

Understanding and Utilizing Labour Laws

Basic knowledge necessary for work

(Revised in June 2017)



* This text is available on the website of the Ministry of Health, Labour and Welfare (refer to the following URL). For education and training, etc., it may be freely printed, distributed, and used, and its utilization is recommended.

(http://www.mhlw.go.jp/stf/seisakunitsuite/bunya/koyou_roudou/roudouzenpan/roudo_uhou/index.html)

* In this text, some laws with long titles are referred to by abbreviated titles.

Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment

→ (Equal Employment Opportunity Act)

Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members

→ (Child Care and Family Care Leave Act)

Act on Improvement, etc. of Employment Management for Part-Time Workers

→ (Part-Time Workers Act)

Act on Advancement of Measures to Support Raising Next-Generation Children

→ (Next-Generation Children Act)

Act on Promotion of Women's Participation and Advancement in the Workplace

→ (Women's Participation Promotion Act)

Act for Securing the Proper Operation of Worker Dispatching Undertakings and Protection of Dispatched Workers

→ (Worker Dispatching Act)

A cartoon summarizing the main content of this text "Is This Allowed? - Cartoon Q&A on Understanding and Utilizing Labour Laws -"

(<http://www.mhlw.go.jp/stf/seisakunitsuite/bunya/mangaroudouhou/>)

can help better understanding of this text.

It is recommended to read them together.



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Important words printed in **red** (e.g. “labour contract” and “labour union”, etc.) in this text are listed here. If you wonder “what does this word mean?”, look up here!

Introduction

Today many people work on a daily basis in Japan.

All of you must have had some interest and concern about “work”, thinking that “when I go to university, I want to work part-time at the store on the corner” or “I want to work for that company someday”, etc.

On the other hand, some of you may have doubts and concerns, such as “I am worried about that company as it is labeled as a ‘sweatshop’ on the Internet” or “the work content of my part-time job is significantly different from what I was told at the job interview, but I have no idea who I should consult”, etc.

To provide help to such people, this text compiles basic knowledge that you should know when you work on an easy-to-understand manner. More concretely, this text is structured as follows:

- “Prologue: Basic knowledge necessary for work” (p.2-9) **briefly summarizes**, for those of you who do not have much time, **the minimum required points of the basic knowledge of labour laws addressed in this text, and then lists who you should consult when you have a concern**. You can read this section in 10 minutes, and you should at least check the content.
- “Chapter 1 Labour laws” (p.10-12)” is a chapter for learning the basics of labour laws, including **what labour laws are** exactly and **what labour unions are**.
- “Chapter 2 Before starting to work” (p.13-21) describes **the basic rules you should know before starting to work, including the points you should pay attention to when concluding a labour contract**.
- “Chapter 3 Rules that apply when working” (p.22-36) is a chapter describing **the rules of labour laws that are important when you actually work, including wage, working hours, rest period/days off, and work environment**. This chapter contains abundance of information, but they are all important rules and you should certainly try to read it through.
- “Chapter 4 Diverse work styles” (p.37-42) explains **diverse work styles such as dispatched/contract employee, part-time worker, and outsourcing (contracting), etc.**
- “Chapter 5 When resigning or being dismissed from a job” (p.43-47) compiles **the rules that apply when resigning or being dismissed from a job**.
- “Chapter 6 Mechanism of employment (for new university graduates, etc.)” (p.48-55) **compiles the schedule and matters requiring attention when actually seeking jobs and various support that can be provided**. When you are “ready for seeking a job!”, you should read this chapter.

In addition to the above, there is an index of important words at the end of this text (p.56-57). You should thoroughly acquire the basic knowledge necessary for work by utilizing this text when you start working. If you have any concerns, read this text again and contact the consultation contact points listed here (p.7-9 or back cover).

Prologue: Basic knowledge necessary for work

(1) Basic knowledge necessary when starting to work

You are looking at job-offer information in a recruitment magazine, muttering to yourself “I wish I could find a good job here”. After 30 minutes or so of looking through, you come across an advertisement that caught your attention. “This looks pretty good, but I’m not sure...”. How do you evaluate the following advertisement?

MHLW Corporation: Recruitment for regular employee (sales-clerical)

Job description: Sales and clerical work (no experience required)

Salary: 150,000-180,000 yen per month (three-month **trial period**)

Qualification: Ordinary driver's license required

Days off: Saturdays, Sundays, holidays, year-end and New Year's holidays, and Golden Week holidays, etc.

Others: Transportation expenses (with an upper limit) and various insurances provided

[3] More details at job interview

Send your resume and job history (free format) by postal mail by ddmmyyyy. The date of job interview will be notified later.

....., xxxx-shi, xxxx Prefecture, nnn-nnnn Japan [Contact point (person in charge: xxxx)]

[2]

- [1] A “**regular employee**” is recruited here, but there are various other work styles, including a **dispatched employee** who works at another company after concluding a contract with a dispatching company, **contract employee** who works for a specified period of time, and **part-time worker** who works for hours less than full-time employees, etc. How you work is very important, and therefore you must thoroughly check it.

⇒ **Various work styles are described in detail in “Chapter 4 Diverse work styles” (p.37-42).**

- [2] Don't forget to check the **working conditions** such as the job description, wage, and work day and the subscription status of various insurances/pension schemes, etc., and confirm concretely how you are going to work by making an inquiry to the company as necessary.
- ⇒ When as a result of checking, “the job looks OK”, you go to a job interview after receiving resume correction services, etc. at **Hello Work** and successfully pass it. Before signing a **labour contract**, however, you must thoroughly check the labour contract document to ensure that it is consistent with the content of the recruitment advertisement. (When a company employs a worker, the company must not just verbally promise, but also clearly indicate in writing six particularly important matters of working conditions such as the job description, etc. In addition, when the content of the labour contract is different from the recruitment advertisement or the

content not given in the advertisement is added, the company must clearly specify what the differences and additions are.)

In addition, you should carefully check to see whether “**trial period**” and “**fixed overtime payment**”, etc. are included in the working conditions or not.

⇒ **See “Column 3 Fixed overtime payment” and “Column 4 Trial period” (p.19-20).**

- [3] In the case of recruitment magazines, etc., due to lack of space, the **working conditions** may not be fully described. There may be items not given in the recruitment advertisement but are still important to you, and therefore, it is advised that you should also carefully check the content not given in the recruitment advertisement. (A company should, in principle, clearly specify the working conditions not described in the recruitment advertisement before conducting a job interview for the first time. In this case, as in [2], the company must clearly specify the content not given in the recruitment advertisement.)

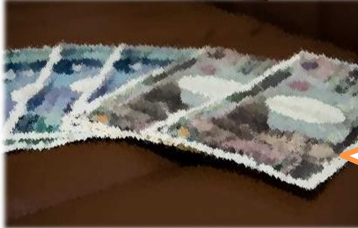
⇒ **Matters requiring attention before starting to work are described in detail in “Chapter 2 Before starting to work” (p.13-21).**

(2) Basic knowledge necessary for work

You arrive at your company in fine spirits, thinking that “I will do my best to work!”. You also wonder what kind of work you will be doing, who you will be working with, and many other things. At the same time, you may be worried about whether your company would honor the content of the **labour contract** and what would happen if you get injured, etc. In such cases, you should check to see if your company abides by the following six rules:



[1] When the actual **working conditions** are different from the content of **labour contract**, you can request your company to honor the contract.



[2] The minimum **wage** is established in each prefecture, and the amount lower than that is not allowed. In addition, wages must be paid in actual money and in full directly to workers themselves at least once a month on fixed dates.



[3] The number of **working hours** is limited to no more than eight hours a day and 40 hours a week. For those who worked overtime, extra wages must be paid.



[4] When the number of working hours exceeds six or eight hours a day, a 45 or 60-minute **rest period** must be provided, respectively. In addition, at least a **day off** must be provided in a week (or four days off within a four-week period).



[5] Workers who were injured or became ill during work can receive compensation. Companies must **consider the safety** of workers and pay attention to their **health care**.

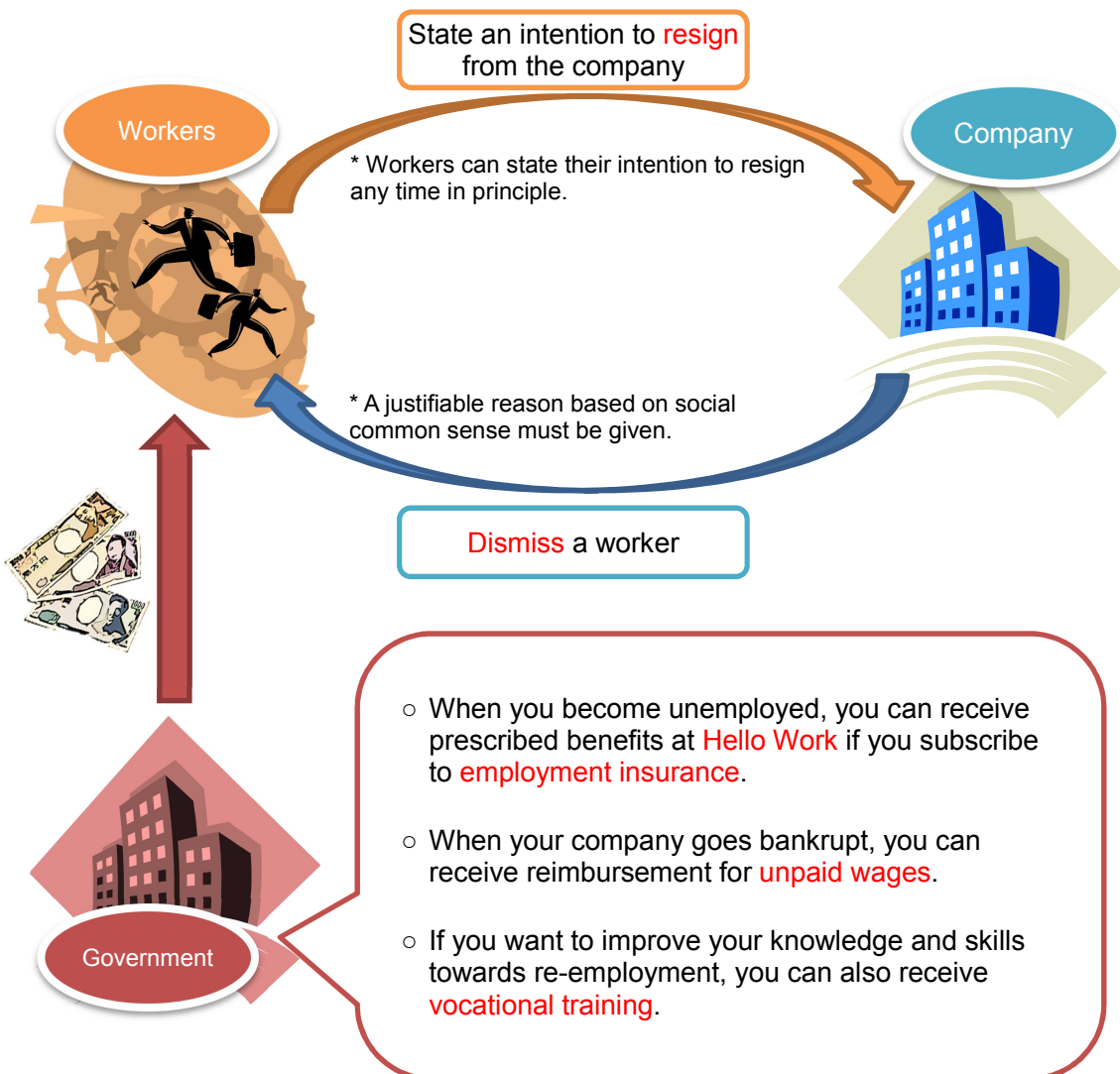


[6] Systems to support the **prohibition of discrimination on the basis of sex** and a **good balance between work and life**, etc. are established to enable both males and females to continue to actively work.

⇒ Matters requiring attention when working are described in detail in “Chapter 3 Rules that apply when working” (p.22-36).

(3) Basic knowledge necessary when resigning from a job

You found something else that you want to engage in, and now want to resign from the job. However, you are involved in some work, and it is hard to tell it to your boss. In addition, even if you resign, you are not sure how to make a living until you find the next job. You also want to acquire new skills to gain an advantage in job-seeking activities. So, what would you do... You should prepare for that situation with the following figure in mind.



⇒ Matters requiring attention when resigning from a job are described in detail in “Chapter 5 When resigning or being dismissed from a job” (p.43-47).

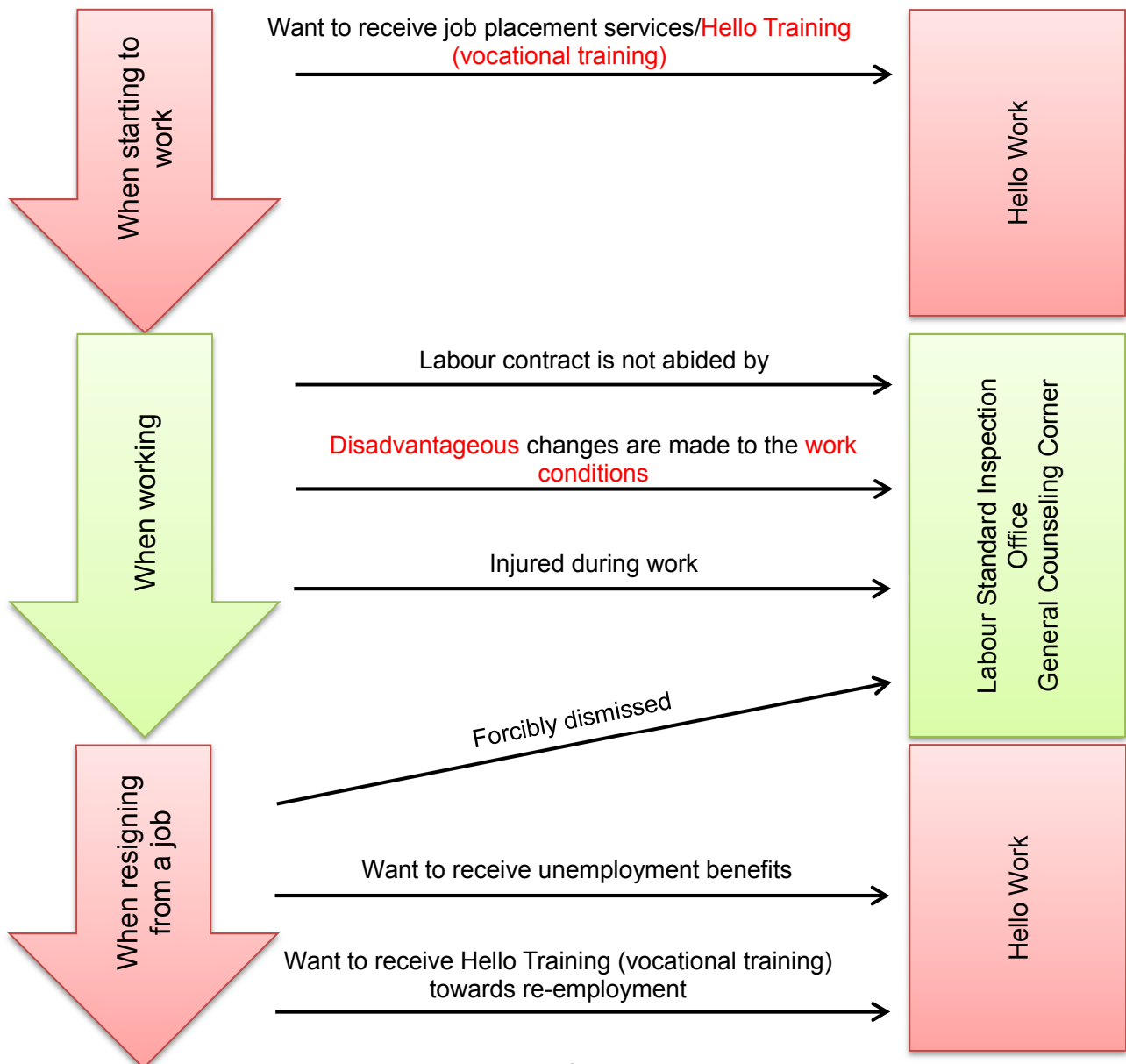
(4) Consultation contact points for work

You are now equipped with knowledge acquired by reading up to here, thinking “I am ready to work!”, and will go on to decide on a job that you want to do, look for a company, and get employed. In doing so, knowing where you can consult to when you are worried about something is reassuring. This chapter closes by providing the flow chart of how to use main consultation contact points and the list of consultation contact points.

