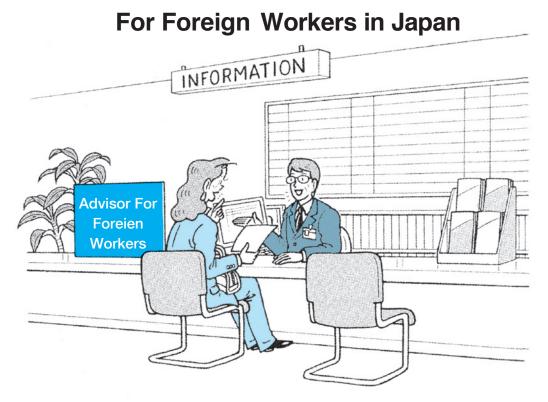
# Are Your Working Conditions Fair?



The laws and regulations related to labour standards, such as the Labour Standards Law, the Employment Contracts Act, the Minimum Wages Law, the Industrial Safety and Health Law, and the Workmen's Accident Compensation Insurance Law, apply to foreign workers in Japan, too.

In any of the following cases, please consult one of the "Advisors for Foreign Workers" who are stationed in the Inspection Division of Labour Standards Departments at the major Labour Bureaus throughout Japan, or a Laboul Standards Inspection Office.

For instance:

- \* You are not paid your wages.
- \* You are not paid an overtime allowance.
- \* You are dismissed while receiving medical treatment for injury caused by work.
- \* You are dismissed suddenly and have not been paid a dismissal allowance.
- \* You have suffered an accident at work but are not compensated for your medical fees or your days off.
- \* Your wages, working hours and other working conditions are not specified when you sign a labour contact.
- \* There is the risk of accidents at work because the safety and hygiene of workers are not protected adequately.
- \* Other similar problems

The Advisors for Foreign Workers will accept inquiries and consultations about labour conditions in English, and in other languages depending upon the office.

## In Japan, the following laws and regulations related to labour standards apply (extract):

Labour Standards Law . (1) Equal Treatment (Article 3) An employer shall not engage in discriminatory treatment of workers by reason of nationality. The same prohibition also applies to discriminatory treatment on the grounds that the working conditions in the foreign worker's home country are inferior to those in Japan. (2) Forced labour (Article 5) It is prohibited to force workers to work against their will by means of unfair restraint on their mental or physical freedom. (3) Intermediate exploitation (Article 6) Unless permitted by the Act, no person shall obtain profit by intervening in the employment of others. (4) Contracts violating the Labour Standards Act (Article 13) A labour contract which provides for working conditions not meeting the standards of the Labour Standards Act shall be invalid with respect to such portions. In such a case, the invalid portions shall be governed by the standards as specified in said Act. (5) Period of contract (Article 14) Labour contracts with a definite period shall not be concluded for a period exceeding three years in principle, with the following exceptions: Labour contracts concluded with workers having expert knowledge, skills or experience ······ Maximum of five years Labour contracts concluded with workers aged 60 or older ..... Maximum of five years Labour contracts with a definite period regarding the required completion of certain undertakings ····· Such necessary period (e.g., construction work with a definite period) (6) Clear Statement of Working Conditions (Article 15) In concluding a labour contract, the employer shall clearly indicate the following matters by issuing a notice of working conditions to the workers: · Contents of working conditions that should be clearly indicated in writing: ① Period of the labour contract (2) The standard in case of renewing a labour contract with a definite period (labour contract for a defined period) (Applicable from April 1, 2013) ③ Workplace and work in which workers are to be engaged ④ Working hours (e.g., opening and closing times, break times, leave) (5) Wages (amount of wages, method of payment, closing day for wage calculation and day of payment) (6) Matters related to retirement (e.g., whether age limit applies, grounds for dismissal) · Contents of other working conditions that should be clearly indicated: (1) Matters concerning increase in wages (2) Special wages, expenses for food, dormitory, etc. to be borne by the workers, matters concerning compensation for industrial accidents, vocational training, commendation and sanction, administrative leave, etc., matters concerning travel expenses .....In case of provisions concerning these matters (7) Ban on Predetermined Indemnity (Article 16) An employer shall not make a contact which fixes in advance either a sum payable to the employer

for breach of contract or an amount of indemnity for damages.

(It is prohibited to make a contract that fixes in advance an amount of compensation for damages. However, this does not prohibit the demand for any damage actually incurred due to a reason attributable to a worker.)

