

APPENDIX

SOCIAL SECURITY ACT B.E. 2533

Bhumibol Adulyadej, Rex.
Given on the 11th day of August, B.E. 2533;
Being the 45th year of the Present Reign.

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

Whereas it is expedient to revise the law on social security ; Be it, therefore, enacted by the King, by and with the advice and consent of the Parliament as follows :

Article 1 This Act shall be called the ‘Social Security Act, B.E. 2533’

Article 2 This Act shall come into force as from the day following the date of its publication in the Government Gazette. Except for Section II of Title II, it shall come into force after the period of one hundred and eighty days has been elapsed as from the date of coming into force of this Act. The provision of Article 40 shall come into force within four years as from the date of coming into force of this Act.

Article 3 The Social Security Act, B.E. 2497 is hereby repealed.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.

Article 4 This Act shall not apply to:

- (1) government officials and regular employees of the central administration, provincial administration and local administration except for temporary employees,
- (2) employees of foreign governments or international organizations,
- (3) employees whose employers office is in the country but being stationed abroad,
- (4) teachers or headmasters of private schools under the Private School Law,
- (5) students, nurse students, undergraduates, or apprentice doctors who are employees of schools, universities or hospitals,
- (6) other undertakings or employees as prescribed in the Royal Decree.

Article 5 In this Act

“Employee” means a person who works for an employer for wages howsoever designated but excludes an employee who is employed for domestic work which does not involve in business work.

“Employer” means a person who accepts an employee to work by paying him wages and includes a person who is entrusted to act on his behalf. In the case where an employer is a juristic person, it includes a person who is authorized to act on behalf of the juristic person and includes a person who is entrusted by the authorized person to act on his behalf.

“Wages” means all types of money which are paid by an employer to an employee in return for work done during normal working hours and days, irrespective of howsoever calculated according to duration or to the result of work done, and includes money which an employer pays to an employee for holiday and leave on which the employee does not work, irrespective of the method of fixing, calculating or paying, and of whatsoever designation.

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

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

“Confinement” means the delivery of a child from mother’s womb in which a period of pregnancy is not less than twenty-eight weeks, irrespective of whether the baby is alive or not.

“Invalidity” means loss of bodily organ or loss of working capacity of organ or body or mental health to the extent that is unable to work according to the criteria as may be determined by the Medical Committee.

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

“Fund” means Social Security Fund

“Office” means Office of Social Security

“Committee” means Social Security Committee

“Member” means member of Social Security Committee

“Competent Official” means a person appointed by the Minister for the execution of this Act.

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

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

Article 6 In calculating wages for contributions, the daily wages shall be the basis of calculation.

In converting weekly, monthly or yearly wages into daily wages, it shall be deemed that a week has seven days, a month has thirty days and a year has three hundred and sixty five days.

In the case where an employee received wages by hour or by unit of output, the daily wages shall be an average of wages which the employee receives in working days during the period of payment from which contribution is calculated according to Article 47.

Article 7 The Minister of Interior shall have charge and control of the execution of this Act and shall have powers to appoint competent officials and to issue Ministerial Regulation imposing fees not exceeding the rate attached in the appendix of this Act and granting fees exemption, and to determine other undertakings for the execution of this Act.

Ministerial Regulation shall come into force after its publication in the government Gazette.

TITLE I GENERAL

Article 8 There shall be Committee called “Social Security Committee” consisting of the Secretary-General of the office of Social Security as the chairman, representative of the Ministry of Finance, representative of the Ministry of Health and representative of Budgeting Bureau as members, and five representative of employers and five representative of employees appointed by the Minister as members, and representative of the office as a member and secretary.

The Committee may appoint any person to be assistant to the secretary of the Committee.

The Minister may appoint qualified person not more than five as adviser of the Committee, of whom at least shall be qualified person in social security system, in labour affairs, in medical affairs, in legal affairs and other.

Article 9 The Committee shall have the following powers and duties:

- (1) to make proposals to the Minister in regard to policy and implementation of social security under this Act,
- (2) to make proposals to the Minister on making Royal Decrees, Ministerial Regulations and other regulations for the execution of this Act,
- (3) to issue regulations, with the approval of the Ministry of Finance, in regard to receipts, payments and safe-keeping of the Fund,
- (4) to issue regulations, with the approval of the Ministry of Finance, in regard to the productive investment of the Fund,

- (5) to review balance sheet and statement of the receipts and expenditure of the Fund and annual report on the performance of the Office in regard to social security under this Act,
- (6) to provide consultation service and give advice to other Committee or the Office,
- (7) to perform other duties as prescribed in this Act or any other laws 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 Office to perform and report to the Committee for further execution.

Article 10 The member or adviser appointed by the Minister shall hold office for a term of two years.

The member or adviser who vacate office may be reappointed, but not more than two consecutive terms.

