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# Understanding and Utilizing Labor Laws

Basic knowledge necessary for work





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

([http://www.mhlw.go.jp/stf/seisakunitsuite/bunya/koyou\\_roudou/roudouzenpan/roudouhou/index.html](http://www.mhlw.go.jp/stf/seisakunitsuite/bunya/koyou_roudou/roudouzenpan/roudouhou/index.html))

- \* In this text, some acts with long titles are referred to by abbreviated titles.

Acts Related to Comprehensive Promotion of Labor Policies, Stable Employment of Workers, and Fulfillment of Their Work Life	→	Act on Comprehensive Promotion of Labor Policies
Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment	→	Equal Employment Opportunity Act
Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members	→	Act on Childcare Leave/Caregiver Leave
Act on Improvement of Personnel Management and Conversion of Employment Status for Part-Time Workers and Fixed-Term Workers	→	Part-Time and Fixed-Term Employment Act
Act on Advancement of Measures to Support Raising Next-Generation Children	→	Next-Generation Children Act
Act on Promotion of Women's Participation and Advancement in the Workplace	→	Women's Advancement Promotion Law
Act for Securing the Proper Operation of Worker Dispatching Undertakings and Protection of Dispatched Workers	→	Worker Dispatching Act
Act for Employment Promotion, etc. of Youth	→	Youth Employment Promotion Act
Guidelines for employers, specified local governments, employment placement businesses, and other related parties to secure employment opportunities for the youth and help them establish themselves in the workplace		Guidelines for employment of the youth

For better understanding of this document, it is recommended to read together a cartoon summarizing the main content of this text: "Is This Allowed? - Cartoon Q&A on Understanding and Utilizing Labor Laws -"

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

(Note) Starting April 1, 2022, the legal adult age is 18. 18- and 19-year-olds will be able to sign a contract on their own without parental consent, but be careful not to get involved in unscrupulous business practices, etc. that harm consumers.

For details, see the special website for lowering the age of adulthood, "Otona eno michishirube (a guidepost to adults). (<https://seinen.go.jp/>).



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Important words indicated in red (e.g. “labor contract” and “labor union”) in this document are listed here. Look up and find the page if you wonder “what does this word mean?”



## Introduction

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

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

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

Structure	About each chapter	
Prologue	Basic knowledge necessary for work	p.3-11
Prologue summarizes, for those of you who do not have much time, the minimum required points of the basic knowledge of <b>labor laws</b> addressed in this text, and then lists who you should consult when you have a concern. You can read this section in 10 minutes, and you should at least check the content.		
Chapter 1	<b>Labor laws</b>	p.12-14
Chapter 1 is a chapter for learning the basics of <b>labor laws</b> , including what labor laws are exactly and what <b>labor unions</b> are.		
Chapter 2	Before starting to work	p.15-26
Chapter 2 describes the basic rules you should know before starting to work, including the points you should pay attention to when concluding a <b>labor contract</b> .		
Chapter 3	Rules that apply when working	p.27-44
Chapter 3 is a chapter describing the rules of <b>labor laws</b> that are important when you actually work, including <b>wages</b> , <b>working hours</b> , <b>rest period/days off</b> , and work environment. This chapter contains abundance of information, but they are all important rules and you should certainly try to read it through.		
Chapter 4	Diverse work styles	p.45-52
Chapter 4 explains diverse work styles such as <b>dispatched/contract employee</b> , <b>part-time worker</b> , and <b>outsourcing (contracting)</b> , etc.		
Chapter 5	When resigning or being dismissed from a job	p.53-57
Chapter 5 compiles the rules that apply when <b>resigning</b> or <b>being dismissed</b> from a job.		
Chapter 6	Mechanism of employment (for new university graduates, etc.)	p.58-66
Chapter 6 compiles the schedule and matters requiring attention when actually seeking jobs and various support that can be provided.		
When you are “ready for seeking a job,” you should read this chapter.		

In addition to the above, there is an index of important words at the end of this text (p.67-68). You should thoroughly acquire the basic knowledge necessary for work by utilizing this text when you start working. If you have any concerns, read this text again and contact the consultation contact points listed here (p.7-11 or back cover).

## Prologue: Basic knowledge necessary for work

### [1] Basic knowledge necessary when starting to work

You are looking at job-offer information in a recruitment magazine, muttering to yourself “I wish I could find a good job here.” After 30 minutes or so of looking through, you come across an advertisement that caught your attention. “This looks pretty good, but I’m not sure.” How do you evaluate the following advertisement? (Figure 1-1)

Figure 1-1

Recruitment Information

MHLW Corporation: Recruitment for regular employee (sales-clerical) ①

Job description	Sales and clerical work (no experience required)	
Salary	150,000-180,000 yen per month (three-month <span style="color: red;">trial period</span> )	<span style="font-size: 3em;">{</span> <span style="float: right;">②</span>
Qualification	Ordinary driver's license required	
Days off	Saturdays, Sundays, holidays, year-end and New Year's holidays, and Golden Week holidays, etc.	
Others	Transportation expenses (with an upper limit) and various insurances provided	
	Details to be arranged in person	③

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

- ① A “regular employee” is recruited in the above job offer, but there are various other types of work, including dispatched employees who work at another company after concluding a labor contract with a staffing company, contract employees who work for a fixed period of time after concluding a labor contract with the employer, and part-time employees who work shorter hours than a full-time worker (so-called "regular employee") for one week and employed by the same employer. How you work is very important, and therefore you must thoroughly check it.

Among various types of work styles, there is a form of working as a so-called “freelancer” instead of a worker under an “outsourcing agreement,” instead of a “labor contract.” This booklet explains the “rules for working” and the “insurance systems for working without undue worries,” etc. for those who work under labor contracts in mind. When working as a “freelancer,” there are risks in the work and significant differences in treatment, such as being excluded from the protection provided for workers that is explained in this booklet, as well as employment insurance, workers’ compensation insurance, and employees’ insurance (health insurance and welfare pension insurance).

When you start working, it is important to visualize the way you want to work, and when you sign a contract to work, firmly confirm “what kind of contract to make and how to work.”

⇒ Various work styles are described in detail in “Chapter 4 Diverse work styles” (p.45-52). In particular, if you work as a “freelancer,” large parts of description in this booklet are not applicable. For this work style, you must first check “4 Those who work as “freelancers” under outsourcing agreements” (p.47) in Chapter 4 Diverse work styles.

- ② Don't forget to check the **working conditions** such as the job description, wage, and work day and the subscription status of various insurances/pension schemes, etc., and confirm concretely how you are going to work by making an inquiry to the company as necessary.

When as a result of checking, “the job looks good,” you go to a job interview after receiving resume correction services, etc. at **Hello Work**. You successfully passed the interview, but before signing a **labor contract**, you must **thoroughly check the content of the labor contract to ensure that it is consistent with the content of the job advertisement.** (As a rule, when employing a worker, the company must not only orally promise but also clearly state in writing six particularly important **working conditions** such as the job description. (As an exception, the company can indicate them by facsimile, email or other means as far as it can be printed and saved in writing if the worker so wishes.) In addition, when the content of the **labor contract** differs from that of the recruitment advertisement or adds what was not written in the job advertisement, the company must clearly indicate the different or additional content. You should carefully check to see whether “**trial period**” and “**fixed overtime payment**,” etc. are included in the **working conditions** or not.

⇒ See “Column 5 Fixed overtime payment” and “Column 6 Trial period” (p.24-25).

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

⇒ Matters requiring attention before starting to work are described in detail in “Chapter 2 Before starting to work” (p.15-26).

## [2] Basic knowledge necessary for work

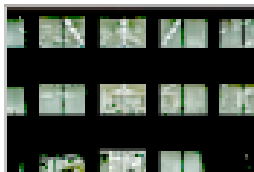
You go to your company in fine spirits, thinking that “I will do my best to work!” You also wonder what kind of work you will be doing, who you will be working with, and many other things. At the same time, you may be worried about whether your company would honor the content of the **labor contract**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



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



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



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



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



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



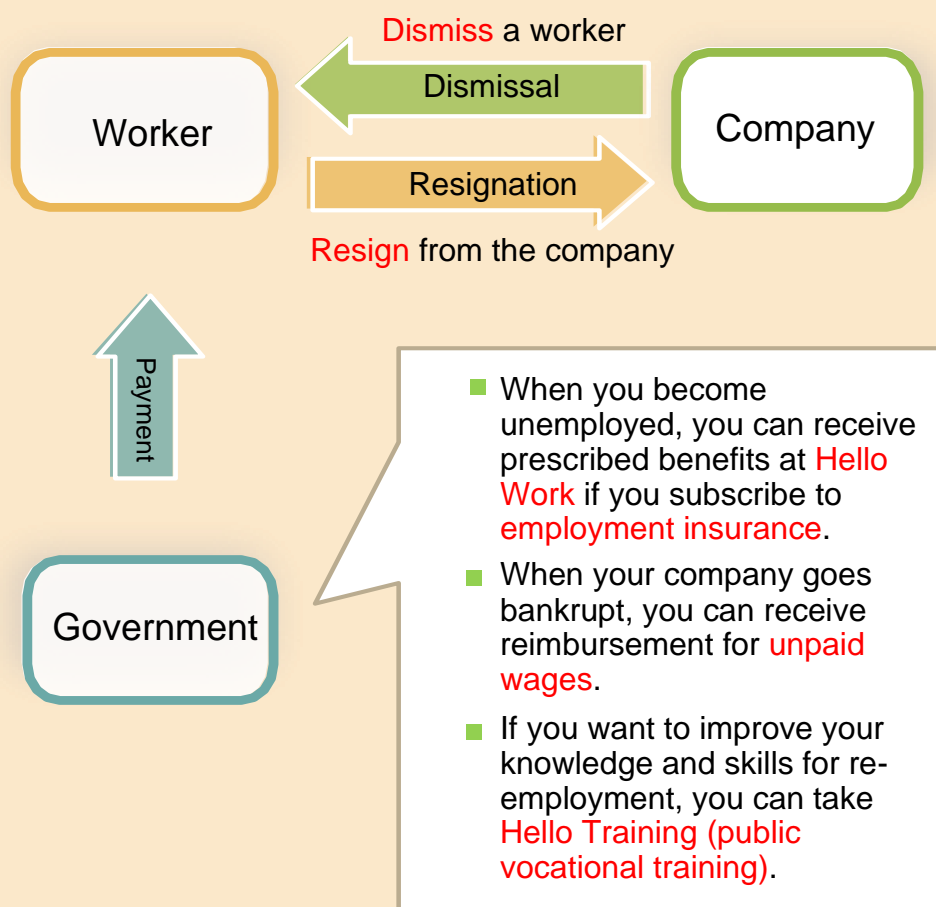
- [6] Systems to support the **prohibition of discrimination on the basis of sex** and **a good balance between work and life**, etc. are established to enable both men and women to continue to actively work.

⇒ Matters requiring attention when working are described in detail in “Chapter 3 Rules that apply when working” (p.27-44).

### [3] Basic knowledge necessary when resigning from a job

You found something else that you want to engage in, and now want to resign from the job. However, you are involved in some work, and it is hard to tell it to your boss. In addition, even if you resign, you are not sure how to make a living until you find the next job. You also want to acquire new skills to gain an advantage in job-seeking activities. So, what would you do? You should prepare for such a situation with the following diagram in mind. (**Figure 1-2**)

**Figure 1-2** Basic knowledge necessary when resigning from a job



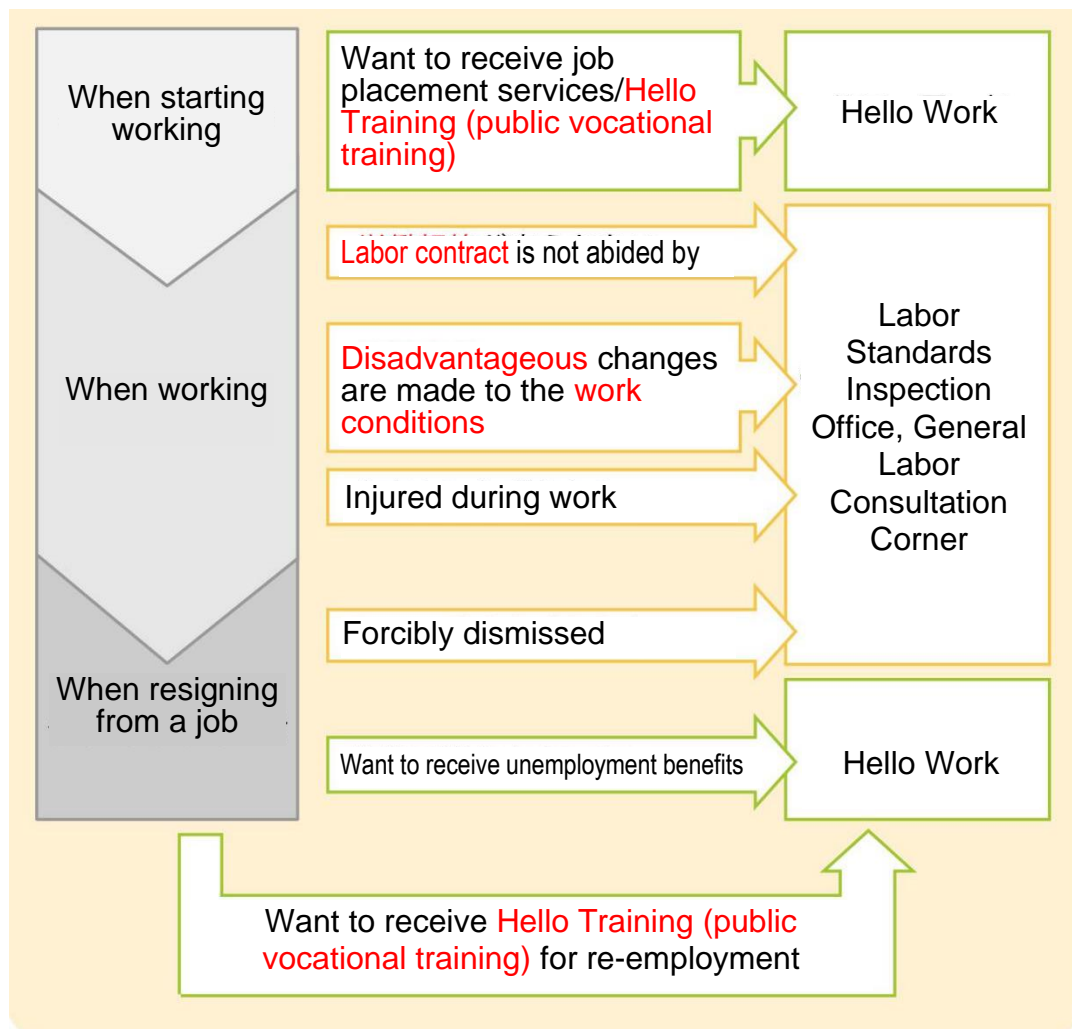
⇒ Matters requiring attention when resigning from a job are described in detail in "Chapter 5 When resigning or being dismissed from a job" (p.53-57).

