

Ordinance for Enforcement of the Labor Standards Act

(Ordinance of the Ministry of Health and Welfare No. 23 of August 30, 1947)

Article 1 Deleted.

Article 2 (1) Wages to be included in the total amount of wages provided in the provisions of paragraph (5) of Article 12 of the Labor Standards Act (Act No. 49 of 1947; hereinafter referred to as "the Act") are those to be paid other than in currency under the provisions of laws and regulations or collective agreement as permitted under the proviso in paragraph (1) of Article 24 of the Act.

(2) The estimated value of wages paid other than in currency as set forth in the preceding paragraph must be prescribed in the collective agreement unless otherwise provided by laws and regulations.

(3) When the estimated value prescribed in the collective agreement referred to in the provisions of the preceding paragraph is judged inappropriate, or the estimated value is not set forth in laws and regulations or collective agreement, the directors of the Prefectural Labor Offices may fix the estimated value of those other than currency.

Article 3 When some grounds for calculation of a worker's average wages occurs in this worker's probationary period, the number of days and the wages during the period shall be respectively included in the period and the wages designated in the provisions of paragraphs (1) and (2) of Article 12 of the Act notwithstanding the provisions of paragraph (3) of the said Article.

Article 4 In the event that the periods stipulated in items (i) to (iv) of paragraph (3) of Article 12 of the Act are three months or more preceding the day on which there arises a need for calculation of a worker's average wage, or in the event there arises a need for calculation of a worker's average wage on the day that the worker is taken into employment, the average wage of the worker shall be stipulated by the directors of the prefectural labor offices.

Article 5 (1) The working conditions which the employer shall clearly indicate to the worker under the provisions of the first sentence of paragraph (1) of Article 15 of the Act shall be as follows; provided, however, that matters set forth in item (i)-2-ii) shall apply only to cases where a fixed-term labor contract when renewed after expiration of the term thereof, and matters set forth in item (iv)-2-ii) to (xi) shall not apply to cases where the employer does not set forth such

matters.

- (i) Matters concerning term of labor contract
 - (i)-2 Matters concerning standards for the renewal of fixed-term labor contracts
 - (i)-3 Matters concerning workplace and work engaged in
 - (ii) Matters concerning starting hour and closing hour of work, whether there is labor to be done exceeding prescribed working hours, rest period, days off, leave, and the change in shifts in cases where workers work in two or more shifts
 - (iii) Matters concerning methods of decision, calculation, and payment of wages (except retirement allowances and those wages falling under item (v); hereinafter the same shall apply in this item), the dates for closing account for wages and for payment of wages, and increases in wages
 - (iv) Matters concerning retirement (including grounds for dismissal)
 - (iv)-2 Matters concerning the scope of workers covered, methods of determination of retirement allowances, calculation and payment of retirement allowances, and the dates for payment of retirement allowances
 - (v) Matters concerning wages paid in special circumstances (except retirement allowances), bonuses, those wages listed in each item of Article 8, and minimum wages
 - (vi) Matters concerning meal expenses, supplies for work to be borne by workers, and any things to be covered
 - (vii) Matters concerning safety and health
 - (viii) Matters concerning vocational training
 - (ix) Matters concerning accident compensation and support for injury and illness outside the course of employment
 - (x) Matters concerning commendation and sanction
 - (xi) Matters concerning administrative leave
- (2) The matters prescribed by Ordinance of the Ministry of Health, Labour and Welfare referred to in the provisions of the second sentence of paragraph (1) of Article 15 of the Act shall be the matters listed in items (i) to (iv) of the preceding paragraph (except the matters concerning increases in wages).
- (3) The method prescribed by Ordinance of the Ministry of Health, Labour and Welfare referred to in the second sentence of paragraph (1) of Article 15 of the Act shall be to give a worker a document that clearly described in the preceding paragraph .

Article 5-2 If an employer intends to take charge of workers savings entrusted to the employer by workers, and in the event that the savings kept in custody constitute a deposit accepted, the employer shall fix, in an agreement provided in paragraph (2) of Article 18 of the Act, the following matters:

- (i) Scope of depositors

- (ii) Limit of deposit per depositor
- (iii) Method of calculating interest rates and interest
- (iv) Procedures in accepting and paying out deposits
- (v) Method of preserving deposits

Article 6 A notification under the provisions of paragraph (2) of Article 18 of the Act must be submitted, according to Form No.1, to the director of the labor standards office which has jurisdiction over the location of the said workplace (hereinafter referred to as "the Director of the Labor Standards Office Concerned")

Article 6-2 (1) The person representing a majority of the workers (hereinafter referred to as "a representative of the majority of the workers" in this Article) prescribed in paragraph (2) of Article 18, the proviso of paragraph (1) of Article 24, paragraph (1) of Article 32-2, Article 32-3, paragraphs (1) and (2) of Article 32-4, paragraph (1) of Article 32-5, the proviso of paragraph (2) of Article 34, paragraphs (1), (3), and (4) of Article 36, paragraph (3) of Article 37, paragraph (2) of Article 38-2, paragraph (1) of Article 38-3, item (i) of paragraph (2) of Article 38-4, paragraphs (4), (6), and the proviso of paragraph (7) of Article 39, and paragraph (1) of Article 90 of the Act shall be a person who falls under all of the following items:

- (i) A person who is not in the position of supervision or management prescribed in item (ii) of Article 41 of the Act
 - (ii) A person who has been elected according to the procedures such as voting and a show of hands after clarifying that it is the election of a person who among others concludes agreements provided by the Act
- (2) If there is no person who falls under item (i) of the preceding paragraph in a workplace, the person representing a majority of the workers prescribed in paragraph (2) of Article 18, the proviso of paragraph (1) of Article 24, paragraphs (4), (6), and the proviso of paragraph (7) of Article 39, and paragraph (1) of Article 90 of the Act shall be a person who falls under item (ii) of the preceding paragraph.
- (3) An employer shall not treat a worker disadvantageously on the grounds that that worker is a representative of the majority of the workers, attempted to become a representative of the majority of the workers, or took a justifiable action as a representative of the majority of the workers.

Article 6-3 An order under the provisions of paragraph (6) of Article 18 of the Act shall be issued in writing according to Form No.1-3 by the Director of the Labor Standards Office Concerned.

Article 7 A certification under the provisions of paragraph (2) of Article 19 of the Act; or a certification under the provisions of paragraph (2) of Article 19 of the Act applied mutatis mutandis provided in the provisions of paragraph (3) of Article 20 of the Act in the case of the first half of the proviso of paragraph (1) of Article 20 of the Act shall be obtained according to Form No. 2, and a certification under the provisions of paragraph (2) of Article 19 of the Act applied mutatis mutandis provided in the provisions of paragraph (3) of Article 20 of the Act in the case of the second half of the proviso of paragraph (1) of Article 20 of the Act the Director of the Labor Standards Office Concerned shall be obtained according to Form No. 3, from the Director of the Labor Standards Office Concerned.

Article 7-2 (1) With the worker's consent, an employer may pay a worker's wage by any of the following methods:

(i) By transfer into the worker's account at a bank or other financial institution designated by the worker.

(ii) By transfer into the worker's deposit (limited to those satisfying the following requirements) at a financial instruments business operator designated by the worker (financial instruments business operators set forth in paragraph (9) of Article 2 of the Financial Instruments and Exchange Act (Act No. 25 of 1948; hereinafter referred to as the "FIEA"), limited to those engaged in Type 1 Financial Instruments Business set forth in paragraph (1) of Article 28 of the FIEA; hereinafter the same shall apply in this item).

(a) The deposit in the account shall not be used to purchase anything other than beneficiary certificates for securities investment trusts (hereinafter referred to in this item as "securities investment trusts"), as such term is used under paragraph (4) of Article 2 of the Act on Investment Trusts and Investment Corporation (Act No. 198 of 1951).

(b) In the Basic Terms and Conditions of the Investment Trust as such term is used under paragraph (1) of Article 4 of the Act on Investment Trusts and Investment Corporation with respect to the beneficiary certificates purchased with the deposit in the account shall include said following matters:

1. The trust properties shall be limited to the following securities (hereinafter referred to in 2. as "securities"), savings, negotiable instruments, specified money in trust and call loans.

(i) Securities set forth in item (i) of paragraph (1) of Article 2 of the FIEA

(ii) Securities set forth in item (ii) of paragraph (1) of Article 2 of the FIEA

(iii) Securities set forth in item (iii) of paragraph (1) of Article 2 of the FIEA

- (iv) Securities set forth in item (iv) of paragraph (1) of Article 2 of the FIEA (excluding Specified Bond Certificates with Preferred Equity Subscription Rights in case where the asset securitization plan not provides to the effect that subscription right for preferred equity may be transferred independently)
 - (v) Securities set forth in item (v) of paragraph (1) of Article 2 of the FIEA (excluding Certificates of Bonds with Share Option)
 - (vi) Securities set forth in item (xiv) of paragraph (1) of Article 2 of the FIEA (limited to securities related to banks, cooperative-type financial institutions set forth in paragraph (1) of Article 2 of the Act on Preferred Equity Investment by Cooperative Structured Financial Institution (Act No. 44 of 1993), and financial institutions set forth in each item of Article 1-9 of the Order for Enforcement of the FIEA (Order No. 321 of 1965), trust companies' loan credits in trust (limited to cases where the beneficiary under such trust agreement is the trustor), or specified money in trust)
 - (vii) Securities set forth in item (xv) of paragraph (1) of Article 2 of the FIEA
 - (viii) Securities set forth in item (xvii) of paragraph (1) of Article 2 of the FIEA (limited to those having the nature of securities or certificates set forth in (i) to (vii))
 - (ix) Securities set forth in item (xviii) of paragraph (1) of Article 2 of the FIEA
 - (x) Securities set forth in item (xxi) of paragraph (1) of Article 2 of the FIEA
 - (xi) Rights deemed as securities under paragraph (2) of Article 2 of the FIEA (limited to rights to be indicated on securities set forth in (i) to (ix))
 - (xii) Beneficial interest in trusts related to banks, cooperative-type financial institutions set forth in paragraph (1) of Article 2 of the Act on Preferred Equity Investment by Cooperative Structured Financial Institutions, and financial institutions set forth in each item of Article 1-9 of the Order for Enforcement of the FIEA, or trust companies' loan credits in trust (limited to cases where the beneficiary under such trust agreement is the trustor)
 - (xiii) Rights in respect of a foreign party having the nature set forth in item (xii)
- (2) With regard to securities, savings, negotiable instruments, specified money in trust, and call loans which are objects of investment of trust property (hereinafter referred to as "securities, etc." in (3) and (4)), the time period left to reach redemption or maturity (hereinafter referred to as "the remaining period" in (3)) shall not exceed one year.

- (3) The average remaining period of securities, etc. included in trust property (the period calculated by first multiplying the remaining period of each of the securities, etc. by the amount of said securities, etc. included in trust property, then dividing the product by the total amount of the said securities, etc. included) shall not exceed 90 days.
- (4) The value forming the basis for calculating the total amount of the value of securities, etc. (except national government bonds, government guaranteed bonds (bonds for which redemption of the principal and payment of interest are guaranteed by the government) issued, or handled by single corporation or other organ (hereinafter referred to as the "corporation, etc." in (5)), and call loans with five or less days (except closed days of companies entrusted with the said securities investment trust that give loans) left to become due (hereinafter referred to as the "specific call loans" in (5)), which is a part of trust property accounts for 5 percent or less.
- (5) The value forming the basis for calculating the total amount of specific call loans handled by a single corporation etc., which is a part of the trust property accounts for 25 percent or less of the total amount of the trust property.
- (c) An investment contract concerning said deposit (a contract with respect to dealing of a deposit and purchase, etc. of beneficiary certificates conducted between a worker and a financial instruments business operator) shall include the following items.
1. Payment may be made into the account in units of one yen.
 2. Refund of a deposit and the equivalent amount to the beneficiary right of the security investment trust may be made in units of one yen on the day of the request.
- (2) An employer may pay, with the consent of the worker, retirement allowances by any of the methods set forth in the following items as well as in the preceding paragraph:
- (i) To deliver the worker a check which has been issued by a bank or other financial institution and payable by that bank or other financial institution.
 - (ii) To deliver the worker a check guaranteed by a bank or other financial institution.
 - (iii) To deliver said worker a certificate which shows the rights related to debts owed by the postal savings bank regarding its exchange transactions as set forth in Article 94 of the Postal Service Privatization Act (Act No. 97 of 2005).
- (3) With regard to the application of the provisions of the preceding paragraph, when the provisions of paragraph (1) of Article 24 of the Act applies to local public officers, "a check" referred to in item (i) of the preceding paragraph shall be replaced with "a check or a check issued by the local public entity

concerned."