⇒ Employment schedule for employment, etc. is described in detail in “Chapter 6 Mechanism of employment (for new university graduates, etc.)” (p.48-55).

⇒ Consultation contact points for work are also listed on the back cover of this text.

Main Consultation contact points for work - Flow chart



Consultation contact points for work

* For the locations and how to contact, see the URL at the end of the description of each contact point.

[1] General Labour Consultation Corner

At a “General Labour Consultation Corner” established in the Employment Environment and Equal Employment Department (Office) of each Prefectural Labour Bureau and in each Labour Standards Inspection Office nationwide, etc., expert consultants are available for visiting or telephone consultation from both workers and employers on issues of working conditions such as dismissal and lowered wages, etc. and any areas of labour issues, including recruitment/employment and bullying/harassment, etc. (consultation is provided free of charge). If you have any concerns, feel free to consult with them.

<http://www.mhlw.go.jp/general/seido/chihou/kaiketu/soudan.html>

[2] Labour Standard Inspection Office

Labour Standard Inspection Office provides supervision and guidance on wages, working hours, and safety and health, etc. and performs clerical work such as issuing permission and certification based on labour standards related laws and regulations, etc.

Working Condition Consultation Hotline (MHLW-commissioned program)

Telephone consultation on working conditions is available in the evening of week days and on weekends/holidays when Labour Standards Inspection Offices, etc. are closed. Tel: 0120-811-610

<http://www.mhlw.go.jp/bunya/roudoukijun/location.html>

[3] Hello Work (public employment security office)

As integrated employment service agencies in regions operated by the government, Hello Works provide job seekers with employment consultations, job placement services, guidance, referral to Polytechnic Centers, and employment insurance benefits. PCs that can be used for searching recruitment information and files that compiled local recruitment information by job type, etc. also available to the public. In addition, Hello Work Internet Services can also be used over the Internet. Furthermore, women raising children, graduate school/university/junior college/technical college/special training school students and those not employed after graduation, and young people (younger than 45) seeking employment as a regular employee can use “Hello Work for Mothers”, “Hello Work for New Graduates”, and “Hello Work for Young People”, respectively, etc. All these services are provided free of charge, and you are advised to utilize Hello Work when you are looking for a job.

In addition, when the recruitment information is different from the actual working conditions, etc., you can consult Hello Work or Hello Work Recruitment Hotline.

<Locations of Hello Work offices nationwide>

<http://www.mhlw.go.jp/kyujin/hwmap.html>
<Hello Work Recruitment Hotline>

03-6858-8609

(Available 08:30-17:15 all day * Excluding year-end and New Year's holidays)

[4] Employment Environment and Equal Employment Department (Office) and Demand and Supply Adjustment Division (Office) of Prefectural Labour Bureau

At Employment Environment and Equal Employment Department (Office) established in each Prefectural Labour Bureau, consultation on discrimination on the basis of sex, sexual harassment measures, measures against **harassment related to pregnancy/childbirth/child care leave/family care leave, etc.**, health care for expectant and nursing mothers working, applying for and taking **child care leave/family care leave, etc.**, equal/balanced treatment for **part-time workers**, promotion of their conversion to **regular employees**, and the Labor Contracts Act is available (consultation is provided free of charge).

In addition, at Demand and Supply Adjustment Division (Office) established in each Prefectural Labour Bureau, consultation on recruitment information other than that provided at Hello Work, etc. is available, and you should consult when the recruitment information is different from the actual **working conditions** (consultation is provided free of charge).

<http://www.mhlw.go.jp/kouseiroudoushou/shozaiannai/roudoukyoku/>

[5] Labour Relations Commission

Labour Relations Commission gives relief to labour unions and union members when an **unfair labour practice (disadvantageous treatment by the employer for the reason of joining a labour union, etc.; see p.11)** is found to have occurred, and makes adjustments (mediation, conciliation, and arbitration) to resolve conflicts between labour unions and companies in the case of labour disputes such as strikes. In addition, it provides support (mediation of individual labour disputes) to resolve conflicts between individual workers and companies on labour issues such as **working conditions** (Note: The mediation of individual labour dispute is provided at each Prefectural Labour Relations Commission, excluding Labour Relations Commissions in Tokyo, Hyogo, and Fukuoka Prefectures and the Central Labour Relations Commission). All these services are provided free of charge.
<http://www.mhlw.go.jp/churoi/chihou/pref.html> (Prefectural Labour Relations Commission)

[6] Prefectures

Labour consultation is also available at labour administration offices and labour consultation counters established in each prefecture. See the website of the prefecture you live in.

[7] Japan Legal Support Center (Houterasu)

Houterasu is a comprehensive consultation office established to provide necessary legal support to anyone, anywhere across the country because quite a few people are unable to receive consultation when they encounter legal troubles for such reasons as “don’t know where to go for consultation”, “don’t have any close lawyer”, or “cannot pay the attorney fees”. Regarding labour issues, Houterasu provides various legal services to resolve your legal troubles.

<http://www.houterasu.or.jp/>

[8] Japan Pension Service (pension office)

Japan Pension Service (pension office) carries out a series of pension-related businesses (application, collection, record management, pension consultation, and provision, etc.) that have been entrusted and commissioned by the government.

Consultation on the application of **employees' pension insurance** is accepted at the Employees' Pension Insurance Application Review Division of pension office, and general pension consultation at customer consultation counters of pension offices nationwide and local Pension Consultation Centers (operated by the Japan Federation of Labor and Social Security Attorney's Associations).

<http://www.nenkin.go.jp/section/index.html> (Pension consultation contact point)

<http://www.nenkin.go.jp/section/tel/index.html> (Nenkin Dial)

[9] Regional Youth Support Station (Support Station)

At **Support Station**, young people aged 15-39 with concerns about working are provided with support towards employment, including expert consultation support for vocational independence, job retention and step-up support after employment, and work experience at cooperative companies, etc.

<http://saposute-net.mhlw.go.jp/>

[10] Mental health portal site for workers “Ears for the Heart”

“Ears for the Heart” provides comprehensive information on mental health at workplaces and responds to various questions and consultation requests from business operators, persons in charge of personnel management in companies, and workers about issues on mental health at workplaces through e-mail and telephone.

<https://kokoro.mhlw.go.jp/>

Chapter 1 Labour laws

1. What are labour laws

Have you ever heard the term “labour laws”? There is no law of such title. “Labour laws” collectively refer to a number of laws concerning work, including the Labor Standards Act, **Labor Union Act**, Equal Employment Opportunity Act, and Minimum Wage Act, etc.

2. Roles of labour laws

Why, then, are such things as labour laws necessary? When you intend to get a part-time job or are employed at a company, an agreement “to work” and “to employ” is made (that is, a **labour contract** is concluded) between you (worker or employee) and your company (employer, company, or business operator). The content of the contract, including the conditions under which you will be working, etc., is basically decided by agreement between the worker and the company.

What would happen, however, if the contract “can freely be made”?

Workers must be employed somewhere to earn wages in order to make their living.

Therefore, to gain employment, they may be forced to sign the contract with the conditions as presented by the company, even if they are not satisfied with the wages and working hours. In addition, even if they “want to work at higher wages” and try to negotiate with the company, they may be told that “if you do not agree, you need not work here as there are many others who want to work” and eventually forced to abide by the conditions unilaterally set by the company.

As just described, if the content of labour contract can be made completely freely, the content of the contract may be disadvantageous to many workers who are likely to be in a weaker position than the company, containing such poor **working conditions** as low **wages** and long working hours, etc. In order to avoid this situation, labour laws are established to protect workers by setting forth certain rules. **Acquiring knowledge on labour laws will lead to protection of your rights.**

“Workers” protected by labour laws include all people who are employed to work, and labour laws apply to not only regular employees, but also **dispatched employees** (workers who are dispatched to other companies to work under their directions/orders after concluding labour contract with dispatching companies), **contract employees** (workers whose contract period is specified in the labour contract), **part-time workers** (workers whose number of prescribed weekly **working hours** is less than that of ordinary workers (so-called “**regular employees**”) employed at the same workplace), and part-time jobbers as “workers” (however, how they apply concretely varies depending on work styles).

(*) On the other hand, business operators are basically not protected by labour laws. It must be noted, however, those working in a form such as “**outsourcing**” and “**contracting**” in which payments are made for the completion of the work offered by the orderer are treated as business operators, and therefore not basically protected by labour laws.

(→ See “Chapter 4 Diverse work styles” on p.37-42).

3. Labour union

Labour union is “an organization formed voluntarily and composed mainly of workers for the main purposes of maintaining and improving **working conditions** and raising the economic status of the workers”, that is, an organization for workers to protect their own rights by themselves.

Even if you want to improve the situation of working at low **wages** without sufficient rest breaks, requesting/obtaining improvements by a worker all by himself/herself is not at all easy. Because he/she runs the risk of being told that “if you are dissatisfied, you can quit as there are many replacements for you” and that could be the end of everything. Therefore, in order to enable workers to unionize and negotiate with companies on an equal footing, the Constitution of Japan guarantees the following **three primary rights of labour** (Article 28 of the Constitution of Japan):

- [1] Right of workers to form labour unions (**right to organize**)
- [2] Right of workers to collectively bargain with employers (companies) (**right to collective bargaining**)
- [3] Right of workers to act collectively to achieve specific purposes (**right to act collectively (right to strike)**)

And the **Labor Union Act** was established to concretely guarantee these rights.

A labour union can be formed with at least two workers. Employers may not obstruct the formation of labour unions, and there is no need for permission of or notification to administrative agencies. Labour unions collectively bargain with employers for the improvement of their working conditions, compile comments and requests from union members and submit them to employers, and provide consultation to union members with concerns, etc. In order to guarantee activities of labour unions, employers are prohibited to conduct **unfair labour practices** (see “One step further [1]” below)

- * Consultation on the formation of labour unions is provided at bureaus and departments responsible for labour administration and also at some federations of labour unions. In addition, workers can join not only labour unions organized on a company basis, but also external labour unions organized on a regional basis.

One step further [1] Unfair labour practice

The Labor Union Act prohibits employers from conducting the following practices to concretely guarantee the three primary rights of labour.

- [1] **Disadvantageous** treatment, including **dismissal**, demotion, wage reduction, or harassment, etc., on the basis of joining labour unions or conducting legitimate labour union activities (labour dispute actions), etc. (excluding wage reduction for the strike hours and lockouts against strikes, etc.).

[2] Refusal of collective bargaining without justifiable reason (employers must accept requests for collective bargaining from labour unions, unless there is a justifiable reason).

[3] Controlling or interfering with the formation and operation, etc. of labour unions or providing them with financial assistance (language and behavior obstructing employees from forming/joining a labour union and conducting their union activities, etc. falls under this category).

[4] Disadvantageous treatment of workers on the basis of filing a petition to the Labour Relations Commission or making statements or submitting evidences to the Labour Relations Commission.

When labour unions or workers received **unfair labour practices** by employers, they can request the **Labour Relations Commission** for relief.

One step further [2]

Labour Relations Commission

Since **unfair labour practices** and strikes labour-management (between workers (labour unions) and employers (companies)) disputes may result in a significant loss not only for the labour and management concerned but also society in general, it is considered desirable to prevent their occurrence to the extent possible and resolve them as early as possible.

It is desirable that the labour and management concerned voluntarily resolve labour-management disputes by deliberating in good faith, but in actuality, they cannot resolve by themselves in some case. The **Labour Relations Commission** was therefore established as a fair third party to work on resolving labour-management disputes.

The Labour Relations Commission is a tripartite commission consisting of representatives of the public interest, workers, and employers, and “Prefectural Labour Relations Commission” is established as an agency of each prefecture and “Central Labour Relations Commission” as an agency of the government.

The Labour Relations Commission issues relief orders when unfair labour practices are found to have occurred upon receiving petitions from relevant parties, and makes three types of adjustments, namely “mediation”, “conciliation”, and “arbitration”.

In addition, it provides mediation of individual labour disputes to resolve conflicts between individual workers and companies on labour issues such as **working conditions** (→ see p.8).

- * Mediation of individual labour dispute is provided at each Prefectural Labour Relations Commission, excluding that in Tokyo, Hyogo, and Fukuoka Prefectures (in Tokyo and Fukuoka Prefecture, mediation is provided at prefectural labour administration offices).

One step further [3]

Collective agreement

Collective agreement refers to an agreement made between **labour unions** and companies, and it comes into effect when it is prepared in writing and signed/sealed, etc. by both parties. Even if a company tries to conclude **labour contracts** with union members or establish company rules (**rules of employment** → see p.14), the portion of the content that is contrary to the **working conditions** or treatment of workers specified in the collective agreement will have no effect and the standards of the collective agreement apply. That is to say, the working conditions specified in the collective agreement take precedence over rules of employment and labour contracts.

Chapter 2 Before starting to work

1. When concluding labour contracts

When you start to work, you are likely to check the **working conditions** such as the job description, wage, and work day to see which company has the conditions that best fit you. Even if you successfully gain full-time employment or a part-time job at the company with fitting conditions, however, you will be troubled if you find, when you actually start working, that the conditions are completely different from what your company previously told you. For this reason, **labour law** stipulate that companies are obliged to **clearly indicate working conditions** to workers when concluding **labour contracts** to avoid such situation.

Furthermore, company must not just verbally promise, but also clearly indicate in writing the following six particularly important matters (Article 15 of the Labor Standards Act).

- [1] **Until when** the contract is in force (matters concerning the period of labour contract) *
- [2] **Rules for renewing** a fixed-term contract (whether to renew or not, and how the judgment is to be made, etc.)
- [3] **Where and what** work to do (location of work and job description)
- [4] What **working hours and rest breaks** are (time to start and end work, whether to work overtime or not, **rest period**, **days off/leave**, and rotation of shift changes (shift system), etc.)
- [5] How **wages** will be paid (determination of wages, calculation and payment methods, and due date and payment period)
- [6] Rules that apply when **resigning from a job** (matters concerning **resignation** (including grounds for **dismissal**))

* When concluding a labour contract, the period may or may not be specified. In many cases, the period is specified for **contract employees** and **part-time workers**, and the period is not specified for **regular employees** intended for long-term employment.

It is also stipulated that workers and companies must confirm the other content of labour contracts in writing to the extent possible (paragraph 2, Article 4 of the Labour contract). By concluding a labour contract, companies are obliged to “pay wages specified in the labour contract” and, at the same time, you are obliged to “faithfully work under the direction of your company”.

* When you feel that the rules for labour contracts are not observed, consult with the “**Labour Standards Inspection Office** and/or **General Labour Consultation Corner**” (see p.7).

(→ See “One step further [4] Prohibited matters of labour contracts” on p.15)

(→ See “One step further [5] Preliminary offer of employment” on p.15)

(→ See “Column 6 Employment of persons with disabilities” on p.21)

2. Are you aware of the rules of employment?

In many cases, the **working conditions** that apply when you work at a company are common to all those working at the same workplace, and such common rules are stipulated in the “**rules of employment**”.

The rules of employment are the rule books created by companies after hearing opinions of workers, containing matters concerning working conditions such as wages and **working hours** of workers, etc. and workplace rules, etc. At a company where many people work, establishing and following rules enables everyone to work without undue worries and prevents unnecessary trouble. Therefore, the rules of employment have an important role. The content of the rules of employment must be available to workers at all times by posting or distributing them, etc. (Article 106 of the Labor Standards Act), and thus you should check the rules of employment when you have any concern at your workplace or location of part-time job.

