

Act to Facilitate the Employment of Persons with Disabilities

(Act No. 123 of July 25, 1960)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to comprehensively implement measures that are meant to do things such as facilitate the employment of persons with disabilities based on considerations such as the duty to employ them; measures that are meant to ensure equal opportunities and treatment in employment for persons with disabilities and persons without disabilities and to enable persons with disabilities to make effective use of their abilities; vocational rehabilitation measures; and other measures that are meant to prompt persons with disabilities to become independent in their working lives through actions such as working in jobs suited to their abilities; thereby bringing about occupational stability for persons with disabilities.

(Meanings of Terms)

Article 2 In this Act, the meanings of the terms set forth in the following items are as prescribed respectively in those items:

- (i) person with a "disability": a person who has a physical impairment, intellectual impairment, mental impairment (including any prescribed developmental impairment; the same applies in item (vi)), or other such impairment of their physical or mental functions (hereinafter the term for any one of these is "impairment"), and faces substantial, prolonged limitations in their working life or extreme, prolonged difficulty in having a working life because of this;
- (ii) person with a physical disability: a person with a disability who has a physical impairment, and whose impairment is set forth in the Appended Table;
- (iii) person with a severe physical disability: a person with a physical disability whose degree of physical impairment is severe, and who is as provided for by Order of the Ministry of Health, Labour and Welfare;
- (iv) person with an intellectual disability: a person with a disability who has an intellectual impairment, and who is as provided for by Order of the Ministry of Health, Labour and Welfare;
- (v) person with a severe intellectual disability: a person with an intellectual disability whose degree of intellectual impairment is severe, and who is as provided for by Order of the Ministry of Health, Labour and Welfare;
- (vi) person with a mental disability: a person with a disability who has a mental impairment, and who is as provided for by Order of the Ministry of Health, Labour and Welfare;
- (vii) vocational rehabilitation: encouraging independence in the working lives of persons with disabilities by implementing vocational guidance, vocational training, job placement, and other measures provided for in this Act for them.

(Basic Principles)

Article 3 Every worker with a disability is to be given the opportunity to use their abilities in their working life as a worker who forms a part of the economic aspect of society.

Article 4 Workers with disabilities, recognizing themselves to be persons engaged in occupations and acting on their own initiatives, must endeavor to develop and improve their abilities and to become independent as capable working persons.

(Employer Responsibilities)

Article 5 Based on the principle of social solidarity, all employers have a responsibility, in employing persons with disabilities, to cooperate in the efforts of workers with disabilities to become independent as capable working persons, and must endeavor to achieve stable employment for them by fairly evaluating their abilities and providing them with appropriate places of employment, as well as by carrying out proper personnel management.

(Responsibilities of the National and Local Governments)

Article 6 As well as taking the initiative in employing persons with disabilities and in addition to increasing the understanding of employers and the people in general with regard to the employment of persons with disabilities, the national and local governments must endeavor to comprehensively and effectively advance the necessary measures to facilitate the employment of persons with disabilities and achieve employment stability for them, including taking measures to assist employers, persons with disabilities, and other relevant persons and taking vocational rehabilitation measures that are mindful of the attributes of persons with disabilities.

(Basic Policy on Employment Measures for Persons with Disabilities)

Article 7 (1) The Minister of Health, Labour and Welfare is to formulate the policy that is to form the basis for measures to facilitate the employment of persons with disabilities and to achieve employment stability for them (hereinafter referred to as the "basic policy for employment measures for persons with disabilities").

(2) The basic policy for employment measures for persons with disabilities establishes:

(i) particulars concerning trends in the employment of persons with disabilities;

(ii) particulars that will form the basis for measures that are to be taken to achieve comprehensive and effective implementation of vocational

rehabilitation measures;

- (iii) particulars that will form the basis of measures that are to be taken to facilitate the employment of persons with disabilities and achieve employment stability for them, beyond what is set forth in the preceding two items.
- (3) In advance of establishing the basic policy on employment measures for persons with disabilities, the Minister of Health, Labour and Welfare is to hear the opinions of the Labour Policy Council and seek the opinions of the prefectural governors.
- (4) Without delay after establishing the basic policy on employment measures for persons with disabilities, the Minister of Health, Labour and Welfare must publicize a policy outline.
- (5) The provisions of the preceding two paragraphs apply mutatis mutandis to amendments to the basic policy on employment measures for persons with disabilities.

(Guidelines for Formulating the Plan for Encouraging Active Engagement by Persons with Disabilities)

Article 7-2 (1) Based on the basic policy on employment measures for persons with disabilities, the Minister of Health, Labour and Welfare is to establish guidelines for formulating the plan for encouraging active engagement by persons with disabilities that is provided for in paragraph (1) of the following Article (referred to in the following paragraph as the "plan for encouraging active engagement by persons with disabilities"; hereinafter in this Article and in paragraph (1) of the following Article, those guidelines are referred to as the "guidelines for formulating the plan for encouraging active engagement by persons with disabilities") so that the national and local governments are able to comprehensively and effectively implement efforts to encourage employees with disabilities to engage actively in working life by making effective use of their abilities (referred to as "encouraging employees with disabilities to engage actively in working life" in the following paragraph, the following Article, and Article 78, paragraph (1), item (ii)).

- (2) In the guidelines for formulating the plan for encouraging active engagement by persons with disabilities, the Minister of Health, Labour and Welfare is to establish the things that are to serve as guidelines for the plan for encouraging active engagement by persons with disabilities, with regard to the following particulars:
 - (i) the basic particulars of the formulation of the plan for encouraging active engagement by persons with disabilities;
 - (ii) the particulars of the substance of the efforts to encourage employees with disabilities to engage actively in working life;

- (iii) other important particulars related to the efforts to encourage employees with disabilities to engage actively in working life.
- (3) After having established or altered the guidelines for formulating the plan for encouraging active engagement by persons with disabilities, the Minister of Health, Labour and Welfare must publicize this without delay.

(Formulation of the Plan for Encouraging Active Engagement by Persons with Disabilities; Related Matters)

- Article 7-3 (1) The national or local government's appointer (other than a person exercising appointive power after having been delegated by the appointer; the same applies hereinafter) must formulate a plan for efforts to encourage active engagement by employees with disabilities (hereinafter referred to as the "plan for encouraging active engagement by persons with disabilities" in this Article and Article 78, paragraph (1), item (ii)) that the relevant organization (including an organization with which a person exercising appointive power after having been delegated by the appointer is affiliated) will implement, in conformity with the guidelines for formulating the plan for encouraging active engagement by persons with disabilities.
- (2) The plan for encouraging active engagement by persons with disabilities is to establish the following particulars:
 - (i) the term of the plan;
 - (ii) the goals to be achieved by implementing efforts to encourage working people with disabilities to engage actively in working life; and
 - (iii) the substance of the efforts to encourage employees with disabilities to engage actively in working life that are to be implemented, and the timing of their implementation.
 - (3) At the request of the national or local government's appointer, the Minister of Health, Labour and Welfare may give the appointer the advice necessary to formulate the plan for encouraging active engagement by persons with disabilities.
 - (4) After having formulated or altered the plan for encouraging active engagement by persons with disabilities, the national or local government's appointer must take measures to make this known to employees without delay.
 - (5) After having formulated or altered the plan for encouraging active engagement by persons with disabilities, the national or local government's appointer must publicize this without delay.
 - (6) The national or local government's appointer must publicize the status of implementation of the efforts based on the plan for encouraging active engagement by persons with disabilities at least once every year.
 - (7) The national or local government's appointer must endeavor both to implement efforts based on the plan for encouraging active engagement by

persons with disabilities and to achieve the goals provided for in the plan for encouraging active engagement by persons with disabilities.

Chapter II Promotion of Vocational Rehabilitation

Section 1 General Rules

(Principles of Vocational Rehabilitation)

Article 8 (1) Vocational rehabilitation measures must be implemented comprehensively and effectively, in accordance with the type and degree of impairment of each of person with a disability, and in keeping with conditions such as their wishes, aptitudes, and work experience.

(2) Vocational rehabilitation measures are to be implemented, as necessary, in appropriate coordination with measures for medical and social rehabilitation.

Section 2 Job Placement

(Finding Job Openings)

Article 9 In order to facilitate the employment of persons with disabilities, public employment security offices are to do things such as collecting information on job searches by persons with disabilities, providing that information to employers, and recommending employers to hire persons with disabilities, and are to endeavor to find job openings of a content that is suited to the abilities of persons with disabilities.

(Requirements in Job Openings; Related Matters)

Article 10 (1) On finding that it is necessary to do so in order to place a person with a disability in a job that is suited to their abilities, a public employment security office is to give guidance to recruiting employers on a physical or mental requirement or other such requirement in a job opening.

(2) If asked to do so by a recruiting employer when providing job placement services for a person with a disability, a public employment security office is to provide the recruiting employer with materials it has concerning the vocational abilities of that person.

(Vocational Guidance)

Article 11 In order to enable persons with disabilities to find jobs that are suited to their abilities, a public employment security office is to take the necessary measures, including implementing aptitude tests, providing recruitment information, and giving vocational guidance adapted to persons with disabilities.

(Cooperation with the National Institute of Vocational Rehabilitation)

Article 12 For persons with disabilities for whom a public employment security office finds it to be necessary to implement the aptitude tests, give vocational guidance, and take other measures referred to in the preceding Article based on particularly specialized knowledge and techniques, that public employment security office is to take those measures in close cooperation with a vocational center for persons with disabilities provided for in Article 19, paragraph (1), or is to make arrangements for the relevant persons with disabilities to have those measures taken for them at such a vocational center for persons with disabilities.

(Adaptive Training)

Article 13 (1) If a prefecture finds it to be necessary to do so, it is to implement adaptive training for job-seekers with disabilities (but only for persons with physical disabilities, persons with intellectual disabilities, or persons with mental disabilities; the same applies in the following Article and Article 15, paragraph (2)) for the purpose of making it easier for them to adapt to the environment associated with operations that are suited to their abilities.

(2) A prefecture is to implement adaptive training by entrusting this to an employer that carries out operations as provided in the preceding paragraph in an environment that is found to be standard.

(Arranging Adaptive Training)

Article 14 If a public employment security office finds it to be necessary to do so in order to facilitate the employment of a person with a disability, it is to arrange for that person to undergo adaptive training.

(Measures for Persons Undergoing Adaptive Training)

Article 15 (1) Adaptive training is to be free of charge.

(2) A prefecture may pay an allowance to a person with a disability who undergoes adaptive training, pursuant to the provisions of the Act on Comprehensive Promotion of Labor Measures, Stabilization of Employment of Employees, and Enrichment of Their Working Lives (Act No. 132 of 1966).

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

Article 16 Beyond what is prescribed in the preceding three Articles, Order of the Ministry of Health, Labour and Welfare provides for a training period and other criteria for adaptive training.

(Giving Advice and Guidance after Employment Is Found)

Article 17 If a public employment security office finds it to be necessary to do so

in order to stabilize employment for a person with a disability, it may give a person with a disability who has found employment through the office's job placement services and other persons with disabilities who are employed by an employer the advice or guidance they need to adapt to the work environment.

(Giving Advice and Guidance to Employers)

Article 18 If a public employment security office finds it to be necessary to do so in order to facilitate the employment of a person with a disability and stabilize employment for that person, it may give a person who employs or seeks to employ a person with a disability advice or guidance as to hiring, job assignment, work assistance tools, work equipment or environment, or other technical matters involved in the employment of persons with disabilities (referred to as "personnel management matters concerning persons with disabilities" in the following Section).

Section 3 Vocational Centers for Persons with Disabilities

(Operations for Establishing and Operating Vocational Centers for Persons with Disabilities)

Article 19 (1) The Minister of Health, Labour and Welfare is to carry out operations for establishing and managing the following facilities (hereinafter referred to as "vocational centers for persons with disabilities") to facilitate the independence of persons with disabilities in their working lives:

- (i) the National Institute of Vocational Rehabilitation;
- (ii) regional vocational centers for persons with disabilities;
- (iii) local vocational centers for persons with disabilities.

(2) The Minister of Health, Labour and Welfare is to have the Japan Organization for Employment of the Elderly, Persons with Disabilities and Job Seekers (hereinafter referred to as "JEED") carry out all or part of the operations provided for in the preceding paragraph.

(National Institute of Vocational Rehabilitation)

Article 20 The National Institute of Vocational Rehabilitation provides the following services:

- (i) conducting surveys and studies concerning vocational rehabilitation (excluding vocational training; hereinafter the same applies in this Section except for item (v), (a) and Article 25, paragraph (3));
- (ii) collecting, analyzing, and providing information concerning the employment of persons with disabilities;
- (iii) educating and training the vocational counselors for persons with disabilities referred to in Article 24 and workplace adaptation aides

- (meaning persons who provide support to make it easier for persons with physical disabilities, persons with intellectual disabilities, persons with mental disabilities, and other persons with disabilities provided for by Order of the Ministry of Health, Labour and Welfare (hereinafter "persons with intellectual and other disabilities"; the same applies hereinafter) to adapt to the workplace);
- (iv) giving regional vocational centers for persons with disabilities, local vocational centers for persons with disabilities, the work/life support center for persons with disabilities referred to in Article 27, paragraph (2), and other relevant organizations advice, guidance, and other assistance concerning technical matters related to vocational rehabilitation;
 - (v) to provide the following services in conjunction with the services set forth in each of the preceding items:
 - (a) providing persons with disabilities with vocational evaluations (meaning evaluating things including their vocational abilities and aptitudes and determining the necessary vocational rehabilitation measures; the same applies hereinafter), vocational guidance, training that enables them to learn basic workplace etiquette (referred to as "vocational readiness training" in Article 22, item (i) and Article 28, item (ii)), and training courses through which they can acquire knowledge and skills they need for work (hereinafter referred to as "vocational training courses");
 - (b) giving persons with intellectual and other disabilities who are employed by employers advice or guidance in matters that concern adaptation to the workplace;
 - (c) giving employers advice and other assistance in personnel management matters concerning persons with disabilities.
 - (vi) to provide services incidental to those set forth in each of the preceding items.

