

この職業安定法施行規則の翻訳は、平成一七年九月三〇日厚生労働省令第一五四号までの改正（平成一七年一〇月一日施行）について、「法令用語日英標準対訳辞書」（平成一九年三月版）に準拠して作成したものです。なお、この法令の翻訳は公定訳ではありません。法的効力を有するのは日本語の法令自体であり、翻訳はあくまでその理解を助けるための参考資料です。この翻訳の利用に伴って発生した問題について、一切の責任を負いかねますので、法律上の問題に関しては、官報に掲載された日本語の法令を参照してください。

This English translation of the Ordinance for Enforcement of the Employment Security Act has been prepared (up to the revisions of Act No. 154 of 2005 (Effective October 1, 2005)) in compliance with the Standard Bilingual Dictionary (March 2007 edition). This is an unofficial translation. Only the original Japanese texts of laws and regulations have legal effect, and translations are to be used solely as reference material to aid in the understanding of Japanese laws and regulations. The Government of Japan will not be responsible for the accuracy, reliability or currency of the legislative material provided on this Website, or for any consequence resulting from use of the information on this Website. For all purposes of interpreting and applying the law to any legal issue or dispute, users should consult the original Japanese texts published in the Official Gazette.

## **Ordinance for Enforcement of the Employment Security Act (Ordinance of the Ministry of Labour No. 12 of December 29, 1947)**

The Ordinance for Enforcement of the Employment Security Act is enacted as follows.

### Article 1 (Definition of Employment Security Organization)

The term "employment security organization" as used in this Ordinance shall mean an organization of any and all such employment security bodies as the Employment Security Bureau of the Ministry of Health, Labour and Welfare (hereinafter referred to as "Employment Security Bureau"), the Prefectural Labor Bureaus and the Public Employment Security Offices.

### Article 2 (Matters concerning Article 2 of the Act)

The Public Employment Security Offices shall endeavor not only to develop employment opportunities of as many kinds of occupations as possible, but also to provide job seekers with as much information on appropriate employment opportunities as possible and, as long as there is no job seeker who is more appropriate, introduce any kind of job he/she may choose.

### Article 3 (Matters concerning Article 3 of the Act)

- (1) The Public Employment Security Offices shall not discriminate any user of their businesses by reason of race, nationality, creed, sex, social status, family origin, previous profession, membership in a labor union, etc. in the course of operating their businesses such as the offer acceptance, interview, guidance, and placement, etc.
- (2) The employment security organizations shall provide all job seekers with as many employment opportunities as possible suitable to the ability of each such job seeker, while keeping in close touch with the employers and giving guidance to such employers to fix the labor conditions of their employees solely based on the performance of the

work.

- (3) The provision of Article 3 of the Employment Security Act (Act No. 141 of 1947; hereinafter referred to as "Act") shall not preclude the employers from selecting the employees at their discretion unless otherwise provided for in the labor agreement, nor shall it preclude the Public Employment Security Offices from introducing job seekers to the employers according to the ability and capability of such job seekers.

#### Article 4 (Matters concerning Article 4 of the Act)

- (1) A person supplying workers and having such workers engage in labor under the directions and orders of another person (excluding the persons engaged in the labor dispatching businesses provided by Article 2, item 3 of the Act for Securing the Proper Operation of Worker Dispatching [Not necessary]and Improved Working Conditions for Dispatched Workers (Act No. 88 of 1985; hereinafter referred to as "Worker Dispatching Act")) shall be deemed as a person engaged in the labor supply businesses provided by Article 4, paragraph 6 of the Act, even if the form of contract is a business contract, except where all matters listed in each of the following items are applicable.
  - (i) The person assumes all responsibilities and liabilities, both financially and legally as a business provider, for the completion of the work.
  - (ii) The person gives directions to and provides supervision of the workers engaged in the work.
  - (iii) The person owes all obligations provided by any Act as the employer to the workers engaged in the work.
  - (iv) The work performed is not merely to provide physical labor, but to use the machinery, equipment or devices (excluding simple tools necessary for the work) or any material necessary for the work, provided by the person, or provide planning or other work requiring specialized skill or experience.
- (2) Even if all matters listed in each item of the preceding paragraph are applicable (except where the worker dispatching businesses provided by Article 2, item 3 of the Worker Dispatching Act are provided), the person may not be released or exempted from being deemed as a person operating the businesses of labor supply provided by Article 4, paragraph 6 of the Act where such situation has been made up intentionally to disguise the violation of Article 44 of the Act, and the true purpose of the businesses is to supply labor.
- (3) A person supplying workers provided by paragraph 1 may be an employer, individual, association, juridical person or others, regardless of its name or form.
- (4) A person receiving the supply of workers and having such workers engage in the labor under its directions and orders as provided by paragraph 1 may be an individual, association, juridical person, governmental organization or others, regardless of its name or form.
- (5) The entity provided for by an Ordinance of the Ministry of Health, Labour and

Welfare as provided by Article 4, paragraph 8 of the Act is as follows.

- (i) The employee organization provided by Article 108-2, paragraph 1 of the National Public Officer Act (Act No. 120 of 1947) (including the cases where it is applied mutatis mutandis pursuant to item 1 of the Act on Temporary Measures concerning Court Officials (Act No. 299 of 1951)), the employee organization provided by Article 52, paragraph 1 of the Local Public Service Act (Act No. 261 of 1950) or the organization of the national Diet staff members provided by Article 18-2, paragraph 1 of the National Diet Staff Act (Act No. 85 of 1947).
- (ii) An association (including an organization equivalent to an association) mainly consisting of the organizations provided in the preceding item or the labor unions falling under the provisions of Article 2 and Article 5, paragraph 2 of the Labor Union Act (Act No. 174 of 1949), whose main purpose is to maintain and improve the labor conditions and other economic status of workers on a voluntary basis, and which falls under any of the following.
  - (a) An association organized within the area of any single prefecture.
  - (b) An association other than those provided by (a) above satisfying the standards determined by the Director-General of the Employment Security Bureau of the Ministry of Health, Labour and Welfare (hereinafter referred to as "Director-General of the Employment Security Bureau").

Article 4-2 (Matters concerning Article 5-3 of the Act)

- (1) The matters specified by an Ordinance of the Ministry of Health, Labour and Welfare as provided by Article 5-3, paragraph 3 of the Act are as follows.
  - (i) The matters concerning the contents of the business in which the workers are to be engaged.
  - (ii) The matters concerning the term of the labor agreement.
  - (iii) The matters concerning the workplace.
  - (iv) The matters concerning the starting time and the ending time of the work hours, requirement of work exceeding the normal working hours, and the break time and holidays.
  - (v) The matters concerning the amount of the wages (excluding the extraordinary salaries, bonus and other payments provided by each item of Article 8 of the Ordinance for Enforcement of the Labor Standards Act (Ordinance of the Ministry of Health and Welfare No. 23 of 1947)).
  - (vi) The matters concerning the application of the health insurance under the National Health Insurance Act (Act No. 70 of 1922), the employees' welfare pension under the Employees' Welfare Pension Insurance Act (Act No. 115 of 1954), the workers' accident compensation insurance under the Workers' Accident Compensation Insurance Act (Act No. 50 of 1947) and the employment insurance under the Employment Insurance Act (Act No. 116 of 1974).

(2) The method specified by an Ordinance of the Ministry of Health, Labour and Welfare as provided by Article 5-3, paragraph 3 of the Act is either of the following methods, both of which clearly indicate the matters listed in each item of the preceding paragraph (hereinafter referred to as "indication matters" in this paragraph and the following paragraph); provided, however, that this does not apply to the case where such method cannot be followed in advance due to the emergency nature of the implementation of employment placement, and the indication matters are clearly indicated in advance in a method other than the following methods.

(i) Delivery of a written document

(ii) Use of an electronic data processing system (meaning the electronic data processing system connecting the computer related to the use by the document deliverer (meaning the person who is to deliver the written document under the circumstances where the indication matters are clearly indicated in the method provided in the preceding item; hereinafter the same shall apply in this item) and the computer related to the use by the document receiver (meaning the person who is to receive the written document under the circumstances where the indication matters are clearly indicated in the method provided in the preceding item; hereinafter the same shall apply in this item and the following paragraph) through electric telecommunication line), under the circumstances where the document receiver is desirous of receiving the document in a method under which the document is transmitted through the electric telecommunication line connecting the computer used by the document deliverer and the computer used by the document receiver, and the document is recorded in a file installed in the computer used by the document receiver (limited to the method under which the document receiver may produce a hard copy of the document by outputting the document recorded in the file).

(3) The indication of the indication matters made pursuant to the method listed in item 2 of the preceding paragraph shall be deemed received by the document receiver at the time when the document is recorded in the file installed in the computer used by the document receiver.

(4) If a job offerer receives an introduction of a job seeker from a Public Employment Security Office, the job offerer shall promptly notify such Public Employment Security Office of whether or not it has employed such job seeker and the reason of rejection if it does not employ such job seeker.

#### Article 4-3 (Matters concerning Article 5-5 of the Act)

(1) Offer s for posting job offerings filed in the Public Employment Security Offices shall be accepted, in principle, by the Public Employment Security Office governing the location of the place of business of the job offerer (or, if there are two or more such Public Employment Security Offices, the Public Employment Security Office handling

such affairs pursuant to the provision of Article 792 of the Rules on Organization of the Ministry of Health, Labour and Welfare (Ordinance of the Ministry of Health, Labour and Welfare No. 1 of 2001).

- (2) If it is inconvenient for the job offerer to file the offer at the Public Employment Security Office set forth in the preceding paragraph, which is the most convenient for the job offerer, the offer for posting a job offering may be filed at the Public Employment Security Office handling such affairs pursuant to the provision of Article 792 of the Rules on Organization of the Ministry of Health, Labour and Welfare.
- (3) If a Public Employment Security Office or an employment placement business provider rejects the acceptance of the offer for posting a job offering by reason of the proviso of Article 5-5 of the Act, it shall explain the reason thereof to the job offerer.

#### Article 4-4 (Matters concerning Article 5-6 of the Act)

If a Public Employment Security Office rejects the acceptance of the offer for registering as a job seeker by reason of the proviso of Article 5-6, paragraph 1 of the Act, it shall explain the reason thereof to the job seeker.

#### Article 5 Deletion

#### Article 6 (Matters concerning Article 8 of the Act)

The location, jurisdictional district, and the size of the facilities of the Public Employment Security Offices shall be mainly subject to the following standards.

- (i) The establishment of the Public Employment Security Offices is not necessary in rural areas where there are few industries, and labor can be self-supplied, or urban areas where there is only one kind of industry, or there are few plants, factories, or other workplaces.
- (ii) The establishment of the Public Employment Security Offices is necessary in the industrialized urban area where there are many workplaces.
- (iii) Upon deciding the establishment and the jurisdictional district of the Public Employment Security Offices, sufficient consideration is required in respect of, in addition to the standards provided in the preceding 2 items, not only the local necessities but also the relationship with other local areas or with the whole nation, so that the national labor force can be optimized to the fullest extent, such as establishing the Public Employment Security Office where necessary in the area where there are few plants, factories or other workplaces but which is the source of labor supply to other areas, or the area where there are plants, factories or other workplaces but such workplaces may not secure appropriate workers residing within commuting distance.
- (iv) Branch offices shall be established in the area where such branch office is necessary for operational reason of the Public Employment Security Offices.

- (v) The Public Employment Security Offices for day workers, permanent or temporary as necessary, shall be established.
- (vi) The temporary Public Employment Security Offices shall be established for seasonal workers or otherwise whenever there is special necessity.
- (vii) The Public Employment Security Offices shall be established in a convenient location for utilize by many employers and workers.
- (viii) The Public Employment Security Offices shall be established in such numbers and with such equipment as to provide sufficient businesses to the job offerers, job seekers and others who utilize the Public Employment Security Offices.
- (ix) The Public Employment Security Offices shall be equipped with facilities that are easy for the users to enter and exit, and are capable of securing their confidential information.

