

ABSTRACT

Thesis Title : The Problems of Workmen's Compensation Arising from
Accidental Injury Sustained by the Employee in Route to
the Workplace

Student's Name : Mrs. Chantana Chaiwichean

Degree Sought : Master of Laws

Academic Year : 1999

Advisory Committee :

1. Prof. Dr. Theera Srithamaraks Chairperson

2. Asst. Prof. Dr. Kitipong Hungspruke

The purpose of this thesis is to propose amendments to section 5 of the current Workmen's Compensation Law of Thailand 1994, specifically concerning the definition "injury resulting from employment." Presently, workers are entitled to limited compensation that fails to cover cases in which the employee sustains an injury during travel between residence and the workplace. According to Thai Workmen's Compensation Law, such an injury is not recognized as an "injury resulting from employment."

However, the shortcomings of Thai Law regarding injuries arising in route to the workplace are elucidated when compared with principles of the International Labor Organization, as well as laws in developed European and Asian countries such as Germany, Japan and Singapore, which are in agreement that injuries sustained during transport to and from the workplace are recognized as "injuries resulting from employment." After a through study and compensation, the differences, advantages and disadvantages between Thai Law and that of the International Labor Organization and certain developed nations, becomes even more obvious.

This research also leads to additional proposed amendments of current law, in order to facilitate the expansion of the current definition of “Compensation Legislation” in Thailand according to that utilized by the aforementioned organization and nations. These additional steps are designed to make compensation more extensive without forcing the employers to contribute additionally to the Compensation Fund.