Article 8 Those equivalent to wages paid in special circumstances or bonus set forth in the proviso of paragraph (2) of Article 24 of the Act shall be listed as follows:

- (i) Good attendance allowance paid on the basis of the good results of attendance for a period exceeding one month
- (ii) Long-service allowance paid for a fixed period exceeding one month of continuous service
- (iii) Incentive wages or productivity bonus calculated due to the circumstances that endure more than one month by some reason for a period exceeding one month

Article 9 The emergencies set forth in the provisions of Article 25 of the Act shall be listed as follows:

- (i) When a person living on a worker's income gives birth to a child, suffers from illness, or meets disaster
- (ii) When a worker or a person living on the worker's income marries or dies
- (iii) When a worker or a person living on the worker's income is forced to return home for a week or more for an unavoidable reason

Articles 10 and 11 Deleted.

Article 12 When an employer who regularly employs less than 10 workers adopts such rules that are referred to in paragraph (1) of Article 32-2 or paragraph (2) of Article 35 of the Act, the employer shall make such rules known to the workers, except in cases where such rules are adopted by a written agreement referred to in paragraph (1) of Article 32-2 of the Act (including any resolution by the committee referred to in paragraph (1) of the Article 38-4 set forth in paragraph (5) of the same Article (such committee shall hereinafter be referred to as a "labor-management committee") (such resolution shall hereinafter be referred to as a "resolution by a labor-management committee") and any resolution by the committee on the improvement of working time arrangements provided for in paragraph (1) of Article 7 of the Act on Special Measures for Improvement of Working Time Arrangements (Act No. 90 of 1992; hereinafter referred to as the "Improvement of Working Time Arrangements Act"), including the health committee deemed as the committee on the improvement of working time arrangements under paragraph (2) of Article 7 of the same Act, which was established under paragraph (1) of Article 18 of the Industrial Safety and Health Act (Act No. 57 of 1972) (such committee includes the safety and health committee established under paragraph (1) of Article 19 of the same

Act; the same shall apply hereinafter; such resolution shall hereinafter be referred to as a "resolution by the committee on the improvement of working time arrangements").

Article 12-2 (1) When an employer causes its workers to work under the conditions pursuant to any of the provisions of Articles 32-2 to 32-4 of the Act, the employer shall clearly indicate the initial date of the period prescribed in Articles 32-2 to 32-4 of the Act in the rules of employment or its equivalent or in a written agreement (including any resolution by a labor-management committee or a resolution by the committee on the improvement of working time arrangements).

(2) When an employer gives its workers holidays under the provisions of paragraph (2) of Article 35 of the Act, the employer shall clearly indicate, in the rules of employment or some other equivalent, the initial date of reckoning for a four-week period in which the employer provides four or more days off.

Article 12-2-2 (1) An agreement under the provisions of paragraph (1) of Article 32-2 of the Act (excluding the case where it is by way of collective agreement, and including a resolution of a labor-management or resolution of a committee on the improvement of working time arrangements)shall set forth a validity period .

(2) A notification under the provisions of paragraph (2) of Article 32-2 of the Act shall be submitted according to Form No. 3-2 to the Director of the Labor Standards Office Concerned.

Article 12-3 Matters prescribed by Ordinance of the Ministry of Health, Labour and Welfare referred to in item (iv) of Article 32-3 of the Act shall be listed as follows:

- (i) Standard daily working hours
- (ii) If a time period when workers have to work is fixed, the starting and ending times must be specified.
- (iii) If a time period when workers may choose to work or not is limited, the starting and ending times must be specified

Article 12-4 (1) Matters prescribed by Ordinance of the Ministry of Health, Labour and Welfare referred to item (v) of paragraph (1) of Article 32-4 of the Act which shall be fixed by a written agreement under the provisions of paragraph (1) of Article 32-4 of the Act (excluding the case where it is by way of collective agreement, and including a resolution of a labor-management or resolution of a committee on the improvement of working time arrangements) shall be a stipulation for the valid period of the agreement.

- (2) The employer shall establish stipulations in paper form under the provisions of paragraph (2) of Article 32-4 of the Act.
- (3) When the applicable period referred to in item (ii) of paragraph (1) of Article 32-4 of the Act (hereinafter referred to as "the applicable period" in this Article) exceeds three months, annual working days stipulated by Ordinance of the Ministry of Health, Labour and Welfare referred to in paragraph (3) of Article 32-4 of the Act shall be limited to 280 days in the applicable period. However, in cases where the applicable period exceeds three months and there is an agreement with its applicable period of over three months, falling anytime during the one year prior to the first day of the aforementioned applicable period, (including resolution by a labor-management or resolution by the committee on the improvement of working time arrangements) (if there had been more than one agreement, an agreement just before the new agreement shall be applicable; hereinafter referred to in this paragraph as "the former agreement") under the provisions of paragraph (1) of Article 32-4 of the Act yearly working days shall be shorter one, either days determined by subtracting one day from the yearly working days in the applicable period stipulated under the former agreement or 280 days, if the daily limited working hours exceed longer one, either the daily limited working hours stipulated under the former agreement or nine hours, or the weekly limited working hours exceed longer one, either the weekly limited working hours stipulated under the former agreement or 48 hours.
- (4) Daily working hours and weekly working hours stipulated by Ordinance of the Ministry of Health, Labour and Welfare referred to in paragraph (3) of Article 32-4 of the Act shall be limited to 10 hours per day and 52 hours per week respectively. In this case, if the applicable period exceeds three months, the conformity both of the following items shall be established.
- (i) In the applicable period, the number of consecutive weeks in which weekly working hours exceed 48 hours shall be three or less.
- (ii) In each period determined by dividing the applicable period by every three months from the first day of the applicable period (if there is a period of less than three months, it shall be regarded as one period), the number of first days of weeks in which weekly working hours exceed 48 hours shall be three or less.
- (5) The number of consecutive days on which an employer may have workers work in the applicable period provided in Ordinance of the Ministry of Health, Labour and Welfare referred to in paragraph (3) of Article 32-4 of the Act shall be limited to six days; and the number of consecutive days on which an employer may have workers work in the specified period set forth in the written agreement referred to in paragraph (1) of the Article (including resolutions of the labor-management committee and resolutions of the

committee on the improvement of working time arrangements) shall be limited to the number of days that shall enable workers to have one day off per week.

- (6) A notification referred to in the provisions of paragraph (2) of Article 32-2 of the Act applied mutatis mutandis under the provisions of paragraph (4) of Article 32-4 of the Act must be submitted according to Form No. 4 to the Director of the Labor Standards Office Concerned.

Article 12-5 (1) Businesses prescribed by Ordinance of the Ministry of Health, Labour and Welfare referred to in the provisions of paragraph (1) of Article 32-5 of the Act shall be businesses of retailers, hotels, restaurants, and eating and drinking places.

- (2) The number prescribed by Ordinance of the Ministry of Health, Labour and Welfare referred to in the provisions of paragraph (1) of Article 32-5 of the Act shall be 30 persons.

- (3) A notice of working hours for each day of a week pursuant to the provisions of paragraph (2) of Article 32-5 of the Act shall be given in writing at least before the first day of the week. However, if there is an urgent and unavoidable reason, the employer may change the working hours previously notified by notifying the relevant worker in writing by the day prior to the date on which the employer intends to change the said previously notified working hours.

- (4) A notification referred to in the provisions of paragraph (2) of Article 32-2 of the Act applied mutatis mutandis under the provisions of paragraph (3) of Article 32-5 of the Act must be submitted on Form No. 5 to the Director of the Labor Standards Office Concerned.

- (5) When an employer has workers work pursuant to the provisions of Article 32-5, the employer shall endeavor to respect the workers' intention when fixing working hours for each day of a week.

Article 12-6 When an employer has workers work pursuant to the provisions of Article 32-2, 32-4 or 32-5 of the Act, the employer shall give careful consideration to those who take care of children, those who take care of elderly persons and the like, those who receive vocational training or education, and such other workers who need special consideration so that they may secure time necessary for the child care and the like.

Article 13 (1) A permission under the provisions of the main clause of paragraph (1) of Article 33 of the Act must be obtained from the Director of the Labor Standards Office Concerned, and a notification under the proviso of the same paragraph of the same Article shall be submitted to the Director of the Labor Standards Office Concerned.

- (2) The permission or the notification referred to in the preceding paragraph

shall be made pursuant to Form No. 6.

Article 14 An order under the provisions of paragraph (2) of Article 33 of the Act shall be issued in writing according to Form No.7 by the Director of the Labor Standards Office Concerned.

Article 15 (1) When an employer makes an agreement under the proviso of paragraph (2) of Article 34 of the Act, the employer shall agree on the scope of workers whom the employer do not provide simultaneous rest periods and to the method of providing rest periods to the said workers.

(2) The provisions of the preceding paragraph shall apply mutatis mutandis to a resolution of a labor-management committee or resolution of a committee on the improvement of working time arrangements

Article 16 (1) When an employer makes an agreement under provisions paragraph (1) of Article 36 of the Act, that employer shall set forth in the agreement specific reasons why it is necessary to have workers work overtime or on days off, type of work, the number of workers, hours which may be extended in a day and a fixed period exceeding a day, and days off on which such workers may be required to work.

(2) In an agreement under the preceding paragraph (except collective agreements), the valid period shall be prescribed.

(3) The two preceding paragraphs shall apply mutatis mutandis to a resolutions of a labor-management committee or resolutions of a committee on the improvement of working time arrangements.

Article 17 (1) The notification under the provisions of paragraph (1) of Article 36 of the Act must be made to the Director of the Labor Standards Office Concerned on Form No. 9 (or Form No. 9-2 in the case of a notification of the contents an agreement under paragraph (2) of Article 38-2 of the Act by supplementing them in a notification under paragraph (1) of Article 36 under the paragraph (4) of Article 24-2, or Form No.9-3 in the case of a notification of a resolution of a labor-management committee, or Form No.9-4 in the case of a notification of a resolutions of a committee on the improvement of working time arrangements).

(2) When an agreement provided in paragraph (1) of Article 36 of the Act (including a resolution by a labor-management committee or resolution by a committee on the improvement of working time arrangements (hereinafter the same shall apply in this paragraph)) is to be renewed, an employer may notify an agreement to such effect to the Director of the Labor Standards Office Concerned in lieu of the notification under the preceding paragraph.