#### Article 7 Deletion

#### Article 8 Deletion

#### Article 9 (Matters concerning Article 13 of the Act)

- (1) Pursuant to the provision of Article 13 of the Act, the Prefectural Labor Bureaus and the Public Employment Security Offices shall submit any necessary report to the Director-General of the Employment Security Bureau by following the procedures and in the forms provided thereby.
- (2) The matters for the report set forth in the preceding paragraph shall be mainly those listed in each of the following items.
  - (i) Matters concerning personnel affairs, costs and expenses, volume of tasks, facilities, etc.
  - (ii) Matters concerning the numbers of the job offerers, job seekers, and those who have obtained jobs on a monthly basis.
  - (iii) Matters concerning the status of handling on a monthly basis the vocational guidance and other special businesses.
  - (iv) Matters concerning the progress of various businesses.
  - (v) Matters concerning the progress of the labor satisfaction based on special plans.
  - (vi) Other matters deemed necessary.

#### Article 10 (Matters concerning Article 14 of the Act)

- (1) The Director-General of the Employment Security Bureau shall provide for the nation-wide plan, implementation guidelines, procedures and forms concerning the analysis of labor market, and the Prefectural Labor Bureaus and the Public Employment Security Offices shall prepare and submit to the Director-General of the Employment Security Bureau the report on labor market based on.

- (2) The Director-General of the Employment Security Bureau shall define the technical terms concerning the demand and supply of labor, and endeavor to disseminate the same.

Article 11 (Matters concerning Article 15 of the Act)

The standard job titles, job descriptions and occupational classification tables shall be prepared, for every kind of occupation, by the Director-General of the Employment Security Bureau, through the hearing of opinions of employers, workers and persons with relevant knowledge and experience of occupations, for common and wide use by the Public Employment Security Offices, various facilities, employment placement business providers, the persons conducting recruitment of workers and the labor supply business providers.

Article 12 (Matters concerning Article 17 of the Act)

- (1) The Public Employment Security Offices shall endeavor to introduce a job seeker, at the request of such job seeker, to a job offerer located in an area normally not commutable if either of the following items is applicable.

- (i) Such introduction offers the best employment opportunity for the job seeker.

- (ii) Such introduction offers the opportunity for the job offerer, who is unable to secure appropriate job seekers in its area, to employ the best job seeker.

- (2) The Public Employment Security Offices shall guide the job offerer to employ a worker within the normally commutable area as long as the job offerer is able to find an appropriate worker.

- (3) If a job offerer does not follow the guidance of the Public Employment Security Office set forth in the preceding paragraph and attempts to employ a worker in an area normally not commutable, the Public Employment Security Office shall not provide any support to such job offerer unless otherwise specifically directed by the Director-General of the Employment Security Bureau.

- (4) If a Public Employment Security Office intends to provide support to a job offerer who is planning to employ a worker from an area normally not commutable, the Public Employment Security Office shall make sure that the wages and other labor conditions at the workplaces of the job offerer are not in violation of any applicable law or regulation, and that such labor conditions are not inferior to the general levels within the normally commutable area.

- (5) The Public Employment Security Office shall, when it finds it necessary, provide necessary advice and supports to a person who has obtained a job through the employment placement businesses of the Public Employment Security Office until his/her employment concerning the relocation and other matters.

Article 13 (Matters concerning Article 18 of the Act)

The development of job offerings and job applications by the Public Employment Security Offices shall be conducted in a well-planned manner, depending on the situations of the demand and supply of labor for each occupation, age and area.

Article 14 (Matters concerning Article 20 of the Act)

- (1) The director of the Prefectural Labor Bureau shall keep close contact with the Local Labor Relations Committee at all times and require that the Local Labor Relations Committee notify the relevant Public Employment Security Office if either of the following items is applicable.
  - (i) In the case where a situation of strike or lockout has arisen or has been settled.
  - (ii) In the case where a dispute which is likely to develop into a strike or lockout and the due settlement of which would be precluded by the introduction of a job seeker to such workplace has arisen or has been settled.
- (2) The job offerer shall notify the relevant Public Employment Security Office when a labor dispute has arisen or has been settled at its workplace.
- (3) The procedures for introducing a job seeker to a workplace undergoing a labor dispute shall be separately determined by the Director-General of the Employment Security Bureau.

Article 15 (Matters concerning Article 21 of the Act)

The Director-General of the Employment Security Bureau shall determine the procedures and forms of the employment placement businesses conducted by the Public Employment Security Offices.

Article 16 (Matters concerning Article 22 of the Act)

- (1) The vocational guidance conducted by the Public Employment Security Office shall be provided to the job seekers as a set of processes for providing the vocational knowledge, selecting the occupations, assisting in finding a job, and providing the after-employment guidance.
- (2) The vocational guidance conducted by the Public Employment Security Office shall serve as advice and support for those who receive such vocational guidance to self-evaluate their own abilities and capacities by reference to various conditions of occupations and the employment opportunities. The vocational guidance conducted for persons with physical or mental disability in particular shall provide advice and support, with special dedication and placement techniques, for enabling each of those persons to obtain a job that is interesting to such person and suitable to his/her physical and mental ability and skills.
- (3) The Public Employment Security Office shall prepare necessary reference materials, for making the same available to view for free by those who receive the vocational guidance.



- (4) The Public Employment Security Office shall provide those who have obtained a job by receiving the vocational guidance with after-employment guidance as necessary, to facilitate each such person's adjustment to the occupation; provided, however, that if there is any problem concerning the labor conditions in the provision of such after-employment guidance, the Public Employment Security Office shall request that the relevant Labor Standards Inspection Office take appropriate measures.
- (5) If a person who received the vocational guidance has not selected an appropriate occupation, the Public Employment Security Office shall provide such person with vocational guidance again, at the request of such person.
- (6) If it is necessary to provide special vocational guidance for juveniles, the Director-General of the Employment Security Bureau may designate a Public Employment Security Office and direct the same to establish a department dedicated to the matters concerning the special vocational guidance for juveniles.
- (7) If it is necessary to provide special vocational guidance for persons with a physical or mental disability, the Director-General of the Employment Security Bureau may designate a Public Employment Security Office and direct the same to establish a department dedicated to the matters concerning the special vocational guidance for persons with a physical or mental disability, or contract out the research and study concerning the special vocational guidance for persons with a physical or mental disability to a non-profit corporation whose purpose is to rehabilitate and/or support persons with a physical or mental disability.
- (8) The Public Employment Security Office shall cooperate with the educational institutions and the institutions related to social welfare for the employment of juveniles, and persons with physical or mental disability.

Article 17 (Matters concerning Article 25 of the Act)

The Director-General of the Employment Security Bureau shall determine the procedures and forms of the vocational guidance conducted by the Public Employment Security Offices.

Article 17-2 (Matters concerning Article 27 of the Act)

- (1) The chief of the Public Employment Security Office shall, when he/she intends to contract out a part of his/her businesses to a school principal pursuant to the provision of Article 27, paragraph 1 of the Act, he/she shall give written notice to such school principal. The procedures and forms of the notice shall be as determined by the Director-General of the Employment Security Bureau.
- (2) The Public Employment Security Office shall notify the school principal sharing a part of the businesses of the Public Employment Security Office pursuant to the provision of Article 27, paragraph 1 of the Act (hereinafter referred to as "Task-Sharing School Principal") of any job offering accepted by the Public Employment Security Office which

is deemed as appropriate to be handled by such school.

- (3) The Task-Sharing School Principal shall promptly notify the Public Employment Security Office that caused the sharing of a part of its businesses of any job offering accepted by the school.
- (4) The Task-Sharing School Principal shall promptly notify the Public Employment Security Office that caused the sharing of a part of its businesses of any job offering or job application which is difficult for the school to provide assistance by following the procedures and forms determined by the Director-General of the Employment Security Bureau.
- (5) The Public Employment Security Office shall, when it has received the notice of the job offering or job application set forth in the preceding paragraph, endeavor to provide assistance by promptly developing necessary job offerings or job applications.
- (6) The Task-Sharing School Principal shall, when he/she does not accept a job offering or job application pursuant to the provision of Article 27, paragraph 3 of the Act, explain the reason for non-acceptance of the offer to the job offerer or job seeker who filed such offer and, in case of the job offerer, give instruction to file the job offering with the Public Employment Security Office.
- (7) The Task-Sharing School Principal shall use the job offering form and the job application form provided by the Public Employment Security Office and other necessary forms created pursuant to the standards determined based on law or this Order.
- (8) The cases under which the chief of the Public Employment Security Office may suspend the businesses it has caused the Task-Sharing School Principal to share pursuant to the provision of Article 27, paragraph 7 of the Act shall be limited to the cases under which the Task-Sharing School Principal does not follow the admonishment given to him/her in advance to correct certain breaches or violations, and it is deemed inappropriate to keep such Task-Sharing School Principal sharing a part of the businesses of the Public Employment Security Office.
- (9) The chief of the Public Employment Security Office shall, when he/she it intends to suspend or have the Task-Sharing School Principal suspend the businesses it has caused the Task-Sharing School Principal to undertake, give written notice to such Task-Sharing School Principal. The same shall apply if the chief of the Public Employment Security Office is to have the Task-Sharing School Principal suspend, at the request of such Task-Sharing School Principal, the businesses it has caused such Task-Sharing School Principal to undertake. The procedures and forms of the notice shall be as determined by the Director-General of the Employment Security Bureau.

Article 17-3 (Matters concerning Article 28 of the Act)

- (1) The Public Employment Security Office shall, when it has accepted a job offering suitable for students, forward such information to any school within its jurisdictional

district as it deems appropriate.

- (2) The Public Employment Security Office shall require cooperation of the schools within its jurisdictional district concerning the implementation of the matters listed in the following.
  - (i) To report to the Public Employment Security Office the result of the research concerning the employment-related preference and request of the students who are to graduate from the schools.
  - (ii) To forward to the Public Employment Security Office the job applications of the students who desire to obtain a job through the employment placement businesses of the Public Employment Security Office.
  - (iii) To provide the Public Employment Security Office with the information concerning the vocational guidance provided to the students who are to graduate from the school, and any other information necessary for assisting the employment of the students.

#### Article 18 (Matters concerning Article 30 of the Act)

- (1) The written application provided by Article 30, paragraph 2 of the Act shall be subject to the form of the Application for License of Charged Employment Placement Businesses (Form No. 1).
- (2) The matters specified by an Ordinance of the Ministry of Health, Labour and Welfare as provided by Article 30, paragraph 2, item 5 of the Act shall be the type and content of the businesses if other businesses are operated, and, if an agent organization is to be utilized for the job offering or job applications filed in any area other than the area governed by the Act (hereinafter referred to as "Agent Organization"), then the name, address and the content of the businesses of such Agent Organization.
- (3) The documents specified by an Ordinance of the Ministry of Health, Labour and Welfare as provided by Article 30, paragraph 3 of the Act shall be as follows:
  - (i) If the applicant is a juridical person, the following documents:
    - (a) The articles of incorporation or the articles of endowment
    - (b) The certificate of registered matters
    - (c) A copy of the residence certificate (or certificate of alien registration in case of a foreign national; the same shall apply hereinafter) and the resume of the officer
    - (d) A copy of the residence certificate and the resume of the statutory representative of the officer if the officer is under age and has not obtained the business license for operating the employment placement businesses
    - (e) The balance sheet and the profit and loss statement for recent business years
    - (f) The details of the assets related to the employment placement businesses and the documents certifying the relations of rights therein
    - (g) The rules concerning the proper management of personal information and the security of confidential information adopted at each place of business operating the

charged employment placement businesses (hereinafter simply referred to as "at each place of business" in this Article)

- (h) The rules concerning the operation of the businesses at each place of business
- (i) A copy of the residence certificate and the resume of the employment placement manager appointed at each place of business
- (j) The documents describing the outline of the facilities at each place of business
- (k) The documents concerning the other country involved in the employment placement businesses if overseas employment placement businesses are to be provided
- (l) The documents concerning the Agent Organization if the overseas employment placement businesses are to be provided, and an Agent Organization is to be utilized
- (ii) If the applicant is an individual, the following documents:
  - (a) A copy of the residence certificate and the resume
  - (b) A copy of the residence certificate and the resume of the statutory representative of the applicant if the applicant is under age and has not obtained the business license for operating the employment placement businesses
  - (c) The documents listed in (e) to (l) inclusive of the preceding item
- (4) The business plan to be attached pursuant to the provision of Article 30, paragraph 3 of the Act shall be subject to the form of the Business Plan for Charged Employment Placement Businesses (Form No. 2).
- (5) If a person who has received the license provided by Article 33, paragraph 1 of the Act applies for the license provided by Article 30, paragraph 1 of the Act, such applicant shall not be required to attach the documents provided by paragraph 3, item 1, (a) to (d) inclusive in case of a juridical person, and the documents provided by the same paragraph, item 2, (a) and (b) in case of an individual.
- (6) If a person who has received the license provided by Article 33, paragraph 1 of the Act applies for the license provided by Article 30, paragraph 1 of the Act, and such person continues to appoint the employment placement manager of the place of business operating the free employment placement businesses as the employment placement manager of the place of business pertaining to such application, the attachment of the resume (or a copy of the residence certificate and the resume, if no change has been made in the address of the appointed employment placement manager; hereinafter the same shall apply in this paragraph) among the documents provided by paragraph 3, item 1, (i) in case of a juridical person, or the resume among the documents provided by the same paragraph, item 2, (ii) in case of an individual, shall not be required.
- (7) The amount specified by an Ordinance of the Ministry of Health, Labour and Welfare as provided by Article 30, paragraph 6 of the Act shall be 50,000 yen (or, if there are two or more places of business operating the charged employment placement businesses, the amount shall be obtained by taking one from the number of the places

of business, then multiplying it by 18,000 yen, and plus 50,000 yen).