Article 11 In addition to the expiration of the term of office under Article 10, a member or adviser appointed by the Minister shall vacate office upon:

- (1) death,
- (2) resignation,
- (3) dismissal by the Minister,
- (4) being adjudged bankrupt,
- (5) being insane or mentally unfit,
- (6) being imprisoned by a final judgement to imprisonment except for an offence committed by negligence or a petty offence.

In the case where a member appointed by the Minister vacates his office before the expiry of the term, the Minister shall appoint another person of the same status according to Article 8 to fill the vacancy. The appointed member shall hold office for the remaining period of the term of the member he replaces.

In the case where an additional adviser is appointed by the Minister during the serving term of the adviser who has been appointed, the additional adviser shall hold office for the remaining period of the term of the adviser having been appointed.

Article 12 Where members appointed by the Minister have completed the term of office but new Committee has not yet been appointed, the members who vacate upon the expiry of the term of office shall temporarily continue in office until newly appointed members assume their duties.

Article 13 In a meeting of the Committee, the presence of not less than one-half of the total number of members shall constitute a quorum.

In the case where 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 taken by a majority votes. Each member shall have one vote. In case of a tie, the chairman of the meeting shall have an additional vote as a casting vote.

Article 14 There shall be a Medical Committee consisting of a chairman and other members, totally not more than fifteen persons appointed by the Minister.

The members of the Committee under the first paragraph shall be appointed from qualified persons in various fields of medical profession and shall hold office for a term of two years.

The provisions of Article 10 paragraph 2, Article 11, Article 12 and Article 13 shall apply mutatis mutandis.

Article 15 The Medical Committee shall have the following powers and duties:

- (1) to make proposals to the Committee in regard to the performance in rendering medical services.
- (2) to determine rules and rates of benefit in respect of medical services provided to insured persons under Article 59, Article 63, Article 66, Article 68, Article 70 and Article 72.
- (3) to make proposals to the Committee in regard to the regulations issued under Article 64.
- (4) to provide consultation service and give advice on medical matters to the Committee, the Appeal Committee and the Office.
- (5) to perform other duties as prescribed in this Act to be powers and duties of the Medical Committee or being assigned by the Minister or by the Committee.

Article 16 The Committee or the Medical Committee may appoint a Sub-Committee to examine or perform any duties assigned by the Committee or the Medical Committee.

The provisions of Article 13 shall apply mutatis mutandis to the meeting of Sub-Committee.

Article 17 The Committee, the Medical Committee and the Sub-Committee shall have power to summon any person to submit documents or data which are necessary for examination. In this respect, they may demand the persons concerned to give statement.

Article 18 The member, the adviser, the Medical Committee, the Appeal 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, with the approval of the Ministry of Finance.

SECTION II SOCIAL SECURITY OFFICE

Article 19 The Social Security Office shall be established under to Ministry of Interior having the following powers and duties:

- (1) to perform the administrative functions of the Committee, other Committee and Sub-Committee under this Act,
- (2) to collect, compile and analyse data in regard to social security,
- (3) to organize the registration of employers and insured persons who are required to make contributions.
- (4) to perform duties as prescribed in this Act or any other laws to be powers and duties of the Office.
- (5) to perform other duties being assigned by the Minister, the Committee, other Committee or the Sub-Committee.

Article 20 The Secretary-General shall have duties to supervise the general administration of the Office and command officials in the Office. In this respect, there shall be one or more Deputy Secretary-General to assist in the administration.

Secretary-General and Deputy Secretary-General shall be civil servant officials.

SECTION III SOCIAL SECURITY FUND

Article 21 There shall be a Fund in the Office of Social Security called “Social Security Fund” to be utilized for the insured persons to receive benefits under the provisions of Title III and to be expenses under Article 24 paragraph two.

Article 22 The Fund shall consist of:

- (1) contributions from the government, employers and insured persons under Article 46,
- (2) additional payment under Article 49,
- (3) interest of the Fund under Article 26,
- (4) registration fees under Article 45,
- (5) money received as donation or subsidy,
- (6) money become the property of the Fund under Article 50,
- (7) Government subsidy or advances paid under Article 24 paragraph three,
- (8) fines collected through settlement under Article 102
- (9) other incomes

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

Article 24 The Fund shall be utilized for benefits under this Act.

The Committee may allot the Fund not exceeding ten percent of annual contributions for expenses under Article 18 and for administrative expenses for the Office.

In the case where the Fund is not sufficient to cover expenses under the first or second paragraph, the Government shall subsidize or advance payments as necessary.

Article 25 The receipts, payments and safe-keeping of the Fund shall be in accordance with the regulations prescribed by the Committee with the approval of the Ministry of Finance.

Article 26 The productive investment of the Fund shall be in accordance with the regulations prescribed by the Committee with the approval of the Ministry of Finance.