(Regional Vocational Centers for Persons with Disabilities)

Article 21 A regional vocational center for persons with disabilities provides the following services over a broad region in close collaboration with the polytechnic schools for persons with disabilities and the medical treatment facilities set forth in Article 12, paragraph (1), item (i) of the Act on the Japan Corporation of Occupational Health and Safety (Act No. 171 of 2002), and other facilities provided for by Order of the Ministry of Health, Labour and Welfare, for persons with disabilities who need to systematically have vocational rehabilitation measures taken for them:

- (i) systematically providing persons with disabilities provided for by Order of the Ministry of the Health, Labour and Welfare with vocational evaluations, vocational guidance, and vocational training courses;

- (ii) giving advice and other assistance in personnel management matters concerning persons with disabilities to employers that employ or seek to employ persons with disabilities who have had the measures referred to in the preceding item taken for them;
- (iii) providing services incidental to those set forth in the preceding two items.

(Local Vocational Centers for Persons with Disabilities)

Article 22 A local vocational center for persons with disabilities provides the following services within the prefecture:

- (i) providing persons with disabilities with vocational evaluations, vocational guidance, vocational readiness training, and vocational training courses;
- (ii) giving persons with intellectual and other disabilities who are employed by employers advice or guidance in matters related to adaptation to the workplace;
- (iii) giving employers advice and other assistance concerning personnel management matters concerning persons with disabilities;
- (iv) educating and training workplace adaptation aides;
- (v) giving the work/life support center for persons with disabilities referred to in Article 27, paragraph (2), and other relevant organizations advice, guidance, and other assistance in technical matters concerning vocational rehabilitation; and
- (vi) providing services incidental to those set forth in each of the preceding items.

(Restrictions on Name Use)

Article 23 An entity that is not a vocational center for persons with disabilities must not use the characters "障害者職業総合センター" (transliterated as "shougai-sha shokugyou sougou sentaa" and meaning "National Institute of Vocational Rehabilitation") or "障害者職業センター" (transliterated as "shougai-sha shokugyou sentaa" and meaning "vocational center for persons with disabilities") in its name.

(Vocational Counselors for Persons with Disabilities)

Article 24 (1) JEED must appoint vocational counselors for persons with disabilities in the vocational centers for persons with disabilities.
(2) A vocational counselor must be a person who has passed the examination that the Minister of Health, Labour and Welfare designates and has finished the training course that the Minister of Health, Labour and Welfare designates, or a person who has the credentials provided for by Order of the Ministry of Health, Labour and Welfare.

(Communication and Cooperation Among the Vocational Centers for Persons with Disabilities)

- Article 25 (1) The vocational centers for persons with disabilities must endeavor to communicate closely and cooperate with one another to facilitate independence in the working lives of persons with disabilities.
- (2) In providing the services set forth in Article 20, item (v), Article 21, item (i) or item (ii), or Article 22, items (i) through (iii) for a person with a mental disability, a vocational center for persons with disabilities is to endeavor to coordinate with physicians and other medical personnel.
- (3) A vocational center for persons with disabilities is to endeavor to ensure effective promotion of vocational rehabilitation in conjunction with job placement and other measures implemented by public employment security offices, the services provided by the work/life support centers for persons with disabilities referred to in Article 27, paragraph (2), and the vocational training implemented by the public human resources development facilities referred to in Article 15-7, paragraph (3) of the Human Resources Development Promotion Act (Act No. 64 of 1969) and by the Polytechnic University referred to in Article 27 of that Act (referred to as "public human resources development facilities and the Polytechnic University" in Article 83).

(Implementation of Vocational Rehabilitation Measures Free of Charge)

Article 26 The vocational rehabilitation measures at a vocational center for persons with disabilities are to be free of charge.

Section 4 Work/Life Support Centers for Persons with Disabilities

(Designation)

Article 27 (1) At the application of a general incorporated association or general incorporated foundation whose purpose is to stabilize employment for persons with disabilities who need support in their employment and in associated aspects of daily or community life in order to achieve independence in their working lives (hereinafter referred to as "persons with disabilities needing support" in this Section), social welfare corporation as provided in Article 22 of the Social Welfare Act (Act No. 45 of 1951), corporation engaging in specified non-profit activities as provided in Article 2, paragraph (2) of the Act on Promotion of Specified Non-profit Activities (Act No. 7 of 1998), or other corporation provided for by Order of the Ministry of Health, Labour and Welfare that is found to conform to the following criteria in relation to the services provided for in the following Article, a prefectural governor may designate the applicant as a person to provide the services provided for in that Article:

- (i) that its plan for implementing the services is appropriate in terms of personnel, operational procedures, and other particulars, and it is found to have sufficient accounting and technical bases to reliably execute the plan; and
 - (ii) that beyond what is provided for in the preceding item, it is found that the services will be operated properly and reliably and contribute to facilitating the employment of persons with disabilities needing support and to otherwise enhancing welfare.
- (2) Having made a designation under the provisions of the preceding paragraph, the prefectural governor must issue public notice of the name and address of the person designated under the provisions of that paragraph (hereinafter referred to as a "work/life support center for persons with disabilities") and the location of its office.
- (3) Prior to changing its name or address or the location of its office, a work/life support center for persons with disabilities must file a notification of this with the prefectural governor.
- (4) When a notification as under the preceding paragraph has been filed, the prefectural governor must issue public notice of the particulars to which the notification pertains.

(Services)

Article 28 A work/life support center for persons with disabilities is to provide the following services:

- (i) giving the necessary guidance and advice when consulted by persons with disabilities needing support, as well as comprehensively communicating and coordinating with public employment security offices, local vocational centers for persons with disabilities, social welfare facilities, medical facilities, special needs education schools, and other relevant organizations, and providing other support provided for by Order of the Ministry of Health, Labour and Welfare;
- (ii) arranging for persons with disabilities needing support to undergo the vocational readiness training implemented by the National Institute of Vocational Rehabilitation, local vocational centers for persons with disabilities, and employers provided for by Order of the Ministry of Health, Labour and Welfare; and
- (iii) providing services that persons with disabilities needing support need in order to achieve independence in their working lives, beyond what is set forth in the preceding two items.

(Relationship with Local Vocational Centers for Persons with Disabilities)

Article 29 A work/life support center for persons with disabilities is to provide

the services set forth in item (ii) of the preceding Article based on the vocational evaluations of persons with disabilities needing support which are made by the local vocational centers for persons with disabilities.

(Business Plans)

Article 30 (1) A work/life support center for persons with disabilities must prepare a business plan and budget statement for revenues and expenditure and submit them to the prefectural governor each business year, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare. The same applies if it seeks to modify these.

(2) A work/life support center for persons with disabilities must prepare a business report and income and expenditure statement and submit them to the prefectural governor after the end of each business year pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(Supervision Order)

Article 31 The prefectural governor may give a work/life support center for persons with disabilities the orders that are necessary for supervising the services provided for in Article 28, to the extent necessary for enforcing the provisions of this Section.

(Revocation of Designation)

Article 32 (1) If a work/life support center for persons with disabilities falls under any of the following items, the prefectural governor may revoke the designation under the provisions of Article 27, paragraph (1) (hereinafter referred to as the "designation" in this Article):

- (i) if the center is found to be unable to implement the services provided for in Article 28 properly and reliably;
- (ii) if a wrongful act occurred in connection with its designation; or
- (iii) if the center has violated the provisions of this Section or an order or disposition under those provisions.

(2) On having revoked a designation pursuant to the provisions of the preceding paragraph, the prefectural governor must issue public notice of this.

(Duty of Confidentiality)

Article 33 It is prohibited for the current or former officer or employee of a work/life support center for persons with disabilities to divulge any secret learned in connection with the services set forth in Article 28, item (i).

Chapter II-2 Prohibition of Discrimination Against Persons with Disabilities; Related Matters

(Prohibition of Discrimination Against Persons with Disabilities)

Article 34 In recruiting and hiring workers, an employer must give persons with disabilities equal opportunities to those they give to persons without disabilities.

Article 35 An employer must not use the fact that a worker has a disability as a reason to engage in treatment that unjustly differentiates that worker from persons without disabilities in terms of wage decisions, implementation of education and training, use of employee welfare and recreational facilities, and other elements of worker treatment.

(Guidelines on the Prohibition of Discrimination Against Persons with Disabilities)

Article 36 (1) The Minister of Health, Labour and Welfare is to establish the guidelines that employers need to appropriately handle the matters provided for in the preceding two Articles (referred to as the "guidelines on the prohibition of discrimination" in the following paragraph).

(2) The provisions of Article 7, paragraph (3) and paragraph (4) apply mutatis mutandis to the formulation and modification of the guidelines on the prohibition of discrimination. In such a case, the phrase "hear the opinions of the Labor Policy Council and seek the opinions of the prefectural governors" in paragraph (3) of that Article is deemed to be replaced with "hear the opinions of the Labor Policy Council".

(Measures to Ensure Equal Opportunities in Employment for Persons With and Without Disabilities)

Article 36-2 At the request of a person with a disability, an employer must take necessary measures that reflect consideration for the characteristics of that person's impairment in their recruitment and hiring of workers, in order to correct circumstances that are an obstacle to ensuring equal opportunities for persons with and without disabilities in their recruitment and hiring of workers; provided, however, that this does not apply if those measures would place an excessive burden on the employer.

Article 36-3 An employer must arrange for the necessary equipment for the smooth performance of duties reflecting consideration for the characteristics of the impairments of the workers with disabilities they employ, appoint persons to assist the workers with disabilities, and take other necessary measures in order to correct circumstances that are an obstacle to ensuring equal treatment for workers with and without disabilities or that are an obstacle to making

effective use of the abilities of workers with disabilities; provided, however, that this does not apply if those measures would place an excessive burden on the employer.

Article 36-4 (1) In taking the measures provided for in the preceding two Articles, an employer must fully respect the inclinations of the person with a disability.

(2) An employer must respond when consulted by a worker with a disability that they employ regarding the measures provided for in the preceding Article and take the necessary measures in terms of personnel management, including making the systemic arrangements they need to respond appropriately.

(Guidelines on Ensuring Equal Opportunities in Employment for Persons With and Without Disabilities)

Article 36-5 (1) The Minister of Health, Labour and Welfare is to establish guidelines that employers need to appropriately and effectively implement the measures that they are to take pursuant to the provisions of the preceding three Articles (referred to as the "guidelines on ensuring equal opportunities" in the following paragraph).

(2) The provisions of Article 7, paragraph (3) and paragraph (4) apply mutatis mutandis to the formulation and modification of the guidelines on ensuring equal opportunities. This being the case, the phrase "hear the opinions of the Labor Policy Council and seek the opinions of the prefectural governors" in paragraph (3) of that Article is deemed to be replaced with "hear the opinions of the Labor Policy Council".

(Advice, Guidance, and Recommendations)

Article 36-6 On finding it to be necessary to do so in connection with the entry into effect of the provisions of Article 34, Article 35, and Articles 36-2 through 36-4, the Minister of Health, Labour and Welfare may give an employer advice, guidance, or recommendations.

Chapter III Facilitating the Employment of Qualifying Disabled Persons Based on the Duty to Employ Them; Related Matters Section 1 Duty to Employ Qualifying Disabled Persons

(Employer Responsibilities in the Employment of Qualifying Disabled Persons)

Article 37 (1) All employers have a collective responsibility to extend appropriate places of employment based on the principles of social solidarity as it relates to the employment of qualifying disabled persons, and must endeavor to readily hire qualifying disabled persons.

(2) The term "qualifying disabled person" as used in this Chapter, Article 86, item (ii) and Articles 3 through 6 of the Supplementary Provisions means a person with a physical disability, a person with an intellectual disability, or a person with a mental disability (but only one who has been issued a mental disability certificate pursuant to the provisions of Article 45, paragraph (2) of the Act on Mental Health and Welfare for the Mentally Disabled (Act No. 123 of 1950); the same applies hereinafter, except in Section 3 and Article 79, paragraph (1)).