- (8) The fees set forth in the preceding paragraph shall be paid with the income stamp corresponding to the amount of such fees, and fixed on the application form provided by paragraph 1.
- (9) The fees set forth in the preceding paragraph shall not be refundable after the payment thereof.

#### Article 19 Deletion

#### Article 20 (Matters concerning Article 32-3 of the Act)

- (1) The type and amount and the fee collection procedures specified by an Ordinance of the Ministry of Health, Labour and Welfare as provided by Article 32-3, paragraph 1, item 1 of the Act shall be as determined by the appended table.
- (2) The cases specified by an Ordinance of the Ministry of Health, Labour and Welfare as provided by Article 32-3, paragraph 2 of the Act shall be the cases under which a fee equivalent to or less than ten-point-five hundredths (10.5/100) (or ten-point-two hundredths (10.2/100) in case of a tax-exempt business provider) of the wages paid during the six-month period after the employment is collected from the job seeker who had been introduced to an occupation of entertainer (who provides entertainment such as music, theatrical entertainment or other performance art in broadcasting programs (including commercial broadcasting), movies, vaudeville, theaters, etc.) or modeling (who appears at fashion shows or other events or serves as a material for a creation of photographs, etc. used for newspapers, magazines, etc. for demonstrating commercial goods, or who serves as a material for a creation of painting, carving or other works of art), or the job seeker who had been introduced to an occupation of scientist (who engages in researches and studies by applying highly scientific and specialized knowledge and means, or the planning, management, instruction, etc. of technical matters for production or other business activities), management executive (who has highly specialized knowledge and experience for the management of a company or other association and provides management businesses for the management of a company or other association) or skilled worker (who has the skill of a person having passed the technical skill test provided by Article 44, paragraph 1 of the Human Resources Development Promotion Act (Act No. 64 of 1969) for the special grade or the first grade or any corresponding skill, and provides businesses utilizing such skill for production or other business activities) (limited to the persons whose wages for the jobs, obtained by them through such introduction, exceed the amount determined by the Minister of Health, Labour and Welfare).
- (3) The method specified by an Ordinance of the Ministry of Health, Labour and Welfare as provided by Article 32-3, paragraph 3 of the Act shall be the method under which the amount of fees for the services and the person to bear such fees are specified for

each type of the services related to the employment placement services.

- (4) The charged employment placement business provider shall, when it collects the fees based on the schedule of fees as provided by Article 32-3, paragraph 1, item 2 of the Act, and such fees are to be appropriated to the second class insurance premiums for special enrollment provided by Article 10, paragraph 2, item 3 of the Act concerning Collection, etc. of Labour Insurance Premiums (Act No. 84 of 1969) for those who have obtained a job through the employment placement conducted by such business provider and engage in the services provided by Article 46-18, item 5 of the Ordinance for Enforcement of the Workers' Accident Compensation Insurance Act (Ordinance of the Ministry of Labour No. 22 of 1955), provide in such schedule of fees that the fees for the appropriation to the second class insurance premiums for special enrollment are to be collected and the amount of such fees. In this case, the amount of the fees shall be the amount equivalent to or less than seven-point-five thousandths (7.5/1000) of the wages paid to the person engaged in such businesses.
- (5) A person who intends to deliver notification of the schedule of fees provided by Article 32-3, paragraph 1, item 2 of the Act shall notify the same to the Minister of Health, Labour and Welfare by using the Fee Notification Form for Notification Procedure (Form No. 3).
- (6) A person who intends to make any change in the schedule of fees notified pursuant to the provision of the preceding paragraph shall notify such change to the Minister of Health, Labour and Welfare by using the Fee Change Notification Form for Notification Procedure (Form No. 3).
- (7) The Minister of Health, Labour and Welfare shall, when he/she orders the person who intends to become a charged employment placement business provider or the charged employment placement business provider to make any change in the schedule of fees pursuant to the provision of Article 32-3, paragraph 4 of the Act, give notice to such person or business provider in the Notice of Fee Change Order for Notification Procedure (Form No. 4).
- (8) The management method of the fees to be appropriated to the second-class insurance premiums for special enrollment provided by paragraph 4 and in the appended table, and other matters necessary for such fees shall be determined by the Director-General of the Employment Security Bureau.

#### Article 21 (Matters concerning Article 32-4 of the Act)

- (1) The license certificate provided by Article 32-4, paragraph 1 of the Act shall be in the form of the Certificate of License of Charged Employment Placement Businesses (Form No. 5; hereinafter referred to as "Certificate of License of Charged Businesses").
- (2) A person who intends to receive the reissue of the Certificate of License of Charged Businesses pursuant to the provision of Article 32-4, paragraph 3 of the Act shall submit the Application for Reissue of Certificate of License of Charged Employment

Placement Businesses (Form No. 6) to the Minister of Health, Labour and Welfare.

- (3) A person who has received the Certificate of License of Charged Businesses shall, when any of the cases listed in each of the following items becomes applicable to such person, return to the Minister of Health, Labour and Welfare, the Certificate of License of Charged Businesses in respect of any and all places of business operating the charged employment placement businesses in case of item 1 or item 2, or the Certificate of License of Charged Businesses found or restored in case of item 3, within 10 days from the day following the date of occurrence of such applicable event.
  - (i) If the license is revoked.
  - (ii) If the valid term of the license has expired.
  - (iii) If the Certificate of License of Charged Businesses having been lost is found or restored after the reissue of the Certificate of License of Charged Businesses.
- (4) If a person who has received the Certificate of License of Charged Businesses falls under the cases listed in either of the following items, the person provided by each applicable item shall return to the Minister of Health, Labour and Welfare the Certificate of License of Charged Businesses in respect of any and all places of business operating the charged employment placement businesses within 10 days from the day following the date of occurrence of such applicable event.
  - (i) If the person is dead: the relative living together or the statutory representative
  - (ii) If the juridical person becomes expired or terminated due to merger: the representative person of the juridical person surviving or established as a result of the merger.

#### Article 22 (Matters concerning Article 32-6 of the Act)

- (1) A person who applies for the renewal of the effective term of the license pursuant to the provision of Article 32-6, paragraph 2 of the Act shall submit to the Minister of Health, Labour and Welfare the Application for Renewal of Valid period of License of Charged Employment Placement Businesses (Form No. 1) at least 30 days prior to the expiration of the valid period of the current license.
- (2) The amount specified by an Ordinance of the Ministry of Health, Labour and Welfare as provided by Article 32-6, paragraph 4 of the Act shall be the amount obtained by multiplying 18,000 yen by the number of the places of business operating the charged employment placement businesses.
- (3) The matters specified by an Ordinance of the Ministry of Health, Labour and Welfare as provided by Article 30, paragraph 2, item 5 of the Act, as applied mutatis mutandis pursuant to Article 32-6, paragraph 6 of the Act, shall be the matters provided by Article 18, paragraph 2.
- (4) The documents specified by an Ordinance of the Ministry of Health, Labour and Welfare as provided by Article 30, paragraph 3 of the Act, as applied mutatis mutandis pursuant to Article 32-6, paragraph 6 of the Act, shall be as listed in the following.

- (i) The documents provided by Article 18, paragraph 3, item 1, (a), (b), (d), (e) and (f) if the applicant is a juridical person (limited to the cases where there is any change in the document in respect of the documents listed in (a), (b) and (d) of the same item)
- (ii) The documents provided by Article 18, paragraph 3, item 1, (e) and (f) and item 2, (b) if the applicant is an individual (limited to the case where there is any change in the document in respect of the document listed in (b) of the same item)
- (5) The business plan to be attached pursuant to the provision of Article 30, paragraph 3 of the Act, as applied mutatis mutandis pursuant to Article 32-6, paragraph 6 of the Act, shall be subject to the form of the Business Plan for Charged Employment Placement Businesses (Form No. 2).
- (6) The renewal of the valid period of the license provided by Article 32-6, paragraph 2 of the Act shall be completed by the issuance of the new Certificate of License of Charged Businesses in exchange of the Certificate of License of Charged Businesses currently held by the person who intends to receive the deliver of renewal.

Article 23 (Matters concerning Article 32-7 of the Act)

- (1) The matters specified by an Ordinance of the Ministry of Health, Labour and Welfare as provided by Article 32-7, paragraph 1 of the Act shall be the name, address and the content of business of the Agent Organization in the case where the charged employment placement business provider has discontinued the utilize of such Agent Organization.
- (2) A person who intends to file the application provided by Article 32-7, paragraph 1 of the Act shall submit to the Minister of Health, Labour and Welfare the Notification of Change in Charged Employment Placement Businesses (Form No. 6) if the matter pertaining to such notification is not the matter to be described in the Certificate of License of Charged Businesses, or the Notification of Change in Charged Employment Placement Businesses and Application for Modification of Description of Certificate of License of Charged Employment Placement Businesses (Form No. 6) if the matter pertaining to such notification is the matter to be described in the Certificate of License of Charged Businesses, in either case within 30 days from the day following the date of occurrence of the fact pertaining to such change in case of a notification of a change in any of the matters provided by Article 30, paragraph 2, item 4 of the Act, or within 10 days from the day following the date of occurrence of the fact pertaining to such change in case of a notification of a change in any matter other than those listed in the same item.
- (3) Among the notifications provided by Article 32-7, paragraph 1 of the Act, in case of a notification of change pertaining to the establishment of a new place of business, the Notification of Change in Charged Employment Placement Businesses provided by paragraph 2 shall be annexed by the documents provided by Article 18, paragraph 3, item 1, (g), (h), (i) and (j) pertaining to such establishment of a new place of business;



provided, however, that if such charged employment placement business provider continues to have appointed the employment placement manager of any other place of business operating the charged employment placement businesses or free employment placement businesses as the employment placement manager of such new place of business, the attachment of the resume (or a copy of the residence certificate and the resume if no change has been made in the address of the appointed employment placement manager; hereinafter the same shall apply in this Article), among the documents provided by Article 18, paragraph 3, item 1, (i), shall not be required.

- (4) Among the notifications provided by Article 32-7, paragraph 1 of the Act, in case of a notification other than those for a change pertaining to the establishment of a new place of business, the Notification of Change in Charged Employment Placement Businesses or the Notification of Change in Charged Employment Placement Businesses and Application for Modification of Description of Certificate of License of Charged Employment Placement Businesses provided by paragraph 2 shall be annexed by the documents pertaining to such changed matter (or the Certificate of License of Charged Businesses pertaining to the discontinued place of business in case of a notification of change for abolition of a place of business in case of a notification of change for abolition of a place of business), among the documents provided by Article 18, paragraph 3.
- (5) Among the matters provided by Article 30, paragraph 2, item 4 of the Act, in case of a change in the name of the employment placement manager, the attachment of the resume among the documents provided by Article 18, paragraph 3, item 1, (i) in case of a juridical person, or the resume among the documents provided by the same paragraph, item 2, (ii) in case of an individual shall not be required if such charged employment placement business provider continues to have appointed the employment placement manager of other place of business operating the charged employment placement businesses or free employment placement businesses as employment placement manager of the place of business pertaining to such change.
- (6) Issuance of the certificate of the license provided by Article 32-7, paragraph 3 of the Act shall be made for each place of business pertaining to such new establishment.