Article 27 Within six months as from the last day of calendar year, the Committee shall present the balance sheet and the statement of the receipts and expenditure of the fund in the previous year in which the State Financial Survey Office has audited and certified to the Minister.

The Minister shall propose the said balance sheet and the receipts and expenditure statement to the Prime Minister for submitting to the acknowledgement of the Parliament and it shall be published in the Government Gazette.

SECTION IV SURVEY OF SOCIAL SECURITY

Article 28 For the purpose of social security under this Act, the Royal Decree may be prescribed to make survey on problems and data concerning labour matters.

The Royal Decree under the first paragraph shall at least specify:

- (1) purpose of the survey
- (2) the officer or the competent official who carries out the survey
- (3) the period of time during which the Royal Decree is enforceable, not exceeding two years.

Article 29 After the enforcement of the Royal Decree under Article 28, the Secretary-General shall regulate the followings:

- (1) form of survey,
- (2) the period of time in which the officer or competent official will submit the form of survey to employer.

- (3) a period of not less than thirty days within which the employer is required to return the duly filled form of survey to the officer or competent official which is mentioned in the form of survey. The announcement under this Article shall be published in the Government Gazette.

Article 30 The form of survey under Article 29 (1) shall be delivered to the employer by reply registered mailing or by hand delivery of the officer or competent official to the domicile or resident or office of the employer during sunrise to sunset or during working hours of the employer. In the case where the employer is not present at his domicile, or resident or office, the form may be delivered to a sui juris person who lives or works in the home or office apparent to belong to the employer.

If it is unable to deliver the form as specified under the first paragraph, the form of survey shall be posted in a conspicuous place at the office of the employer. After having completed it and fifteen days has elapsed, the employer is deemed to have received that form of survey.

Article 31 After an employer has received the form of survey, the employer shall complete every items in the form of survey in accordance with the truth and return the filled form of survey to the officer or competent official within a period of time specified under Article 29 (3).

Article 32 All information or figures filled out in the form of survey shall be treated in confidence. It shall be forbidden for the officer who performs the duties under this Act to disclose the information or figures to any persons who has no duties to perform under this Act except that it is necessary for the purpose of social security of labour protection or for the purpose of investigation or case trial.

TITLE II SOCIAL SECURITY SECTION I INSURED PERSON

Article 33 An employee who is under the coverage of this Act shall become an insured person.

Article 34 An employer who employs employees being insured persons under Article 33 shall submit the statement specifying names of insured persons, rate of wages and other information, according to the form prescribed by the Secretary-General, to the Office within thirty days as from the date on which the employees become insured persons.

Article 35 Where the principal has sub-contracted for labour with any person for the execution of work and the responsibility for paying wages

to an employee, or sub-contracted with any person for the supply of labour which is not employment service business and the work is a part in the process of production or business which is undertaken in the establishment or working place of the principal and the essential equipment for work is provided by the principal, the principal shall be in the status of an employer who is required to perform duties under this Act.

Article 36 After an employer has submitted the form under Article 34, the Office shall issue to the employer a social security certificate of registration and to the employee a social security card in accordance with the form, rules and procedures prescribed in the Ministerial Regulation.

Article 37 Where it is appeared to the Office or an employee complains that the employer fails to submit a form under Article 34 or having submitted it but excluding the name of some employee who is insured person under Article 33 in that form, the Office shall have power to record details in the form under Article 34 upon the determination of relevant evidence, then issue the social security certificate of registration to the employer and/or issue a social security card to an employee under Article 36, as the case may be.

In carrying out the provision of the first paragraph, the Secretary-General or the person authorized by the Secretary-General may investigate before proceeding.

Article 38 An insured person under Article 33 shall cease to be insured upon:

- (1) death,
- (2) cessation of being an employee

In the case of (2), if such person has paid contributions completely for a qualifying periods which creates entitlement to receive benefits under Title III, such person shall be entitled to continue to receive benefits under the first paragraph of Article 63 and the first paragraph of Article 66 for another six months as from the date of cessation of being an employee.

Article 39 Any person who has been an insured person under Article 33 and whose insurance has subsequently ceased under Article 38 (2), if he intends to continue to be insured person, he shall notify his intention to the Office and submit to the Office the social security card which the Office has issued under Article 36 to record the status of being insured under this Article.

Subject to Article 6, for wages of the insured person under the first paragraph which is the basis of calculating contributions to be paid to the Fund under Article 46 paragraph two, it is deemed that the full amount of wages for the last period before the cessation of being insured under Article 38 (2) shall be the basis of calculation.

The insured person under the first paragraph shall pay contributions to the Fund once a month within the fifteenth day of the following month.

Article 40 Any other person who is not an employee under Article 33 may apply to be an insured person by declaring the intention to the Office.

Rules and rate of contributions, type of benefits to be received under Article 54 including rules and conditions of entitlement to benefits shall be prescribed in the Royal Decree.