(Duties of the National Government and Local Governments Concerning Employment)

Article 38 (1) With regard to the hiring of employees (limited to employees who work for the organization in question (inclusive of any organization with which a person exercising appointive power after having been delegated by the relevant appointer is associated; the same applies hereinafter) on a full-time basis, other than police officers, self-defense officers, and other officials provided for by Cabinet Order; the same applies hereinafter, except in Article 79, paragraph (1) and Article 81, paragraph (2)), if the number of qualifying disabled employees who work for an organization is less than the number arrived at when the total number of employees of that organization is multiplied by a rate no lower than the mandatory proportion of disabled workers provided for in Article 43, paragraph (2) which is provided for by Cabinet Order (any part of the number so calculated representing less than one full person is disregarded), the national or local government's appointer, pursuant to the provisions of Cabinet Order, must draw up a plan for hiring qualifying disabled persons in order to bring the number of qualifying disabled employees up to at least the number arrived at when the total number of employees is multiplied by the aforementioned rate.

(2) When the total number of employees referred to in the preceding paragraph is calculated, each employee working reduced hours (meaning a full-time employee whose weekly working hours are short compared to the weekly working hours of employees with standard employment statuses who work at the relevant organization, and are less than the number of hours prescribed by the Minister of Health, Labour and Welfare as referred to in Article 43, paragraph (3); the same applies hereinafter) is deemed to constitute the number of employees that is provided for by Order of the Ministry of Health, Labour and Welfare.

(3) When the number of qualifying disabled employees referred to in paragraph (1) is calculated, each qualifying disabled employee working reduced hours is deemed to constitute the number of qualifying disabled employees that is provided for by Order of the Ministry of Health, Labour and Welfare.

- (4) When the number of qualifying disabled employees referred to in paragraph (1) is calculated, each employee with a severe physical disability or severe intellectual disability (excluding employees working reduced hours) is deemed to constitute the number of qualifying disabled employees that is provided for by Cabinet Order.
- (5) Notwithstanding the provisions of paragraph (3), when the number of qualifying disabled employees referred to in paragraph (1) is calculated, each employee with a severe physical or intellectual disability who is working reduced hours is deemed to constitute the number of qualifying disabled employees provided for by Order of the Ministry of Health, Labour and Welfare, to the extent that this does not reach the number provided for by Cabinet Order referred to in the preceding paragraph.
- (6) Whether an employee working at the organization in question is a qualifying disabled person is to be confirmed using the documents provided for by Order of the Ministry of Health, Labour and Welfare.
- (7) On finding it to be necessary to do so, the Minister of Health, Labour and Welfare may give the national or local government's appointer recommendations as to the proper implementation of the confirmation under the provisions of the preceding paragraph.

(Reporting of Hiring Status; Related Matters)

Article 39 (1) The national or local government's appointer must report the plan referred to in paragraph (1) of the preceding Article and the status of its implementation to the Minister of Health, Labour and Welfare, pursuant to the provisions of Cabinet Order.

- (2) On finding it to be especially necessary to do so, the Minister of Health, Labour and Welfare may give the national or local government's appointer who has drawn up the plan referred to in paragraph (1) of the preceding Article recommendations as to the proper implementation of that plan.

(Reporting of Appointment and Dismissal Status; Related Matters)

Article 40 (1) The national or local government's appointer must report the appointment and dismissal status for qualifying disabled employees at the relevant organization to the Minister of Health, Labour and Welfare once a year, pursuant to the provisions of Cabinet Order.

- (2) Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, the national or local government's appointer must disclose the substance of what was reported to the Minister of Health, Labour and Welfare pursuant to the provisions pursuant to the provisions of the preceding paragraph.

(Special Provisions for Employees Working for the National Government)

Article 41 (1) To apply the provisions of Article 38, paragraph (1) and the preceding Article to a ministry or agency (meaning an organization provided for in Article 49, paragraph (1) of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999) or Article 3, paragraph (2) of the National Government Organization Act (Act No. 120 of 1948); the same applies hereinafter) that, based on the application of that ministry's or agency's appointer and the appointer of an external bureau and other organizations (meaning the organizations provided for in Article 49, paragraph (2) of the Act for Establishment of the Cabinet Office, or commissions and agencies provided for in Article 3, paragraph (2) and extraordinary organizations provided for in Article 8-3 of the National Government Organization Act; the same applies hereinafter), has been approved by the Minister of Health, Labour and Welfare as a ministry or agency that may accelerate the hiring of qualifying disabled employees as a single entity (hereinafter referred to as the "approved ministry or agency"), the employees who work at those external bureaus and other organizations are deemed to be employees who work solely at that approved ministry or agency, and those external bureaus and other organizations are deemed to be that approved ministry or agency.

(2) If, after the Minister of Health, Labour and Welfare has granted the approval under the provisions of the preceding paragraph, the approved ministry or agency or an external bureau or other organization is disestablished or the Minister finds that the approved ministry or agency or an external bureau or other organization has become unable to accelerate the hiring of qualifying disabled employees, the Minister may revoke that approval.

(Special Provisions for the Employees Working in Local Government)

Article 42 (1) To apply the provisions of Article 38, paragraph (1) and Article 40 to a local government organization that, based on the application of the appointer of that organization and the appointer of a local government organization other than the organization in question (hereinafter referred to as "the other organization"), has had it certified by the Minister of Health, Labour and Welfare that it and the other organization conform to the following criteria (hereinafter referred to as a "certified local organization"), the employees who work at the other organization are deemed to be employees who work solely at the certified local organization, and the other organization is deemed to be that certified local organization:

- (i) the same persons are closely connected with both the certified local organization and the other organization;
- (ii) it is recognized that there is sure to be success in facilitating the hiring of qualifying disabled employees at the certified local organization and the

other organization.

- (2) If, after the Minister of Health, Labour and Welfare grants a certification under the preceding paragraph, the certified local organization or the other organization is disestablished or the Minister finds that it no longer conforms to the criteria set forth in one of the items of the preceding paragraph, the Minister may revoke the certification.

(General Employers' Duty to Employ Qualifying Disabled Persons; Related Matters)

Article 43 (1) When an employment relationship changes as provided by Order of the Ministry of Health, Labour and Welfare, the employer (meaning an employer that employs regularly employed workers (hereinafter simply referred to as "workers") and excluding the national government and local governments; the same applies hereinafter, except in the following Chapter and Article 81-2) must ensure that the number of qualifying disabled workers they employ is at least the number arrived at when the number of workers they employ is multiplied by the mandatory proportion of disabled workers (any part of the number so calculated representing less than one full person is disregarded; referred to as the "legally mandated number of workers with disabilities" in Article 46, paragraph (1)).

- (2) The "mandatory proportion of disabled workers" that is referred to in the preceding paragraph is to be set based on the percentage of the total number of workers (inclusive of those who are unable to obtain stable employment despite having the will and ability to work; the same applies in Article 54, paragraph (3)) that the total number of qualifying disabled workers (inclusive of qualifying disabled persons who are unable to obtain stable employment despite having the will and ability to work; the same applies in Article 54, paragraph (3)) accounts for, and is prescribed by Cabinet Order at least every five years in consideration of the changes in that percentage.

- (3) When the number of qualifying disabled workers referred to in paragraph (1) and the total number of qualifying disabled workers referred to in the preceding paragraph are calculated, each part-time worker (meaning a regularly employed worker who has a number of scheduled working hours per week that is low in comparison to the number of scheduled working hours per week of workers with standard employment statuses who are employed at that employer's place of business, and that is less than the number of hours specified by the Minister of Health, Labour and Welfare; the same applies hereinafter) who is a qualifying disabled person is deemed to constitute the number of qualifying disabled workers provided for by Order of the Minister of Health, Labour and Welfare.

- (4) When the number of qualifying disabled workers referred to in paragraph (1)

and the total number of qualifying disabled workers referred to in paragraph (2) are calculated, each worker with a severe physical or intellectual disability (other than a part-time worker) is deemed to constitute the number of qualifying disabled workers prescribed by Cabinet Order.

- (5) Notwithstanding the provisions of paragraph (3), when the number of qualifying disabled workers referred to in paragraph (1) and the total number of qualifying disabled workers referred to in paragraph (2) are calculated, each part-time worker with a severe physical or intellectual disability is deemed to constitute the number of qualifying disabled workers prescribed by Order of the Ministry of Health, Labour and Welfare, to the extent that this does not reach the number provided for by Cabinet Order referred to in the preceding paragraph.
- (6) Notwithstanding the provisions of paragraph (2), for a special public corporation (meaning a corporation incorporated directly by a law, a corporation incorporated through a special act of incorporation pursuant to a special law, or a corporation that a local government incorporates under a special law, all or substantial parts of whose capital has been contributed by the national government or local governments or whose primary sources of funds for expenses necessary for project management are grants or subsidies from the national government or local governments and that are provided for by Cabinet Order; the same applies hereinafter), the mandatory proportion of disabled workers referred to in paragraph (1) is to be a percentage of not less than the percentage under the provisions of paragraph (2) that Cabinet Order prescribes.
- (7) An employer (limited to one that ordinarily employs at least the number of workers provided for by Order of the Ministry of Health, Labour and Welfare) must report the employment status of qualifying disabled workers to the Minister of Health, Labour and Welfare once a year, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (8) When the number of workers an employer employs that is referred to in paragraph (1) and the preceding paragraph and the total number of workers referred to in paragraph (2) are calculated, each part-time worker is deemed to constitute the number of workers that is provided for by Order of the Ministry of Health, Labour and Welfare.
- (9) Whether a worker employed by the employer in question is a qualifying disabled person is to be confirmed using the documents provided for by Order of the Ministry of Health, Labour and Welfare.

(Special Provisions for Workers Employed by Subsidiaries)

Article 44 (1) To apply the provisions of paragraph (1) and paragraph (7) of the preceding Article to an employer that has a special connection provided for by

Order of the Ministry of Health, Labour and Welfare to a specific stock company (excluding an employer that is a member associated with a certification as referred to in Article 45-3, paragraph (1)), and that, based on the application of the employer and the relevant stock company (hereinafter referred to as a "subsidiary"), has had it certified by the Minister of Health, Labour and Welfare that the subsidiary conforms to the following criteria (hereinafter referred to as a "parent employer"), the workers that the subsidiary employs are deemed to be workers that the parent employer solely employs, and the subsidiary's places of business are deemed to be the parent employer's places of business:

- (i) the same persons are closely connected with both the business that the subsidiary does and the business that the parent employer does;
 - (ii) the number of qualifying disabled workers that the subsidiary employs is at least the number provided for by the Minister of Health, Labour and Welfare, and that number as a proportion of the total number of workers the subsidiary employs is at least the percentage provided for by the Minister of Health, Labour and Welfare;
 - (iii) the subsidiary is sufficiently able to appropriately carry out personnel management for the qualifying disabled workers it employs; and
 - (iv) other than as set forth in the preceding two items, it is recognized that, in the business that the subsidiary does, there is sure to be success in facilitating the employment of qualifying disabled workers that the subsidiary employs, including workers with severe physical or intellectual disabilities, and in stabilizing employment for them.
- (2) When the total number of workers referred to in item (ii) of the preceding paragraph is calculated, each part-time worker is deemed to constitute the number of workers that is provided for by Order of the Ministry of Health, Labour and Welfare.
- (3) When the number of qualifying disabled workers referred to in paragraph (1), item (ii) is calculated, each part-time qualifying disabled worker is deemed to constitute the number of qualifying disabled workers that is provided for by Order of the Ministry of Health, Labour and Welfare.
- (4) If, after the Minister of Health, Labour and Welfare grants a certification under the provisions of paragraph (1), the parent employer comes to no longer meet the requirements for the special connection provided for in that paragraph or discontinues its business operations, or the Minister finds that the subsidiary associated with the certification no longer meets the criteria set forth in the items of that paragraph, the Minister may revoke the certification.

Article 45 (1) To apply the provisions of Article 43, paragraph (1) and paragraph (7) to a parent employer that has a special connection provided for by Order of

the Ministry of Health, Labour and Welfare to a specific stock company (other than the subsidiaries of the parent employer and employers that are the members associated with a certification as referred to in Article 45-3, paragraph (1)), and that, based on the application of the parent employer, the relevant subsidiary, and the relevant stock company (hereinafter referred to as a "related company")), has had it certified by the Minister of Health, Labour and Welfare that the parent employer and the related company conform to the following criteria, the workers that the related company employs are deemed to be workers that the parent employer solely employs, and the related company's places of business are deemed to be the parent employer's places of business:

- (i) the same persons are closely connected with both the business that the related company does and the business that the subsidiary does, there are close operational connections in the business that the related company and the subsidiary do, or the related company has made a financial contribution to the subsidiary;
 - (ii) pursuant to the provisions of Article 78, paragraph (2), the parent employer has appointed a person to handle the tasks set forth in the items of that paragraph, and has decided that the person in question will also carry out the tasks set forth in item (i) of that paragraph for the subsidiary and the related company; and
 - (iii) it is recognized that the parent employer is sure to be able to succeed in facilitating the employment of qualifying disabled workers it employs and qualifying disabled workers employed by the relevant subsidiary and related company, and in stabilizing employment for those workers.
- (2) If a related company has been granted the certification referred to in paragraph (1) of the preceding Article or paragraph (1) of the following Article, it may not file an application as referred to in the preceding paragraph.
- (3) The provisions of paragraph (4) of the preceding Article apply *mutatis mutandis* to a case as referred to in paragraph (1).

