

# Act on Stabilization of Employment of Elderly Persons

((Act No. 68 of May 25, 1971))

## Chapter I General Provisions

### (Purpose)

Article 1 The purpose of this Act is to promote the welfare including stabilization of employment of Elderly Persons, etc. while contributing to the development of the economy and society, by taking comprehensive measures that are designed to facilitate the secure employment of Elderly Persons, such as raising the mandatory retirement age and introducing a system of continuous employment, to facilitate the re-employment of Elderly Persons, etc. and to secure employment opportunities for persons who have mandatorily retired and other elderly retirees.

### (Definition)

Article 2 (1) The term "Elderly Persons" as used in this Act means those whose ages are at or above the age specified by Ordinance of the Ministry of Health, Labour and Welfare.

(2) The term "Elderly Persons, etc." as used in this Act means Elderly Persons and the following persons who do not fall into the category of Elderly Persons:

(i) middle-aged and elderly persons (referring to those whose ages are at or above the age specified by Ordinance of the Ministry of Health, Labour and Welfare; the same applies in the following paragraph) who are looking for employment (excluding those listed in the following item);

(ii) middle-aged and elderly unemployed persons, etc. (unemployed persons whose ages are within the age range specified by Ordinance of the Ministry of Health, Labour and Welfare, and other unemployed persons specified by Ordinance of the Ministry of Health, Labour and Welfare as those who have particular difficulty in finding employment; the same applies in Chapter III, Section 3).

(3) The term "Specified Area" as used in this Act means an area designated by the Minister of Health, Labour and Welfare as an area where it is extremely difficult for unemployed persons who are middle-aged and elderly to find employment.

### (Basic Principles)

Article 3 (1) Consideration must be given to ensure that Elderly Persons, etc.

have opportunities for employment and other various work opportunities in accordance with their wishes and abilities throughout their entire working lives while enriching said working lives.

- (2) Workers are to, on their own initiative, prepare a plan for their period of older age in order to enrich their working lives in this period, develop and improve their abilities, while maintaining and promoting their health based on said plan.

(Employer's Responsibilities)

Article 4 (1) The employer is to strive to secure employment opportunities, etc. for Elderly Persons that were employed by said employer in accordance with their wishes and abilities by developing and improving their work abilities, improving working facilities, and putting in place various other conditions, as well as supporting Elderly Persons, etc. that were employed by said employer for their re-employment and the like.

- (2) The employer is to strive to provide the necessary support for workers employed by said employer to prepare work plans into their old age in order to enable said workers to enrich their working lives by assisting them in accordance with their wishes and abilities in their old age.

(Responsibility of the National Government and Local Governments)

Article 5 While giving due consideration to the voluntary efforts of employers, workers, and other related persons, the national government and local governments are to provide said employers, workers, and other related persons with the necessary support, etc. in accordance with their circumstances, and are to strive to comprehensively and effectively promote measures necessary to secure work opportunities and other various employment opportunities, etc. for Elderly Persons, etc. in accordance with said Elderly Persons wishes and abilities, by implementing measures such as improving systems for employment placements and vocational training that are necessary to facilitate the re-employment of Elderly Persons, etc.

(Basic Policy for Measures for the Stabilization of Employment for Elderly Persons)

Article 6 (1) The Minister of Health, Labour and Welfare is to formulate a policy that forms the basis for the measures for the stabilization of employment of Elderly Persons, etc. (hereinafter referred to as the "Basic Policy for Measures for the Stabilization of Employment for Elderly Persons, etc.").

- (2) The particulars to be specified in the Basic Policy for Measures for the Stabilization of Employment for Elderly Persons, etc. are as follows:
  - (i) particulars concerning the trends in the employment of Elderly Persons,

- etc.;
- (ii) particulars concerning the goals for increasing employment opportunities for Elderly Persons;
  - (iii) particulars that should be regarded as the necessary guidelines for the appropriate and effective implementation of the measures that the employer in Article 4, paragraph (1) should take, are to develop and enhance the capabilities of workers, to improve work facilities, improve other various conditions, and to support re-employment, as well as those measures that the employer in paragraph (2) of the same Article should take to support the preparation of work plans for old age;
  - (iv) particulars that should serve as the basic policy underlying the measures to be taken to facilitate the smooth implementation of the measures for securing employment for elderly persons provided for in Article 9;
  - (v) particulars that should serve as the basic policy underlying the measures to facilitate the re-employment of Elderly Persons, etc.;
  - (vi) in addition to the particulars listed in the preceding items, any other particulars that should serve as the basic policy underlying the measures to be taken to stabilize the employment of Elderly Persons, etc.
- (3) Prior to the formulation, the Basic Policy for Measures for the Stabilization of Employment for Elderly Persons, etc., the Minister of Health, Labour and Welfare must consult with the heads of the relevant administrative organs and listen to the opinions of the Labour Policy Council.
- (4) After having formulated the Basic Policy for Measures for the Stabilization of Employment for Elderly Persons, etc., the Minister of Health, Labour and Welfare must immediately, and publically announce the outline thereof.
- (5) The provisions of the two preceding paragraphs apply mutatis mutandis to amendments of the Basic Policy for Measures for the Stabilization of Employment for Elderly Persons, etc.

(Exclusion from Application)

- Article 7 (1) This Act does not apply to mariners provided for in Article 6, paragraph (1) of the Mariners' Employment Security Act (Act No. 130 of 1948).
- (2) The provisions of the preceding Article, the following Chapter, Chapter III, Section 2, and Articles 49 and 52 do not apply to national government employees and local government employees.

## **Chapter II Promotion of Securing Stable Employment for Elderly Persons by Raising the Mandatory Retirement Age and Introducing a Continuous Employment System**

(Cases in Where the Age of the Mandatory Retirement Age Is Fixed)

Article 8 If an employer fixes the mandatory retirement age of workers employed by said employer (hereinafter referred to as the "Mandatory Retirement Age"), the Mandatory Retirement Age must not be below 60 years of age; provided, however, that this does not apply to workers employed by said employer that engage in work deemed by Ordinance of the Ministry of Health, Labour and Welfare as work that is difficult for Elderly Persons to engage in.

(Measures for Securing Employment for Elderly Persons)

Article 9 (1) If an employer fixes the Mandatory Retirement Age (limited to under 65 years of age; hereinafter, the same applies in this Article), the employer must take any one of the measures listed in the following items in order to secure stable employment for Elderly Persons employed by said employer until 65 years of age (hereinafter referred to as the "Measures for Securing Employment for Elderly Persons"):

(i) raising said Mandatory Retirement Age;

(ii) introduction of a continuous employment system (referring to a system of continuing to employ an elderly person currently employed after the Mandatory Retirement Age, if said elderly person wishes to be employed; the same applies hereinafter);

(iii) abolition of the Mandatory Retirement Age.