(8) 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 illness 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 nor within 30 days thereafter.

#### (9) Notice of Dismissal (Articles 20 and 21)

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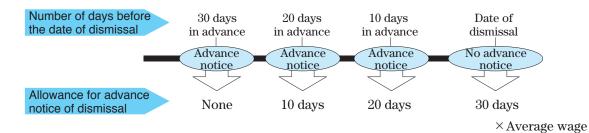
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In the event that an employer wishes to dismiss a worker, the employer shall provide in principle at least 30 days advance notice. However, the number of days of notice may be reduced in the event the employer pays the average wage for each day by which the period is reduced. An employer who does not give 30 days advance notice shall pay the average wages for a period of not less than 30 days.



(10) Certificate on Retirement, etc. (Article 22)

When a worker, upon leaving employment, requests a certificate stating the following matters, the employer shall deliver one without delay. Furthermore, a worker who has received prior notice of his or her dismissal may request a certificate stating the reason for dismissal. In this case, the employer shall issue said certificate without delay, even if the worker's request is made prior to dismissal. However, the employer shall not include in the certificate any matters that the worker does not request.

1) Period of employment, 2) Kind of occupation, 3) Position in the enterprise, 4) Wages, and

5) Cause of retirement (including the reasons in the event that the cause of retirement is dismissal)

### (11) Return of money and goods (Article 23)

Upon a worker's leaving of employment, the employer shall pay unpaid wages and other due amounts within 7 days of his or her request for payment.

(12) Payment of wages (Article 24)

Wages must be paid 1) in cash, 2) directly to the workers, 3) in full, 4) at least once a month, and 5) on a definite date.

(13) Allowance for absence from work (Article 26)

In the event of an absence from work for reasons attributable to the employer, the employer shall pay the worker an allowance for absence from work (60% of the worker's average wage).

If a worker dispatch contract is terminated before its expiration, the contract between the dispatched worker and the dispatching entity shall continue until expiration of the period of employment, and the dispatching entity shall pay the dispatched worker his/her wage. In case early termination of a worker dispatch contract has caused the worker to be absent from work, such absence is generally considered to fall under absence from work for reasons attributable to the employer; therefore, the employer shall pay the worker an allowance for absence from work.

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(	14) Working hours (Articles 32, 34 and 35) (These provisions do not apply to agriculture, the livestock industry, and fishery.)
•	In principle, an employer shall not have a worker work for more than 40 hours per week or more than eight hours per day.
•	An employer shall provide workers with 45 minutes of rest periods during more than six working hours, and one hour during more than eight working hours.
•	An employer shall provide workers with at least one day off per week or four days off or more during a four-week period.
•	In case an employer is to have a worker work in excess of the statutory working hours or on a statutory day off, the employer must enter into a written agreement concerning overtime work and work on days off, and report the agreement to the relevant Labour Standards Office.
(	15) Increased wages for overtime work, work on days off, and night work (Article 37) In case an employer requires a worker to work overtime, at night (10:00 p.m. to 5:00 a.m.) or on a statutory day off, the employer must pay the worker an increased wage in accordance with the following increase rate:
•	Increased wage for overtime work ······ Rate of at least 25% Increased wage for night work ····· Rate of at least 25% Increased wage for work on a statutory day off ···· Rate of at least 35%
	Due to a revision of the Labour Standards Act, the statutory rate of increased wages for work exceeding 60 hours per month has been changed to 50%. However, for medium and small enterprises, said change in the statutory rate of increased wages is granted a reprieve for the time being.
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(16) Annual Paid Leave (Article 39)

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An employer shall grant annual paid leave 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.

Prescribed working time per week	Prescribed number of working days per week	Prescribed number of working days per year	6 months	1 and a half years	2 and a half years	3 and a half years	4 and a half years	5 and a half years	6 and a half years or more
30 hours or more			10 days	11 days	12 days	14 days	16 days	18 days	20 days
	5 days or more	217 days or more	20 0000	11 00030	1 <b>-</b> aayo	0			
T (1	4 days	$169 \mbox{ to } 216 \mbox{ days}$	7 days	8 days	9 days	10 days	12 days	13 days	15 days
Less than 30 hours	3 days	$121 \mbox{ to } 168 \mbox{ days}$	5 days	6 days	6 days	8 days	9 days	10 days	11 days
50 110015	2 days	73 to 120 days	3 days	4 days	4 days	5 days	6 days	6 days	7 days
	1 day	48 to 72 days	1 day	2 days	2 days	2 days	3 days	3 days	3 days

In case the granting of annual paid leave in the requested period would interfere with normal operation of the enterprise, the employer shall have the right to change the dates of leave.