(Special Provisions for Workers Employed by Related Subsidiaries)

Article 45-2 (1) To apply the provisions of Article 43, paragraph (1) and paragraph (7) to an employer that, based on the application of that employer and all of its subsidiaries, has had it certified by the Minister of Health, Labour and Welfare that the employer and the subsidiaries to which the application pertains (hereinafter referred to as "related subsidiaries") conform to the following criteria (hereinafter a parent employer that has had this certified is referred to as a "related parent employer"), the workers that the related subsidiaries employ are deemed to be workers employed solely by the related parent employer, and the related subsidiaries' places of business are deemed to be the related parent employer's places of business:

- (i) pursuant to the provisions of Article 78, paragraph (2), the employer has appointed a person to handle the tasks set forth in the items of that paragraph, and has decided that the person in question will also carry out the tasks set forth in item (i) of that paragraph for the related subsidiaries;
 - (ii) it is recognized that the parent employer is sure to be able to succeed in facilitating the employment of qualifying disabled workers they employ and qualifying disabled workers employed by the related subsidiaries and in stabilizing employment for those workers;
 - (iii) the number of qualifying disabled workers the related subsidiaries employ is at least the number provided for by the Minister of Health, Labour and Welfare;
 - (iv) the related subsidiary in question is sufficiently able to appropriately carry out personnel management for the qualifying disabled workers it employs; or, in connection with the duties in which the qualifying disabled workers that the other related subsidiaries employ are engaged, the same persons are closely connected with both the business that the related subsidiary in question does and the business that the other related subsidiaries do or there are close operational connections in the business that the related subsidiary in question and the other related subsidiaries do.
- (2) Notwithstanding the provisions of Article 44, paragraph (1) or paragraph (1) of the following Article, if a related subsidiary has been granted the certification referred to in one of those paragraphs, the subsidiary or related company in question is deemed to be a related subsidiary and the provisions of the preceding paragraph (except for item (iii) and item (iv)) apply.
- (3) An employer whose related subsidiary has been granted the certification referred to in paragraph (1) may not be granted the certification referred to in that paragraph.
- (4) When the number of qualifying disabled workers referred to in paragraph (1), item (iii) is calculated, each part-time qualifying disabled worker is deemed to constitute the number of qualifying disabled workers as provided for by Order of the Ministry of Health, Labour and Welfare.
- (5) When the number of qualifying disabled workers referred to in paragraph (1), item (iii) is calculated, each worker with a severe physical or intellectual disability (other than part-time workers) is deemed to constitute the number of qualifying disabled workers provided for by Cabinet Order.
- (6) Notwithstanding the provisions of paragraph (4), when the number of qualifying disabled workers referred to in paragraph (1), item (iii) is calculated, each part-time worker with a severe physical or intellectual disability is deemed to constitute the number of qualifying disabled workers provided for by Order of the Ministry of Health, Labour and Welfare, to the extent that this does not reach the number provided for by Cabinet Order referred to in the

preceding paragraph.

(7) The provisions of Article 44, paragraph (4) apply mutatis mutandis to a case as referred to in paragraph (1).

(Special Provisions for Workers Employed by Specified Employers)

Article 45-3 (1) To apply the provisions of Article 43, paragraph (1) and paragraph (7) to a business cooperative or association that, based on the application of that business cooperative or association and multiple employers who are its members (but only employers ordinarily employing a number of workers that is at least the number provided for by Order of the Ministry of Health, Labour and Welfare as referred to in Article 43, paragraph (7); subsidiaries, related companies, related subsidiaries, and member employers associated with a certification referred to in Article 44, paragraph (1), Article 45, paragraph (1), paragraph (1) of the preceding Article or this paragraph are excluded; hereinafter any such member employer is referred to as a "specified employer"), has had it certified by the Minister of Health, Labour and Welfare that the business cooperative or association and those specified employers conform to the following criteria (hereinafter such a business cooperative or association is referred to as "specified cooperative or association"), the workers that the specified employer employs are deemed to be workers that the specified cooperative or association solely employs, and the specified employers' places of business are deemed to be the places of business of the specified cooperative or association:

- (i) the same persons are closely connected with both the business that the business cooperative or association does and the business that the relevant specified employer does, or there are close operational connections between the business that the business cooperative or association does and the business that the relevant specified employer does, as it relates to the duties in which the qualifying disabled workers that the business cooperative or association itself employs are engaged;
- (ii) it has been provided for in the business cooperative's or association's articles of incorporation, regulations, or anything equivalent to these that, if the persons with disabilities employment levy referred to in Article 53, paragraph (1) is collected, the business cooperative or association will impose the costs associated with that levy on specified employers according to the extent of specified employers' employment of qualifying disabled workers;
- (iii) the business cooperative or association has drawn up a plan (hereinafter referred to as an "implementation plan" in this item and paragraph (3)) to properly implement projects to facilitate the employment of qualifying disabled workers it employs and qualifying disabled workers employed by those specified employers and to stabilize employment for those workers

- (referred to as "employment facilitation projects" in paragraph (3)), and it is recognized that the business cooperative or association is sure to be able to succeed in facilitating the employment of those qualifying disabled workers and in stabilizing employment for those workers, following that plan;
- (iv) the number of qualifying disabled workers that the business cooperative or association itself employs is at least the number provided for by the Minister of Health, Labour and Welfare, and that number as a proportion of the total number of workers that the business cooperative or association employs is at least the percentage provided for by the Minister of Health, Labour and Welfare;
 - (v) the business cooperative or association is sufficiently able to appropriately carry out personnel management for the qualifying disabled workers it itself employs; and
 - (vi) the number of qualifying disabled workers that those specified employers employ is at least the number prescribed by the Minister of Health, Labour and Welfare.
- (2) The term "business cooperative or association" as used in this Article means a business cooperative or any other association incorporated by a special law that is provided for by Order of the Ministry of Health, Labour and Welfare.
- (3) A business cooperative or association must include the following particulars in the implementation plan:
- (i) the goals of the employment facilitation projects (including goals for the numbers of qualifying disabled workers that the business cooperative or association and specified employers each seek to employ);
 - (ii) the substance of the employment facilitation projects; and
 - (iii) the timing for implementing the employment facilitation projects.
- (4) If a specified employer has been granted the certification referred to in Article 44, paragraph (1), paragraph (1) of the preceding Article, or paragraph (1), the employer may not file an application as referred to in any of those paragraphs.
- (5) The provisions of Article 43, paragraph (8) apply mutatis mutandis to the calculation of the number of workers an employer employs that is referred to in paragraph (1) and the total number of workers referred to in item (iv) of that paragraph.
- (6) The provisions of paragraph (4) of the preceding Article apply mutatis mutandis to the calculation of the number of qualifying disabled workers referred to in paragraph (1), item (iv), and the provisions of items (iv) through (vi) of that Article apply mutatis mutandis to the calculation of the number of qualifying disabled workers referred to in paragraph (1), item (vi).
- (7) If, after the Minister of Health, Labour and Welfare grants a certification under the provisions of paragraph (1), the Minister finds that the business cooperative or association and specified employers associated with the

certification no longer conform to the criteria set forth in the items of that paragraph, the Minister may revoke the certification.

(Plans for General Employers to Hire Qualifying Disabled Persons)

- Article 46 (1) On finding it to be necessary to do so in order to facilitate the employment of qualifying disabled persons, the Minister of Health, Labour and Welfare may order an employer that employs a number of qualifying disabled workers that is less than the legally mandated number of workers with disabilities (other than an employer that constitutes a specified cooperative or association or a specified employer associated with the certification referred to in paragraph (1) of the preceding Article; hereinafter the same applies in this Article and the following Article) to draw up a plan, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, for hiring qualifying disabled persons in order to bring the number of qualifying disabled workers up to at least the legally mandated number of workers with disabilities.
- (2) The provisions of Article 45-2, paragraphs (4) through (6) apply mutatis mutandis to the calculation of the number of qualifying disabled workers referred to in the preceding paragraph.
- (3) To apply the provisions of paragraph (1) to a parent employer or related parent employer, workers that the relevant subsidiary and the relevant related company employ are deemed to be workers employed solely by the parent employer, and workers that the relevant related subsidiaries employ are deemed to be workers employed solely by the related parent employer.
- (4) Having drawn up a plan as referred to in paragraph (1), an employer must submit this to the Minister of Health, Labour and Welfare pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare. The same applies if the employer has made changes to the plan.
- (5) If the Minister of Health, Labour and Welfare finds the plan referred to in paragraph (1) to be extremely inappropriate, the Minister may recommend that the employer that drew up the plan make changes to it.
- (6) On finding it to be especially necessary to do so, the Minister of Health, Labour and Welfare may give an employer that has drawn up a plan as referred to in paragraph (1) recommendations as to the proper implementation of that plan.

(Public Disclosure of General Employers' Failure to Comply)

- Article 47 If an employer that has drawn up a plan as referred to in paragraph (1) of the preceding Article fails to comply with the recommendation referred to in paragraph (5) or paragraph (6) of that Article without reasonable grounds, the Minister of Health, Labour and Welfare may disclose this to the public.

(Persons with Prescribed Physical Disabilities)

- Article 48 (1) With regard to the hiring of employees (other than part-time workers; hereinafter the same applies in this paragraph, paragraph (3), and paragraph (4)) in a specified occupation (meaning an occupation provided for by Cabinet Order that is found to be suited to the abilities of a person with a disability who is able to work but for whom the severity of an impairment as set forth in the Appended Table makes it especially difficult to work a standard job; hereinafter the same applies in this Article), if the number of employees in such an occupation who work for the relevant organization and who constitute persons with prescribed physical disabilities (meaning persons with physical disabilities who constitute the persons prescribed by Cabinet Order for each specified occupation; hereinafter the same applies in this Article) is less than the number arrived at when the total number of employees in that occupation who work for the relevant organization is multiplied by the mandatory proportion of workers with prescribed physical disabilities that Cabinet Order prescribes for the occupation (any part of the number so calculated representing less than one full person is disregarded), the national or local government's appointer, pursuant to the provisions of Cabinet Order, must draw up a plan for hiring persons with the prescribed physical disabilities in order to bring the number of employees with prescribed physical disabilities in that occupation up to at least the number arrived at when the total number of employees in that occupation is multiplied by the aforementioned proportion.
- (2) The provisions of Article 39 apply mutatis mutandis to the plan referred to in the preceding paragraph.
- (3) To apply the provisions of paragraph (1) to an approved ministry or agency, employees who work at the relevant external bureaus and other organizations are deemed to be employees who work solely at the approved ministry or agency; to apply those provisions to a certified local organization, employees who work at the relevant other organization are deemed to be employees who work solely at the certified local organization.
- (4) Whether an employee working at the organization in question is a person with a prescribed physical disability is to be confirmed using the documents provided for by Order of the Ministry of Health, Labour and Welfare.
- (5) On finding it to be necessary to do so, the Minister of Health, Labour and Welfare may give the national or local government's appointer recommendations as to the proper implementation of the confirmation under the provisions of the preceding paragraph.
- (6) In hiring workers (excluding part-time workers; hereinafter the same applies in this paragraph, the following paragraph, and paragraph (9)) in a specified occupation, an employer must endeavor to ensure that the number of workers with prescribed physical disabilities they employ in that occupation is at least

the number arrived at when the total number of workers they employ in that occupation is multiplied by the mandatory proportion of workers with prescribed physical disabilities prescribed by Order of the Ministry of Health, Labour and Welfare (any part of the number so calculated representing less than one full person is disregarded) for that occupation.

- (7) On finding it to be especially necessary to do so in order to facilitate the employment of persons with prescribed physical disabilities, the Minister of Health, Labour and Welfare may order an employer that employs fewer workers with prescribed physical disabilities in a specified occupation than the number calculated pursuant to the provisions of the preceding paragraph, and that it is found would not have any extreme difficulty in increasing that number (limited to one employing a number of workers in the occupation in question that is at least the number that Order of the Ministry of Health, Labour and Welfare prescribes for that occupation) to draw up a plan, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, for hiring persons with prescribed physical disabilities in order to ensure that the number of workers with prescribed physical disabilities in the occupation is at least the number calculated pursuant to the provisions of that paragraph.
- (8) To apply the provisions of the preceding two paragraphs to a parent employer, related parent employer, or specified cooperative or association, the workers that the subsidiaries and the related companies employ are deemed to be workers employed solely by the parent employer, the workers that the related subsidiaries employ are deemed to be workers employed solely by the related parent employer, and the workers that a specified employer employs are deemed to be workers employed solely by the relevant specified cooperative or association.
- (9) Whether a worker that the employer in question employs is a person with a prescribed physical disability is to be confirmed using the documents provided for by Order of the Ministry of Health, Labour and Welfare.
- (10) The provisions of Article 46, paragraph (4) and paragraph (5) apply mutatis mutandis to a plan as referred to in paragraph (7).