#### [4] Work-related consultation services

Armored yourself with knowledge acquired by reading up to here, you are thinking “I am ready to work” and will go on to decide on a job that you want to do, look for a company, and get employed. In doing so, knowing where you can consult to when you are worried about something is reassuring. This chapter is concluded with a flowchart showing how to use main consultation services and the list of consultation desks. **(Figure 1-3)**

- ⇒ Employment schedule for employment, etc. is described in detail in “Chapter 6 Mechanism of employment (for new university graduates, etc.)” (p. 58-66).
- ⇒ Work-related consultation services are also listed on the back cover of this text.

**Figure 1-3** Main work-related consultation services flowchart



## Work-related consultation services

\* For the location and contact, see the URL at the end of the description of each contact point.

### [1] General Labor Consultation Corner

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

General Labor Consultation Corner (consultation is provided free of charge).

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

### [2] Labor Standards Inspection Office

You can consult about **working conditions** (**working hours**, **wages**, **dismissal**, etc.), safety and health at workplaces, and **workers' accident compensation insurance**.

Working Condition Consultation Hotline (MHLW-commissioned program)

Telephone consultation on working conditions is available in the evening of week days and on weekends/holidays when Labor Standards Inspection Offices, etc. are closed. (\* Closed from December 29 to January 3 every year.)

TEL 0120-811-610

Mon. – Fri. 17:00 ~ 22:00 Sat., Sun., holiday 9:00 ~ 21:00

<https://www.check-roudou.mhlw.go.jp/lp/hotline/>

Locations of Labor Standards Inspection Office across Japan

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

### [3] Hello Work (public employment security office)

As an integrated regional employment service agency run by the government, Hello Work provides job seekers with employment consultations, job placement services, referral to vocational training, and **employment insurance** benefits. You can also browse job offers available at **Hello Work** across Japan on the Hello Work Internet Service. Furthermore, women raising children, graduate school/university/junior college/technical college/special training school students and those not employed after graduation, and young people (younger than 35) seeking employment as a **regular employee** can use “Hello Work for Mothers,” “Hello Work for New Graduates,” and “Hello Work for Young People,” respectively, etc. All these services are provided free of charge, and you are advised to utilize **Hello Work** when you are looking for a job. If the actual **working conditions** differ from **working conditions** described in the job offers available at **Hello Work**, please consult Hello Work or call the **Hello Work** Recruitment Hotline.

Locations of Hello Work offices nationwide

URL [https://www.mhlw.go.jp/stf/seisakunitsuite/bunya/koyou\\_roudou/koyou/hellowork.htm](https://www.mhlw.go.jp/stf/seisakunitsuite/bunya/koyou_roudou/koyou/hellowork.htm)

Hello Work Recruitment Hotline

Available 8:30-17:15 all day \* Excluding year-end and New Year's holidays

TEL 03-6858-8609



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

The Employment Environment and Equal Employment Department (Office) in each Prefectural Labor Bureau provides consultations on matters such as gender discrimination in workplaces, workplace harassment (power harassment, sexual harassment, harassment related to pregnancy, childbirth, childcare leave, nursing care leave, etc.), harassment during job hunting, etc., the health management of pregnant women, applying for and getting **childcare leave** and **family care leave**, etc., equal/balanced treatment of **part-time workers/contract employees** and their promotion to **regular employees**, etc., and the Labor Contracts Act. Consultation is provided free of charge.

In addition, at the Demand and Supply Adjustment Division (Office) of each Prefectural Labor Bureau, consultation services on equal and equitable treatment for dispatched workers, recruitment information other than that provided at **Hello Work**, etc. is available. Recruitment consultations are also available when the outside information differs from the actual **working conditions**. Consultations are provided free of charge.

Employment Environment and Equal Employment Department (Office) and Demand and Supply Adjustment Division (Office) of Prefectural Labor Bureau
<div>Consultation is provided free of charge.</div> <div><a href="https://www.mhlw.go.jp/kouseiroudoushou/shozaiannai/roudoukyoku/index.html">https://www.mhlw.go.jp/kouseiroudoushou/shozaiannai/roudoukyoku/index.html</a></div>

#### [5] Labor Relations Commission

The Labor Relations Commission gives relief to labor unions and union members when an **unfair labor practice** (**disadvantageous** treatment by the employer for the reason of joining a **labor union**, etc.) is found to have occurred, and makes adjustments (mediation, conciliation, and arbitration) to resolve conflicts between **labor unions** and companies in the case of labor disputes such as strikes. In addition, prefectural labor relations commissions excluding Tokyo, Hyogo and Fukuoka provide support for the mediation of individual labor disputes to resolve conflicts between individual workers and companies on labor issues such as **working conditions**. (The labor administration office handles these issues in Tokyo and Fukuoka.) All these services are provided free of charge.

Labor Relations Commission	
Central Labor Relations Commission	<a href="https://www.mhlw.go.jp/churoi/">https://www.mhlw.go.jp/churoi/</a>
Prefectural Labor Relations Commission	<a href="http://www.mhlw.go.jp/churoi/chihou/pref.html">http://www.mhlw.go.jp/churoi/chihou/pref.html</a>

## [6] Prefectures

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

## [7] Japan Legal Support Center (Houterasu)

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

Japan Legal Support Center (Houterasu)

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

## [8] Japan Pension Service (pension office)

**Japan Pension Service (pension office)** carries out the application, collection, record management, pension consultation, and payment, etc. that have been entrusted and commissioned by the government. Consultations on the application of **employees' pension insurance** are provided at the Employees' Pension Insurance Application Division of each Pension Office. General consultations regarding pension are provided at the Customer Service Center of each Pension Office across Japan.

Japan Pension Service (pension office)

Consultation/application desks across Japan

<https://www.nenkin.go.jp/section/soudan/index.html>

Pension consultation hotline

<https://www.nenkin.go.jp/section/tel/index.html>

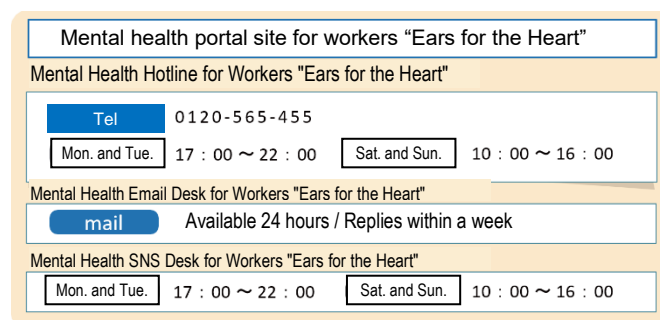
### [9] Regional Youth Support Station (Support Station)

**Support Station** provides people aged 15–49 the work-related supports such as expert consultation for vocational independence, support for establishing and improving oneself at work after employment, and work experience at cooperative companies.



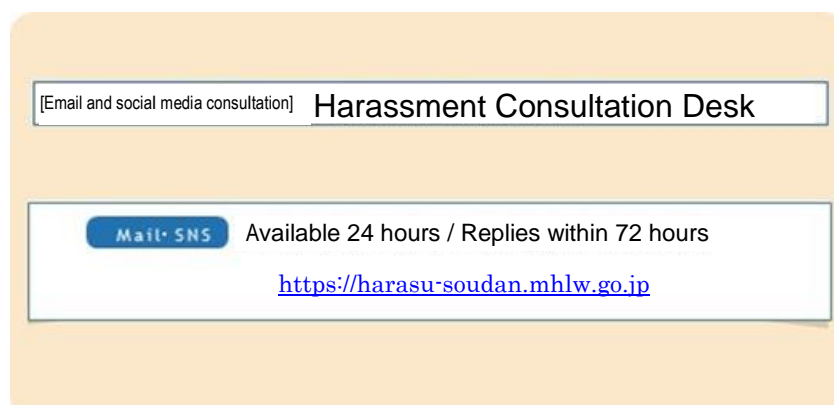
### [10] Mental health portal site for workers “Ears for the Heart”

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



### [11] Harassment Consultation Desk

The Harassment Consultation Desk accepts consultations by email or on social networks free of charge if you are suffering from customer harassment and harassment during job hunting.



## Chapter 1 Labor laws

### 1. What are labor laws?

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

### 2. Roles of labor laws

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

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

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

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

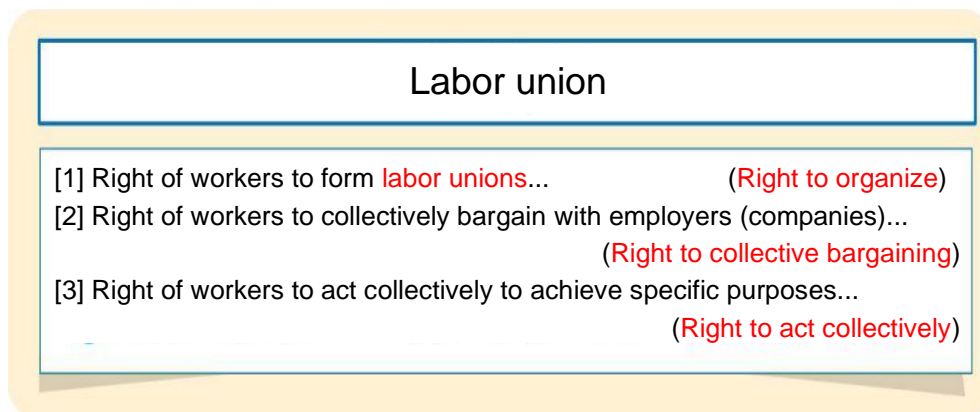
“Workers” protected by **labor laws** include all people who are employed to work. Accordingly, **labor laws apply not only to regular employees but also to dispatched employees (workers who are dispatched to other companies to work under their instructions after concluding a labor contract with staffing companies), contract employees (workers who concluded a fixed-term labor contract with their employer), part-time workers (workers who work less hours than ordinary workers (so-called “regular employees” (indefinite-term full-time workers)) employed by the same employer), and part-time jobbers as “workers”** though the way they are applied varies depending on each worker's work style.

### 3. Labor union

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

Even if you want to improve the situation of working at low wages without sufficient rest breaks, requesting/obtaining improvements by a worker all by himself/herself is not at all easy. Because he/she runs the risk of being told that “if you are dissatisfied, you can quit as there are many replacements for you” and that could be the end of everything. Therefore, in order to enable workers

to unionize and negotiate with companies on an equal footing, the Constitution of Japan guarantees the following **three primary rights of labor** (Article 28 of the Constitution of Japan), and the **Labor Union Act** was established to concretely guarantee these rights.



A **labor union** can be formed with at least two workers. The formation of **labor unions** cannot be obstructed by employers and requires no administrative permission or notification. **Labor unions** collectively bargain with employers for the improvement of their **working conditions**, compile comments and requests from union members and submit them to employers, and provide consultation to union members with concerns, etc. In order to guarantee activities of **labor unions**, employers are prohibited to conduct **unfair labor practices** (see “One step further [1]” below).

Consultations on the formation of **labor unions** are provided by the prefectural labor administration department and some of the **labor union** federations. In addition, workers can join not only **labor unions** organized on a company basis, but also external **labor unions** organized on a regional basis.

### One step further [1] Unfair labor practice

The **Labor Union Act** prohibits employers from conducting the practices listed below to concretely guarantee the **three primary rights of labor**. When labor unions or workers received **unfair labor practices** by employers, they can request the **Labor Relations Commission** for relief.

- [1] **Disadvantageous** treatment, including **dismissal**, demotion, wage reduction, or harassment, etc., on the basis of joining **labor unions** or conducting legitimate labor union activities (labor dispute actions), etc. (excluding **wage** reduction for the strike hours).
- [2] Refusal of collective bargaining without justifiable reason (employers must accept requests for collective bargaining from **labor unions**, unless there is a justifiable reason).
- [3] Controlling or interfering with the formation and operation, etc. of **labor unions** or providing them with financial assistance. (Typical examples include speech and actions obstructing employees from forming or joining a labor union and conducting union activities.)
- [4] Disadvantageous treatment of workers on the basis of filing a petition to the **Labor Relations Commission** or making statements or submitting evidences to the **Labor Relations Commission**.

### **One step further [2] Labor Relations Commission**

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

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

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

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

In addition, it provides the “mediation of individual labor disputes(\*)” to resolve conflicts between individual workers and companies on labor issues such as **working conditions**.

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

### **One step further [3] Collective agreement**

**Collective agreement** refers to an agreement made between **labor unions** and companies, and it comes into effect when it is prepared in writing and signed/sealed, etc. by both parties. Even if a company tries to conclude **labor contracts** with the individual union members or establish additional company rules, the portion contrary to the **working conditions** or treatment specified in the **collective agreement** will be nullified and replaced by stipulations in the **collective agreement**. That is to say, the **working conditions** specified in the **collective agreement** take precedence over **rules of employment** and **labor contracts**.

In addition, the collective agreement can be extended to include parties other than the labor and management that are parties to the agreement if certain requirements are met, one of which is the “regional extension of collective agreement.” This means that if the collective agreement in question meets certain requirements and the Minister of Health, Labor and Welfare or the prefectural governor decides to apply extension, the scope of application of the collective agreement will be extended to other similar workers and employers working in the same region. This system aims to prevent competition to cut working conditions, maintain and improve working conditions, and ensure fair competition between workers and employers by considering the working conditions set out in the collective agreement in question as fair working conditions in the region and applying it to labor and management other than the parties to the agreement. For more information, please visit the Ministry of Health, Labor and Welfare website.

[https://www.mhlw.go.jp/stf/seisakunitsuite/bunya/koyou\\_roudou/roudouseisaku/roudoukumiai/index\\_00004.html](https://www.mhlw.go.jp/stf/seisakunitsuite/bunya/koyou_roudou/roudouseisaku/roudoukumiai/index_00004.html)

## Chapter 2 Before starting to work

### 1. When concluding labor contracts

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

Furthermore, **company must not just verbally promise, but also clearly indicate in writing the following six particularly important matters** (Article 15 of the Labor Standards Act). As an exception, they can be indicated by printable means such as fax and email if the worker wishes so.

#### When concluding labor contracts

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

There are two types of **labor contract**, fixed-term labor contract and indefinite labor contract. In many cases, the former is specified for **contract employees** and **part-time workers**, and the latter for **regular employees** intended for long-term employment.

It is also stipulated that workers and companies must confirm the other content of **labor contracts** in writing to the extent possible (paragraph 2, Article 4 of the Labor Contracts Act).

By concluding a **labor contract**, companies are obliged to “pay wages specified in the **labor contract**” and, at the same time, you are obliged to “faithfully work under the direction of your company.”

When you feel that the rules for **labor contracts** are not observed, consult with the “**Labor Standards Inspection Office** and/or **General Labor Consultation Corner**.”