(2) A continuous employment system is to include a system in which an employer concludes an agreement with a specially related employer (referring to an employer in a relationship that may allow such an employer to have substantial control of the business of said employer and any other employer specified by Ordinance of the Ministry of Health, Labour and Welfare as being in a special relationship with said employer; hereinafter, the same applies in this paragraph) in which said specially related employer continues to employ an elderly person currently employed by said employer after the Mandatory Retirement Age if said elderly person wishes to be employed, and said employer secures the employment of said elderly person under said agreement.

(3) The Minister of Health, Labour and Welfare is to specify the guidelines concerning the implementation and operation of the Measures for Securing Employment for Elderly Persons (referred to as the "Guidelines" in the following paragraph) that the employer in paragraph (1) should take (including treatment of persons that have difficulty fulfilling their duties in the continuous employment system due to a mental or physical disorders).

(4) The provisions of Article 6, paragraphs (3) and (4) apply mutatis mutandis to formulations of and amendments to the Guidelines.

(Publication)

Article 10 (1) The Minister of Health, Labour and Welfare may give necessary

guidance and advice to an employer who violates the provisions of paragraph (1) of the preceding Article.

(2) When the Minister of Health, Labour and Welfare finds that an employer still violates the provisions of paragraph (1) of the preceding Article, even after having received guidance and advice as provided for in the provisions of the preceding paragraph, the Minister of Health, Labour and Welfare may recommend said employer implement the Measures for Securing Employment for Elderly Persons.

(3) When an employer has received recommendations provided for in the provisions of the preceding paragraph but fails to follow said recommendations, the Minister of Health, Labour and Welfare may make it public.

(Promoter of Employment of Elderly Persons)

Article 11 Pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare, an employer must strive to appoint a person that is to be responsible for improving working facilities and improve various other conditions in order to promote the Measures for Securing Employment for Elderly Persons.

### **Chapter III Facilitating the Re-Employment of Elderly Persons**

#### **Section 1 Facilitating the Re-Employment of Elderly Persons by the National Government**

(Effective Promotion of Measures That Facilitates Re-Employment)

Article 12 For the purpose of facilitating, etc. the re-employment of Elderly Persons, etc., the national government is to give consideration so that vocational guidance, employment placements, vocational training, and other measures concerning Elderly Persons, etc. can be implemented in an effective and coordinated way.

(Searching for Job Openings)

Article 13 For the purpose of facilitating, etc. the re-employment of Elderly Persons, the Public Employment Security Offices are to search for job openings in order to secure employment opportunities for Elderly Persons, etc. and are to also strive to collect information concerning job openings and job applications related to Elderly Persons, etc. and to provide such information to job seeking Elderly Persons, etc. and to employers.

(Guidance and Support for Recruiting Employers)

Article 14 (1) When deemed necessary in order to introduce Elderly Persons, etc. to employment that is compatible with their abilities, the Public Employment

Security Offices are to give guidance to recruiting employers on age and other conditions..

- (2) The Public Employment Security Offices may give those that employ or seek to employ Elderly Persons, etc. the necessary advice and other support on technical particulars concerning the employment of Elderly Persons, etc. such as on hiring, assignments, working equipment and the working environment.

## **Section 2 Support for the Re-Employment of Elderly Persons by Employers**

(Measures to Support Re-Employment)

Article 15 (1) If Elderly Persons, etc. are separated from employment (limited to those specified by Ordinance of the Ministry of Health, Labour and Welfare; hereinafter, the same applies in this Section) due to being dismissed by their employer (excluding dismissal based on grounds attributable to those persons themselves) or due to any other reason specified by Ordinance of the Ministry of Health, Labour and Welfare as being similar to a dismissal (hereinafter referred to as the "Dismissal, etc."), and if said Elderly Persons wishes to be re-employed, the employer must strive to search for job openings and take other necessary measures to support said Elderly Persons, etc. in their re-employment (hereinafter referred to as the "Measures to Support Re-Employment").

- (2) The Public Employment Security Offices are to provide an employer with the necessary advice and other support for the Measures to Support Re-Employment that should be taken by said employer pursuant to the provisions of the preceding paragraph, at the request of said employer.

(Notification of Multiple Separations from Employment)

Article 16 (1) In the event that Elderly Persons, etc. employed by an employer in a number equal to or greater than the number specified by Ordinance of the Ministry of Health, Labour and Welfare are separated from employment due to Dismissal, etc., the employer must notify the Chief of the Public Employment Security Office thereof in advance, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

- (2) The calculation of the number of workers separated from employment in the case referred to in the preceding paragraph is to be made by the calculation method specified by Ordinance of the Ministry of Health, Labour and Welfare.

(Drafting a Job-Seeking Support Plan)

Article 17 (1) When Elderly Persons, etc. who have been separated from their employment due to Dismissal, etc. wish to be re-employed, an employer must,

pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare, draft a plan on particulars specified by Ordinance of the Ministry of Health, Labour and Welfare on particulars concerning the work experience of said Elderly Persons, etc., their work abilities, and other particulars that will help said Elderly Persons, etc. become re-employed (excluding reasons for Dismissal, etc.), as well as a document clarifying the Measures to Support Re-Employment to be taken by the employer (hereinafter referred to as the "Job-Seeking Support Plan") and issue it to said Elderly Persons, etc., in order to facilitate their re-employment.

- (2) An employer who has drafted a Job-Seeking Support Plan pursuant to the provisions of the preceding paragraph is to appoint a person to be in charge of re-employment support from among the persons employed by said employer and have that person provide, in accordance with the Job-Seeking Support Plan, support for the re-employment of Elderly Persons, etc. connected with said Job-Seeking Support Plan in cooperation with the Public Employment Security Offices and pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

(Guidance, Advice, and Recommendations)

Article 17-2 (1) The Minister of Health, Labour and Welfare may give necessary guidance and advice to an employer who violates the provisions of paragraph (1) of the preceding Article.

- (2) If the Minister of Health, Labour and Welfare finds that an employer still violates the provisions of paragraph (1) of the preceding Article, even after having received the guidance and advice as provided for in the provisions of the preceding paragraph, the Minister of Health, Labour and Welfare may recommend said employer prepare a Job-Seeking Support Plan and issue it to Elderly Persons, etc. connected with said Job-Seeking Support Plan.