Article 18 Work for which extension of working hours is restricted to two hours under the proviso of paragraph (1) of Article 36 of the Act shall be the followings:

- (i) Work for which workers handle a large quantity of intensely heated materials and work at an extremely hot place
- (ii) Work for which workers handle a large quantity of cold materials, and work in an extremely cold place
- (iii) Work for in which workers are exposed to radium radioactive rays, X-rays, or some other injurious radioactive rays
- (iv) Work in a place where dust or powder such as that from earth, rocks, fur are extensively scattered
- (v) Work under unusual atmospheric pressure
- (vi) Work for which workers receive an extreme vibration by operating a rock drill, rivetter and the like
- (vii) Extremely hard work such as those for which workers handle heavy materials
- (viii) Work in an extremely noisy place such as boiler-manufacturing
- (ix) Work in a place where particulate, vapor or gas of lead, mercury, chrome, arsenic, phosphorus, fluorine, chlorine, hydrochloric acid, nitric acid, sulphur dioxide, sulphuric acid, carbon monoxide, carbon disulphide, hydrocyanic, benzene, aniline, or other equivalent injurious material is generated
- (x) Work designated by the Minister of Health, Labour and Welfare other than those listed in the preceding items

Article 19 (1) The amount of wages for standard working hours or days under the provisions of paragraph (1) of Article 37 of the Act shall be calculated by multiplying the amount fixed in any of the following items by the number of overtime hours pursuant to the provisions of Article 33 or paragraph (1) of Article 36 of the Act, that of working hours on rest days, or that of working hours between 10 p.m. and 5 a.m. (or between 11 p.m. and 6 a.m., in case when the Minister of Health, Labour and Welfare recognize the necessary of the application of those hours at a certain areas or time of year):

- (i) When wages are determined on an hourly basis, they shall be the total amount of hourly wages
- (ii) When wages are determined on a daily basis, they shall be obtained by dividing the amount of daily wages by the number of the prescribed working hours in a day (if the number of prescribed working hours varies daily, it is the average prescribed daily working hours for a week)
- (iii) When wages are determined on a weekly basis, they shall be obtained by dividing the amount of weekly wages by the number of the prescribed

- working hours in a week (if the number of prescribed working hours varies weekly, it is the average prescribed weekly working hours for four weeks)
- (iv) When wages are determined on a monthly basis, they shall be obtained by dividing the amount of monthly wages by the number of the prescribed working hours in a month (if the number of prescribed working hours varies monthly, it is the average prescribed monthly working hours for a year)
 - (v) When wages are determined in accordance with a certain period other than a month or a week, they shall be the amount calculated in the same manner as each of the preceding items
 - (vi) When wages are determined at piece rates or on some other contract basis, they shall be obtained by dividing the total amount of wages calculated based on said piece rates or other contract basis during the period subject to the wage calculation (if the closing day for wage calculation is fixed, this means the period up to the closing day; hereinafter the same shall apply) by the total number of working hours during the period subject to the wage calculation
 - (vii) When wages consist of two or more conditions referred to in the preceding items, they shall be the total amounts of each part calculated according to the items concerned
- (2) Those wages such as holiday allowances or some other equivalents which fall under none of the preceding items shall be deemed as those determined on a monthly basis in case of the calculation in any of the items of preceding paragraph.

Article 19-2 (1) When an employer makes an agreement under paragraph (3) of Article 37 of the Act, the employer shall agree on the matters set forth in the following items :

- (i) Method of calculating the number of hours to be given as leave set forth in paragraph (3) of Article 37 of the Act (hereinafter referred to as "substitute leave")
 - (ii) Unit of substitute leave (The unit shall be a day or half day; if substitute leave can be given together with any other leave with the payment of wages for ordinary working hours, the unit of a day or half day shall include such leave)
 - (iii) The period where substitute leave can be given (within two months from the day following the last day of the month in which the working hours extended under Article 33 or paragraph (1) of Article 36 of the Act exceed 60 hours of that month)
- (2) The calculation of the number of hours in item (i) of the preceding paragraph shall be made by multiplying the number of working hours extended beyond 60 hours per month in accordance with Article 33 or paragraph (1) of Article 36 of

the Act by the difference between the rate of premium wages payable for such extended working hours under the proviso of paragraph (1) of Article 37 of the Act in case the worker does not take substitute leave, and the rate of premium wages payable for the extended working hours under the main clause of the same paragraph in case the worker does take substitute leave (hereinafter referred to as the "conversion rate" in the following paragraph).

- (3) The number of hours prescribed by the Ordinance of the Ministry of Health, Labour and Welfare referred in paragraph (3) of Article 37 of the Act shall be obtained by dividing the number of hours of substitute leave by the conversion rate.

Article 20 (1) When working hours extended under the provisions of Article 33 or paragraph (1) of Article 36 of the Act fall between 10 p.m. and 5 a.m. (or the period between 11 p.m. and 6 a.m. in case when the Minister of Health, Labour and Welfare recognize the necessary of the application of those hours at a certain areas or time of year), the employer shall pay premium wages for the work during such hours at a rate no lower than 50 percent (or 75 percent or more for work extended beyond 60 hours in the month) over the amount calculated by multiplying the amount stipulated in items of paragraph (1) of Article 19 by the number of working hours.

- (2) When working hours on days off under the provisions of Article 33 or paragraph (1) of Article 36 of the Act fall between 10 p.m. and 5 a.m. on a rest day (or the period between 11 p.m. and 6 a.m. in case when the Minister of Health, Labour and Welfare recognize the necessary of the application of those hours at a certain areas or time of year), the employer shall pay premium wages for work during such hours at a rate no lower than 60 percent over the amount calculated by multiplying the amount stipulated in items of paragraph (1) of the preceding Article by the number of working hours.

Article 21 Pursuant to the provisions of paragraph (5) of Article 37 of the Act, family allowances, commutation allowances, and the elements of wages listed in the following items shall not be included in the wage calculation basis for premium wages set forth in paragraphs (1) and (4) of the same Article:

- (i) Separate living allowance
- (ii) Child education allowance
- (iii) Housing allowance
- (iv) Special wages
- (v) Wages paid at regular intervals of a period exceeding one month

Article 22 Deleted.

Article 23 When an employer has obtained the permission from the Director of the Labor Standards Office Concerned according to Form No. 10 with respect to night- or day-duty intermittent work, the worker may employ workers who are engaged in such work, notwithstanding the provisions of Article 32 of the Act.

Article 24 When an employer has obtained the permission from the Director of the Labor Standards Office Concerned according to Form No. 11 with respect to the time between the commencement and completion of the entry into a pit for workers who enter and exit a pit as a group, the time period between the completion of entry into and the completion of exit from a pit shall be deemed as working hours of workers belonging to the group for the purpose of the application of the provisions of paragraph (2) of Article 38 of the Act.

Article 24-2 (1) The provisions of paragraph (1) of Article 38-2 of the Act shall apply to the calculation of working hours in the application of the provisions concerning working hours under Chapter 4 of the Act .

(2) An agreement under the provisions of paragraph (2) of Article 38-2 of the Act (excluding the case where it is by way of collective agreement and including a resolution of a labor-management and resolution of a committee on the improvement of working time arrangements) shall set forth a validity period.

(3) A notification pursuant to the provisions of paragraph (3) of Article 38-2 of the Act must be given to the Director of the Labor Standards Office Concerned according to Form No. 12. When the working hours stipulated in an agreement under the provisions of paragraph (2) of the said Article do not exceed the working hours prescribed in the provisions of Article 32 or 40 of the Act, such an agreement does not need to be notified.

(4) An employer may give notification to the Director of the Labor Standards Office Concerned of the contents of an agreement referred to in the provisions of paragraph (2) of Article 38-2 of the Act by including the said contents in the notification under the provisions of paragraph (1) of Article 36 of the Act (except notification of resolution of a labor-management and resolution of a committee on the improvement of working time arrangements) instead of giving the notification referred to in the preceding paragraph.

Article 24-2-2 (1) The provisions of paragraph (1) of Article 38-3 of the Act shall apply to the calculation of working hours in applying provisions concerning working hours under Chapter IV of the Act.

(2) The work prescribed in Ordinance of the Ministry of Health, Labour and Welfare pursuant to item (i) of paragraph (1) of Article 38-3 of the Act shall be the followings:

(i) Work of research and development of new products or new technologies or

- research in the human or natural sciences
 - (ii) Work of analysis or design of information processing systems (meaning any architecture that combines multiple elements for information processing using computers and is the basis for program design)
 - (iii) Work of coverage or editing of articles at a newspaper or publication business or work of coverage or editing for the purpose of producing broadcast programs as prescribed in item (xxvii) of Article 2 of the Broadcast Act (Act No. 132 of 1950) (hereinafter referred to as "broadcast programs")
 - (iv) Work to develop new designs for apparel, interior decoration, industrial products, advertisements, etc.
 - (v) Work of a producer or director at a business that produces broadcast programs, motion pictures, etc.
 - (vi) Work designated by the Minister of Health, Labour and Welfare other than those listed in the preceding items
- (3) The matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare under item (vi) of paragraph (1) of Article 38-3 of the Act shall be the followings:
- (i) The validity period of the agreement prescribed in paragraph (1) of Article 38-3 of the Act (excluding the case where it is by way collective agreement, and including a resolution of a labor-management committee and a resolution of a committee on the improvement of working time arrangements)
 - (ii) An employer shall keep records on file on the following matters for each worker during the validity period under the preceding item and for three years after the expiration of the said validity period.
 - (a) The status of working hours of and the measures taken to ensure the health and welfare of workers prescribed in item (iv) of paragraph (1) of Article 38-3 of the Act
 - (b) The measures taken to cope with complaints of workers prescribed in item (v) of paragraph (1) of Article 38-3 of the Act
- (4) A notification under the provisions of paragraph (iii) of Article 38-2 of the Act as applied mutatis mutandis prescribed in the provisions of paragraph (ii) of Article 38-3 of the Act must be made according to Form No. 13 to the Director of the Labor Standards Office Concerned.

Article 24-2-3 (1) A notification under the provisions of paragraph (1) of Article 38-4 of the Act must be submitted according to the Form No. 13-2 to the Director of the Labor Standards Office Concerned.

(2) The provisions of paragraph (1) of Article 38-4 of the Act shall apply to the calculation of working hours in applying provisions concerning working hours under Chapter IV of the Act.

(3) The matters set forth in Ordinance of the Ministry of Health, Labour and Welfare under the provisions of item (vii) of paragraph (1) of Article 38-4 of the Act shall be listed as follows.

- (i) The validity period of the resolution provided in paragraph (1) of Article 38-4 of the Act
- (ii) An employer shall keep separate records on file on the following matters for each worker during the validity period under the preceding item and for three years after the expiration of the validity period.
 - (a) The condition of working hours of and the measures taken to ensure the health and welfare of the worker prescribed in item (iv) of paragraph (1) of Article 38-4 of the Act
 - (b) The measures taken to cope with complaint of workers prescribed in item (5) of paragraph (1) of Article 38-4 of the Act
 - (c) The consent provided in item (vi) of paragraph (1) of Article 38-4 of the Act

Article 24-2-4 (1) The appointment under item (i) of paragraph (2) of Article 38-4 of the Act must be made from among persons other than those in a supervisory or managerial position set forth in item (ii) of Article 41 of the Act.

(2) With respect to the preparation and preservation of minutes under item (ii) of paragraph (2) of Article 38-4 of the Act, an employer shall prepare minutes of each meeting of the labor-management committee and keep such minutes on file for three years after the date of such meeting (or, in the case of the minutes of a meeting where a resolution provided in paragraph (1) of Article 38-4 of the Act, a resolution by the labor-management committee and a resolution by a majority of four fifths or more of the labor-management committee members pursuant to Article 25-2 are adopted, the date of completion (as provided for in item (v) of Article 56) of the documentation in relation to such resolution).

(3) With respect to the requirement to make the minutes known to workers provided in item (ii) of paragraph (2) of Article 38-4 of the Act, an employer shall make the minutes of a labor-management committee known to the workers at the workplace by any of the following means.