- (→ See “One step further [4] Prohibited matters of labor contracts” on p.18)
- (→ See “One step further [5] Preliminary offer of employment” on p.19)
- (→ See “Column 7 Employment of persons with disabilities” on p.25)

## 2. Have you ever been asked about your family or place of origin at job interviews?

You may be asked about your family composition or place of origin at job interviews or in job application forms. How would you feel if these matters are taken into consideration in the recruitment process even though they are not related to your aptitude or competence on the job? The Employment Security Act stipulates that when collecting personal information of job seekers, the purpose of the recruitment or other business must be clearly stated and the information must be collected only to the extent necessary to achieve that purpose.

To ensure **fair employment screening**, **Hello Work** advises and instructs employers to consider their recruitment criteria based on the aptitude and competence required for the job. The key points are as follows:

[1] Accept diverse applicants

Allow anyone who fulfills the requirements to apply for the job, without discriminating people based on their nationality or country of origin, disabilities, medical conditions, gender identities and sexual orientations, etc.;

[2] Selection based on the applicant's aptitude and competence

Select applicants only based on whether they have the aptitude and competence required for the job.

The following are the matters that may lead to employment discrimination, such as “matters for which the individual is not responsible” and “matters that should be free.” If you are asked about matters unrelated to your aptitude or ability during an interview or asked to fill them out on your application form, please consult your nearest Hello Work:

### 14 matters that may lead to discrimination in the recruitment process

Matters for which the applicant is not responsible	Matters which the applicant should have the freedom to choose (related to ideologies or	Recruitment methods
<ul style="list-style-type: none"> <li>• Place of origin/birth</li> <li>• Family (occupation, relationship, health, medical history, status, education, income, assets, etc.)</li> <li>• Housing situation (floor plan, type of house, number of rooms, neighborhood facilities, etc.)</li> <li>• Lifestyle and family situation, etc.</li> </ul>	<ul style="list-style-type: none"> <li>• Religion</li> <li>• Political party</li> <li>• View and philosophy of life, etc.</li> <li>• Person you respect</li> <li>• Ideology</li> <li>• Participation in labor unions (membership status, activity history, etc.) and social movements (student movements, etc.)</li> <li>• Newspapers, magazines, or books you read</li> </ul>	<ul style="list-style-type: none"> <li>• Conducting a background check, etc.</li> <li>• Use of an application containing matters irrelevant to the aptitude and ability of the applicant</li> <li>• Medical examination <u>during the recruitment process</u> not reasonably or objectively judged necessary (including submission of medical certificates)</li> </ul>

\* Not limited to the above.

For more information, check the special website about the fair recruitment process (<https://kouseisaiyou.mhlw.go.jp/>).



### 3. Are you aware of the rules of employment?

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

- \* The **rules of employment** are the rule books created by companies after hearing opinions of workers, containing matters concerning **working conditions** such as **wages** and **working hours** of workers, etc. and workplace rules, etc. At a company where many people work, establishing and following rules enables everyone to work without undue worries and prevents unnecessary trouble. Therefore, the **rules of employment** have an important role. The content of the **rules of employment** must be available to workers at all times by posting or distributing them, etc. (Article 106 of the Labor Standards Act), and thus you should check the **rules of employment** when you have any concern at your workplace or location of part-time job. When you feel that the **rules of employment** are not observed, consult with the “**Labor Standards Inspection Office** and/or **General Labor Consultation Corner**.”

Rules of employment	
An employer that continuously employs 10 or more workers must draw up <b>rules of employment</b> and file them with the director of the relevant <b>Labor Standards Inspection Office</b>	(Article 89 of the Labor Standards Act)
The particulars that must be covered in the <b>rules of employment</b> [1] the particulars of the times to start and end work, <b>break period</b> , <b>days off</b> , and leave; and the particulars of shifts [2] the particulars of <b>wages</b> [3] the particulars of <b>separation from employment</b>	(Article 89 of the Labor Standards Act)
The employer must ask the opinion of workers in drawing up or changing the <b>rules of employment</b>	(Article 90 of the Labor Standards Act)
The <b>rules of employment</b> must not violate any laws and regulations or any <b>collective agreements</b>	(Articles 92 and 13 of the Labor Standards Act)

#### 4. Various insurance and pension systems for working without undue worries

You must have seen recruitment information by companies with the description “various insurance benefits included.” “Various insurance benefits included” indicates that the company subscribes to **employment insurance, workers' accident compensation insurance, health insurance**, and **employees' pension insurance**, and these systems apply to employees working for that company. These systems aim to protect workers' livelihood by providing them with necessary benefits in various situations of not being able to work, including becoming ill, being injured, giving birth, being unemployed and getting old. The company you look for full-time employment or a part-time job must subscribe these insurances when meets certain conditions. There are also insurances available for part-time workers. Checking which system the company you are intending to work for subscribes to is very important.

(→ See “One step further [6] Closer look at various insurance/pension systems” on p.19)

##### One step further [4] Prohibited matters of labor contracts

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

- [1] **Imposing a monetary penalty to workers for breach of labor contracts or establishing the amount of compensation for loss or damage in advance (Article 16 of the Labor Standards Act)**

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

- [2] **Offsetting workers' wages against money advanced to them or against a claim for the return of an advance that is conditioned on the workers' working (Article 17 of the Labor Standards Act)**

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

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

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

### One step further [5] Preliminary offer of employment

When employing new graduates, following job-seeking activities and employment examinations, preliminary offer of employment is made well in advance of the actual date of joining the company in general. But you may wonder what the meaning of this **preliminary offer of employment** is. After going through tough job-seeking activities, when you are told by the company you wish to work for that “please work for us starting in spring”, you will naturally expect to work for them, but all your future plans may be thrown off if you are then told that “forget what we have said previously”. For this reason, in cases where a **labor contract(\*)** is deemed to have been concluded with a preliminary offer of employment, cancellation of the preliminary offer is regarded as cancellation of the contract. Therefore, **like ordinary dismissal, a justifiable reason based on social common sense must be given** in such cases.

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

Even when the cancellation is deemed valid, like ordinary **dismissal**, the company must completely follow the procedure such as issuing a **dismissal** notice, etc. In addition, when a person who has received a preliminary offer of employment requests a certificate stating the reason for the cancellation, the company must issue the certification without delay.

Furthermore, companies must make best efforts to give a preliminary offer of employment based on secured employment prospects (Guidelines for employment of the youth).

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

\* For dispatched workers, **labor contracts** are to be concluded with dispatching companies.

### One step further [6] Closer look at various insurance/pension systems

#### (1) Employment insurance

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

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

## (2) Workers' accident compensation insurance

**Workers' accident compensation insurance** is a public system to provide necessary insurance benefits in case of injury, illness, or death, etc. of a worker resulting from employment-related cause (**employment injury**), injury, illness, or death, etc. caused by work in two or more businesses by workers employed by multiple companies (**multiple work-related injury**), or injury, illness, or death, etc. while commuting (**commuting injury**).

The Labor Standards Act obligates companies to bear medical expenses when workers are injured or become ill during work and pay compensation for absence from work when workers are unable to work due to the illness or injury (Articles 75 and 76 of the Labor Standards Act). However, when the company cannot afford it, or significant accidents occur, sufficient compensation may not be provided.

For this reason, the workers' accident compensation insurance system was established to ensure that workers can receive sufficient compensation when occupational accidents occur. **Basically, companies that employ at least one worker are obliged to subscribe to the workers' accident compensation insurance system and pay the insurance premiums.**

**As a rule, all workers including **part-time workers** and part-time jobbers are eligible to receive benefits for occupational accidents, even if the company has not subscribed to the insurance.** Various applications, etc. are accepted at the **Labor Standards Inspection Office**.

In light of changes in the circumstances surrounding side and second jobs, for example, more people choose diversified work styles and more part-time workers have multiple jobs, the Industrial Accident Compensation Insurance Act (Act No. 50 of 1947) was revised from the perspective of creating an environment where workers employed by multiple companies can work without undue worries. Accordingly, workers' accident compensation insurance benefits for those employed by multiple companies and their bereaved families are determined based on the total wages of all their workplaces. Even if industrial accidents are not certified at one of those workplaces, insurance benefits can be received if the burden (working hours, stress, etc.) of multiple workplaces with different business operators can be comprehensively evaluated and certified as an industrial accident.

## (3) Health insurance

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

**Health insurance is mandatory for [1] business establishments of the government, local governments, or corporations or [2] private businesses of specific business types (\*) that regularly employ five or more workers, and workers working at these business establishments are covered by the insurance. **Dispatched employees, contract employees, part-time workers, and part-time jobbers whose number of prescribed weekly working hours and number of prescribed monthly working days are at least 3/4 of those of ordinary workers also need to be covered.**** Even when the numbers are less than 3/4, those meeting the following five conditions need to be covered: [1] The prescribed number of weekly working hours is at least 20 hours, [2] the monthly wages are at least 88,000 yen, [3] the expected duration of employment is two or more months, [4] they are not student, and [5] the company has 100 or more employees (Note) (or a company with no more than 100 employees when a labor-management agreement is made for the coverage). In addition, **the insurance premiums are borne 50% each by workers and companies.**

For more details, please contact your prefectural branch of the Japan Health Insurance Association or your health insurance association.

(Note) In October 2024, the scope of the application will be extended to include part-time workers in companies with 50 or more employees.

#### \* Specific business types

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

### (4) Employees' pension insurance

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

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

Like health insurance, employees' pension insurance is mandatory for **[1] business establishments of the government, local governments, or corporations or [2] private businesses of specific business types (\*) that regularly employ five or more workers, workers are covered under employees' pension insurance, and workers working at these business establishments are covered by the insurance. Dispatched employees, contract employees, part-time workers, and part-time jobbers whose number of prescribed weekly working hours and number of prescribed monthly working days are at least 3/4 of those of ordinary workers also need to be covered.** Even when the numbers are less than 3/4, those meeting the following five conditions need to be covered: [1] The prescribed number of weekly working hours is at least 20 hours, [2] the monthly wages are at least 88,000 yen, [3] the expected duration of employment is two or more months, [4] they are not students, and [5] the company has 100 or more employees (Note) (or a company with no more than 100 employees when a labor-management agreement is made for the coverage). In addition, **the insurance premiums are borne 50% each by companies and workers.**

For more details, please contact your nearest JSP Branch Office.

(Note) In October 2024, the scope of the application will be extended to include part-time workers in companies with 50 or more employees.

### **Column 1 Rules that all workers must follow**

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

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

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

However, employers (companies) cannot freely impose **disciplinary punishment** even if it is provided in the **rules of employment**. **Disciplinary punishment** will have no effect if it has no objectively reasonable ground and is deemed inappropriate in light of the significance or circumstances of the acts committed by workers (Article 15 of the Labor Contracts Act).

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

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

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

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

- Conducting a nationwide campaign in spring aimed at promoting the confirmation of **working conditions** for part-time jobs
- Making publicity by distributing leaflets and posters
- Disseminating instructor materials for labor law education in senior high schools
- Disseminating instructor materials for labor law education in universities
- Dispatching lecturers and seminars to promote labor law systems at senior high schools and universities, etc.

- Implementing preferential supervision and guidance for workplaces where violations of labor standard law and regulations have been reported or consulted.

### **Column 3 When working in so-called “shifts”**

For part-time workers and casual staff, there is also a work style (so-called work in “shift”) in which specific working days and working hours are not fixed at the time of signing the labor contract, and work shifts are created every month or in certain period to decide specific working days and working hours for this period.

Be aware of the following when working in shifts:

- [1] Check the rules regarding creating shifts, such as informing your preferred days and hours and notification deadlines, and the rules regarding shift changes, including deadlines for changing fixed shifts. If there are no such rules, consult with your company.
- [2] If you want to decide the approximate number of working days for each shift period, as well as the maximum possible and minimum required working days, consult with your company about that as well.

\* Details of the above and the main laws and regulations that apply to the conclusion of labor contracts and working in shifts are summarized in the “points to keep in mind for appropriate employment management of workers working in so-called “shifts.” Refer to this information for confirmation.

(URL) [https://www.mhlw.go.jp/stf/newpage\\_22954.html](https://www.mhlw.go.jp/stf/newpage_22954.html)





#### **Column 4 When working in the side and second jobs**

While side and second jobs have benefits for workers, such as increased income and the acquisition of skills and experience, there are also some points to keep in mind, namely, the need to manage one's own working hours and health to a certain extent, and the awareness of the obligation to concentrate on one's work, maintain confidentiality, and refrain from competing with other companies.

When doing side and second jobs, you should be aware of the following:

- [1] Workers are basically free to decide what to do outside working hours at the main company, but sufficient communication is important for both workers and company to feel satisfied.
- [2] If you wish to have a side or second job, you should first check the rules of the main company you are working (labor contract and rules of employment, etc.) related to side and second jobs, and then select a job with appropriate job requirements and working hours according to these rules.
- [3] When having a side or second job, you need to manage the amount of work at each company, the progress of work, the time spent on work, and health condition to avoid health damage or interference with work due to overwork in your side or second job. In addition, as you may need to add up working hours at your main and secondary companies, it is appropriate to self-report your working hours to the main and secondary companies using private tools to keep track of your working hours, etc.
- [4] When selecting a side or second job, it is also effective to check information on these jobs published by companies on their websites, and job postings released at Hello Work with your career in mind.

\*For more information on side and second jobs, please visit the Ministry of Health, Labor and Welfare website.

(URL) <https://www.mhlw.go.jp/stf/seisakunitsuite/bunya/0000192188.html>



#### **Column 5 Fixed overtime payment**

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

When the “fixed overtime payment system” is adopted, companies must clearly indicate in the job-opening information and guidelines for applicants [1] the method of calculating the amount of the fixed overtime payment, and the number of overtime working hours which the calculation is based on, [2] the amount of basic wages excluding the fixed overtime payment and [3] that the employer will pay the additional extra wages for overtime work exceeding the number of overtime working hours written in [1]



(Guidelines for employment of the youth). Therefore, if the description of the **fixed overtime payment** is difficult to understand, you should check with the company or consult with the nearest **Hello Work** or Labor Bureau (Demand and Supply Adjustment Division (Office)) as necessary.

### **Column 6 Trial period**

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

It would cause problems if workers do not know about the existence of a trial period and the fact that the **working conditions** are different for that period until they start working. Therefore, when a trial period is adopted, companies must clearly indicate in job-opening information and guidelines for applicants the existence of the trial period and the **working conditions** for that period. When you look through the job-opening information and guidelines for applicants, you should carefully check the existence of a trial period and whether the **working conditions** for that period are different from those after regular appointment. If the existence of a trial period is not clearly indicated or the description of the trial period is difficult to understand, you should check with the company or consult with the **Hello Work** office that introduced you the job or Labor Bureau (Demand and Supply Adjustment Division (Office)) as necessary.