#### Article 24 (Matters concerning Article 32-8 of the Act)

A person who intends to give notification provided by Article 32-8, paragraph 1 of the Act shall submit to the Minister of Health, Labour and Welfare the Notification of Abolition of Charged Employment Placement Businesses (Form No. 7), with the Certificate of License of Charged Businesses pertaining to any and all places of business operating the charged employment placement businesses attached thereto, within ten (10) days from the abolition of the applicable charged employment placement businesses.

#### Article 24-2 Deletion

Article 24-3 (Matters concerning Article 32-11 of the Act)

The work provided by an Ordinance of the Ministry of Health, Labour and Welfare as equivalent to the port transport work provided by Article 2, item 2 of the Port Labor Act (Act No. 40 of 1988) performed at a port other than those listed in item 1 of the same Article, as provided by Article 32-11, paragraph 1 of the Act, shall be the work pertaining to the acts listed in the following performed in accordance with the demand of other persons at a port other than those provided by Article 2, item 1 of the Port Labor Act, and which is provided by Article 2, paragraph 4 of the Port Transportation Business Act (Act No. 161 of 1951) (referred to as the "provided port" in item 3).

- (i) An act falling under any item provided by Article 2, paragraph 1, items 2 to 5 inclusive of the Port Transportation Business Act
- (ii) An act provided by Article 2, item 1 and item 2 of the cabinet order for Enforcement of the Port Labor Act (cabinet order No. 335 of 1988)
- (iii) The carrying of cargo transported by ship or barge, or by making a raft into a storehouse (excluding those regularly handling only the cargo other than those pertaining to the transportation by ship or barge, or by making a raft; hereinafter referred to as "specified port warehouse" in this Article) inside the area designated by the Minister of Health, Labour and Welfare within approximately 500 meters (or 1,000 meters in case of Mizushima Port or 1,500 meters in case of Kagoshima Port) from the coast of the water of the specified port (excluding the carrying-in of the cargo carried out of the storage shed or other cargo sorting area, performed by a person other than those operating the business related to port transportation provided by Article 2, paragraph 3 of the Port Transportation Business Act which pertains to the acts listed in item 1 of the same paragraph or the businesses provided by Article 3, items 1 to 4 inclusive of the same Act, or the warehousing business provided by Article 2, paragraph 2 of the Warehousing Business Act (Act No. 121 of 1956) which pertains to the specified port warehouse (hereinafter referred to as "specified port transportation-related business provider" in this Article)), carrying of cargo to be transported by ship or barge, or by making a raft out of the specified port warehouse (excluding the carrying-out of the cargo to be carried into the storing shed or other cargo sorting area, performed by a person other than the specified port transportation-related business provider), or sorting out of the cargo at the specified port warehouse; provided, however, that in case of a refrigerated warehouse, the carrying of cargo into the refrigerated room from the cargo sorting area attached to such warehouse, the carrying of cargo out of the refrigerated room to the cargo sorting area attached to such warehouse, and the cargo sorting businesses conducted in the refrigerated room shall be excluded.
- (iv) The carrying of the cargo transported by road trucking vehicles provided by Article 2, paragraph 1 of the Road Trucking Vehicle Act (Act No. 185 of 1951) or by rail

(including streetcars) (hereinafter referred to as "vehicles" in this item) in the specified port warehouse or the storing shed or other cargo sorting area (excluding the carrying-in of the cargo performed by any person other than the specified port transportation business provider), carrying of the cargo to be transported by vehicles out of the specified port warehouse or the storing shed or other cargo sorting area (excluding the carrying-out of the cargo performed by any person other than the specified port transportation business provider); provided, however, that in case of a refrigerated warehouse, the carrying of the cargo into the refrigerated room from the cargo sorting area attached to such warehouse and the carrying of the cargo out of the refrigerated room to the cargo sorting area attached to such warehouse shall be excluded.

Article 24-4 (Matters concerning Article 32-12 of the Act)

- (1) A person who gives notification pursuant to the provision of Article 32-12, paragraph 1 of the Act shall submit to the Minister of Health, Labour and Welfare the Notification of Scope of Occupations Handled, etc. for Charged Employment Placement Businesses (Form No. 6).
- (2) The Minister of Health, Labour and Welfare shall update the Certificate of License of Charged Businesses based on the content of the notification set forth in the preceding paragraph, and issue the updated version of the Certificate of License of Charged Businesses in exchange of the Certificate of License of Charged Businesses currently owned by the notifying person pertaining to the place of business for which the scope of occupations handled, etc. has been fixed or modified.
- (3) The Minister of Health, Labour and Welfare shall, when he/she orders the person who intends to operate charged employment placement businesses or the charged employment placement business provider to make any change in the scope of occupations handled, etc., pursuant to the provision of Article 32-12, paragraph 3 of the Act, give notice to such person or business provider in the Notice of Order to Change Scope of Occupations Handled, etc. (Form No. 6-2).

Article 24-5 (Matters concerning Article 32-13 of the Act)

- (1) The matters specified by an Ordinance of the Ministry of Health, Labour and Welfare as provided by Article 32-13 of the Act shall be the matters concerning the handling of the information of job offerers (limited to the information pertaining to the employment placement) and the personal information of the job seekers.
- (2) The clear indication provided by Article 32-13 of the Act shall be made promptly after the acceptance of the job offering or job application in either of the following methods; provided, however, this shall not apply to the case where such methods cannot be followed in advance due to the emergency nature of the implementation of employment placement, and the matters to be clearly indicated (hereinafter referred to as

"indication matters" in this paragraph and the following paragraph) are clearly indicated in advance in a method other than the following methods.

- (i) Delivery of a written document
  - (ii) Use of electronic data processing system (meaning the electronic data processing system connecting the computer related to the use by the document deliverer (meaning the person who is to deliver the written document under the circumstances where the indication matters are clearly indicated in the method provided in the preceding item; hereinafter the same shall apply in this item) and the computer related to the use by the document receiver (meaning the person who is to receive the written document under the circumstances where the indication matters are clearly indicated in the method provided in the preceding item; hereinafter the same shall apply in this item and the following paragraph) through electric telecommunication lines), under the circumstances where the document receiver is desirous of receiving the document in a method under which the document is transmitted through the electric telecommunication line connecting the computer used by the document deliverer and the computer used by the document receiver, and the document is recorded in a file installed in the computer used by the document receiver (limited to the method under which the document receiver may produce a hard copy of the document by outputting the document recorded in the file).
- (3) The indication of the indication matters made pursuant to the method listed in item 2 of the preceding paragraph shall be deemed received by the document receiver at the time when the document is recorded in the file installed in the computer used by the document receiver.
- (4) The charged employment business provider shall post a notice, in a place convenient for general public to view within its place of business, which makes notice of the schedule of fees and other rules concerning the operation of the businesses.

#### Article 24-6 (Matters concerning Article 32-14 of the Act)

The appointment of an employment placement manager provided by Article 32-14 of the Act shall be made pursuant to the following items, from among the persons having the competency to perform the businesses properly.

- (i) For each place of business of the charged employment placement business provider (hereinafter simply referred to as "place of business" in this Article), appoint an employment placement manager dedicated to each such place of business, from among the workers employed by it; provided, however, this shall not preclude the charged employment placement business provider (or its officer in case of a juridical person) from becoming an employment placement manager.
- (ii) Appoint one or more such persons if the place of business has 50 workers or less engaged in the businesses related to employment placement, or two or more if the

place of business has more than 50 but 100 or less of such workers, or if the place of business has 100 or more such workers, add one for each 50 such workers exceeding 50 engaged in the businesses related to employment placement.

Article 24-7 (Matters concerning Article 32-15 of the Act)

- (1) The books and records specified by an Ordinance of the Ministry of Health, Labour and Welfare as provided by Article 32-15 of the Act shall be the management records of job offerings and job applications and the fee management records.
- (2) The entry and installation of the books and records set forth in the preceding paragraph shall be conducted as determined by the Director-General of the Employment Security Bureau.

Article 24-8 (Matters concerning Article 32-16 of the Act)

- (1) The charged employment placement business provider shall prepare, prior to April 30 each year, the business reports pertaining to the charged employment placement businesses for each place of business operating such businesses for the period commencing on April 1 of the preceding year and ending on March 31 of the current year, and submit the same to the Minister of Health, Labour and Welfare.
- (2) The business reports to be submitted pursuant to the provision of Article 32-16 of the Act shall be subject to the form of the Business Report on Charged Employment Placement Businesses (Form No. 8).

Article 25 (Matters concerning Article 33 of the Act)

- (1) The provisions of Article 18, paragraphs 1 to 6 inclusive, Article 21, Article 22, paragraphs 1 and 6, Article 23, Article 24 and Articles 24-4 to 24-8 inclusive shall apply mutatis mutandis to the free employment placement businesses operated under the license provided by Article 33, paragraph 1 of the Act and a person who has received the license provided by the same paragraph. In this case, the term "Article 30, paragraph 2" in Article 18, paragraph 1 shall be deemed to be replaced with "Article 30, paragraph 2 of the Act, as applied mutatis mutandis pursuant to Article 33, paragraph 4", the term "Application for License of Charged Employment Placement Businesses (Form No. 1)" with "Application for License of Free Employment Placement Businesses (Form No. 1)", the term "Article 30, paragraph 2, item 5" in Article 18, paragraph 2 with "Article 30, paragraph 2, item 5 of the Act, as applied mutatis mutandis pursuant to Article 33, paragraph 4", the term "Article 30, paragraph 3" in Article 18, paragraph 3 with "Article 30, paragraph 3 of the Act, as applied mutatis mutandis pursuant to Article 33, paragraph 4", the term "Article 30, paragraph 3" in Article 18, paragraph 4 with "Article 30, paragraph 3 of the Act, as applied mutatis mutandis pursuant to Article 33, paragraph 4", the term "Business Plan for Charged Employment Placement Businesses (Form No. 2)" with "Business Plan for Free

Employment Placement Businesses (Form No. 2)", the term "Article 33, paragraph 1" in Article 18, paragraph 5 with "Article 30, paragraph 1", the term "Article 30, paragraph 1" with "Article 33, paragraph 1", the term "Article 33, paragraph 1" in Article 18, paragraph 6 with "Article 30, paragraph 1", the term "Article 30, paragraph 1" with "Article 33, paragraph 1", the term "free employment placement businesses" with "charged employment placement businesses", the term "Article 32-4, paragraph 1" in Article 21, paragraph 1 with "Article 32-4, paragraph 1 of the Act, as applied mutatis mutandis pursuant to Article 33, paragraph 4", the term "Certificate of License of Charged Employment Placement Businesses (Form No. 5; hereinafter referred to as "Certificate of License of Charged Businesses)" with "Certificate of License of Free Employment Placement Businesses (Form No. 5; hereinafter referred to as "Certificate of License of Free Businesses)", the term "Article 32-4, paragraph 3" in Article 21, paragraph 2 with "Article 32-4, paragraph 3 of the Act, as applied mutatis mutandis pursuant to Article 33, paragraph 4", the term "Certificate of License of Charged Businesses" with "Certificate of License of Free Businesses", the term "Application for Reissue of Certificate of License of Charged Employment Placement Businesses (Form No. 6)" with "Application for Reissue of Certificate of License of Free Employment Placement Businesses (Form No. 6)", the term "Certificate of License of Charged Businesses" in Article 21, paragraphs 3 and 4 with "Certificate of License of Free Businesses", the term "Article 32-6, paragraph 2" in Article 22, paragraph 1 with "Article 32-6, paragraph 2 of the Act, as applied mutatis mutandis pursuant to Article 33, paragraph 4", the term "Application for Renewal of Valid period of License of Charged Employment Placement Businesses (Form No. 1)" with "Application for Renewal of Valid period of License of Free Employment Placement Businesses (Form No. 1)", the term "Article 32-6, paragraph 2" in Article 22, paragraph 6 with "Article 32-6, paragraph 2 of the Act, as applied mutatis mutandis pursuant to Article 33, paragraph 4", the term "Certificate of License of Charged Businesses" with "Certificate of License of Free Businesses", the term "Article 32-7, paragraph 1" in Article 23, paragraph 1 with "Article 32-7, paragraph 1 of the Act, as applied mutatis mutandis pursuant to Article 33, paragraph 4", the term "Article 32-7, paragraph 1" in Article 23, paragraph 2 with "Article 32-7, paragraph 1 of the Act, as applied mutatis mutandis pursuant to Article 33, paragraph 4", the term "Article 30, paragraph 2, item 4" with "Article 30, paragraph 2, item 4 of the Act, as applied mutatis mutandis pursuant to Article 33, paragraph 4", the term "Certificate of License of Charged Businesses" with "Certificate of License of Free Businesses", the term "Notification of Change in Charged Employment Placement Businesses (Form No. 6)" with "Notification of Change in Free Employment Placement Businesses (Form No. 6)", the term "Notification of Change in Charged Employment Placement Businesses and Application for Modification of Description of Certificate of License of Charged Employment Placement Businesses (Form No. 6)" with "Notification of Change in Free Employment Placement Businesses