Article 41 An insured person under Article 39 shall cease to be insured upon:

- (1) death
- (2) having become an insured person under Article 33
- (3) resigning from being insured by notifying the Office

Article 42 For the purpose of creating entitlement for an insured person to receive benefits under the provisions of Title III, each period of being insured under Article 33 and/or Article 39 shall be computed together.

Article 43 Any undertaking which comes under this Act shall continue to be covered until it ceases operation, even if the number of employees has been reduced less than the prescribed number and the remaining employees shall continue to be insured. In the case where the undertaking has employed a new employee, the new employee shall be an insured person under this Act, even the total number of employees are less than the prescribed number.

Article 44 Where the fact concerning any information in the form submitted to the Office has been changed, the employer shall inform the Office in writing to change or modify the information within fifteen days as from the date of knowledge of the said change.

The provisions of Article 37 shall apply *mutatis mutandis* to the case where the employer fails to comply to this Article.

Article 45 In case of loss, destruction or damage in the essential part of the social security certificate of registration or social security card, the employer or the insured person shall apply for a substitute of the social security certificate of registration or social security card, as the certificate of registration or social security card, as the case may be, to the Office within fifteen days as from the date of knowledge of the loss, destruction or damage thereof, in accordance with the regulations prescribed by the Secretary-General.

SECTION II CONTRIBUTIONS

Article 46 The Government, an employer and an insured person under Article 33 each shall contribute equally to the Fund at the rate prescribed

in the Ministerial Regulation but not exceeding the rate of contributions appended to this Act.

For the insurance under Article 39, the Government and an insured person shall pay contributions to the Fund in the proportion that the Government paying one time and an insured person paying double of the rate of contributions at which each party is required to pay as prescribed in the first paragraph.

To determine the rate of contributions under the first paragraph, it shall be fixed by taking into account the benefits payment and administrative expenses of the Office under article 24.

In the case of wages to be the basis of calculating contributions of each insured person, if it is more than five hundred Baht per day, it shall be calculated for only five hundred Baht. Where an insured person works for more than one employer, the contributions shall be calculated from wages received from each employers.

Article 47 For every payment of wages, the employer shall deduct wages of an insured person at the amount to be paid for contributions on the part of the insured person under Article 46. After the employer has done it, it is deemed that the insured person has paid his contributions as from the date of wages deductions.

The employer shall pay contributions, on the part of an insured person which is deducted under paragraph one and on the part of employer, to the Office within the fifteenth day of the following month after the month of deduction and submit statement showing payment of contributions according to the form as prescribed by the Secretary-General. In the case of necessity which is unable to pay contributions and submit the statement in due time, the employer may apply to the Secretary-General to extend the period of paying contributions and submitting the statement. If it deems appropriate, the Secretary-General may decide for an extension. Such extension shall not result in any reduction on or exemption from additional payments prescribed under Article 49.

If an employer fails to pay wages in due time, the employer shall have duty to pay contributions to the Office as prescribed in paragraph two. It is deemed that there has been a payment of wages.

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

Article 49 An employer who does not pay contributions on his part or one the part of insured person or fails to contribute in full amount within the due time under Article 47, shall pay an additional payment at the rate of two percent per month of the outstanding contributions which has not yet been

paid or of the missing contributions as from the day following the due date. For any fraction of a month, if it is fifteen days or more, it shall be counted as a month, and omitted if less.

Where the employer fails to deduct wages of an insured person for contribution or has deducted but not in full amount according to the first paragraph of Article 47, the employer shall be liable for the full amount of contributions for the insured person and shall pay an additional payment of this amount under the first paragraph as from the day following the due date. In such case, the right of the insured person shall be treated as if he had fully contributed.

Article 50 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 and/or an additional payment or fails to pay it in full amount under Article 49 to the extent as necessary to cover the outstanding contributions.

The order to confiscate, attach or sell by auction the properties under the first paragraph may be issued after having dispatched a written warning to the employer to pay the outstanding contributions and/or additional payment within a fixed period 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 contributions 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.

Article 51 In the event of debt to non-payment of contributions and/or additional payment, the Office shall have preferential right over all properties of the employer who is debtor at the same level of the preferential right on taxation value according to the Civil and Commercial Code.

Article 52 Where an employer is an sub-contractor, the preceding sub-contractors, if any, including the first sub-contractor shall all be jointly liable with the sub-contractor who is employer for payment of contributions in which an employer is obliged to pay under this Act.

Article 53 The provisions of Article 49, Article 50 and Article 51 shall apply *mutatis mutandis* to an insured person under Article 39 and a sub-contractor under Article 52 who fails to pay contributions or has paid not in full amount at due time.