### **Column 7 Employment of persons with disabilities**

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

- Prohibit all companies from discriminating on the basis of being disabled in all aspects of employment, including recruitment and appointment of workers, etc. (**prohibition of discrimination against persons with disabilities** at workplaces).
- All companies are obliged to make reasonable consideration for persons with disabilities according to their unique physical or mental status and conditions of workplaces, etc. As for reasonable consideration, specific measures should be taken after careful discussions between employers and the persons with disabilities (**obligation to make reasonable consideration**).
- The “**employment quota system for persons with disabilities**,” which obligates companies to employ a certain number of persons with disabilities in proportion to the number of workers employed (currently 2.5%), has been implemented. Levies are collected from companies that do not meet this obligation and used to pay adjustment money to companies that employ more persons with disabilities than the number they are required to employ and subsidize equipment expenses necessary for employing persons with disabilities (Persons with Disabilities Employment Levy System).

**Column 8 Notes on so called “illicit” jobs**

"High-paying job," "earn cash by the day" are some of the inviting phrases that pop up on social networks or jobsites for illicit jobs, such as robbery or fraud. If you apply for and accept these jobs, you may be considered a participant in the crimes and risk becoming a criminal. You will also be asked for identification by the recruiter, making it difficult to cut the ties with the job even after you realize that you are committing a crime. If you fall for ads that say "high-paying job" and apply, it may destroy not only a victim's life but also yours and your family's.

If you want to work, contact your nearest **Hello Work**, and receive employment support, such as an expert consultation free of charge. **Hello Work** for Young People is also available, please refer to p. 62 (Reference 1 Employment support for young people at Hello Work).

## Chapter 3 Rules that apply when working

### 1. When working conditions are different

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

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

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

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

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

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

When you feel that the rules for **working conditions** are not observed, consult with the **Labor Standards Inspection Office** and/or **General Labor Consultation Corner**.”

## 2. Rules for wages

### (1) Rules for the amount of wages

When choosing a job, the salaries (in legal terms, it is called “wages”) can be an important factor. For example, when you decide to work part-time, you may try to choose a job with the highest hourly rate from multiple job offers. When there are only a few job offers, however, you may have to choose a job with rather low hourly rate from them. The amount of wages such as hourly rates of part-time jobs tend to be high when many companies wish to employ workers and consequently there are many job offers, and low when many people wish to work but there are only a few job offers. But then, can companies freely set hourly rate according to circumstances and recruit people who will work at hourly rate of 700 yen?

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

For this reason, **the “Minimum Wage Act” sets forth the minimum amount of wages that companies must pay.** This “minimum wage” applies to all workers regardless of work styles, including regular employees, dispatched employees, contract employees, part-time workers, and part-time jobbers, etc. For example, as of April 2024, the minimum wage in Tokyo is 1,113 yen per hour. **Even with workers’ consent, contracts with wages lower than that amount are not allowed.** Even if you agree to work for a company at the hourly rate of 700 yen, **the agreement is invalid by law and the amount equivalent to the minimum wage is deemed to have been agreed.** Therefore, you can demand the amount calculated by multiplying the difference with the minimum wages by the number of hours worked (in Tokyo, 413 yen × hours as of April 2024) afterwards.

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

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

## (2) Rules for payment

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

### [1] Principle of payment in legal tender

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

### [2] Principle of direct payment

**Wages** must be paid directly to workers themselves.

A minor may claim their wages for themselves. It is prohibited for a person with parental authority over a minor to collect the minor's wages in place of the minor (Article 59 of the Labor Standards Act).

### [3] Principle of payment in full

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

However, deduction of legally accepted items such as income tax and social insurance premiums, etc. is allowed. The deduction of purchase costs, company housing expenses, and items that are clearly for one's own benefit may also be approved when a labor-management agreement is concluded with a **labor union** organized by a majority of the workers, or a person representing a majority of workers in the absence of such labor union.

### [4] Principle of regular payment at least once a month

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

When you feel that the rules for **wages** are not observed, consult with the "**Labor Standards Inspection Office** and/or **General Labor Consultation Corner**."

(→ See "One step further [7] Other rules for wages" on p.35)

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

### (1) Rules for working hours

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

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

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

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

Under the 36 Agreement, the extended working hours cannot exceed more than 45 hours a month and 360 hours a year in principle unless there are extraordinary reasons. Even when there are extraordinary reasons to which the worker and management agree, the extended working hours must not exceed 720 hours a year, 100 hours in a single month (including work on days off), and 80 hours on average over several months (including work on days off). Moreover, the working hours can exceed 45 hours for only up to six months a year.

Companies that violate these provisions are subject to penalties.

The upper limit regulation has been exempt in some industries and job categories such as construction and automobile driving, but will be applied from April 1, 2024. However, research and development work for new technologies and new products is exempt from the upper limit regulation.

In addition, when companies demand workers to work overtime, **extra wages** must be paid.

[1] **25% or more increase\*** for working beyond **statutory working hours** (overtime work)

\* 50% or more increase for working for more than 60 hours per month

[2] **35% or more increase** for working on **statutory holidays** (work on holidays)

[3] **25% or more increase** for working late at night, from 10:00 p.m. to 5:00 a.m. (late-night work)

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

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

You may be heard of “service overtime work” meaning that overtime allowance is not paid despite working beyond **the statutory working hours**. However, it is a violation of the Labor Standards Act, and if your company does not pay extra wages, you should consult with the **Labor Standards Inspection Office**.

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

(→ See “One step further [8] Measures to prevent death from overwork” on p. 36-38)

(→ See “One step further [9] Variable working hours system” on p.38)

## (2) Rules for rest period/days off

Companies **must provide** workers with **at least 45-minute or 60-minute break during working hours if the working hours per day exceed 6 or 8 hours, respectively** (Article 34 of the Labor Standards Act).

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

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

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

(→ See “One step further [10] Annual paid leave” on p. 38-40)

## 4. For safe and comfortable work environment

### (1) For safe and comfortable work environment

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

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

For example, companies must conduct **medical examinations** at the time of employing workers and once every year afterwards (another medical examination for workers engaged in hazardous work to be conducted once every six months), and workers need to receive these medical examinations (Article 66 of the Industrial Safety and Health Act).

In addition, since **mental health disorders** due to work-related stress have been a serious problem in recent years, companies must conduct stress checks on their workers once a year (obligation to make best efforts in case of companies employing less than 50 people).

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

(→ See “One step further [11] Power harassment/sexual harassment/harassment related to pregnancy/childbirth/childcare leave/family care leave, etc. and other bullying/harassment” on p.40-42)

## (2) When injured or became ill

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

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

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

Such **illness and injury due to work or commuting are not covered by health insurance, and you need to make a claim to workers' accident compensation insurance** (when a worker is involved in an occupational accident causing absent from work, companies must notify the **director of the Labor Standards Inspection Office** of the accident, apart from claims made to the accident compensation insurance by the worker. Failure to do so is considered the “**hiding of occupational accidents**” and is a violation of law).

**Workers' accident compensation insurance** covers not only **regular employees**, but also **dispatched employees, contract employees, part-time workers**, and part-time jobbers. When the company does not cooperate in making a claim to workers' accident compensation insurance, consult with the **Labor Standards Inspection Office**.



## 5. Allowing men and women to actively work

Various systems have been legally established to allow both men and women to continue to actively work.

### (1) Prohibition of discrimination on the basis of sex

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

In addition, companies **must not use the fact that a worker is a woman as a basis for differential treatment in comparison to men with respect to wages** (Article 4 of the Labor Standards Act). Not only regarding wages, must companies not discriminate against workers based on their sex regarding assignment, promotion, demotion, education/training, change in a certain range of welfare benefits, job type or employment status, **encouragement of resignation**, mandatory retirement age, **dismissal**, and renewal of the **labor contract** (Article 6 of the Equal Employment Opportunity Act).

(→ See “One step further [12] Prohibition of indirect discrimination” on p.42)

### (2) For a good balance between work and life

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

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

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

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

First of all, if a woman who is due to give birth **within 6 weeks (or within 14 weeks, in the case of multiple fetuses)** requests leave from work, companies must not make her work In addition, companies must not have a woman who is not yet 8 weeks postpartum work; provided, however, that this does not prevent an employer from having a woman who is at least 6 weeks postpartum work, if she requests to, in operations that a doctor has approved as having no adverse effect on her (**Before and After Childbirth**, Article 65 of the Labor Standards Act).

There are also provisions requiring companies to secure time for health checkups for expectant and postpartum mothers and take measures that allow them to follow doctor's instructions if any (Articles 12 and 13 of the Equal Employment Opportunity Act), and provisions allowing female workers to take time for childcare (Article 67 of the Labor Standards Act).

There are also provisions to restrict the employment of women and pregnant women, such as belowground labor and dangerous and hazardous operations (Articles 64-2 and 64-3 of the Labor Standards Act). If it is extremely difficult for women to work on days of their menstrual periods, they can take **menstrual leave** (Article 68 of the Labor Standards). **Menstrual leave** is granted if requested by a woman in principle, even if there is no special proof.

**The Act on Childcare Leave/Caregiver Leave allows workers to take **childcare leave once or two divided times** until the child reaches the age of one year (maximum two years in certain cases) in principle. Not only women but also men can take **childcare leave**, and when both parents apply **childcare leave**, they can take leaves for a year until the child reaches the age of one year and two months (Mother and Father Childcare Leave Plus).** Postpartum Papa Childcare Leave (childbirth leave at birth) can be taken for up to four weeks within eight weeks after the child is born. Separate from childcare leave, postpartum papa childcare leave can be taken by workers (mainly men) who do not take postnatal leave once or two divided times.

Furthermore, the Act on Childcare Leave/Caregiver Leave allows workers to **take **family care leave** to take care of family members in need of long-term care.** Family care leave **can be taken for a total of three times in up to 93 days for each family member.**

Companies cannot deny eligible workers' requests for **childcare leave/caregiver leave**.

In addition, **dismissal and other disadvantageous treatment on the basis of being pregnant, giving birth, or requesting or taking **maternity leave before or after childbirth, childcare leave, or family care leave, etc. is prohibited by law**** (Article 9 of the Equal Employment Opportunity Act, and Articles 10 and 16 of the Act on Childcare Leave/Caregiver Leave). Requests for consultation on such disadvantageous treatment are accepted at the **Employment Environment and Equal Employment Department (Office) of Prefectural Labor Bureaus** nationwide.

Fixed-term workers such as **dispatched employees, contract employees, part-time workers** and part-time jobbers can also take **child care leave** and **family care leave** if it is not clear that the term of their labor contract (or the renewed contract, if renewed) is expired by the day on which the child reaches one year and six months old (or two years old in case of **childcare leave** from one year and six months to two years old) for **childcare leave**), by the day six months have passed from the following day of the day on which 8 weeks have passed from the date of child's birth or expected date of birth, whichever is later, for **postpartum papa childcare leave**, or by the day 6 months have passed from the day on which 93 days have passed from the scheduled start date of family care leave for **family care leave**). Dispatched workers are required to apply for maternity leave to their dispatching companies.

(→ See "Column 9 Kurumin certification/Platinum Kurumin certification, etc." on p.43)

### One step further [7] Other rules for wages

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

#### ■ Restrictions on wage reduction provisions (Article 91 of the Labor Standards Act)

**Wage reduction** refers to reducing the amount of **wages** as a sanction for disrupting the workplace order by repeatedly being absent without due notice or arriving late, or committing a breach of discipline such as taking company equipment out of the building without permission for non-business reasons, etc. The amount of reduction for a single occasion must not exceed 50% of the daily average wage. In addition, even when breach of discipline is committed multiple times, the total amount of reduction must not exceed 10% of the total wages for a single pay period (the amount of monthly wages where monthly wages apply, etc.).

#### ■ Allowance for absence from work (Article 26 of the Labor Standards Act)

In the event of an absence from work for reasons attributable to companies, companies must pay an **allowance for absence from work** equal to at least 60% of the worker's average wage to each worker concerned to ensure the livelihood of the worker. Therefore, not that “there is nothing we can do about not being paid for not working,” but a certain amount of wages are guaranteed if the absence is attributable to companies.

#### ■ Detailed wage statement (Article 231 of the Income Tax Act)

The Labor Standards Act does not require the issuance of a detailed wage statement, but the Income Tax Act stipulates that those making the payment of wages must issue a detailed payment statement to those receiving the payment. Therefore, companies are obliged to issue a **detailed wage statement** to their employees at the time of paying their wages. However, it may be provided electromagnetically with consent of those receiving the wages.

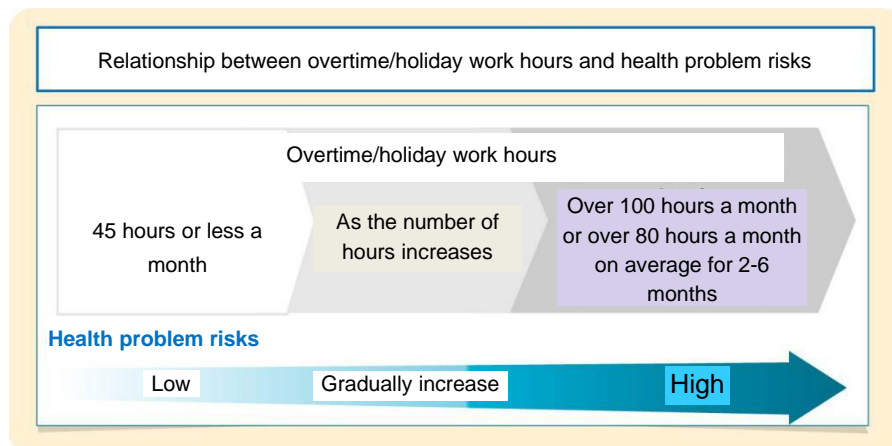
A **detailed wage statement** is important evidence showing the amount of wages paid and the amount of taxes and insurance premiums deducted, etc., and therefore you should carefully check the content and retain it just in case of a trouble

\* For the payment of wages made to dispatched employees, the dispatching company is responsible for the issuance.