- (i) To post or maintain a copy of such minutes at an easily viewable location at each workplace at all times
- (ii) To deliver written copies of such minutes to the workers
- (iii) To record such minutes on magnetic tape, magnetic disk or other equivalent, and provide appliances at each workplace such that the workers may check the content of the records at all times

(4) The requirement set forth in Ordinance of the Ministry of Health, Labour and Welfare pursuant to item (iii) of paragraph (2) of Article 38-4 of the Act shall be that regulations established with respect to the convocation of labor-

management committee meetings, the quorum, the agenda and other matters necessary for the operation of the labor-management committee.

- (5) An employer shall obtain the consent of the labor-management committee in order to establish or amend the regulations referred to the preceding paragraph.
- (6) An employer shall not treat a worker disadvantageously on the grounds that the worker is a member of the labor-management committee or attempted to become a member of the committee, or acted justifiably as a member of the committee.

Article 24-2-5 (1) A report under paragraph (4) of Article 38-4 of the Act must be made according to Form No. 13-4 to the Director of the Labor Standards Office Concerned once within six months from the day following the date when a resolution is adopted pursuant to paragraph (1) of the same Article and once every year intervals after one year.

- (2) A report referred to paragraph (4) of Article 38-4 of the Act shall be made with respect to the working hours of the worker and the status of implementation of the measures taken to secure the worker's health and welfare of the worker provided in item (iv) of paragraph (1) of Article 38-4 of the Act.

Article 24-3 (1) The hours prescribed by Ordinance of the Ministry of Health, Labour and Welfare under paragraph (3) of Article 39 of the Act shall be 30 hours.

- (2) The number of days stipulated by Ordinance of the Ministry of Health, Labour and Welfare as the prescribed working days in a week for ordinary workers under paragraph (3) of Article 39 of the Act shall be 5.2 days.
- (3) The number of days prescribed by Ordinance of the Ministry of Health, Labour and Welfare with due consideration for the ratio of the number of days prescribed by Ordinance of the Ministry of Health, Labour and Welfare as the prescribed working days in a week for ordinary workers and either the number of prescribed weekly working days for the workers concerned or the average number of prescribed working days per week for the workers concerned ,under paragraph (3) of Article 39 of the Act, given to the worker according to the worker's prescribed weekly working days listed (in the left columns) in the following table in case the worker falls set forth in item (i) of the same paragraph or according to the worker's prescribed yearly working days listed (in the middle columns) in the following table in case the worker falls under item (ii) of the same paragraph, shall be the number of days listed (in the right columns) in the following table according to the worker's continuous service years counting from the employment day.

Prescribed weekly working days	Prescribed working days for one year	Continuous years of service counting from the employment day						
		6 months	1.5 years	2.5 years	3.5 years	4.5 years	5.5 years	6.5 years or more
4 days	169 to 216 days	7 days	8 days	9 days	10 days	12 days	13 days	15 days
3 days	121 to 168 days	5 days	6 days	6 days	8 days	9 days	10 days	11 days
2 days	73 to 120 days	3 days	4 days	4 days	5 days	6 days	6 days	7 days
1 day	48 to 72 days	1 day	2 days	2 days	2 days	3 days	3 days	3 days

(4) The number of days prescribed by Ordinance of the Ministry of Health, Labour and Welfare under item (i) of paragraph (3) of Article 39 of the Act shall be 4 days.

(5) The number of days prescribed by Ordinance of the Ministry of Health, Labour and Welfare under item (ii) of paragraph (3) of Article 39 of the Act shall be 216 days.

Article 24-4 Matters prescribed by the Ordinance of the Ministry of Health, Labour and Welfare under item (iii) of paragraph (4) of Article 39 of the Act shall be as follows:

(i) Number of hours of paid leave that can be given in the unit of hours (It shall not be lower than the number of prescribed working hours per day, or the number of the average prescribed daily working hours for a year if the number of prescribed working hours varies daily; the same shall apply in the following item.)

(ii) Number of hours when paid leave is given in any unit other than one hour (It shall be lower than the number of prescribed working hours per day.)

Article 25 (1) The amount of wages normally paid for the prescribed working hours under the provisions of paragraph (7) of Article 39 of the Act shall be calculated according to the methods prescribed in each of the following items:

(i) When wages are determined on an hourly basis, they shall be calculated by multiplying the amount of hourly wages by the number of the prescribed working hours of the day

(ii) When wages are determined on a daily basis, they shall be the amount

determined

- (iii) When wages are determined on a weekly basis, they shall be calculated by dividing the amount of weekly wages by the number of the prescribed working days of the week
 - (iv) When wages are determined on a monthly basis, they shall be calculated by dividing the amount of monthly wages by the number of the prescribed working days of the month
 - (v) When wages are determined in accordance with a certain period other than a month or a week, they shall be calculated in the same manner as each of the preceding items
 - (vi) When wages are determined at piece rates or on some other contract basis, they shall be calculated by dividing the total amount the wage calculated based on said piece rates or other contract basis during the period subject to the wage calculation (if no wages are calculated at a piece rate or on some other contract basis in the wage calculation period concerned, the amount of wages paid last time for the wage calculation period is used . Hereinafter the same shall apply.) by the total number of working hours in the wage calculation period concerned, then multiplying the quotient by the average daily prescribed working hours during the period subject to the wage calculation
 - (vii) When wages consist of two or more conditions referred to in the preceding items, they shall be the total amounts of each part calculated according to the item concerned
- (2) The amount of wages calculated pursuant to the Ordinance of the Ministry of Health, Labour and Welfare provided in the main clause of paragraph (7) of Article 39 of the Act shall be the amount obtained by dividing the average wage or the amount calculated in accordance with the preceding paragraph by the number of prescribed working hours of the day.
- (3) The amount calculated pursuant to the Ordinance of the Ministry of Health, Labour and Welfare provided in the proviso of paragraph (7) of Article 39 of the Act shall be the amount obtained by dividing the equivalent to the amount of standard daily remuneration provided for in paragraph (1) of Article 99 of the Health Insurance Act (Act No. 70 of 1922) by the number of prescribed working hours of the day.

Article 25-2 (1) An employer who usually employs less than 10 workers in a business stipulated in items (viii), (x) (except businesses producing motion pictures), (xiii), and (xiv) of appended table 1 of the Act may have a worker work up to 44 hours in a week and up to 8 hours in a day, notwithstanding the provisions of Article 32 of the Act.

(2) In the event that an employer has stipulated that the average weekly working

hours in a period not exceeding one month shall not exceed 44 hours in a written agreement either with a labor union organized by a majority of the workers at the workplace concerned where such a labor union exists, or with a person representing a majority of the workers at a workplace where no such labor union exists (including a resolution adopted by majority of four fifths or more of the labor-management committee members or a resolution adopted by majority of four fifths or more of the members of the committee on the improvement of working time arrangements referred to in the provisions of Article 7 of the Improvement of Working Time Arrangements Act; hereinafter the same shall apply in this Article), or in the rules of employment, or the equivalent, the employer may have a worker work in excess of 44 hours in a specified week or in excess of 8 hours in a specified day in accordance with said stipulation, notwithstanding the provisions of Article 32 of the Act.

- (3) In the event that the following items have been provided in a written agreement either with a labor union organized by a majority of the workers at the workplace concerned (in case where such labor union exists),or with a person representing a majority of the workers(in case where such union does not exist), the employer may have a worker who has discretion to decide the starting and ending time for work pursuant to rules of employment or the equivalent and notwithstanding the provisions of paragraph(1) with respect to the business provided in said paragraph, work in excess of 44 hours in a week or in excess of 8 hours in a day; provided the average working hours per week for the period prescribed as the settlement period stipulated in item (ii) below do not exceed 44 hours:
- (i) The scope of workers who may work under the working hour provisions of this paragraph
 - (ii) Settlement period (limited to a period not exceeding one month during which the average working hours per week do not exceed 44 hours; the same shall apply in the following item)
 - (iii) Total working hours for the settlement period
 - (iv) Standard daily working hours
 - (v) If a time period when workers have to work is fixed, the starting and ending times must be specified
 - (vi) If a time period when workers may choose to work or not is limited, the starting and ending times must be specified
- (4) When an employer makes workers work under the provisions of Article 32-4 or 32-5 of the Act, the provisions of the three preceding paragraphs do not apply to those businesses prescribed in paragraph (1).

Article 25-3 (1) The provisions of paragraph (1) of Article 6-2 shall be applied mutatis mutandis to the person representing a majority of the workers

prescribed in paragraphs (2) and (3) of the preceding Article; the provisions of paragraph (3) of Article 6-2 shall be applied mutatis mutandis to the employer prescribed in paragraphs (2) and (3) of the preceding Article; the provisions of Article 12 and paragraph (1) of Article 12-2 shall be applied mutatis mutandis to the stipulation prescribed in paragraphs (2) and (3) of the preceding Article; the provisions of paragraph (1) of Article 12-2-2 shall be applied mutatis mutandis to the agreement prescribed in paragraph (2) of the preceding Article; and the provisions of Article 12-6 shall be applied mutatis mutandis to the employer prescribed in paragraph (2) of the preceding Article.

(2) An employer shall submit the agreement referred to in paragraph (2) of the preceding Article according to Form No. 3-2 to the Director of the Labor Standards Office Concerned.

Article 26 With regard to those workers who work on board a train, diesel railcar, or electric railcar as reserve crew members in the businesses designated in item (iv) of appended table 1 of the Act, an employer may make them work for a period exceeding 40 hours a week or a period exceeding 8 hours a day, notwithstanding the provisions of paragraph (1) of Article 32-2 of the Act, to the extent that the average weekly working hours for a fixed period of one month or less do not exceed 40 hours.

Articles 27 through 30 Deleted.

Article 31 The provisions of paragraph (2) of Article 34 of the Act shall not apply to the businesses designated in any of items (iv), (viii), (ix), (x), (xi), (xiii), and (xiv) of appended table 1 of the Act and businesses of public agencies (except the businesses designated in said appended table 1).

Article 32 (1) With regard to those engineers, drivers, pilots, conductors, train masters, baggage men, trainmen, stewards, air conditioning engineers and power supply officers of a train, diesel railcar, electric railcar, automobile, ship or aircraft (hereinafter referred to as "crew members") who continuously work on board over a long distance among workers employed for the businesses designated in item (iv) of appended table 1 of the Act or for the postal or mail delivery businesses, and workers employed for the businesses designated in item (xi) of the same table who are engaged in postal business at business offices of Japan Post Co., Ltd. having less than 30 indoor workers (limited to business offices which provide postal counter service prescribed in Article 2 of the Post Office Branch Act (Act No. 213 of 1949)), an employer may give them no rest periods notwithstanding the provisions of Article 34 of the Act.

(2) With regard to those crew members who do not fall under the provisions of

the preceding paragraph, an employer may give them no rest periods when it is found impossible to give them rest periods because of the nature of the work in which they are engaged, if the total of stoppage time, waiting time for turning back and other time while on duty is equal to the rest period prescribed in paragraph (1) of Article 34 of the Act, notwithstanding the provisions of the same Article.

Article 33 (1) The provisions of paragraph (3) of Article 34 of the Act shall not apply to those workers who fall under any of the following items:

(i) Police officers, fire fighters, full-time fire corps volunteers, and workers working for children's self-reliance support facilities who live together with children

(ii) Workers working for infant homes, foster homes, and facilities for children with disabilities who live together with children

(2) An employer who employs those workers falling under item (ii) of the preceding paragraph shall obtain, in advance, the permission of the Director of the Labor Standards Office Concerned for the number of such workers, the number of children for accommodation and the manner of work, according to Form No. 13-5.

Article 34 A permission under the provisions of item (iii) of Article 41 of the Act must be obtained from the Director of the Labor Standards Office Concerned for the manner of labor to be engaged in and the number of workers according to Form No. 14.

Article 34-2 The working hours to be prescribed by Ordinance of the Ministry of Health, Labour and Welfare provided in item (ii) of paragraph (3) of Article 60 of the Act shall be 48 hours.