**Section 2 Payment of Monetary Adjustments for the Employment of
Persons with Disabilities and Collection of the Persons with
Disabilities Employment Levy**

**Subsection 1 Payment of Monetary Adjustments for the Employment of
Persons with Disabilities; Related Matters**

(Levy-Related Operations)

Article 49 (1) The Minister of Health, Labour and Welfare is to carry out the

following operations in order to adjust employers' shares of the financial burden associated with employing qualifying disabled persons and in order to facilitate and sustain employment for these persons (hereinafter referred to as "levy-related operations"):

- (i) paying employers (excluding special public corporations; hereinafter the same applies in this Section and Section 4) that fall under the provisions of paragraph (1) of the following Article the monetary adjustments for the employment of persons with disabilities referred to in that paragraph;
- (i)-2 paying employers that employ qualifying disabled persons for whom it is difficult to work other than for a particularly low number of working hours as specified part-time workers (meaning part-time workers whose number of scheduled working hours per week are within the number of hours provided for by Order of the Ministry of Health, Labour and Welfare; hereinafter the same applies in this item) and employers that employ specified part-time qualifying disabled workers a special benefit designed to encourage the hiring and continued employment of these persons;
- (ii) paying employers that hire qualifying disabled persons as workers or employers that employ qualifying disabled workers a subsidy that is meant to cover the expenses required to install or maintain the facilities or equipment the employer needs in order to hire or continue to employ these persons;
- (iii) paying employers that employ qualifying disabled workers or employers' associations that such employers belong to a subsidy that is meant to cover the expenses required to install or maintain facilities that increase the welfare of qualifying disabled workers;
- (iv) paying employers that employ qualifying disabled workers and that do one of the following things a subsidy that is meant to cover the expenses that doing so requires:
 - (a) taking measures that are meant to make it easier for a worker who has come to be a person with a physical or mental disability to adapt to the workplace, and that are necessary in order for the employer to continue to employ that worker;
 - (b) assigning a person to provide the needed assistance associated with the employment of qualifying disabled workers and to carry out other operations that are necessary in order to stabilize employment for them (excluding operations that are meant to facilitate the commutes of qualifying disabled workers) (excluding assignment of a person as set forth in (b) of the following item).
- (iv)-2 paying persons that provide assistance for qualifying disabled persons through a workplace adaptation aide, as follows, a subsidy that is meant to cover the expenses that doing this requires:

- (a) a program for assisting people through a workplace adaptation aide that is implemented by a social welfare corporation provided for in Article 22 of the Social Welfare Act or by any other corporation that implements projects to facilitate the employment of qualifying disabled persons;
- (b) the assignment, by an employer that employs qualifying disabled workers, of workplace adaptation aides who provide the necessary assistance associated with the employment of qualifying disabled workers;
- (v) paying employers that employ persons with physical disabilities (limited to the persons with severe physical disabilities and other persons with physical disabilities provided for by Order of the Ministry of Health, Labour and Welfare; hereinafter the same applies in this item), persons with intellectual disabilities, or persons with mental disabilities, or employers' associations that such employers belong to a subsidy that is meant to cover the expenses required for measures to facilitate the commutes of workers with physical, intellectual, or mental disabilities;
- (vi) paying employers of places of business that employ many workers who are persons with severe physical disabilities, persons with intellectual disabilities, or persons with mental disabilities a subsidy that is meant to cover the expenses required to install or maintain facilities or equipment that is used for business at those places of business;
- (vii) paying the following persons that implement education and training programs that are meant to develop and enhance the abilities that qualifying disabled persons need in their work (limited to those that conform to the criteria specified by the Minister of Health, Labour and Welfare; hereinafter the same applies in this item) a subsidy that is meant to cover the expenses required for those programs, and paying employers that employ qualifying disabled workers a subsidy that is meant to cover the expenses required for measures to make it easier for qualifying disabled workers to participate in education and training programs:
 - (a) an employer or employers' association;
 - (b) a specialized training college provided for in Article 124 of the School Education Act (Act No. 26 of 1947); an incorporated educational institution provided for in Article 3 of the Private Schools Act (Act No. 270 of 1949) that operates a miscellaneous category school provided for in Article 134, paragraph (1) of the School Education Act; or a corporation provided for in Article 64, paragraph (4) of the Private Schools Act;
 - (c) a social welfare corporation provided for in Article 22 of the Social Welfare Act;
 - (d) any other corporation that implements a project to facilitate the employment of qualifying disabled persons.
- (viii) carrying out operations related to skills competitions for persons with

- disabilities;
- (ix) carrying out operations for studies, surveys, or training courses on technical matters involved in the employment of qualifying disabled persons or awareness-raising operations that are meant to increase understanding among employers and the general public regarding the employment of qualifying disabled persons (excluding the operations set forth in the preceding item);
 - (x) collecting the persons with disabilities employment levy provided for in Article 53, paragraph (1);
 - (xi) carrying out operations incidental to those set forth in each of the preceding items.
- (2) The Minister of Health, Labour and Welfare is to delegate all or part of the services set forth in each item of the preceding paragraphs to JEED.

(Payment of Monetary Adjustments for the Employment of Persons with Disabilities)

Article 50 (1) Pursuant to the provisions of Cabinet Order, each fiscal year (meaning the year commencing on April 1 and ending March 31 of the following year; the same applies hereinafter), if the base amount for adjustment provided for in Article 54, paragraph (2) is multiplied by the aggregate of the numbers of qualifying disabled workers that an employer employs as of the first day of each month that is part of the fiscal year in question (if the employer has started its business operations in the middle of the relevant fiscal year, this is limited to the months in that business year that fall after the month that includes the date on which it started those operations; if the employer has discontinued its business operations in the middle of the relevant fiscal year, this is limited to the months in that business year that fall before the month that includes the date on which it discontinued those operations; the same applies hereinafter) and the product exceeds the amount calculated pursuant to the provisions of paragraph (1) of that Article, JEED pays the employer an amount of money equivalent to what is arrived at when an amount corresponding to the resulting difference is divided by the base amount for adjustment and the quotient is multiplied by the unit adjustment amount, as a monetary adjustment for the employment of persons with disabilities (hereinafter referred to as a "monetary adjustment").

- (2) The "unit adjustment amount" referred to in the preceding paragraph is the amount provided for by Cabinet Order based on the average of the amounts, per month, of the special expenses provided for in Article 54, paragraph (2) that it is considered would ordinarily be additionally necessary for each of the relevant qualifying disabled persons if the employer were newly employing qualifying disabled persons in excess of the number arrived at when the

number of workers they employ is multiplied by the benchmark proportion of disabled workers provided for in Article 54, paragraph (3).

- (3) The provisions of Article 43, paragraph (8) apply mutatis mutandis to the calculation of the number of workers employed referred to in the preceding paragraph.
- (4) The provisions of Article 45-2, paragraphs (4) through (6) apply mutatis mutandis to the calculation of the number of qualifying disabled workers referred to in paragraph (1), and the provisions of Article 48, paragraph (8) apply mutatis mutandis to the application of the provisions of paragraph (1) to a parent employer, related parent employer, or specified cooperative or association.
- (5) To apply the provisions of paragraph (1) to a parent employer, related parent employer, or specified cooperative or association, JEED may pay a monetary adjustment to the parent employer, the subsidiary or related company, the related parent employer or related subsidiaries, or the specified cooperative or association or the specified employer, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (6) Beyond what is provided for in paragraph (2) through the preceding paragraph, Cabinet Order prescribes special rules for the calculation of the amount of a monetary adjustment when there has been a merger involving an employer that is a corporation or when there has been an inheritance (including a comprehensive testamentary gift; the same applies in Article 68) involving an employer who is an individual, and provides for other necessary particulars concerning monetary adjustments.

(Payment of Special Benefits and Subsidies)

Article 51 (1) JEED pays the special benefit referred to in Article 49, paragraph (1), item (i)-2 and the subsidies referred to in items (ii) through (vii) of that paragraph in accordance with the requirements for payment, payment amounts, and other such payment standards provided for by Order of the Ministry of Health, Labour and Welfare.

- (2) With regard to the payment of the special benefit and subsidies referred to in the preceding paragraph, consideration must be given to ensure that the employment of qualifying disabled persons is facilitated and sustained with the maximum effectiveness and efficiency, together with other measures that are being taken to stabilize employment for qualifying disabled persons.

(Submission of Materials)

Article 52 (1) JEED may request an employer to submit documents and other objects concerning the extent of its employment of qualifying disabled workers and other such particulars, to the extent that it is necessary in connection with

the operations set forth in Article 49, paragraph (1), item (x).

- (2) On finding it to be necessary to do so in connection with levy-related operations, JEED may request an employer, employers' association, corporation provided for in Article 49, paragraph (1), item (iv)-2, (a), or corporation as set forth in item (vii), (b) through (d) of that paragraph to report the necessary particulars.

Subsection 2 Collection of the Persons with Disabilities Employment Levy

(Collection of the Persons with Disabilities Employment Levy and Duty to Pay)

Article 53 (1) JEED collects a persons with disabilities employment levy (hereinafter referred to as "the levy") from employers pursuant to the provisions of this Subsection each fiscal year in order to cover the expenses required to pay the monetary adjustments referred to in Article 49, paragraph (1), item (i), the special benefits referred to in item (i)-2 of that paragraph and the subsidies referred to in items (ii) through (vii) of that paragraph, the expenses required for implementing the operations referred to in item (viii) and item (ix) of that paragraph, and the expenses required for handling the affairs related to the operations set forth in each item of that paragraph.

- (2) An employer has the duty to pay the levy.

(Amount of Levy)

Article 54 (1) The amount of the levy that an employer must pay is the amount arrived at when the base amount for adjustment is multiplied by the aggregate of the numbers arrived at when the number of workers the employer employs as of the first day of each month of the fiscal year in question is multiplied by the benchmark proportion of disabled workers (any part of the number so calculated representing less than one full person is disregarded) for each fiscal year.

- (2) The "base amount for adjustment" referred to in the preceding paragraph is the amount provided for by Cabinet Order based on the average of the amounts of special expenses (meaning the expenses typically needed to install or maintain the facilities or equipment that are necessary when an employer employs a qualifying disabled person and to implement other such measures that are necessary for providing proper personnel management for a qualifying disabled person, and any other expenses that are considered to be particularly necessary for an employer to employ a qualifying disabled person) per month that would typically be considered necessary for each of the relevant qualifying disabled persons if the employer were employing a number of qualifying disabled persons that brought it up to the number arrived at when the number

of workers they employ is multiplied by the benchmark proportion of disabled workers.

- (3) The "benchmark proportion of disabled workers" referred to in the preceding two paragraphs is to be set based on the percentage of the total number of workers that the total number of qualifying disabled workers accounts for, and is prescribed by Cabinet Order at least every five years in consideration of the changes in that percentage.
- (4) The provisions of Article 43, paragraph (8) apply mutatis mutandis to the calculation of the number of workers an employer employs that is referred to in paragraph (1) and paragraph (2) and the total number of workers referred to in the preceding paragraph.
- (5) The provisions of Article 45-2, paragraphs (4) through (6) apply mutatis mutandis to the calculation of the total number of qualifying disabled workers referred to in paragraph (3), and the provisions of Article 48, paragraph (8) apply mutatis mutandis to the application of the provisions of paragraph (1) to a parent employer, related parent employer, or specified cooperative or association.

Article 55 (1) Notwithstanding the provisions of paragraph (1) of the preceding Article, in a case as referred to in paragraph (1) of that Article, if the employer employs a qualifying disabled worker during the relevant fiscal year, and if, when the base amount for adjustment provided for in paragraph (2) of that Article is multiplied by the aggregate of the numbers of qualifying disabled workers the employer employs as of the first day of each month in that fiscal year, the product arrived at does not reach the amount calculated pursuant to the provisions of paragraph (1) of that Article, the amount of the levy that the employer is required to pay is the amount equivalent to the difference between them (referred to as the "calculated levy amount" in Article 74-2, paragraph (4) and paragraph (5)).

- (2) Notwithstanding the provisions of paragraph (1) of the preceding Article, in a case as referred to in paragraph (1) of that Article, if the employer employs qualifying disabled workers during the relevant fiscal year, and if, when the base amount for adjustment provided for in paragraph (2) of that Article is multiplied by the aggregate of the numbers of qualifying disabled workers that the employer employs as of the first day of each month in that fiscal year, the product is at least the amount calculated pursuant to the provisions of paragraph (1) of that Article, the levy is not collected from that employer.
- (3) The provisions of Article 45-2, paragraphs (4) through (6) apply mutatis mutandis to the calculation of the number of qualifying disabled workers referred to in the preceding two paragraphs, and the provisions of Article 48, paragraph (8) apply mutatis mutandis to the application of the preceding two

paragraphs to a parent employer, related parent employer, or specified cooperative or association.

(Payment of the Levy)

Article 56 (1) For each fiscal year, an employer must submit to JEED a reporting form that specifies the amount of the levy for that fiscal year and other particulars provided for by Order of the Ministry of Health, Labour and Welfare, within 45 days after the first day of the following fiscal year (if an employer has discontinued business operations in the middle of the relevant fiscal year, within 45 days after the date on which they discontinued those business operations).

(2) An employer must pay the levy in the amount specified in the reporting form referred to in the preceding paragraph on or before the due date for submission of the reporting form that is referred to in that paragraph.

(3) An employer must attach documents specifying the numbers of workers and qualifying disabled workers at each place of business as of the first day of each month of the relevant fiscal year and giving other particulars provided for by Order of the Ministry of Health, Labour and Welfare to the reporting form as referred to in paragraph (1).

(4) If an employer does not submit a reporting form as referred in paragraph (1) on or before the due date for submission referred to in that paragraph, or if JEED finds an error in a reporting form entry referred to in that paragraph, JEED is to determine the amount of the levy and issue a payment notice to the employer.