(Rules for the rules of employment)

- Companies that regularly employ 10 or more workers must prepare the rules of employment and submit them to the director of the **Labour Standards Inspection Office** (Article 89 of the Labor Standards Act)
- Matters that must be covered in the rules of employment (Article 89 of the Labor Standards Act)
 - [1]Matters concerning time to start and end work, **rest period**, **days off**, leave, and shift system, etc.
 - [2]Matters concerning **wages**
 - [3]Matters concerning **resignation**
- Companies must hear opinions of workers when preparing/changing the rules of employment (Article 90 of the Labor Standards Act)
- The content of the rules of employment must not infringe any laws or **collective agreements** (Article 92 of the Labor Standards Act and Article 13 of the Labor Contracts Act)

* When you feel that the rules for rules of employment are not observed, consult with the “**Labour Standards Inspection Office** and/or **General Labour Consultation Corner**” (see p.7).

3. Various insurance and pension systems for working without undue worries

You must have seen recruitment information by companies with the description “various insurance benefits included”. “Various insurance benefits included” indicates that the company subscribes to **employment insurance**, **workers' accident compensation insurance**, **health insurance**, and **employees' pension insurance**, and these system apply to employees working for that company. These systems aim to protect workers' livelihood by providing them with necessary benefits in various situations of not being able to work, including becoming ill, being injured, giving birth, being unemployed,

and getting old. When you look for full-time employment or a part-time job, checking which systems the company you are intending to work for subscribes to is very important.

(→ See “One step further [6] Closer look at various insurance/pension systems” on p.16)

One step further [4]

Prohibited matters of labour contracts

If a fine is imposed as a penalty for prematurely resigning from the job, you will not be able to resign even when you want to resign from the current company or find a part-time job with better conditions than the current one. For this reason, to prevent workers from being unjustly bound to the company, **labour laws** set forth the conditions that companies cannot include in the labour contracts to be concluded.

[1] Impose penalty charges to workers when they violate labour contracts or

predetermine the amount of such charges (Article 16 of the Labor Standards Act)

For example, even if your company predetermines “penalty charge of 100,000 yen for **resigning** from the company in less than a year” or “10,000 yen for damaging the company’s equipment”, etc. against workers, you need not follow such conditions. Note, however, that this only prohibits predetermining the amount of penalty charges and does not exempt workers from the responsibility for the damage to the company they caused intentionally or by accident.

[2] Advance wages to workers on the condition that they will work for the company, and make them repay unilaterally by way of deducting from their monthly wages (Article 17 of the Labor Standards Act)

This is for preventing the situation where workers cannot resign even if they want to because of debt from the company.

[3] Compulsorily make workers to save money (Article 18 of the Labor Standards Act)

Compulsory making worker to save money is prohibited regardless of the reason, even for the welfare of workers such as employee trips, etc. However, entrusting part of workers’ **wages** to their company, including in-house savings deposits, based on their will is allowed under certain conditions.

One step further [5]

Preliminary offer of employment

When employing new graduates, following job-seeking activities and employment examinations, preliminary offer of employment is made well in advance of the actual date of joining the company in general. But you may wonder what the meaning of this **preliminary offer of employment** is. After going through tough job-seeking activities, when you are told by the company you wish to work for that “please work for us starting in spring”, you will naturally expect to work for them, but all your future plans may be thrown off if you are then told that “forget what we have said previously”. For

this reason, in cases where a **labour contract** is deemed to have been concluded with a preliminary offer of employment, cancellation of the preliminary offer is regarded as cancellation the contract. Therefore, like ordinary dismissal, a justifiable reason based on social common sense must be given in such cases (→ see p.43-45).

But then, the reasons for cancellation are more broadly accepted than the dismissal after actually starting to work, and cancellation of preliminary offer of employment may be deemed valid when the person concerned could not graduate from school, could not obtain licenses/qualification, became difficult to work due to deteriorated health conditions, was found to have made serious misrepresentations in his/her resume, or was involved in a criminal case, etc.

However, even when the cancellation is deemed valid, like ordinary dismissal, the company must strictly follow the procedure such as issuing a dismissal notice, etc. (→ see p.44). In addition, when a person who has received a preliminary offer of employment requests a certificate stating the reason for the cancellation, the company must issue the certification without delay.

Furthermore, companies must make best efforts to secure the place of employment for the students whose preliminary offer of employment have been canceled, and faithfully respond to the compensation requests, etc. from the students (Guidelines on Employment of New School Graduates).

In addition to the above, you may experience problems such as “postponement of the date of entering employment”, including standing by at home, “unilateral alteration of the **working conditions**”, and “forced declination of the preliminary offer of employment”, etc. In such cases, you should not make decisions by yourself, but consult with your school, **Hello Work** (see p.7), and/or **General Labour Consultation Corner** (see p.7), etc.

* For dispatched workers, **labour contracts** are to be concluded with dispatching companies (see p.37).

One step further [6]

Closer look at various insurance/pension systems

(1) Employment insurance

Employment insurance is an insurance system to provide **unemployment benefits** for stable life and employment promotion of workers when they become unemployed. Regardless of the scale of the establishments where workers work, workers [1] whose number of prescribed weekly **working hours** is at least 20 hours and [2] who are expected to be employed for at least 31 days, including **dispatched employees, contract employees, part-time workers**, and part-time jobbers, are covered. Companies are obliged to subscribe to the employment insurance system, and you can make an inquiry to **Hello Work** to see whether you need to subscribe to the employment insurance system yourself or not. The insurance premiums are borne by both workers and companies.

When you become unemployed, you can receive **basic allowance** (→ see p.45-46) (the amount is determined based on your salary while being employed, etc.). Various employment insurance related applications, etc. are accepted at **Hello Work**.

(2) Workers' accident compensation insurance

Workers' accident compensation insurance is a public system to provide benefits on behalf of the government in case of injury, illness, or death due to worker's work (**occupational accidents**) or accidents while commuting (**commuting accidents**). The Labor Standards Act obligates companies to bear medical expenses when workers are injured or become ill during work and pay compensation for absence from work when workers are unable to work due to the illness or injury (Articles 75 and 76 of the Labor Standards Act). However, when the company cannot afford it, or significant accidents occur, sufficient compensation may not be provided. For this reason, the workers' accident compensation insurance system was established to ensure that workers can receive sufficient compensation when occupational accidents occur. Basically, companies that employ at least one worker are obliged to subscribe to the workers' accident compensation insurance system, and the insurance premiums are covered by companies. All workers, including **part-time workers** and part-time jobbers, are eligible to receive benefits for occupational accidents, and can receive benefits even if the company has not completed the subscription procedure. Various applications, etc. are accepted at the **Labour Standard Inspection Office** (→ see p.7).

(3) Health insurance

Health insurance is a social insurance system aimed at stabilizing people's lives by providing necessary medical benefits and allowances when workers or their family members become ill, get injured, give birth, or die. Insurance certificates that people bring to hospitals are provided when they subscribe to health insurance. By showing insurance certificates, the insured persons only need to pay 30% of medical expenses at the reception desk of hospitals in principle.

[1] Business establishments of the government, local governments, or corporations or [2] business establishments of sole proprietors of specific business types (*) that regularly employ five or more workers are compulsorily covered under health insurance, and workers working at the business establishments covered become subscribers (**dispatched employees, contract employees, part-time workers, and part-time jobbers** whose number of prescribed weekly **working hours** and number of prescribed monthly working days are at least 3/4 of those of ordinary workers need also subscribe to **employees' pension insurance**. Even when the numbers are less than 3/4, those meeting the following five conditions need to subscribe to social insurance: [1] whose number prescribed weekly working hours is at least 20 hours, [2] whose monthly **wages** are at least 88,000 yen, [3] who are expected to be employed for at least one year, [4] who are not students, and [5] who are employed by a company with 501 or more employees (or a company with no more than 500 employees when a labour-management agreement requires the subscription).). In addition, the insurance premiums are borne 50% each by workers and companies.

* Specific business types - Manufacturing, civil engineering and construction, mining, electricity and gas, transportation, cleaning, merchandising, finance and insurance, storage and rental, intermediary brokerage, bill collection and classified advertisement, education, study, and research, medical and health care, and communications and reporting, etc.

(4) Employees' pension insurance

You probably think of a “pension” as “benefits to be provided when you are in old age”, but there are other public pensions besides such “old age pension”. Even those in the working generation may be provided with pension benefits when they lose their income, including “disability pension” for being disabled and “survivors' pension” when their spouse dies, etc.

Employees' pension insurance is one such system aimed at contributing to stable life and improved welfare of workers and their bereaved families by providing insurance benefits when workers become older or are physically disabled due to some illness or injury, or the primary wage-earner of the family dies and bereaved family suffers financial difficulties, etc.

Like health insurance, [1] business establishments of the government, local governments, or corporations or [2] business establishments of sole proprietors of specific business types (*) that regularly employ five or more workers are compulsorily covered under employees' pension insurance, and workers working at the business establishments covered become subscribers (dispatched employees, contract employees, part-time workers, and part-time jobbers whose number of prescribed weekly working hours and number of prescribed monthly working days are at least 3/4 of those of ordinary workers need also subscribe to health insurance. Even when the numbers are less than 3/4, those meeting the following five conditions need to subscribe to social insurance: [1] whose prescribed number of weekly working hours is at least 20 hours, [2] whose monthly wages are at least 88,000 yen, [3] who are expected to be employed for at least one year, [4] who are not students, and [5] who are employed by a company with 501 or more employees (or a company with no more than 500 employees when a labour-management agreement requires the subscription).). In addition, the insurance premiums are borne 50% each by companies and workers.

- * If you want to know in more detail, consult with the following consultation contact points.
- **Employment insurance - Hello Work** (see p.7)
 - **Workers' accident compensation insurance- Labour Standards Inspection Office** (see p.7)
 - **Health insurance-** Prefectural branch office of the Japan Health Insurance Association or health insurance society to which you belong
 - **Employees' pension insurance- Pension office** (see p.9)

Column 1 Rules that all workers must follow

In this text, rules that companies must follow are mainly described, but workers must also follow certain rules.

Not to mention such rules as not to arrive late, not to leave workplaces during hours of work without permission, and to faithfully perform work by following the orders of superiors, workers also must not, for example, take company equipment out of the building without permission or leak company secrets, etc.

When workers do not follow these rules without justifiable reason and commit acts disrupting the company order, they may be imposed penalties in accordance with the provisions of the **rules of employment** such as **wage reduction** (punishment of reducing the amount of wages) or disciplinary dismissal (punishment of forced dismissal from company), etc. Such penalties are called **disciplinary punishments**.

However, employers (companies) cannot freely impose disciplinary punishment even if it is provided in the **rules of employment**, and disciplinary punishment will have no effect when there are no objectively reasonable grounds and it deems inappropriate to impose such punishment in light of the significance of the acts committed by workers and other circumstances (Article 15 of the Labor Contracts Act).

Column 2 Ensuring working conditions of students with part-time jobs, etc.

In the survey on the awareness of part-time jobs in university students, etc. conducted in the summer of 2015, some answers indicated possible violations of labour standards related laws and regulations such as **clear indication of working conditions** not being provided, and some suggested suspected impacts on appropriate balance between schoolwork and part-time jobs such as being forced to work more shifts than agreed upon at the time of hiring.

In addition, in the survey on the awareness of part-time jobs in senior high school students who had experienced part-time jobs conducted during the period from December 2015 to February 2016, like the survey of university students, some answers indicated possible violations of labour standards related laws and regulations such as clear indication of working conditions not being provided, and some suggested troubles about shifts.

In consideration of these circumstances, the Ministry of Health, Labour and Welfare requested employers' organizations and industry organizations with a large number of students with part-time jobs to comply with labour standards related laws and regulations and consider the issue of shift schedule, etc. The Ministry will continue to make the following efforts in cooperation with the Ministry of Education, Culture, Sports, Science and Technology:

- Conducting a nationwide campaign in spring aimed at promoting the confirmation of the **working conditions** for part-time jobs
- Making publicity by distributing leaflets and posters
- Disseminating the document for senior high school education on **labour laws** intended for teachers prepared in FY2016
- Preparing documents for university education on labour laws intended for professors, etc.
- Dispatching instructors and conducting seminars for the dissemination of labour legislation to senior high schools and universities, etc.
- Providing supervision/guidance preferentially to business establishments for which reports/consultations on violations of labour standards related laws and regulations have been made

Column 3 Fixed overtime payment

Some companies adopt the so-called "**fixed overtime payment system**" in which, regardless of any **overtime work**, **work on holidays**, and **late-night work** (hereinafter collectively referred to as "overtime work, etc." in this column), a fixed amount of **extra wages** corresponding to a fixed number of hours of overtime work, etc. are paid.

When the "fixed overtime payment system" is adopted, companies must clearly indicate in the job-opening information and guidelines for applicants [1] the method of calculating the amount of the fixed overtime payment, and the number of overtime working hours which the calculation is based on, [2] the amount of basic wages excluding the fixed overtime payment and [3] that the employer will pay the additional extra wages for overtime work exceeding the number of overtime working hours written in [1] (Guidelines for Proper Implementation of Measures to Secure Employment Opportunities for Young People by Business Operators, Job Placement Service Providers, and Other Relevant Parties). Therefore, if the description

of the fixed overtime payment is difficult to understand, you should check with the company or consult with the nearest **Hello Work** or Labour Bureau (Demand and Supply Adjustment Division (Office)) as necessary.

Column 4 Trial period

For some companies, the **working conditions** may be different for a fixed period after employment, so-called “**trial period**”, such as lower **wages** for that period (It may also be called “training period”, “probation period”, “provisional appointment period”, depending on companies).

It would cause problems if workers do not know about the existence of a trial period and the fact that the working conditions are different for that period until they start working.

Therefore, when a trial period is adopted, companies must clearly indicate in job-opening information and guidelines for applicants the existence of the trial period and the working conditions for that period. When you look through the job-opening information and guidelines for applicants, you should carefully check the existence of a trial period and whether the working conditions for that period are different from that after regular appointment or not. If the existence of a trial period is not clearly indicated or the description of the trial period is difficult to understand, you should check with the company or consult with the nearest **Hello Work** or Labour Bureau (Demand and Supply Adjustment Division (Office)) as necessary.

Column 5 Fair employment screening

You may be asked in employment interviews or requested to fill out in entry sheets about your “family structure” or “birthplace”. What would you think if items that are irrelevant to your aptitude/abilities were included in the recruitment criteria? The Employment Security Act provides that when recruiting workers, companies can only collect workers’ personal information to the extent necessary for the recruitment of workers.

To ensure **fair employment screening**, Hello Work enlightens employers and provides them with guidance to include in the recruitment criteria only the aptitudes and abilities necessary for performing work.

If you are asked about the items that are irrelevant to workers’ aptitudes/abilities such as those in the following table in interviews or requested to fill out these items in entry sheets, you should consult with the nearest **Hello Work**.

Items not accountable to the applicant	Items that should intrinsically be given freedom (concerning thought and beliefs)	Method of employment screening
<ul style="list-style-type: none"> ○ Legal domicile/birthplace ○ Family (occupation, relationship, health, status, educational history, income, assets, etc.) ○ Housing conditions (layout, number of rooms, owned or rented, etc.) ○ Living/family environment 	<ul style="list-style-type: none"> ○ Religion ○ Political support ○ Conception/philosophy of life ○ Persons that the applicant respects ○ Thought ○ Information on labour union (membership and history of activities, etc.) ○ Social movements such as student movements, etc. ○ Newspaper and magazine subscriptions and favorite books, etc. 	<ul style="list-style-type: none"> ○ Personal inquiries, etc. ○ Implementation of medical examinations <u>at the time of employment screening</u> that are deemed not reasonably and objectively necessary (including the submission of medical examination reports)

Column 6 Employment of persons with disabilities

In order to realize a society in which all people live together while respecting their personalities and individual characters each other without prejudice based on disability status, persons with disabilities must be able to live independent lives as a member of society. The Ministry of Health, Labour and Welfare has been making efforts in implementing the following measures to enable persons with disabilities to gain employment and become vocationally independent:

- Prohibit all companies from discriminating on the basis of being disabled in all aspects of employment, including recruitment and appointment of workers, etc. (**prohibition of discrimination against persons with disabilities**).
- All companies are obliged to provide reasonable accommodation according to the situations of individual persons with disabilities and conditions of workplaces, etc. through discussions between employers and persons with disabilities. As for reasonable accommodation, concrete measures to be taken are to be determined after careful discussions between persons with disabilities and companies (**obligation to provide reasonable accommodation**).
- The “**employment quota system for persons with disabilities**”, which obligates companies to employ the number of persons with disabilities corresponding to 2% of the number of workers employed, has been implemented. (⇒ Levies are collected from companies that do not meet this obligation and used to pay adjustment money to companies that employ more persons with disabilities than the number they are required to employ and subsidize equipment expenses necessary for employing persons with disabilities (levy system for employment of persons with disabilities))
- Detailed employment support is also provided to persons with disabilities according to the characteristics of their disabilities at **Hello Work** (see p.7) and Local Vocational Centers for Persons with Disabilities in cooperation with other institutions specialized in welfare, education, and medical care, etc.

