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Labour Standards Law [Law No. 49 of 7 April 1947 as amended through Law No. 107 of 9 June 1995]. *Labour Laws of Japan. Ministry of Labour. Institute of Labour Administration. Tokyo. Japan. 1995, pp. 71-110, 7th ed.*

- Law No. 97 of Aug. 31, 1947
- Law No. 70 of May 16, 1949
- Law No. 166 of May 31, 1949
- Law No. 290 of Dec. 20, 1950
- Law No. 287 of July 31, 1952
- Law No. 171 of June 10, 1954
- Law No. 126 of June 4, 1956
- Law No. 133 of May 2, 1958
- Law No. 137 of Apr. 15, 1959
- Law No. 161 of Sep. 15, 1962
- Law No. 130 of June 11, 1965
- Law No. 108 of Aug. 1, 1967
- Law No. 99 of June 15, 1968
- Law No. 64 of July 18, 1969
- Law No. 57 of June 8, 1972
- Law No. 34 of May 27, 1976
- Law No. 78 of Dec. 2, 1983
- Law No. 87 of Dec. 25, 1984
- Law No. 45 of June 1, 1985
- Law No. 56 of June 8, 1985
- Law No. 89 of July 5, 1985
- Law No. 99 of Sep. 26, 1987
- Law No. 76 of May 15, 1991
- Law No. 90 of July 2, 1992
- Law No. 79 of July 1, 1993
- Law No. 107 of June 9, 1995

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Chapter I. General Provisions

Principle of Working Conditions

Article 1. Working conditions shall be those which should meet the needs of workers who live lives worthy of human beings.

2. The standards for working conditions fixed by this Law are mini-mum standards. Accordingly, parties to labour relations shall not reduce working conditions with these standards as an excuse and, instead, should endeavour to raise the working conditions.

Determination of Working Conditions

Article 2. Working conditions should be determined by the workers and employers on an equal basis.

2. The workers and employers shall abide by collective agreements, rules of employment and labour contracts, and shall discharge their respective duties faithfully.

Equal Treatment

Article 3. An employer shall not engage in discriminatory treatment with respect to wages, working hours or other working conditions by reason of the nationality, creed or social status of any worker.

Principle of Equal Wages for Men and Women

Article 4. An employer shall not engage in discriminatory treatment of a woman as compared with a man with respect to wages by reason of the worker being a woman.

Prohibition of Forced Labour

Article 5. An employer shall not force workers to work against their will by means of violence, intimidation, imprisonment, or any other unfair restraint on the mental or physical freedom of the workers.

Elimination of Intermediate Exploitation

Article 6. Unless permitted by law, no person shall obtain profit by intervening, as a business, in the employment of others.

Guarantee of the Exercise of Civil Rights

Article 7. An employer shall not refuse when a worker requests time necessary to exercise franchise and other civil rights or to perform public duties during working hours; provided, however, that the employer may make a change in the time requested by the worker to the extent that such change does not hinder the exercise of the right or the performance of the public duty.

Scope of Enterprises Covered

Article 8. This Law applies to the enterprises and places of business listed in each of the items below; provided, however, that it does not apply to any enterprise or place of business employing only relatives living with the employer as family members nor to domestic employees:

- (1) Enterprises engaged in the manufacture, rebuilding, processing, repairing, cleaning, sorting, packing, decoration, finishing, tailoring for sale, demolition or dismantling of goods; And in the alteration of materials (including industries which generate, transform and transmit electricity, gas and various forms of power, and waterworks)
- (2) Enterprises engaged in mining, stone cutting and other extraction of soil, gravel or minerals
- (3) Enterprises engaged in civil engineering, construction, and other building, remodeling, maintenance, repair, renovation, demolition or dismantling of structures; and enterprises engaged in preparatory work for the above matters
- (4) Enterprises engaged in the transportation of passengers or freight by roads, railroads, streetcar lines, cable lines, vessels or airplanes
- (5) Enterprises handling freight at docks, on vessels, at jetties, at piers, at railway stations or at warehouses
- (6) Enterprises engaged in the cultivation of land or the cutting or reclamation of waste land, planting, cultivating, harvesting of crops or cutting of timber, and other agricultural and forestry enterprises
- (7) Enterprises engaged in the breeding of animals or the catching, gathering and breeding or cultivation of marine animals and seaweed, and other enterprises of livestock raising, sericulture and fisheries
- (8) Enterprises engaged in selling, distributing, storing, and lending of commodities, and hairdressing
- (9) Banking, insurance, agency, brokerage, bill collection, information and advertising enterprises
- (10) Motion picture production and projection, theatrical performance and

other entertainment enterprises

- (11) Postal and telecommunications enterprises
- (12) Enterprises engaged in education, research and investigation
- (13) Enterprises engaged in the treatment or nursing of the ill or infirm and in other health and hygiene services
- (14) Hotel, restaurant, snack bar, service trade and recreation center enterprises
- (15) Enterprises engaged in incineration, sanitation and butchery
- (16) Governmental and public offices which do not come under any of the foregoing items
- (17) Other enterprises or places of business defined by ordinance

Definitions

Article 9. In this Law, worker shall mean one who is employed at an enterprise or place of business (hereinafter referred to simply as an enterprise) and receives wages therefrom, without regard to the kind of occupation.

Article 10. In this Law, employer shall mean the owner or manager of the enterprise or any other person who acts on behalf of the owner of the enterprise in matters concerning the workers of the enterprise.

Article 11. In this Law, wage shall mean the wage, salary, allowance, bonus and every other payment to the worker from the employer as remuneration for labour, regardless of the name by which such payment may be called.

Article 12. In this Law, the amount of the average wage shall mean the amount obtained by dividing the total amount of wages for a period of three months preceding the day on which the calculation or average wage became necessary by the number of all days during the period; provided, however, that the amount of the average wage shall not be less than the amount computed by one of the following methods:

- (1) in the event that the wage is computed on the basis of working days or hours, or determined in accordance with a piece rate or other contract price, 60 percent of the amount obtained by dividing the total sum of wages by the number of actual working days during the period
- (2) in the event that a portion of the wage is determined on the basis of months, weeks, or any other fixed period, the aggregate of
 - (a) the amount obtained by dividing the total sum of any such portion of the wage by the number of all days during that period and
 - (b) the amount under the foregoing method.

2. When there is a fixed day for closing the wage account, the period under the preceding paragraph shall be calculated from the last such fixed day.

3. If the period mentioned in the preceding two paragraphs includes any of the following periods, the days and wages in such period shall be excluded from the days and total amount of wages under the preceding two paragraphs:

- (1) Days of rest for medical treatment caused by injury of illness in the course of duty
- (2) Days of rest for women before and after childbirth in accordance with the provisions of Article 65
- (3) Days of rest caused by reasons attributable to the employer
- (4) Period of childcare leave prescribed in item 1 of Article 2 of the Law Concerning the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave (Law No.76 of 1991)
- (5) Probationary period

4. The total amount of wages under paragraph 1 shall not include extraordinary wages, wages which are paid periodically for a period exceeding three months and wages which are paid in anything other than cash and which are not within a fixed scope.

5. In the event that a wage is paid in anything other than cash, necessary matters relating to the scope of such wage to be included in the total amount of wages under paragraph 1 and the method for calculating such wage shall be set forth by ordinance.

6. For a worker who has been employed for less than three months, the period under paragraph 1 shall be the period of his or her employment.

7. The average wage for a day labourer shall be fixed by the competent Minister for labour according to the kind of enterprise or occupation in which such day labourer is engaged.

8. In the event that the average wage cannot be computed in accordance with paragraphs 1 through 6 inclusive, the average wage will be determined in the manner set forth by the competent Minister for labour.

Chapter II. Labour Contract

Contract Violating This Law

Article 13. A labour contract which provides for working conditions which do not meet the standards of this Law shall be invalid with respect to such portions. In such a case the portions which have become invalid shall be governed by the standards set forth in this Law.

Period of Contract

Article 14. Labour contracts, excluding those without a definite period, and excepting those providing that the period shall be the period necessary for completion of a specified project, shall not be concluded for a period longer than one year.

Clear Statement of Working Conditions

Article 15. In concluding a labour contract, the employer shall clearly state the wages, working hours and other working conditions to the worker. In this case matters concerning wages shall be clearly stated in the manner prescribed by ordinance.

2. In the event that the working conditions as clearly stated under the provisions of the preceding paragraph differ from actual fact, the worker may immediately cancel the labour contract.

3. In a case under the preceding paragraph, in the event a worker who has changed his or her residence for the work returns home within 14 days from the date of cancellation, the employer shall bear the necessary travelling expenses for the worker.

Ban on Predetermined Indemnity

Article 16. An employer shall not make a contract which fixes in advance either a sum payable to the employer for breach of contract or an amount of indemnity for damages.

Ban on Offsets Against Advances

Article 17. An employer shall not offset wages against advances of money or advances of other credits made as a condition for work.

Compulsory Savings

Article 18. An employer shall not require a contract for savings or make a contract to take charge of savings incidental to the labour contract.

2. An employer, in taking charge of workers' savings entrusted to the employer by the workers, shall conclude a written agreement with a trade union organized by a majority of the workers at the workplace, where such a union exists, or with a person representing a majority of the workers, where no such union exists, and shall submit the written agreement to the administrative office.