## One step further [8] Measures to prevent Karoshi, etc.

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

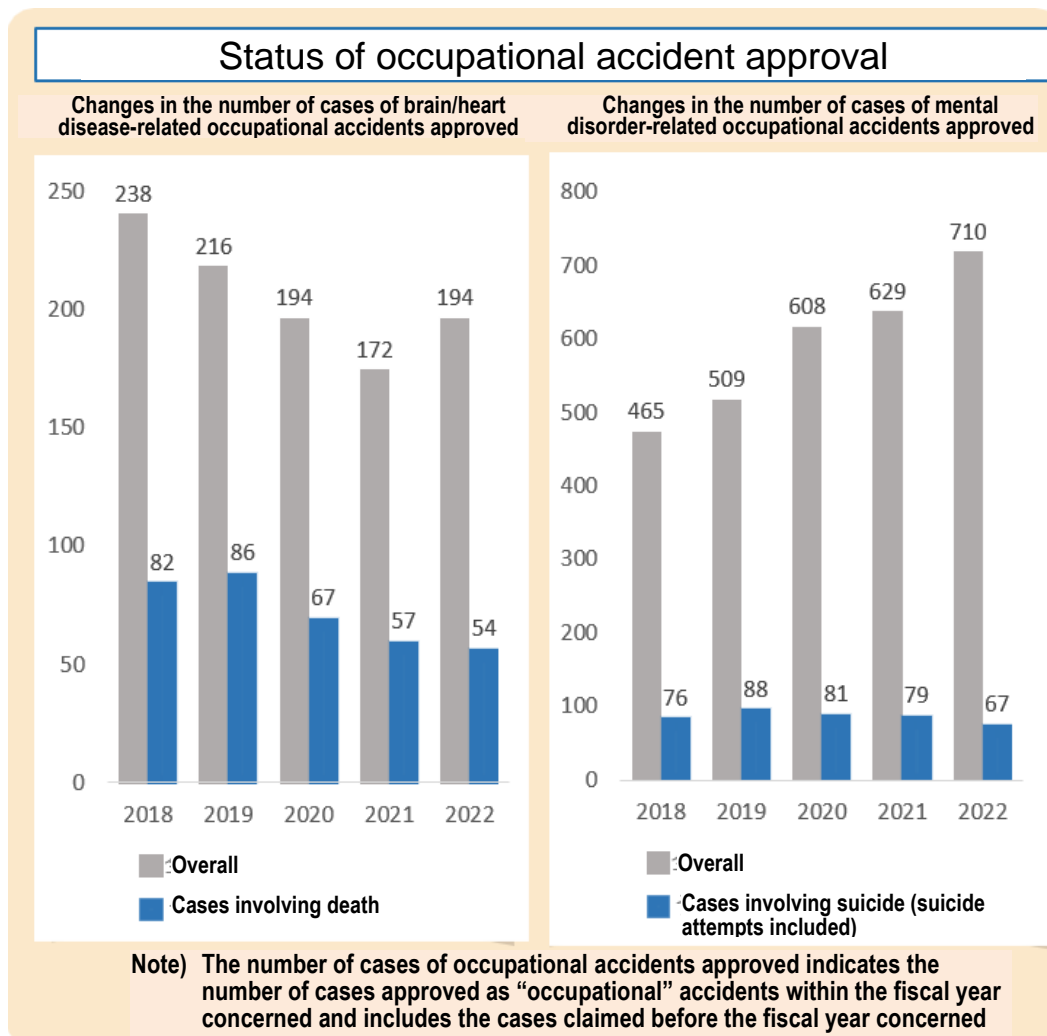
Overwork for a long period of time can cause accumulated fatigue, eventually leading to brain/heart diseases. Focusing attention on **working hours**, which is one of the factors of accumulated fatigue, it is clear that longer the **working hours**, higher the risk of brain/heart diseases. Moreover, excessive psychological burden related to work can cause mental disorders. Deaths, as well as brain and heart diseases and mental disorders not resulting in death, are considered as *karoshi* (death from overwork).



## [2] Status of occupational accident approval

In FY2022, 194 cases of brain or heart diseases (of which 54 cases were fatal) were approved as occupational accidents, which is an increase of 22 cases from the previous fiscal year, although there has been a downward trend in recent years. The largest number lies in road freight transportation by industry, motor vehicle drivers by occupation, and people in their 50s by age group.

The number of mental disorder cases approved as occupational accidents in FY2022 was 710 (including 67 cases of suicides and attempted suicides), and in recent years, the numbers show an upward trend. By industry and job type, social insurance, social welfare, nursing care industry, and those engaged in general administrative works were the most affected respectively. By age group, the number was highest in the order of 40s, 20s, and 30s. This shows that workers affected by mental disorders are younger than those affected by brain or heart diseases.



## [3] Preventing karoshi, etc.

The “Act Promoting Measures to Prevent Death and Injury from Overwork” (hereinafter referred to as the “Act” in this section), which aims to promote measures to prevent **death from overwork (karoshi)**, etc.) and contribute to the realization of a society without **karoshi**, etc. in which people can balance their work and life and continue to live a healthy fulfilling life, was

established in June 2014 and enforced in November of the same year. In addition, to effectively promote measures based on this Act, the “Outline for Measures to Prevent Death and Injury from Overwork” (hereinafter referred to as the “Outline” in this section) was decided for the first time by the Cabinet in July 2015. The Act and Outline stipulate that the Outline are to be reviewed when necessary, approximately in three years, in light of changes in the social and economic situation. It has been reviewed twice so far, and most recently, in addition to the status of progress of measures based on the Outline, measures to prevent karoshi, etc. for the next three years were compiled to address work styles that have been affected by the spread of COVID-19 in various ways since 2020 (decided by the Cabinet on July 30, 2021).

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

Every November is designated as the Enlightenment Month to Raise Awareness to Prevent Karoshi, etc., and symposiums, etc. are held in various regions. On this occasion, we should think about ways of working that can realize a society without **karoshi**, etc.

For details of measures to prevent **karoshi**, etc., visit the following website:  
([http://www.mhlw.go.jp/seisakunitsuite/bunya/koyou\\_roudou/roudoukijun/karoushizero/](http://www.mhlw.go.jp/seisakunitsuite/bunya/koyou_roudou/roudoukijun/karoushizero/))

### **One step further [9] Variable working hours system (Articles 32-2 through 32-5 of the Labor Standards Act)**

The **variable working hours system** is a system that allows workers to work for more than eight hours a day and more than 40 hours a week under certain conditions and to the extent that their average number of weekly **working hours** during a certain period does not to exceed 40 hours. **There are variable working hours system on a monthly/yearly basis, atypical variable working hours system within a week, and flexible working hours system in which workers can decide the hours starting and ending work themselves**, and they are used to reduce the overall **working hours**, etc. by allowing companies and workers to adjust **working hours** around the peak and off-peak periods.

While the **variable working hour system** makes work more efficient by allowing more flexibility in **working hours**, there are problems for workers such as leading to irregular lifestyle and inability to receive overtime allowance that could have been received with the ordinary working hours system, etc.

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

### **One step further [10] Annual paid leave (Article 39 of the Labor Standards Act)**

**Annual paid leave** is a leave of absence from work on days other than prescribed **days off** and for which **wages** are paid. Taking leave for a certain number of days consecutively is important for workers to recover from mental and physical exhaustion and achieve a **work-life balance**. **Workers can take annual paid leave for 10 days provided that they have been employed continuously for six months and have reported for work on at least 80% of the**

**total working days. As the number of years of continued employment increases, the number of days of annual paid leave increases as long as the requirement of reporting for work on at least 80% of the total working days (up to 20 days).**

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

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

\* Even when the number of prescribed weekly working days is four days or less, the same number of days of paid leave as **regular employees** is granted if the number of prescribed weekly working hours is at least 30 hours. In addition, the period of continued employment of **contract employees** includes the period of continued employment before the renewal when the contract period is extended by renewal.

Dispatching companies are responsible for determining the **working conditions** such as **working hours**, **rest period**, and **days off**, etc. of **dispatched employees**, and client companies have supervisory responsibility to follow the conditions determined.

Number of days of annual paid leave granted								
Number of days of annual paid leave granted (ordinary workers)								
Length of continuous employment	6 months	1 year 6 months	2 years 6 months	3 years 6 months	4 years 6 months	5 years 6 months	6 years 6 months or more	
Length of leave granted	10 days	11 days	12 days	14 days	16 days	18 days	20 days	
Number of days of annual paid leave granted (workers with prescribed weekly working hours less than 30 hours)								
Prescribed weekly working days	Prescribed annual working days	Length of continuous employment						
		6 months	1 year 6 months	2 years 6 months	3 years 6 months	4 years 6 months	5 years 6 months	6 years 6 months or more
4 days	169-216 days	7 days	8 days	9 days	10 days	12 days	13 days	15 days
3 days	121-168 days	5 days	6 days	6 days	8 days	9 days	10 days	11 days
2 days	73-120 days	3 days	4 days	4 days	5 days	6 days	6 days	7 days
1 days	48-72 days	1 days	2 days	2 days	2 days	3 days	3 days	3 days

**Paid leave can be taken without being asked the purpose of use in principle, even for recreation or leisure.** However, in limited cases where normal operations of companies can be disrupted, companies may request workers to change the dates of leave to another time of the year. **Companies must not disadvantageously treat workers who have taken paid leaves.**

The Amended Labor Standards Act obligates employers to grant at least five days of **annual paid leave** to all workers from April 2019. Limited to all workers (including administrators) whose prescribed **annual paid leave** is ten days or more. Employers must grant at least five days of **annual paid leave** to each worker within a year from the time the **annual paid leave** was granted ("base date") by any of the following methods: request made by the worker; planned annual leave; or designation of annual leave period by the employer (\*), a new method implemented from April 2019.



\* Employers must allow all workers (including managers and administrators) who are granted **annual paid leave** of ten days or more to take at least five days of **annual paid leave** at a designated time period, after consulting with the workers (the number of days of **annual paid leave** requested by the worker or planned in the labor-management agreement must be deducted from the five days imposed by the designation of annual leave period).

When designating a period, employers must consult with workers and make best efforts to respect their opinion.

For more detail, check the pamphlet. (<https://www.mhlw.go.jp/content/000463186.pdf>)

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

At workplaces, various harassments can occur. It is undesirable for both companies and workers to have an uncomfortable working environment due to power harassment, sexual harassment, and harassment related to pregnancy, childbirth, childcare leave, and family care leave, etc. Creating a workplace that enables everyone to utilize their abilities and actively work is important.

#### **[1] Power harassment (Article 30-2 of the Act on Comprehensive Promotion of Labor Policies)**

**Power harassment** in the workplace is acts that "meet all of the following three elements: (1) remarks or behavior, delivered from a position of power, which (2) exceeds the necessary and reasonable scope of work, and is (3) detrimental to the working environment of the worker." Element (1) includes the remarks or behavior of colleagues or subordinates with knowledge necessary for work or abundant experience and whose cooperation is indispensable for smooth operation of work.

Typical examples of **power harassment** include:

- a. Physical abuse (assault, injury)
- b. Mental abuse (intimidation, defamation, insult, abusive language)
- c. Segregation from personal relationships (isolation, ostracization, disregard)
- d. Too much request (coercion of what is obviously unnecessary for work or impossible to do, interruption of work)
- e. Too small request (request of work that is operationally unreasonable and extremely low level in terms of ability and experience, or not giving any work)
- f. Invasion of privacy (too concerted with personal matters)

Beside these examples, there are other conducts that can be considered power harassment. In addition, depending on the details of the conduct, it can be a crime such as a tort under civil law, breach of contract liability, defamation, or assault.

The Act on Comprehensive Promotion of Labor Policies **obligates employers to take measures required as part of employment management to prevent power harassment in the workplace.** It also prohibits employers from treating workers disadvantageously such as dismissal for reasons that they consulted about power harassment.

**If you suffer **power harassment**, it is important that you consult with the person in charge at the consultation section of the company to request the company to take action. If your company does not take action after consultation, please consult the General**



**Labor Consultation Corner or the Employment Environment and Equal Employment Department (Office) at the Prefectural Labor Bureau.**

Special website “Support for bright workplaces” of the Ministry of Health, Labour and Welfare introduces the content for understanding the basics of harassment at workplace, a list of institutions you can consult with in times of trouble, and court cases. Please visit the website if needed.

(Link to Support for bright workplaces: <https://www.no-harassment.mhlw.go.jp>)

**[2] Sexual harassment (Article 11 of the Equal Employment Opportunity Act)**

**Sexual harassment** at workplace refers to a situation in which a worker is disadvantaged in terms of working conditions due to a worker's response to sexual language or behavior against the will of the worker, or the working environment is damaged due to sexual language or behavior. There are two types of sexual harassment, “quid pro quo” and “environment.”.

- a. Quid pro quo sexual harassment: Sexual remarks or behavior against the worker's will are made at the workplace, and by refusing or resisting such remarks or behavior, the worker is subjected **disadvantage** such as **dismissal**, demotion, and **wage reduction**, etc.
- b. Environment-type sexual harassment: At the workplace, sexual remarks or behavior against the will of the worker have made the working environment unpleasant for the worker, causing problems that cannot be overlooked for the worker's career such as serious negative effects on the worker's ability to perform his/her job.

Not only women but also men may be subject to sexual harassment, and the abuser may direct sexual remarks or behavior to the same sex. In addition, any “sexual remarks or behavior” falls under sexual harassment regardless of victim's sexual orientation or gender identity.

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

It also prohibits employers from treating workers disadvantageously such as dismissal for reasons that they consulted about **sexual harassment**.

**If you suffer any damage, it is important that you consult with the person in charge at the consultation section of the company to request the company to take action. If the company does not take action after consultation, please consult **the Employment Environment and Equal Employment Department (Office)** at the Prefectural Labor Bureau.**

**If you are a job seeker (students and others) and experienced **sexual harassment (so called job-seeker sexual harassment)**, you can contact the **Employment Environment and Equal Employment Department (Office)** or **the General Labor Consultation Corner of the Prefectural Labor Bureau.****

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

Harassment at workplaces related to pregnancy, childbirth, childcare leave, and family care leave, etc. refers to damage the work environment of female workers who have become pregnant or given birth, or male and female workers who have applied for and been granted childcare leave or family care leave, etc., due to remarks or behavior of their superiors or colleagues (regarding pregnancy, childbirth, use of childcare leave, or family care leave, etc.). From the standpoint of the division of work and safety considerations, remarks and behavior based on business necessities do not fall under harassment.

As set forth in the Equal Employment Opportunity Act and the Act on Childcare Leave/Caregiver Leave, companies must take measures required for employment management to prevent harassment related to pregnancy, childbirth, and for requesting and acquiring **childcare leave** or **family care leave** that may be committed in the workplace by supervisors or colleagues.

These Acts also prohibit employers from treating workers disadvantageously such as dismissal for reasons that they consulted about harassment regarding pregnancy, childbirth, childcare leave or family care leave, etc.