Chapter 3 Rules that apply when working

1. Case where working conditions are different

What should workers do if the content of the **labour contract** previously indicated, including wages, **working hours**, and job description, etc., are found to be different from the actual **working conditions** when they actually start working? As already described, the Labor Standards Act obligates **clear indication of working conditions** to prevent such troubles from occurring (see p.13), and when workers find that the working conditions are actually different, they can request your company to correct the conditions as initially agreed and are allowed to immediately **cancel contract** (Article 15 of the Labor Standards Act). In this case, workers can **resign** from a job even during the contract period of fixed-term labour contract.

Moreover, what should workers do when the company seeks to arbitrarily change the working conditions, saying that “wages will be lowered next month because the company is in a difficult financial situation now”? The working conditions such as **wages** are set forth in agreements made between companies and workers (labour contracts).

Therefore, companies must properly pay wages they promised, and changing the working conditions to the **disadvantage** of workers without workers’ consent is breach of promise and is not allowed (Article 9 of the Labor Contracts Act).

It must be noted, however, that if you just receive the lowered wages without protest, there will be a risk that an agreement is deemed to have been made. If you have any concern, such as “the amount of wage is lower than usual”, you should check with your company.

* It must be noted that when the working conditions specified by the rules of employment in a unified manner is changed to the disadvantage of workers by changing the rules of employment, which are the common rules of the workplace, workers must follow them, regardless of the consent of individual workers, if the change is reasonable and has been informed to workers (Article 10 of the Labor Contracts Act).

However, whether the change is reasonable or not should carefully be determined based on the necessity, degree of disadvantage to workers, validity of the content of the rules of employment after the change, and status of negotiations with **labour unions**, and changes have no effect unless these criteria are met. In addition, changes have no effect if the content after the change violates laws/regulations or **collective agreements**, etc. In such cases, even when your company changes the rules of employment, you need not follow the changed working conditions.

* When you feel that the rules for working conditions are not observed, consult with the “**Labour Standards Inspection Office** and/or **General Labour Consultation Corner**” (see p.7).

2. Rules for wages

(1) Rules for amount of wages

When choosing a job, the amount of salaries (in legal terms, it is called “wages”) can be an important factor. For instance, when you decide to work part-time, you may try to choose a job with the highest hourly rate from many job offers. When there are only a few job offers, however, you may have to choose a job with rather low hourly rate from them. Under ordinary circumstances, the amount of wages such as hourly rates of part-time jobs tend to be high when many companies wish to employ workers and consequently there are many job offers, and low when many people wish to work but there are only a few job offers. But then, can companies freely set hourly rate according to circumstances and recruit people who will work at hourly rate of 500 yen?

Since wages are the mainstay of workers’ livelihood, a situation where wages become too low due to the state of the economy or job offers to put workers in a difficult position to maintain their lives must be prevented.

For this reason, the “Minimum Wage Act” sets forth the minimum amount of wages that companies must pay. This “minimum wage” applies to all workers regardless of work styles, including regular employees, dispatched employees, contract employees, part-time workers, and part-time jobbers, etc. For example, as of April 2017, the minimum wage in Tokyo are 932 yen per hour. Even with workers’ consent, contracts with wages lower than that amount are not allowed. Even if you agree to work for a company at the hourly rate of 500 yen, the agreement is invalid by law and the amount equivalent to the minimum wage is deemed to have been agreed. Therefore, you can demand the amount calculated by multiplying the difference with the minimum wages by the number of hours worked (in Tokyo, as of April 2017: 432 yen x hours worked) afterwards.

The minimum wages are divided into “regional minimum wage” that applies to all workers and their employers (companies) and “specified minimum wage” that applies to workers and their employers (companies) engaged in specific industries, and they are determined for each prefecture. When both minimum wages apply at the same time, the one with higher amount takes precedence.

For details, refer to the “Special minimum wage website” (<http://saiteichingin.info/>).

(2) Rules for payment

To ensure that wages are paid in full amount to workers, the rules are also established for payment, and the following four principles are set forth (Article 24 of the Labor Standards Act).

[1] Principle of payment in legal tender

Wages must be paid in actual money, and payment in kind (company products, etc.) is not allowed. However, with workers’ consent, bank transfer and other methods may be used. In addition, when provided for in collective agreements, payment can be made in kind in place of legal tender.

[2] Principle of direct payment

Wages must be paid directly to workers themselves. Even if they are underage, payment cannot be made to their parents, etc.

[3] Principle of payment in full

Wages must be paid in full amount. Therefore, forcibly deducting part of wages in the name of “reserve fund”, etc. before making payment is prohibited.

However, deduction of legally accepted items such as income tax and social insurance premiums, etc. is allowed. Items other than the above may also be deducted when a labor-management agreement is concluded with a **labour union** organized by a majority of the workers, or a person representing a majority of workers in the absence of such labour union.

[4] Principle of periodical payment at least once a month

Wages must be paid at least once a month on fixed dates. Therefore, “making the payment for two months in the next month”, for example, is not allowed, and so are variable dates such as “sometime during the period from the 20th to 25th every month” or “on the fourth Friday every month”. However, special wages and bonuses are exceptions.

- * When you feel that the rules for **wages** are not observed, consult with the “**Labour Standards Inspection Office** and/or **General Labour Consultation Corner**” (see p.7).

(→ See “One step further [7] Other rules for wages” on p.29)

3. Rules for working hours and rest period/days off

(1) Rules for working hours

For any work, continuing to work long hours is causes significant burden both mentally and physically. In recent years, stress from overwork has been a serious problem. The rules are established also for **working hours** and **rest period/days off** to prevent workers from overwork.

As described above, time to start and end work is set forth in the **rules of employment** (see p.14). As a worker, you must not arrive late for time to start work, not leave workplaces during hours of work without permission, and faithfully perform work by following the orders of your superior.

The number of hours of work is limited by laws. The Labor Standards Act stipulates that working hours shall not exceed eight hours a day and 40 hours a week (**statutory working hours**, Article 32 of the Labor Standards Act).

When demanding workers to work more than **statutory working hours**, an “Agreement on Overtime and Holiday Work” must be concluded with a **labour union** organized by a majority of the workers, or a person representing a majority of workers in the absence of such labour union, in advance, and submit it to the **Labour Standards Inspection Office** (Article 36 of the Labor Standards Act). As this agreement is provided for in Article 36 of the Labor Standards Act, it is generally called a “**36 Agreement**”.

The upper limit of working hours that can be extended by a 36 Agreement is provided in the “Standards on the Limit of Overtime Work” (MHLW Notification) set forth by the Minister of Health, Labour and Welfare, and the content of the Agreement must meet these Standards (15 hours a week and 45 hours a month in principle).
In addition, when companies demand workers to work overtime, extra wages must be paid.

- | |
|--|
| [1] <u>At least 25% increase</u> for working more than statutory working hours (overtime work)* |
| [2] <u>At least 35% increase</u> for working on statutory holidays (work on holidays) |
| [3] <u>At least 25% increase</u> for working late at night, from 10:00 pm to 05:00 am (late-night work) |

☆ For instance, for late-night work outside statutory working hours ([1] + [3]), the amount of wages paid will be increased by at least 50%.

* For overtime work exceeding 60 hours a month, extra wages of at least **50% increase** must be paid. However, for small and medium-sized enterprises, application is deferred for the time being.

Furthermore, these extra wages apply to all workers regardless of their employment status. Therefore, they must also be paid to **dispatched employees, contract employees, part-time workers**, and part-time jobbers.

You may be heard of “service overtime work” meaning that overtime allowance is not paid despite working more than statutory working hours. However, it is a violation of the Labor Standards Act, and if your company does not pay overtime allowance, you should consult with the **Labour Standards Inspection Office** (→ see p.7).

* For dispatched employees, the other party to the **36 Agreement** is the dispatching company, and the dispatching company is responsible for the payment of extra wages for overtime work, work on holidays, and late-night work (see p.41).

(→ See “One step further [8] Measures to prevent death from overwork” on p.29-31)

(→ See “One step further [9] Variable working hours system” on p.31)

(2) Rules for rest period/days off

Companies must provide workers with a **rest period** of at least 45 or 60 minutes when the number of **working hours** exceeds six hours or eight hours a day, respectively (Article 34 of the Labor Standards Act).

Workers must be able to freely use rest periods, and therefore, if workers are directed to respond to telephone calls or visitors during a rest period, it is regarded as working hours, not rest period.

In addition, days on which workers are exempted from working in **労 labour contracts** are called **days off**. In addition, companies must provide workers with at least a day off a week or four days off within a four-week period (**statutory holiday**, Article 35 of the Labor Standards Act).

* When you feel that the rules for working hours or rest period/days off are not observed, consult with the “**Labour Standards Inspection Office** and/or **General Labour Consultation Corner**” (see p.7).

(→ See “One step further [10] Annual paid leave” on p.32-33)

4. For safe and comfortable work environment

(1) For safe and comfortable work environment

When you start working, you will have to spend many hours at your workplace, and naturally you will wish you could work comfortably there. The **Industrial Safety and Health Act**, which is a special act of the Labor Standards Act, was established with the aim of securing safety and health of workers at workplaces and creating a comfortable work environment.

The Industrial Safety and Health Act obligates companies to take measures to prevent workers from being involved in accidents or becoming ill due to work, and requires workers to abide by matters necessary to prevent occupational accidents and cooperate with measures taken by companies.

For instance, companies must conduct **medical examinations** at the time of employing workers and once every year afterwards (another medical examination for workers engaged in hazardous work to be conducted once every six months), and workers need to receive these medical examinations (Article 66 of the Industrial Safety and Health Act). In addition, **mental health disorders** have also been a serious problem in recent years, and companies must conduct stress checks on their workers and take measures such as transfer of work based on the results.

- * Medical examinations/stress checks based on the Industrial Safety and Health Act are conducted on not only **regular employees**, but also **dispatched employees**, **contract employees**, **part-time workers**, and part-time jobbers provided that [1] they are employed with indefinite-term contracts (or are employed with fixed-term contracts, but are scheduled to be employed for at least a year or have been employed for at least a year with renewals) and [2] the number of their weekly **working hours** is at least 3/4 of the number of prescribed weekly working hours of ordinary workers engaged in the same types of work at the workplaces concerned.

(→ See “One step further [11] Power harassment/sexual harassment/maternity harassment and other bullying/harassment” on p.33-34)

(2) When injured or became ill

When workers are injured or become ill due to work, they are compensated by **workers' accident compensation insurance** (see p.17).

Workers' accident compensation insurance provides greater compensation than health insurance. For example, treatment is provided free of charge in principle at designated hospitals of workers' accident compensation insurance (at other hospitals, workers must temporarily pay the costs themselves, but the full amount is reimbursed after making a claim to workers' accident compensation insurance), and compensation for absence from work is provided when workers are unable to attend work (80% of the amount equivalent to the average wages is provided from the fourth day of absence). In addition, workers cannot be dismissed during sick leave due to occupational accidents and for 30 days following it (Article 19 of the Labor Standards Act).

In addition to illness and injury during work, workers' accident compensation insurance also covers injury during commuting such as injury caused by falling down at a train station when commuting to work. Furthermore, mental disorders such as depression due to work, including long working hours and serious bullying/harassment at work, are also covered.

Such illness and injury due to work are not covered by health insurance does not cover , and therefore you should make a claim to workers' accident compensation insurance (when workers are involved in occupational accidents causing them to be absent from work, apart from claims made to workers' accident compensation insurance by the workers, companies must notify the director of the **Labour Standards Inspection Office** of the accidents, and failure to do so is considered the “**hiding of occupational accidents**” and is a violation of law).

When the company does not cooperate in making a claim to workers' accident compensation insurance, consult with the **Labour Standard Inspection Office** (→ see p.7).

- * **Workers' accident compensation insurance** covers not only **regular employees**, but also **dispatched employees, contract employees, part-time workers**, and part-time jobbers.
- * Dispatching companies are responsible for conducting **medical examinations** and accident compensation for dispatched employees (see p.41; However, client companies are responsible for conducting special medical examinations for hazardous work).

5. Allowing males and females to actively work

Various systems have been legally established to allow both males and females to continue to actively work.

(1) Prohibition of discrimination on the basis of sex

Companies must provide equal opportunities in recruitment/employment of workers regardless of sex (Article 5 of the Equal Employment Opportunity Act).

In addition, companies must not **treat workers discriminately on the basis of their sex** in terms of assignment, promotion, demotion, education/training, welfare benefits, change in job type and employment status, **encouragement of resignation**, mandatory retirement age, **dismissal**, and renewal of the **labour contract** (Article 6 of the Equal Employment Opportunity Act).

Treating workers discriminately in terms of **wages** on the basis of being females when compared to males is also prohibited (Article 4 of the Labor Standards Act).

(→ See “One step further [12] Prohibition of indirect discrimination” on p.34-35)

(2) For a good balance between work and life

Work supports people's livelihood and brings purpose of life and joy. At the same time, housework/child care and relationship with neighbors, etc. are also essential for living, and purpose of life and joy can be enhanced by improving them.

However, in the present society, there are many people with problems between work and life such as those who are unable to gain stable employment and become financially self-sufficient, have ruined their health due to mental and physical exhaustion because of being pressed with work, or are troubled over balancing between work and child care or nursing care for their elderly parents, etc.

These problems have been significant factors for workers' concerns for the future and not being able to feel a sense of fulfillment, even leading to such phenomenon as a decline in social vitality and a declining birthrate/population. One of the efforts to resolve these problems is to achieve a **work-life balance**.

To allow both male and female workers to live a fulfilling vocational life while achieving a **good balance between work and life**, systems have been established to enable them to continue to work without resigning from a job by providing support for pregnancy, childbirth, child care, and nursing care.

First of all, female workers expecting to give birth can take leave for six weeks (14 weeks for twins and multiples) before childbirth upon request. In addition, companies cannot demand workers to work for eight weeks after childbirth (except when requested by the worker with doctor's permission after six weeks have passed following childbirth) (**maternity leave before or after childbirth**, Article 65 of the Labor Standards Act).

There are also provisions requiring companies to secure time for health checkups for expectant and nursing mothers and take measures necessary to follow the guidance provided to female workers by doctors, etc. (Articles 12 and 13 of the Equal Employment Opportunity Act) and a provision allowing female workers to take child care time (Article 67 of the Labor Standards Act).

In addition, the Child Care and Family Care Leave Act allows workers to take **child care leave** until the child reaches the age of one year (one year and six months in certain cases (two years from October 1)) in principle. Not only females but also males can take child care leave, and when both parents take child care leave, they can take leaves for a year until the child reaches the age of one year and two months.

Furthermore, the Child Care and Family Care Leave Act establishes the **family care leave** system to enable workers to take care of their family members in need of care. Family care leave can be taken for a total of three times up to 93 days for each family member concerned.

Companies cannot deny eligible workers' requests for child care leave/family care leave. In addition, dismissal and other **disadvantageous** treatment on the basis of being pregnant, giving birth, or requesting or taking maternity leave before or after childbirth, child care leave, or family care leave, etc. is prohibited by law (Equal Employment Opportunity Act, and Child Care and Family Care Leave Act). Requests for consultation on such disadvantageous treatment are accepted at the **Employment Environment and Equal Employment Department (Office) of Prefectural Labour Bureau** nationwide (see p.8).

