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SOPON CHAROEN : PROBLEM ON SOCIAL SECURITY LAW IN THAILAND.

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The Thai social security law now does not apply to temporary employees with daily wages and temporary employees with hourly wages, designates the age for initial application for insurance, reduces punishment for employees who violate the law, increases conditions requiring that voluntary insured persons must have paid contributions for not less than 12 months, and fails to fix the period of time for the imposition of the law on employers who have less than 10 employees has caused insured employees of certain groups to be unable to get insurance and protection under the law. This is in conflict with the principles and concepts of social security. A study of such problems has therefore been conducted through analysis of documents and field research.

Findings are that failure of the social security law to apply to temporary employees with daily wages and temporary employees with hourly wages, the designation of minimum and maximum ages for becoming insured persons, the reduction of punishment for intentional failure of employers to submit forms for social security registration or intentional filling of forms with false statements and the increase of conditions for voluntarily becoming insured persons are in conflict with the principles, concepts and intention of social security and will result in insured employees lack of security in their living. Besides, criteria and conditions on receipt of family allowances and old-age pensions are rather broad. They have thus created problems and obstacles to the application of the law.

In order to bring about real social security to employees, the social security law should apply to temporary employees with daily wages and temporary employees with hourly wages also and employees under the coverage of this law should be able to become insured persons without being subject to limitations concerning initial insurance. Further, if an employer intentionally fails to submit a form for social security registration or intentionally fills false information in the form, the employer should be liable to imprisonment of not more than 1 year or a fine not exceeding 30,000 baht or both, as in the past. A condition requiring that a voluntary applicant for initial social security insurance must have paid contributions for at least 12 months should be deleted. It is advisable to fix a period of time for the application of the law to any employer that has less than 10 employees. A clear definition of the word 'children' should be included in the law. In addition, amendment should be made to the law to make sure that insured employees who have left their jobs will continue to have the right to receive old-age pensions. Those amendments are truly in line with the intention of the law.

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