and Application for Modification of Description of Certificate of License of Free Employment Placement Businesses (Form No. 6)", the term "Article 32-7, paragraph 1" in Article 23, paragraph 3 with "Article 32-7, paragraph 1 of the Act, as applied mutatis mutandis pursuant to Article 33, paragraph 4", the term "paragraph 2" with "Article 23, paragraph 2, as applied mutatis mutandis pursuant to Article 25, paragraph 1", the term "Notification of Change in Charged Employment Placement Businesses" with "Notification of Change in Free Employment Placement Businesses", the term "charged employment placement businesses or free employment placement businesses" with "free employment placement businesses or charged employment placement businesses", the term "Article 32-7, paragraph 1" in Article 23, paragraph 4 with "Article 32-7, paragraph 1 of the Act, as applied mutatis mutandis pursuant to Article 33, paragraph 4", the term "paragraph 2" with "Article 23, paragraph 2, as applied mutatis mutandis pursuant to Article 25, paragraph 1", the term "Notification of Change in Charged Employment Placement Businesses" with "Notification of Change in Free Employment Placement Businesses", the term "Notification of Change in Charged Employment Placement Businesses and Application for Modification of Description of Certificate of License of Charged Employment Placement Businesses" with "Notification of Change in Free Employment Placement Businesses and Application for Modification of Description of Certificate of License of Free Employment Placement Businesses", the term "Certificate of License of Charged Businesses" with "Certificate of License of Free Businesses", the term "Article 30, paragraph 2, item 4" in Article 23, paragraph 5 with "Article 30, paragraph 2, item 4 of the Act, as applied mutatis mutandis pursuant to Article 33, paragraph 4", the term "charged employment placement businesses or free employment placement businesses" with "free employment placement businesses or charged employment placement businesses", the term "Article 32-7, paragraph 3" in Article 23, paragraph 6 with "Article 32-7, paragraph 3, as applied mutatis mutandis pursuant to Article 33, paragraph 4", the term "Article 32-8, paragraph 1" in Article 24 with "Article 32-8, paragraph 1 of the Act, as applied mutatis mutandis pursuant to Article 33, paragraph 4", the term "Certificate of License of Charged Businesses" with "Certificate of License of Free Businesses", the term "Notification of Abolition of Charged Employment Placement Businesses (Form No. 7)" with "Notification of Abolition of Free Employment Placement Businesses (Form No. 7)", the term "Article 32-12, paragraph 1" in Article 24-4, paragraph 1 with "Article 32-12, paragraph 1 of the Act, as applied mutatis mutandis pursuant to Article 33, paragraph 4", the term "Notification of Scope of Occupations Handled, etc. for Charged Employment Placement Businesses (Form No. 6)" with "Notification of Scope of Occupations Handled, etc. for Free Employment Placement Businesses (Form No. 6)", the term "Certificate of License of Charged Businesses" in Article 24-4, paragraph 2 with "Certificate of License of Free Businesses", the term "Article 32-12, paragraph 3" in Article 24-4, paragraph 3 with

"Article 32-12, paragraph 3 of the Act, as applied mutatis mutandis pursuant to Article 33, paragraph 4", the term "Article 32-13" in Article 24-5, paragraphs 1 and 2 with "Article 32-13 of the Act, as applied mutatis mutandis pursuant to Article 33, paragraph 4", the term "schedule of fees and other rules concerning the operation of the businesses" in Article 24-5, paragraph 4 with "rules concerning the operation of the businesses", the term "Article 32-14" in Article 24-6 with "Article 32-14 of the Act, as applied mutatis mutandis pursuant to Article 33, paragraph 4", the term "Article 32-15" in Article 24-7, paragraph 1 with "Article 32-15 of the Act, as applied mutatis mutandis pursuant to Article 33, paragraph 4", the term "management records of job offerings and job applications and the fee management records" with "fee management records", the term "Article 32-16" in Article 24-8, paragraph 2 with "Article 32-16 of the Act, as applied mutatis mutandis pursuant to Article 33, paragraph 4", and the term "Business Report on Charged Employment Placement Businesses (Form No. 8)" with "Free Employment Placement Businesses Report (Form No. 8)."

- (2) The provisions of Article 22, paragraphs 3 to 5 inclusive shall apply mutatis mutandis to the renewal of the valid period of the license provided by Article 33, paragraph 1 of the Act. In this case, the term "Article 30, paragraph 2, item 5 of the Act, as applied mutatis mutandis pursuant to Article 32-6, paragraph 6" in Article 22, paragraph 3 shall be deemed to be replaced with "Article 30, paragraph 2, item 5 of the Act, as applied mutatis mutandis pursuant to Article 33, paragraph 5", the term "Article 30, paragraph 3 of the Act, as applied mutatis mutandis pursuant to Article 32-6, paragraph 6" in Article 22, paragraph 4 with "Article 30, paragraph 3 of the Act, as applied mutatis mutandis pursuant to Article 33, paragraph 5", the term "Article 30, paragraph 3 of the Act, as applied mutatis mutandis pursuant to Article 32-6, paragraph 6" in Article 22, paragraph 5 with "Article 30, paragraph 3 of the Act, as applied mutatis mutandis pursuant to Article 33, paragraph 5", and the term "Business Plan for Charged Employment Placement Businesses (Form No. 2)" with "Business Plan for Free Employment Placement Businesses (Form No. 2)."

Article 25-2 (Matters concerning Article 33-2 of the Act)

- (1) The persons specified by an Ordinance of the Ministry of Health, Labour and Welfare as provided by Article 33-2, paragraph 1 of the Act shall be as follows.
- (i) If the head of a school (limited to universities) operates free employment placement businesses, the persons under or having completed clinical training provided by Article 16-2, paragraph 1 of the Medical Practitioners' Act (Act No. 201 of 1948) at the hospital attached to such school.
  - (ii) If the principal of a school or special training school operates free employment placement businesses, the persons under or having completed educational training deemed as vocational training provided by public vocational training facilities as



provided by Article 15-6, paragraph 3 of the Human Resources Development Promotion Act at such school or special training school.

- (2) The principal of any of the facilities listed in each item of Article 33-2, paragraph 1 of the Act (hereinafter simply referred to as "principal of the facilities") intending to operate free employment placement businesses pursuant to the same paragraph shall notify the Minister of Health, Labour and Welfare of the same pursuant to the procedures and forms determined by the Director-General of the Employment Security Bureau.
- (3) Upon submission of the notification set forth in the preceding paragraph, the provisions concerning the operation of the businesses shall be attached.
- (4) A person who gives the notification provided by Article 32-8, paragraph 1 of the Act, as applied mutatis mutandis pursuant to Article 33-2, paragraph 7 of the Act shall give such notification in writing to the Minister of Health, Labour and Welfare within 10 days from the date of abolition of the free employment placement businesses, in whole or in part.
- (5) The principal of the facilities operating free employment placement businesses pursuant to the provision of Article 33-2, paragraph 1 of the Act shall prepare the business reports by following the procedures and forms determined by the Director-General of the Employment Security Bureau and submit the same to the Minister of Health, Labour and Welfare.
- (6) The provisions of Article 24-5, paragraphs 1 to 3 inclusive and Article 24-7 shall apply mutatis mutandis to the free employment placement businesses operated by the principal of the facilities listed in either item of Article 33-2, paragraph 1 of the Act pursuant to the same paragraph and to the principal of the facilities operating the employment placement businesses provided by the same Article. In this case, the term "Article 32-13" in Article 24-5, paragraph 1 shall be deemed to be replaced with "Article 32-13 of the Act, as applied mutatis mutandis pursuant to Article 33-2, paragraph 7", the term "information of job offerers (limited to the information pertaining to the employment placement) and the personal information of the job seekers" with "personal information of the job seekers", the term "Article 32-13" in Article 24-5, paragraph 2 with "Article 32-13 of the Act, as applied mutatis mutandis pursuant to Article 33-2, paragraph 7", the term "Delivery of a written document" with "Delivery of a written document, etc.", the term "Article 32-15" in Article 24-7, paragraph 1 with "Article 32-15 of the Act, as applied mutatis mutandis pursuant to Article 33-2, paragraph 7", and the term "management records of job offerings and job applications and the fee management records" with "management records of job offerings and job applications."

#### Article 25-3 (Matters concerning Article 33-3 of the Act)

- (1) The juridical persons specified by an Ordinance of the Ministry of Health, Labour and Welfare as provided by Article 33-3, paragraph 1 of the Act shall be the juridical

persons listed in the following items, the number of the direct or indirect members of which is equivalent to or exceeds the number determined by the Minister of Health, Labour and Welfare.

- (i) Agricultural cooperative established pursuant to the provisions of the Agricultural Cooperative Act (Act No. 132 of 1947)
  - (ii) Fishery cooperative or processed marine products industry cooperative established pursuant to the provisions of the Fishing Industry Cooperative Act (Act No. 242 of 1948)
  - (iii) Business cooperative or central association of small and medium enterprises established pursuant to the provisions of the Small and Medium Enterprise Cooperative Act (Act No. 181 of 1949)
  - (iv) Chambers of commerce and industry established pursuant to the provisions of the Chambers of Commerce Act (Act No. 143 of 1953)
  - (v) Commercial and industrial association established pursuant to the provisions of the Act on Organization of Small and Medium Enterprise Association (Act No. 185 of 1957)
  - (vi) Commercial and industrial association established pursuant to the provisions of the Commercial Association Act (Act No. 89 of 1960)
  - (vii) Forestry cooperative established pursuant to the provisions of the Forestry Cooperative Act (Act No. 36 of 1978)
  - (viii) Any other association determined by the Minister of Health, Labour and Welfare as equivalent to those provided in each preceding item
- (2) The provisions of Article 18, paragraphs 1, 2 and 4, Article 23, paragraphs 1 to 5 inclusive, Article 24, Article 24-4, paragraphs 1 and 3, and Articles 24-5 to 24-8 inclusive shall apply mutatis mutandis to the free employment placement businesses operated subject to the notification provided by Article 33-3, paragraph 1 of the Act and to the juridical person having submitted such notification pursuant to the same paragraph. In this case, each term listed in the center column contained in each provision listed in the left column shall be deemed to be replaced with each term listed in the right column, respectively.