3. An employer, in taking charge of workers' savings entrusted to the employer by the workers, shall establish rules governing the keeping of savings and take steps to inform the workers of these rules, such as posting such rules at the workplace.

4. An employer, in taking charge of workers' savings entrusted to the employer by the workers, shall pay interest in the event that the savings kept in custody constitute a deposit accepted. If, in this case, the amount of interest paid is below the amount of interest based on the interest rate established by ordinance with due consideration of the interest rate for deposits received by banking institutions, the employer shall be deemed to have paid interest equivalent to that based on the rate determined by ordinance.

5. An employer, in taking charge of workers' savings entrusted to the employer by the workers, shall return the savings to the workers on request without delay.

6. In the event that the employer has violated the provisions of the preceding paragraph and the continued taking charge of the workers' savings by the employer is deemed as seriously detrimental to the interests of the workers, the administrative office may order the employer to suspend taking charge of the savings in question within such limits as are necessary.

7. An employer who has been ordered to suspend taking charge of savings under the provisions of the preceding paragraph shall return savings kept in custody to the workers without delay.

Restrictions on Dismissal of Workers

Article 19. An employer shall not dismiss a worker during a period of rest for medical treatment with respect to injuries or illnesses suffered in the course of duty nor within 30 days thereafter, and shall not discharge a woman during a period of rest before and after childbirth in accordance with the provisions of Article 65 nor within 30 days thereafter; provided, however, that this shall not apply in the event that the employer pays compensation for termination in accordance with Article 81 nor when the continuance of the enterprise has been made impossible by a natural disaster or other unavoidable cause.

2. In the event of a circumstance under the latter part of the proviso of the preceding paragraph, the employer shall obtain the approval of the administrative office with respect to the reason in question.

Notice of Dismissal

Article 20. In the event that an employer wishes to dismiss a worker, the employer shall provide at least 30 days advance notice. An employer who does not give 30 days advance notice shall pay the average wages for a period of not less than 30 days. However, that this shall not apply in the event that the continuance of the enterprise has been made impossible by a natural disaster or other unavoidable cause nor when the worker is dismissed for reasons attributable to the worker.

2. The number of days of notice under the preceding paragraph may be reduced in the event the employer pays the average wage for each day by which the period is reduced.

3. The provisions of the paragraph 2 of preceding article shall apply correspondingly to a case under the proviso to paragraph 1.

Article 21. The provisions of the preceding article shall not apply to any worker coming under one of the following items; provided, however, that this shall not be the case with respect to a worker coming under Item 1 who has been employed consecutively for more than one month, a worker coming under either Item 2 or Item 3 who has been employed consecutively for more than the period set forth in each such item respectively, nor a worker coming under Item 4 who has been employed consecutively for more than 14 days:

- (1) Workers who are employed on a daily basis

- (2) Workers who are employed for a fixed period not longer than two months
- (3) Workers who are employed in seasonal work for a fixed period not longer than four months
- (4) Workers in a probationary period

Certificate of Employment

Article 22. When a worker on the occasion of leaving employment requests a certificate stating the period of employment, the kind of occupation, and the position in the enterprise and the wages, the employer shall deliver one without delay.

2. The employer shall not include in the certificate under paragraph 1 any item that the worker does not request.

3. An employer shall not, in a premeditated plan with a third party and with the intent to impede the employment of a worker, send any communication concerning the nationality, creed, and social status or union activities of the worker or include any secret sign in the certificate under paragraph 1.

Return of Money and Other Valuables

Article 23. Upon a worker's death or leaving of employment, in the event of a request by one having the right thereto, the employer shall pay the wages and return the reserves, security deposits, savings, and any other funds and valuables to which the worker is rightfully entitled, regardless of the name by which such funds and valuables may be called, within 7 days.

2. In the event there is a dispute over the wages and/or funds and valuables referred to in the preceding paragraph, the employer shall pay and/or return any undisputed portions within the period referred to in the preceding paragraph.

Chapter III. Wages

Payment of Wages

Article 24. Wages must be paid in cash and in full directly to the workers; however, that payment other than in cash may be permitted in cases otherwise provided for by law or ordinance or collective agreement or in cases where a reliable method of payment of wages defined by ordinance is provided for; and partial deduction from wages may be permitted in cases otherwise provided for by law or ordinance or in cases where there exists a written agreement with a trade union organized by a majority of the workers at the workplace, where such a union exists, or with a person representing a majority of the workers, where no such union exists.

2. Wages must be paid at least once a month at a definite date. However, this does not apply to extraordinary wages, bonuses, and the like which will be defined by Ordinance.

Emergency Payments

Article 25. In the event a worker requests the payment of wages to cover emergency expenses for childbirth, illness, accident, or other emergency as set forth by ordinance, the employer shall pay accrued wages prior to the normal date for payment.

Allowance for Business Suspension

Article 26. In the event of a suspension of business for reasons attributable to the employer, the employer shall pay an allowance equal to at least 60 percent of the worker's average wage to each worker concerned during the period of business suspension.

Guaranteed Payment Under Piece Work System

Article 27. With respect to workers employed under a piece work system or other subcontracting system, the employer shall guarantee a fixed amount of wage proportionate to hours of work.

Minimum Wages

Article 28. Minimum standards for wages shall be in accordance with the provisions of the Minimum Wages Law (Law No. 137 of 1959).

Articles 29 to 31. Deleted.

Chapter IV. Working Hours, Rest Periods, Rest Days, and Annual Leave with Pay

Working Hours

Article 32. An employer shall not have a worker work more than 40 hours per week, excluding rest periods.

2. An employer shall not have a worker work more than 8 hours per day for each day of the week, excluding rest periods.

Article 32-2. In the event that an employer has stipulated pursuant to rules of employment or the equivalent that the average working hours per week over the course of a fixed period of no more than one month will not exceed the working hours set forth in paragraph 1 of the preceding article, the employer may, in accordance with such stipulation and regardless of the provisions of the preceding article, have a worker work in excess of the working hours set forth in paragraph 1 of the preceding article in a specified week or weeks and may have a worker work in excess of the working hours set forth in paragraph 2 of the preceding article in a specified day or days.

Article 32-3. In the event that the following items have been provided in a written agreement with either a trade union organized by a majority of the workers at the workplace concerned where such a trade union exists or with a person representing a majority of the workers where no such trade union exists, the employer may, with respect to a worker for whom the starting and ending time for work is left to the worker's own decision pursuant to rules of employment or the equivalent, and regardless of the provisions of Article 32, have such worker work in excess of the working hours set forth in paragraph 1 of Article 32 in a week and may have such worker work in excess of the working hours set forth in paragraph 2 of that Article in a day, to the extent that the average working hours per week during a period provided in the abovementioned written agreement as the settlement period (of which conditions are defined in Item 2 below) do not exceed the working hours set forth in paragraph 1 of Article 32:

- (1) The scope of workers whom the employer may have work under the working hour provisions of this Article
- (2) A settlement period (which shall be a period, not to exceed one month in length, during which average working hours per week will not exceed the working hours under Article 32, paragraph 1. The same shall apply in the following item.)
- (3) Total working hours in the settlement period
- (4) Other matters as set forth by ordinance

Article 32-4. In the event that the employer has stipulated the following items pursuant to a written agreement either with the trade union organized by a majority of the workers at the workplace concerned where such a trade union exists or with a person representing a majority of the workers at a workplace where no such trade union exists regardless of the provisions of Article 32, the employer may have a worker work in excess of the working hours set forth in paragraph 1 of Article 32 in a specified week or weeks and may have a worker work in excess of the working hours set forth in paragraph 2 of that Article in a specified day or days in accordance with the written agreement (including stipulations that have been set under the provisions of the following paragraph in cases where this is applicable), to the extent that the average working hours per week for the period set in that agreement as the applicable period defined at Item (2) below do not exceed forty hours:

- (1) The scope of workers whom the employer may have work under the working hour provisions of this Article (limited to those workers who are employed on the first day of the applicable period defined in the following item, and whose period of employment continues until at least the day preceding the final day of that applicable period)
- (2) Applicable period (a period not exceeding one year during which the average working hours per week do not exceed forty hours; the same shall apply hereinafter for this Article)
- (3) Working days in the applicable period and working hours for each of the said working days (in cases where the applicable period is divided into periods of three months or more, working hours for each working day in the period

division which includes the first day of the applicable period (hereinafter referred to as the "initial period" in this Article) and total working hours of each period division excluding the initial period)

- (4) Other items as stipulated by order

2. In the event that in the written agreement of the preceding paragraph the employer has divided the applicable period as provided for in Item (3) of the said paragraph, and stipulated the total working hours for each period division excluding the initial period, the employer shall, with the agreement of the trade union organized by a majority of the workers at the workplace concerned where such a trade union exists or with a person representing a majority of the workers at a workplace where no such trade union exists and in accordance with the relevant provisions, set the working hours for each working day in each period division no later than 30 days before the first day of the period division, to the extent that the said total working hours are not exceeded.

3. After hearing the opinions of the Central Labour Standards Council, the Minister of Labour may, establish limits by order concerning the daily and weekly working hours in the applicable period, and the number of consecutive days on which the employer may have workers work.