By entering into a labor-management agreement, workers may acquire up to five days of annual paid leave by hours.

Annual paid leave shall lapse when two years has passed from the time when the right for it arose.

An employer shall not treat in any disadvantageous manner a worker who has acquired annual paid leave.

(17) Rules of employment (Article 89)

An employer who continuously employs 10 or more workers shall draw up rules of employment (regulations pertaining to working time, wages, retirement, etc.) and shall report the document to the relevant government agency.

An employer shall make public the rules of employment to workers by posting the same at an appropriate place or otherwise so that the documents will be accessible by the workers.

(18) 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 wages, and also the total amount of decrease shall not exceed 10 percent of the total wages for a

• single pay period.

#### • 2 Employment Contracts Act • (1) Dismissal in case of an employment contract without any provision for definite term (Article 16) . Any case of dismissal lacking objectively reasonable grounds and which is deemed inappropriate • . based on social conventions shall be considered abusing a right, and be null and void. • • . (2) Dismissal in case of a terminable at-will employment contract (employment contract with . . provision for definite term) (Paragraph 1 of Article 17) An employer shall not dismiss workers during the term of contract without any unavoidable • • reason. • The validity of dismissal shall be judged more closely than in the case of a labour contract without • a definite period. . If a dispatch of worker contract has been terminated before its expiration, it shall not • immediately constitute an unavoidable reason to dismiss the relevant dispatched worker. . • • (3) Converting to a labour contract without a definite period (Article 18) In case a labour contract for a defined period has been repeatedly renewed with the same . • employer for a period exceeding five years, such labour contract shall be converted to a labour • contract without a definite period upon the request of the worker concerned. . 3 Minimum Wages Law • • (1) Types of minimum wage • There are two types of minimum wage as follows: • (1) Minimum wage by region (Minimum wage separately prescribed for each prefecture) • 2 Specified minimum wage (by industry) (Minimum wage prescribed for core workers in each • • category of industry) • • • (2) Effect of minimum wage (Article 4) An employer shall pay workers wages an amount no less than the minimum wage (Paragraph 1). . • Even if a labour contract is entered into between an employer and its employee specifying a • commitment to pay a wage in an amount less than the minimum wage, such committed amount of • wage shall be invalid and a labour contract providing for a wage in the same amount as the • minimum wage shall be deemed to have been entered into between both parties (Paragraph 2). In addition, in case both the minimum wage by region and specified minimum wage (by industry) • • apply simultaneously, a wage in the amount equivalent to the higher of the two minimum wages • shall be paid (Article 6). • \_\_\_\_\_ • In order to check whether a wage being actually paid is the same or higher than the prescribed • minimum wage, the amount of wage concerned shall be compared with the applicable minimum • wage by using the following method: . • • In case of an hourly wage: Hourly wage $\geq$ Minimum wage (per hour) . · In case of a daily wage: • Daily wage ÷ Prescribed working hours per day≧Minimum wage (per hour) (In case of specified minimum wage (by industry) prescribing an amount per day: • • Daily wage ≥ Minimum wage (per day)) • • In case of a monthly wage: . Monthly wage $\div$ Prescribed working hours per month $\geq$ Minimum wage (per hour) • • (In case the prescribed working hours differ depending on the month: • (Amount of monthly wage $\times$ 12 months) $\div$ Prescribed working hours per year • $\geq$ Minimum wage (per hour)) • . (3) The minimum wages by region and specified minimum wage (by industry) shall apply to • dispatched workers. • 4 Industrial Safety and Health Law •

