

Thesis Title : The Compensation for the employee’s illness due to performing of work: case study on non-sudden illness

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ABSTRACT

The study aims to focus on the compensation for employee’s illness due to work which does not occur immediately. The objective is to acknowledge the concerned provision of laws, which are the Civil and Commercial Code and the Compensation Act 1994, that still be enforced whether they are clear and accurate enough to protect the employee or not. Besides, there are some problems of the usage that should be improved.

From the study, it is found that the compensation for employee’s illness that does not occur immediately can be found in the provision of Civil and Commercial Code and the Compensation Act. However, there are problems that should be amended in both laws, for instance, the employee’s right, the compensation amount according to Civil and Commercial Code and the Compensation Act 1994 that is not enough for employee. Also, the protection time for employee in order to call for the right is too limited and there is no indoctrination to fix the compensation amount. From the above reasons make the inaccurate for employee protection.

The researcher has the following suggestions in order to solve the problems:

1. Adding the provisions of the Compensation Act 1994 to give the power to the Court of Justice to settle the other expenses for the illness.

2. Adding the provisions of The Compensation Act 1994 to give the power to the Court of Justice to consider and settle more compensation depend on the situation.

3. Expanding the right protection period by amending the Civil and Commercial Code section 444 part 2 and the Compensation Act 1994 section 51 to the Court of Justice has right to correct the judgement within 10 years.

4. Adding the provisions of the Labor Court Establishment Act and the Law of Labor Case Procedure 1979 with the subject of calling for the compensation according to the Civil and Commercial Code and the Compensation Act 1994 in the case that the employee's illness from the work does not occur immediately, the employer has to prove and adduce first.

5. Adding the provision in the Civil and Commercial Code to give the power to the Court of Justice to punish the employer, as a part of illness, by settle the damage payment.

However, to add the mentioned provision of laws will be success depends on the employer, employee, government, and the society.