- * For **dispatched employees**, requests for **maternity leave before or after childbirth**, child care leave, and family care leave must be made to the dispatching company.
- * Fixed-term contract workers such as **dispatched employees**, **contract employees**, **part-time workers**, and part-time jobbers, etc. can also take child care leave/family care leave if the following two conditions are met: [1] having been employed continuously for at least a year and [2] not being the case where the period of **labour contract** clearly expires before the child reaches the age of one year and six months (in the case of child care leave) or before six months pass after the 93rd day following the day on which family care leave is scheduled to start (in the case of family care leave).

(→ See "Column 8 Kurumin certification/Platinum Kurumin certification" on p.35-36)

One step further [7]

Other rules for wages

Other than those described above, there are other rules for **wages** to ensure the livelihood of workers.

- Restrictions on wage reduction provisions (Article 91 of the Labor Standards Act)
Wage reduction refers to reducing the amount of wages as a sanction for disrupting the workplace order by repeatedly being absent without due notice or arriving late, or committing a breach of discipline such as taking company equipment out of the building without permission for non-business reasons, etc. The amount of reduction for a single occasion must not exceed 50% of the daily average wage. In addition, even when breach of discipline is committed multiple times, the total amount of reduction must not exceed 10% of the total wages for a single pay period (the amount of monthly wages where monthly wages apply, etc.).
 - Allowance for absence from work (Article 26 of the Labor Standards Act)
In the event of an absence from work for reasons attributable to companies, companies must pay an **allowance for absence from work** equal to at least 60% of the worker's average wage to each worker concerned to ensure the livelihood of the worker. Therefore, not that “there is nothing we can do about not being paid for not working”, but a certain amount of wages are guaranteed if the absence is attributable to companies.
 - Detailed wage statement (Article 231 of the Income Tax Act)
The Labor Standards Act does not require the issuance of a detailed wage statement, but the Income Tax Act stipulates that those making the payment of wages must issue a detailed payment statement to those receiving the payment. Therefore, companies are obliged to issue a **detailed wage statement** to their employees at the time of paying their wages. However, it may be provided electromagnetically with consent of those receiving the wages.
A detailed wage statement is an important evidence showing the amount of wages paid and the amount of taxes and insurance premiums deducted, etc., and therefore you should carefully check the content and retain it just in case of a trouble.
- * For the payment of wages made to **dispatched employees**, the dispatching company is responsible for the issuance (see p.41).

One step further [8]

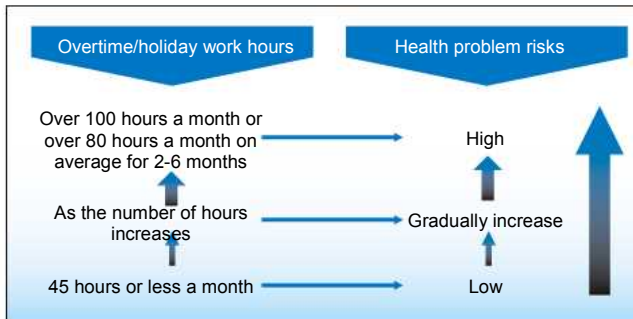
Measures to prevent Karoshi, etc.

[1] **Karoshi (Death from overwork)**, etc.

Overwork for a long period of time can cause accumulated fatigue, eventually leading to brain/heart diseases. Focusing attention on the number of **working hours**, which is one of the factors of accumulated fatigue, it is clear that longer the working hours, higher the risk of brain/heart diseases. In addition, engaging in work for a long period of time can be a

cause of the onset of mental disorders. Deaths and diseases not resulting in death due to these causes are referred to as “karoshi , etc.”

■ Relationship between overtime/holiday work hours and health problem risks

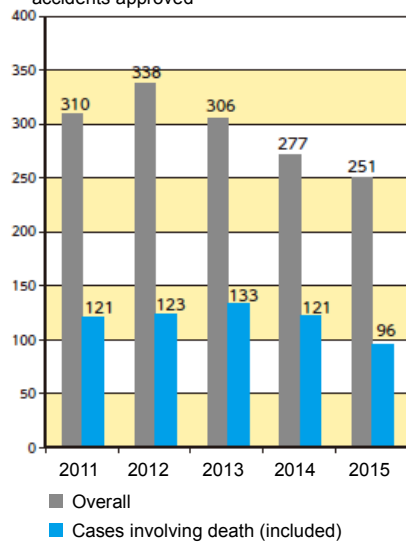


[2] Status of occupational accident approval

The number of cases of brain/heart disease-related occupational accidents approved in FY2015 was 251 (of which 96 cases involved death), having been remaining at the level of 200s to 300s since FY2002. By industry type, job type, and age group, the number was highest for land transportation, those engaged in driving vehicles, and those aged 50s, respectively.

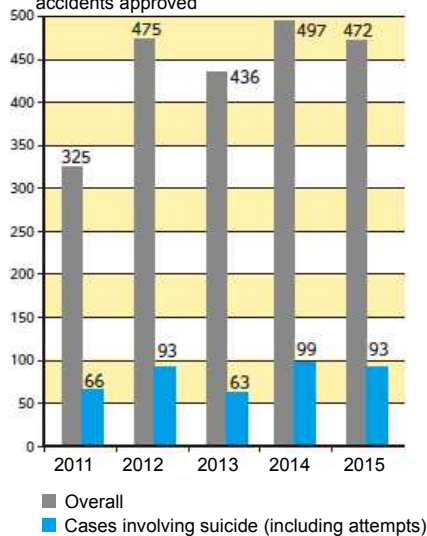
In addition, the number of cases of mental disorder-related occupational accidents approved in FY2015 was 472 (of which 93 cases involved suicide, including attempts), having been remaining at the level of 400s since FY2012. By industry type and job type, the number was highest for land transportation and those engaged in general office work, respectively. By age group, the number was highest for those aged 40s, which is younger when compared to brain/heart diseases.

■ Changes in the number of cases of brain/heart disease-related occupational accidents approved



Note) The number of cases of occupational accidents approved indicates the number of cases approved as “occupational” accidents within the fiscal year concerned and includes the cases claimed before the fiscal year concerned.

■ Changes in the number of cases of mental disorder-related occupational accidents approved



Note) The number of cases of occupational accidents approved indicates the number of cases approved as “occupational” accidents within the fiscal year concerned and includes the cases claimed before the fiscal year concerned.

[3] Preventing karoshi, etc.

The “Act on Promotion of Measures for Karoshi, etc. Prevention”, which aims to promote measures to prevent death from overwork, etc. and contribute to the realization of a society without death from overwork, etc. in which people can balance their work and life and continue to live a healthy fulfilling life, was established in June 2014 and enforced in November of the same year. In addition, based on this Act, the “Outline for Measures to Prevent Karoshi, etc.” was decided by the Cabinet in July 2015 to effectively promote measures.

In order to **prevent karoshi**, etc., it is important that each one of you must have better understanding of karoshi, etc. as a matter of relevance to yourself, and become aware of the importance of preventing karoshi, etc.

The month of November every year is designated as the Enlightenment Month to Raise Awareness to Prevent Karoshi, etc., and symposiums, etc. are held in various regions. On this occasion, people should think about a society without karoshi, etc.

For details of measures to prevent karoshi, etc., refer to the following website:

(http://www.mhlw.go.jp/seisakunitsuite/bunya/koyou_roudou/roudoukijun/karoushizero/)

One step further [9]

Variable working hours system (Articles 32-2 through 32-5 of the Labor Standards Act)

The **variable working hours system** is a system that allows workers to work for more than eight hours a day and more than 40 hours a week under certain conditions and to the extent that their average number of weekly **working hours** during a certain period does not to exceed 40 hours. There are variable working hours system on a monthly/yearly basis, atypical variable working hours system within a week, and flexible working hours system in which workers can decide the hours starting and ending work themselves, and they are used to reduce the overall working hours, etc. by allowing companies and workers to adjust working hours around the peak and off-peak periods. While the variable working hours system makes work more efficient by allowing more flexibility in working hours, there are problems for workers such as leading to irregular lifestyle and inability to receive overtime allowance that could have been received with the ordinary working hours system, etc.

For this reason, introduction of the variable working hours system requires meeting certain requirements such as stipulating it in the rules of employment or labor-management agreement. In addition, its application to expectant and nursing mothers and those raising children and taking care of family members is limited, and even the working hours are variable, companies cannot freely demand workers to continue to work for a long period of time because there are provisions concerning the upper limit, **overtime work**, and rest breaks in laws and they cannot be violated.

One step further [10]

Annual paid leave (Article 39 of the Labor Standards Act)

Annual paid leave is a leave of absence from work on days other than prescribed **days off** and for which **wages** are paid. Taking leave for a certain number of days consecutively is important for workers to recover from mental and physical exhaustion and achieve a **work-life balance**. Workers can take annual paid leave for 10 days provided that they have been employed continuously for six months and have reported for work on at least 80% of the total working days. As the number of years of continued employment increases, the number of days of annual paid leave increases as long as the requirement of reporting for work on at least 80% of the total working days (up to 20 days).

In addition, workers other than **regular employees**, including **dispatched employees** and **part-time workers**, are also granted the same number of days of paid leave as regular employees if the following three conditions are met(*): [1] having been employed continuously for at least six months, [2] having reported for work on at least 80% of the total working days, and [3] having worked for at least five days a week.

If the number of prescribed weekly working days is four days or less and the number of prescribed weekly **working hours** is less than 30 hours, paid leave of the number of days corresponding to that prescribed working days is granted.

* Even when the number of prescribed weekly working days is four days or less, the same number of days of paid leave as regular employees is granted if the number of prescribed weekly working hours is at least 30 hours. In addition, the period of continued employment of **contract employees** includes the period of continued employment before the renewal when the contract period is extended by renewal. Dispatching companies are responsible for determining the **working conditions** such as working hours, **rest period**, and **days off**, etc. of dispatched employees, and client companies have supervisory responsibility to follow the conditions determined (see p.41).

[Number of days of annual paid leave granted (ordinary workers)]

Number of years of continued employment	6 months	1 year 6 months	2 years 6 months	3 years 6 months	4 years 6 months	5 years 6 months	6 years At least 6 months
Number of days of leave granted	10 days	11 days	12 days	14 days	16 days	18 days	20 days

[Number of days of annual paid leave granted (workers with prescribed weekly working hours of less than 30 hours)]

Prescribed weekly working days	Prescribed annual working days	Number of years of continued employment						
		6 months	1 year 6 months	2 years 6 months	3 years 6 months	4 years 6 months	5 years 6 months	6 years 6 months
4 days	169-216 days	7 days	8 days	9 days	10 days	12 days	13 days	15 days
3 days	121-168 days	5 days	6 days	6 days	8 days	9 days	10 days	11 days
2 days	73-120 days	3 days	4 days	4 days	5 days	6 days	6 days	7 days
1 day	48-72 days	1 day	2 days	2 days	2 days	3 days	3 days	3 days

In addition, paid leave can be taken without being asked the purpose of use in principle, even for recreation or leisure. However, in limited cases where normal

operations of companies can be disrupted, companies may request workers to change the dates of leave to another time of the year. Companies must not disadvantageously treat workers who have taken paid leaves.

One step further [11] Power harassment/sexual harassment/harassment related to pregnancy/childbirth/child care leave/family care leave, etc. and other bullying/harassment

At workplaces, various harassments (including bullying, etc.) can occur. It is undesirable for both companies and workers to have the workplace becoming uncomfortable to work due to bullying and harassment, including power harassment, sexual harassment, and other harassment related to sexual orientation/gender identity, etc. Creating a workplace that enables everyone to utilize their abilities and actively work is important.

[1] Power harassment

Power harassment at workplace refers to “any conduct directed towards a person working at the same workplace, based on superiority at workplace, including occupational rank and human relationships, etc., which, beyond the proper scope of the job, inflicts mental/physical pain on him/her or makes his/her working environment worse” (including not only conduct directed towards subordinates by superiors, but also conduct between seniors and juniors and between colleagues based on various superiority at workplace, including human relationships and specialized knowledge, etc.). Types of conduct that fall under power harassment include:

- [1] Assault/injury (physical abuse)
- [2] Intimidation/defamation/insult/abusive language (mental abuse)
- [3] Isolation/ostracization/neglect (segregation from personal relationships)
- [4] Imposing tasks that are obviously unnecessary or impossible assignment, or interrupting work (imposition)
- [5] Demanding work that is operationally unreasonable and extremely low level in terms of ability and experience, or not giving any work (too little demand)
- [6] Intrusion into private affairs (invasions of privacy)

However, conduct not falling under any of the above can still be regarded as power harassment. In addition, depending on the details of the conduct, it can be a tortious act or non-performance of the main obligation under the Civil Code or a criminal offense such as defamation or bodily injury, etc.

If you suffer power harassment, it is important that you consult with the person in charge at the consultation contact point of the company, etc. to request the company to take action. In cases where the company does not take action, or you wish to consult outside the company, you can consult with the [General Labour Consultation Corner](#) (see p.7) and/or [Houterasu](#) (see p.8).

The content for understanding the basics of power harassment at workplace, a list of institutions you can consult with in times of trouble, and court cases are posted on the special website of the Ministry of Health, Labour and Welfare “Akarui Shokuba Ouendan”, and you are advised to visit it as needed.

<http://www.no-pawahara.mhlw.go.jp/>

[2] Sexual harassment

Sexual harassment at workplace refers to:

[1] In disregard for the worker subjected to the harassment's wishes, verbal and other behavior of a sexual nature is exhibited to the worker at the workplace and due to refusal of such behavior, the worker suffers **disadvantage** such as **dismissal**, demotion, and **wage reduction**, etc. (compensation-type sexual harassment)

[2] In disregard for the worker subjected to the harassment's wishes, verbal and other behavior of a sexual nature is exhibited to the worker at the workplace, making the work environment of the worker unpleasant and negatively affecting the utilization of the worker's abilities to the extent that it cannot be overlooked (environment-type sexual harassment)

Not only females but males are also subjected, and behavior such as the above exhibited to the worker of the same sex is also included in sexual harassment. In addition, any "verbal and other behavior of a sexual nature" falls under sexual harassment regardless of their sexual orientation and gender identity of those who suffered damage.

Based on the Equal Employment Opportunity Act, companies are obliged to take necessary action in terms of employment management as measures against sexual harassment at workplace.

If you suffer any damage, it is important that you consult with the person in charge at the consultation contact point of the company to request the company to take action.

In cases where the company does not take action against the harassment, consult with the [Employment Environment and Equal Employment Department \(Office\) of Prefectural Labour Bureau](#) nationwide (see p.8).

[3] Harassment related to pregnancy/childbirth/child care leave/family care leave, etc. (Article 11-2 of the Equal Employment Opportunity Act, and Article 25 of the Child Care and Family Care Leave Act)

In recent years, harassment by superiors/colleagues on the basis of pregnancy, childbirth, and requesting or taking child care leave/family care leave, etc. has also been an issue. For this reason, from January 1, 2017, companies are obliged to take action to prevent harassment by superiors/colleagues related to pregnancy, childbirth, and requesting or taking **child care leave/family care leave**, etc.

If you suffer any damage, it is important that you consult with the person in charge at the consultation contact point of the company to request the company to take action.

In cases where the company does not take action against the harassment, consult with the [Employment Environment and Equal Employment Department \(Office\) of Prefectural Labour Bureau](#) nationwide (see p.8).

One step further [12]

Prohibition of indirect discrimination (Article 7 of the Equal Employment Opportunity Act)

Even in the absence of conditions directly disallowing females, it would be difficult for females to meet such conditions as "a person with a body height of at least 170cm" or "job transfer across the country every two years", etc. For this reason, the following three actions are regarded as **indirect discrimination**, as they may practically cause

disadvantage to one sex and lead to discrimination on the basis of sex, and companies are prohibited to take these actions unless there are reasonable grounds to do so.