Article 18, paragraph 1	application provided by Article 30, paragraph 2 of the Act	notification provided by Article 30, paragraph 2 of the Act, as applied mutatis mutandis pursuant to Article 33-3, paragraph 2 of the Act
	Application for License of Charged Employment Placement Businesses (Form No. 1)	Notification of Free Employment Placement Businesses by Special Juridical Person (Form No. 1-2)
Article 18,	Article 30, paragraph 2, item 5 of	Article 30, paragraph 2, item 5 of

paragraph 2	the Act	the Act, as applied mutatis mutandis pursuant to Article 33-3, paragraph 2 of the Act
	type and content of the businesses if other businesses are operated	number and scope of the direct or indirect members of such juridical person being the job offerer (hereinafter referred to as “members” in this paragraph) or the members of such juridical person being the job seeker or the persons employed by such members
Article 18, paragraph 4	Article 30, paragraph 3 of the Act	Article 30, paragraph 3 of the Act, as applied mutatis mutandis pursuant to Article 33-3, paragraph 2 of the Act
	Business Plan for Charged Employment Placement Businesses (Form No. 2)	Business Plan of Free Employment Placement Businesses by Special Juridical Person (Form No. 2)
Article 23, paragraph 1	Article 32-7, paragraph 1 of the Act	Article 32-7, paragraph 1 of the Act, as applied mutatis mutandis pursuant to Article 33-3, paragraph 2 of the Act
Article 23, paragraph 2	Article 32-7, paragraph 1 of the Act	Article 32-7, paragraph 1 of the Act, as applied mutatis mutandis pursuant to Article 33-3, paragraph 2 of the Act
	Article 30, paragraph 2, item 4 of the Act	Article 30, paragraph 2, item 4 of the Act, as applied mutatis mutandis pursuant to Article 33-3, paragraph 2 of the Act
	Notification of Change in Charged Employment Placement Businesses (Form No. 6) if the matter pertaining to such notification is not the matter to be described in the Certificate of License of Charged Businesses, or the Notification of Change in Charged Employment	Notification of Change in Free Employment Placement Businesses by Special Juridical Person (Form No. 6)

	Placement Businesses and Application for Modification of Description of Certificate of License of Charged Employment Placement Businesses (Form No. 6) if the matter pertaining to such notification is the matter to be described in the Certificate of License of Charged Businesses	
Article 23, paragraph 3	Article 32-7, paragraph 1 of the Act	Article 32-7, paragraph 1 of the Act, as applied mutatis mutandis pursuant to Article 33-3, paragraph 2 of the Act
	Notification of Change in Charged Employment Placement Businesses provided by paragraph 2	Notification of Change in Free Employment Placement Businesses by Special Juridical Person provided by Article 23, paragraph 2, as applied mutatis mutandis pursuant to Article 25-3, paragraph 2
	Article 18, paragraph 3, item 1, (g), (h), (i) and (j)	Article 25-3, paragraph 3, items 5 to 8 inclusive
	charged employment placement businesses or free employment placement businesses	free employment placement businesses or charged employment placement businesses
	Article 18, paragraph 3, item 1, (i)	Article 25-3, paragraph 3, item 7
Article 23, paragraph 4	Article 32-7, paragraph 1 of the Act	Article 32-7, paragraph 1 of the Act, as applied mutatis mutandis pursuant to Article 33-3, paragraph 2 of the Act
	Notification of Change in Charged Employment Placement Businesses or the Notification of Change in Charged Employment Placement Businesses and Application for Modification of Description of Certificate of License of Charged Employment Placement Businesses provided by paragraph 2	Notification of Change in Free Employment Placement Businesses by Special Juridical Person provided by Article 23, paragraph 2, as applied mutatis mutandis pursuant to Article 25-3, paragraph 2
	Article 18, paragraph 3	Article 25-3, paragraph 3

	documents (or the Certificate of License of Charged Businesses pertaining to the discontinued place of business in case of a notification of change for abolition of a place of business)	documents
Article 23, paragraph 5	Article 30, paragraph 2, item 4 of the Act	Article 30, paragraph 2, item 4 of the Act, as applied mutatis mutandis pursuant to Article 33-3, paragraph 2 of the Act
	charged employment placement businesses or free employment placement businesses	free employment placement businesses or charged employment placement businesses
	resume among the documents provided by Article 18, paragraph 3, item 1, (i) in case of a juridical person, or the resume among the documents provided by the same paragraph, item 2, (c) in case of an individual	resume among the documents provided by Article 25-3, paragraph 3, item 7
Article 24	Article 32-8, paragraph 1 of the Act	Article 32-8, paragraph 1 of the Act, as applied mutatis mutandis pursuant to Article 33-3, paragraph 2 of the Act
	Notification of Abolition of Charged Employment Placement Businesses (Form No. 7), with the Certificate of License of Charged Businesses pertaining to any and all places of business operating the charged employment placement businesses attached thereto	Notification of Abolition of Free Employment Placement Businesses by Special Juridical Person (Form No. 7)
Article 24-4, paragraph 1	Article 32-12, paragraph 1 of the Act	Article 32-12, paragraph 1 of the Act, as applied mutatis mutandis pursuant to Article 33-3, paragraph 2 of the Act
	Notification of Scope of Occupations Handled, etc. for Charged Employment Placement Businesses (Form No. 6)	Notification of Scope of Occupations Handled, etc. for Free Employment Placement Businesses by Special Juridical

		Person (Form No. 6)
Article 24-4, paragraph 3	Article 32-12, paragraph 3 of the Act	Article 32-12, paragraph 3 of the Act, as applied mutatis mutandis pursuant to Article 33-3, paragraph 2 of the Act
Article 24-5, paragraphs 1 and 2	Article 32-13 of the Act	Article 32-13 of the Act, as applied mutatis mutandis pursuant to Article 33-3, paragraph 2 of the Act
Article 24-5, paragraph 4	schedule of fees and other rules concerning the operation of the businesses	rules concerning the operation of the businesses
Article 24-6	Article 32-14 of the Act	Article 32-14 of the Act, as applied mutatis mutandis pursuant to Article 33-3, paragraph 2 of the Act
Article 24-7, paragraph 1	Article 32-15 of the Act	Article 32-15 of the Act, as applied mutatis mutandis pursuant to Article 33-3, paragraph 2 of the Act
	management records of job offerings and job applications and the fee management records	management records of job offerings and job applications
Article 24-8, paragraph 2	Article 32-16 of the Act	Article 32-16 of the Act, as applied mutatis mutandis pursuant to Article 33-3, paragraph 2 of the Act
	Business Report[SBD uses different phrase] on Charged Employment Placement Businesses (Form No. 8)	Business Report on Free Employment Placement Businesses by Special Juridical Person (Form No. 8-2)

(3) The documents specified by an Ordinance of the Ministry of Health, Labour and Welfare as provided by Article 30, paragraph 3 of the Act, as applied mutatis mutandis pursuant to Article 33-3, paragraph 2 of the Act shall be as follows.

(i) The articles of incorporation or the articles of endowment

(ii) The certificate of registered matters

(iii) A copy of the residence certificate (or certificate of alien registration in case of a foreign national; the same shall apply hereinafter) and the resume of the officer

(iv) A copy of the residence certificate and the resume of the statutory representative of

the officer if the officer is under age and has not obtained the business license for operating the employment placement businesses

- (v) The rules concerning the proper management of personal information and the security of confidential information adopted at each place of business operating the free employment placement businesses (hereinafter simply referred to as "at each place of business" in this Article and the following Article)
  - (vi) The rules concerning the operation of the businesses at each place of business
  - (vii) A copy of the residence certificate and the resume of the employment placement manager appointed at each place of business
  - (viii) The documents describing the outline of the facilities at each place of business
  - (ix) The documents concerning the opposite country involved in the employment placement businesses if overseas employment placement businesses are to be provided
  - (x) The documents concerning the Agent Organization if overseas employment placement businesses are to be provided, and an Agent Organization is to be utilized.
- (4) The matters specified by an Ordinance of the Ministry of Health, Labour and Welfare as provided by Article 32-4, paragraph 2 of the Act, as applied mutatis mutandis pursuant to Article 33-3, paragraph 2 of the Act shall be as follows.
- (i) The name of the juridical person and the name of the representative
  - (ii) The name and the address of the place of business

Article 25-4 (Matters concerning Article 33-4 of the Act)

- (1) The provisions of Article 18, paragraphs 1, 2 and 4, Article 23, paragraphs 1 to 5 inclusive, Article 24, Article 24-4, paragraphs 1 and 3, and Articles 24-5 to 24-8 inclusive shall apply mutatis mutandis to the free employment placement businesses operated subject to the notification provided by Article 33-4, paragraph 1 of the Act and to the juridical person having submitted such notification pursuant to the same paragraph. In this case, each term listed in the center column contained in each provision listed in the left column shall be deemed to be replaced with each term listed in the right column, respectively.

Article 18, paragraph 1	application provided by Article 30, paragraph 2 of the Act	notification provided by Article 30, paragraph 2 of the Act, as applied mutatis mutandis pursuant to Article 33-4, paragraph 2 of the Act
	Application for License of Charged Employment Placement Businesses (Form No. 1)	Notification of Free Employment Placement Businesses by Local Public Entity (Form No. 1-3)
Article 18,	Article 30, paragraph 2, item 5 of	Article 30, paragraph 2, item 5 of

paragraph 2	the Act	the Act, as applied mutatis mutandis pursuant to Article 33-4, paragraph 2 of the Act
	type and content of the businesses if other businesses are operated	content of the policies pertaining to the businesses with which the free employment placement businesses are associated
Article 18, paragraph 4	Article 30, paragraph 3 of the Act	Article 30, paragraph 3 of the Act, as applied mutatis mutandis pursuant to Article 33-4, paragraph 2 of the Act
	Business Plan for Charged Employment Placement Businesses (Form No. 2)	Business Plan for Free Employment Placement Businesses by Local Public Entity (Form No. 2)
Article 23, paragraph 1	Article 32-7, paragraph 1 of the Act	Article 32-7, paragraph 1 of the Act, as applied mutatis mutandis pursuant to Article 33-4, paragraph 2 of the Act
Article 23, paragraph 2	Article 32-7, paragraph 1 of the Act	Article 32-7, paragraph 1 of the Act, as applied mutatis mutandis pursuant to Article 33-4, paragraph 2 of the Act
	Article 30, paragraph 2, item 4 of the Act	Article 30, paragraph 2, item 4 of the Act, as applied mutatis mutandis pursuant to Article 33-4, paragraph 2 of the Act
	Notification of Change in Charged Employment Placement Businesses (Form No. 6) if the matter pertaining to such notification is not the matter to be described in the Certificate of License of Charged Businesses, or the Notification of Change in Charged Employment Placement Businesses and Application for Modification of Description of Certificate of License of Charged Employment Placement Businesses (Form No. 6) if the	Notification of Change in Free Employment Placement Businesses by Local Public Entity (Form No. 6)



	matter pertaining to such notification is the matter to be described in the Certificate of License of Charged Businesses	
Article 23, paragraph 3	Article 32-7, paragraph 1 of the Act	Article 32-7, paragraph 1 of the Act, as applied mutatis mutandis pursuant to Article 33-4, paragraph 2 of the Act
	Notification of Change in Charged Employment Placement Businesses provided by paragraph 2	Notification of Change in Free Employment Placement Businesses by Local Public Entity provided by Article 23, paragraph 2, as applied mutatis mutandis pursuant to Article 25-4, paragraph 1
	Article 18, paragraph 3, item 1, (g), (h), (i) and (j)	Article 25-4, paragraph 2, items 1 to 4 inclusive
	charged employment placement businesses or free employment placement businesses	free employment placement businesses or charged employment placement businesses
	Article 18, paragraph 3, item 1, (i)	Article 25-4, paragraph 2, item 3
Article 23, paragraph 4	Article 32-7, paragraph 1 of the Act	Article 32-7, paragraph 1 of the Act, as applied mutatis mutandis pursuant to Article 33-4, paragraph 2 of the Act
	Notification of Change in Charged Employment Placement Businesses or the Notification of Change in Charged Employment Placement Businesses and Application for Modification of Description of Certificate of License of Charged Employment Placement Businesses provided by paragraph 2	Notification of Change in Free Employment Placement Businesses by Local Public Entity provided by Article 23, paragraph 2, as applied mutatis mutandis pursuant to Article 25-4, paragraph 1
	Article 18, paragraph 3	Article 25-4, paragraph 2
	documents (or the Certificate of License of Charged Businesses pertaining to the discontinued place of business in case of a notification of change for the abolition of a place	documents

	of business)	
Article 23, paragraph 5	Article 30, paragraph 2, item 4 of the Act	Article 30, paragraph 2, item 4 of the Act, as applied mutatis mutandis pursuant to Article 33-4, paragraph 2 of the Act
	charged employment placement businesses or free employment placement businesses	free employment placement businesses or charged employment placement businesses
	resume among the documents provided by Article 18, paragraph 3, item 1, (i) in case of a juridical person, or the resume among the documents provided by the same paragraph, item 2, (c) in case of an individual	resume among the documents provided by Article 25-4, paragraph 2, item 3
Article 24	Article 32-8, paragraph 1 of the Act	Article 32-8, paragraph 1 of the Act, as applied mutatis mutandis pursuant to Article 33-4, paragraph 2 of the Act
	Notification of Abolition of Charged Employment Placement Businesses (Form No. 7), with the Certificate of License of Charged Businesses pertaining to all places of business operating the charged employment placement businesses attached thereto	Notification of Abolition of Free Employment Placement Businesses by Local Public Entity (Form No. 7)
Article 24-4, paragraph 1	Article 32-12, paragraph 1 of the Act	Article 32-12, paragraph 1 of the Act, as applied mutatis mutandis pursuant to Article 33-4, paragraph 2 of the Act
	Notification of Scope of Occupations Handled, etc. for Charged Employment Placement Businesses (Form No. 6)	Notification of Scope of Occupations Handled, etc. for Free Employment Placement Businesses by Local Public Entity (Form No. 6)
Article 24-4, paragraph 3	Article 32-12, paragraph 3 of the Act	Article 32-12, paragraph 3 of the Act, as applied mutatis mutandis pursuant to Article 33-4, paragraph 2 of the Act