(Advice and Other Support for Workers Concerned with the Job-Seeking Support Plan)

Article 18 (1) Workers who have received a Job-Seeking Support Plan may present said Job-Seeking Support Plan to the Public Employment Security Offices when applying for employment at the Public Employment Security Offices.

- (2) When presented with a Job-Seeking Support Plan pursuant to the provisions of the preceding paragraph, the Public Employment Security Offices are to consider the content of said Job-Seeking Support Plan and offer advice on how to prepare a document that clarifies the work experiences, etc. of said job seeker and provide other support to said job seeker.
- (3) If deemed necessary when offering the advice and other support provided for

in the preceding paragraph, the Chief of the Public Employment Security Office may request that the employer that prepared said Job-Seeking Support Plan provide information and any other necessary cooperation.

(Providing Reasons for Recruitment and Employment)

Article 18-2 (1) When an employer recruits or employs workers and sets an upper age limit for applicants (limited to not more than 65 years of age) for unavoidable reasons, the employer must explain the reasons for said limitation to the job seekers, pursuant to a method specified by Ordinance of the Ministry of Health, Labour and Welfare.

(2) If the Minister of Health, Labour and Welfare deems it necessary, said minister may request reports from an employer or give advice, guidance, or recommendations, with regard to providing grounds specified in the preceding paragraph or the content of said grounds,

(Measures to Support Preparations for Retirement in the Case of Retirement upon Mandatory Retirement Age)

Article 19 An employer must strive to take measures to provide support to Elderly Persons employed by said employer for said Elderly Persons to acquire the necessary knowledge concerning life after retirement and other measures in order to support themselves in making the necessary preparations to facilitate their retirement from work life according to their wishes when they reach the Mandatory Retirement Age or for other similar reasons.

### **Section 3 Special Measures for Middle-Aged and Elderly Unemployed Persons**

(Issuance of Job Application Pocketbooks for Middle-Aged and Elderly Unemployed Persons)

Article 20 The Chief of the Public Employment Security Office issues job application pocketbooks for middle-aged and elderly unemployed persons, etc. (hereinafter referred to as a "Pocketbook") to middle-aged and elderly unemployed persons, etc. who fall under each of the following items, based on an application from said persons:

- (i) that said persons have applied to the Public Employment Security Offices for employment;
- (ii) that said persons are recognized as willing to earnestly engage in job-seeking activities in good faith;
- (iii) that said persons have been deemed to be in need of receiving the measures listed in each item of Article 23, paragraph (1);
- (iv) that, in addition to the requirements listed in the preceding three items,

said persons meet the requirements concerning their living conditions and other particulars specified by the Minister of Health, Labour and Welfare after listening to the opinion of the Labour Policy Council.

(Validity Period of a Pocketbook)

Article 21 (1) The Pocketbook remains valid for the period specified by Ordinance of the Ministry of Health, Labour and Welfare.

(2) The Chief of the Public Employment Security Office may extend the validity period of the Pocketbook of a person who has received it for the period specified by Ordinance of the Ministry of Health, Labour and Welfare, when the Chief recognizes that said person continues to have difficulty in finding employment after the lapse of the validity period of the Pocketbook referred to in the preceding paragraph and therefore remains in need of the measures listed in each item of Article 23, paragraph (1).

(3) In specifying the period to be set by Ordinance of the Ministry of Health, Labour and Welfare under the preceding two paragraphs, special consideration may be given to persons residing in Specified Areas.

(Invalidation of a Pocketbook)

Article 22 (1) When the Chief of the Public Employment Security Office recognizes that a person who has received a Pocketbook falls under any of the following items, the Pocketbook becomes invalidated:

(i) when said person has newly obtained stable employment;

(ii) when said person no longer fulfills any of the qualification requirements listed in each item of Article 20;

(iii) in addition to the provisions of the preceding two items, when said person meets any other requirements specified by the Minister of Health, Labour and Welfare after listening to the opinions of the Labour Policy Council.

(2) In the case referred to in the preceding paragraph, the Chief of the Public Employment Security Office is to notify the person who has received the Pocketbook thereof.

(Formulation of a Plan)

Article 23 (1) The Minister of Health, Labour and Welfare is to formulate a plan to ensure that the measures listed in each of the following items are implemented in an effective and coordinated way in order to facilitate the employment of persons who have received Pocketbooks:

(i) vocational guidance and employment placements;

(ii) vocational training conducted by public human resources development facilities (including vocational training conducted by a Polytechnic University);

- (iii) training conducted by the national government or local governments (excluding the training listed in the preceding item) that is designed to help unemployed persons adapt to the working environment or to enable them to acquire the knowledge and skills necessary to gain employment (including training conducted by a person that has been entrusted with said training by the national government or local governments);
  - (iv) beyond the measures listed in the preceding three items, those measures specified by Ordinance of the Ministry of Health, Labour and Welfare.
- (2) Prior to the formulation the plan referred to in the preceding paragraph, the Minister of Health, Labour and Welfare must listen to the opinions of the Labour Policy Council.

(Instructions by the Chief of the Public Employment Security Offices)

- Article 24 (1) When the Chief of the Public Employment Security Office issues a Pocketbook, the Chief is to instruct the person receiving a Pocketbook to receive all or part of the measures listed in each item of paragraph (1) of the preceding Article based on the plan referred to in the same paragraph (hereinafter referred to as the "Measures to Promote Employment") during the validity period of such Pocketbook, according to said person's knowledge, skills, work experience, and other circumstances.
- (2) Upon extending the validity period of a Pocketbook for a person who has received it, the Chief of the Public Employment Security Office is to again, instruct said person to receive all or part of the Measures to Promote Employment during the extended validity period of a Pocketbook.
- (3) When the Chief of the Public Employment Security Office finds it necessary to increase the effectiveness of Measures to Promote Employment for a person who has received instructions referred to in the preceding two paragraphs, the Chief may modify the instructions issued to said person.

(Responsibilities of the Relevant Organizations)

- Article 25 (1) The employment security agencies, local governments, and the Japan Organization for Employment of the Elderly, Persons with Disabilities and Job Seekers (referred to as the "Organization" in Article 49, paragraphs (2) and (3)) must strive to liaise closely and cooperate to ensure the smooth implementation of Measures to Promote Employment for persons receiving the instructions referred to in paragraphs (1) or (2) of the preceding Article.
- (2) A person who has received the instructions referred to in paragraph (1) or (2) of the preceding Article must follow the guidance or instructions of the official who is implementing the Measures to Promote Employment and also must strive to promptly find employment on their own initiative.