Article 34-2-2 The period of a labor contract with a worker who receives vocational training (hereinafter referred to as "trainee") from an employer who has obtained the permission pursuant to the provisions of Article 71 of the Act may be set according to the training course of the vocational training the trainee receives within the period prescribed by item (iv) of paragraph (1) of Article 10, item (iii) of paragraph (1) of Article 12 or item (iii) of paragraph (1) of Article 14 of Ordinance for Enforcement of the Vocational Ability Development and Promotion Act (Ordinance of the Ministry of Labor No. 24 of 1969) (in the case where the training period is reduced under the provisions of Article 21 of the same Ordinance or paragraph (2) of Article 2 of the supplementary provisions of Ordinance of the Ministry of Labor for Making a Partial Revision of the Ordinance for Enforcement of the Vocational Training

Act (Ordinance of the Ministry of Labor No. 37 of 1978; hereinafter referred to as the "1978 Revised Training Rules"), the reduced period shall be deducted). In this case, the training period prescribed by the workplace shall not be exceeded.

Article 34-3 (1) When an employer finds it necessary so as to make trainees learn skills, the employer may make trainees under 18 years of age engage in some dangerous and injurious work designated in Article 62 of the Act or have male trainees of 16 years of age or more engage in belowground labor.

(2) When an employer have trainees engage in some dangerous and injurious work or belowground labor set forth in the provisions of the preceding paragraph, the employer shall take necessary preventive measures against danger.

(3) Dangerous and injurious work or belowground labor set forth in paragraph (1), and the preventive measures to be taken by an employer referred to provisions of the preceding paragraph shall be shown in appended table 1.

Article 34-4 The employer shall receive a permission provided in the provisions of Article 71 of the Act, by the Directors General of the Prefectural Labor Bureau having jurisdiction over the location of said workplace, based on Form No. 14-2 (written application for the permission) concerning special provisions regarding vocational training.

Article 34-5 When the Director of General of the Prefectural Labor Bureau has given or not, or rescinded permission to an application pursuant to the provisions of the preceding Article, said director shall give notice to said effect to the prefectural governor concerned.

Article 35 The scope of illness in the course of employment under the provisions of paragraph (2) of Article 75 of the Act shall be shown in appended table 1-2.

Article 36 The scope of medical treatment provided in the provision of paragraph (2) of Article 75 of the Act shall be those set forth as follows are found necessary for medical care:

(i) Medical examination

(ii) Provision of medicine or some other treatment material

(iii) Medical measure, operation, or some other remedy

(iv) Supervision of recuperation and relevant assistance and other nursing care at home

(v) Hospitalization for medical treatment and relevant assistance and other nursing care in hospitals or clinics

(vi) Transportation

Article 37 If a worker is injured, gets disease, or dies in employment or in the workplace, or in auxiliary buildings of the business, the employer shall make a medical doctor diagnose the worker without delay.

Article 37-2 If a worker falls under any of the following items, this worker's employer may make no compensation for absence from work:

- (i) When a worker is detained in a penal institution (including a juvenile training school if the punishment is executed there pursuant to paragraph (3) of Article 56 of the Juvenile Act (Act No. 168 of 1948)) for the execution of a sentence of imprisonment with or without work, or execution of penal detention, or after being sentenced to the death penalty; when a worker is under the execution of the sentence of imprisonment with or without work, or execution of penal detention in a detention facility; where a worker is detained in a workhouse after being sentenced to detention there; or where a worker is detained in a court-ordered confinement house for the execution of a judicial decision of court-ordered confinement
- (ii) When a worker is referred to and detained in a juvenile training school or institutions to support resocialization of minors for protective measure pursuant to the provisions of Article 24 of the Juvenile Act; or when a worker is detained in a women's guidance home for measures of protection and guidance pursuant to the provisions of Article 17 of the Anti-Prostitution Act (Act No. 118 of 1956)

Article 38 When a worker only works for part of the prescribed working hours due to injury or disease in the course of employment, the employer shall pay the worker, 60 percent of the difference between the average wages and those paid for said work as a compensation for absence from work.

Article 38-2 In any one-year period from April 1 to March 31, a workplace that usually employs fewer than 100 workers, as referred to in paragraph (2) of Article 76 of the Act is one with fewer than 100 workers, as calculated by dividing the number of workers, in terms of worker-years, during the one year before the relevant April 1 have been employed from April 1 to March 31 each year by the number of the prescribed working days for the year concerned .

Article 38-3 The ordinary wages paid to workers engaged in the same type of work in the same workplace for the prescribed working hours referred to the provisions of paragraph (2) of Article 76 of the Act shall be calculated in the same manner as the method set forth in the provisions of paragraph (1) of

Article 25.

Article 38-4 If there exists no worker whose work and working conditions are the same as those of a worker who suffers an injured or illness in the course of employment in a workplace which usually employs 100 workers or more, the amount of the compensation for absence from work paid to the worker shall be adjusted when the quarterly average of the ordinary wages paid to all the workers in said workplace for the prescribed working hours is increased or decreased.

Article 38-5 Any amount of compensation for absence from work following an adjustment under the provisions of the second sentence of paragraph (2) of Article 76 of the Act shall be made on the basis of the quarterly average wages which has been used as a basis for the first adjustment.

Article 38-6 In case where the increasing or decreasing rate of average wages is calculated on a quarterly under the provisions of paragraphs (2) and (3) of Article 76 of the Act, if there is a fractional percentage to be disregarded.

Article 38-7 Public notice is to be issued of the percentage by which 60 percent of the average wages forming the basis for calculating the amount of compensation for absence from work in a workplace usually employs fewer than 100 workers (or the adjusted amount of compensation for absence from work ,if a workplace has ever adjusted the amount of compensation for absence from work as a workplace usually employing 100 workers or more) must be multiplied, based on the ratio of quarterly average wages set to be paid on a monthly basis in each industry appearing in the Monthly Labor Survey compiled by the Ministry of Health, Labour and Welfare (hereinafter referred to as "Monthly Labor Survey") to the quarterly average in the previous quarter.

Article 38-8 (1) If the industry to which a workplace usually employing less than 100 workers belongs is not included in the industry classification listed in the Monthly Labor Survey, the amount of compensation for absence from work shall be calculated by multiplying 60 percent of the amount of average wages (or the adjusted amount, if a workplace has ever adjusted the amount of compensation for absence from work as a workplace usually employing 100 workers or more, or according to Monthly Labor Survey) by the rate prescribed by public notice.

(2) With regard to workers who are employed on a daily basis, an amount of compensation for absence from work shall be calculated by multiplying 60 percent of the amount of average wages by the rate prescribed by public notice.

Article 38-9 A public notice pursuant to the provisions of the preceding two Articles shall be given every quarter.

Article 38-10 When it is difficult to adjust the amount of compensation for absence from work under the provisions of Articles 38-4, 38-5, 38-7 and 38-8, it shall be adjusted by the Minister of Health, Labour and Welfare.

Article 39 Payments for medical compensation and compensation for absence from work must be made once per month or more.

Article 40 (1) The grades of physically disabled persons eligible for compensation for disabilities shall be listed in appended table 2.

(2) When a worker suffers from two or more of the physical disabilities listed in appended table 2, the grade shall be the one for the most serious disability.

(3) In any of the following cases, a grade under the preceding two paragraphs shall be raised as follows. However, the amount of the disability compensation for the raised grade must not exceed the total amount of the disability compensation for the grade in which each of the physical disabilities falls:

(i) When a worker suffers from two or more of the physical disabilities corresponding to Grade 13 and above: one grade

(ii) When a worker suffers from two or more of the physical disabilities corresponding to Grade 8 or above: two grades

(iii) When a worker suffers from two or more of the physical disabilities corresponding to Grade 5 or above: three grades

(4) With regard to a worker who suffers from a physical disability other than those listed in appended table 2, disability compensation must be made according to the degree of the disability in the same manner as the disabilities listed in appended table 2.

(5) When a worker with an existing physical disability has aggravated the disability of the same part due to an injury or illness, the compensation for the disability must be made in the amount of compensation for the disability corresponding to the aggravated disability less the amount of compensation for the disability corresponding to the existing disability.

Article 41 A certification pursuant to the provisions of Article 78 of the Act must be obtained according to Form No. 15 from the Director of the Labor Standards Office Concerned. In this case, the employer shall at same time submit a written document that proves the fact that there has been gross negligence prescribed in the provisions said Article.

Article 42 (1) The person who should be given compensation for bereaved family shall be the spouse of a worker (including the person who has de facto marital relationship without a marriage notification; hereinafter the same shall apply).
(2) When a worker has no spouse, the persons who should be given compensation for bereaved family shall be the worker's children, parents, grandchildren and grandparents, who made a living from the worker's income, or who lived on common living expenses at the time when the worker died and the priority is in the order mentioned above. As for parents, adoptive parents shall have priority over natural parents.

Article 43 (1) When a worker has no one who falls under the provisions of the preceding Article, the person who should be given compensation for bereaved family shall be the worker's children, parents, grandchildren and grandparents who do not fall under the provisions of paragraph (2) of the preceding Article, and the worker's brothers and sisters and the priority is in the order of children, parent, grandchildren, grandparents and bothers and sisters, and as for brothers and sisters, those who made a living from the worker's income, or who lived on common living expenses at the time when the worker died shall have priority.
(2) When a worker has designated a specific person among those who fall under the provisions set forth in the preceding paragraph in a will or in an advance notice to the employer, the person who should be given compensation for survivor shall be the designated one notwithstanding the provisions of the preceding paragraph.

Article 44 When there are two or more persons of the same priority rank who should be given compensation for bereaved family, the compensation for bereaved family shall be equally divided by the number of such persons.

Article 45 (1) When a person who should be given compensation for bereaved family has died, that person's right to receive such compensation for bereaved family shall cease to exist.
(2) In the cases referred to in the preceding paragraph, the employer shall give compensation for bereaved family excluding the deceased from the persons with priority order under the provisions of any of the three preceding Articles.

Article 46 After the commencement of the payment of compensation in installments pursuant to the provisions of Article 82 of the Act, an employer may pay the remaining amount of the compensation in a lump sum according to appended table 3 with the consent of the person who should be given the compensation.

Article 47 (1) Compensation for physical disabilities must be made within seven days from the date when the disability grade is determined after a worker has recovered from the injury or illness.

(2) Compensation for bereaved family and funeral rites expenses shall be paid within seven days from the date when persons must be given the compensation for bereaved family and the funeral rites expenses is determined after a worker dies.

(3) The second and later installments of compensation must be paid every year in the month corresponding to the month when the first installment of compensation is paid.

Article 48 When accident compensation is made, the date when the accident causing death or injury has occurred or the date which is confirmed by diagnosis as that of the outbreak of the illness shall be the date when a cause has arisen to calculate average wages.

Article 48-2 The businesses set in forth in Ordinance of the Ministry of Health, Labour and Welfare pursuant to the provisions of paragraph (1) of Article 87 of the Act shall be those businesses listed in item (iii) of appended table 1 of the Act.

Article 49 (1) When an employer has come to usually employ ten or more workers, the employer shall submit the rules of employment under the provisions of Article 89 of the Act, to the Director of the Labor Standards Office Concerned without delay.

(2) A written document stating opinions to be attached to a notification set forth in the provisions of the preceding paragraph under the provisions of paragraph (2) of Article 90 of the Act, shall have the signature or the name and seal affixed by the representative of the workers.

Article 50 The order to change rules of employment under the provisions of paragraph (2) of Article 92 of the Act shall be given in writing according to Form No. 17 by the Director of the Labor Standards Office Concerned.