Article 24-5, paragraphs 1 and 2	Article 32-13 of the Act	Article 32-13 of the Act, as applied mutatis mutandis pursuant to Article 33-4, paragraph 2 of the Act
Article 24-5, paragraph 4	schedule of fees and other rules concerning the operation of the businesses	rules concerning the operation of the businesses
Article 24-6	Article 32-14 of the Act	Article 32-14 of the Act, as applied mutatis mutandis pursuant to Article 33-4, paragraph 2 of the Act
Article 24-7, paragraph 1	Article 32-15 of the Act	Article 32-15 of the Act, as applied mutatis mutandis pursuant to Article 33-4, paragraph 2 of the Act
	management records of job offerings and job applications and the fee management records	management records of job offerings and job applications
Article 24-8, paragraph 2	Article 32-16 of the Act	Article 32-16 of the Act, as applied mutatis mutandis pursuant to Article 33-4, paragraph 2 of the Act
	Business Report on Charged Employment Placement Businesses (Form No. 8)	Business Report on Free Employment Placement Businesses by Local Public Entity (Form No. 8-3)

(2) The documents specified by an Ordinance of the Ministry of Health, Labour and Welfare as provided by Article 30, paragraph 3 of the Act, as applied mutatis mutandis pursuant to Article 33-4, paragraph 2 of the Act shall be as follows.

- (i) The rules concerning the proper management of personal information and the security of confidential information adopted at each place of business
- (ii) The rules concerning the operation of the businesses at each place of business
- (iii) A copy of the residence certificate and the resume of the employment placement manager appointed at each place of business
- (iv) The documents describing the outline of the facilities at each place of business
- (v) The documents concerning the other country involved in the employment placement businesses if overseas employment placement businesses are to be provided
- (vi) The documents concerning the Agent Organization if overseas employment placement businesses are to be provided, and an Agent Organization is to be utilized

Article 26 (Matters concerning Article 33-7 of the Act)

The guidance, advice and recommendations given or provided by the Minister of Health, Labour and Welfare pursuant to the provision of Article 33-7 of the Act shall be in writing.

Article 27 Deletion

Article 28 (Matters concerning Article 36 of the Act)

- (1) The application for the license provided by Article 36, paragraph 1 of the Act or the notification provided by paragraph 3 of the same Article shall be filed separately for the recruitment covering the areas within the prefecture in which the place of business pertaining to the recruitment (hereinafter referred to as "recruiting place of business") is located, the recruitment covering the areas outside such areas (hereinafter referred to as "recruitment outside the prefecture" in this paragraph) that falls under the provision of Article 37, paragraph 1, item 6, (b), and the recruitment outside the prefecture that does not fall under the provision of (b) of the same item, respectively.
- (2) The procedures and forms of the application for the license provided by Article 36, paragraph 1 of the Act or for the approval provided by paragraph 2 of the same Article, or the notification provided by paragraph 3 of the same Article shall be as determined by the Director-General of the Employment Security Bureau.
- (3) A person who recruits workers by obtaining the license provided by Article 36, paragraph 1 of the Act or by giving the notification provided by paragraph 3 of the same Article shall prepare the report on the recruitment of workers each fiscal year pursuant to the forms determined by the Director-General of the Employment Security Bureau and submit the same to the director of the Prefectural Labor Bureau with which the application for the license provided by Article 36, paragraph 1 of the Act or the notification provided by paragraph 3 of the same Article was filed at or prior to the end of April of the fiscal year following the applicable fiscal year (or, if the recruitment of workers finishes prior to the closing of the applicable fiscal year, prior to the end of the month following the month to which such finish date belongs).

Article 29 Deletion

Article 30 (Matters concerning Article 37 of the Act)

- (1) The restrictions made by the chief of the Public Employment Security Office pursuant to the provision of Article 37, paragraph 1 of the Act shall be in writing.
- (2) The restrictions or the instructions on the recruitment shall be made or given, in general, for facilitating the implementation of the urgent policies for the nation or for precluding such recruitment as to unjustly impair the general labor standards in the recruitment area or the employment area.

(3) The instructions concerning recruitment shall be given with the written reason thereof attached thereto by the Minister of Health, Labour and Welfare or the director of the Prefectural Labor Bureau.

(4) In addition to what is provided in the preceding 3 paragraphs, the policies and procedures concerning the restrictions on recruitment (limited to those made by the chief of the Public Employment Security Office) and the instructions shall be determined by the Director-General of the Employment Security Bureau.

#### Article 30-2 Deletion

#### Article 30-3 (Matters concerning Article 42 of the Act)

The methods provided by an Ordinance of the Ministry of Health, Labour and Welfare as provided by Article 42 of the Act shall be the methods of doing so by connecting the automatic public transmission server provided by Article 2, paragraph 1, item 9-5, (a) of the Copyright Act (Act No. 48 of 1970) or other computer with the electric telecommunication lines.

#### Article 30-4 (Matters concerning Article 42-2 of the Act)

The persons specified by an Ordinance of the Ministry of Health, Labour and Welfare as provided by Article 20, paragraph 1, as applied mutatis mutandis pursuant to Article 42-2 of the Act shall be as follows.

- (i) A person who recruits workers by himself/herself
- (ii) A person who has his/her employee engage in the recruitment of workers, where such employee falls under an officer, a worker in a supervisory position, or a person representing the interests of the employer provided by Article 2, item 1 of the Labor Union Act.

#### Article 31 (Matters concerning Article 43 of the Act)

A person who recruits workers by obtaining the license provided by Article 36, paragraph 1 of the Act or by giving the notification provided by paragraph 3 of the same Article shall pay the costs necessary for the job applicant to return home, or take other necessary measures if the job applicant returns home for any cause falling under either of the following items.

- (i) If the content of the employment contract is different from the recruiting terms and conditions.
- (ii) If the applicant is not employed for the convenience of the person recruiting workers by obtaining the license or giving the notification.

#### Article 32 (Matters concerning Article 45 of the Act)

(1) A labor union, etc. that intends to operate labor supply businesses shall apply for the

license with the Minister of Health, Labour and Welfare by following the procedures and forms determined by the Director-General of the Employment Security Bureau.

- (2) The Minister of Health, Labour and Welfare shall determine whether to grant the license after confirming through the related Local Labor Relations Committee, etc. that the labor union, etc. applying for the license conforms with the provisions of Article 2 and Article 5, paragraph 2 or the provision of Article 25, paragraph 5, item 1 or item 2 of the Labor Union Act.
- (3) The valid period of the license for operating the labor supply businesses shall be five years.
- (4) A person who intends to continue operating the labor supply businesses pertaining to the applicable license after the expiration of the valid period of the license set forth in the preceding paragraph (or the renewed term of the license if the applicable valid period of the license has been renewed pursuant to the provision of this paragraph) shall obtain the renewal of the valid period of the license.
- (5) The provisions of paragraphs 1 and 2 shall apply mutatis mutandis to the renewal of the valid period of the license set forth in the preceding paragraph.
- (6) The labor supply business provider shall, if it discontinues such labor supply businesses, give notification to the director of the Prefectural Labor Bureau governing the location of its principal place of business of the same within 10 days from the date of abolition of such labor supply businesses.
- (7) A labor union, etc. that operates the labor supply businesses shall, with respect to the labor supply businesses, keep the books and records pursuant to the procedures and forms determined by the Minister of Health, Labour and Welfare, prepare business reports and submit the same to the Minister of Health, Labour and Welfare through the director of the Prefectural Labor Bureau governing the location of the principal place of business.

#### Article 33 (Matters concerning Article 50 of the Act)

- (1) The Minister of Health, Labour and Welfare shall, when he/she orders the persons providing employment placement businesses, labor recruitment or labor supply businesses to report any necessary matter pursuant to the provision of Article 50, paragraph 1 of the Act, give written notice of the matters to be reported and the reason for such report.
- (2) The identification cards provided by Article 50, paragraph 3 of the Act shall be subject to the form of the Certificate of On-Site Inspection of Employment Placement Businesses, etc. (Form No. 9).

#### Article 33-2 (Matters concerning Article 51 of the Act and Article 51-2 of the Act)

The persons specified by an Ordinance of the Ministry of Health, Labour and Welfare as provided by Article 51, paragraph 2 and Article 51-2 of the Act shall be an employer

that is a juridical person.

Article 34 (Matters concerning Article 53-2)

The Minister of Health, Labour and Welfare shall endeavor to understand the trends of the employment of foreign workers, by taking such measures as requiring the employers to submit the materials pertaining to the employment-related situations of the foreign workers employed by them, so that the proper and smooth adjustment, etc. of the demand and supply of the labor force may be facilitated.

Article 35 (Matters concerning Article 54 of the Act)

- (1) The Minister of Health, Labour and Welfare shall endeavor to understand the trends of the employment of workers so that the guidance for improving the methods for the employment of workers may be properly and effectively implemented.
- (2) A person who intends to employ the persons who are to graduate from schools (excluding elementary schools and kindergartens), special training schools, or the facilities or polytechnic colleges listed in each item of Article 15-6, paragraph 1 of the Human Resources Development Promotion Act (hereinafter collectively referred to as "facilities" in this Article) (hereinafter referred to as "new school graduates" in this paragraph) shall give notice of the same to the Public Employment Security Office or the principal of the facilities (limited to the Task-Sharing School Principal and a person operating the employment placement businesses by giving the notification pursuant to the provision of Article 33-2, paragraph 1 of the Act; the same shall apply in paragraph 4) in advance if either of the following items is applicable.
  - (i) If the recruitment of the new school graduates is to be discontinued or the number of the recruits being sought is to be reduced (limited to the cases determined by the Minister of Health, Labour and Welfare if the number of the recruits being sought for the new school graduates specified by the Minister of Health, Labour and Welfare is to be reduced.)
  - (ii) If the commitment or notification that a new school graduate would be employed and the wages paid after the graduation is canceled or revoked after such commitment or notification and prior to the scheduled commencement date of the employment of such new school graduate (hereinafter referred to as "employment offering period" in the following item).
  - (iii) If the employment offering period of a new school graduate is to be extended.
- (3) The chief of the Public Employment Security Office shall report to the Minister of Health, Labour and Welfare through the director of the Prefectural Labor Bureau the content of the notice set forth in the preceding paragraph or the notice provided by following paragraph.
- (4) The principal of the facilities shall notify the Public Employment Security Office of the content of the notice if it receives a notice provided by paragraph 2.

- (5) The guidance to factories, workplaces, etc. provided by Article 54 of the Act shall be provided by the employment security organizations based on the plan and the specific assistance guidelines determined by the Director-General of the Employment Security Bureau.
- (6) The employment security organization shall not, in providing the guidance set forth in the preceding paragraph, intervene in any labor dispute or become involved in the content of any labor agreement.