4. The employer shall, as specified by order, submit the agreement under paragraph 1 to the governmental office.

Article 32-5. With respect to workers employed in enterprises of which business categories are specified by ordinance as the amount of daily business is often subject to wide fluctuations and it would be difficult to anticipate these fluctuations and to fix daily working hours by rules of employment or the equivalent, and of which the number of regular employees is under the number specified by ordinance, the employer may, regardless of the provisions of Article 32, paragraph 2, have workers work for up to ten hours per day, if there is a written agreement with either a trade union organized by a majority of the workers at the workplace concerned where such a trade union exists or with a person representing a majority of the workers where no such trade union exists.

2. In the event that an employer has a worker work pursuant to the provisions of the preceding paragraph, the employer shall, notify the workers in advance of the working hours for each day of the work week in accordance with ordinance.

3. The provisions of paragraph 4 of the preceding Article shall apply correspondingly to an agreement under paragraph 1 of this Article.

Extra Work, etc., at Times of Temporary Necessity as a Result of Disasters, etc.

Article 33. In the event of temporary necessity by reason of disaster or other unavoidable circumstances, an employer, may extend the working hours under Articles 32 through 32-5 inclusive and Article 40 and may have workers work on rest days under Article 35; with the permission of the administrative office, and within the limits of such necessity, however, in the event that the necessity is so

urgent that there is not time enough to obtain the permission of the administrative office, the employer shall report this after the fact without delay.

2. In a case where there has been a report pursuant to the proviso of the preceding paragraph, if the administrative office determines that it was inappropriate to extend the working hours or have work on rest days, that office may order the employer thereafter to provide the workers with rest periods or rest days corresponding to the time worked.

3. Regardless of the provisions of paragraph 1, in the event of temporary necessity for purposes of public service the working hours under Articles 32 through 32-5 inclusive and under Article 40 may be extended for national and local public servants engaged in enterprises under Article 8, Item 16, and those workers may be required to work on rest days under Article 35.

Rest Periods

Article 34. An employer shall provide rest periods during working hours of at least 45 minutes in the event that working hours exceed six hours and of at least one hour in the event that working hours exceed eight hours.

2. The rest periods under the preceding paragraph shall be provided to all workers at the same time; however, this shall not be required in the event that permission has been obtained from the administrative office.

3. An employer shall permit the free use of rest periods under paragraph 1.

Rest Days

Article 35. An employer shall provide workers at least one rest day per week.

2. The provisions of the preceding paragraph shall not apply to an employer who provides at least four rest days during a four week period.

Overtime Work and Work on Rest Days

Article 36. In the event that the employer has entered a written agreement with either a trade union organized by a majority of the workers at the workplace concerned where such a trade union exists or with a person representing a majority of the workers where no such trade union exists and has filed such agreement with the administrative office, the employer may, in accordance with the provisions of such agreement, and regardless of the provisions of Articles 32 through 32-5 and Article 40 with respect to working hours (hereinafter in this Article referred to as "working hours") and the provisions of the preceding Article with respect to rest days (hereinafter in this Article referred to as "rest days"), extend the working hours or have workers work on rest days; however, that the extension in working hours for underground work and other work specified by ordinance as especially injurious to health shall not exceed two hours per day.

Increased Wages for Overtime Work, Work on Rest Days and Night Work

Article 37. In the event that an employer extends working hours or has a worker work on rest days pursuant to the provisions of Article 33 or the preceding Article, the employer shall pay increased wages for work during such hours or on such days at a rate no lower than the rate stipulated by order within the range of no less than 25 percent and no more than 50 percent over the normal wage per working hour or working day.

2. The order under the preceding paragraph shall be set taking into consideration the welfare of workers, developments as regards overtime work and work on rest days, and any other relevant factors.

3. In the event that an employer has a worker work during the period between 10 p.m. and 5 a.m. (or the period between 11 p.m. and 6 a.m., in case the minister of Labour admits necessity of application for a certain area or time of the year), the employer shall pay increased wages for work during such hours at a rate no lower than 25 percent over the normal wage per working hour.

4. Family allowances, commutation allowances, and other elements of wages as stipulated by order shall not add to the base wages of the increased wages of Paragraph 1 and the preceding paragraph.

Computation of Working Time

Article 38. For purposes of application of the provisions on working hours, total hours worked shall be aggregated, even if workplaces are different.

2. With regard to underground labour, the working hours shall be deemed to be the time from entry into the mouth of the mine to exit from the mouth of the mine, including rest periods; however, in this case the

provisions of Article 34, paragraphs 2 and 3, regarding rest periods shall not apply.

Article 38-2. In cases where workers perform their duties outside of the workplace during all or part of their working hours and it would be difficult to calculate working hours, the number of hours, worked shall be deemed to be the scheduled working hours; however, in cases where it would normally be necessary to work in excess of the scheduled working hours in order to accomplish the duties, the number of hours worked shall be deemed to be the number of hours normally necessary to accomplish such duties, as established pursuant to ordinance.

2. In a case under the proviso of the preceding paragraph, when there is a written agreement with either a trade union organized by a majority of the workers at the workplace concerned where such a trade union exists or with a person representing a majority of the workers where no such trade union exists, the number of hours specified in such agreement shall be regarded as the number of hours normally necessary to accomplish the duties under that proviso.

3. The employer shall, file the agreement referred to in the preceding paragraph with the administrative office in accordance with ordinance.

4. In the event that an employer, pursuant to a written agreement either with the trade union organized by a majority of the workers at the workplace concerned where such a trade union exists or with the person representing a majority of the workers at a workplace where no such trade union exists, has assigned a worker to duties stipulated by order as duties for which it is difficult for the employer to give concrete directives regarding such decisions as the means of accomplishment and allocation of time because the nature of the duties is such that the methods for accomplishment must be left largely to the discretion of the workers engaged in the said duties, and has stipulated that concrete directives regarding such decisions as the means of accomplishing the said duties and allocation of time will not be given and that the calculation of the working hours will be in accordance with the said written agreement, the working hours of workers who have been assigned to the said duties shall, as stipulated by order, be regarded as the number of hours set forth in the agreement.

5. The provisions of paragraph 3 shall apply correspondingly to an agreement under the preceding paragraph.

Annual Leave With Pay

Article 39. An employer shall grant annual leave with pay of ten working days, either consecutive or divided into portions, to workers who have been employed continuously for six months calculated from the day of their being hired and who have reported for work on at least 80 percent of the total working days.

2. For workers who have been employed continuously for at least one year and a half, an employer shall grant one day of annual leave with pay in addition to the number of days stipulated in the preceding paragraph for each additional year of continuous service from the day of their serving continuously for six months (only those years in which the worker has reported for work on at least 80 percent of the total working days). However, that if the total number of days of annual leave with pay would exceed 20 days, the employer is not required to grant annual leave with pay for such excess days.

3. The number of days of annual leave with pay for workers specified in the following items (excluding workers whose prescribed weekly working hours exceed the hours fixed by ordinance) shall have as a basis the number of days of annual leave with pay specified in the two preceding paragraphs, but regardless of the provisions of those two paragraphs shall be fixed by ordinance with due consideration for the ratio of the number of days specified by ordinance as the prescribed working days in a week for ordinary workers (referred to as "the prescribed weekly working days of ordinary workers" in Item 1) to either the number of prescribed weekly working days for the workers concerned or the average number of prescribed working days per week for the workers concerned:

- (1) Workers for whom the number of prescribed weekly working days is less than the number of days specified by ordinance as constituting a number that is considerably lower than the number of prescribed weekly working days of ordinary employees

- (2) With respect to workers for whom the number of prescribed working days is calculated on the basis of units of time other than weeks, workers for whom the number of prescribed annual working days is less than the number of days specified by ordinance, with due consideration to the number of prescribed annual working days for workers as to which the number of weekly working days is deemed to be one greater than the number specified by ordinance referred to in the preceding item and to other circumstances

4. The employer shall grant the leave with pay under the provisions of the three preceding paragraphs during the period requested by the worker; however, that in the event granting of leave in the requested period would interfere with the normal operation of the enterprise, the employer may grant the leave in another season.

5. In the event an employer, pursuant to a written agreement with either a trade union organized by a majority of the workers at the workplace concerned where such a trade union exists or with a person representing a majority of the workers, where no such trade union exists, has made a stipulation with regard to the season in which leave with pay pursuant to paragraphs 1 through 3 will be granted, the employer may, regardless of the provisions of the preceding paragraph, grant paid leave in accordance with such stipulation for portions of paid leave under paragraphs 1 through 3 in excess of five days.

6. For the period of leave with pay under the provisions of paragraphs 1 through 3, the employer shall, in accordance with rules of employment or the equivalent, pay either the average wage or the amount of wages that would normally be paid for working the prescribed working hours; however, that when there is a written agreement with either a trade union organized by a majority of the workers at the workplace concerned where such a trade union exists or with a person representing a majority of the workers where no such trade union exists, that provides for the payment for the period of a sum equivalent to the daily amount of standard remuneration provided for under Article 3 of the Health Insurance Law (Law No. 70 of 1922), such agreement shall be complied with.