(5) An employer that has been issued a payment notice under the provisions of the preceding paragraph must make a payment to JEED within 15 days after the day on which they are notified of this; if they have not submitted a reporting form as referred to in paragraph (1) (or if they have filed a reporting form indicating that there is no amount of levy to be paid), the employer must pay the entire amount of the levy that JEED has determined pursuant to the provisions of the preceding paragraph, and if the amount of the levy reported as referred to in paragraph (1) falls short of the amount of the levy that JEED has determined pursuant to the provisions of the preceding paragraph, the employer must pay the amount of the shortfall.

(6) If the amount of the levy an employer has paid exceeds the amount of the levy that JEED has determined pursuant to the provisions of paragraph (4) and the employer has any unpaid levy or other amount to be collected pursuant to the provisions of this Subdivision, JEED is to allocate the amount paid in excess to cover this and then must return any balance that remains; if the amount of the levy an employer has paid exceeds the amount of the levy that JEED has determined pursuant to the provisions of paragraph (4) and the employer has

no unpaid levy or other amount to be collected pursuant to the provisions of this Subdivision, JEED must return the amount paid in excess.

- (7) The provisions of Article 48, paragraph (8) apply mutatis mutandis to the application of the provisions of paragraph (1), paragraph (3), and paragraph (4) with regard to the parent employer, related parent employer or specified cooperative or association. In such a case, "deemed" in paragraph (8) of that Article is deemed to be replaced with "the places of business of the subsidiary and the related companies are deemed as the places of business of the parent employer, the places of business of the related company are deemed as the places of business of the related parent employer, and the places of business of the specified employer are deemed as the places of business of the specified cooperative or association".

(Deferring Payment of the Levy)

Article 57 At the request of an employer and pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, JEED may allow the employer to defer payment of the levy that the employer is required to pay.

(Supplementary Charges)

Article 58 (1) If an employer is required to pay the full amount of, or a shortfall in, the levy under the provisions of Article 56, paragraph (5), JEED collects a supplementary charge in the amount arrived at when the amount payable (rounded down to the nearest 1,000 yen, if the amount payable is not already a multiple of 1,000) is multiplied by 10%; provided, however, that this does not apply if the employer has come to be required to pay the full amount of or shortfall in the levy under the provisions of that paragraph due to a natural disaster or other compelling reasons.

(2) Notwithstanding the provisions of the preceding paragraph, if the full amount of, or shortfall in, the levy provided for in that paragraph is less than 1,000 yen, the supplementary charge under that paragraph is not collected.

(3) When collecting a supplementary charge pursuant to the provisions of paragraph (1), JEED must fix a due date and notify the employer of the amount of the supplementary charge the employer is required to pay.

(Demand for Payment of the Amount to Be Collected and Measures to Collect Arrears)

Article 59 (1) If a person fails to pay the levy or any other amount to be collected under the provisions of this Subsection, JEED must fix a due date and demand payment.

(2) When demanding payment pursuant to the preceding paragraph, JEED issues an official written demand to the person with the duty to pay. In such a case,

the due date that JEED is required to fix in the written demand must be a day that is subsequent to a period of at least 10 days after the date on which it is issued.

- (3) If a person that is being demanded to pay under the provisions of paragraph (1) fails to pay the levy or other amount to be collected under the provisions of this Subsection in full by the fixed due date, JEED may take measures to collect arrears using the rules for measures to collect arrears of national taxes, with the authorization of the Minister of Health, Labour and Welfare.

(Penal Interest)

Article 60 (1) Having demanded payment of the levy pursuant to the provisions of paragraph (1) of the preceding Article, JEED collects penal interest calculated at the rate of 14.5% per annum on the amount of the levy subject to the demand, based on the number of days in the period that runs from the day after the payment due date up until the day before the date of payment in full or attachment of property; provided, however, that this does not apply if the amount of the levy subject to the demand for payment is less than 1,000 yen.

- (2) In a case as referred to in the preceding paragraph, if part of the amount of the levy is paid, the amount of the levy that forms the basis for calculating the amount of penal interest for the period that begins on the date of that payment is the amount resulting when the amount of the levy that has been paid is deducted.

- (3) If the amount of the levy referred to in the preceding two paragraphs is not already a multiple of 1,000, it is rounded down to the nearest 1,000 yen to calculate the penal interest.

- (4) If the amount of the penal interest calculated pursuant to the provisions of the preceding three paragraphs is not already a multiple of 100, it is rounded down to the nearest 100 yen.

- (5) Penal interest is not collected in a case that falls under any of the following items; provided, however, that in the case referred to in item (iv), this is limited to the part associated with the period during which execution of the referenced measures is discontinued or suspended.

(i) if the amount of the levy is paid in full by the due date for payment fixed in the written demand;

(ii) if the demand has been made through service by publication because the domicile or residence of the person with the duty to pay the levy is unknown;

(iii) if the amount of the penal interest is less than 100 yen;

(iv) if the execution of the measures to collect arrears of the levy is discontinued or suspended; or

(v) if it is found that the person has a compelling reason for not paying the levy.

(Order of Statutory Liens)

Article 61 A statutory lien for the levy or any other amount to be collected pursuant to the provisions of this Subsection follows national and local taxes in order of priority.

(Procedure for Collecting Amounts to Be Collected)

Article 62 Unless otherwise provided for in this Subsection, the levy and other amounts to be collected pursuant to the provisions of this Subsection are collected in accordance with the rules for collecting national taxes.

(Prescription)

Article 63 (1) The right to collect, or receive a refund of, the levy or any other amount to be collected pursuant to the provisions of this Subsection lapses by prescription once two years have passed since the time it becomes possible to exercise that right.

(2) A notice to pay the levy or any other amount to be collected pursuant to the provisions of this Subsection or a demand under the provisions of Article 59, paragraph (1) by JEED has the effect of renewing the prescription.

(Ownership of the Amount Collected)

Article 64 The levy and any other amount to be collected under the provisions of this Subsection that JEED has collected is the revenue of JEED.

(Request for an Administrative Review of the Collection of an Amount to Be Collected)

Article 65 A person that is dissatisfied with measures to impose or collect the levy or any other amount to be collected pursuant to the provisions of this Subsection may file a request for an administrative review with the Minister of Health, Labour and Welfare. In such a case, to apply Article 25, paragraph (2) and paragraph (3), Article 46, paragraph (1), and Article 47 of the Administrative Complaint Review Act (Act No. 68 of 2014), the Minister of Health, Labour and Welfare is deemed to be the higher administrative authority of JEED.

Article 66 Deleted

(Exclusion from Application of the Administrative Procedure Act)

Article 67 The provisions of Chapter 2 and Chapter 3 of the Administrative Procedure Act (Act No. 88 of 1993) do not apply to measures to impose or collect the levy or any other amount to be collected pursuant to the provisions of this Subsection.

(Delegation to Cabinet Order)

Article 68 Beyond what is provided for in this Subsection, Cabinet Order prescribes special rules for calculating the amount of the levy in the case of a merger involving an employer that is a corporation or inheritance involving an employer who is an individual, and provides for other necessary particulars concerning the levy and other amounts to be collected provided for in this Subsection.

Articles 69 through 72 Deleted

Section 3 Special Provisions on Persons with Disabilities Who Are Not Qualifying Disabled Persons

(Implementation of Payment Operations for Subsidies Related to Persons with Mental Disabilities)

Article 73 (1) The Minister of Health, Labour and Welfare may carry out operations equivalent to those set forth in Article 49, paragraph (1), items (ii) through (ix), and item (xi) with regard to workers with mental disabilities (other than those who have been issued a mental disability certificate pursuant to the provisions of Article 45, paragraph (2) of the Act on Mental Health and Welfare for the Mentally Disabled (Act No. 123 of 1950)).

(2) The Minister of Health, Labour and Welfare is to have JEED carry out all or part of the operations provided for in the preceding paragraph.

(3) In a case as referred to in the preceding paragraph, the operations in question are deemed to be included in the operations set forth in Article 49, paragraph (1), items (ii) through (ix), and item (xi), and the provisions of Article 51 and Article 53 apply. In such a case, "qualifying disabled persons" in Article 51, paragraph (2) is deemed to read "persons with physical disabilities, persons with intellectual disabilities, or persons with mental disabilities provided for in Article 2, item (vi)".

(Implementation of Payment Operations for Subsidies Related to Persons with Disabilities Who Are Not Persons with Physical Disabilities, Persons with Intellectual Disabilities, or Persons with Mental Disabilities)

Article 74 (1) The Minister of Health, Labour and Welfare may also carry out operations equivalent to those set forth in Article 49, paragraph (1), items (ii) through (ix), and item (xi) and provided for by Order of the Ministry of Health, Labour and Welfare with regard to persons with disabilities (other than persons with physical disabilities, persons with intellectual disabilities, or persons with mental disabilities) who are provided for by Order of the Ministry

of Health, Labour and Welfare.

- (2) The Minister of Health, Labour and Welfare is to have JEED carry out all or part of the operations provided for in the preceding paragraph.
- (3) In a case as referred to in the preceding paragraph, the operations in question are deemed to be included in the operations set forth in Article 49, paragraph (1), items (ii) through (ix), and item (xi), and the provisions of Article 51 and Article 53 apply.

Section 4 Special Provisions on Home-Based Work by Persons with Disabilities

(Payment of a Special Monetary Adjustment for Home-Based Workers with Disabilities)

- Article 74-2 (1) In order to assist in ensuring job opportunities for home-based workers with disabilities, the Minister of Health, Labour and Welfare may carry out operations to pay employers that fall under the provisions of the following paragraph the special monetary adjustment for home-based workers with disabilities that is referred to in that paragraph.
- (2) If an employer that has entered into a written home-based work agreement with a home-based worker with a disability (home-based work support organizations provided for in paragraph (1) of the following Article are excluded; hereinafter the same applies in this Section) and has paid the worker consideration for work under that agreement, the Minister of Health, Labour and Welfare pays the employer an amount equivalent to that arrived at when the total amount of consideration for that work that the employer has paid in that fiscal year (hereinafter referred to as the "amount subject to adjustment") is divided by the reference amount (rounded down to the nearest whole number, if applicable) and the adjustment amount is multiplied by the quotient, as that fiscal year's special monetary adjustment for home-based workers with disabilities pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare; provided, however, that this may not exceed the amount arrived at when the home-based work unit adjustment amount is multiplied by the aggregate of the numbers of qualifying disabled workers the employer employs as of the first day of each month in the relevant fiscal year.
 - (3) In this Section, Chapter 4, Chapter 5, and Article 4 of the Supplementary Provisions, the meanings of the terms set forth in the following items are as prescribed respectively in those items:
 - (i) the term "home-based worker with a disability" means a qualifying disabled person who personally manufactures goods, provides services, or does work of a similar type at their own home or at another place provided for by Order of the Ministry of Health, Labour and Welfare (other than persons who are

- employed);
- (ii) the term "home-based work agreement" means an agreement for a home-based worker with a disability to manufacture goods, provide services, or do other work of a similar type;
 - (iii) the term "home-based work unit adjustment amount" means an amount that is less than the unit adjustment amount provided for in Article 50, paragraph (2), which is provided for by Cabinet Order;
 - (iv) the term "adjustment amount" means the amount arrived at when the home-based work unit adjustment amount is multiplied by the reference number of months (meaning the number of months provided for by Cabinet Order in consideration of the extent of the contribution to ensuring job opportunities for home-based workers with disabilities and other conditions; the same applies hereinafter); and
 - (v) the term "reference amount" means the amount arrived at when the amount provided for by Cabinet Order in consideration of the average salary conditions of workers with disabilities and other conditions is multiplied by the reference number of months.
- (4) Notwithstanding the provisions of Article 55, paragraph (1), in a case as referred to in the same paragraph of that Article, if an employer has paid a home-based worker with a disability consideration for work under a home-based work agreement during the relevant fiscal year, and if the amount of the special monetary adjustment for home-based workers with disabilities that is calculated pursuant to the provisions of paragraph (2) does not reach the calculated levy amount, the amount of the levy that employer is required to pay is the amount equivalent to the difference between them. In such a case, the special monetary adjustment for home-based workers with disabilities is not paid to the employer notwithstanding the provisions of paragraph (2).
- (5) Notwithstanding the provisions Article 55, paragraph (2), in a case as referred to in paragraph (1) of that Article, if the employer has paid a home-based worker with a disability consideration for work under a home-based work agreement during the relevant fiscal year, and if the amount of the special monetary adjustment for home-based workers with disabilities calculated pursuant to the provisions of paragraph (2) is at least the calculated levy amount, the amount equivalent to the difference between these is paid to the employer as a special monetary adjustment for home-based workers with disabilities for the relevant fiscal year. Notwithstanding the provisions of paragraph (1) of that Article, no levy is collected from the employer in such a case.
- (6) The Minister of Health, Labour and Welfare is to have JEED carry out all or part of the operations provided for in paragraph (1).
- (7) On finding it to be necessary to do so in connection with the operations

provided for in paragraph (1), JEED may request an employer or home-based worker with a disability to report the necessary particulars.