- [1] Requiring a certain body height, weight, or physical strength as a condition for recruitment or employment
- [2] Requiring the ability to accept job transfer that results in change of residence as a condition for recruitment, employment, promotion, or change in job type of the worker
- [3] Requiring the experience of job transfer as a condition for promotion

Column 7 Act on Promotion of Women's Participation and Advancement in the Workplace, and Eruboshi certification

In order to further promote the participation and advancement of females in labour force, **Act on Promotion of Women's Participation and Advancement in the Workplace** was established in August 2015 and fully enforced in April 2016. As from the said date, companies that regularly employ at least 301 workers are obliged to:

- [1] Identify the situation and analyze the issues of participation and advancement of females within the company
- [2] Formulate, make known within the company, and make public the action plans that take into consideration the identification of situation and analysis of the issues
- [3] Notify to the Prefectural Labour Bureaus of the formulation of action plans
- [4] Disclose information on the participation and advancement of females
(→ See “Column 14 Provision/disclosure of workplace information” on p.52)

(Duty to make efforts for companies that regularly employ no more than 300 workers.)

In addition, a system to certify excellent companies in terms of participation and advancement of females among those that have formulated action plans and made notification of the formation was established.

[Certification mark: Eruboshi]

(Stage 1 certification) (Stage 2 certification) (Stage 3 certification)



These certification marks may be used in products, advertisements, business cards, and job-opening information to make an appeal that the company is promoting the participation and advancement of females!

Column 8 Kurumin certification/Platinum Kurumin certification

Companies formulate the “plan to address support for balancing work and childcare” (general business operator action plan) in accordance with the Next-Generation Children Act aimed at creating an environment in which children who will be the next generation leaders are born and raised in good health.

Companies meeting certain criteria such as achieving the goals set in the said plan can be officially certified as a “childcare supporting company” by the government (**Kurumin certification**). In addition, among Kurumin certified companies, those making higher level of efforts are eligible for “**Platinum Kurumin**” certification.

Information on certified companies is available on the website “Ryoritsu Shien no Hiroba” (Work-Life Balance Support Plaza) at the following URL, and you can look for certified

companies near you.
(<http://ryouritsu.mhlw.go.jp/>)

[Kurumin/Platinum Kurumin mark]



Certified companies can use “Kurumin” or “Platinum Kurumin” mark in their advertisements, products, and business cards, etc. to make an appeal!

Column 9 Child care leave for males

Not only females but also males can take **child care leave**.

While the trend toward nuclear families is growing, involvement of male partners in childcare is important to allow females to continue to work even after pregnancy/childbirth. Taking child care leave can be an opportunity for males to actively involved in childcare, and husbands and wives to cooperate in childcare while both of them working. In addition, financial support is provided during the period of child care leave.

When a child is born, it may be a good idea for males to consider taking child care leave themselves, and females to consider asking their male spouses to take child care leave.

For information on taking child care leave by males, refer to the following URL.

“Ikumen Project Official Website” (<https://ikumen-project.mhlw.go.jp>)

Column 10 Prevention of separation from employment due to nursing care

With nursing care, problems can occur unexpectedly, and the period and methods required vary. Therefore, balancing work and nursing care may be difficult in some cases.

Systems to support balancing work and nursing care are available to enable workers to continue to work without **resigning** from a job immediately when faced with a need for nursing care.

○ Balancing work and nursing care - for preventing **separation from employment due to nursing care** -

(http://www.mhlw.go.jp/stf/seisakunitsuite/bunya/koyou_roudou/koyoukintou/ryouritsu/index.html)

[Symbol mark Tomonin]



Companies working on developing a workplace environment for balancing work and nursing care can, after registering their efforts to support balancing their work and nursing care at the website “Ryoritsu Shien no Hiroba” (Work-Life Balance Support Plaza), use this symbol mark in their business cards, company information, and websites to make an appeal!

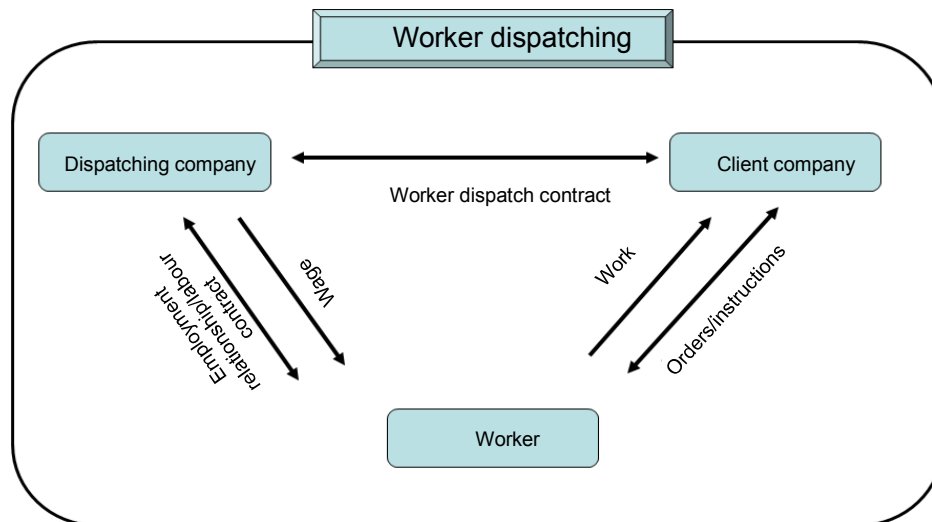
Chapter 4 Diverse work styles

In addition to traditional work style of **regular employees**, workers with various work styles such as “worker dispatching”, “**contract employees**”, and “**outsourcing/contracting**” are increasing. It is very important for workers, in protecting their rights themselves, to know what work styles they wish to (are) engaged in.

- * When you feel that the rules for diverse work styles are not observed, consult with the “**Labour Standards Inspection Office** and/or **General Labour Consultation Corner**” (see p.7).

1. **Dispatched employees (dispatched workers)**

Worker dispatching means that workers conclude **labour contracts** with dispatching companies, and then the dispatching companies dispatch the workers to client companies with which the dispatching companies concluded worker dispatch contracts and the workers work under the instructions of the client companies. Because of the complex labor structure of worker dispatching in which companies that pay **wages** to workers and companies that give instructions are different, the Worker Dispatching Act sets forth detailed rules for **dispatched employees**.



In worker dispatching, the dispatching companies are the legal employers. Therefore, when an accident or trouble occurs, dispatching companies are primarily responsible for dealing with such occurrences. However, it would be unreasonable if client companies that actually give instructions are not held responsible at all. Therefore, the Worker Dispatching Act stipulates matters for which responsibilities should be divided between dispatching companies and client companies, including matters related to the Labor Standards Act and the Industrial Safety and Health Act. Persons in charge of accepting consultation requests are assigned at both dispatching companies and client companies, thus you should consult with them when a trouble occurs at work.

In addition, the Worker Dispatching Act was revised on September 30, 2015, and dispatching companies are now responsible for systematically providing education/training for career development of dispatched employees.

(→ For the Industrial Safety and Health Act, see “For safe and comfortable work environment” (p.26))

2. Contract employees (fixed-term labour contract workers)

As in the cases of so-called **contract employees**, unlike **regular employees**, the period of **labour contract** may be fixed. For such fixed-term labour contracts, the contract period is fixed based on agreements between workers and companies, and the labour contracts automatically terminate upon expiration of the contract period (however, the contract period may be extended by renewal). The maximum single contract period is three years, excluding certain cases. In many cases, contract employees are treated poorly when compared to regular employees. Therefore, it is important that you consider carefully when requested to convert to a contract employee for such reason as “poor business performance”.

(→ See “One step further [13] Three rules for fixed-term labour contracts” on p.42)

3. Part-time workers

Part-time workers mean “**part-time workers**” defined in the Part-Time Workers Act, and refer to workers whose number of prescribed weekly **working hours** is less than that of ordinary workers (so-called “**regular workers**”) employed at the same workplace. There is no legal distinction between part-timers and part-time jobbers, etc., and they are all regarded as part-time workers if certain conditions are met.

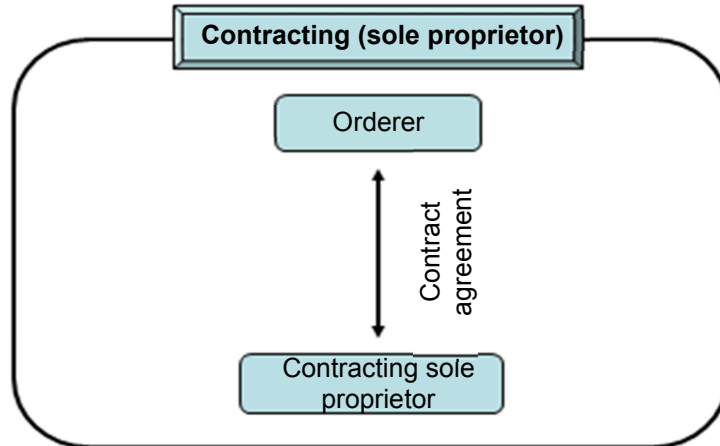
In addition, since part-time workers are also workers, various **labour laws** apply. Therefore, if certain requirements are met, they can take **annual paid leave**, and are covered by **employment insurance, health insurance, and employees' pension insurance.** When employing workers, companies are obliged to clearly indicate working conditions and deliver documents for six particularly important conditions (p.13). In addition to that, the Part-Time Workers Act also obligates clear indication of whether or not “the increase in wages”, “bonuses”, and “the retirement allowance” are granted, and of “consultation contact point for matters concerning improvement of employment management, etc.” by delivering documents, etc.

Furthermore, the Part-Time Workers Act aims to “achieve fair treatment” of part-time workers, and sets forth measures that business operators must take, including promotional measures to ensure equal/balanced treatment between part-time workers and ordinary workers (so-called “regular employees”) and measures to promote conversion to **regular employees**, etc. (for details, refer to the portal site for part time work (<https://part-tanjikan.mhlw.go.jp/>)).

4. Those who work by concluding outsourcing (contracting) agreements

Regular employees as well as dispatched employees, contract employees, and part-time workers, etc. described in 1. through 3. above are protected by **labour laws** as explained in this text.

However, those working in a form such as “**outsourcing**” and “**contracting**” are paid for the completion of the work offered by the orderer, and thus are treated as “business operators” who do not receive directions/instructions from the orderer. Therefore, they are not basically protected by labour laws as “workers”.

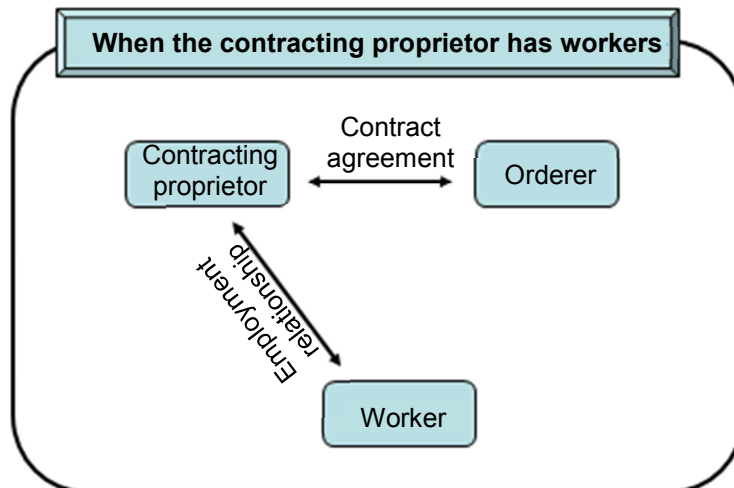


Accordingly, care must therefore be taken when working in such form as “outsourcing” and “contracting”.

However, even when “outsourcing” and “contracting” agreements are concluded, **labour law**/regulation-related protection, etc. may be provided if they are deemed to be “workers” of the orderer based on the actual work style. For example, in cases where location/hours of work are specified by the orderer or detailed instructions are given how to work, they are more likely to be deemed as “workers”.

Determining whether such persons are “workers” or not is a very difficult problem. When you have any doubts whether you are protected by labour laws/regulations as a “worker” or not, consult with the **Labour Standard Inspection Office** (→ see p.7).

* When the contracting proprietor has workers, the workers are of course protected by **labour laws**/regulations.



Applicability of various labour-related laws/regulations

		Regular employee (*1)	Dispatched employee	Contract employee (fixed-term labour contract)	Part-time worker	Outsourcing (contracting) (*2)
Specification of the contract period		No	Yes/No	Yes	Yes/No	×
Minimum wage		○	○	○	○	×
Rules for working hours		○	○	○	○	×
Extra wage		○	○	○	○	×
Annual paid leave		○	△ (*3)	△ (*3)	△ (*3)	×
Maternity leave before or after childbirth		○	○	○	○	×
Child care leave/family care leave		○	△ (*4)	△ (*4)	△ (*4)	×
Necessity of dismissal procedure (dismissal notice at least 30 days in advance or dismissal notice allowance)		○	△ (*5)	△ (*5)	△ (*5)	×
Labour insurance	Workers' accident compensation insurance	○	○	○	○	×
	Employment insurance	○	△ (*6)	△ (*6)	△ (*6)	×
Social insurance (health insurance, employees' pension insurance)		○	△ (*7)	△ (*7)	△ (*7)	×

*1 Generally refers to an employee with an indefinite-term contract who works full-time hours.

*2 Treated as a “business operator” and basically not protected as a “worker”.

*3 Granted the same number of days of paid leave as regular employees if the following three conditions are met: [1] having been employed continuously for at least six months, [2] having reported for work on at least 80% of the total working days, and [3] having worked for at least five days a week (even when the number of prescribed weekly working days is four days or less, the same applies if the number of prescribed weekly working hours is at least 30 hours). In addition, if the number of prescribed weekly working days is four days or less and the number of prescribed weekly working hours is less than 30 hours, paid leave of the number of days corresponding to that prescribed working days is granted. For dispatched employees, dispatching companies are responsible for the taking of annual paid leave, and requests must be made to their dispatching companies.

*4 Can be taken if the following two conditions are met: [1] having been employed continuously for at least a year and [2] not being the case where the period of labour contract clearly expires before the child reaches the age of one year and six months (in the case of child care leave) or before six months pass after the 93rd day following the day on which family care leave is scheduled to start (in the case of family care leave).

*5 For contract employees, their labour contracts automatically terminate upon expiration of the contract period in principle. However, for those who have been employed with their contracts being renewed three times or more or employed continuously for more than a year, companies must give a 30-day advance notice when not renewing their contracts. In addition, when the contracts are deemed practically the same as indefinite-term labour contracts because of repeatedly renewal, non-renewal without reasonable grounds is not allowed. When fixed-term labour contracts are renewed repeatedly for a total of more than five years, they can be converted to indefinite-term labour contracts upon requests from the workers (the same applies to dispatched employees and part-time workers with fixed-term contracts).

*6 Workers who are expected to be employed continuously for at least 31 days and whose number of prescribed weekly working hours is at least 20 hours are subject to subscription.

*7 Social insurance (health insurance/employees' pension insurance) applies to those whose number of prescribed weekly working hours and number of prescribed monthly working days are at least 3/4 of those of ordinary workers. In addition, even when the numbers are less than 3/4, those meeting the following five conditions need to subscribe to social insurance: [1] whose number prescribed weekly working hours is at least 20 hours, [2] whose monthly wages are at least 88,000 yen, [3] who are expected to be employed for at least one year, [4] who are not students, and [5] who are employed by a company with 501 or more employees (or a company with no more than 500 employees when a labour-management agreement requires the subscription).

Location of responsibilities for working conditions, etc. of **dispatched employees**

	Dispatching companies	Client companies
Labour contract	○	
Payment of wages (including increased wages for overtime work, work on days off and late-night work)	○	
Working hours, rest period, days off	○	○ (*2)
Annual paid leave	○	
Accident compensation	○	
Medical examination/stress check	○ (*1)	

(*1) Client companies are responsible for conducting medical examinations for hazardous work.