7. With respect to application of the provisions of paragraph 1 and paragraph 2, a worker shall be deemed to have reported for work during periods of rest for medical treatment for injuries or illness suffered in the course of duty, during periods of rest for childcare leave prescribed in paragraph 1 of Article 2 of the Law Concerning the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave and during periods of rest before and after childbirth pursuant to the provisions of Article 65.

Special Provisions on Working Hours and Rest

Article 40. With respect to enterprises which come under Article 8, Item 4, Item 5, and Items 8 through 17, as to which there is need, and within limits unavoidable given such need, special provisions may be established by ordinance regarding working hours under Articles 32 through 32-5 and rest periods under Article 34.

2. The special provisions under the preceding paragraph shall conform closely to

the standards set forth in this Law and shall not be detrimental to the health and welfare of workers.

Exclusions From Coverage

Article 41. The provisions regarding working hours, rest periods and rest days set forth in this Chapter, Chapter VI and Chapter VI-II shall not apply to workers coming under one of the following items:

- (1) Persons engaged in enterprises under Item 6 (excluding forestry) and Item 7 of Article 8
- (2) Persons in positions of supervision or management or persons handling confidential matters, regardless of the type of enterprise
- (3) Persons engaged in keeping watch or in intermittent labour, with respect to which the employer has obtained approval from the administrative office

Chapter V. Safety and Health

Article 42. Matters concerning the safety and health of workers shall be as provided for by the Industrial Safety and Health Law (Law No. 57 of 1972).

Articles 43 to 55. Deleted.

Chapter VI. Minors

Minimum Age

Article 56. Children under 15 full years of age shall not be employed as workers.

2. Regardless of the provisions of the preceding paragraph, outside of the school hours, children above 12 full years of age may be employed in occupations in enterprises which come under Article 8, Item 6 through 17 inclusive, in light labour which is not injurious to the health and welfare of the children; however this shall apply with respect to children under 12 full years of age employed in motion picture production and theatrical performance enterprises.

Certificates for Minors

Article 57. The employer shall keep at the workplace birth certificates which prove the age of children under 18 full years of age.

2. With respect to a child employed pursuant to paragraph 2 of the preceding Article, the employer shall keep at the workplace a certificate issued by the head of that child's school certifying that the employment does not hinder the school attendance of the child or written consent from the child's parent or guardian.

Labour Contracts of Minors

Article 58. The parent or guardian shall not make a labour contract in place of a minor.

2. The parent, guardian, or the administrative office may cancel a contract prospectively if they consider it disadvantageous to the minor.

Article 59. The minor may request wages independently. The parent or guardian shall not receive the wages earned by the minor in place of the minor.

Working Hours and Rest Days

Article 60. The provisions of Articles 32-2 through Article 32-5 inclusive, Article 36 and Article 40 shall not apply to minors under 18 full years of age.

2. With respect to the application of the provisions of Article 32 to children employed pursuant to Article 56, paragraph 2, the phrase "40 hours a week" in paragraph 1 of Article 32 shall be read as "40 hours a week including school hours", and the phrase "8 hours a day" in paragraph 2 of Article 32 shall be read as "7 hours a day including school hours".

3. Regardless of the provisions of Article 32, minors above 15 full years of age and under 18 full years of age may be employed in accordance with the provisions of each of the following items:

- (1) In the event the total working hours in a week do not exceed the number of working hours stipulated in Article 32, paragraph 1, and the number of working hours for one day of the week has been reduced to no more than four hours, the working hours for the other days may be extended to 10 hours
- (2) In the event weekly working hours do not exceed the hours to be stipulated by order within of forty-eight hours and daily working hours do not exceed eight hours, such workers may be required to work in accordance with the provisions of Article 32-2 or Article 32-4

Night Work

Article 61. An employer shall not employ a person under 18 full years of age between 10 p.m. and 5 a.m.; however, this shall not apply to males over 16 full years of age employed on the shift system.

2. In the event the Minister of Labour deems it necessary, that Minister may change the hours under the preceding paragraph to 11 p.m. and 6 a.m., limited to a certain region or period.

3. For work that is done in shifts, an employer may have workers work until 10:30 p.m., regardless of the provisions of paragraph 1, or may have workers work from 5:30 a.m., regardless of the provisions of the preceding paragraph.

4. The provisions of the preceding three paragraphs shall not apply in the event the employer extends the working hours or has workers work on rest days pursuant to the provisions of Article 33, paragraph 1, nor to enterprises falling under Items 6, 7

or 13 of Article 8 or telephone enterprises.

5. With respect to children employed pursuant to the provisions of Article 56, paragraph 2, the hours set forth in paragraph 1 shall become 8 p.m. and 5 a.m., and the hours set forth in paragraph 2 shall become 9 p.m. and 6 a.m.

Restrictions on Dangerous and Harmful Jobs

Article 62. An employer shall not allow persons under 18 full years of age to clean, oil, inspect, repair the dangerous parts of any machinery or power-transmission apparatus while in operation, to put on or take off the driving belts or ropes of any machinery or power-transmission apparatus while in operation, to operate a crane driven by poker, to engage in any other dangerous work as specified by ordinance, or to handle heavy materials as specified by ordinance.

2. An employer shall not employ persons under 18 full years of age in work involving the handling of poisons, powerful drugs or other injurious substances, or explosive, combustible or inflammable substances, in places where dust, power, harmful gas, or radiation is generated or places of high temperatures and pressures, or other places which are dangerous or injurious to safety, health, or welfare.

3. The scope of the work described in the preceding paragraph shall be provided for by ordinance.

Ban on Underground Labour

Article 63. An employer shall not have persons under 18 full years of age work underground.

Travelling Expenses for Returning Home

Article 64. In the event a worker under 18 full years of age returns home within 14 days after dismissal, the employer shall bear the necessary travelling expenses; however, this shall not apply to a worker under 18 full years of age if such worker was dismissed for reasons attributable to that worker and the employer has obtained acknowledgment of such reasons by the administrative office.

Chapter VI-II. Women

Working Hours and Rest Days

Article 64-2. An employer shall not have women over 18 full years of age engaged in enterprises under Items 1 through 5 of Article 8 work more than 6 hours of overtime work per week or more than 150 hours of overtime work per year, or work on rest days, even if pursuant to an agreement under Article 36; however, in case of that where such workers are engaged in preparation of asset lists, balance sheets or profit and loss statements, and/or other calculation or preparation of

documents or similar work necessary for the settlement of accounts, the employer may, regardless of the limit of six hours per week, have such workers perform overtime work of no more than 12 hours during a two-week period.

2. With respect to women over 18 full years of age engaged in enterprises other than those under the preceding paragraph, an employer, even if pursuant to an agreement under Article 36, shall not have overtime work for a period measured in weeks – as established by ordinance but not to exceed a four-week period – in excess of the number of hours derived by multiplying the number of hours established by ordinance, which shall be no fewer than 6 hours nor greater than 12 hours, by the number of weeks in such period; shall not have overtime work for a one-year period in excess of the number of hours established by ordinance, which shall be no fewer than 150 hours nor greater than 300 hours; and shall not have work on rest days during a four-week period in excess of the number of rest days established by ordinance.

3. The ordinance or ordinances under the preceding paragraph shall be established with due consideration for the degree of physical labour involved in work in undertakings under that paragraph, the circumstances of work at such undertakings and similar factors, and in accordance with the type of undertaking, within limits which do not impair the health or welfare of women.

4. The provisions of paragraphs 1 and 2 shall not apply to persons over 18 full years of age, as specified by ordinance, who are in positions involving the ordering and directing of the performance of work by workers or who are engaged in work which requires professional knowledge or skills.

Night Work

Article 64-3. An employer shall not employ women over 18 full years of age between the hours of 10 p.m. and 5 a.m.; however, this shall not apply to persons coming under any of the following items:

- (1) Persons engaged in enterprises under Article 8, Items 6, 7, 13, or 14 or in telephone enterprises
- (2) Persons engaged in work, as specified by ordinance, which is not injurious to the health and welfare of women
- (3) Persons specified by the ordinance stipulated in paragraph 4 of the preceding Article
- (4) Persons engaged in work specified by ordinance as requiring night work because of the nature of the work, such as the manufacturing or processing of foodstuffs which would quickly deteriorate in quality (This shall be limited to persons whose daily working hours are no greater than the number of hours specified by ordinance as being considerably lower than the number of working hours normally worked by ordinary workers.)
- (5) Workers who have applied to the employer to engage in night work (limited to persons engaged in undertakings specified by ordinance), and with respect to whom the employer has obtained the approval of the administrative office, as provided for by ordinance, based upon such application

2. The provisions of paragraphs 2 and 3 of Article 61 shall apply correspondingly to night work of women over 18 full years of age. In such case, the phrase "the preceding paragraph" in paragraph 2 of that Article and the phrase "paragraph 1" in paragraph 3 of that Article shall both be read as "paragraph 1 of Article 64-3."

3. The provisions of the two preceding paragraphs shall not apply with respect to cases in which the working hours are extended and/or workers are required to work on rest days pursuant to the provisions of Article 33, paragraph 1.