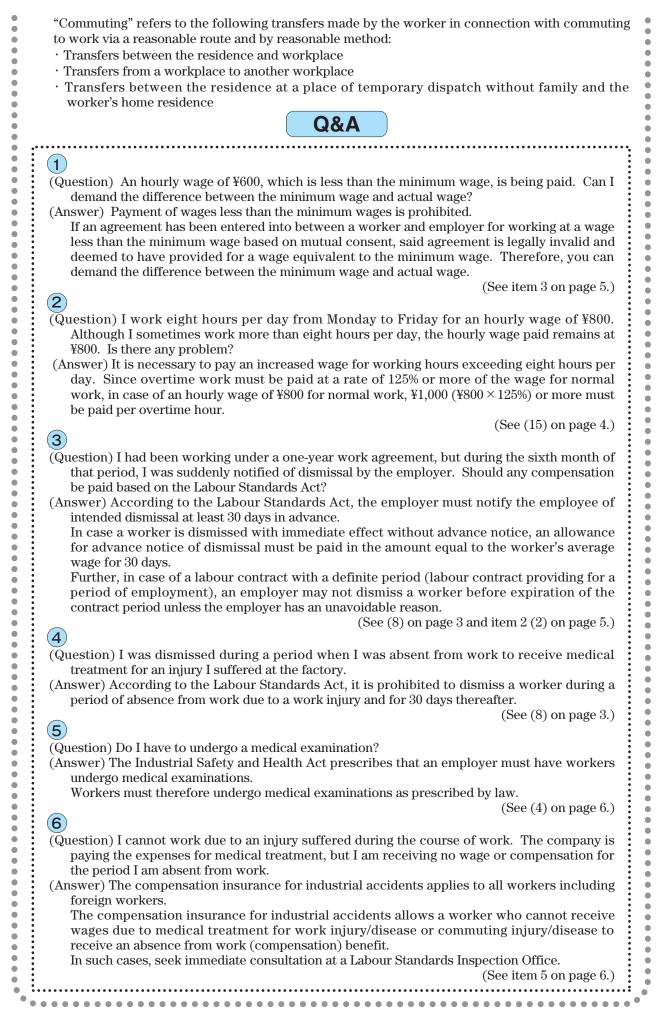
(1) An employer shall take measures provided for by law such as ensuring the functioning of safety devices, wearing of protective equipment, and provision of instructions on adequate work procedures, in order to protect workers from danger or damage to health.

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• • • • •	Furnishing covers, fences, etc. at the openings of places for work at a height Furnishing press/wood working machines with appropriate safety apparatus and checking said machines and apparatus	
• • • • • •	(2) An employer shall, upon employing new workers, or upon changing the content of work assigned to workers, provide necessary training for the worker with regard to safety and health at work. Where an employer intends to assign workers to dangerous or harmful jobs prescribed by law, the employer shall provide special training.	
• • • • •	(3) An employer shall not assign workers to jobs that involve handling dangerous and harmful substances designated as dangerous or detrimental by law, with the exception of workers who have appropriate qualifications.	
	Works prescribed by law Operation of cranes (with lifting load of five tons or more) Operation of mobile cranes (with lifting load of one ton or more) Slinging operation (pertaining to a crane, etc. with lifting load of one ton or more) Operation of cargo handling machines such as a forklift (with maximum load of one ton or more) Gas welding, operating vehicle-type construction machines (with base machinery mass of three tons or more), etc.	
• • • •	(4) An employer shall, upon employing new workers or for each period of time as provided for by law, arrange for the workers to undergo a medical examination conducted by a physician regarding the items prescribed by law.	
	<ul> <li>General medical examination : A medical examination of workers shall be implemented at the time of employment and on regular occasions (once a year*), etc.</li> <li>* For workers engaged in night work, etc., at the time of reassignment and once every six months.</li> <li>Special medical examination : Medical examination regarding special matters of workers engaged in hazardous work* shall be implemented at the time of employment, reassignment and on regular occasions.</li> <li>* Workers who have been engaged in work for handling asbestos, etc. who are currently</li> </ul>	
• • •	<ul><li>(5) For long-time workers, an employer must take necessary measures such as face-to-face guidance</li></ul>	
	<ul> <li>(b) For long-time workers, an employer must take necessary measures such as face-to-face guidance by a medical doctor, etc.</li> <li>In case the total length of overtime work and work on days off by a worker exceeds 100 hours per month and the worker requests</li></ul>	
•	(6) Workers shall abide by the necessary matters in accordance with the measures taken by the employer.	
•	5 Workmen's Accident Compensation Insurance Law	
••••	<ul> <li>(1) Under the scheme of compensation insurance for industrial accidents, if a worker is injured or dies as a result of a work injury or commuting injury, the following benefit shall be given based on the request by the injured worker or his/her bereaved family.</li> <li>In case medical treatment is necessary, expenses for recovery or medical treatment shall be paid free of charge Medical treatment (compensation) benefit</li> </ul>	
•	• In case the worker cannot receive wages due to medical treatment, 80% of the basic benefit amount per day for each day from the fourth day of medical treatment Absence from work (compensation) benefit	
• • • • • •	<ul> <li>If, after recovery from injury, any disability of a certain degree remains, a pension or lump sum shall be paid depending on the degree of disability Disability (compensation) benefit</li> <li>If the worker dies, a pension or lump sum in accordance with the number of bereaved family members, etc. shall be paid Bereaved family (compensation) benefit, etc.</li> </ul>	
••••	(2) "Work injury" refers to an injury suffered by a worker, etc. due to a job-related reason.	