**TITLE III
BENEFITS
SECTION I
GENERAL**

Article 54 An insured person or a person under Article 73 shall be entitled to receive the following benefits from the Fund:

- (1) injuries or sickness benefits
- (2) maternity benefits
- (3) invalidity benefits
- (4) death benefit
- (5) family allowances
- (6) old-age pension
- (7) unemployment benefits except for an insured person under Article 39.

Article 55 Where an employer has provided welfare in respect of non-occupational injury sickness or invalidity or death, or confinement, or family dependent, or old-age, or unemployment before the date of enforcement of this Act to an employee who is an insured person under Article 33 and has been employed before the date of enforcement of this Act, if such welfare has provided benefits in any case at the rate higher than that of benefits under this Act, the employer shall present work regulation, contract of service or collective agreement, which specifies such welfare to the Committee to apply for a discount of the rate of contributions in respect of the type of benefits for which the employer has provided from the rate thereof at which an insured person and an employer are required to pay to the Fund under Article 46, and the employer shall utilise the rate of contributions after discount to compute the amount of contributions on the part of an insured person and of the employer to be contributed to the Fund for other benefits.

The application for a discount of the rate of contributions and the determination of a discount of the rate of contributions under the first paragraph shall be in accordance with rule, procedure and conditions as prescribed by the Committee.

Article 56 An insured person or any other person who is of the opinion that he is entitled to benefits in any case as prescribed under Article 54 and requires to receive such benefits, he shall apply to the Office for such benefits in accordance with the form prescribed by the Secretary-General and the Secretary-General or the person authorized by the Secretary-General shall take an immediate action.

Article 57 For the purpose of calculating the daily wages in order to pay cash benefits for an insured person under Article 33, it shall be computed

from the average of wages employed as a basis of calculating contributions for the period of ninety days preceding the date of medical treatment, irrespective of whether the period of ninety days are consecutive or not.

For the calculation of daily wages in order to pay cash benefits for an insured person under Article 39, it shall be computed from the average of wages employed as a basis of calculating contributions under Article 39 paragraph two.

Article 58 In case of receiving medical services under this Act, the insured person or spouse of the insured shall receive medical treatment from the hospitals as prescribed under Article 59.

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

Article 59 The Secretary-General shall announce in the Government Gazette the area of coverage and the names of hospitals at which insured person or spouse of the insured shall be entitled to receive medical services.

An insured person or spouse of the insured, who is entitled to receive medical services and is employed or has domicile in a locality, shall receive medical services at the hospital under the first paragraph in such locality. Except that in such locality no hospital under the first paragraph exists or if it exists but that the insured or spouse of the insured has justifiable reason to be unable to receive medical services at the prescribed hospital then the medical services may be received at the hospital under the first paragraph in another locality.

In the case where an insured or spouse of the insured receives medical services at another hospital other than that stated in paragraph two, the insured person shall be entitled to a reimbursement for the cost of medical services paid to that hospital at the amount fixed by the Office, taken into account the conditions of injuries or sickness, maternity, the economic situation in each locality and the nature of medical services having received. In this respect, it shall not exceed the rate prescribed by the Medical Committee with the approval of the Committee.

Article 60 Where an insured person or spouse of the insured, having received medical services at the hospital, ignores or does not comply with the recommendations or instructions of the doctor without justifiable reason, the Secretary-General or a person authorized by the Secretary-General, with the approval of the Medical Committee, may determine to reduce benefits.

Article 61 An insured person or a person under Article 73 shall not be entitled to receive benefits when it appears that the injuries or sickness or invalidity or death has been caused by wilful misconduct of an insured person or a person under Article 73 or by allowing other person to inflict it on.

SECTION II INJURIES OR SICKNESS BENEFITS

Article 62 An insured person shall be entitled to non-occupational injuries or sickness benefits provided that the insured person has paid contributions for not less than ninety days which is within the period of fifteen months before the date of receiving medical services.

Article 63 Benefits for non-occupational injury or sickness shall consist of:

- (1) medical examination expense,
- (2) medical treatment expense,
- (3) lodging, meals and treatment expenses in hospital,
- (4) medicine and pharmaceutical expenses,
- (5) cost of ambulance or transportation for patient,
- (6) other necessary expenses,

in accordance with the rules and rates prescribed by the Medical Committee, with the approval of the Committee.

Article 64 In the case where an insured person suffers from non-occupational injury or sickness, the insured person shall be entitled to cash benefit at the rate of fifty per cent of wages under Article 57 for an absence from work of the insured person for medical treatment under the instruction of doctor not exceeding ninety days on each occasion and not more than one hundred and eighty days in a calendar year. Except for sickness from chronic disease as prescribed in the Ministerial Regulations shall be entitled to cash benefit for more than one hundred and eighty days but not exceeding three hundred and sixty-five days.