Ban on Underground Labour

Article 64-4. An employer shall not have women over 18 full years of age work underground; however, this shall not apply to those engaged in work specified by ordinance which is performed underground due to temporary necessity (excluding those specified by ordinance as expectant and nursing mothers, as provided in paragraph 1 of the following Article).

Limitations on Dangerous and injurious Work for Expectant and Nursing Mothers

Article 64-5. An employer shall not employ pregnant women or women within one year after childbirth (hereinafter referred to as "expectant and nursing mothers") in the handling of heavy materials, work in places where harmful gas is generated, or other work injurious to pregnancy, childbirth, nursing and the like.

2. With respect to work injurious to the functions involved in pregnancy and childbirth, the provisions of the preceding paragraph may be applied correspondingly by ordinance to women other than expectant and nursing mothers.

3. The scope of work under the preceding paragraphs and the scope of persons who shall not be employed in such work shall be specified by ordinance.

Before and After Childbirth

Article 65. In the event a woman who is expected to give birth within six weeks (or within ten weeks in the case of twins or greater) requests rest days, the employer shall not employ such person.

2. An employer shall not employ a woman within eight weeks after childbirth; however, this shall not prevent an employer from employing a woman who has requested after six weeks have passed since childbirth, in duties which a doctor has recognized would not adversely affect her.

3. In the event a pregnant woman has requested, an employer shall transfer her to other light duties.

Article 66. Regardless of the provisions of Article 32-2, Article 32-4, paragraph 1 and Article 32-5, paragraph 1, an employer, in the event an expectant or nursing mother has requested, shall not have her work weekly working hours in excess of those under Article 32, paragraph 1 or daily working hours in excess of those under paragraph 2 of the same Article.

2. Regardless of the provisions of Article 33, paragraphs 1 and 3, and of Article 36, an employer, in the event an expectant or nursing mother has requested, shall not have her work overtime nor work on rest days.

3. Regardless of the provisions of the proviso to Article 64-3, paragraph 1, an employer, in the event an expectant or nursing mother has requested, shall not have her work at night.

Time for Childcare

Article 67. A woman raising an infant under the age of one full year may request time to raise the infant of at least thirty minutes, twice a day, in addition to the rest periods under Article 34.

2. The employer shall not employ such woman during the childcare time under the preceding paragraph.

Measures for Women for Whom Work During Menstrual Periods

Would Be Especially Difficult

Article 68. When a woman for whom work during menstrual periods would be especially difficult has requested leave, the employer shall not employ such woman on days of the menstrual period.

Chapter VII. Training of Skilled Labourers

Elimination of Evils of Apprenticeship

Article 69. An employer shall not exploit an apprentice, student, trainee, or other worker, by whatever name such person may be called, by reason of the fact that such person is seeking to acquire a skill.

2. An employer shall not employ a worker who is seeking to acquire a skill in domestic work or other work having no relation to acquisition of a skill.

Special Provisions Regarding Vocational Training

Article 70. In case of necessity regarding workers receiving vocational training who have received recognition as provided for by Article 24, paragraph 1 of the Vocational Ability Development and Promotion Law (Law No. 64 of 1969) (including cases where the same provisions are applied correspondingly under paragraph 2 of Article 27 of that Law), the provisions of Article 14 concerning contract period, the provisions of Articles 62 and 64-5 concerning restrictions on dangerous and injurious jobs for minors and expectant and nursing mothers and others, and the provisions of Articles 63 and 64-4 concerning the ban on underground labour by minors and women may be otherwise provided for by ordinance, within the limits of the necessity; however, this shall not apply with respect to the ban on underground labour by minors under Article 63, as regards persons under 16 full years of age.

Article 71. An ordinance issued under the provisions of the preceding Article shall not be applicable to workers other than those employed by an employer who has obtained permission from the administrative office for employment of such workers in conformity with said ordinance.

Article 72. For minors to whom the provisions of Article 70 apply, 12 days shall be granted as the number of days of annual leave with pay pursuant to Article 39, paragraph 1.

Article 73. In the event an employer who has received permission pursuant to Article 71 violates an ordinance issued pursuant to Article 70, the administrative office may withdraw such permission.

Article 74. Deleted.

Chapter VIII. Accident Compensation

Medical Compensation

Article 75. In the event a worker suffers an injury or illness in the course of duty, the employer shall furnish necessary medical treatment at its expense or shall bear the expense for necessary medical treatment.

2. The scope of illness in the course of duty and of medical treatment under the provisions of the preceding paragraph shall be established by ordinance.

Compensation for Lost Time

Article 76. In the event a worker does not receive wages because the worker is unable to work by reason of the medical treatment under the provisions of the preceding paragraph, the employer shall provide compensation for lost time at the rate of 60 percent of the worker's average wage.

2. In the event that the average per capita monthly amount of ordinary wages payable in the period of January through March, April through June, July through September, or October through December, respectively (any such period being referred to hereinafter as a "quarter"), for the prescribed number of working hours for a worker at the same workplace and engaged in the same type of work as the worker receiving compensation for lost time under the preceding paragraph (or, for a workplace ordinarily employing under 100 workers, the average monthly amount during the quarter per worker of compensation paid every month in the industry to which that workplace belongs, under the Monthly Labour Survey compiled by the Ministry of Labour; hereinafter whichever amount applies shall be referred to as the average compensation amount) shall exceed 120 percent of the average compensation amount during the quarter in which the worker in question suffered the injury or illness or shall fall below 80 percent of that same amount, the employer shall adjust the amount of compensation for lost time which is payable to the worker in question in accordance with such rate of increase or decrease in the

second quarter following the quarter in which the average compensation amount so exceeded or fell below the original amount; and the employer shall make compensation for lost time in such revised amount from the first month of the quarter in which such adjustment takes effect. Thereafter, adjustment to the previously adjusted amount of compensation for lost time shall be made in the same manner.

3. Necessary matters regarding the method of adjustment and other particulars of the provisions of the preceding paragraph, where it would be difficult to follow those provisions, shall be established by ordinance.

Compensation for Handicaps

Article 77. For a worker who has suffered an injury or illness in the course of duty and who remains physically handicapped after recovery, the employer shall, in accordance with the degree of such handicap, provide compensation for the handicap in the amount determined by multiplying the average wage by the number of days set forth in Attached Table No. 1.

Exceptions to Compensation for Lost Time and for Handicaps

Article 78. In the event that a worker suffered injury or illness in the course of duty as a result of grave negligence, and the employer has received acknowledgment of such negligence by the administrative office, the employer is not obligated to pay compensation for lost time or compensation for handicaps.

Compensation for Heirs

Article 79. In the event a worker has died in the course of duty, the employer shall pay compensation to the bereaved family in the amount of the average wage for 1,000 days.

Funeral Expenses

Article 80. In the event a worker has died in the course of duty, the employer shall pay the equivalent of the average wage for 60 days as funeral expenses to the person handling the funeral rites.

Compensation for Discontinuance

Article 81. In the event a worker receiving compensation pursuant to the provisions of Article 75 fails to recover from the injury or illness within three years from the date of commencement of medical treatment, the employer may pay discontinuance compensation equivalent to the annual wage for 1,200 days; therefore, the employer shall not be obligated to pay compensation under the provisions of this Law.

Payment of Compensation in Installments

Article 82. In the event an employer establishes the ability to pay and receives the

consent of the person entitled to receive compensation: that employer, in place of the compensation under Article 77 or Article 79, may pay annual compensation over a six-year period in the amount derived by multiplying the annual wage by the number of days set forth on Attached Table No. 2.

Right to Receive Compensation

Article 83. The right to receive compensation shall not be affected by the resignation of the worker.

2. The right to receive compensation shall not be transferred or placed under attachment.

Relation to Other Laws

Article 84. In the event that payments equivalent to accident compensation under this Law are to be made under the Workmen's Accident Compensation Insurance Law (Law No. 50 of 1947) or under some other law as designated by ordinance, for matters that would give rise to accident compensation under the provisions of this Law, the employer shall be exempt from the responsibility of making compensation under this Law.

2. In the event an employer has paid compensation under this Law, the employer shall be exempt, up to the amount of such payments, from responsibility for damages under the Civil Code based on the same grounds.

Examination and Arbitration

Article 85. Persons who have objections concerning the acknowledgment of injury, illness, or death in the course of duty; the method of medical treatment; determination of the amount of compensation; or other matters pertaining to the compensation may apply to the administrative office for examination or arbitration of such matters.

2. The administrative office, when it deems necessary, may examine or arbitrate matters on its own authority.

3. When a civil action has been filed with respect to a matter on which an application for examination or arbitration under paragraph 1 has been made or with respect to a matter on which the administrative office has commenced an examination or arbitration under the preceding paragraph, the administrative office shall not conduct an examination or arbitration with respect to the matter in question.

4. The administrative office may have a physician perform a diagnosis or examination when it deems necessary for purposes of the examination or arbitration.

5. With respect to interruption of a period of prescription, an application for examination or arbitration under paragraph 1 and/or the commencement of

examination or arbitration under paragraph 2 shall be deemed to be a demand in a judicial court.

Article 86. A person having a complaint about the results of examination or arbitration pursuant to the provisions of the preceding Article may apply for examination or arbitration to a Workmen's Accident Compensation Insurance Referee.