**If you suffer any damage, it is important that you consult with the person in charge at the consultation section of the company to request the company to take action. If the company does not take action after consultation, please consult the **Employment Environment and Equal Employment Department (Office) at the Prefectural Labor Bureau.****

**One step further [12] Prohibition of indirect discrimination (Article 7 of the Equal Employment Opportunity Act)**

Indirect discrimination is a practice that may actually discriminate against women or men even if the systems and operations seem to treat them equally and have no gender discrimination. In the Equal Employment Opportunity Act, companies are prohibited to take the following three actions considered as indirect discrimination which may practically cause disadvantage to one particular gender, unless there are reasonable grounds to do so:

**Prohibition of indirect discrimination**

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

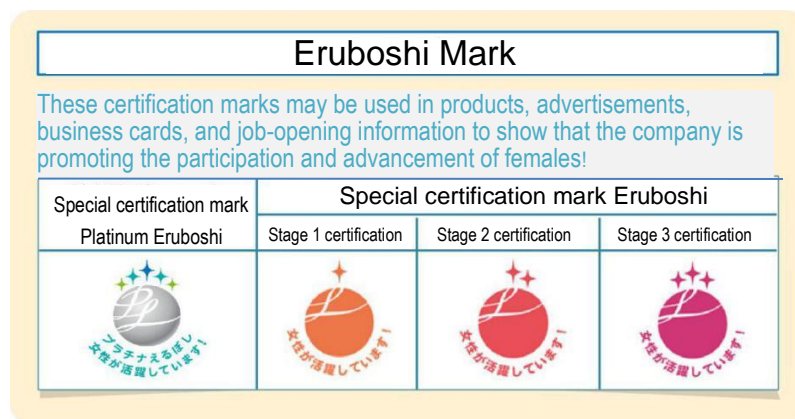
**Column 9 Women's Advancement Promotion Law, Eruboshi Certification and Platinum Eruboshi Certification**

In order to further promote the participation and advancement of women in the workplace, the **Women's Advancement Promotion Law** obligates companies with over 101 regularly employed workers to:

- Identify the situation and analyze issues related to participation and advancement of women in the company;
- Formulate an action plan based on the situation identified and issues analyzed, and make it known within the company and to the public;
- Notify the Prefectural Labor Bureau of the formulation of the action plan; and
- Disclose information on the participation and advancement of women in the company.

(→ See "Column 14 Useful Websites for Job Hunting" on p.60)

Among companies that formulated and notified of the formulation of action plans, those that are excellent in terms of promotion of women's active participation are granted the **Eruboshi** Certification upon application. Companies with particularly excellent initiatives for the same are granted the **Platinum Eruboshi** Certification.



#### Column 10 Kurumin, Platinum Kurumin, and Try Kurumin certifications, etc.

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

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

Companies that support for balancing fertility treatment and work are granted a “plus” certification.

Information on certified companies is available on the website “Ryoritsu Shien no Hiroba” (Work-Life Balance Support Plaza) at the following URL, as well as on the website of the Ministry of Health, Labour and Welfare. Try to look for certified companies near you.

(<https://ryouritsu.mhlw.go.jp/>)



### Column 11 Childcare leave for men

Both women and men can take **childcare leave**.

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

When a child is born, it is strongly recommended for men to consider taking **childcare leave** themselves, and women to consider asking their male spouses to take childcare leave.

For information on taking **childcare leave** by men, refer to the following URL.

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

### Column 12 Prevention of separation from employment due to nursing care

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

Systems to support balancing work and long-term care are available to enable workers to continue to work without **resigning** from a job when faced with a need for long-term care. Check these systems in advance.

○ Balancing work and long-term care - for preventing workers from leaving work for long-term **care** -

([https://www.mhlw.go.jp/stf/seisakunitsuite/bunya/koyou\\_roudou/koyoukintou/ryouritsu/index.html](https://www.mhlw.go.jp/stf/seisakunitsuite/bunya/koyou_roudou/koyoukintou/ryouritsu/index.html))

#### Symbol Mark Tomonin

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



## Chapter 4 Diverse work styles

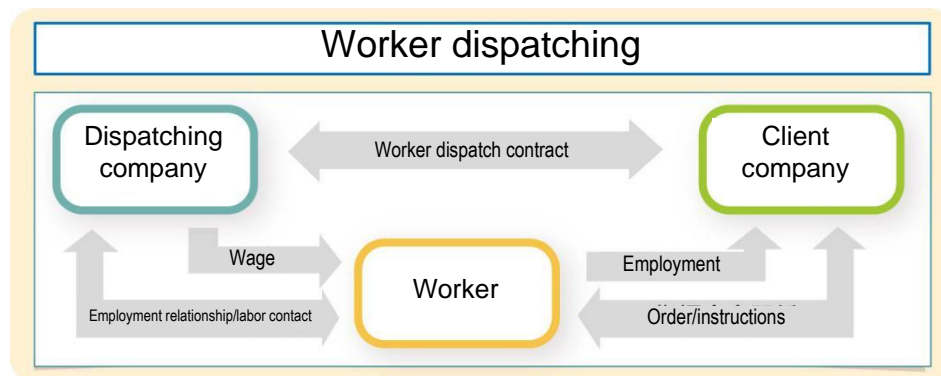
In addition to traditional work style of **regular employees**, workers with various work styles such as “dispatched employees,” “**contract employees**,” and “**freelancers**” are increasing. **It is very important for workers, in protecting their rights themselves, to know what work styles they wish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

When you feel that the rules for diverse work styles are not observed, consult the **Labor Standards Inspection Office** and/or **General Labor Consultation Corner**.

The Part-Time and Fixed-Term Employment Act and the Worker Dispatching Act prohibit unreasonable difference in treatment between so-called “**regular employees**” and **part-time workers or contract/dispatched employees**.

### 1. Dispatched employees (dispatched workers)

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



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

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

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

Location of responsibilities for working conditions, etc. of dispatched employees		
	Dispatching companies	Client companies
Labor contract	●	
Payment of wages (including increased wages for overtime work, work on days off and late-night work)	●	
Working hours, rest period, days off	●	● (※ 2)
Annual paid leave	●	
Accident compensation	●	
Medical examination/stress check	● (※ 1)	

(\*1) Client companies are responsible for conducting medical examinations for hazardous work.  
(\*2) Dispatching companies are responsible for the determination of overtime work, etc. and client companies are responsible for the observance

## 2. Contract employees

A **contract employee** is a worker who has a fixed-term **labor contract** with the employer. In the fixed-term **labor contract**, **the contract period is fixed based on agreements between the worker and company, and the labor contract automatically terminates upon expiration of the contract period** (however, the contract period may be extended by renewal). **The maximum single contract period is three years, excluding certain cases.** When the company pressures you to become a **contract employee** because of poor performance, for example, it is important to carefully consider the working conditions after the transition.

**Various labor laws are provided for contract employees. A contract employee is eligible to take annual paid leave and covered by the employment insurance, health insurance, and employees' pension insurance as long as the requirements are met.**

When recruiting a worker, the company is obligated to clearly indicate **working conditions** and deliver six particularly important conditions in writing. Under the Part-Time and Fixed-Term Employment Act, the company is also obligated to clarify “the possibility of salary raise,” “availability of retirement allowance,” “availability of bonuses,” and “where to contact for consultation regarding issues related to improving employment management” in writing or by other means.

The Part-Time and Fixed-Term Employment Act aims at “ensuring fair treatment” of **contract employees** “regardless of the employment type,” and requires employers to take measures to prohibit unreasonable difference in treatment between **contract employees** and ordinary workers (so-called “**regular employees**”), reinforce obligation to explain working conditions, and establish Alternative Dispute Resolution procedures (administrative ADR) (for more information, check

the website for supporting the realization of diverse work styles (<https://part-tanjikan.mhlw.go.jp/>)).

(→ See “One step further [13] Two rules for fixed-term labor contracts” on p.51)

### 3. Part-time workers

**Part-time workers** are defined in the Part-Time and Fixed-Term Employment Act and refer to workers whose prescribed weekly working hours are shorter than those of ordinary workers (so-called “regular employees”) employed by the same employer. There is no legal distinction between part-timer workers and part-time jobbers, etc., and they are all regarded as **part-time workers** if certain conditions are met.

In addition, since part-time workers are also workers, various labor laws apply. Therefore, if certain requirements are met, they can take annual paid leave, and are covered by employment insurance, health insurance, and employees' pension insurance.

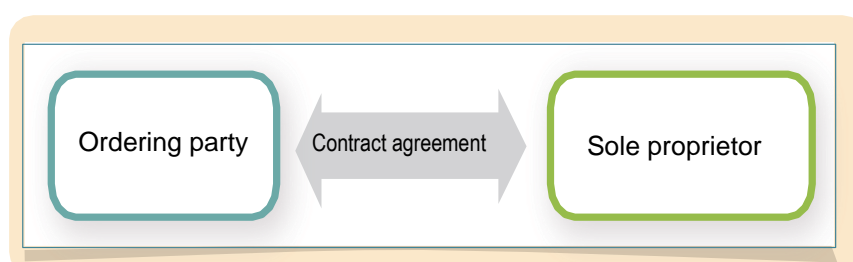
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The Part-Time/Fixed-Term Employment Act aims at “ensuring fair treatment” of **part-time employees** “regardless of the employment type,” and requires employers to take measures to prohibit unreasonable difference in treatment between **part-time employees** and ordinary workers (so-called “regular employees”), reinforce obligation to explain working conditions, and establish Alternative Dispute Resolution procedures (administrative ADR) (for more information, check the website for supporting the realization of diverse work styles (<https://part-tanjikan.mhlw.go.jp/>)).

### 4. Those who work as so-called “freelancers” under outsourcing agreements

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

However, **freelancers** work for the commissions offered from companies (ordering parties) as equal business operators and are paid based on their results at the completion of the work. Generally, they are, therefore, not protected under labor laws explained in this text, since they are treated as “sole proprietors” who do not receive directions/instructions from ordering parties, and need to conclude contract agreements, not labor contracts.





In this way, working as a “freelancer” largely differs in treatment compared to working as a “worker.” For example, freelancers are not protected by labor laws, not covered by employment insurance, workers’ accident compensation insurance, or employee insurance (health insurance/welfare annuity insurance)(\*). Careful consideration and understanding of these precautions are necessary when choosing a working style.

\* “Freelancers” are also eligible for National Health Insurance and the National Pension. However, it is important to know that insurance premiums and benefits are different from health insurance and employees’ pension insurance. Under the special enrollment system for workers’ accident compensation insurance, voluntary enrollment is allowed for certain people who are deemed appropriate to be protected in the same way as other workers in light of the actual situation of their work, the occurrence of accidents, etc.

To create an environment in which freelancers can work comfortably, the Act on the Fairness of Transactions Relating to Specified Contracted Businesses (Freelance-Business Transaction Fairness Act) was promulgated on May 12, 2023 and is scheduled to come into effect in the fall of 2024.

This law aims to 1) ensure fair transactions between freelancers and clients such as companies, and 2) improve the working environment for freelancers.

Specifically, from the viewpoint of (1), clients are required to clearly state the terms of the transaction when placing an order for work and pay remuneration within 60 days of receipt of the deliverables, and are prohibited refusal to accept the work or reduction of remuneration. Also, from the viewpoint of (2), clients are required to consider balancing work with childcare or family care, and establish a consultation system to prevent harassment.

For details of the outline of this law and the latest information, visit the Ministry of Health, Labour and Welfare website.

○“For those working as freelancers and businesses that outsource work to freelancers (Ministry of Health, Labour and Welfare website)”  
[https://www.mhlw.go.jp/stf/seisakunitsuite/bunya/koyou\\_roudou/koyoukintou/zaitaku/index\\_00002.html](https://www.mhlw.go.jp/stf/seisakunitsuite/bunya/koyou_roudou/koyoukintou/zaitaku/index_00002.html)

The Ministry of Health, Labour and Welfare, in cooperation with relevant ministries and agencies, has also launched a one-stop service called “Freelance Problem Dial 110” for consultation with lawyers about problems between freelancers and clients.

○Freelance Problem Dial 110 : <https://freelance110.jp/>

**Freelancers can also be protected under labor laws and regulations if they are deemed to be as “workers” employed by clients based on their actual working conditions.** For example, you may be judged as a “worker” if the place and time of work are specified or detailed instructions are given on how to do the work by the client.



If you don't know whether you are protected under labor laws and regulations as a "worker," check the guidelines shown below, and contact the prefectural labor bureau or **Labor Standards Inspection Office**.

○ "Guidelines for creating a safe environment where people can work on a freelance basis" pamphlet

<https://www.mhlw.go.jp/content/000766340.pdf>

### Applicability of various labor-related laws/regulations

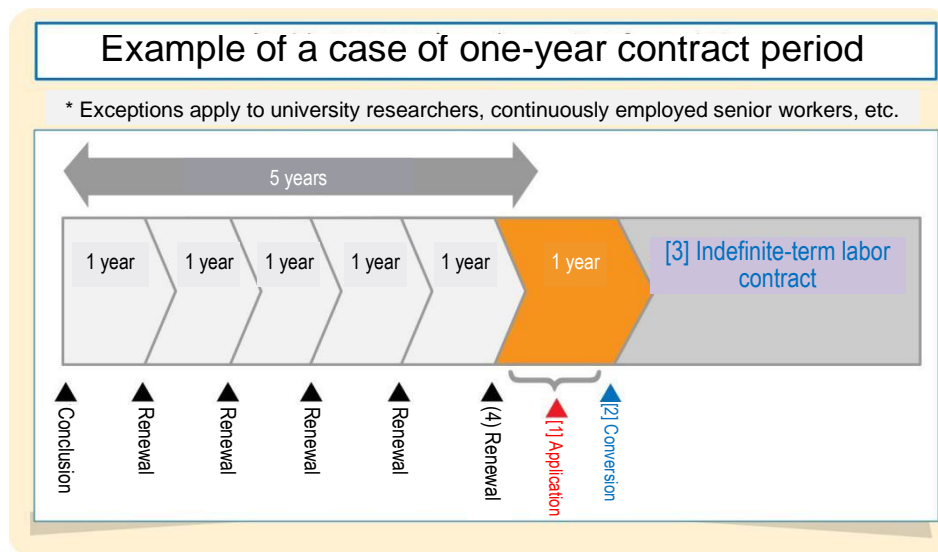
		Regular employee (*1)	Dispatched employee	Contract employee (fixed-term labor contract)	Part-time worker	Outsourcing (contracting) (*2)
Specification of the contract period		No	Yes/No	Yes	Yes/No	Based on the contract
Minimum wage		○	○	○	○	×
Rules for working hours		○	○	○	○	Based on the contract
Extra wage		○	○	○	○	×
Annual paid leave		○	△ (*3)	△ (*3)	△ (*3)	×
Maternity leave before or after childbirth		○	○	○	○	× (*8)
Childcare leave/family care leave		○	△ (*4)	△ (*4)	△ (*4)	× (*8)
Necessity of dismissal procedure (dismissal notice at least 30 days in advance or dismissal notice allowance)		○	△ (*5)	△ (*5)	△ (*5)	× (*9)
Labor insurance	Workers' accident compensation insurance	○	○	○	○	△ (*10)
	Employment insurance	○	△ (*6)	△ (*6)	△ (*6)	×
Social insurance		○	△ (*7)	△ (*7)	△ (*7)	×