The calculation of cash benefit duration shall be counted from the first day of absence from work under the instruction of doctor until the last day fixed by the doctor or until the last day of absence in case the insured person has returned to his work before the fixed date under the instruction of doctor but not exceeding the duration under the first paragraph.

If an insured person is entitled to receive wages from the employer during sick leave for medical treatment according to the Labour Protection Law or entitled according to work regulation, contract of service or collective agreement, as the case may be, the insured person shall not be entitled to receive benefit under the first paragraph until the right to wages is exhausted, subsequently shall be entitled to receive the said benefit for the remaining period. However, if the wages received from employer in any case is less than the cash benefit payable by the Fund, the insured person shall be entitled to cash benefit from the Fund for the difference.

SECTION III MATERNITY BENEFIT

Article 65 An insured person shall be entitled to maternity benefit for the insured person or the spouse provided that the insured person has paid contributions for not less than two hundred and ten days which is within fifteen months before the date of receiving medical services.

In the case of maternity benefit, the insured person shall be entitled to for not more than two occasions of confinement.

Article 66 Maternity benefits shall consist of:

- (1) medical examination and child bearing expenses,
- (2) medical treatment expense,
- (3) medicine and pharmaceutical expenses,
- (4) confinement expense,
- (5) lodging, meals and treatment expenses in hospital,
- (6) nursing and treatment of new-born baby expenses,
- (7) cost of ambulance or transportation for patient,
- (8) other necessary expenses,

in accordance with the rules and rates prescribed by the Medical Committee, with the approval of the Committee.

An insured person who is absent from work for confinement under the instruction of doctor, shall also be entitled to cash benefit as prescribed under Article 67.

Article 67 In the case where an insured person is absent from work for confinement, the insured person shall be entitled to cash benefit at the rate of fifty per cent of wages under Article 67 for an absence from work of the insured person for confinement not exceeding sixty days on each occasion.

The calculation of cash benefit duration shall be counted from the first days of absence from work under the instruction of doctor until the last day fixed by the doctor or until the last day of absence in case the insured person has returned to his work before the fixed date under the instruction of doctor but not exceeding the duration under the first paragraph.

If an insured person is entitled to receive wages from the employer for confinement according to the Labour Protection Law or entitled according to work regulation, contract of service or collective agreement, as the case may be, the insured person shall not be entitled to receive benefit under the first paragraph until the right to wages is exhausted, subsequently shall be entitled to receive the said benefit for the remaining period. However, if the wages received from employer in any case is less than the cash benefit payable by the Fund, the insured person shall be entitled to each benefit from the Fund for the difference.

Article 68 If an insured person or spouse of the insured person is unable to receive the benefit under Article 66, on account that the insured person or spouse of the insured person is not confined in the hospital as prescribed under Article 59, the insured person shall be entitled to a maternity benefit according to the rules and rates prescribed by the Medical Committee, with the approval of the Committee.

SECTION IV INVALIDITY BENEFITS

Article 69 An insured person shall be entitled to invalidity benefits provided that the insured person has paid contributions for not less than ninety days which is within a period of fifteen months prior to invalidity.

Article 70 Invalidity benefits shall consist of:

- (1) medical examination expense,
- (2) medical treatment expense,
- (3) medicine and pharmaceutical expenses,
- (4) lodging, meals and treatment expenses in hospital,
- (5) cost of ambulance or transportation for patient,
- (6) physical, mental and occupational rehabilitation expenses,
- (7) other necessary expenses

in accordance with the rules and rates prescribed by the Medical Committee, with the approval of the Committee.

Article 71 Where an insured person has received cash benefit under Section II of this Title for not more than one year, the insured person shall be entitled to continue to receive cash benefit as the result from invalidity at fifty per cent of wages under Article 57 for another fifteen years.

The entitlement of invalidity benefits shall be ceased for the following installment as a result of death of an insured person.

Article 72 Where the Medical Committee has determined that the invalidity of an insured person being rehabilitated under Article 70 (6) has been developed to be in better condition, the Secretary-General or the person authorized by the Secretary-General may decide to reduce cash benefit in accordance with the rules and procedures as prescribed by the Medical Committee, with the approval of the Committee.

SECTION V DEATH BENEFIT

Article 73 Where an insured person dies as a result of non-occupational injuries or sickness, and has paid contributions of not less than thirty days

which is within a period of six months before death, the following person shall be entitled respectively to receive death benefit as a funeral grant at the amount of one hundred times the highest rate of daily minimum wages under the Labour Protection Law:

- (1) The person whom the insured person has designated in writing to arrange the funeral and having arranged the funeral of the insured person.
- (2) spouse, father, mother or children of the insured person who proves to having arranged the funeral of the insured person.
- (3) any other person who proves to having arranged the funeral of the insured person.

SECTION VI FAMILY ALLOWANCES

Article 74 An insured person shall be entitled to family allowances provided that the insured person has paid contributions for not less than one year and shall be granted for not more than two children.