2. The provisions of paragraph 3 of the preceding Article shall apply correspondingly to an application for examination or arbitration pursuant to the provisions of the preceding paragraph.

Exceptions for Subcontracting Enterprises

Article 87. For matters performed by undertakings designated by ordinance pursuant to a series of contracts, the prime contractor shall be deemed the employer with respect to accident compensation.

2. In a case under the preceding paragraph in which the prime contractor has by written contract had a subcontractor assume responsibility for the compensation, the subcontractor shall also be regarded as the employer; however, two or more subcontractors may not each be required to assume responsibility for compensation with respect to the same undertaking.

3. In a case under the preceding paragraph in which the prime contractor has received a request for compensation, the prime contractor may request that a demand for compensation first be made to the subcontractor that has assumed responsibility for compensation; however, this shall not apply in the event that the subcontractor has been declared bankrupt or has disappeared.

Particulars Regarding Compensation

Article 88. Particulars regarding compensation other than those set forth in this Chapter shall be set forth by ordinance.

Chapter IX. Rules of Employment

Responsibility for Drawing up and Submitting

Article 89. An employer who continuously employs ten or more workers shall draw up rules of employment on the following items and shall submit those rules of employment to the administrative office. In the event the employer alters the following items, the same shall apply:

- (1) Matters pertaining to the time at which work begins and at which work ends, rest periods, rest days, leaves, and matters pertaining to the change in shifts when workers are employed in two or more shifts
- (2) Matters pertaining to the methods for determination, computation and

payment of wages (excluding extraordinary wages and the like; hereinafter in this item the same qualification shall apply); the dates for closing accounts for wages and for payment of wages; and increases in wages

- (3) Matters pertaining to retirement
- (3-2) In the event there are stipulations for retirement allowances, matters pertaining to the scope of workers covered; methods for determination, computation, and payment of retirement allowances; and the dates for payment of retirement allowances
- (4) In the event there are stipulations for extraordinary wages and the like (but excluding retirement allowances) and/or minimum wage amounts, matters pertaining to such items
- (5) In the event there are stipulations for having workers bear the cost of food, supplies for work, and other such expenses, matters pertaining to such items
- (6) In the event there are stipulations concerning safety and health, matters pertaining to such items
- (7) In the event there are stipulations concerning vocational training, matters pertaining to such item
- (8) In the event there are stipulations concerning accident compensation and/or assistance for injury or illness outside the course of employment, matters pertaining to such items
- (9) In the event there are stipulations concerning commendations and/or sanctions, matters pertaining to that kind and limit
- (10) In the event there are stipulations applicable to all workers at the workplace in question on matters other than those contained in the preceding items, matters pertaining to such other items

2. When the employer deems it necessary, the employer may establish separate regulations respectively concerning wages (other than retirement allowances), retirement allowances, safety and health, or accident compensation and/or assistance for injury or illness outside the course of employment.

Procedures for Drawing Up

Article 90. In drawing up or changing the rules of employment, the employer shall ask the opinion of either a trade union organized by a majority of the workers at the workplace concerned where such a trade union exists or a person representing a majority of the workers where no such trade union exists.

2. In submitting the rules of employment in accordance with the provisions of paragraph 1 of the preceding Article, the employer shall attach a document setting forth the opinion referred to in the preceding paragraph.

Restrictions on Sanction Provisions

Article 91. In the event the rules of employment provide for a decrease in wages as a sanction to a worker, the amount of decrease for a single occasion shall not exceed 50 percent of the daily average wage, and also the total amount of decrease shall not exceed 10 percent of the total wages for a single pay period.

Relation to Laws and Ordinances and to Collective Agreements

Article 92. The rules of employment shall not infringe any laws and ordinances or any collective agreement applicable to the workplace concerned.

2. The administrative office may order the revision of rules of employment which conflict with laws and ordinances or with collective agreements.

Validity

Article 93. Labour contracts which stipulate working conditions inferior to the standards established by the rules of employment shall be invalid with respect to such portions. In such a case the portions which have become invalid shall be governed by the standards established by the rules of employment.

Chapter X. Dormitories

Autonomy of Dormitory Life

Article 94. An employer shall not infringe upon the freedom of the personal lives of workers living in dormitories attached to the enterprise.

2. An employer shall not interfere in the selection of dormitory leaders, room leaders, and other leaders necessary for the autonomy of dormitory life.

Order in Dormitory Life

Article 95. An employer who has workers live in dormitories attached to the enterprise shall draw up dormitory rules with respect to the following items and shall submit such rules to the administrative office. In the event the employer alters these rules, the same shall apply:

- (1) Matters pertaining to rising, going to bed, going out, and staying out
- (2) Matters pertaining to regular events
- (3) Matters pertaining to meals
- (4) Matters pertaining to safety and health
- (5) Matters pertaining to the management of the buildings and facilities

2. With respect to the drafting and/or alteration of provisions concerning Items (1) through (4) of the preceding paragraph, the employer shall obtain the consent of a person representing a majority of the workers living in the dormitory.

3. In submitting the rules pursuant to paragraph 1, the employer shall attach a document establishing the consent referred to the in preceding paragraph.

4. The employer and the workers living in the dormitory shall obey the dormitory rules.

Dormitory Facilities and Safety and Health

Article 96. With respect to a dormitory attached to the enterprise, an employer shall take necessary measures for ventilation, lighting, illumination, heating, damp-proofing, cleanliness, emergency escape, maximum accommodation, and sleeping facilities, and such other measures as are necessary for preservation of the health, morals and, lives of the workers.

2. Standards for measures to be taken by employers pursuant to the preceding paragraph shall be established by ordinance.

Administrative Measures for Supervision

Article 96-2. In the event that an employer seeks to establish, move, or alter a dormitory attached to an enterprise that continuously employs ten or more workers or a dormitory attached to an enterprise, as stipulated by ordinance, that is dangerous or injurious to health, the employer shall, submit to the administrative office plans that have been established in accordance with standards concerning the prevention of danger and injury and other matters, as set forth in ordinances issued pursuant to the provisions of the preceding article not later than 14 days prior to the start of construction.

2. The administrative office may, suspend the start of construction or order the alteration of the plans when it deems necessary for the safety and health of workers.

Article 96-3. In the event a dormitory attached to an enterprise employing workers is in violation of standards established with respect to safety and health, the administrative office may order the employer to suspend use of all or part of the dormitory or to alter all or part of the dormitory, and may make orders on other necessary matters to the employer.

2. In a case under the preceding paragraph, the administrative office may make orders to the workers on necessary matters in connection with the matters on which it has made orders to the employer.

Chapter XI. Inspection Bodies

Inspection Organization

Article 97. In order to enforce this Law, a Labour Standards Management Bureau (an internal bureau, within the competent Ministry for labour, responsible for matters relating to working conditions and protection of workers; the same applies hereinafter) shall be established within the competent Ministry for labour, a Prefectural Labour Standards Office shall be established in each prefecture, and a Labour Standards Inspection Office shall be established within the jurisdictional area of each prefecture.

2. In the event the competent Minister for labour deems necessary, Regional Labour Offices with jurisdiction over a number of Prefectural Labour Standards

Offices may be established.

3. Regional Labour Offices, Prefectural Labour Standards Offices, and Labour Standards Inspection Offices shall be under the direct supervision of the competent Minister for labour.

4. The location, names, and jurisdictional areas of the Regional Labour Offices, Prefectural Labour Standards Offices, and Labour Standards Inspection Offices shall be established by ordinance.

Article 98. In order to investigate matters relating to the enforcement and revision of this Law, the Central Labour Standards Investigative Council shall be established in the competent Ministry for labour, and Local Labour Standards Investigative Councils shall be established in the Prefectural Labour Standards Offices.

2. In addition to the matters specified in the preceding paragraph, the Central Labour Standards Investigative Council shall investigate matters concerning the enforcement and revision of the Law for Securing the Payment of Wages (Law No. 34 of 1976), the Law concerning Temporary Measures for Promotion reducing Working hours (Law No. 90 of 1992), the Industrial Safety and Health Law, the Working Environment Measurement Law (Law No. 28 of 1975), and the Law for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Conditions for Dispatched Workers (Law No. 83 of 1985; but limited to Articles 44, 45 and 47 of that Law. Hereinafter within this paragraph the same shall apply.); matters within its authority under the Industrial Accident Prevention Organization Law (Law No. 118 of 1964); and important matters concerning the enforcement of the Special Measures Law on Carbon Monoxide Poisoning as a Result of Coal Mine Disasters (Law No. 92 of 1967); and the Local Labour Standards Investigative Councils shall investigate matters relating to the enforcement and revision of the Law for Securing the Payment of Wages, the Law concerning Temporary Measures for Promotion reducing Working hours, the Industrial Safety and Health Law, the Working Environment Measurement Law and the Law for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Conditions for Dispatched Workers, together with matters within the authority of the Local Labour Standards Investigative Councils under the Household Work Law (Law No. 60 of 1970).