- \*1 Generally refers to an employee with an indefinite-term contract who works full-time hours.
- \*2 Treated as a “business operator” and basically not protected as a “worker,” nor covered by insurances such as employment insurance, workers’ accident compensation insurance, health insurance, and welfare pension insurance (eligible for the National Health Insurance and National Pension).
- \*3 Granted the same number of days of **paid leave** as **regular employees** if the following three conditions are met: [1] having been employed continuously for at least six months, [2] having reported for work on at least 80% of the total working days, and [3] having worked for at least five days a week (even when the number of prescribed weekly working days is four days or less, the same applies if the number of prescribed weekly working hours is at least 30 hours). In addition, if the number of prescribed weekly working days is four days or less and the number of prescribed weekly working hours is less than 30 hours, paid leave of the number of days corresponding to that prescribed working days is granted. For **dispatched employees**, dispatching companies are responsible for the taking of **annual paid leave**, and requests must be made to their dispatching companies.
- \*4 Can be taken if the **labor contract** does not clearly expire by the day the child reaches one year and six months old (or two years old in the case of **childcare leave** from one year and six months to two years old) (in the case of **childcare leave**), by the day six months have passed from the day following the day on which eight weeks have passed from the child’s date of birth or expected date of birth, whichever is later (in the case of postpartum papa childcare leave), or by the day six months have passed after the 93 days have passed following the day on which **family care leave** is scheduled to start (in the case of **family care leave**).
- \*5 For **contract employees**, their **labor contracts** automatically terminate upon expiration of the contract period in principle. However, for those who have been employed with their contracts being renewed three times or more or employed continuously for more than a year, companies must give a 30-day advance notice when not renewing their contracts. In addition, when the contracts are deemed practically the same as indefinite-term **labor contracts** because of repeatedly renewal, non-renewal without reasonable grounds is not allowed. When fixed-term labor contracts are renewed repeatedly for a total of more than five years, they can be converted to indefinite-term **labor contracts** upon requests from the workers (the same applies to **dispatched employees** and **part-time workers** with fixed-term contracts).
- \*6 Workers who are expected to be employed continuously for at least 31 days and whose number of prescribed weekly working hours is at least 20 hours are subject to subscription.
- \*7 Social insurance (health insurance/employees’ pension insurance) applies to those whose number of prescribed weekly working hours and number of prescribed monthly working days are at least 3/4 of those of ordinary workers. In addition, even when the working hours are shorter than 3/4, those meeting the following five conditions need to subscribe to social insurance: [1] whose number prescribed weekly **working hours** is at least 20 hours, [2] whose monthly wages are at least 88,000 yen, [3] who are expected to be employed more than two months, [4] who are not students, and [5] who are employed by a company with 100 or more employees (Note) (or a company with no more than 100 employees when a labor-management agreement requires the subscription).  
(Note) In October 2024, the scope of the application will be extended to include part-time workers in companies with 50 or more employees.

- \*8 Although labor laws do not apply to freelancers, the Freelance-Business Transaction Fairness Act requires that ordering businesses, if they are subcontracting work for a certain period of time or more, must take necessary measures upon request to enable freelancers to balance their work with pregnancy, childbirth, childcare, or family care. (For more information, visit the Ministry of Health, Labor and Welfare website above.)
- \*9 Although labor laws do not apply to freelancers, the Freelance-Business Transaction Fairness Act requires that ordering businesses must, in principle, notify the freelancer at least 30 days before the termination date if they wish to terminate a contract that has been in place for a certain period of time or more. (For more information, visit the Ministry of Health, Labor and Welfare website above.)
- \*10 If you have voluntarily joined the industrial accident insurance (special insurance coverage), you can receive the relevant insurance benefits.

### **One step further [13] Two rules for fixed-term labor contracts (Labor Contracts Act)**

[1] **Conversion to indefinite-term labor contract** (Article 18 of the Labor Contracts Act): A fixed-term labor contract which has been renewed repeatedly by the same employer for a total of five years or more may be converted to an indefinite-term **labor contract** upon request from the worker. This applies to fixed-term labor contracts started (renewed) on April 1, 2013, or later.



[2] Legal establishment of the “doctrine of non-renewal” (Article 19 of the Labor Contracts Act): The doctrine of “**non-renewal**” established in Supreme Court precedent was prescribed as is in law, and non-renewal by companies is not allowed in certain cases.

### **One step further [14] Prohibition of “unreasonable difference in treatment” between regular employees and part-time/contract/dispatched workers (Part-Time Employment Act and Worker Dispatching Act)**

#### **What is the prohibition of “unreasonable difference in treatment”?**

When **regular employees** and **part-time/contract/dispatched workers** have different jobs or responsibility, their **wages** or treatment may vary depending on the difference.

However, the excuse of “not paying them because they are **part-time/contract/dispatched workers**” is not valid, and this type of treatment may be considered an “unreasonable difference in treatment.”

**Guidelines on Equal Pay for Equal Work**

The guidelines explain basic rules and examples of unreasonable and reasonable differences in treatment. For more information, check the website of the Ministry of Health, Labour and Welfare.

(<https://www.mhlw.go.jp/stf/seisakunitsuite/bunya/0000190591.html>)

### **If you think you are subject to unreasonable difference in treatment**

**Part-time/contract/dispatched workers** have the right to ask the company (HR department, etc.) for explanation if they have questions about the treatment by the company. When asked by them, the company must explain how and why there are differences in treatment from **regular employees**.

### **One step further [15] Diverse regular employees**

#### **What are “diverse regular employees”**

“Diverse regular employees” are regular employees whose job assignment, work location, and working hours, etc. are limited compared to traditional regular employees (\*).

\* In this document, those with 1) no set term of employment contract, 2) full-time scheduled working hours, and 3) direct employment are called “regular employees” in principle.

The implementation status of the “diverse regular employee” system varies from company to company. Check job information and work regulations to see if a system that meets your desired working style is implemented.

## Chapter 5 When resigning or being dismissed from a job

### 1. When resigning from a job (resignation)

Terminating **labor contract** upon request from workers is called **resignation**.

Workers are allowed freedom to **resign** from companies, but if you suddenly stop going to the company, such behavior may be viewed as a problem by the company, and that may cause trouble. From the viewpoint of preventing such troubles, it is important to follow social rules when resigning from a job, including notifying the superior of the intention to **resign**, reporting in writing, and handing over of work duties, etc. In general, many companies provide in the **rules of employment** that “when **resigning** from a job, a notification must be made at least a month before the intended date of **resignation**,” and therefore workers need to check what the **resignation** procedures are in their company.

In addition, when notifying of the **resignation**, different legal rules are provided for the cases of fixed-term **labor contracts** being concluded and others.

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

In cases where the contract period is fixed (fixed-term labor contract), for three months for example, as often the cases of part-time jobbers, the **labor contracts** automatically terminate upon expiration of the contract period. When employers want these workers to continue to work, new **labor contracts** need to be concluded based on the workers' agreement. The contract period is generally fixed for **contract employees**, but it may not be fixed for **dispatched employees** and **part-time workers**.

When you don't understand something about **resignation**, consult with the **Labor Standards Inspection Office** and/or **General Labor Consultation Corner**.

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

#### (1) For indefinite-term contract

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

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

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

In addition, not only the Labor Contracts Act but also other laws explicitly prohibit **dismissal** in certain cases. The main cases are shown below.

<p><b>&lt;Labor Standards Act&gt;</b></p> <ul style="list-style-type: none"> <li>• <b>Dismissal</b> during the period of medical treatment due to an injury or illness in the course of employment, or within 30 days thereafter</li> <li>• <b>Dismissal</b> during the period of absence from work before and after childbirth or within 30 days thereafter</li> <li>• <b>Dismissal</b> by reason of making reports to labor standards inspectors</li> </ul> <p><b>&lt;Labor Union Act&gt;</b></p> <ul style="list-style-type: none"> <li>• <b>Dismissal</b> by reason of being a member of a <b>labor union</b> or having performed justifiable acts of a <b>labor union</b>, etc.</li> </ul>
<p><b>&lt;Equal Employment Opportunity Act&gt;</b></p> <ul style="list-style-type: none"> <li>• <b>Dismissal</b> on the basis of sex</li> <li>• <b>Dismissal</b> by reason of marriage, pregnancy, or childbirth, or for taking <b>maternity leave before or after childbirth</b></li> </ul>
<p><b>&lt;Childcare and Family Care Leave Act&gt;</b></p> <ul style="list-style-type: none"> <li>• <b>Dismissal</b> by reason of requesting <b>childcare leave, postpartum papa childcare leave, or family care leave</b>, time off for nursing care of sick/injured child, time off for caregiving, limitations on extra hours work, measures for shortening regular working hours, etc., limitations on <b>off hours work and work on days off</b>, limitations on late-night work, reporting pregnancy or childbirth of the person or spouse, or taking childcare/family care leave, etc.</li> </ul>

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

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

## (2) For fixed-term contract

For **labor contracts** with the fixed contract period (fixed-term labor contracts), as in the cases of **contract employees**, the contract period is determined by agreement between the company and the worker, and therefore the company **cannot **dismiss** the worker during the contract period unless there are unavoidable circumstances** (Article 17 of the Labor Contracts Act). **Moreover, the validity of **dismissal** is determined more strictly than the cases of indefinite-term **labor contracts**.**

In addition, although fixed-term labor contracts automatically terminate upon expiration of the contract period, **for those who have been employed with their contracts being renewed**

**three times or more or employed continuously for more than a year, companies must give a 30-day advance notice when not renewing their contracts** (“Standards on Conclusion, Renewal, and **Non-Renewal** of Fixed-Term Employment Contracts”).

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

(→ See “One step further [16] Dismissal for the purposes of reorganization” on p.56)

(→ See “One step further [17] Encouragement of resignation” on p.57)

### 3. When companies go bankrupt

For workers who have left without being paid wages due to the bankruptcy of the company, there is a system in which the government pays part of the unpaid wages on behalf of the company under the Act on Securing Wage Payment. In such cases, you are advised to consult the **Labor Standards Inspection Office**.

### 4. Basic allowance

When you become unemployed, you can receive **basic allowance** if you are subscribed to **employment insurance**. **In order to receive basic allowance, the period during which you have worked for must be at least 11 days or 80 hours for more than 12 months in two years prior to the date of resignation.** However, **in cases where the reason for resignation is dismissal due to bankruptcy of the company or involuntary retirement, or non-renewal of the fixed-term labor contract, etc., you can receive basic allowance if you have worked for at least 11 days or 80 hours for more than six months in one year prior to the date of resignation.**

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

Therefore, at the time of **resignation**, declaration of your resignation as voluntary while in fact **dismissal** or **encouragement of resignation by the company**, causes disadvantage in receiving basic allowance. For this reason, **you should carefully check what is written as the reason of separation when you receive a letter of separation, and if the reason is not correct, you should make a statement of the fact.**

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

When you don't understand something about basic allowance, etc., consult with **Hello Work**.



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

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

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

### **One step further [16] Dismissal for the purposes of reorganization**

**Dismissal** for corporate downsizing due to recession or poor business performance, etc. is referred to as **dismissal for the purposes of reorganization**. Such **dismissal** is attributable to companies' circumstances and therefore carefully determined according to the following items whether it is dismissal for the purposes of reorganization or not:

#### **[1] Necessity of personnel reduction**

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

#### **[2] Efforts to avoid dismissal**

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

#### **[3] Rationality of personnel selection**

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

#### **[4] Validity of dismissal procedures**

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



### One step further [17] Encouragement of resignation

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

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

**When you resign from a job by accepting the encouragement of resignation, it will not be a voluntary resignation.**

When you feel that the rules are not observed for your **dismissal**, consult the **Labor Standards Inspection Office** and/or **General Labor Consultation Corner**.

### Column 13 Checking by e-learning! Ready to use labor laws - Let’s study labor laws -

#### Checking by e-learning! Ready to use labor laws - Let’s study labor laws -

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



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



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

### Introduction

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

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

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

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

### 1. Let's start job seeking activities

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

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

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

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

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

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

The Ministry of Health, Labour and Welfare provides information on about 500 occupations on its job information website “job tag” (Japanese version of O-NET) (<https://shigoto.mhlw.go.jp>). The information includes job descriptions, required skills and knowledge, required qualifications and what kind of people are suitable. You can search jobs that suit you using the Job Interest Test and Job Value Test.

However, working forms and likelihood of personnel transfers vary with different companies, and therefore whether you can continue to engage in the job types you choose or not depends

on companies. You should check on companies' websites or at company information sessions, etc.

### **[3] Know details about companies**

When you have decided the business type and job type that you want to do, you should study companies in that business type in more detail using their websites, private employment sites, and specialized magazines, etc. It is also a good idea to individual company information sessions. At individual sessions, you can hear details about the activities of the company from persons in charge of personnel management. In addition, as some companies accept interns, you should check with companies' websites and university career centers. There are many companies that are not famous but have superior technologies and/or great promise. Therefore, you should also carefully examine these companies in addition to major companies.

(→ See "Column 14 Youth Employment Promotion Act" on p.61)

(→ See "Column 15 Youth Yell certified company" on p. 61)

(→ See "Column 16 Useful websites for job hunting" on p.62-63)

### **[4] Apply to companies**

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

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

### **[5] Consult when you have any concerns**

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

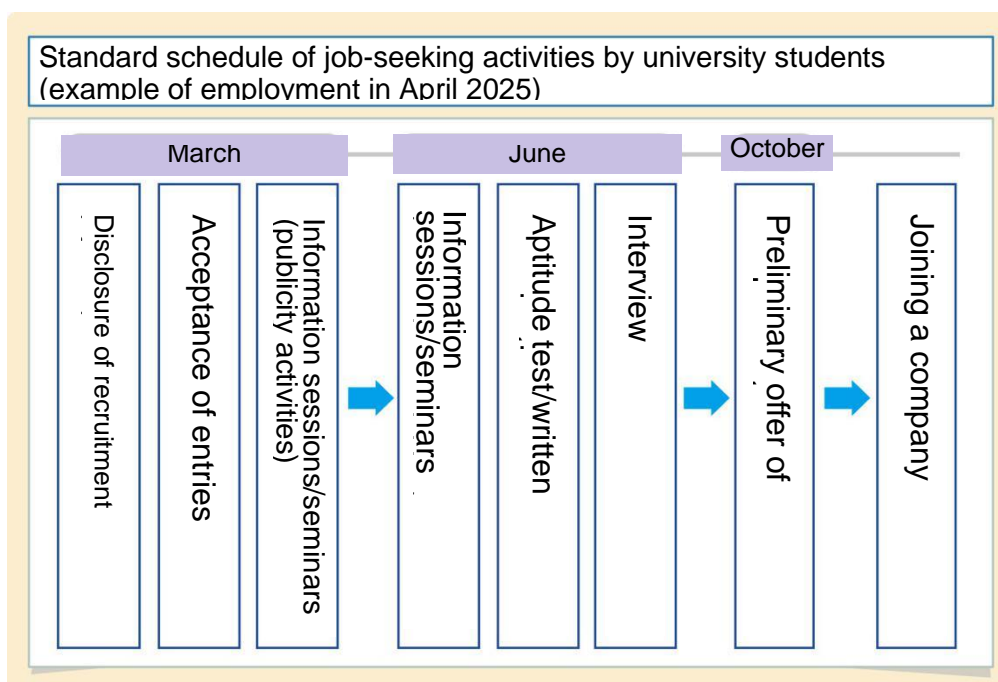
(→ See "Reference 1 Employment support for young people at Hello Work" on p.64)

(→ See "Reference 2 For senior high school graduates" on p.65)

(→ See "Reference 3 For those who have graduated without receiving job offers" on p.65)

(→ See "Reference 4 For those who have concerns about working" on p.66)

## 2. Standard schedule of job-seeking activities by university students (example of employment in April 2025)



This is a standard schedule as of April 2025. When conducting job-seeking activities, you should carefully check companies' websites and university career centers, etc.