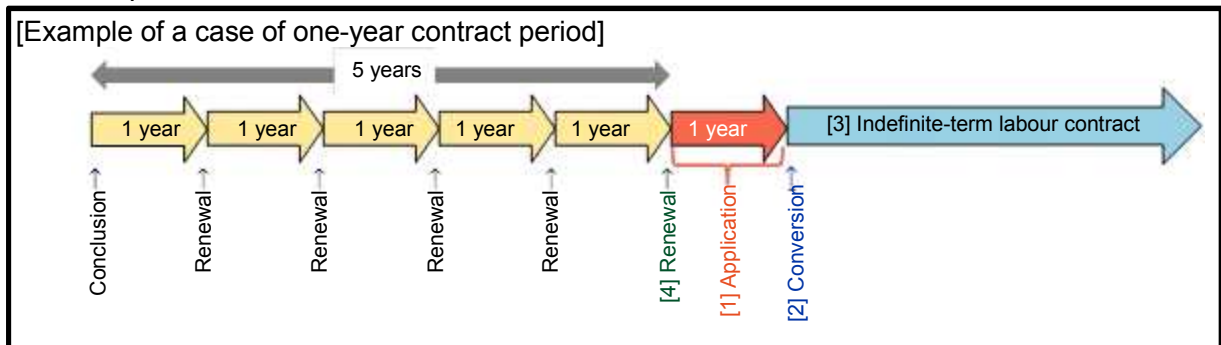
(*2) Dispatching companies are responsible for the determination of overtime work, etc. and client companies are responsible for the observance.

One step further [13]

Three rules for fixed-term labour contracts (Labor Contracts Act)

- [1] **Conversion to indefinite-term labour contract** (Article 18 of the Labor Contracts Act): When fixed-term labour contracts are renewed repeatedly for a total of more than five years, they can be converted to indefinite-term **labour contracts** upon requests from the workers.

* There is a special exception for university researchers and highly professional positions, etc.



- [2] Legal establishment of the “doctrine of non-renewal” (Article 19 of the Labor Contracts Act): The doctrine of “**non-renewal**” established in Supreme Court precedent was prescribed as is in law, and non-renewal by companies is not allowed in certain cases (see p.45).
- [3] **Prohibition of unreasonable working conditions** (Article 20 of the Labour Contracts Act): Establishing unreasonable differences in **working conditions** between fixed-term contract workers and indefinite-term contract workers due to the fixed-term nature is prohibited.

Chapter 5 When resigning or being dismissed from a job

1. When resigning from a job (resignation)

Terminating **labour contract** upon request from workers is called **resignation**. Workers are allowed freedom to resign from companies, but it is against the rules to suddenly stop attending work without notice. It is important to follow social rules when resigning from a job, including notifying the superior of the intention to resign, reporting in writing, and handing over of work duties, etc. In general, many companies provide in the **rules of employment** (see p.14) that “when resigning from a job, a notification must be made at least a month before the intended date of resignation”, and therefore workers need to check what the resignation procedures are in their company. In addition, when notifying of the resignation, different legal rules are provided for the cases of fixed-term labour contracts being concluded and others.

In cases where the contract period is not fixed, as in the cases for **regular employees**, workers are legally allowed to resign from a job any time provided that notification is made at least two weeks in advance by submitting a resignation notice, etc. (in cases where the resignation procedures are provided in the rules of employment of the company, notification of resignation must be made accordingly).

In cases where the contract period is fixed (fixed-term labour contract), for three months for example, as often the cases of part-time jobbers, the labour contracts automatically terminate upon expiration of the contract period. When employers want workers to continue to work, new labour contracts need to be concluded (workers’ consent is required).

- * The contract period is generally fixed for **contract employees**, but it may not be fixed for **dispatched employees** and **part-time workers**.
- * When you don't understand something about **resignation**, consult with the “**Labour Standards Inspection Office** and/or **General Labour Consultation Corner**” (see p.7).

2. When being dismissed from a job (**dismissal**)

(1) Case of indefinite-term contract

One-sided termination of **labour contracts** by notification from companies is referred to as **dismissal**. Workers’ livelihood would be quite unstable if they are suddenly told that “you need not to come anymore because you don’t fit this company”.

Dismissal cannot freely be made by companies, however, and when there are no reasonable grounds and it deems inappropriate in general societal terms, companies cannot dismiss workers (Article 16 of the Labor Contracts Act). That is to say, a justifiable reason based on social common sense is necessary for dismissal.

For instance, faults on worker's side such as problematic work behavior and violation of work instructions or work discipline, etc. may be considered as reasons for dismissal, but a single failure is not sufficient to allow dismissal, and whether dismissal is reasonable or not is eventually determined by courts in consideration of various circumstances, including the degree of the worker's faults, details of his/her act, significance of damage imposed on the company, whether the worker's act was intentional or malicious, and existence of unavoidable circumstances, etc.

In addition, not only the Labour Contracts Act but also other laws explicitly prohibit **dismissal** in certain cases (the main cases are as follows).

<p><Labor Standards Act></p> <ul style="list-style-type: none">• Dismissal during the period of medical treatment with respect to occupational accidents and within 30 days thereafter• Dismissal during the period of absence from work before and after childbirth and within 30 days thereafter• Dismissal by reason of making reports to labour standards inspectors <p><Labor Union Act></p> <ul style="list-style-type: none">• Dismissal by reason of being a member of a labour union or having performed justifiable acts of a labour union, etc.
<p><Equal Employment Opportunity Act></p> <ul style="list-style-type: none">• Dismissal on the basis of sex• Dismissal by reason of marriage, pregnancy, or childbirth, or for taking maternity leave before or after childbirth
<p><Child Care and Family Care Leave Act></p> <ul style="list-style-type: none">• Dismissal by reason of requesting child care leave, family care leave, time off for sick/injured childcare, time off for caregivers, or limitations on unscheduled work and late-night work, including measures to limit unscheduled work or shorten prescribed working hours, etc., or for taking child care care/family care leave, etc.

In addition, companies must specify reasons for dismissal in the **rules of employment**. Moreover, even with reasonable grounds, companies must give dismissal notice at least 30 days in advance when dismissing workers. In cases where the notice is not given, the average wage for at least 30 days (= **dismissal notice allowance**) must be paid (Even in cases where the notice is given, if it is given less than 30 days in advance, the average wage for the number of days of shortfall must be paid as dismissal notice allowance. For example, if the notice is given 10 days prior to the day of dismissal, the average wage for 20 days must be paid.) (Article 20 of the Labor Standards Act).

Furthermore, when a worker requests a certificate stating the reason for the dismissal, the company must issue the certification to the worker without delay (Article 22 of the Labor Standards Act).

(2) Case of fixed-term contract

For **labour contracts** with the fixed contract period (fixed-term labour contracts), as in the cases of **contract employees**, the contract period is determined by agreement between

the company and the worker, and therefore the company **cannot dismiss** the worker during the contract period unless there are unavoidable circumstances (Article 17 of the Labor Contracts Act). And the validity of dismissal is determined more strictly than the cases of indefinite-term labour contract contracts.

In addition, although fixed-term labour contracts automatically terminate upon expiration of the contract period, for those who have been employed with their contracts being renewed three times or more or employed continuously for more than a year, companies must give a 30-day advance notice when not renewing their contracts (“Standards on Conclusion, Renewal, and **Non-Renewal** of Fixed-Term Employment Contracts” of Fixed-Term Employment Contracts” <Public Notice of the Ministry of Health, Labour and Welfare>).

Furthermore, when the contracts are deemed practically the same as indefinite-term labour contracts because of the actual state of repeated renewal or when continued employment can reasonably be expected, non-renewal (the situation where the contract period is expired, and the contract is not renewed) is not allowed if there are no objectively reasonable grounds and it deems inappropriate in general societal terms. In such cases, the fixed-term labour contract is renewed with the same **working conditions** as before (Article 19 of the Labor Contracts Act).

(→ See “One step further [14] Dismissal for the purposes of reorganization” on p.46-47)

(→ See “One step further [15] Encouragement of resignation” on p.47)

3. When companies go bankrupt

Based on the **Act on Ensuring Wage Payment**, a system has been established in which the government pays unpaid **wages** on behalf when companies go bankrupt and become unable to pay wages.

Part of unpaid wages will be paid on behalf, and therefore you are advised to consult with the **Labour Standard Inspection Office** (→ see p.7) in such cases.

4. Basic allowance

When you become unemployed, you can receive **basic allowance** if you are subscribed to **employment insurance** (see p.16). In order to receive basic allowance, the number of months during each of which you have worked for at least 11 days must be at least 12 months in the two years prior to the date of resignation. However, in cases where the reason for resignation is dismissal due to bankrupt or the company’s convenience or non-renewal of the fixed-term **labour contract**, etc., you can receive basic allowance if the number of months during each of which you have worked for at least 11 days is at least six months in the one year period prior to the date of resignation.

In addition, the benefit start time and benefit period vary depending on the reason for unemployment. The payment starts after a total of seven days of unemployment have passed following the date on which a job seeker registration is made and a letter of separation (a company is required to issue this letter when a worker resign from the company) is accepted at **Hello Work**. In the case of **resignation** due to personal circumstances or dismissal due to significant cause imputable to the worker, however, the payment does not start until three more months have passed.

Therefore, at the time of resignation, declaring your resignation as a **resignation** due to personal circumstances, etc. where it is actually a dismissal due to companies' convenience or resignation by reason of accepting **encouragement of resignation** causes disadvantage in receiving basic allowance. For this reason, you should carefully check what is shown as the reason of separation when you receive a letter of separation, and if the reason is not correct, you should make a statement of the fact.

In addition, you can receive a certificate stating the reason for the resignation or dismissal from the company (Article 22 of the Labor Standards Act). It may be a good idea to request for it and check to ensure the reason is correctly given.

* When you don't understand something about basic allowance, etc., consult with **Hello Work** (see p.7).

5. **Hello Training (vocational training) and livelihood assistance during the training period**

In order to gain desirable employment, you may need to acquire necessary knowledge/skills or improve your skills. If you want to improve your knowledge and skills towards re-employment, you should consider receiving **Hello Training (vocational training)**.

If you are eligible to receive **employment insurance** benefits, you can receive training while receiving **basic allowance**. Even if you are not eligible to receive basic allowance, you can still receive training if it is needed for re-employment. Furthermore, if certain requirements are met, you can receive training allowance of 100,000 yen a month, commuting allowance, and lodging allowance as well as a loan while receiving training (support system for job seekers). Application for these allowances is accepted at **Hello Work** (→ see p.7).

One step further [14]

Dismissal for the purposes of reorganization

Dismissal made for personnel reduction when companies are forced to dismiss their workers due to such reasons as recession and poor business performance, etc. is referred to as **dismissal for the purposes of reorganization**. Such dismissal is attributable to companies' circumstances, and therefore carefully determined according to the following items whether it is dismissal for the purposes of reorganization or not.

[1]Necessity of personnel reduction

The personnel reduction measure must be based on sufficient necessity in terms of company management such as recession and poor business performance, etc.

[2]Efforts to avoid dismissal

Efforts must have been made to avoid dismissal by other means such as reassignment and calling for voluntary resignation, etc.

[3]Rationality of personnel selection

The criteria used to determine the personnel subject to dismissal for the purposes of reorganization must be objective and rationale, and its operation must be fair.

[4]Validity of dismissal procedures

The necessity, timing, scale/methods of dismissal must be explained to **labour unions** or workers to obtain their consent.

One step further [15] Encouragement of resignation

Dismissal is often confused with **encouragement of resignation**. Encouragement of resignation refers to encouragement from companies for you to **resign** by saying “we would like you to resign” or “we wish you would resign”, etc. It is **different from dismissal notice**, which is a notice of one-sided cancellation of contract by companies regardless of workers' intentions. Workers have freedom whether to accept the encouragement of resignation or not, and need not immediately give answers. It is important that when you have no intention to resign, you should clearly indicate the fact.

In the case of encouragement of resignation, unlike dismissal, the resignation would be valid even without reasonable grounds. There is a judicial precedent that a multiple number of encouragement of resignation over a long period of time was declared an illegal infringement of the rights, and therefore if you are troubled by being relentlessly encouraged to resign, you should consult with **labour unions** (→ see p.11) and/or **General Labour Consultation Corners** nationwide (→ see p.7).

When you resign from a job by accepting the encouragement of resignation, it will not be a resignation due to personal circumstances.

* When you feel that the rules are not observed for your dismissal, consult with the “**Labour Standards Inspection Office** and/or **General Labour Consultation Corner**” (see p.7).

Column 11 Checking by e-learning! Ready to use labour laws - Let's study labor law -

In recent years, there has been trouble over **working conditions** mainly among young people. For this reason, the Ministry of Health, Labour and Welfare operates an e-learning system, which enables those soon to be employed and those already working to readily learn the basics of labour-related laws using smartphones, etc. Each case is described using cartoon to allow those without knowledge of **labour laws** to readily start learning. Cases are divided into two parts, introduction part and application part. In the application part, you can use check tests to determine your level of understanding.

<http://laborlaw.mhlw.go.jp/>



Chapter 6 Mechanism of employment (for new university graduates, etc.)

Introduction

When you look for a place of employment, you will first consider what type of job in what sector you want to do. Companies are engaged in various types of business, including services, manufacturing, information and communications, food and beverage, and education/learning support, etc., and there are various types of jobs, including sales, planning, and technical, etc.

You try to find a job to apply by looking through job openings (to recruit workers) by companies according to the conditions (wages, place of employment, and welfare benefits, etc.) you want.

When you have decided which job you are going to apply for, you send your resume to and receive a job interview with the person in charge of the company. If you are the kind of person the company want, you will get a **preliminary offer of employment**, and then become employed.

Various systems are in place to support you in these steps towards employment. An example is given here.

1. Let's start job seeking activities

The timing of starting full-scale job-seeking activities, including acceptance of entries at private employment sites, etc. will be March. By then, you need to review your desired business/job type and nonnegotiable conditions, etc. and conduct self-analysis on what types of work you want to do and what your strengths are, etc. You should note that you must start job-seeking activities yourself.

[1] Think about jobs (business types) you are interested in

You may not initially be sure what kinds of jobs you are interested in, and thus it may be a good idea to consult with university career centers, etc.

In order to clarify what your interests are, being exposed to various occupation/employment related information is important, including hearing details about various business types at company information sessions where many companies gather, participating in internship programs, visiting elderly graduates, and doing research through private employment sites and specialized magazines, etc.

[2] Think about what jobs (job types) you want to do

In addition to choosing business types, choosing job types is also important. Job description varies even when employed by the same company, depending on, for example, whether you want to engage in sales, planning, or R&D. You should clarify what job types you want to pursue by taking your university major, etc. into consideration.

[Note] However, working forms and likelihood of personnel transfers vary with different companies, and therefore whether you can continue to engage in the job types you choose or not depends on companies. You should check on companies' websites or at company information sessions, etc.

[3] Know details about companies

When you have decided the business type and job type that you want to do, you should study companies in that business type in more detail using their websites, private employment sites, and specialized magazines, etc. It is also a good idea to individual company information sessions. At individual sessions, you can hear details about the companies from persons in charge of personnel management. In addition, some companies accept interns, and you should therefore check with the companies' websites and university career centers.

[Note] There are many companies that are not famous but have superior technologies and/or great promise. Therefore, you should also carefully examine companies other than famous ones.

(→ See "Column 12 Youth Employment Promotion Act" on p.51)

(→ See "Column 13 Youth yell certified company" on p.51)

(→ See "Column 14 Provision/disclosure of workplace information" on p.52)

[4] Apply to companies

After obtaining information on companies through company information sessions, etc., you will then decide whether to apply to these companies or not.

The application procedures vary depending on companies, and therefore you should check on websites, etc. of companies that you want to apply to.

[5] Consult when you have any concerns

Job-seeking activities take a long period of time and may not progress as you expected. In such cases, you should not carry those concerns all by yourself, but consult with your family and friends. In addition, support is also provided at universities and public institutions ([Hello Work](#), etc.), and therefore you should utilize such support.