Article 50-2 Businesses involving dangerous activities or those involving activities harmful to health set forth in Ordinance of the Ministry of Health, Labour and Welfare under the provisions of paragraph (1) of Article 96-2 of the Act shall be listed as follows:

(i) Businesses falling under any of those designated by items (i) to (iii) inclusive of appended table 1 of the Act where the total rated output of

- motors to be used is 2.2 kw or more
- (ii) Businesses where the total rated output of motors to be used is 1.5 kw or more for a job falling under any of those listed as follows
 - (a) Work of processing materials by presser or shear
 - (b) Work of cutting or drying and grinding metals
 - (c) Work of cutting and processing woods
 - (d) Work of carding cotton, ginning cotton, hackling flax, raising nap or reclaiming wool
 - (iii) Businesses in which the workers chiefly engage in the following work
 - (a) Work set forth in appended table 6-2 of the Industrial Safety and Health Regulations (Ordinance of the Ministry of Labor, No. 32 in 1972)
 - (b) Work of handling skyline logging cable crane and logging cableway falling designated in item (iii) of Article 6 of the Order for Enforcement of the Industrial Safety and Health Act (Cabinet Order No. 318, 1972)
 - (iv) Other types of work designated by Minister of Health, Labour and Welfare

Article 51 Deleted.

Article 52 The Identification card which a labor standards inspector shall carry pursuant to the provisions of paragraph (2) of Article 101 of the Act shall be made according to Form No. 18.

Article 52-2 The methods set forth in Ordinance of the Ministry of Health, Labour and Welfare under paragraph (1) of Article 106 of the Act shall be listed as follows:

- (i) To post or maintain a copy of such laws and regulations, etc. at an easily viewable location at each workplace at all times
- (ii) To deliver written copies to the workers
- (iii) To record them on magnetic tape, magnetic disk or other equivalent, and provide appliances at each workplace such that the workers may check the content of the records at all times

Article 53 (1) Items to be entered into a roster of workers (Form No. 19) under paragraph (1) of Article 107 of the Act shall be those listed as follows in addition to those provided by the same paragraph of the same Article:

- (i) Sex
- (ii) Address
- (iii) Type of work in which the worker is engaged
- (iv) Date of hiring
- (v) Date and cause of retirement (including its reason in the case where the cause of the retirement is dismissal)

(vi) Date and cause of death

(2) A workplace which regularly employs less than 30 workers shall not be required to enter items listed in item (iii) of the preceding paragraph into the roster.

Article 54 (1) An employer shall enter the following items into the wage ledger for each worker under the provisions of Article 108 of the Act:

(i) Name

(ii) Sex

(iii) Wage calculation period

(iv) Working days

(v) Working hours

(vi) When an employer makes a worker work overtime, or work on a day off under the provisions of Article 33 of the Act or paragraph (1) of Article 36 of the Act, or during the period between 10 p.m. and 5 a.m. (between 11 p.m. and 6 a.m. in areas or during periods specified by the Minister of Health, Labour and Welfare when the Minister finds it necessary), the number of overtime hours, that of working hours on days off or that of night working hours

(vii) Respective amounts of basic wages, allowances, and other wage categories

(viii) When a part of wages is deducted under the provisions of paragraph (1) of Article 24 of the Act, the deducted amount

(2) When the rules of employment of the relevant workplace set forth prescribed working hours and days off different from those prescribed under the provisions of the Act, numbers of working hours under item (vi) of the preceding paragraph may be replaced by numbers of working hours calculated according to such rules of employment.

(3) When wage categories under item (vii) of paragraph (1) include wages paid in some form other than currency, the total appraised value of such wages must be stated.

(4) With regard to workers hired on a daily basis (except those who continue to be employed for a period exceeding one month), item (iii) of paragraph (1) shall not be required to be stated.

(5) With regard to workers who fall under any of the items of Article 41 of the Act, items (v) and (vi) of paragraph (1) shall not be required to be stated.

Article 55 A wage ledger pursuant to the provisions of Article 108 of the Act must be prepared for regular workers (including those hired on a daily basis who continue to be employed for a period exceeding one month) according to Form No. 20, and for workers hired on a daily basis according to Form No. 21 (excluding those who continue to be employed for a period exceeding one

month).

Article 55-2 An employer may combine and prepare the roster of workers provided in Article 53 and the wage ledger provided in Article 55.

Article 56 The starting point of a preservation period of records under Article 109 of the Act shall be as follows:

- (i) Date of the death, retirement or dismissal of a worker for a roster of workers
- (ii) Date when the last entry is made for a wage ledger
- (iii) Date of the retirement or death of a worker for documents concerning the hiring or retirement of a worker
- (iv) Date when accident compensation has been completed, for documents concerning accident compensation
- (v) The end date of the employment contract of a worker for important documents concerning wages or labor relationship

Article 57 (1) When an employer falls under any of the following items, the employer shall report each fact to the Director of the Labor Standards Office Concerned without delay according to Form No. 23-2 for item (i), according to Form No. 22 of the Industrial Safety and Health Regulations for item (ii), and according to Form No. 23 of the Industrial Safety and Health Regulations for item (iii):

- (i) When an employer has commenced a business
 - (ii) When a fire or an explosion has arisen in an auxiliary dormitory, or it has been collapsed
 - (iii) When a worker has died or been absent from work due to an injury, suffocation or acute toxication in an auxiliary dormitory
- (2) When the number of absences is less than four days in the case designated in item (iii) of the preceding paragraph, any employer shall report, according to Form No. 24 of the Industrial Safety and Health Regulations, to the Director of the Labor Standards Office Concerned those facts having arisen from January to March, from April to June, from July to September, and from October to December, by the end of the month after the last month of each period every year notwithstanding the provisions of the preceding paragraph.
- (3) An employer who accepts a worker's deposit based on an agreement submitted under the provisions of paragraph (2) of Article 18 of the Act shall report on the condition of the savings management for the twelve month period ending on 31 March each year to the Director of the Labor Standards Office Concerned according to Form No. 24.

Article 58 When an administrative government agency has an employer or

worker submit a report on necessary matters or order them to appear to the premises of the agency pursuant to the provisions of paragraph (1) of Article 104-2 of the Act, this agency shall give notice of the following items:

- (i) Reasons for having the employer or worker submit a report or appear
- (ii) Matters to be heard when ordering them to appear

Article 59 Applicants shall submit two copies each of written applications for permission, approval, recognition, or designation stipulated by the Act and orders based on the Act.

Article 59-2 (1) The forms (except Form No. 24) of an application of permission, approval, recognition, or designation, a notification, a report, a roster of workers, or a wage ledger prescribed by the Act and orders based on the Act show what should be written as a minimum, and shall not preclude the use of vertical or horizontal writing, or any other format.

(2) An employer may submit an application of permission or recognition, a notification, or a report to the administrative government agency according to the Form prescribed by the Act and orders based on the Act, writing personal signature on it instead of printing the name and affixing a seal on it.

Supplementary Provisions [Extract]

Article 60 This Ordinance of the Ministry shall come into force as from September 1, 1947.

Article 65 Notwithstanding the provisions of Article 12-4, paragraph (4), until otherwise provided for by law, if the worker is employed at a place of business located in a region designated by the Minister of Health, Labour and Welfare as one with significantly high snow accumulation; is employed in a job designated by the Minister of Health, Labour and Welfare as entailing job-related activities that must be curtailed during the winter in such a region; and is engaged in duties designated by the Minister of Health, Labour and Welfare as being difficult for workers to engage in during the winter because the nature of those duties requires the worker to work out-of-doors; the reference, in Article 32-4, paragraph (3) of the Act, to a daily-working-hour limit specified by Ordinance of the Ministry of Health, Labour and Welfare means 10 hours, and the reference in that paragraph to a weekly-working-hour limit so specified means 52 hours.

Article 66 Notwithstanding the provisions of Article 12-4, paragraph (4), until otherwise provided for by law, if the worker is engaged in duties falling under

both of the following items and those duties involve the worker driving an automobile with four or more wheels as a part of public motor vehicle transportation services (meaning public motor vehicle transportation services as referred to in item (i)-(c) of Article 3 of the Road Transportation Act (Act No. 183 of 1951); hereinafter the applies in this Article) (this excludes any automobile that is used in public motor vehicle transportation services, but that provides carrier service in response to requests that are only accepted at a business office of the carrier company), the reference, in Article 32-4, paragraph (3) of the Act, to a daily-working-hour limit specified by Ordinance of the Ministry of Health, Labour and Welfare is 16 hours.

- (i) Work with a continuous interval of 20 hours or more between the ending time of the working hours and the starting time of the next working hours of the worker who engages to said work(including extended working hours in the event that an employer has extended working hours of a worker and working hours for days off in the event that an employer has made a worker work on days off under the provisions of Article 33 and paragraph (1) of Article 36 of the Act; hereinafter the same shall apply in this item)
- (ii) Work where starting time and ending time are not on the same day

Article 66-2 With regard to applying the provisions of paragraph (1) of Article 24-2-5, until otherwise provided for by law, the phrase "once within six month and once every year or less thereafter" in said paragraph of said article, is deemed to be replaced with "once every six months or less."

Article 67 (1) Persons set forth in Ordinance of the Ministry of Health, Labour and Welfare pursuant to Article 133 of the Act shall be the following:

- (i) Workers who take care of children who have not attained the school age
 - (ii) Workers who take care of any of the following persons who always needs nursing care for two weeks or more because of injury, illness, or physical or mental disability of said persons
 - (a) Spouse, parents or children, or spouse's parents
 - (b) Grandparents, siblings, or grandchildren whom the said workers live with and support
- (2) The period set forth in Ordinance of the Ministry of Health, Labour and Welfare pursuant to the order set forth in Article 133 of the Act shall be from April 1, 1999 to March 31, 2002.

Article 68 When applying paragraph (1) of Article 20 regarding the business of small and medium-sized business operators set forth in Article 138 of the Act, the sentence "no lower than 50 percent (or 75 percent for work extended beyond 60 hours in the month)" shall be read as "no lower than 50 percent".

Appended Table 1

(i) The scope of dangerous and injurious work, and belowground labor to which trainees may be assigned shall be listed in the middle columns of the following table in accordance with the training course of vocational training to which they belong: those necessary to carry out the exercises comprising the practical training for the subjects set forth in item (i) of Article 3 of the Ordinance for Enforcement of the Vocational Training Act prior to they were revised by the 1978 revised Training Rules, which are applied in the standards on the basic training of the training courses set forth in item (ii), paragraph (1) of Article 10 or item (ii), paragraph (1) of Article 12 of the Ordinance for Enforcement of the Vocational Ability Development and Promotion Act or paragraph (1) of Article 2 of the supplementary provisions of the 1978 revised Training Rules.

(ii) The standards on the measures to be taken by employer shall be as follows:

(a) Standards on general measures

1. Employers shall have vocational training instructors provide trainees with the necessary instructions to prevent danger during the work.
2. They shall provide the trainees with education on safety or healthy working methods necessary for the work in advance.
3. They shall always give heed to improving the work environment.
4. They shall always pay attention to the trainees' condition of health and endeavor to improve it.

(b) Standards on individual measures

The standards shall be those prescribed in the right columns of the following table regarding work prescribed in the middle columns.