(3) "Commuting injury" refers to a worker's an injury suffered by a worker while commuting to work.



#### Guide to Labour Bureaus with a Foreign Workers Consultation Service (Advisor for Foreign Workers)

- Advisor for Foreign Workers are stationed within the Inspection Divisions of Labour Standards Departments at the major Labour Bureaus and the Labour Standards Inspection Offices as follows and offer consultations concerning working conditions in English and other languages. For details of the dates, etc. that consultation are held, please contact the respective bureaus and offices.
- Labour Standards Inspection Offices that do not have a Foreign Workers Consultation Service (Advisor for Foreign Workers) can also answer your questions concerning working conditions in Japanese. If you do not speak Japanese, please ask someone who can interpret to accompany you whenever you visit one of these offices.

Prefecture	-	Office	Ŧ	Adress	Tel
Hokkaido	0	Hokkaido Labour Bureau, Inspection Division		Sapporo Joint Government Office Building No. 1,1-1, Kita 8-jo	011-709-2311
поккашо	$\cup$	Hokkaldo Labour Bureau, inspection Division	000-0500	Nishi 2-chome, Kita-ku, Sapporo-shi	011-709-2011
Iwate		Iwate Labour Bureau, Inspection Division	020-8522	Morioka Joint Government Office Building No.2, 1-9-15 Morioka-eki Nishi-dori, Morioka-shi	019-604-3006
			000 0505	Sendai Joint Government Office Building No.4, 1	000 000 0000
Miyagi	Miyagi Labour Bureau, Inspection Division		983-8585	Teppo-machi, Miyagino-ku, Sendai-shi	022-299-8838
Fukushima		Fukushima Labour Bureau, Inspection Division	960-8021	Fukushima Joint Government Office Building, 1-46 Kasumi-cho, Fukushima-shi	024-536-4602
Ibaraki	0	Ibaraki Labour Bureau, Inspection Division	310-8511	1-8-31 Miyamachi, Mito-shi	029-224-6214
Tochigi		Tochigi Labour Bureau, Inspection Division	320-0845	Utsunomiya Regional Joint Government Office Building No. 2, 1-4 Akebono-cho, Utsunomiya-shi	028-634-9115
roeingi		Tochigi Labour Standards Inspection Office	328-0042	20-24, Numawada-cho, Tochigi-shi	0282-24-7766
Gunma		Ota Labour Standards Inspection Office	373-0817	104-1, Iizuka-cho, Ota-shi	0276-45-9920
Saitama	0	Saitama Labour Bureau, Inspection Division	330-6016	Land Axis Tower 15F, 11-2 Sintoshin, Chuo-ku, Saitama-shi	048-600-6204
Chiba			260-8612	Chiba Regional Joint Government Office Building No. 2, 4-11-1, Chuo, Chuo-ku, Chiba-shi	043-221-2304
Tokyo	0	Tokyo Labour Bureau, Inspection Division	102-8306	Kudan Joint Government Office Building No.3, 1-2-1 Kudan Minami, Chiyoda-ku, Tokyo	03-3512-1612
Kanagawa	0	Kanagawa Labour Bureau, Inspection Division	231-8434	Yokohama Joint Government Office Building No. 2, 5-57, Kita-Nakadori, Naka-ku, Yokohama-shi	045-211-7351
Toyama		Takaoka Labour Standards Inspection Office	933-0062	1193 Azamuranaka, Ejiri, Takaoka-shi	0766-23-6446
		<b>^</b>		Fukui Haruyama Joint Government Building, 1-1-54, Haruyama,	
Fukui		Fukui Labour Bureau, Inspection Division	910-8559	Fukui-shi	0776-22-2652
Yamanashi		Kofu Labour Standards Inspection Office	400-8579	2-5-51, Shimo-iida, Kofu-shi	055-224-5611
Nagano		Nagano Labour Bureau, Inspection Division	380-8572	1-22-1 Nakagosho, Nagano-shi	026-223-0553