3. In addition to investigating the matters specified in the preceding two paragraphs in response to inquiries from the competent Minister for labour, in the case of the Central Labour Standards Investigative Councils, or to inquiries from the chief of the Prefectural Labour Standards Office, in the case of a Local Labour Standards Investigative Council, the Central Labour Standards Investigative Council and the Local Labour Standards Investigative Councils (hereinafter, the "Labour Standards Investigative Councils") may make recommendations on standards for working conditions and on matters within their authority under the Household Work Law to the responsible administrative office.

4. The administrative office shall appoint an equal number of persons representing workers, persons representing employers, and persons representing the public

interest as members of the Labour Standards Investigative Councils.

5. Apart from the matters set forth in the preceding paragraphs, necessary matters concerning Labour Standards Investigative Councils shall be established by ordinance.

Article 99. Labour standards inspectors and other necessary staff members as specified by ordinance may be assigned to the Labour Standards Management Bureau, Regional Labour Offices, Prefectural Labour Standards Offices, and Labour Standards Inspection Offices.

2. The Director-General of the Labour Standards Management Bureau and the chiefs of Regional Labour Offices, Prefectural Labour Standards Offices, and Labour Standards Inspection Offices shall be appointed from among labour standards inspectors.

3. Matters concerning the qualifications and appointment and dismissal of labour standards inspectors shall be provided by ordinance.

4. Dismissal of a labour standards inspector shall require the consent of the Labour Standards Inspector Dismissal Investigative Council, as established by ordinance.

Article 100. The Director – General of the Labour Standards Management Bureau, under the direction and supervision of the competent Minister for labour, shall direct and supervise the chiefs of the Regional Labour Offices and Prefectural Labour Standards Offices; shall administer matters concerning the establishment, revision or abrogation of laws and ordinances concerning labour standards, matters concerning the appointment, dismissal and training of labour standards inspectors, matters concerning the establishment and adjustment of regulations concerning inspection methods, matters concerning the preparation of an annual report on inspection, matters concerning the Central Labour Standards Investigative Council and Labour Standards Inspector Dismissal Investigative Council, and other matters relating to the enforcement of this Law; and shall supervise and direct officials who belong to the Bureau.

2. The chiefs of the Regional Labour Offices, under the direction and supervision of the Director-General of the Labour Standards Management Bureau, shall direct and supervise the chiefs of the Prefectural Labour Standards Offices within their jurisdiction, shall supervise matters pertaining to the coordination of inspection methods, and shall direct and supervise officials who belong to their Offices.

3. The chiefs of the Prefectural Labour Standards Offices, under the direction and supervision of the Director-General of the Labour Standards Management Bureau or the chief of the Regional Labour Office, shall direct and supervise the chiefs of the Labour Standards Inspection Offices within their jurisdiction; shall administer matters pertaining to the coordination of inspection methods, matters pertaining to the Local Labour Standards Inspection Offices, and other matters pertaining to the enforcement of this Law; and shall direct and supervise the officials who belong to their Offices.

4. The chiefs of the Labour Standards Inspection Offices, under the direction and supervision of the chief of the Prefectural Labour Standards Office, shall administer inspections, questioning, approvals, acknowledgments, investigations, arbitration, and other matters for the implementation of this Law, and shall direct and supervise officials who belong to their Offices.

5. The Director-General of the Labour Standards Management Bureau and the chiefs of Regional Labour Offices and Prefectural Labour Standards Offices may themselves exercise powers of subordinate offices or may have labour standards inspectors belonging to their offices exercise such powers.

Article 100-2. The Director-General of the Women's Management Bureau (the director of an internal bureau, within the Ministry of Labour, responsible for matters relating to special labour problems of women; hereinafter the same definition shall apply) of the Ministry of Labour, under the direction and supervision of the Minister of Labour, shall administer matters relating to the establishment, revision, abrogation and interpretation of special provisions in this Law relating to women, and, with respect to matters concerning the enforcement thereof, shall advise the Director-General of the Labour Standards Management Bureau and chiefs of offices subordinate to that Bureau and shall assist in the direction and supervision of those subordinate offices by the Director-General of the Labour Standards Management Bureau.

2. The Director-General of the Women's Management Bureau, personally or through officials of that Bureau designated by the Director - General, may read or have read documents concerning inspections and other matters performed by the Labour Standards Management Bureau and offices subordinate to that Bureau in matters relating to women.

3. The provisions of Articles 101 and 105 shall apply correspondingly to investigations performed by the Director-General of the Women's Management Bureau or by designated officials belonging to that Bureau with respect to the enforcement of special provisions of this Law relating to women.

Authority of Labour Standards Inspectors

Article 101. Labour standards inspectors are authorized to inspect workplaces, dormitories, and other associated buildings; to demand the production of books and records; and to conduct questioning of employers and workers.

2. In cases under the preceding paragraph, labour standards inspectors shall carry identification proving their status.

Article 102. With respect to a violation of this Law, labour standards inspectors shall exercise the duties of judicial police officers under the Criminal Procedure Law.

Article 103. In the event that a dormitory of an enterprise that employs workers is in violation of standards established with respect to safety and health and there is imminent danger to workers, a labour standards inspector may immediately

exercise the powers of the administrative office under the provisions of Article 96-3.

Report to Inspection Body

Article 104. In the event a violation of this Law or of an ordinance issued pursuant to this Law exists at a workplace, a worker may report such fact to the administrative office or to a labour standards inspector.

2. An employer shall not dismiss a worker or shall not give a worker other disadvantageous treatment by reason of such worker's having made a report under the preceding paragraph.

Reports etc.

Article 104-2. In the event that the administrative office deems it necessary to enforce this law, the administrative office may have an employer or a worker submit a report on the necessary matters or order an employer or a worker to report in person as stipulated by ordinance.

2. In the event that a labour standards inspector deems it necessary to enforce this law, the inspector may have an employer or a worker submit a report on the necessary matters or order an employer or a worker to report in person.

Duties of Labour Standards Inspectors

Article 105. A labour standards inspector shall not reveal secrets learned in the course of duty. The same shall apply even after the labour standards inspector has retired from office.

Chapter XII. Miscellaneous Provisions

Assistance Obligation of the State

Article 105-2. In order to attain the objectives of this Law, the Minister of Labour and the chiefs of the Prefectural Labour Standards Offices shall provide workers and employers with data and other necessary assistance.

Dissemination of Laws and Regulations

Article 106. The employer shall make known to the workers the gist of this Law and ordinances issued under this Law, and the rules of employment, by displaying or posting them at all times in a conspicuous location or locations in the workplace or by other methods.

2. The employer shall make known to the workers living in a dormitory the provisions of this Law and ordinances issued under this Law relating to dormitories and the dormitory rules, by displaying or posting them in a conspicuous location or locations in the dormitory or by other methods.

Roster of Workers

Article 107. The employer shall prepare a roster of workers for each workplace with respect to each worker (excluding day labourers) and shall enter the worker's name, date of birth, personal history, and other matters as prescribed by ordinance.

2. In the event of a change in any of the matters entered pursuant to the provisions of the preceding paragraph, the employer shall make a revision without delay.

Wage Ledger

Article 108. The employer shall prepare a wage ledger for each workplace and shall enter the facts upon which wage calculations are based, the amount of wages, and other matters as prescribed by ordinance without delay each time wage payments are made.

Preservation of Records

Article 109. The employer shall keep the rosters of workers, wage ledgers and important documents concerning hiring, dismissal, accident compensation, wages, and other matters of labour relations for a period of three years.

Article 110. Deleted.

Free Certificate

Article 111. A worker or a person seeking to become a worker may request a certificate of his or her family register free of charge from the person responsible for family registers or a deputy thereof. The same shall apply in the event that an employer requests a certificate of the family register of a worker or a person seeking to become a worker.

Application to the State and Public Organizations

Article 112. This Law and ordinances issued under this Law shall be deemed to apply to the state, prefectures, cities, towns and villages, and other equivalent bodies.

Establishment of Ordinances

Article 113. Ordinances issued under this Law shall be established after hearing the opinions of representatives of workers, representatives of employers, and representatives of the public interest on the draft of those ordinances at a public hearing.

Payment of Additional Amounts

Article 114. A court, pursuant to the request of a worker, may order an employer

who has violated the provisions of Articles 20, 26 or 37, or an employer who has not paid wages in accordance with the provisions of Article 39, paragraph 6, to pay, in addition to the unpaid portion of the amount that the employer was required to pay under those provisions, an additional payment of that identical amount; however, such a request shall be made within two years from the date of the violation.

Prescription

Article 115. Claims for wages (excluding retirement allowances), accident compensation and other claims under the provisions of this Law shall lapse by prescription if not made within two years; and claims for retirement allowances under the provisions of this Law shall lapse by prescription if not made within five years.

Transitional Measures

Article 115-2. When an ordinance under this Law is established, revised or abrogated, necessary transitional measures (including transitional measures on penal provisions) in connection with such establishment, revision or abrogation may be stipulated by such ordinance, within limits rationally deemed to be necessary.

Special Provision for Application to Mariners

Article 116. With the exception of the provisions of Articles 1 through 11, Articles 117 through 119, and Article 121, this Law shall not apply to mariners under the Mariners Law.

Chapter XIII. Penal Provisions

Article 117. A person who has violated the provisions of Article 5 shall be sentenced to penal servitude of not less than one year and not more than ten years, or to a fine of not less than 200,000 yen and not more than 3,000,000 yen.