(→ See "One step further [18] Rules of job-seeking activities for university students, etc.")

### **One step further [18] Rules of job-seeking activities for university students, etc.**

The schedule of job hunting and recruiting activities is decided according to the "policy for the schedule of job hunting and recruiting activities" for students who are in the second year of university in the fiscal year. It is compiled at the Liaison Conference of Relevant Ministries and Agencies on the Schedules of Job Hunting and Recruiting Activities, which is held every fiscal year by the Cabinet Secretariat, the Ministry of Education, Culture, Sports, Science and Technology, the Ministry of Health, Labour and Welfare, and the Ministry of Economy, Trade and Industry. The schedule of job hunting and recruitment activities for students expected to graduate or complete their studies in FY2024 (March 2025) was summarized as shown below at this liaison meeting, and in April 2023, related ministries and agencies requested economic organizations to comply with this schedule.

- Start of publicity activities: After March 1 immediately before the graduation/completion fiscal year
- Start of screening activities: After June 1 of the fiscal year of graduation/completion
- Official date of preliminary offers of employment: After October 1 of the fiscal year of graduation/completion fiscal year

### Column 14 Youth Employment Promotion Act

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

Amended by this act, the **Youth Employment Promotion Act** includes [1] the establishment of a system to provide workplace information that helps young people choose suitable jobs, and [2] the creation of a certification system for small and medium-sized enterprises with excellent youth employment management, and these efforts are being promoted.

(→ See “Column 15 Youth Yell certified company” below)

(→ See “Column 16 Useful websites for job hunting” on p.60)

### Column 15 Youth Yell certified company

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

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

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

etc.

< Certification mark >

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

Description of certification mark

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

Leaflet on youth Yell certified company (the following URL)

<https://www.mhlw.go.jp/content/11800000/000917926.pdf>



## Column 16 Useful websites for job hunting

The Ministry of Health, Labour and Welfare promotes the **disclosure of workplace information** based on the **Youth Employment Promotion Act**, **Women's Advancement Promotion Law**, and Next-Generation Children Act, etc., and operates the following websites to **provide workplace information** useful for job-seeking students and others.

There are also websites that show what kind of jobs are available, what kind of qualifications, skills and knowledge are required, and what kind of people are suitable. Visit these websites as part of your job hunting.

### ○ Information on the participation and advancement of young people

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

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

([https://www.mhlw.go.jp/content/11800000/220401\\_syuurouzittaitounikannsurusyokubazyohou.pdf](https://www.mhlw.go.jp/content/11800000/220401_syuurouzittaitounikannsurusyokubazyohou.pdf))


The Youth Employment Promotion Site provides information on **Youth Yell certified companies** across Japan. Company information is actively provided by posting corporate profile, status of employment management, and message to job seekers, etc. for each company.

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



### ○ Information on the participation and advancement of women

The database of companies promoting women's advancement, based on the Women's Advancement Promotion Law, contains information on women's advancement, such as action plans formulated by companies, the ratios of women to men in managerial positions and gender wage gaps, etc. You can search for information by company name, industry, prefecture, or company scale to look into companies you are interested in or compare companies in a particular industry. These websites are also accessible on smartphones. Please use them as tools for learning about different companies in your free time.



### Database of companies promoting women's advancement

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



( → See p.40-41 "Column 9 Women's Advancement Promotion Law, Eruboshi Certification and Platinum Eruboshi Certification")

### ○ Information on balancing work and family life

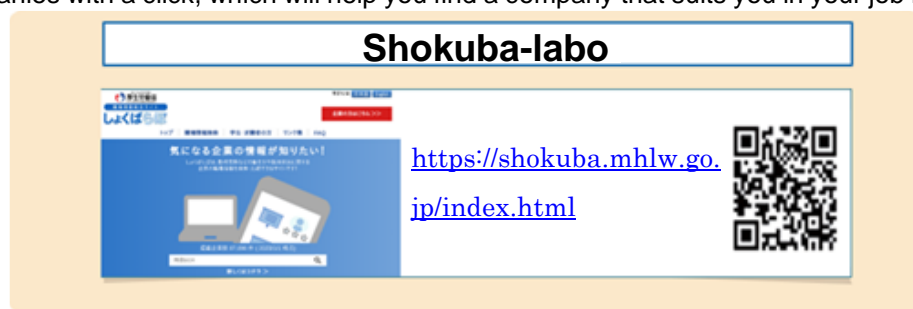
The Next-Generation Children Act requires companies to formulate and publish action plans for allowing employees to balance work and child-rearing. On the Work-Life Balance Support Website ("Ryoritsu Shien no Hiroba"), you can search and view action plans of

different companies and find information on certified child-rearing support companies (**Kurumin Certification, Platinum Kurumin Certification and Try Kurumin Certification**). (<https://ryouritsu.mhlw.go.jp/>)



○ Workplace Information Website (Shokuba-labo)

The Workplace Information Website (Shokuba-labo) provides information on companies listed on the aforementioned three websites, “Youth Employment Promotion Website,” “Database of companies promoting women's advancement,” and “Work–Life Balance Support Website (“Ryoritsu Shien no Hiroba”),” as well as information on companies receiving various certifications and awards. You can search and compare workplace information (overtime working hours, rate of annual paid leave taken, etc.) of these companies with a click, which will help you find a company that suits you in your job hunting.



○ Job information website “job tag”(Japanese version O-NET)

The job information website “job tag” (Japanese version of O-NET) provides information on about 500 occupations with numerical data by category. The information includes job descriptions (with videos), employment paths, required qualifications, skills and knowledge critical for employment, what kind of people are suitable in terms of job interests and work values, and the characteristics of the work (whether team work or coordination with others is important), etc. The website also provides the Job Interest Test and Job Value Test, and based on the test results, suitable occupations are presented.

It is useful for searching what kind of jobs are available according to the career you want to pursue, and how to emphasize your character and experiences on the application form and interviews.





## Reference 1 Employment support for young people at Hello Work

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

### (1) Hello Work for New Graduates

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

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

### (2) Hello Work for Young People

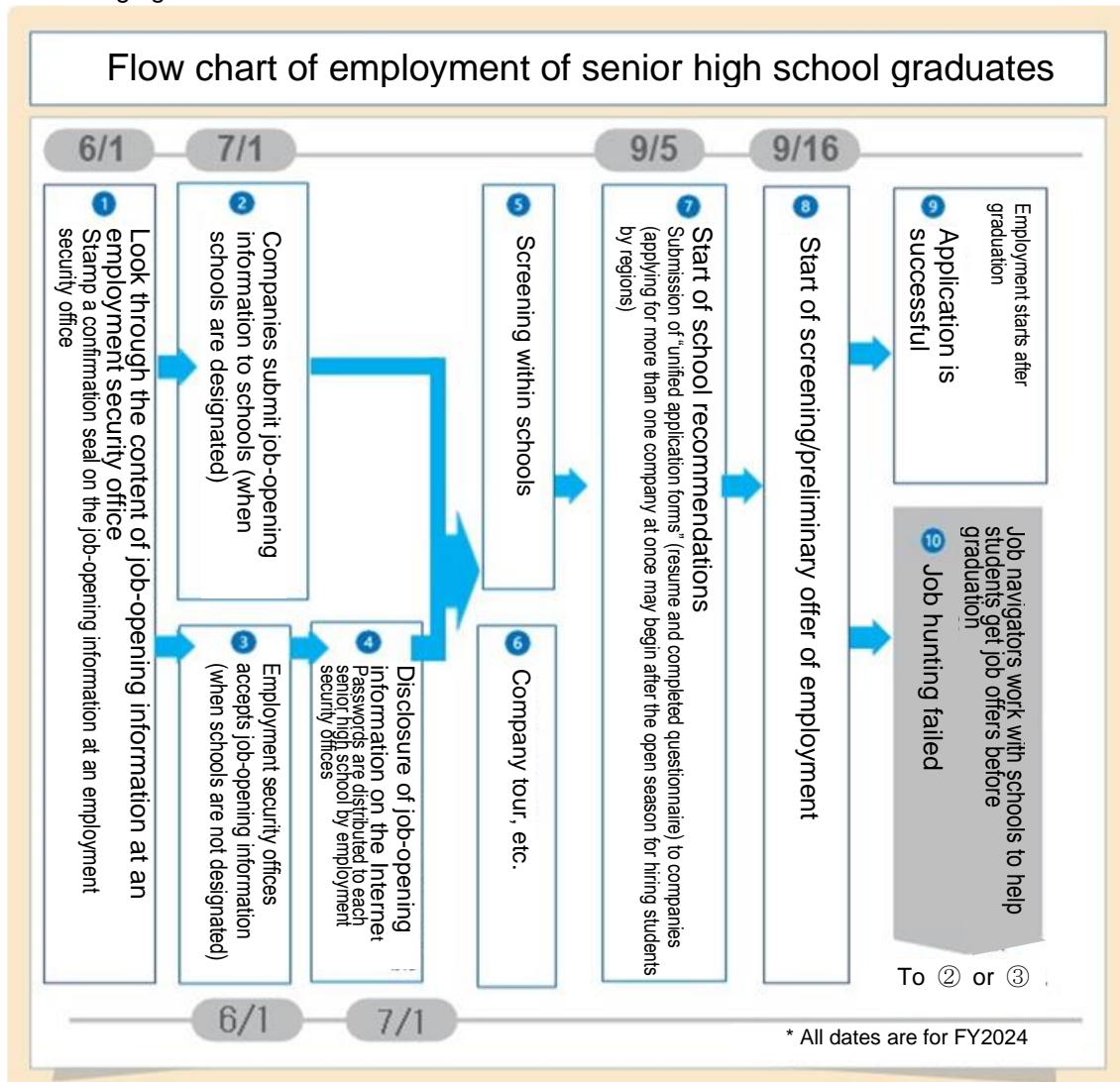
At Hello Work for Young People, employment support navigators who are expert consultants provide young non-regular workers under the age of 35 aiming to gain regular employment with support towards regular employment according to individual stages. It is established in 21 locations nationwide. In addition, Young People Support Corners and Support Contact Points for Young People are established in Hello Work in every prefecture.

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



## Reference 2 For senior high school graduates

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



## Reference 3 For those who graduated without finding a job

The Ministry of Health, Labour and Welfare formulated the Guidelines for Employment of the Youth to request companies, etc. to strive to ensure that new graduates can apply for jobs for at least three years after graduation. Therefore, there are cases where non-new graduates can apply even for recruitment of new graduates. You should check the recruitment information.

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

## Reference 4 For those who have worries about working

### (1) Regional Youth Support Stations (Support Stations)

At the Support Station, young people aged 15-49 with concerns about working are provided with support towards employment, including expert consultation support for vocational independence, job retention and step-up support after employment, and work experience at cooperative companies, etc. <http://saposute-net.mhlw.go.jp/>

### (2) Job-Card

If you are not sure what kinds of work you want to do or not confident about what you can do, you should create a "Job Card."

Job-Cards help compile previous education and work experience, vocational abilities, licenses/qualifications, etc., and consider the future. Job-Cards can be created and managed online in the "My Job Card website," which provides comprehensive information on its usage. If you receive career counseling when creating your Job-Card, you will be able to enrich the information about yourself and make your Job-Card even more appealing. If you wish to take career counseling, contact the nearest Hello Work or the Career Formation and Reskilling Consultation Corner.

My Job Card: <https://www.job-card.mhlw.go.jp/>

Career Formation and Reskilling Consultation Corner: <https://carisapo.mhlw.go.jp/icc/>

### (3) Animation video "Bokura no Asu (Our Future)"

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

僕らの明日

Bokura no Asu (Our Future)

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

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Labor Union Act .....	13, etc.		

# Consultation contact points for work

## General Labor Consultation Corner

Acceptance of requests for consultation on labor issues in any sectors (working conditions, dismissal, bullying/harassment, etc.)

## Labor Standards Inspection Office

You can consult about working conditions (working hours, wages, dismissal, etc.), safety and hygiene in the workplace, and worker's accident compensation insurance.

### Working Condition Consultation Hotline (MHLW-commissioned program)

Telephone consultation on working conditions is available in the evening of week days and on weekends/holidays when Labor Standards Inspection Offices, etc. are closed.

TEL

0 1 2 0 - 8 1 1 - 6 1 0

## Hello Work (public employment security offices)

Consultations related to employment, referral to job offers and vocational training, provision of employment insurance benefits (job hunting, unemployment benefits, vocational training, etc.)

## Employment Environment and Equal Employment Department (Office) of Prefectural Labor Bureau

Consultations about gender-based discrimination; sexual harassment; power harassment countermeasures, harassment related to pregnancy, childbirth, childcare leave, family care leave, etc.; disadvantageous treatment for reasons such as pregnancy, childbirth, childcare leave, and family care leave; health management of expectant and nursing women; taking childcare leave or family care leave; equal and balanced treatment of part-time and fixed-term workers and their conversion to regular employees; the Labor Contracts Act, etc.

## Demand and Supply Adjustment Division (Office) of Prefectural Labor Bureau

Consultations in case the actual working conditions differ from working conditions described in the job offer provided by agencies other than Hello Work; problems related to working conditions of dispatched workers and their equal and balanced treatment, etc.

## Labor Relations Commission

Arrangement of disputes between labor unions and employers (companies), examination and issuance of relief orders when unfair labor practices (see p.12-13) by employers are found, and support for resolving individual troubles between workers and companies (dismissal, compelled resignation, harassment, etc.) (For details, contact the Labor Relations Commission in your prefecture.)

## Prefectural governments

Responding to labor consultations (For details, contact the local government of your prefecture.)

## Japan Legal Support Center (Houterasu)

Support for resolving legal troubles on labor issues

## Japan Pension Service (pension office)

Acceptance of requests for consultation on employees' pension insurance

## Regional Youth Support Station (Support Station)

Expert consultation support for vocational independence, job retention and step-up support after employment, and work experience at cooperative companies

## Mental health portal site for workers "Ears for the Heart"

Provision of comprehensive information on mental health at workplaces, and acceptance of requests for e-mail/telephone consultation to respond to various questions from business operators, persons in charge of personnel management in companies, and workers, etc. about issues on mental health at workplaces