#### Article 36 Deletion

#### Article 37 (Matters concerning Article 60 of the Act)

- (1) Among the authorities of the Minister of Health, Labour and Welfare provided by the Act, the authorities listed in each of the following items shall be delegated to the director of the Prefectural Labor Bureau specified in each such item; provided, however, that such delegation shall not preclude the Minister of Health, Labour and Welfare from exercising its own authorities.
  - (i) The authority concerning the order to change the schedule of fees pursuant to the provision of Article 32-3, paragraph 4 of the Act: the director of the Prefectural Labor Bureau governing the location of the principal place of business of the person operating the applicable employment placement businesses and the place of business operating such employment placement businesses
  - (ii) The authority concerning the acceptance of the notification as provided by Article 32-8, paragraph 1 of the Act (including the cases where such provision is applied mutatis mutandis pursuant to Article 33, paragraph 4 of the Act, Article 33-3, paragraph 2 of the Act and Article 33-4, paragraph 2 of the Act): the director of the Prefectural Labor Bureau governing the location of the principal place of business of the person operating the applicable employment placement businesses
  - (iii) The authority concerning the suspension of all or part of the employment placement businesses pursuant to the provision of Article 32-9, paragraph 2 of the Act (including the cases where such provision is applied mutatis mutandis pursuant to Article 33, paragraph 4 of the Act, Article 33-3, paragraph 2 of the Act and Article 33-4, paragraph 2 of the Act): the director of the Prefectural Labor Bureau governing the location of the principal place of business of the person operating the applicable employment placement businesses and the place of business operating such employment placement businesses
  - (iv) The authority concerning the order to change the scope of the handled occupations, etc. pursuant to the provision of Article 32-12, paragraph 3 of the Act (including the cases where such provision is applied mutatis mutandis pursuant to Article 33, paragraph 4 of the Act, Article 33-3, paragraph 2 of the Act and Article 33-4, paragraph 2 of the Act): the director of the Prefectural Labor Bureau governing the



location of the principal place of business of the person operating the applicable employment placement businesses and the place of business operating such employment placement businesses

- (v) The authority concerning the acceptance of the notification as provided by Article 33-2, paragraph 1 of the Act pertaining to the free employment placement businesses provided by the same paragraph or as provided by Article 32-8, paragraph 1 of the Act applied *mutatis mutandis* pursuant to paragraph 7 of the same Article, and the suspension of such businesses pursuant to the provision of Article 32-9, paragraph 2 of the Act: the director of the Prefectural Labor Bureau governing the location of the principal place of business of the facilities listed in each item of Article 33-2, paragraph 1 of the Act
- (vi) The authority concerning the license provided by Article 36, paragraph 1 of the Act which pertains to the recruitments listed below, the license provided by paragraph 2 of the same Article which pertains to such recruitments, the acceptance of the notification provided by paragraph 3 of the same Article which pertains to such recruitments, the instructions provided by Article 37, paragraph 2 of the Act given upon the grant of such license, the recession of such license and the suspension of recruitment businesses pertaining to such license as provided by Article 41, paragraph 1 of the Act, and the recession and suspension of the recruitment businesses pertaining to such notification provided by paragraph 2 of the same Article: the director of the Prefectural Labor Bureau governing the location of the recruiting place of business: the director of the Prefectural Labor Bureau governing the location of the recruiting place of business
  - (a) Recruitment targeting the area within the prefecture in which the recruiting place of business is located
  - (b) Recruitment targeting the area outside the prefecture in which the recruiting place of business is located (excluding the area designated by the Minister of Health, Labour and Welfare by considering into account the status of the demand and supply of the labor force in such area) (excluding the recruitment conducted by a business owner belonging to the industry designated by the Minister of Health, Labour and Welfare by considering into account the status of the demand and supply of labor force in such industry), in which recruitment of the number of workers sought in such area is less than 100 (or 30 if the number of workers sought in an area within one prefecture is more than 30)
- (vii) The authority concerning the guidance and advice provided by Article 48-2 of the Act: the director of the Prefectural Labor Bureau governing the location of the principal place of business of the facilities if the matter pertains to the free employment placement businesses provided by Article 33-2, paragraph 1; the director of the Prefectural Labor Bureau governing the location of the principal place of business of the person operating the applicable employment placement businesses or

the labor supply businesses and the place of business operating such businesses if the matter pertains to the employment placement businesses or labor supply businesses other than the free employment placement businesses provided by Article 33-2, paragraph 1: the director of the Prefectural Labor Bureau governing the location of the recruiting place of business if the matter pertains to the recruitment of workers (hereinafter referred to as "governing director of the Prefectural Labor Bureau" in this paragraph.)

(viii) The authority concerning the order provided by Article 48-3 of the Act: the governing director of the Prefectural Labor Bureau

(ix) The authority concerning the order to submit report provided by Article 50, paragraph 1 of the Act and the on-site inspection provided by paragraph 2 of the same Article: the authority concerning the: the governing director of the Prefectural Labor Bureau

(2) The notice provided by Article 33-2, paragraph 8 of the Act shall be given by the director of the Prefectural Labor Bureau specified by item 5 of the preceding paragraph.

(3) The authorities of the Minister of Health, Labour and Welfare provided by Article 48-2 of the Act, Article 48-3 of the Act and Article 50 of the Act which pertain to the free employment placement businesses provided by Article 33-2, paragraph 1 shall be exercised by the chief of the Public Employment Security Office; provided, however, this shall not preclude the Minister of Health, Labour and Welfare from exercising its own authorities.

#### Article 38 (Matters concerning Article 61 of the Act)

(1) The documents to be submitted to the Minister of Health, Labour and Welfare pursuant to the provisions of Chapters 3 to 3-3 inclusive of the Act and this Ordinance shall be submitted through the director of the Prefectural Labor Bureau governing the location of the principal place of business of the person operating the employment placement businesses or the labor supply businesses or the recruiting place of business (or the chief of the Public Employment Security Office governing the location of the principal place of business of the applicable facilities (or, if there are two or more such Public Employment Security Offices, the Public Employment Security Offices handling such affairs pursuant to the provision of Article 792 of the Rules on Organization of the Ministry of Health, Labour and Welfare) in case of the employment placement businesses operated by giving the notification pursuant to the provision of Article 33-2, paragraph 1 of the Act); provided, however, that the documents to be submitted to the Minister of Health, Labour and Welfare (excluding the "Certificate of License of Charged Businesses" and the "Certificate of License of Free Businesses) pursuant to the provision of Article 32-4, paragraph 3 of the Act (including the cases where such provision is applied mutatis mutandis pursuant to Article 33, paragraph 4 of the Act),

Article 32-7, paragraph 1 of the Act or paragraph 4 (including the cases where such provision is applied mutatis mutandis pursuant to Article 33, paragraph 4 of the Act, Article 33-3, paragraph 2 of the Act or Article 33-4, paragraph 2 of the Act) or Article 21, paragraph 3 (including the cases where such provision is applied mutatis mutandis pursuant to Article 25), which pertain to any matter other than those provided by Article 30, paragraph 2, items 1 and 2 of the Act (including the cases where such provision is applied mutatis mutandis pursuant to Article 33, paragraph 4 of the Act, Article 33-3, paragraph 2 of the Act or Article 33-4, paragraph 2 of the Act) may be submitted through the director of the Prefectural Labor Bureau governing the location of the applicable place of business.

- (2) The documents to be submitted pursuant to the provisions of Chapters 3 to 3-3 inclusive of the Act and this Ordinance (excluding the "Certificate of License of Charged Businesses" and the "Certificate of License of Free Businesses) shall be submitted with two copies (or one copy in case of the documents provided by Article 18, paragraph 3 (including the cases where such provision is applied mutatis mutandis pursuant to Article 25, paragraph 1), Article 22, paragraph 4 (including the cases where such provision is applied mutatis mutandis pursuant to Article 25, paragraph 2) and Article 23, paragraph 4 (including the cases where such provision is applied mutatis mutandis pursuant to Article 25, paragraph 1)) thereof attached to the original.

#### Supplementary Provisions (Extract)

- (1) This Ordinance shall come into effect as of the date of enforcement of the Employment Security Act.
- (2) The Ordinance for Enforcement of the Employment Placement Act, the Ordinance for Free Employment Placement Businesses, the Ordinance for Commercial Employment Placement Businesses, the Ordinance for Labor Supply Businesses and the Ordinance for Recruitment of Workers shall be abolished.
- (4) The cases specified by an Ordinance of the Ministry of Health, Labour and Welfare as provided by Article 32-3, paragraph 2 of the Act shall be, for the time being, in addition to the cases provided by Article 20, paragraph 2, the cases under which the fee of 670 yen (or 650 yen in case of a tax exempt business provider) for accepting the job application is collected upon acceptance of the job application of a job seeker for occupations pertaining to the entertainer set forth in the same paragraph, domestic helper (a person who provides general housekeeping businesses (limited to those provided at a house of an individual, dormitory or other equivalent facilities)), care-giving or nursing-assisting businesses for patients, invalids, etc. (limited to those provided at a hospital or other equivalent facility), person in charge of serving food (a person who provides table-coordinating, food-serving or waiting businesses, etc. following proper manners at a hotel, restaurant, hall, etc. serving foods by following

proper menu (including the businesses necessary for organizing and storing the tools such as the tableware associated with such businesses)), cook (a person having the expertise and skills concerning the cooking, nutrition and sanitation and providing cooking businesses), modeling in the same paragraph or mannequin (a person having the expertise and advertising skills concerning the goods and providing such advertising businesses as the explanation, demonstration, etc. of various goods for stimulating the willingness to spend of the customers over-the-counter or at the exhibition (including the sales businesses)); provided, however, the amount shall be equivalent to the fees for three such cases per month if the number of the job applications accepted from the same job seeker exceeds three per month.

Supplementary Provisions (Extract) (Ordinance of Ministry of Health, Labour and Welfare No. 154 of September 30, 2005)

Article 1 (Effective Date)

This Ordinance shall come into effect from October 1, 2005.

Article 3 (Transitional Measure for Partial Revision of Ordinance for Enforcement of the Employment Security Act)

The form of a written application currently existing upon enforcement of this Ordinance which follows the form provided by the Ordinance for Enforcement of the Employment Security Act prior to the revision by this Ordinance may be, for the time being, used after making necessary revisions.

Appended table (related to Article 20)

Type	Maximum amount of fees	Collection method
Acceptance fees	670 yen (or 650 yen in case of a tax exempt business provider) if the offer for one job is accepted	The fee shall be collected from the job offerer on and after the acceptance of the offers for posting job offerings.
Placement fees	(i) The amount equivalent to ten-point-five hundredths (10.5/100) (or ten-point-two hundredths (10.2/100) in case of a tax-exempt business provider) of the wages paid (excluding the cases listed in the following item and in item (iii)) (ii) The amount equivalent to ten-point-five hundredths	The fee shall be collected from the job offerer or the employer concerned on and after the date of payment of the wages, which is the basis of the collection (or upon acceptance of the offer for a posting job offering or the offer for a job filed by the person currently or previously employed by the employer concerned if the

	<p>(10.5/100) (or ten-point-two hundredths (10.2/100) in case of a tax-exempt business provider) of the wages pertaining to the employment of six month period in cases where the employment by the same person continued for more than six months</p> <p>(iii) The amount equivalent to ten-point-five hundredths (10.5/100) (or ten-point-two hundredths (10.2/100) in case of a tax-exempt business provider) of the wages pertaining to the employment of six month period or fourteen-point-two hundredths (14.2/100) (or thirteen-point-seven hundredths (13.7/100) in case of a tax-exempt business provider) of the amount obtained by deducting from such wages the extra wages paid and the wages paid for each period exceeding three months, whichever is larger, in cases where the employment by the same person continued for more than six months under an employment contract without term</p>	<p>fee is collected by promising to the person paying the fee that the necessary settlement measures pertaining to the fee in case of the failure of the employment relationship and the necessary settlement measures pertaining to the fee to be taken on and after the execution of such employment relationship should be taken).</p>
<p>Fee for second class insurance premiums for special enrollment</p>	<p>The amount equivalent to seven-point-five thousandths (7.5/1000) of the wages paid</p>	<p>The fee shall be collected from the job offerer on and after the date of payment of the wages, which is the basis of the collection.</p>

Notes

- (i) The term "employer concerned" as used in this table means the employer or the ex-employer of the job seeker who intends to assist in the reemployment of such job seeker.
- (ii) The term "fee" as used in this table means the total amount of the fee collected

from the job offerer and the fee collected from the employer concerned.

(iii) The term "tax-exempt business provider" as used in this table means a person to whom the provision of the main clause of Article 9, paragraph 1 of the Consumption Tax Act (Act No. 108 of 1988) is applicable.

Form Nos. 1 to 9 inclusive: Omitted