(Payment of Allowance)

Article 26 The national government and the prefectures may pay an allowance to a person who receives the Measures to Promote Employment under the instructions referred to in Article 24, paragraph (1) or (2) during the validity period of a Pocketbook, pursuant to the provisions of the Employment Measures Act (Act No. 132 of 1966), with the effort of facilitating said person's job-seeking activities and to stabilizing the life of said person.

(Employment Promotion Officer)

Article 27 Vocational guidance as part of Measures to Promote Employment is to be provided by employment promotion officers under Article 9-2, paragraph (1) of the Employment Security Act (Act No. 141 of 1947).

(Request for Reports)

Article 28 The Chief of the Public Employment Security Office may request a person receiving Measures to Promote Employment in accordance with the instructions referred to in Article 24, paragraph (1) or (2) to submit reports on the status of the job-seeking activities of said person.

(Measures in Specified Areas)

Article 29 With regard to middle-aged and elderly unemployed persons, etc. residing in Specified Areas, the Minister of Health, Labour and Welfare is to formulate a plan for the implementation of employment placements and vocational training, etc.; the implementation of projects designed to increase employment opportunities; and other particulars necessary to promote the employment of said persons, and is to take the necessary measures based on this plan.

Article 30 (1) When the Minister of Health, Labour and Welfare deems it to be necessary based on the employment conditions of middle-aged and elderly unemployed persons, etc. in Specified Areas, the Minister of Health, Labour and Welfare may, with respect to public works projects planned and executed in said Specified Areas (referring to public-oriented construction and restoration projects planned and executed directly by the national government or by corporations established by a special act of incorporation pursuant to a special act (limited to corporations specified by Cabinet Order for which all or most of the stated capital comes from investment by the national government, or for which the primary source of funds for expenses necessary to carry out the projects comes from grants or subsidies from the national government) (referred to as the "National Government, etc." in the following paragraph), or by local governments, etc. to which a contribution or subsidy from the national

treasury has been provided; the same applies hereinafter), fix a percentage of the number of middle-aged and elderly unemployed persons, etc. among the total number of workers employed in these projects (hereinafter referred to as the "Absorption Ratio of Unemployed Persons") by occupation or area, according to the type of project.

- (2) The National Government, etc. or local governments, etc. which plan and execute a public works project for which the Absorption Ratio of Unemployed Persons has been fixed (including persons that execute these projects based on a subcontract or other contract with the National Government, etc. or local governments, etc.; hereinafter referred to as the "Corporation, etc. for a Public Works Project") must employ middle-aged and elderly unemployed persons, etc. in the number corresponding to the Absorption Ratio of Unemployed Persons at all times, through referrals of said unemployed persons by the Public Employment Security Offices.
- (3) If it is difficult for the Corporation, etc. for a Public Works Project to employ middle-aged and elderly unemployed persons, etc. in the number required by the provisions of the preceding paragraph through referrals of unemployed persons by the Public Employment Security Offices, said Corporation, etc. for a Public Works Project may directly employ said number of difficult-to-hire workers upon receiving written consent from the Public Employment Security Offices.

(Delegation to Ordinance of the Ministry of Health, Labour and Welfare)

Article 31 Beyond the provisions described in this Section, the issuing of Pocketbooks, the returning of Pocketbooks, other necessary particulars pertaining to Pocketbooks, necessary particulars pertaining to procedures for the instructions referred to in Article 24, paragraph (1) or (2), and necessary particulars pertaining to the absorption of middle-aged and elderly unemployed persons, etc. into public works projects, are specified by Ordinance of the Ministry of Health, Labour and Welfare.

#### **Chapter IV Deleted**

Article 32 Deleted

Article 33 Deleted

Article 34 Deleted

Article 35 Deleted

Article 36 Deleted

Article 37 Deleted

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## **Chapter V Securing Employment Opportunities for Persons Who Have Mandatorily Retired**

(Measures Taken by the National Government and Local Governments)

Article 40 In order to help enrich the working lives while enhancing the welfare of persons who have mandatorily retired and other elderly retirees, the national government and local governments are to strive to provide consultations to persons wishing to be employed in temporary short-term work or light activities as provided for in paragraph (1) of the following Article; to foster organizations providing employment opportunities to meet such wishes; and to take other necessary measures in order to secure employment opportunities for them.

## **Chapter VI Silver Human Resources Centers** **Section 1 Silver Human Resources Centers**

(Designation)

Article 41 (1) The prefectural governor may designate general incorporated associations or general incorporated foundations (referred to as "Elderly Persons Employment Support Corporations" in the following paragraph and Article 44, paragraph (1)) that were established for the purpose of assisting in the employment and enabling the positive utilization of the abilities of persons who have mandatorily retired and other elderly retirees by securing opportunities for temporary short-term work or other light activities (limited to those specified by the Minister of Health, Labour and Welfare upon taking into consideration the relevant labor demand-and-supply situation and the state of progress of the work concerned, etc.; the same applies in the following Article) and by meeting their wishes and providing said opportunities to them systematically and thereby contributing to the enhancement of their welfare, and that they are deemed to comply with the criteria listed below concerning the operations provided for in the following Article, and based on applications thereby, as the parities that are to carry out the businesses provided for in this Article, with only a single such corporation to be designated for each area (or,

when deemed necessary to ensure the smooth operations of the activities listed in items (i) and (ii) of the following Article, in accordance with the criteria specified by Ordinance of the Ministry of Health, Labour and Welfare, taking into consideration the circumstances of employment opportunities for temporary short-term work in the areas and other relevant circumstances, for two or more areas of municipalities as designated by the prefectural governor) of municipalities (including special wards; the same applies in Article 44); provided, however, that areas (if changes have been made to paragraphs (2) or (4) of the same Article, then areas after changes have been made; hereinafter referred to as the "Designated Areas of the Association") concerned with the designation in Article 44, paragraph (1) related to persons who have received designation under said paragraph (hereinafter referred to as the "Silver Human Resources Center Association") are not deemed as an area that is concerned with the designation in this paragraph:

- (i) that the plan for the implementation of the operations, which covers personnel, operational procedures, and other particulars, is appropriate, and the party is found to have sufficient financial and technical basis in order to carry out the plan effectively;
  - (ii) that, in addition to the provisions of the preceding item, the party is found to be capable of carrying out the operations in a proper and assured manner while contributing to the enhanced welfare of Elderly Persons.
- (2) The designation in the preceding paragraph may not apply to Elderly Persons Employment Support Corporations that possess as its members, two or more persons (hereinafter referred to as the "Silver Human Resources Center") that have received a designation under the same paragraph.
- (3) When making the designation under paragraph (1), the prefectural governor must make public the name, address, and location of the office of the Silver Human Resources Center, as well as the area concerned with the designation.
- (4) When a Silver Human Resources Center seeks to change its name, address, or the location of its office, it must notify the prefectural governor thereof in advance.
- (5) When a notification provided for in the preceding paragraph has been submitted, the prefectural governor must make public the particulars concerning said notice.