- (8) To apply the provisions of Article 53 to a case as referred to in paragraph (6), "and the operations set forth in each item of that paragraph" in paragraph (1) of that Article is deemed to read ", expenses required for the payment of the special monetary adjustment for home-based workers with disabilities referred to in Article 74-2, paragraph (1), the operations set forth in each item of Article 49, paragraph (1), and the operations provided for in Article 74-2, paragraph (1)".
- (9) To apply the provisions of paragraph (2), paragraph (4), paragraph (5), and Article 56, paragraph (1) and paragraph (4) to a parent employer, related parent employer, or specified cooperative or association, as concerns amounts paid to home-based workers with disabilities as consideration for work under home-based work agreements, the amounts paid by subsidiaries and related companies are deemed to be amounts paid solely by the related parent employer; amounts paid by related subsidiaries are deemed to be amounts paid solely by the related parent employer; and amounts paid by specified employers are deemed to be amounts paid solely by the specified cooperative or association.
- (10) The provisions of Article 45-2, paragraphs (4) through (6) apply mutatis mutandis to the calculation of the number of qualifying disabled workers referred to in paragraph (2), and the provisions of Article 50, paragraph (5) and paragraph (6) apply mutatis mutandis to the special monetary adjustment for home-based workers with disabilities referred to in paragraph (1).

(Home-Based Work Support Organizations)

Article 74-3 (1) Every fiscal year, if an employer has an amount equivalent to consideration for home-based work (meaning an amount equivalent to the part of an amount that an employer has paid to a corporation registered by the Minister of Health, Labour and Welfare (hereinafter referred to as a "home-based work support organization") under a contract for the manufacture of goods, provision of services, or other work of a similar kind that it has entered into with that organization, that the organization has paid as consideration for work under home-based work agreements it has entered into with home-based workers with disabilities in performance of its contract with the employer; the same applies hereinafter), the total of those amounts are added to the amount subject to adjustment for the relevant fiscal year. In such a case, to apply the provisions of the preceding paragraph, "total amount of consideration for work" in paragraph (2) of that Article is deemed to read "aggregate of the total amount of consideration for work and the total of the amounts equivalent to consideration for home-based work provided for in paragraph (1) of the

following Article," and ", with regard to" in paragraph (9) of that Article is deemed to read "with regard to", and "deemed to be" is deemed to read "; and the amount equivalent to the consideration for home-based work provided for in paragraph (1) of the following Article in relation to the subsidiaries and the related companies (referred to as the 'amount equivalent to consideration for home-based work' hereinafter in this paragraph) is deemed to be the amount equivalent to consideration for home-based work solely in relation to the related parent employer, the amount equivalent to consideration for home-based work in relation to the related subsidiaries is deemed to be the amount equivalent to consideration for home-based work solely in relation to the related parent employer, and the amount equivalent to consideration for home-based work in relation to the specified employer is deemed to be the amount equivalent to consideration for home-based work solely in relation to the specified cooperative or association".

- (2) The registration referred in the preceding paragraph is made at the application of a corporation that secures work opportunities that meet the wishes of home-based workers with disabilities, systematically provides work opportunities to home-based workers with disabilities, and carries out other such operations to support home-based workers with disabilities.
- (3) A corporation that falls under any of the following items may not be registered as referred to in paragraph (1):
 - (i) a corporation that has been sentenced to pay a criminal fine pursuant to the provisions of this Act, the provisions of other labor related laws that are provided for by Cabinet Order, or the provisions of Article 73-2, paragraph (1) of the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951) and the provisions of Article 76-2 of that Act to which the provisions of Article 73-2, paragraph (1) of that Act pertains, if it has not been five years since the corporation completed its sentence or ceased to be subject to its enforcement;
 - (ii) a corporation whose registration has been revoked pursuant to the provisions of paragraph 18, if it has not been five years since the date of the revocation;
 - (iii) a corporation that has an officer who has been sentenced to imprisonment without work or a heavier punishment; who has been sentenced to pay a fine pursuant to the provisions of this Act, the provisions of other labor related laws that are provided for by Cabinet Order, or the provisions of the Act on Prevention of Unjust Acts by Organized Crime Group Members (Act No. 77 of 1991) (excluding the provisions of Article 50 (limited to the part to which item (ii) pertains) and Article 52 of that Act); or who has been sentenced to a fine for having committed a crime under Article 204, Article 206, Article 208, Article 208-2, Article 222, or Article 247 of the Penal Code (Act 45 of 1907), a

- crime under the Act on Punishment of Physical Violence and Others (Act No. 60 of 1926) or a crime under Article 73-2, paragraph (1) of the Immigration Control and Refugee Recognition Act, if it has not been five years since the person completed the sentence or ceased to be subject to its enforcement;
- (4) If a corporation that has applied for registration pursuant to the provisions of paragraph (2) meets all of the following requirements, the Minister of Health, Labour and Welfare must register it. In such a case, Order of the Ministry of Health, Labour and Welfare prescribes the necessary procedures connected with the registration:
- (i) the corporation continually implements all of the following operations, and does this for 10 or more home-based workers with disabilities at all times:
 - (a) securing work opportunities that meet the wishes of home-based workers with disabilities, and systematically providing those opportunities to home-based workers with disabilities;
 - (b) providing home-based workers with disabilities with vocational training or information to acquire knowledge and skills necessary to do their work appropriately;
 - (c) giving home-based workers with disabilities advice or other assistance necessary for them to do their work appropriately;
 - (d) giving home-based workers with disabilities who wish to work under an employment relationship advice or other assistance;
 - (ii) two or more persons who are knowledgeable about the impairments of the persons with disabilities who are the targets of the operations set forth in (a) through (d) of the preceding item (hereinafter referred to as the "operations that the corporation implements"), who have experience engaging in operations that they carry out to assist persons with disabilities who have those impairments, and who are knowledgeable about the substance of the operations associated with providing job opportunities for home-based workers with disabilities (referred to as "persons with professional experience" in the following item) are implementing the operations that the corporation implements;
 - (iii) in addition to the persons set forth in the preceding item, the corporation has assigned a full-time manager (limited to one who is a person with professional experience) to properly carry out the operations that the corporation implements; and
 - (iv) the corporation has the necessary facilities and equipment to carry out the operations that the corporation implements.
- (5) The Minister of Health, Labour and Welfare makes a registration by entering the following particulars in a register of home-based work support organizations:
- (i) the date of registration and registration number;

- (ii) the name and address of the home-based work support organization and the name of its representative; and
 - (iii) the location of the place of business where the home-based work support organization carries out operations for home-based workers with disabilities.
- (6) If not renewed for every period of no more than three years that Cabinet Order prescribes, a registration as referred to in paragraph (1) ceases to be effective upon the lapse of that period.
- (7) The provisions of paragraphs (2) through (5) apply mutatis mutandis to a renewal of registration as referred to in the preceding paragraph.
- (8) If a home-based work support organization has been paid consideration by an employer under an agreement to manufacture goods, provide services, or do other work similar to this, the organization must deliver a document certifying the amount equivalent to consideration for home-based work to the employer pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (9) Beyond what is provided for in the preceding paragraph, a home-based work support organization must carry out operations related to home-based workers with disabilities in a manner that conforms to the requirements set forth in each item of paragraph (4) and the standards prescribed by Order of the Ministry of Health, Labour and Welfare.
- (10) Before seeking to change a particular set forth in paragraph (5), item (ii) or item (iii), a home-based work support organization must file notification of this with the Minister of Health, Labour and Welfare at least two weeks prior to the date on which it seeks to make that change.
- (11) A home-based work support organization must establish regulations for operations related to home-based workers with disabilities (referred to as the "operational regulations" in the following paragraph) and file a notification with the Minister of Health, Labour and Welfare prior to the commencement of those operations. The same applies if the organization seeks to make any change to the operational regulations.
- (12) In its operational regulations, a home-based work support organization must establish how it will implement the operations related to home-based workers with disabilities and other particulars provided for by Order of the Ministry of Health, Labour and Welfare.
- (13) Before a home-based work support organization suspends or discontinues all or part of the operations related to home-based workers with disabilities, it must first file a notification of this with the Minister of Health, Labour and Welfare, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (14) Within three months after the end of each business year, a home-based work support organization must prepare an inventory of assets, balance sheet, profit

and loss statement, or income and expenditure statement, and business report for that business year (this includes electronic or magnetic records (meaning records used in computer data processing that are created in electronic form, magnetic form, or any other form that cannot be perceived by the human senses; the same applies hereinafter), if electronic or magnetic records are prepared in lieu of these paper documents; hereinafter each of these is individually referred to as a "financial statement or business report") and keep them in its place of business for five years.

- (15) A home-based worker with a disability or any other such interested person may make the following requests at any time during the business hours of a home-based work support organization; provided, however, that the person must pay the fee that the home-based work support organization sets in order to make a request as referred to in item (ii) or item (iv);
- (i) a request to inspect or copy the paper document constituting a financial statement or business report, if the financial statement or business report has been prepared in the form of a paper document;
 - (ii) a request for a certified copy or extract of a document as referred to in the preceding item;
 - (iii) a request to inspect or copy something that has been made to show the particulars recorded in the electronic or magnetic record constituting a financial statement or business report through the means prescribed by Order of the Ministry of Health, Labour and Welfare, if the financial statement or business report has been prepared in the form of an electronic or magnetic record; or
 - (iv) a request to be provided with the particulars recorded in an electronic or magnetic record as referred to in the preceding item by an electronic or magnetic means that Order of the Ministry of Health, Labour and Welfare prescribes, or a request to be issued a paper document giving those particulars.
- (16) On finding that a home-based work support organization no longer conforms to one of the items of paragraph (4), the Minister of Health, Labour and Welfare may order it to take the necessary measures to conform to those provisions.
- (17) On finding a home-based work support organization to be in violation of the provisions of paragraph (9), the Minister of Health, Labour and Welfare may order it to carry out operations related to home-based workers with disabilities or to take the necessary measures to improve the way it implements those operations or the way it carries out other operations.
- (18) If a home-based work support organization falls under one of the following items, the Minister of Health, Labour and Welfare may revoke its registration, or may order it to suspend all or part of its operations related to home-based

workers with disabilities for a fixed period:

- (i) it has come to fall under paragraph (3), item (i) or item (iii);
 - (ii) it has violated the provisions of paragraph (8), paragraphs (10) through (14) or the following paragraph;
 - (iii) it has denied a request under the provisions of each item of Article 15 without a legitimate reason for doing so;
 - (iv) it has violated an order under the provisions of one of the preceding two paragraphs; or
 - (v) it was registered as referred to in paragraph (1) by wrongful means.
- (19) A home-based work support organization must keep books and records, make entries for the particulars provided for by Order of the Ministry of Health, Labour and Welfare concerning its operations related to home-based workers with disabilities in the books and records, and retain the books and records, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (20) On finding it to be necessary to do so in connection with the operations referred to in paragraph (1) of the preceding Article in a case as referred to in paragraph (2) of that Article as applied following a deemed replacement of terms pursuant to paragraph (1), JEED may request an employer, home-based worker with a disability, or home-based work support organization to report the necessary particulars.
- (21) Once every year, a home-based work support organization must submit a report to the Minister of Health, Labour and Welfare on the particulars prescribed by Order of the Ministry of Health, Labour and Welfare in connection with its operations related to home-based workers with disabilities, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (22) The Ministry of Health, Labour and Welfare must issue public notice in the Official Gazette:
- (i) on having made a registration as referred to in paragraph (1);
 - (ii) on having received a notification under the provisions of paragraph (10);
 - (iii) on having received a notification under the provisions of paragraph (13); or
 - (iv) on having revoked a registration as referred to in paragraph (1) or ordered an organization to suspend operations related to home-based workers with disabilities, pursuant to the provisions of paragraph (18).

Chapter III-2 Resolution of Disputes

Section 1 Assistance in Resolution of Disputes

(Self-Initiated Resolution of Grievances)

Article 74-4 If an employer has had a grievance raised by a worker with a

disability with regard to any of the things provided for in Article 35 or Article 36-3, the employer must endeavor to achieve a self-initiated resolution by entrusting the handling of that grievance to a grievance body (meaning the body that is meant to handle the grievances of the workers at the relevant place of business, and that is composed of persons representing the employer and person representing the workers at that place of business) or in other ways.

(Special Provisions for Facilitating the Resolution of Disputes)

Article 74-5 The provisions of Article 4, Article 5, and Articles 12 through 19 of the Act on Promoting the Resolution of Individual Labor-Related Disputes (Act No. 112 of 2001) do not apply to a dispute arising between a worker with disabilities and the employer over the things provided for in Article 34, Article 35, Article 36-2, and Article 36-3; and the provisions of the following Article through Article 74-8 govern such a dispute.

(Assistance in Resolution of Disputes)

Article 74-6 (1) Having been asked for assistance in the resolution of a dispute as prescribed in the preceding Article by one or both of the parties to that dispute, the director of the prefectural labor bureau may give the necessary advice, guidance, or recommendations to the parties to the relevant dispute.
(2) An employer must not dismiss a worker with a disability or otherwise subject that worker to disadvantageous treatment on the grounds that the worker has asked for the assistance referred to in the preceding paragraph.