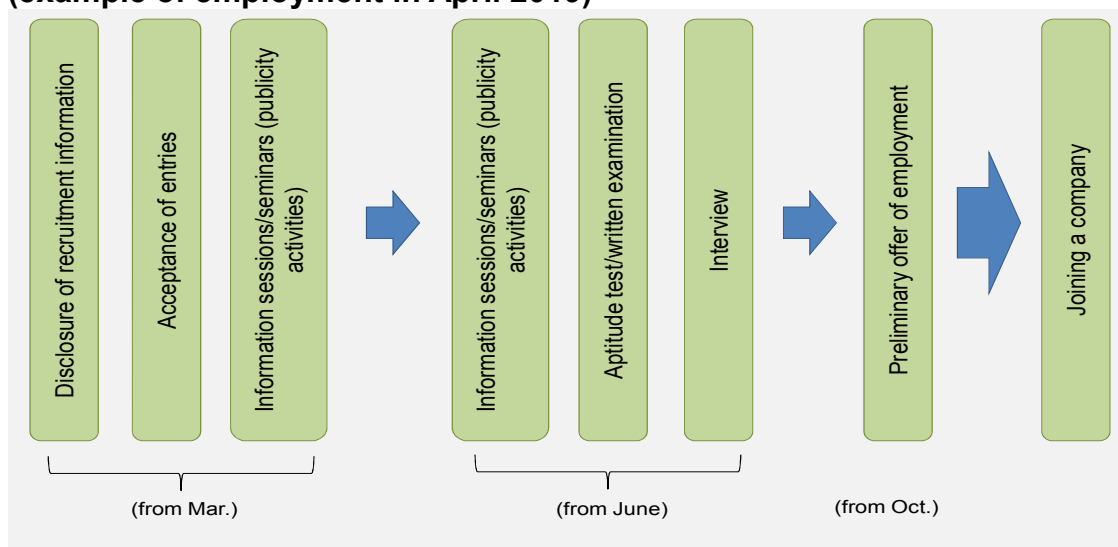
(→ See "Reference 1 Employment support for young people at Hello Work" on p.53)

(→ See "Reference 2 For senior high school graduates" on p.54)

(→ See "Reference 3 For those who have graduated without receiving job offers" on p.54)

(→ See "Reference 4 For those who have concerns about working" on p.54-55)

2. Standard schedule of job-seeking activities by university students (example of employment in April 2019)



Note: This is a standard schedule as of June 2017. When conducting job-seeking activities, you should carefully check companies' websites and university career centers, etc.

(→ See "One step further [16] Rules of job-seeking activities for university students, etc." below)

One step further [16]

Rules of job-seeking activities for university students, etc.

The rules of job-seeking and recruitment activities for university students, etc. are established and to be respected by schools and companies, respectively.

◆ Agreements of schools

- Schools shall not provide venues for or cooperate in "company information sessions" for employment screening conducted by companies in and outside of schools for the period until the beginning of the graduation/completion year.
- School recommendations shall be given on or after June 1 of the graduation/completion year in principle.
- Official date to give preliminary offers of employment shall be on or after October 1, and it shall be ensured that early preliminary offers of employment on or before September 30 do not bind students. In addition, instructions shall be given to students to prevent the situation where multiple early preliminary offers of employment are given from continuing until official preliminary offers of employment are given.

◆ Guidelines on employment screening

- Publicity activities other than information provision to many and unspecified students shall commence on or after March 1 immediately preceding the graduation/completion fiscal year.
- Screening activities shall commence on or after June 1 of the graduation/completion fiscal year.
- Official date to give preliminary offers of employment shall be on or after October 1.

* **Hello Work** respects the agreements and guidelines on employment screening, and makes recruitment information available from June onwards of the graduation year.

Column 12 Youth Employment Promotion Act

The “Act on Partial Revision of the Youth Labor Welfare Act, etc.” was promulgated on September 2015 with the aim of ensuring an environment where young people who lead the future of Japan can improve their vocational abilities by gaining experience with stable employment and continue to work with satisfaction.

The “the Act for Employment Promotion etc. of Youth” (**Youth Employment Promotion Act**) has provisions to [1] create a system to provide workplace information that contributes to young people making appropriate jobs choices, [2] reject new graduate recruit information of recruiting companies that violate certain labour-related laws/regulations at **Hello Work**, and [3] create a certification system for small and medium-sized enterprises with excellent employment management of young people, etc. to promote the efforts.

(→ See “Column 13 Youth yell certified company” below)

(→ See “Column 14 Provision/disclosure of workplace information” on p.52)

Column 13 Youth yell certified company

A system in which the Minister of Health, Labour and Welfare certifies small and medium-sized enterprises that are actively employing/training young people and have excellent employment management of young people as “**youth yell certified companies**” in accordance with the Youth Employment Promotion Act has been commenced in October 2015. **Hello Work** promotes improved matching between companies and young people by supporting information provision by companies.

<Certified companies are small and medium-sized enterprises that meet all of the following certification criteria>

- Companies that actively make efforts in employing and training of young people
- The turnover rate of those employed as regular employees such as new graduates in the last three business years is no more than 20%
- The average number of unscheduled **work hours** of regular employees in the last business year is no more than 20 hours, and there is no regular employee with the average number of statutory overtime work hours of 60 or more
- The average annual rate of paid leave taken by regular employees in the previous business year is at least 70% or the average number of days of paid leave taken is at least 10 days
- In the last three business years, at least one male worker has taken **child care leave**, etc. or the rate of taking child care leave, etc. by female workers is at least 75%

etc.

<Certification mark>



[Description of certification mark]

The shape of young leaves represents a young person filled with motivation waving his/her arms and the red circle means his/her vitality, expressing the image of improving the vitality of Japan with youth power

[Description of nickname (youth yell)]

Expressing the image of employers that support (yell for) young people (youth)

<Leaflet on youth yell certified company (the following URL)>

(<http://www.mhlw.go.jp/file/06-Seisakujouhou-11600000-Shokugyouanteikyoku/0000143047.pdf>)

Column 14 Provision/disclosure of workplace information

The Ministry of Health, Labour and Welfare promotes **disclosure of workplace information** based on the Youth Employment Promotion Act, **Act on Promotion of Women's Participation and Advancement in the Workplace**, and Next-Generation Children Act, and operates the following website for the purpose of **provision of workplace information** that is useful for students and job seekers.

- Information on the participation and advancement of young people

Companies that recruit new graduates, etc. must also provide workplace information such as the average number of years of continued employment and availability and content of training, etc. At the application stage, you should utilize this scheme so that you can sufficiently understand work environments and actual work situations of companies, and then choose places of employment that fit you.

<Leaflet of provision on workplace information (following URL)>

<http://www.mhlw.go.jp/file/06-Seisakujouhou-11650000-Shokugyouanteikyokuhakenyu-kiroudoutaisakubu/0000122437.pdf>

In addition, information on **youth yell certified companies** and youth support companies nationwide is available on the "Comprehensive youth employment promotion site".

Company information is actively provided by posting corporate profile, status of employment management, and message to job seekers, etc. for each company.

<https://wakamono-koyou-sokushin.mhlw.go.jp/search/service/top.action>

- Information on the participation and advancement of females

The Act on Promotion of Women's Participation and Advancement in the Workplace requires companies to disclose information on the participation and advancement of females. Within the "Comprehensive female participation/work-life balance support site", which provides information on the promotion of participation and advancement of females in companies and support for a **good balance between work and life**, a website "Database of Companies Promoting Women's Participation and Advancement" that puts together information on the status of participation and advancement of females in companies in an integrated manner is available. On this website, information on the percentage of females employed and that of female managers, etc. and the goals for promoting the participation and advancement of females (action plans) of individual companies are available for viewing. Searching by company names, business types, prefectures, and company scales is available, and you can look into companies you are interested in and compare companies of the same business type, etc.

<http://positive-ryouritsu.mhlw.go.jp/positivedb/>

(→ See Column 7 Women's Participation Promotion Act, and Eruboshi certification" on p.35)

- Information on support for a good balance between work and life

The Next-Generation Children Act requires companies to formulate and make public actions plans to promote a good balance between work and childcare of their employees. On the "Ryoritsu Shien no Hiroba" (Work-Life Balance Support Plaza), you can search/view action plans formulated by each company and information on companies that achieved the goals set in their action plans and certified as "childcare supporting companies" (**Kurumin certification/Platinum Kurumin certification**)

<http://ryouritsu.mhlw.go.jp/>.

Reference 1 Employment support for young people at Hello Work

Hello Work collects and provides various recruitment information across the nation, and provides job seekers with employment consultation and job placement services. In addition, specialized facilities and corners for current students, those graduated from schools without receiving job offers, and casual employees aiming to gain regular employment, etc. are in place to provide employment support by expert consultants. When you look for a job, you should visit the nearest Hello Work.

(1) Hello Work for New Graduates

Special contact points for new graduates and non-new graduates within approx. three years after graduation established in each prefecture to enable young people to readily receive support. Job supporters who are expert consultants provide consistent one-on-one employment support, from instructions on how to write resumes and entry sheets to introducing recruiting companies.

<http://www.mhlw.go.jp/stf/seisakunitsuite/bunya/0000132220.html>

(2) Hello Work for Young People

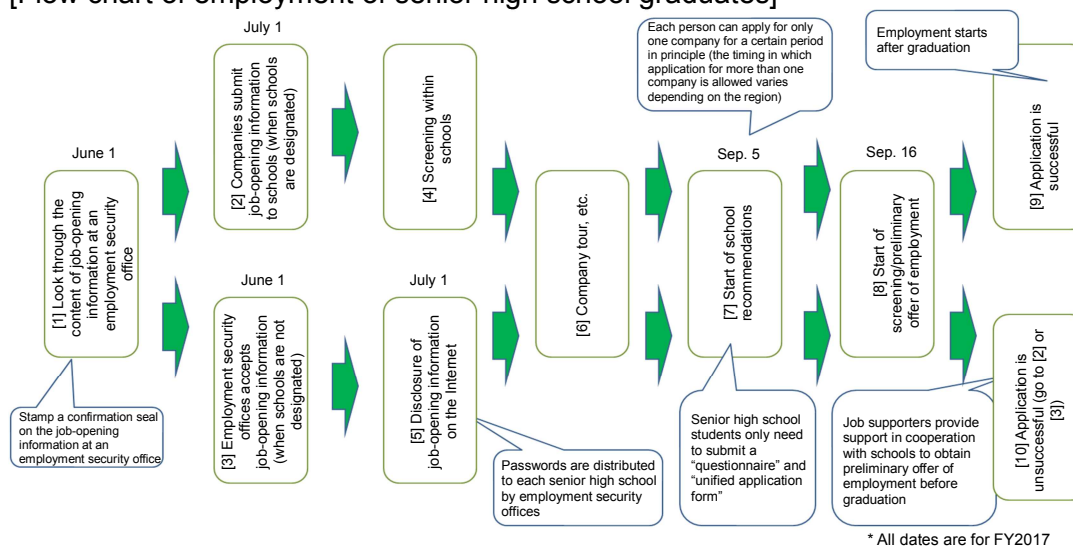
At Hello Work for Young People, employment support navigators who are expert consultants provide casual employees younger than approx. 45 aiming to gain regular employment with support towards regular employment according to individual stages. It is established in 28 locations nationwide. In addition, Young People Support Corners and Support Contact Points for Young People are established in each prefecture.

<http://www.mhlw.go.jp/stf/seisakunitsuite/bunya/0000181329.html>

Reference 2 For senior high school graduates

The procedures for employment after graduating from senior high schools are defined. Those intending to be employed after graduating from senior high schools should thoroughly consult with school teachers about job seeking activities and application schedule using the following figure as a reference.

[Flow chart of employment of senior high school graduates]



Reference 3 For those who have graduated without receiving job offers

The Ministry of Health, Labour and Welfare formulates the Guidelines for Proper Implementation of Measures to Secure Employment Opportunities for Young People by Business Operators, Job Placement Service Providers, and Other Relevant Parties, and requests companies, etc. to allow non-new graduates to apply for recruitment of new graduates for at least three years after graduation. There are cases where non-new graduates can apply even for recruitment of new graduates, and therefore you should carefully check the recruitment information.

Support for job-seeking activities may also be provided at schools they graduated from for a certain period after graduation. In addition, the above-mentioned Hello Work for New Graduates, Hello Work for Young People, Young People Support Corners, and Support Contact Points for Young People can also be utilized.

Reference 4 For those who have concerns about working

- (1) Regional Youth Support Stations (Support Stations)

At Support Station, young people aged 15-39 with concerns about working are provided with support towards employment, including expert consultation support for vocational independence, job retention and step-up support after employment, and work experience at cooperative companies, etc.

<http://saposute-net.mhlw.go.jp/>

(2) Job-Card

If you are not sure what kinds of work you want to do or not confident about your vocational abilities, you should create a “Job-Card”.

Job-Cards help compile previous education and work experience, vocational abilities, licenses/qualifications, etc., and consider the future. In addition, receiving assistance from consultants in creating Job-Cards can also provide significant help in considering vocational life. Career consultants are placed at **Hello Work**, etc., and you can consult with them. You can also locate them using the “Career Search (career consultant search system)”, etc. When you consult at Hello Work, you should contact in advance because it may be available by reservation only.

<https://jobcard.mhlw.go.jp/>

(3) Job adviser

For those who “don’t know how to use **Hello Work** and thus hesitate to visit it” or “are aiming to gain regular employment while working part-time”, the Ministry of Health, Labour and Welfare provides advice through “Job adviser”, a telephone and e-mail employment consultation service. Open hours are from 17:00 to 22:00 on weekdays and from 10:00 to 22:00 on Saturdays, Sundays, and holidays, making it easier for those working as casual employees to access.

<http://oshigoto.mhlw.go.jp/>

Tel: 0120-987-754

E-mail: shitsumon@oshigoto.mhlw.go.jp



(4) Animation video “Bokura no Asu (Our Future)”

The Ministry of Health, Labour and Welfare creates an animation video “Bokura no Asu (Our Future)”, which introduces experiences of those who have been converted from casual employees to **regular employees** and employment support institutions for young people aiming to gain regular employment, and pamphlets introducing data on the current situation of casual employees. You should look at them as a motivator to consider about future work styles and future paths.

<https://www.youtube.com/watch?v=6FlegzNFek4&feature=youtu.be>



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Consultation contact points for work

General Labour Consultation Corner	Acceptance of requests for consultation on labour issues in any sectors (working conditions, dismissal, bullying/harassment, etc.)
Labour Standard Inspection Office	Supervision and guidance on wages, working hours, and ensuring safety and health of workers, etc., and clerical work such as issuing permission and certification (for security, etc.) based on labour standards related laws and regulations, etc. <div style="border: 1px solid black; padding: 5px; margin-top: 10px;">Working Condition Consultation Hotline (MHLW-commissioned program) Telephone consultation on working conditions is available in the evening of week days and on weekends/holidays when Labour Standards Inspection Offices, etc. are closed.</div>
Hello Work (public employment security offices)	Provision of employment consultations, job placement services/guidance, support for enrollment in Polytechnic Centers, and employment insurance benefits (job seeking, unemployment benefits, and vocational training, etc.)
Employment Environment and Equal Employment Department (Office) of Prefectural Labour Bureau	Acceptance of requests for consultation on discrimination on the basis of sex, sexual harassment measures, measures against harassment related to pregnancy/childbirth/child care leave/family care leave, etc., disadvantageous treatment for the reason of pregnancy/childbirth or taking child care leave/family care leave, etc., health care for expectant and nursing mothers working, taking child care leave/family care leave, etc., equal/balanced treatment for part-time workers, promotion of their conversion to regular employees, and the Labor Contracts Act
Demand and Supply Adjustment Division (Office) of Prefectural Labour Bureau	Acceptance of requests for consultation in cases where the recruitment information provided at institutions other than Hello Work is different from the actual working conditions, etc.
Labour Relations Commission	Arrangement of disputes between labour unions and employers (companies), examination and issuance of relief orders when unfair labour practices (see p.11-12) by employers are found, and support for resolving individual troubles between workers and companies (dismissal, compelled resignation, harassment, etc.)
Prefectural governments	Responding to labour consultations
Japan Legal Support Center (Houterasu)	Support for resolving legal troubles on labour issues
Japan Pension Service (pension office)	Acceptance of requests for consultation on employees' pension insurance
Regional Youth Support Station (Support Station)	Expert consultation support for vocational independence, job retention and step-up support after employment, and work experience at cooperative companies
Mental health portal site for workers "Ears for the Heart"	Provision of comprehensive information on mental health at workplaces, and acceptance of requests for e-mail/telephone consultation to respond to various questions from business operators, persons in charge of personnel management in companies, and workers, etc. about issues on mental health at workplaces