(Operations)

Article 42 (1) A Silver Human Resources Center is to carry out the following operations in the areas (hereinafter referred to as the "Designated Areas of the Centers") relating to the designation under paragraph (1) of the preceding Article:

- (i) to secure employment opportunities for temporary short-term work (except

- work pursuant to employment) or other light activities (except work pursuant to employment) and provide said employment opportunities systematically to elderly retirees wishing to be employed in said work or activities;
- (ii) to provide a free employment placement service for elderly retirees wishing to be employed in temporary short-term work or other light activities (limited to work pursuant to employment);
  - (iii) to conduct training courses for elderly retirees aimed at providing them with the knowledge and skills necessary to engage in temporary short-term work or other light activities;
  - (iv) in addition to the operations described in the preceding three items, to carry out any other operations necessary for temporary short-term work or other light activities for elderly retirees.
- (2) Notwithstanding the provisions of Article 30, paragraph (1) of the Employment Security Act, Silver Human Resources Centers may provide a fee-based employment placement service in their operations, as provided for in item (ii) of the preceding paragraph, by notifying the Minister of Health, Labour and Welfare of said service, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.
- (3) The provisions of Articles 5-2 to 5-7; Article 32-3; Article 32-4, paragraph (2); Article 32-8, paragraph (1); Article 32-9, paragraph (2); Articles 32-10 to 32-13; Article 32-15; Article 32-16; Articles 33-6 to 34; Articles 48 to 48-4; Article 51; and Articles 64 to 67 of the Employment Security Act, as well as the provisions of Chapter II of the Employment Measures Act, apply to the fee-based employment placement service as provided for in the preceding paragraph, by regarding a Silver Human Resources Center as an employment placement service provider, as provided for in Article 4, paragraph (7) of the Employment Security Act, or as a fee-based employment placement service provider, as provided for in Article 32-3, paragraph (1) of the same Act, or as an employment placement agency, as provided for in Article 2 of the Employment Measures Act, and by regarding the notification made under the provisions of the preceding paragraph to constitute the necessary license under the provisions of Article 30, paragraph (1) of the Employment Security Act. In this case, the phrase "a person who has obtained the license provided for in Article 30, paragraph (1)" in Article 32-3, paragraph (1) of the Employment Security Act is deemed to be replaced with the phrase "a person who carries out the fee-based employment placement service after making a written notice pursuant to the provisions of Article 42, paragraph (2) of the Act on Stabilization of Employment of Elderly Persons"; the phrase "a person who has received issuance of a license certificate, said license certificate" in Article 32-4, paragraph (2) of the same Act is deemed to be replaced with the phrase "a

person who has submitted a written notice pursuant to the provisions of Article 42, paragraph (2) of the Act on Stabilization of Employment of Elderly Persons, and documents stating that said person has submitted the written notice and other particulars specified by Ordinance of the Ministry of Health, Labour and Welfare"; and the phrase "item (ii) or (iii) of the preceding paragraph" in Article 32-9, paragraph (2) of the same Act is deemed to be replaced with the phrase "item (ii) of the preceding paragraph."

- (4) Beyond the provisions of the preceding two paragraphs, any other necessary particulars concerning the fee-based employment placement service under the provisions of paragraph (2) are specified by Ordinance of the Ministry of Health, Labour and Welfare.
- (5) Notwithstanding the provisions of Article 5, paragraph (1) of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (Act No. 88 of 1985, hereinafter referred to as the "Worker Dispatching Act"), Silver Human Resources Centers may conduct and undertake general worker dispatching provided for in Article 2, item (iv) of the Worker Dispatching Act (hereinafter referred to as "General Worker Dispatching Undertakings") only for elderly retirees, who are its members, by submitting a notice to the Minister of Health, Labour and Welfare, as an undertaking provided for in paragraph (1), item (iv) pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.
- (6) The General Worker Dispatching Undertakings under the provisions of the preceding paragraph do not apply to the provisions of Article 5, paragraph (5); Article 7; Article 8, paragraphs (1) and (3); Article 9; Article 10; Article 11, paragraphs (3) and (4); Article 13, paragraph (2); Article 14, paragraph (1), item (iii); Chapter II, Section 2, Subsection 2; Article 30; and Article 54 of the Worker Dispatching Act. With regard to the application of other provisions of the Worker Dispatching Act, Silver Human Resources Centers are deemed to be a General Dispatching Undertaker provided for in Article 2, item (vi) of the Worker Dispatching Act and the notification provided under the provisions of the preceding paragraph is deemed to be the license under the provisions of Article 5, paragraph (1) of the Worker Dispatching Act. In this case, the terms or phrases listed in the middle column of the table below that appear in the provisions of the Worker Dispatching Act, as listed in the left-hand column of said table, are deemed to be replaced with the corresponding terms or phrases listed in the right-hand column of said table.

Article 5, paragraph (2)	Any person who wishes to be granted the license set forth in the preceding paragraph	Any person who seeks to engage in General Worker Dispatching Undertakings by making a notice pursuant to the provisions of Article 42, paragraph (5) of the Act on Stabilization of Employment of Elderly Persons (Act No. 68 of 1971)
	written application form	written notice
Article 5, paragraph (3)	written application form	written notice
Article 6	may not be granted the license referred to in paragraph (1) of the preceding Article	must not carry out General Worker Dispatching Undertakings by establishing a new office for the General Worker Dispatching Undertakings
Article 6, item (iv)	license for a General Worker Dispatching Undertaking is revoked or is ordered to discontinue the Specified Worker Dispatching Undertaking pursuant to the provisions of Article 21, paragraph (1), and said date of revocation or order	is ordered to discontinue the General Worker Dispatching Undertaking, and said date of order
Article 6, item (v)	if the person whose license for a General Worker Dispatching Undertaking is revoked pursuant to the provisions of Article 14, paragraph (1) is a corporation if license is revoked pursuant to the provisions of item (i) of the same paragraph	if a Silver Human Resources Center is ordered to discontinue the General Worker Dispatching Undertaking pursuant to the provisions of Article 14, paragraph (1) (if the Center is ordered to discontinue it pursuant to the provisions of item (i) of the same paragraph
	, said corporation	, said Silver Human Resources Center
	or if the person that is ordered to discontinue the Specified Worker Dispatching Undertaking pursuant to the provisions of Article 21, paragraph (1) is a corporation (limited to cases where said corporation falls under the person specified in item (i) or (ii))	in