Appended Table 1-2

(i) Disease resulting from injuries incurred in the course of employment

(ii) The following disease due to physical factors:

- (a) Disease in the anterior part of the eye or skin disease due to work involving exposure to ultraviolet rays
- (b) Eye disease such as retinal burn and cataract or skin disease due to work involving exposure to infrared rays
- (c) Eye disease such as retinal burn or skin disease due to work involving exposure to laser beams
- (d) Eye disease such as cataract due to work involving exposure to microwaves
- (e) The following disease due to work involving exposure to ionizing radiation: radio dermatitis such as acute radiation disease and skin ulcer, eye disease due to radiation such as cataract, radiation fibrosis of the lung,

- hematopoietic disorder such as aplastic anemia, osteonecrosis, and other illness due to radiation
- (f) Caisson disease or diver's disease due to work in high-pressure rooms or diving
 - (g) Mountain sickness or aircraft dysbarism due to work done in low-pressure places
 - (h) Heat stroke due to work done in hot places
 - (i) Burns due to work to handle extremely heated materials
 - (j) Frostbite due to work done in cold places or to handle cold materials
 - (k) Hearing disability such as deafness due to work done in noisy places
 - (l) Necrosis such as of finger tissues due to work involving exposure to supersonic waves
 - (m) In addition to the disease prescribed in (a) to (l) inclusive their annexed disease and other disease which clearly result from work involving exposure to physical factors
- (iii) The following disease caused by a form of work which involve extreme physical tension:
- (a) Muscle, tendon, bone, or joint disease or prolapse of internal organs due to strenuous work
 - (b) Low back pain due to work to handle heavy objects, those done in unnatural postures or others which involve excessive tension to low back
 - (c) Peripheral circulatory disorder, peripheral nerve disorder, or motive organ disorder of fingers or forearm etc. due to work which vibrate the body due to use of equipment or machinery such as rock drill riveter, or chain saw
 - (d) Motive organ disorder of the back of the head, neck, shoulder girdle, upper arm, forearm, or fingers due to work which require repeated input into a computer or other operation involving excessive tension on the upper limbs
 - (e) In addition to the illness listed in (a) to (d) inclusive their annexed disease and other that are clearly caused by work executed in ways which involve excessive tension to the body
- (iv) The following disease due to chemical substances etc:
- (a) Disease designated by the Minister of Health, Labour and Welfare due to work involving exposure to simple chemical substances or compounds (including alloys) designated by the Minister of Health, Labour and Welfare
 - (b) Inflammation of mucous membranes of the eyes or respiratory troubles such as inflammation of mucous membranes of the respiratory organs due to work involving exposure to pyrolytic products of synthetic resins such as of fluoric resin, vinyl chloride resin, or acrylic resin
 - (c) Skin disease due to work involving exposure to soot, mineral oil, lacquer, tar, cement, or amine type resin hardeners manufactured or some other equivalent

- (d) Skin disease conjunctivitis, or respiratory disease such as rhinitis or asthma bronchiale due to work involving exposure to proteolytic enzymes
- (e) Respiratory disease such as allergic rhinitis or asthma bronchiale due to work done in places where particulate of lumber or fur or some other equivalent are scattered or those involving exposure to antibiotics or some other equivalent
- (f) Respiratory disease due to work done in places where particulate of cotton waste or some other equivalent are scattered
- (g) Benign asbestos pleural effusion or diffuse pleural thickening due to work involving exposure to asbestos
- (h) Anoxia due to work done in places with low oxygen content
- (i) In addition to the disease listed in (a) to (h) inclusive their annexed disease and other disease that are clearly caused by work involving exposure to chemical substances
- (v) Pneumoconiosis or disease listed in the items of Article 1 of the Ordinance for Enforcement of the Pneumoconiosis Act (Ordinance No. 6 of the Ministry of, Labor 1960) which are complication of pneumoconiosis prescribed by the Pneumoconiosis Act (Act No. 30, 1960) due to work done in places where fine particulate is scattered.
- (vi) The following disease due to pathogens such as bacteria and viruses:
 - (a) Infectious diseases due to treating , nursing or caring patients or work to handle pathogens for research and other purposes
 - (b) Infectious diseases such as brucellosis and anthrax due to work to handle animals and their carcasses, fur, hide, other animal materials, or rags and other old cloth
 - (c) Leptospirosis such as Weil disease due to work in damp places
 - (d) Tsutsugamushi disease due to outdoor work
 - (e) In addition to the disease listed in (a) to (d) inclusive their annexed disease and others that are clearly caused by work involving exposure to pathogens such as bacteria and viruses
- (vii) The following disease due to carcinogen, carcinogenic agent, or work done in the carcinogenic processes:
 - (a) Tumor of urinary tract due to work involving exposure to benzidine
 - (b) Tumor of urinary tract due to work involving exposure to betanaphthylamine
 - (c) Tumor of urinary tract due to work involving exposure to 4-aminodiphenyl
 - (d) Tumor of urinary tract due to work involving exposure to 4-nitrodiphenyl
 - (e) Lung cancer due to work involving exposure to bis (chloromethyl) ether
 - (f) Lung cancer due to work involving exposure to benzotrichloride
 - (g) Lung cancer or mesothelioma due to work involving exposure to asbestos
 - (h) Leukemia due to work involving exposure to benzene

- (i) Angiosarcoma of liver or hepatocellular carcinoma due to work involving exposure to vinyl chloride
- (j) Leukemia, lung cancer, skin cancer, osteosarcoma, thyroid carcinoma, multiple myeloma, or non-Hodgkin lymphoma due to work involving exposure to ionizing radiation
- (k) Tumors of urinary tract due to work the auramine manufacturing process
- (l) Tumors of urinary tract due to work in the magenta manufacturing process
- (m) Lung cancer due to work in the coke or producer gas manufacturing process
- (n) Lung cancer or cancer in the upper respiratory organs due to work in the chromate or bichromate manufacturing process
- (o) Lung cancer or cancer in the upper respiratory organs due to work in the nickel smelting or refining process
- (p) Lung or skin cancer due to work in the processes to manufacture or refine metals using ores containing arsenic or those in inorganic arsenic compounds in manufacturing process
- (q) Skin cancer due to work involving exposure to soot, mineral oil, tar, pitch, asphalt, or paraffin
- (r) In addition to the disease listed in (a) to (q) inclusive their annexed disease and others that are clearly caused by work involving exposure to carcinogen, carcinogenic agent, or work done in the carcinogenic processes
- (viii) Cerebral hemorrhage, subarachnoid hemorrhage, cerebral infarction, hypertensive encephalopathy, myocardial infarction, angina pectoris, cardiac arrest (including sudden cardiac death), dissecting aneurysm of the aorta, or their annexed disease due to work which require extended hours of work over a long period of time or other work which significantly worsens a vascular lesion, etc.
- (ix) A mental and behavioral disorder or their annexed disease due to life-threatening accidents or jobs involving excessive mental tension
- (x) In addition to the disease listed in the preceding items those designated by the Minister of Health, Labour and Welfare.
- (xi) Other disease that is clearly caused by operations.

Appended Table 2 Table of Disability Grades (Re: Art. 40)

ability Grade	Physical Disability
Grade 1 (1340 days worth of the average wage stipulated by Article 12 of the Labor Standards Act)	(1) Those who are blind in both eyes. (2) Those who have lost the functions of mastication and speech.

	<p>(3) Those who are left with serious impairment in the functions of the nervous system or in the psyche and require continuous nursing care.</p> <p>(4) Those who are left with serious impairment in the functions of the thorax and abdominal organs and require continuous nursing care.</p> <p>(5) Deleted.</p> <p>(6) Those who have lost both upper limbs above the elbow joint.</p> <p>(7) Those who have completely lost the functions of both upper limbs.</p> <p>(8) Those who have lost both lower limbs above the knee joint.</p> <p>(9) Those who have completely lost the functions of both lower limbs.</p>
<p>Grade 2</p> <p>(1190 days worth of the average wage stipulated by Article 12 of the Labor Standards Act)</p>	<p>(1) Those who are blind in one eye and whose vision has deteriorated to 0.02 or less in the other eye.</p> <p>(2) Those whose vision in both eyes has deteriorated to 0.02 or less.</p> <p>(2-2) Those who are left with serious impairment in the functions of the nervous system or in the psyche and require occasional nursing care.</p> <p>(2-3) Those who are left with serious impairment in the functions of the thorax and abdominal organs and require occasional nursing care.</p> <p>(3) Those who have lost both upper limbs above the wrist joint.</p> <p>(4) Those who have lost both lower limbs above the ankle joint.</p>
<p>Grade 3</p> <p>(1050 days worth of the average wage stipulated by Article 12 of the Labor Standards Act)</p>	<p>(1) Those who are blind in one eye and whose vision has deteriorated to 0.06 or less in the other eye.</p> <p>(2) Those who have lost the functions of mastication or speech.</p> <p>(3) Those who are left with serious impairment in the functions of the nervous system or in the psyche and will be unable to engage in labor for the rest of their lives.</p>

	<p>(4) Those who are left with serious impairment in the functions of the thorax and abdominal organs and will be unable to engage in labor for the rest of their lives.</p> <p>(5) Those who have lost all the fingers of both hands.</p>
<p>Grade 4</p> <p>(920 days worth of the average wage stipulated by Article 12 of the Labor Standards Act)</p>	<p>(1) Those whose vision in both eyes has deteriorated to 0.06 or less.</p> <p>(2) Those who are left with serious impairment in the functions of mastication and speech.</p> <p>(3) Those who have completely lost the hearing in both ears.</p> <p>(4) Those who have lost one upper limb above the elbow joint.</p> <p>(5) Those who have lost one lower limb above the knee joint.</p> <p>(6) Those who have lost the use of all the fingers of both hands.</p> <p>(7) Those who have lost both feet above Lisfranc's joint.</p>
<p>Grade 5</p> <p>(790 days worth of the average wage stipulated by Article 12 of the Labor Standards Act)</p>	<p>(1) Those who are blind in one eye and whose vision has deteriorated to 0.1 or less in the other eye.</p> <p>(1-2) Those who are left with serious impairment in the functions of the nervous system or in the psyche and will be unable to engage in any labor, excluding especially light labor.</p> <p>(1-3) Those who are left with serious impairment in the functions of the thorax and abdominal organs and will be unable to engage in any labor, excluding especially light labor.</p> <p>(2) Those who have lost one upper limb above the wrist joint.</p> <p>(3) Those who have lost one lower limb above the ankle joint.</p> <p>(4) Those who have completely lost the use of one upper limb.</p> <p>(5) Those who have completely lost the use of one lower limb.</p> <p>(6) Those who have lost all the toes of both feet.</p>
<p>Grade 6</p> <p>(670 days worth of the average wage stipulated by Article 12 of the Labor Standards Act)</p>	<p>(1) Those whose vision in both eyes has deteriorated to 0.1 or less.</p> <p>(2) Those who are left with serious impairment in the functions of mastication or speech.</p>

	<p>(3) Those whose hearing in both ears has deteriorated to the extent that they cannot hear a loud voice unless they are right next to said ears.</p> <p>(3-2) Those who have completely lost the hearing in one ear and whose hearing in the other ear has deteriorated to the extent that they cannot hear an ordinary voice at a distance of 40 cm or more with that ear.</p> <p>(4) Those who are left with a serious deformity or mobility impairment in the spinal column.</p> <p>(5) Those who have lost the use of two of the three major joints in one upper limb.</p> <p>(6) Those who have lost the use of two of the three major joints in one lower limb.</p> <p>(7) Those who have lost the five fingers of one hand or four fingers of one hand including the thumb.</p>
<p>Grade 7</p> <p>(560 days worth of the average wage stipulated by Article 12 of the Labor Standards Act)</p>	<p>(1) Those who are blind in one eye and whose vision has deteriorated to 0.6 or less in the other eye.</p> <p>(2) Those whose hearing in both ears has deteriorated to the extent that they cannot hear an ordinary voice at a distance of 40 cm or more.</p> <p>(2-2) Those who have completely lost the hearing in one ear and whose hearing in the other ear has deteriorated to the extent that they cannot hear an ordinary voice at a distance of one meter or more with that ear.</p> <p>(3) Those who are left with impairment in the functions of the nervous system or in the psyche and cannot engage in any labor, excluding light labor.</p> <p>(4) Deleted.</p> <p>(5) Those who are left with impairment in the functions of the thorax and abdominal organs and cannot engage in any labor, excluding light labor.</p>