Article 118. A person who has violated the provisions of Article 6, Article 56, Article 63 or Article 64-4 shall be sentenced to penal servitude of not more than one year or to a fine of not more than 500,000 yen.

2. A person who has violated an ordinance issued under the provisions of Article 70 (but limited to those portions of such ordinance related to Article 63 or Article 64-4) shall be sentenced in accordance with the preceding paragraph.

Article 119. A person who comes under any of the following items shall be sentenced to penal servitude of not more than six months or to a fine of not more than 300,000 yen:

- (1) A person who has violated the provisions of Article 3; Article 4; Article 7; Article 16; Article 17; Article 18, paragraph 1; Article 19; Article 20; Article

- 22, paragraph 3; Article 32; Article 34; Article 35; the proviso to Article 36; Article 37; Article 39; Article 61; Article 62; Article 64-2; Article 64-3; Articles 64-5 through 67 inclusive; Article 72; Articles 75 through 77 inclusive; Article 79; Article 80; Article 94, paragraph 2; Article 96 or Article 104, paragraph 2
- (2) A person who has violated an order pursuant to the provisions of Article 33, paragraph 2; Article 96-2, paragraph 2; or Article 96-3, paragraph 1
 - (3) A person who has violated an ordinance issued under the provisions of Article 40
 - (4) A person who has violated an ordinance issued under the provisions of Article 70 (but limited to those portions of such ordinance related to the provisions of Article 62 or Article 64-5)

Article 120. A person who comes under any of the following items shall be sentenced to a fine of not more than 300,000 yen:

- (1) A person who has violated the provisions of Article 14; Article 15, paragraph 1 or 3; Article 18, paragraph 7; Article 22, paragraph 1 or 2; Articles 23 through 27 inclusive; Article 32-4, paragraph 4 (including a case where the same provisions are applied under paragraph 3 of Article 32-5); Article 32-5, paragraph 2; the proviso to Article 33, paragraph 1; Article 38-2, paragraph 3 (including a case where the same provisions are applied correspondingly under paragraph 5 of the same Article); Articles 57 through 59 inclusive; Article 64; Article 68; Article 89; Article 90, paragraph 1; Article 91; Article 95, paragraph 1 or 2; Article 96-2, paragraph 1; Article 105 (including a case where the same provisions are applied correspondingly under Article 100-2, paragraph 3); or Articles 106 through 109 inclusive
- (2) A person who has violated an ordinance issued under the provisions of Article 70 (but limited to those portions of such ordinance related to the provisions of Article 14)
- (3) A person who has violated an ordinance under the provisions of Article 92, paragraph 2, or Article 96-3, paragraph 2
- (4) A person who has refused, impeded or evaded an inspection by a labour standards inspector or by the Director-General of the Women's Management Bureau or an official of that Bureau designated by the Director-General based on the provisions of Article 101 (including a case where the same provisions are applied correspondingly under Article 100-2, paragraph 3); a person who has not replied or has made false statements in response to questioning by a labour standards inspector or by the Director-General of the Women's Management Bureau or an official of that Bureau designated by the Director-General; or a person who has not submitted books and records or has submitted books and records containing false entries to a labour standards inspector or to the Director-General of the Women's Management Bureau or an official of that Bureau designated by the Director-General
- (5) A person who has not made a report, has submitted a false report, or has not appeared pursuant to the provisions of Article 104-2 Article 121. In the event that a person who has violated this Law is an agent or other employee acting on behalf of the proprietor of the enterprise, with respect to matters concerning workers at that enterprise, the fine under the relevant Article shall

also be assessed against the proprietor; however, this shall not apply in the event that the proprietor has taken necessary measures to prevent such violation. (In the event that the proprietor is a juridical person, the representative thereof shall be deemed proprietor; and in the event that the proprietor is a minor or incompetent who lacks the capacity regarding business of an adult, the legal representative thereof shall be deemed proprietor. The same shall apply hereinafter in this Article.)

2. In the event that the proprietor knew of the plan for the violation but did not take necessary measures to prevent it, knew of the violation and did not take necessary measures to correct it, or instigated the violation, the proprietor shall also be punished as the violator.

Supplementary Provisions (Excerpts)

Article 122. The date of enforcement of this Law shall be fixed by Imperial Ordinance.

Article 131. In respect of the application of the provisions of paragraph 1 of Article 32 regarding undertakings of a scale not larger than the scale stipulated by order or undertakings of a type stipulated by order (except when applied correspondingly under the provisions of paragraph 2 of Article 60), the words "forty hours" in paragraph 1 of Article 32 shall be read until March 31, 1997 as "the hours to be stipulated by order within the range of more than 40 hours but not more than 44 hours".

2. The order under paragraph 1 of Article 32 as rephrased pursuant to the provisions of the preceding paragraph shall be set taking into consideration the welfare of workers, developments as regards overtime work and work on rest days, and any other relevant factors.

3. Where the order under paragraph 1 of Article 32 as rephrased and applied, by pursuant to paragraph 1 of this article is enacted or amended in respect of undertakings smaller than a certain size or certain types of undertakings and limited to a certain period of time, transitional measures (including transitional measures concerning penalties) may be provided for by the said order so that the provisions in operation before the enactment or the amendment of the said order remain applicable.

4. The Minister of Labour, when enacting or amending the order under paragraph 1 of Article 32 rephrased and applied by pursuant to paragraph 1 of this article, shall seek the opinion of the Central Labour Standards Investigative Council.

Article 132. In respect of the application of the provisions of paragraph 1 of Article 32-4 regarding the undertakings stipulated in paragraph 1 of the preceding article during the period in which the provisions of paragraph 1 of the preceding article are applied, the words "In the event that the employer has stipulated the following items pursuant" shall be read as "Pursuant"; the words "notwithstanding the

provisions of Article 32, the employer" shall be read as "the employer"; the words "accordance with the said written agreement" shall be read as "accordance with the following items and the said written agreement"; the words "do not exceed 40;" shall be read as "do not exceed 40 hours (in respect of undertakings not exceeding the scale stipulated by order, the number of hours stipulated by order shall be within the range of more than 40 hours and not more than 42 hours), and if it has been stipulated that when the employer has workers work for more than the said hours the employer shall pay increased wages for work during the excess hours in accordance with the provisions of Article 37 (except for hours in respect of which the provisions of paragraph 1 of Article 37 are applied), the average working hours per week during the said period do not exceed the working hours set forth in paragraph 1 of Article 32, notwithstanding the provisions of Article 32."; and the following sentence shall be added to paragraph 1 of Article 32-4 "In this case, if the employer has workers work for more than forty hours per week on average in the said period (in respect of undertakings not exceeding the scale stipulated by order in the preceding sentence of this paragraph, for more than the number of hours stipulated by the said order), the employer shall pay increased wages for work during the excess hours in accordance with the provisions of Article 37 (except for hours in respect of which the provisions of paragraph 1 of Article 37 are applied)."; and the words "40 hours" in Item (2) of paragraph 1 of Article 32-4 shall be read as "the working hours stipulated in paragraph 1 of Article 32".

2. In respect of the application of the provisions of paragraph 1 of Article 32-5 regarding the undertakings stipulated in paragraph 1 of the preceding article during the period in which the provisions of paragraph 1 of the preceding article are applied, the words "if a written agreement has been reached" in paragraph 1 of Article 32-5 shall be read as "if it has been stipulated that the weekly working hours shall not exceed 40 hours (in respect of undertakings not exceeding the scale stipulated by order, the number of hours stipulated by order shall be within the range of more than 40 hours and not more than 42 hours), and it has been stipulated that when the employer has workers work for more than the said hours the employer shall pay increased wages for work during the excess hours in accordance with the provisions of Article 37 (except for hours in respect of which the provisions of paragraph 1 of Article 37 are applied) by virtue of a written agreement"; and the words "ten hours per day" in the same paragraph shall be read as "ten hours per day, provided that the working hours per week do not exceed the working hours stipulated in Article 32, paragraph 1"; and the following sentence shall be added to paragraph 1 of Article 32-5 "In this case, if the employer has workers work for more than 40 hours per week in the said period (in respect of undertakings not exceeding the scale stipulated by order in the preceding sentence of this paragraph, for more than the number of hours stipulated by the said order), the employer shall pay increased wages for work during the excess hours in accordance with the provisions of Article 37 (except for hours in respect of which the provisions of paragraph 1 of Article 37 are applied)."

3. The provisions of paragraph 4 of the preceding article shall be applied correspondingly to the order enacted under paragraph 1 of Article 32-4 and paragraph 1 of Article 32-5 (only the part which was rephrased by paragraph 2 of

this Article), as rephrased pursuant to the provisions of the two preceding paragraphs.

Article 133. In respect of the application of the provisions of Article 39 to undertakings which normally employ no more than 300 workers, the words "ten working days" in paragraph 1 of Article 39 shall be read as "six working days" until March 31, 1991, and as "eight working days" from April 1, 1991 to March 31, 1994.

Article 134. The employer shall not treat disadvantageously such as by making a deduction from wages, workers who have taken leave with pay under the provisions of paragraph 1 to 3 of Article 39.

Table 1 and Table 2. Omitted.



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