	revocation or order	order
	said corporation	said Silver Human Resources Center
Article 6, item (vi)	revocation of license for General Worker Dispatching Undertakings or order to discontinue the Specified Worker Dispatching Undertaking under the provisions of Article 21, paragraph (1)	order to discontinue the General Worker Dispatching Undertaking
	notification or notifications of the discontinuance of the Specified Worker Dispatching Undertaking under the provisions of Article 20	notification
Article 6, item (vii)	the preceding item	Silver Human Resources Centers, the preceding item
	a person who has submitted a notification or a notification of the discontinuance of the Specified Worker Dispatching Undertaking under the provisions of Article 20 is a corporation	has submitted a notification
	said corporation (excluding corporation that has reasonable grounds for discontinuance of said undertaking)	said Silver Human Resources Center (excluding those that have reasonable grounds for discontinuance of said undertaking)
Article 8, paragraph (2)	any person who has been issued license certificates, said license certificates	any person who has submitted a written notice pursuant to the provisions of Article 5, paragraph (2), documents stating the fact that said person has submitted the written notice and other matters specified by Ordinance of the Ministry of Health, Labour and Welfare

Article 14, paragraph (1)	may revoke the license under the provisions of Article 5, paragraph (1)	may order the discontinuation of the General Worker Dispatching Undertaking, and may order the discontinuation of said General Worker Dispatching Undertaking in the event it falls under any of Article 6, items (iv) to (vii) at the time of commencing said General Worker Dispatching Undertaking (when two or more places of business are established and each carries out the General Worker Dispatching Undertakings, it pertains to the General Worker Dispatching Undertaking at each place of business; hereinafter, the same applies in this paragraph)
Article 26, paragraph (4)	has obtained the license referred to in Article 5, paragraph (1)	Article 5, paragraph (2)
Article 59, item (iv)	Article 14, paragraph (2)	Article 14
Article 61, item (i)	a written application provided in Article 5, paragraph (2) (including cases where these provisions are applied mutatis mutandis pursuant to Article 10, paragraph (5)), documents provided in Article 5, paragraph (3) (including cases where these provisions are applied mutatis mutandis pursuant to Article 10, paragraph (5))	a written notice provided for in Article 5, paragraph (2), documents provided for in paragraph (3) of the same Article

(7) Beyond the provisions of the preceding two paragraphs, any other necessary particulars concerning General Worker Dispatching Undertakings under the provisions of paragraph (5) are specified by Ordinance of the Ministry of Health, Labour and Welfare.

(Operation Plans)

Article 43 (1) Every fiscal year, the Silver Human Resources Center must

prepare an operations plan and a budget for income and expenditure pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare, and submit them to the prefectural governor. The same applies when a Silver Human Resources Center intends to make changes to said plan and/or budget.

(2) A Silver Human Resources Center must prepare and submit an operations report and settlement of accounts to the prefectural governor after the end of each fiscal year of operations, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

(Supervision Order)

Article 43-2 The prefectural governor may, to the extent necessary for enforcing the provisions of this Section, give the Silver Human Resources Centers orders necessary for supervision of the operations stipulated in Article 42, paragraph (1).

(Revocation of a Designation)

Article 43-3 (1) When a Silver Human Resources Center falls under any of the following items, the prefectural governor may revoke the designation under Article 41, paragraph (1) (hereinafter referred to as the "Designation" in this Article):

(i) when the Center is found to be unable to perform the operations provided for in Article 42, paragraph (1) properly and with certainty;

(ii) when the Center has committed a wrongful act with regard to the Designation;

(iii) when the Center violates the provisions of this Section or orders pursuant to said provisions;

(iv) when the Center violates the dispositions provided for in the provisions of the preceding Article;

(v) when the Center violates the conditions referred to in Article 53, paragraph (1).

(2) In the case of revoking the Designation pursuant to the provisions of the preceding paragraph, the prefectural governor must publicize it.

## **Section 2 Silver Human Resources Center Association**

(Designation)

Article 44 (1) The prefectural governor may designate an Elderly Persons Employment Support Corporation that possess as its members two or more Silver Human Resources Centers and that is deemed to comply with the criteria listed in each item of Article 41, paragraph (1) concerning the operations provided for in Article 42, paragraph (1) applied mutatis mutandis

pursuant to the following Article, as the persons, based on applications thereby, that are to carry out the operations stipulated in Article 42, paragraph (1) applied mutatis mutandis pursuant to the following Article, with only a single such corporation designated for each area, including areas of municipalities for which a designation is deemed necessary in accordance with the criteria specified by Ordinance of the Ministry of Health, Labour and Welfare, taking into consideration the Designated Areas of the Centers concerning Silver Human Resources Centers that are members of said Elderly Persons Employment Support Corporations and the circumstances of employment opportunities for temporary short-term work in the areas and other circumstances; provided, however, that this designation excludes Designated Areas of the Centers and Designated Areas of the Association related to Silver Human Resources Centers that are not members of Elderly Persons Employment Support Corporations that have applied for such designation from said areas of municipalities.

- (2) If a Silver Human Resources Center becomes a member of the Silver Human Resources Center Association, the Silver Human Resources Center Association must notify the prefectural governor thereof. When said notification has been made, the Designated Areas of the Association related to said Silver Human Resources Center Association and the Designated Areas of the Centers related to said Silver Human Resources Center is deemed to be the Designated Areas of the Association related to said Silver Human Resources Center Association.
- (3) When a designation provided for in paragraph (1) or a notification provided for in the preceding paragraph has been made, the designation provided for in Article 41, paragraph (1) that relates to Silver Human Resources Centers that are members of the Silver Human Resources Center Association concerning said designation or notification is to be invalidated.
- (4) If a notification provided for in paragraph (2) has been made and the Silver Human Resources Center Association has requested a change of the Designated Areas of the Association, the prefectural governor may change said Designated Areas of the Association and newly establish said Designated Areas of the Association, and also areas including areas of municipalities where a designation is deemed necessary in accordance with the criteria specified by Ordinance of the Ministry of Health, Labour and Welfare provided for in paragraph (1), as Designated Areas of the Association related to the Silver Human Resources Center Association; provided, however, that said changes exclude Designated Areas of the Centers and Designated Areas of the Association from said areas of municipalities.