Article 75 Family allowances shall consist of:

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

in accordance with the rules and rates as prescribed in the Ministerial Regulations.

SECTION VII OLD-AGE PENSION

Article 76 An insured person shall be entitled to old-age pension provided that the insured person has paid contributions for not less than fifteen years irrespective of whether the period is consecutive or not, and shall be completely fifty-five years of age or over.

Article 77 Old-age pension shall be payable according to the proportion of the amount and the period of paid contributions in accordance with the rules as prescribed in the Ministerial Regulations.

SECTION VIII UNEMPLOYMENT BENEFITS

Article 78 An employee who is an insured person shall be entitled to unemployment benefits provided that the insured person has paid contribu-

tions for not less than six months which is within a period of fifteen months prior to unemployment and meet the following conditions:

- (1) having ability to work, be ready for suitable job as being provided, or not refusing job training, and having been registered at the Government Employment Service Office at which presentation is made not less than once a month.
- (2) the unemployment of an insured person is not caused by the termination as the result of performing the duty dishonestly, or intentionally committing a criminal offence against the employer, or intentionally causing damage to the employer, or seriously violating work regulations or rules or lawful order of the employer, or neglecting duty for seven consecutive days without reasonable cause, or causing serious damage to the employer as the result of negligence, or being imprisoned by a final judgement to imprisonment except for an offence which is committed by negligence or a petty offence.
- (3) not being the entitled person to the old-age pension under Section VII of this Title.

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

TITLE IV COMPETENT OFFICIALS, INSPECTION AND SUPERVISION

Article 80 In the performance of duties, a competent official shall have the following powers:

- (1) to enter the establishment or office of an employer, work place of an employee, during sunrise to sunset or during working hours, to inspect or inquire into facts, inspect properties or other documents, take photographs, photocopy documents relating to employment, wages payment, employee records, payment of contribution, or other relevant documents, or taking the relevant documents for examination or for other appropriate action in order to obtain facts for the execution of this Act.
- (2) to search any locations or vehicles which are reasonably suspected to contain properties of an employer who does not pay contributions or additional contributions or fails to pay in full amount during working hours or during sunrise to sunset except

- that it may be prolonged if such a search has not been completed.
- (3) to issue letter of inquiry or summon any persons to give information or to produce relevant items or documents or other necessities for examination. The provisions of Article 30 shall apply *mutatis mutandis*.
 - (4) to confiscate or attach properties of an employer according to the order of the Secretary-General under Article 50 in case of an employer does not pay contributions or additional contributions or fails to pay in full amount.

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

Article 81 In the performance of duties of competent official under Article 80, the persons concerned shall render appropriate facilities.

Article 82 In the performance of duties, the competent official shall show his credential.

The credential of competent official shall be in a form as prescribed by the Minister.

Article 83 In the performance of duties under this Act, the competent official shall be a competent officer under the Penal Code.

Article 84 For the purpose of inspection and supervision in regard to social security, an employer shall provide a record of insured persons and keep it at the work place of the employer to be ready for inspection by the competent official.

The record of insured persons under the first paragraph shall be in a form as prescribed by the Secretary-General.

TITLE V APPEAL

Article 85 Subject to Article 50, in the case of an employer, an insured person or any other person, upon receiving the order issued by the Secretary-General or the competent official under this Act, is dissatisfied with the order, he shall have the right to appeal in writing to the Appeal Committee within thirty days as from the date of receiving the said order.

The rule and procedure of submission the appeal shall be as prescribed in the Ministerial Regulation.

Article 86 There shall be an Appeal Committee appointed by the Minister consisting of a chairman and other qualified members in legal affairs, in medical affairs, in social security and in labour affairs, three representatives of employers and three representatives of employees, and

representatives of the Office shall be a member and secretary, the total number of whom is not more than thirteen persons.

Article 87 The Appeal Committee shall have powers and duties to examine and decide on appeals submitted under Article 85.

After having examined the appeal, the Appeal Committee shall inform the decision in writing to the appellant.

If the appellant is dissatisfied with the decision of the Appeal Committee, he has the right to bring the case to the Labour Court within thirty days as from the date of notification of the decision. If the case is not brought to the Labour Court within the said period, the decision of the Appeal Committee shall be final.

Article 88 The appeal shall not imply any abatement of the order of the Secretary-General or a competent official under this Act, except that the appellant has made a request to the Secretary-General for the abatement of the execution of such order. If it deems appropriate, the Secretary-General may allow an abatement for the execution of the order pending the decision of the Appeal Committee.

Article 89 The Appeal Committee has the power to appoint Sub-Committee to assist in carrying out the assigned duties. After the Sub-Committee has performed the assigned duties, it shall make the proposals or report to the Appeal Committee.

The provisions of Article 13 shall apply mutatis mutandis to the meeting of the Sub-Committee.

