domicile or office or the employer is present but he refuses to receive the documents, the documents may be delivered to the sui juris person who lives or works in the home or office apparently belongs to the employer.

In the case where the delivery as specified under paragraph one can not be made, the service of order decision, notification or notification indicating the assessment of contribution shall be posted in a conspicuous or the domicile or resident of the employer. After having completed such delivery and a period of not less than fifteen days has passed, the employer is deemed to have received service of order decision, notification or notification indicating the assessment of contribution.

Section 9

Penalty Provisions

Section 62 Any employer who does not provide medical treatment to the employee who suffers from injuries or sickness under Section 13, or fails to comply with Section 17,44 or 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 employer who fails to comply with the order of Committee, Medical Committee, or Sub-committee under Section 42, or the order of the Competent Official under Section 57 (2) or does not provide appropriate facilities to the Competent Official who is performing his 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 according to the order of competent official under Section 50 or Section 51, and who did not appeal under Section 52, or who did 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 has or acquires knowledge of any fact through performing the duty under this Act, discloses any fact concerning the affairs of an employer which normally would be

kept confidential by an 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 under this Act, or for Labor protection, investigation or adjudication.

Section 66

All offence under this Act, if the following competent official considers that an offender does not deserve penalty of imprisonment or prosecution for offence, he shall have the power to settle the offence as follows:

- (1) The Secretary-General for the offence committed in the Bangkok Metropolitan.
- (2) Provincial Governor for the offence committed in other provinces.

In the case where there is an investigation and if the investigating officer is of the opinion that a person has violated this Act, and that person agrees to be settled, the investigating official shall submit a report to the Secretary-General or the Provincial Governor, as the case may be, within seven days as from the date of that person agreeing to be settled. The decision whether it will be settled or not is in consideration of the official under paragraph one or two, as the case may be.

The settlement of the case under this Section, the person who has power to settle the offence, shall settle the fine, not less than one-half of the rate of the offence as prescribed for that offence. And when the offender has paid the fine at the assessed amount within thirty days, it shall be deemed to be settled according to the Penal Procedure Code.

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 proceeded.

Transitory Provisions

Section 67

The employer who has duty to pay contributions according to the Announcement of the Ministry of Interior as prescribed in the Announcement of the National Executive Council, No.103 dated March 16, B.E. 2515 amended by the Act amending the announcement of the National Executive Council, No.103, dated 16 March B.E. 2515 (No.1) B.E. 2533 before the date of enforcement of this Act, shall continue to pay contributions at the rate prescribed by the Ministry of Interior, according to the Announcement of the Ministry of Labor and Social Welfare under Section 45, come into force.

Section 68

Any person who is entitled to receive compensation from the employer, according to the Announcement of the Ministry of Interior issued by the Announcement of the National Executive Council No.103, dated 16 March B.E.2515 which is modified by the Modified Act of the Announcement of the National Executive Council No.103, dated 16 March B.E. 2515 (No.1) B.E. 2533, before the date of coming into force of this Act, shall receive compensation under this Announcement of Ministry of Interior, until he receives totally according to the said entitlement.

Section 69

In the case where the request is not finalize or the case is in the course of the trial before the date of coming into force of this Act, the Announcement of the Ministry of Interior as they are prescribed in this Announcement of National Executive Council, No.103, dated 16 March B.E. 2515 which is modified by the Modified Act of the Announcement of the National Executive Council No.103, dated 16 March B.E. 2515 (No.1), B.E. 2533 shall apply until that request or that case become final.

Section 70

Any other Announcement or order in so far as they are prescribed in this Announcement of National Executive Council No.103, dated 16 March B.E. 2515 which is modified by the Modified Act of the Announcement of the National Executive Council No. 103, dated 16 March B.E. 2515 (No.1) B.E. 2533 shall continue to apply whenever it does not contrary or inconsistent with this Act until there shall be Regulations of Ministry, rule, announcement or order issued by this Act, come into force.

Countersigned by

Mr. Chuan Leekpai

Prime Minister

Announcement of Government Gazette, volume of Council of State (No.111) Act 28 A.
dated 30 June B.E.2537.

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