(Application Mutatis Mutandis)

Article 45 The provisions of Article 41, paragraphs (3) to (5) and Articles 42 to

43-3 apply mutatis mutandis to the Silver Human Resources Center Association. In this case, the phrase "when making the designation under paragraph (1)" in Article 41, paragraph (3) is deemed to be replaced with the phrase "when a designation has been made as provided for in Article 44, paragraph (1), and a change has been made in the Designated Areas of the Association as provided for in paragraph (2) of the same Article and a change has been made in the Designated Areas of the Association as provided for in paragraph (4) of the same Article"; the phrase "location and the area concerned with the designation" is deemed to be replaced with the phrase "location and the area concerned with the designation (if changes are made to said designation, then areas after changes have been made)"; the phrase "the areas (hereinafter referred to as the "Designated Areas of the Centers") relating to the designation under paragraph (1) of the preceding Article" in Article 42, paragraph (1) is deemed to be replaced with the phrase "the areas relating to the designation under in Article 44, paragraph (1) (if changes are made to paragraph (2) or (4) of the same Article, then areas after changes have been made)"; the phrase "Article 42, paragraph (2)" in paragraph (3) of the same Article is deemed to be replaced with the phrase "Article 42, paragraph (2) as applied mutatis mutandis pursuant to Article 45"; the phrase "only for elderly retirees, who are its members" in paragraph (5) of the same Article is deemed to be replaced with the phrase "only for elderly retirees, who are its members directly or indirectly"; the phrase "Article 42, paragraph (5)" in Article 5, paragraph (2) under the table of paragraph (6) of the same Article, is deemed to be replaced with "Article 42, paragraph (5) of the same Act as applied mutatis mutandis pursuant to Article 45"; the phrase "Silver Human Resources Center" in Article 6, item (v) and Article 6, item (vii) under the same table is deemed to be replaced with the phrase "Silver Human Resources Center Association"; the phrase "this Section" in Article 43-2 is deemed to be replaced with "Chapter VI, Section 2"; the phrase "Article 42, paragraph (1)" is deemed to be replaced with the phrase "Article 42, paragraph (1) as applied mutatis mutandis pursuant to Article 45"; the phrase "Article 41, paragraph (1)" in Article 43-3, paragraph (1) is deemed to be replaced with the phrase "Article 44, paragraph (1)"; the phrase "Article 42, paragraph (1)" of item (i) of the same paragraph is deemed to be replaced with the phrase "Article 42, paragraph (1) as applied mutatis mutandis pursuant to Article 45"; the phrase "this Section" in item (iii) of the same paragraph is deemed to be replaced with the phrase "Chapter VI, Section 2"; and the phrase "the preceding Article" in item (iv) of the same paragraph is deemed to be replaced with the phrase "the preceding Article as applied mutatis mutandis pursuant to Article 45."

### **Section 3 National Silver Human Resources Center Association**

(Designation)

Article 46 The Minister of Health, Labour and Welfare may designate a general incorporated association or general incorporated foundation established for the purpose of contributing to the enhancement of the welfare of Elderly Persons by actively promoting the practical use of the skills of persons who have mandatorily retired or other elderly retirees, while making efforts for the sound development of the Silver Human Resources Centers and the Silver Human Resources Center Association, which are recognized to be capable of properly and effectively carrying out the operations provided for in the following Article, as the person, based on applications, are to carry out the operations provided for in said Article, as the single said person designated nationwide.

(Operations)

Article 47 The designated association as provided for in the preceding Article (hereinafter referred to as the "National Silver Human Resources Center Association") is to carry out the following operations:

- (i) to implement activities to educate the public about the operations of Silver Human Resources Centers and the Silver Human Resources Center Association;
- (ii) to conduct training for persons engaged in the operations of Silver Human Resources Centers and the Silver Human Resources Center Association;
- (iii) to provide liaison coordination, guidance, and other assistance for the operations of Silver Human Resources Centers and the Silver Human Resources Center Association;
- (iv) to collect information and materials about the operations of Silver Human Resources Centers and the Silver Human Resources Center Association and provide them to Silver Human Resources Centers, the Silver Human Resources Center Association, and other related parties;
- (v) in addition to the operations listed in the preceding items, to carry out any other operations necessary for furthering the sound development of Silver Human Resources Centers and the Silver Human Resources Center Association and for promoting the active practical use of the abilities of persons who have mandatorily retired and other elderly retirees.

(Application Mutatis Mutandis)

Article 48 The provisions of Article 41, paragraphs (3) to (5) and Articles 43 to 43-3 apply mutatis mutandis to the National Silver Human Resources Center Association. In this case, the phrase "the prefectural governor" in Article 41, paragraphs (3) to (5) and Articles 43 to 43-3 is deemed to be replaced with the

phrase "the Minister of Health, Labour and Welfare"; the phrase "paragraph (1)" in Article 41, paragraph (3) is deemed to be replaced with the phrase "Article 46"; the phrase "location of the office and the area concerned with the designation" is deemed to be replaced with the phrase "and location of the office"; the phrase "this Section" in Article 43-2 is deemed to be replaced with the phrase "Chapter VI, Section 3"; the phrase "Article 42, paragraph (1)" is deemed to be replaced with the phrase "Article 47"; the phrase "Article 41, paragraph (1)" in Article 43-3, paragraph (1) is deemed to be replaced with the phrase "Article 46"; the phrase "Article 42, paragraph (1)" in item (i) of the same paragraph is deemed to be replaced with the phrase "Article 47"; the phrase "this Section" in item (iii) of the same paragraph is deemed to be replaced with the phrase "Chapter VI, Section 3"; and the phrase "the preceding Article" in item (iv) of the same paragraph is deemed to be replaced with the phrase "the preceding Article as applied mutatis mutandis pursuant to Article 48."