Gifu		Gifu Labour Bureau, Inspection Division	500-8723	Gifu Joint Government Office Building, 5-13, Kinryucho, Gifu-shi	058-245-8102
	0	Shizuoka Labour Bureau, Inspection Division	420-8639	Shizuoka Regional Joint Government Office Building, 9-50 Ote-machi, Aoi-ku, Shizuoka-shi	054-254-6352
Shizuoka		Hamamatsu Labour Standards Inspection Office	430-8639	Hamamatsu Joint Government Office Building, 1-12-4, Chuo, Naka-ku, Hamamatsu-shi	053-456-8147
		Iwata Labour Standards Inspection Office	438-8585	Iwata Regional Joint Government Office Building, 3599-6, Mitsuke, Iwata-shi	0538-32-2205
	0	Aichi Labour Bureau, Inspection Division	460-8507	Nagoya Joint Government Office Building No. 2, 2-5-1 Sannomaru, Naka-ku, Nagoya-shi	052-972-0253
Aichi		Toyohasi Labour Standards Inspection Office	440-8506	Toyohashi Regional Joint Government Office Building, 111 Daikoku-cho, Toyohashi-shi	0532-54-1192
		Yokkaichi Labour Standards Inspection Office	510-0064	2-5-23, Shinsho, Yokkaichi-shi	059-351-1661
Mie		<b>^</b>		Tsu Second Regional Joint Government Office Building, 327-2,	
		Tsu Labour Standards Inspection Office	514-0002	Shimazaki-cho, Tsu-shi	059-227-1281
Shire	<u> </u>	Hikone Labour Standards Inspection Office	522-0054	Hikone Joint Government Bldg. 3F, 58-3, Nishiima-cho, Hikone-shi	0749-22-0654
Shiga		Higashiomi Labour Standards Inspection Office		8-14, Yokaichi Midori-machi, Higashiomi-shi	0748-22-0394
Kyoto	0	Kyoto Labour Bureau, Inspection Division	604-0846	451 Kinbuki-cho, Ryogaemachi-Dori Oike-agaru Nakagyo-ku, Kyoto-shi	075-241-3214
Osaka	0	Osaka Labour Bureau, Inspection Division	540-8527	Osaka Joint Government Office Building No. 2, 4-1-67, Otemae, Chuo-ku, Osaka	06-6949-6490
Hyogo		Hyogo Labour Bureau, Inspection Division	650-0044	Kobe Crystal Tower Building 16th Floor, 1-1-3, Higashi-Kawasaki-cho, Chuo-ku, Kobe-shi	078-367-9151
Shimane		Shimane Labour Bureau, Inspection Division	690-0841	Matsue Joint Regional Government Office Building, 134-10 Mukojima-cho, Matsue-shi	0852-31-1156
Okayama	0	Okayama Labour Bureau, Inspection Division	700-8611	Okayama Joint Government Office Building No.2, 1-4-1, Shimoishii, Kita-ku, Okayama-shi	086-225-2015
Hiroshima		Hiroshima Labour Bureau, Inspection Division	730-8538	Hiroshima Joint Government Office Building No. 2, 6-30, Kami-Hacchobori, Naka-ku, Hiroshima-shi	082-221-9242
		Fukuyama Labour Standards Inspection Office	720-8503	1-7, Asahi-machi, Fukuyama-shi	084-923-0005
Tokushima		Tokushima Labour Bureau, Inspection Division	770-0851	Tokushima Joint Government Bldg. 1F, 6-6, Jonai, Tokushima-cho, Tokushima-shi	088-652-9163
Fukuoka			812-0013	Fukuoka National Government Building ANNEX, 4th Floor, 2-11-1, Hakataeki-Higashi, Hakata-ku, Fukuoka-shi	092-411-4862
Nagasaki		Nagasaki Labour Bureau, Inspection Division	850-0033	Sumitomo Seimei Nagasaki Bldg., 7-1, Manzai-machi, Nagasaki-shi	095-801-0030
Oita		Oita Labour Bureau, Inspection Division	870-0037	Oita Second Sophia Plaza Building, 17-20 Higashikasuga-cho, Oita-shi	097-536-3212
		anglish-speaking person in " $\bigcirc$ ".	210 0001		1.23. 000 0010

There is an English-speaking person in " $\bigcirc$ ".

Ministry of Health Labour, and Welfare Prefectural Labour Bureaus Labour Standards Inspection Offices