Article 90 A member of the Appeal Committee shall hold office for a term of two years.

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

Article 91 The provisions of Article 11, Article 12, Article 13 and Article 17 shall apply mutatis mutandis to the Appeal Committee.

TITLE VI PENALTY PROVISIONS

Article 92 Any person who fails to provide information or submit documents, or any data required by the order of the Committee, the Medical Committee, Appeal Committee, Sub-Committee or competent official shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand Bahts or to both.

Article 93 Any person who intentionally does not fill out the form of

survey or fills out incompletely the form of survey or does not return the form of survey within the due time shall be liable to a fine not exceeding five thousand Bahts.

Article 94 Any person who fills out information or figures in the form of survey in the knowledge that they were false shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding twenty thousand Bahts or to both.

Article 95 Any person who violates Article 32 shall be liable to imprisonment for a term not exceeding six months or to a fine not exceeding twenty thousand Bahts or to both.

Article 96 Any employer who has intentionally not submitted the form to the Office within the due time under Article 34 or has not declared in writing to the Office any changes or additional modifications of the records within the due time under Article 44 shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding thirty thousand Bahts or to both.

If an offence under the first paragraph is committed continually, the offender shall be liable to an additional fine not exceeding five thousand Bahts a day throughout the period of violation or non-compliance.

Article 97 Any employer who submits the form as prescribed under Article 34 or submits a written request for alterations or amendments to the form as prescribed under Article 44 by intentionally filling out false statements or substituting facts by false statements in a written request or the alterations shall be liable to imprisonment for a term not exceeding one year or to a fine not exceeding thirty thousand Bahts or to both.

Article 98 Any person who obstructs or does not render appropriate facilities to the competent official who is performing his duties under Article 80 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand Bahts or to both.

Article 99 Any employer who fails to comply with Article 84 shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding ten thousand Bahts or to both.

Article 100 Any person who discloses confidential fact in regard to the undertaking of an employer which he acquired or learned while performing his duty under this Act shall be liable to imprisonment for a term not exceeding one month or to a fine not exceeding three thousand Bahts, or to both, unless such disclosure is for the purpose of official performance under this Act, or for labour protection, investigation or adjudication.

Article 101 In case of a juristic person has committed offence and has been penalized under this Act, a representative of the juristic person, every associated member and the person responsible for the performance of the juristic person shall be liable to the same penalty as the juristic person, unless

they can prove that they are not a part of the offence or have made a reasonable effort to prevent from such offence.

Article 102 If the following competent official considers that an offender does not deserve penalty of imprisonment or prosecution for offence liable to only fining or to a fine and imprisonment not over six months except for an offence under Article 95, he shall have the power to settle the offence as follows:

- (1) The Secretary-General or the authorized person, for the offence committed in the Great Bangkok Metropolitan.
- (2) Provincial Governor or a person authorized by the provincial governor, for the offence committed in other provinces.

In case where there is an investigation and if the investigating officer is of the opinion that a person has violated this Act at a level where the punishment can be settled and that person agrees to be settled, the investigating officer 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.

After the offender has paid the fine at the assessed amount within thirty days, the case shall be deemed to be settled according to the Penal Procedure Code.

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

TRANSITORY PROVISIONS

Article 103 This Act shall be enforced for an undertaking which employs twenty employees or more as from the date of coming into force of this Act.

After a period of three years from the date of coming into force of this Act, this Act shall be enforced for an undertaking which employs ten employees or more.

Article 104 The collection of contributions shall be carried out for the purpose of providing sickness benefits, invalidity benefits, death benefit and maternity benefits as from the date of coming into force of the provisions of Section II of Title II.

The collection of contributions shall be carried out for the purpose of providing family allowances and old-age pension within six years as from the date of coming into force of this Act.

For the commencement of collection of contributions for the purpose of

providing unemployment benefits shall be prescribed in the Royal Decree.
 Published in the Government Gazette (Special Issue)
 Volume 107, Part 161, dated 1st day of September, B.E. 2533

THE RATE OF FEES

- | | | |
|-----|--|--------------|
| (1) | A substitute for social security certificate of registration | 50 Baht each |
| (2) | A substitute for social security card | 10 Baht each |

THE RATE OF CONTRIBUTIONS APPENDED THE ACT

		the rate of contributions (percentage of wage of the insured person)
<hr style="border-top: 1px dashed black;"/>		
1	Contributions for sickness benefits, invalidity benefits, death benefit and maternity benefits	
	(1) Government	1.5
	(2) Employer	1.5
	(3) Insured person	1.5
2	Contributions for family allowances and old-age pension	
	(1) Government	3
	(2) Employer	3
	(3) Insured person	3
3	Contributions for unemployment benefits	
	(1) Government	5
	(2) Employer	5
	(3) Insured person	5