	<p>(6) Those who have lost the thumb and two fingers of one hand or four fingers, except the thumb, of one hand.</p> <p>(7) Those who have lost the use of five fingers of one hand or four fingers of one hand including the thumb.</p> <p>(8) Those who have lost one foot above Lisfranc's joint.</p> <p>(9) Those who are left with a Pseudarthrosis in one upper limb and serious mobility impairment.</p> <p>(10) Those who are left with a Pseudarthrosis in one lower limb and serious mobility impairment.</p> <p>(11) Those who have lost the use of all the toes of both feet.</p> <p>(12) Those who are left with extreme deformities in their external appearance.</p> <p>(13) Those who have lost both testicles.</p>
<p>Grade 8</p> <p>(450 days of worth the average wage stipulated by Article 12 of the Labor Standards Act)</p>	<p>(1) Those who are blind in one eye or whose vision has deteriorated to 0.02 or less in one eye.</p> <p>(2) Those who are left with mobility impairment in the spinal column.</p> <p>(3) Those who have lost the thumb and one finger of one hand or three fingers, except the thumb, of one hand.</p> <p>(4) Those who have lost the use of the thumb and two fingers of one hand or four fingers, except the thumb, of one hand.</p> <p>(5) Those who have had one lower limb shortened by 5cm or more.</p> <p>(6) Those who have lost the use of one of the three major joints in one upper limb.</p> <p>(7) Those who have lost the use of one of the three major joints in one lower limb.</p> <p>(8) Those who are left with a Pseudarthrosis in one upper limb.</p> <p>(9) Those who are left with a Pseudarthrosis in one lower limb.</p> <p>(10) Those who have lost all the toes of one foot.</p>

<p>Grade 9</p> <p>(350 days worth of the average wage stipulated by Article 12 of the Labor Standards Act)</p>	<p>(1) Those whose vision in both eyes has deteriorated to 0.6 or less.</p> <p>(2) Those whose vision in one eye has deteriorated to 0.06 or less.</p> <p>(3) Those who are left with hemianopsia, contraction of the field of vision or distortion of the field of vision in both eyes.</p> <p>(4) Those who are left with serious damage to both eyelids.</p> <p>(5) Those who have lost their noses and are left with serious impairment in the functions of the nose.</p> <p>(6) Those who are left with impairment in the functions of mastication and speech.</p> <p>(6-2) Those whose hearing in both ears has deteriorated to the extent that they cannot hear an ordinary voice at a distance of one meter or more.</p> <p>(6-3) Those whose hearing has deteriorated in one ear to the extent that they cannot hear a loud voice unless they are right next to that ear and whose hearing in the other ear has decreased to the extent that they have difficulty in hearing an ordinary.</p> <p>(7) Those who have completely lost the hearing in one ear.</p> <p>(7-2) Those who are left with impairment in the functions of the nervous system or in the psyche and for whom the labor in which they can engage is limited to a considerable extent.</p> <p>(7-3) Those who are left with impairment in the functions of the thorax and abdominal organs and for whom the labor in which they can engage is limited to a considerable extent.</p> <p>(8) Those who have lost the thumb of one hand or two fingers, except the thumb, of one hand.</p>
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	<p>(9) Those who have lost the use of two fingers of one hand including the thumb, or three fingers, except the thumbs, of one hand.</p> <p>(10) Those who have lost two toes or more of one foot including the large toe.</p> <p>(11) Those who have lost the use of all the toes of one foot.</p> <p>(11-2) Those who are left with considerable deformities in their external appearance.</p> <p>(12) Those who are left with serious impairment in the genital organs.</p>
<p>Grade 10</p> <p>(270 days worth of the average wage stipulated by Article 12 of the Labor Standards Act)</p>	<p>(1-1) Those whose vision in one eye has deteriorated to 0.1 or less.</p> <p>(1-2) Those who are left with diplopia in their frontal vision.</p> <p>(2) Those who are left with impairment in the functions of mastication and speech.</p> <p>(3) Those who have 14 teeth or more on dentally prostheses.</p> <p>(3-2) Those whose hearing in both ears has deteriorated to the extent that they cannot hear an ordinary voice at a distance of one meter or more.</p> <p>(4) Those whose hearing in one ear has deteriorated to the extent that they cannot hear a loud voice unless they are right next to said ear.</p> <p>(5) Deleted</p> <p>(6) Those who have lost the use of their thumb on one hand or two fingers, except the thumb, on one hand.</p> <p>(7) Those who have had one lower limb shortened by three centimeters or more.</p> <p>(8) Those who have lost the big toe or the other four toes on one foot.</p> <p>(9) Those who are left with serious impairment in the functions of one of the three major joints of one upper limb.</p>

	(10) Those who are left with serious impairment in the functions of one of the three major joints of one lower limb.
Grade 11 (200 days worth of the average wage stipulated by Article 12 of the Labor Standards Act)	<p>(1) Those who are left with serious impairment in their adjustment function or mobility impairment in both eyeballs.</p> <p>(2) Those who are left with serious mobility impairment in both eyelids.</p> <p>(3) Those who are left with serious damage to one eyelid.</p> <p>(3-2) Those who have ten teeth or more on dentally prostheses.</p> <p>(3-3) Those whose hearing in both ears has deteriorated to the extent that they cannot hear a low voice at a distance of one meter or more.</p> <p>(4) Those whose hearing in one ear has deteriorated to the extent that they cannot hear an ordinary voice at a distance of 40 cm or more with that ear.</p> <p>(5) Those who are left with a deformity in their spinal column.</p> <p>(6) Those who have lost the index, third, or fourth finger on one hand.</p> <p>(7) Deleted</p> <p>(8) Those who have lost the use of two toes or more on one foot including the big toe.</p> <p>(9) Those who are left with impairment in the functions of their thorax and abdominal organs and such condition interferes with the performance of labor to a considerable extent.</p>
Grade 12 (140 days worth of the average wage stipulated by Article 12 of the Labor Standards Act)	<p>(1) Those who are left with serious impairment in their adjustment function or mobility impairment in one eyeball.</p> <p>(2) Those who are left with serious mobility impairment in one eyelid.</p> <p>(3) Those who have seven teeth or more on dentally prostheses.</p> <p>(4) Those who have lost the major part of the auricle of one ear.</p>

	<p>(5) Those who are left with a serious deformity in the collarbone, breastbone, rib, shoulder blade, or pelvis.</p> <p>(6) Those who are left with impairment in the functions of one of the three major joints of one upper limb.</p> <p>(7) Those who are left with impairment in the functions of one of the three major joints of one lower limb.</p> <p>(8) Those who are left with a long bone deformity.</p> <p>(8-2) Those who have lost the little finger on one hand.</p> <p>(9) Those who have lost the use of the index, third, or fourth finger on one hand.</p> <p>(10) Those who have lost their second toe on one foot, those who have lost two toes including their second toe, or those who have lost three toes other than their big and second toes.</p> <p>(11) Those who have lost the use of their big toe or the other four toes on one foot.</p> <p>(12) Those who are left with obstinate localized nervous symptoms.</p> <p>(13) Deleted</p> <p>(14) Those who are left with deformities in their external appearance.</p>
<p>Grade 13</p> <p>(90 days worth of the average wage stipulated by Article 12 of the Labor Standards Act)</p>	<p>(1) Those whose vision in one eye has deteriorated to 0.6 or less.</p> <p>(2) Those who are left with hemianopsia, contraction of the field of vision, or distortion of the field of vision in one eye.</p> <p>(2-2) Those who are left with diplopia in their vision other than frontal vision.</p> <p>(3) Those who are left with damage to parts of both eyelids or have eyelash baldness.</p> <p>(3-2) Those who have five teeth or more on dentally prostheses.</p> <p>(3-3) Those who are left with an impairment in the thorax and abdominal organs.</p>

	<p>(4) Those who have lost the use of their little finger on one hand.</p> <p>(5) Those who have lost some of the bones of the thumb on one hand.</p> <p>(6) Deleted</p> <p>(7) Deleted</p> <p>(8) Those who have had one lower limb shortened by one centimeter or more.</p> <p>(9) Those who have lost one or two toes on one foot other than the big and second toes.</p> <p>(10) Those who have lost the use of their second toe on one foot, those who have lost the use of two toes including their second toe, or those who have lost the use of three toes other than the big and second toes.</p>
<p>Grade 14</p> <p>(50 days worth of the average wage stipulated by Article 12 of the Labor Standards Act)</p>	<p>(1) Those who are left with damage to a part of one eyelid or have eyelash baldness.</p> <p>(2) Those who have three teeth or more on dentally protheses.</p> <p>(2-2) Those whose hearing in one ear has deteriorated to the extent that they cannot hear a low voice at a distance of one meter or more with that ear.</p> <p>(3) Those who are left with deformed scars the size of their palm on the exposed surfaces of their upper limbs.</p> <p>(4) Those who are left with deformed scars the size of their palm on the exposed surfaces of their lower limbs.</p> <p>(5) Deleted</p> <p>(6) Those who have lost some of the bones of their fingers, except the thumb, on one hand.</p> <p>(7) Those who have become unable to extend and contract the last joint of any finger, except the thumb, on one hand.</p> <p>(8) Those who have lost the use of one or two toes on one foot other than the big and second toes.</p> <p>(9) Those who are left with localized nervous symptoms</p>

Remarks

- (i) Vision shall be measured in accordance with international visual acuity

measurement standards. The vision of those with some abnormality in refraction shall be measured in relation to corrected vision.

- (ii) "Those who have lost fingers" means "those who have lost, for the thumb, the part upward of the thumb joint, and for the other fingers, the parts upward of the first joint."
- (iii) "Those who have lost the use of the fingers" means "those who have lost half or more of the distal phalanges " or "those who are left with serious mobility impairment to the knuckle joints or the first finger joints (for the thumb, the thumb first joint)."
- (iv) "Those who have lost the toes" means "those who have lost all the toes."
- (v) "Those who have lost the use of the toes" means "those who have lost, for the large toe, half or more of the distal phalanges, and for the other toes, the part above the distal phalanges" or "those who are left with serious mobility impairment in the joints of the last phalanges proximales up to Metatarsalia, or the first toe joints (for the large toe, the toe first joint)"

Appended Table 3 Table of the lump-sum balance payment of Compensation Installments (Re: Art. 46)

Benefit Category	Classification	Disability Grade	Amount to Be Paid				
			When one year worth of payments of compensation installments have been already made	ditto When two years worth of such payments have been made	ditto When three years worth of such payments have been made	ditto When four years worth of such payments have been made	ditto When five years worth of such payments have been made
Compensation for Disabilities							
	Grade 1	1132 days worth	919 days worth	699 days worth	473 days worth	240 days worth	
	Grade 2	1005 days worth	815 days worth	621 days worth	420 days worth	213 days worth	
	Grade 3	887 days worth	720 days worth	548 days worth	371 days worth	188 days worth	

Grade 4	774 days worth	628 days worth	478 days worth	323 days worth	164 days worth
Grade 5	670 days worth	544 days worth	414 days worth	280 days worth	142 days worth
Grade 6	566 days worth	459 days worth	350 days worth	237 days worth	120 days worth
Grade 7	472 days worth	383 days worth	291 days worth	197 days worth	100 days worth
Grade 8	377 days worth	306 days worth	233 days worth	158 days worth	80 days worth
Grade 9	297 days worth	241 days worth	184 days worth	124 days worth	63 days worth
Grade 10	226 days worth	184 days worth	140 days worth	95 days worth	48 days worth
Grade 11	170 days worth	138 days worth	105 days worth	71 days worth	36 days worth
Grade 12	118 days worth	96 days worth	73 days worth	49 days worth	25 days worth
Grade 13	75 days worth	61 days worth	47 days worth	32 days worth	16 days worth
Grade 14	42 days worth	34 days worth	26 days worth	18 days worth	9 days worth
Compensation for Bereaved Family	849 days worth	689 days worth	524 days worth	355 days worth	180 days worth