## **Chapter VII Support by the National Government**

(Support for Employers)

Article 49 (1) In order to promote the stabilization of employment and to further improve the welfare of Elderly Persons, etc. (excluding those specified by Ordinance of the Ministry of Health, Labour and Welfare; hereinafter, the same applies in this paragraph), the national government may take the following measures and other measures to assist employers, workers, and other related parties, etc. in accordance with the Basic Policy for Measures for the Stabilization of Employment for Elderly Persons, etc.:

- (i) to provide benefits to employers or employers' organizations that carry out measures that aim to contribute to expanding employment opportunities for Elderly Persons, etc. such as raising the Mandatory Retirement Age, introducing a continuous employment system, and supporting their re-employment;
  - (ii) to provide consultation and other support to employers and other related parties on technical particulars concerning the employment of Elderly Persons, etc.;
  - (iii) to give the necessary advice and instruction to workers to facilitate their planning of their work life in the period of older age.
- (2) The Minister of Health, Labour and Welfare is to delegate all or part of the processes related to the implementation of the measures provided for in each item of the preceding paragraph to the Organization.
- (3) In the case of conducting the processes related to the implementation of the measures provided for in paragraph (1), item (i) and when it is deemed

necessary with regard to said processes, the Organization may request an employer to submit reports on necessary particulars.

(Research on Improving Employment Management)

Article 50 The national government is to strive to conduct the necessary investigation to research and develop materials concerning particulars, such as the expansion of the range of occupations for Elderly Persons and other improvements in employment management and the development and improvement of their work abilities with a view to contribute to the stabilization of employment of Elderly Persons and the promotion of their welfare.

(Improvement of Facilities Providing Employment Placements)

Article 51 (1) The national government is to strive to improve facilities necessary to effectively provide employment placements, etc. for Elderly Persons.

(2) If local governments, etc. take measures to promote the employment of Elderly Persons, such as the establishment of facilities for providing occupational counseling services for Elderly Persons, the national government may give the necessary support to them.

## **Chapter VIII Miscellaneous Provisions**

(Reporting of Employment Conditions)

Article 52 (1) An employer must prepare and submit a report once a year to the Minister of Health, Labour and Welfare on the circumstances regarding the Mandatory Retirement Age, continuous employment system and other particulars concerning the employment of Elderly Persons pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

(2) In addition to the annual report referred to in the preceding paragraph, when the Minister of Health, Labour and Welfare deems it necessary for the enforcement of this Act, the Minister of Health, Labour and Welfare may request an employer submit reports on necessary particulars concerning the circumstances provided for in the same paragraph, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

(Designation Conditions)

Article 53 (1) Conditions may be attached to the designation under the provisions of this Act, and such conditions may be changed.

(2) The conditions under the preceding paragraph must be limited to the minimum necessary changes to ensure the steady implementation of the

particulars pertaining to said designation, and must not impose unreasonable duties on the person subject to said designation.

(Transitional Measures)

Article 53-2 Where a Cabinet Order or Ordinance of the Ministry of Health, Labour and Welfare is established, amended, or repealed under the provisions of this Act, necessary transitional measures (including transitional measures on penal provisions) may be specified by a Cabinet Order or Ordinance of the Ministry of Health, Labour and Welfare respectively, within limits that can be reasonably considered to be necessary in connection with the establishment, amendment, or repeal concerned.

(Delegation of Authority)

Article 54 (1) Part of the authority of the Minister of Health, Labour and Welfare specified in this Act may be delegated to the directors of the Prefectural Labor Bureaus, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

(2) The authority delegated to the directors of the Prefectural Labor Bureaus under the provisions of the preceding paragraph may be delegated to the Chief of the Public Employment Security Office, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

## **Chapter IX Penal Provisions**

Article 55 A person who fails to submit a report or submits a false report under the provisions of Article 49, paragraph (3) is punished by a fine of not more than 500,000 yen.

Article 56 If a representative of a corporation, or an agent, employee or other worker of a corporation or a natural person has committed a violation under the preceding Article, with regard to the operations of said corporation or said natural person, not only the offender is punished, but said corporation or said natural person is also punished by the fine provided for in the same Article.

Article 57 A person (in the case of a corporation, then its representative) who fails to submit a notification or submits a false notification under the provisions of Article 16, paragraph (1), is punished by a non-penal fine of not more than 100,000 yen.

## **Supplementary Provisions [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of October 1, 1971.

(Deletion)

Article 2 Deleted

(Temporary Measures Concerning Employment of Middle-Aged and Elderly Persons in the National Government and Local Governments)

Article 3 The employment of middle-aged and elderly persons under the provisions of Article 2, paragraph (2), item (i) by corporations directly established by the national government and local governments and pursuant to an Act, by corporations established by a special act of incorporation pursuant to a special act, or by corporations established by a local government pursuant to a special act (limited to corporations specified by Cabinet Order for which all or most of the stated capital comes from investment by the national government or local governments, or for which the primary source of funds for expenses necessary for the projects to be carried out comes from grants or subsidies from the national government or local governments) are, until otherwise provided for by law, as provided for in the provisions of Articles 7 to 9 prior to the revision under Article 2 of the Act to Partially Revise the Act on the Promotion of the Employment of Disabled Persons and the Act on Special Measures Concerning the Promotion of the Employment of Middle-Aged and Elderly Persons (Act No. 36 of 1976). In this case, the phrase "the Minister of Labour" in Article 7, paragraph (1) and Article 9 prior to the revision under Article 2 of the same Act is deemed to be replaced with the phrase "Minister of Health, Labour and Welfare."

### **Supplementary Provisions [Act No. 78 of September 5, 2012]**

(Effective Date)

(1) This Act comes into effect as of April 1, 2013; provided, however, that the provisions in the following paragraph come into effect from the date of promulgation.

(Preparatory Actions)

(2) The formulation of guidelines referred to in the provisions of Article 9, paragraph (3) revised by this Act, related procedures, and other necessary actions may be conducted according to the provisions of the same paragraph and paragraph (4) of the same Article even if prior to the enforcement of this Act.

(Transitional Measures)

- (3) With regard to an employer who is deemed to have taken the measures listed in Article 9, paragraph (1), item (ii) pursuant to the provisions of Article 9, paragraph (2) prior to revision by this Act at the time of the enforcement of this Act, the provisions of paragraph (2) of the same Article remain in effect until March 31, 2025. In this case, the phrase "the criteria" in the same paragraph is deemed to be replaced with the phrase "the criteria (limited only to those to whom persons who are 61 years of age or more are subjected)" from the date of enforcement of this Act to March 31, 2016; with the phrase "the criteria (limited only to those to whom persons who are 62 years of age or more are subjected)" from April 1 of the same year to March 31, 2019; with the phrase "the criteria (limited only to those to whom persons who are 63 years of age or more are subjected)" from April 1 of the same year to March 31, 2022; and with the phrase "the criteria (limited only to those to whom persons who are 64 years of age or more are subjected)" from April 1 of the same year to March 31, 2025.