Section 2 Conciliation

(Delegation of Conciliation)

Article 74-7 (1) On finding that it is necessary to do so in order to resolve a dispute as provided for in Article 74-5 (excluding a dispute over the recruitment or hiring of a worker) when one or both parties to the dispute have filed an application for conciliation, the director of a prefectural labor bureau is to have the dispute coordinating commission set forth in Article 6, paragraph (1) of the Act on Promoting the Resolution of Individual Labour-Related Disputes conduct the conciliation.
(2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis if a worker with a disability files the application referred to in the preceding paragraph.

(Conciliation)

Article 74-8 The provisions of Articles 19 through 26 of the Act on Securing, Etc. of Equal Opportunities and Treatment between Men and Women in

Employment (Act No. 113 of 1972) apply mutatis mutandis to the procedures for conciliation referred to in paragraph (1) of the preceding Article. In such a case, "paragraph (1) of the preceding Article" in paragraph (1) of Article 19 of that Act is deemed to be replaced with "Article 74-7, paragraph (1) of the Act on Employment Promotion, etc. of Persons with Disabilities; "workers employed by the same place of business as the parties concerned" in Article 20 of that Act is deemed to be replaced with "persons having expert knowledge for the medical care of persons with disabilities"; and "Article 18, paragraph (1)" in Article 25, paragraph (1) of that Act is deemed to be replaced with "Article 74-7, paragraph (1) of the Act on Employment Promotion etc. of Persons with Disabilities".

Chapter IV Miscellaneous Provisions

(Research on Facilitating the Employment of Persons with Disabilities)

Article 75 The national government is to endeavor to conduct surveys, do research, and prepare materials concerning work that is suited to the abilities of persons with disabilities, the work equipment and work assist tools that they need on the job, and other things that are necessary in connection with facilitating the employment of persons with disabilities and stabilizing employment for them.

(Public Relations and Educational Activities Concerning the Employment of Persons with Disabilities)

Article 76 The national government and local governments are to undertake the public relations and other educational activities that need to be undertaken to increase the understanding of employers and the general public with regard to the employment of persons with disabilities, in order to remove factors that are preventing employers from employing persons with disabilities.

(Certification of Employers That Meet the Standards)

Article 77 (1) Based on an application from an employer ordinarily employing not more than 300 workers, the Minister of Health, Labour and Welfare may certify, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, that the extent of the employer's implementation of the efforts to facilitate the employment of persons with disabilities and stabilize employment for them is excellent and conforms to other standards provided for by Order of the Ministry of Health, Labour and Welfare.

(2) The provisions of Article 43, paragraph (8) apply mutatis mutandis to the calculation of the number of workers an employer employs that is referred to in the preceding paragraph.

(Representation; Other Matters)

Article 77-2 (1) An employer that has been certified as referred to in paragraph (1) of the preceding Article (referred to as a "certified employer" in the following Article) may make the representation prescribed by the Minister of Health, Labour and Welfare on goods or on objects used in the provision of services, in documents or communications used to advertise or deal in goods or services, or in any other place provided for by Order of the Ministry of Health, Labour and Welfare (referred to as "on goods or in other prescribed places" in the following paragraph).

(2) Except in a case under the preceding paragraph, it is prohibited for any person to make the representation referred to in that paragraph or any representation that could be confused with it on goods or in other prescribed places.

(Revocation of Certification)

Article 77-3 The Minister of Health, Labour and Welfare may revoke the certification referred to in Article 77, paragraph (1) if the certified employer falls under one of the following items:

- (i) if the Minister finds that the employer no longer conforms to the standards provided for in Article 77, paragraph (1);
- (ii) if the employer violates an order that is based on this Act; or
- (iii) if the employer has received the certification referred to in Article 77, paragraph (1) by wrongful means.

(Facilitator of Employment of Persons with Disabilities)

Article 78 (1) Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, the national or local government's appointer must appoint a person to handle the following tasks:

- (i) installing or maintaining the facilities or equipment necessary to facilitate the employment of persons with disabilities and to enable their employment to continue, and making arrangements for other such conditions;
- (ii) smoothly implementing efforts to formulate the plan for encouraging active engagement by persons with disabilities and efforts to promote the active engagement of employees with disabilities;
- (iii) formulating the plan referred to in Article 38, paragraph (1) and smoothly implementing that plan;
- (iv) communicating with the Minister of Health, Labour and Welfare with regard to a recommendation under the provisions of Article 38, paragraph (7), Article 39, paragraph (2), or Article 48, paragraph (5), on receipt of such a recommendation; and

- (v) giving the notification under the provisions of Article 40, paragraph (1), making the disclosure under the provisions of paragraph (2) of that Article, and filing the notification under the provisions of Article 81, paragraph (2).
- (2) If the number of workers an employer employs is always at least the number provided for by Order of the Ministry of Health, Labour and Welfare referred to in Article 43, paragraph (7), that employer, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, must endeavor to appoint a person to handle the following tasks:
 - (i) installing or maintaining the facilities or equipment necessary to facilitate the employment of persons with disabilities and to enable their employment to continue, and making arrangements for other such conditions;
 - (ii) making the report under the provisions of Article 43, paragraph (7) and filing the notification under the provisions of Article 81, paragraph (1); and
 - (iii) communicating with the national government concerning any order under the provisions of Article 46, paragraph (1) or a recommendation under the provisions of paragraph (5) or paragraph (6) of that Article the employer has been issued, or drawing up the plan referred to in paragraph (1) of that Article and smoothly implementing that plan.
- (3) The provisions of Article 43, paragraph (8) apply mutatis mutandis to the calculation of the number of workers an employer employs that is referred to in the preceding paragraph.

(Working Life Counselors for Persons with Disabilities)

- Article 79 (1) At an establishment where at least the number that Order of the Ministry of Health, Labour and Welfare prescribes of employees (but only employees working on a full-time basis; hereinafter the same applies in this paragraph and Article 81, paragraph (2)) who are persons with disabilities (but only persons with physical disabilities, persons with intellectual disabilities, and persons with mental disabilities (but only those provided for by Order of the Ministry of Health, Labour and Welfare); hereinafter the same applies in this Article and Article 81) work, the national or local government's appointer, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, must appoint a working life counselor for persons with disabilities from among employees who work there and who have either finished a training course implemented by the Minister of Health, Labour and Welfare (hereinafter referred to as "credentialing course" in this Article) or otherwise possess the credentials provided for by Order of the Ministry of Health, Labour and Welfare, and must have that person handle consultations and give guidance on the working lives of employees with disabilities who work there.
- (2) At a place of business that employs at least the number that Order of the Ministry of Health, Labour and Welfare prescribes of workers with disabilities,

the employer, pursuant to the provisions of Order of Ministry of Health, Labour and Welfare, must appoint a working life counselor for persons with disabilities from among the workers whom they employ who have either finished the credentialing course or otherwise possess the credentials provided for by Order of the Ministry of Health, Labour and Welfare, and must have that counselor handle consultations and give guidance on the working lives of employees with disabilities who are employed at that place of business.

- (3) The Minister of Health, Labour and Welfare may delegate all or part of the services related to the credentialing course to JEED as the services set forth in Article 49, paragraph (1), item (ix).

(Measures Related to the Treatment of Part-Time Workers with Disabilities)

Article 80 If a part-time worker with a disability that an employer employs makes a request indicating that they would like to do something such as work for the number of scheduled working hours of non-part time workers that employer employs, the employer must endeavor to treat that part-time worker appropriately, in keeping with that worker's abilities.

(Notification of Dismissal; Related Matters)

Article 81 (1) When an employer dismisses a worker with a disability (excluding dismissal for reasons attributable to the worker and other cases provided for by Order of the Ministry of Health, Labour and Welfare), the employer must file notification of this with the chief of the competent public employment security office, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(2) When the national or local government's appointer dismisses an employee with a disability (excluding dismissal for reasons attributable to the employee and other cases provided for by Order of the Ministry of Health, Labour and Welfare), the appointer must file a notification of this with the chief of the competent public employment security office, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(3) Upon receipt of the notification referred to in the preceding two paragraphs, the competent public employment security office is to endeavor to promptly take measures such as finding job openings and doing job placement.

(Retention of Documents)

Article 81-2 An employer that employs a worker must retain documents connected with the confirmation under the provisions of Article 38, paragraph (6), Article 43, paragraph (9), and Article 48, paragraph (4), paragraph (9) (inclusive of any electronic or magnetic records that the employer retains in lieu of those documents) that are provided for by Order of the Ministry of

Health, Labour and Welfare, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(Reports; Other Matters)

Article 82 (1) Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, the Minister of Health, Labour and Welfare or the chief of a public employment security office may request the national or local government's appointer to report on the extent of employment of persons with disabilities and other matters, to the extent necessary to bring this Act into effect.

(2) Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, the Minister of Health, Labour and Welfare or the chief of a public employment security office may order an employer or other such person (meaning an employer, employers' association, corporation provided for in Article 49, paragraph (1), item (iv)-2, (a), or corporation as set forth in item (vii), (b) through (d) of that paragraph; hereinafter the same applies in this paragraph), home-based worker with a disability, or home-based work support organization to report on the extent of employment of persons with disabilities and other such matters, or may have the relevant officials enter the place of business of an employer or other such person or of a home-based work support organization, or enter a place in which a home-based worker with a disability is working, ask questions to those concerned, or inspect the books and documents, and other objects to the extent necessary to bring this Act into effect.

(3) An official conducting an on-site inspection pursuant to the provisions of the preceding paragraph must carry an identification card and present it to those concerned.

(4) The authority to conduct an on-site inspection under the provisions of paragraph (2) must not be construed as having been granted for the purpose of a criminal investigation.

(Communication and Cooperation)

Article 83 Related organizations and groups such as the public employment security offices, JEED, work/life support centers for persons with disabilities, public human resources development facilities and the Polytechnic University, welfare offices provided for in the Social Welfare Act, mental health and welfare centers provided for in Article 6, paragraph (1) of the Act on Mental Health and Welfare for the Mentally Disabled, and other aid organizations for persons with disabilities must communicate closely and cooperate with one another to facilitate the employment of persons with disabilities and stabilize employment for them.

(Delegation of Authority)

Article 84 (1) Part of the authority of the Minister of Health, Labour and Welfare specified in this Act may be delegated to the director of a prefectural labor bureau pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(2) The authority delegated to the director of a prefectural labor bureau pursuant to the provisions of the preceding paragraph may be delegated to the chief of the competent public employment security office pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

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

Article 85 Beyond what is provided for in this Act, Order of the Ministry of Health, Labour and Welfare prescribes the necessary procedures to implement this Act and other such matters.

(Special Provisions for Mariners)

Article 85-2 (1) The provisions of Article 74-8 do not apply to mariners provided for in Article 6, paragraph (1) of the Mariners' Employment Security Act (Act No. 130 of 1948) and persons seeking to become mariners as provided for in that paragraph (referred to as "current and prospective mariners" in the following paragraph).

(2) As it concerns current and prospective mariners, in Article 36, paragraph (1), Article 36-5, paragraph (1), Article 36-6, and Article 84, paragraph (1) the phrase "the Minister of Health, Labour and Welfare" is deemed to read "the Minister of Land, Infrastructure, Transport and Tourism"; in Article 36, paragraph (2) and Article 36-5, paragraph (2), the phrase "in paragraph (3) of that Article" is deemed to read "in paragraph (3) and paragraph (4) of that Article, the phrase 'the Minister of Health, Labour and Welfare' is deemed to read 'the Minister of Land, Infrastructure, Transport and Tourism'"; in paragraph (3) of that Article, the term "Labor Policy Council" is deemed to read "Council of Transport Policy"; in Article 74-5, the phrase "through Article 74-8" is deemed to read ", Article 74-7, and Article 85-2, paragraph (3)"; in Article 74-6, paragraph (1), Article 74-7, paragraph (1), and Article 84, paragraph (1), the phrase "directors of the prefectural labor bureaus" is deemed to read "director of a district transport bureau (including the director of transport administration department)"; in Article 74-7, paragraph (1), the phrase "competent dispute coordinating commission referred to in Article 6, paragraph (1)" is deemed to read "conciliator appointed from among those listed in the mediator candidate list referred to in Article 21, paragraph (3)"; in Article 82, paragraph (2), the phrase "Minister of Health, Labour and Welfare or the

chiefs of the public employment security offices" is deemed to read "Minister of Land, Infrastructure, Transport and Tourism", the phrase "an employer or other such person (meaning employers, an employers' association, corporation provided for in Article 49, paragraph (1), item (iv)-2, (a), or corporation as set forth in item (vii), (b) through (d) of that paragraph; hereinafter the same applies in this paragraph), home-based worker with a disability, or home-based work support organization" is deemed to read "an employer", and the phrase "enter the place of business of an employer or other such person or of a home-based work support organization or enter a place in which a home-based worker with a disability is working" is deemed to read "enter the place of business of an employer"; and in Article 84, paragraph (1) and the preceding Article, the phrase "Order of the Ministry of Health, Labour and Welfare" is deemed to read "Order of the Ministry of Land, Infrastructure, Transport and Tourism".

- (3) The provisions of Articles 20 through 26 and Article 31, paragraph (3) and paragraph (4) of the Act on Securing, Etc. of Equal Opportunity and Treatment Between Men and Women in Employment apply mutatis mutandis to the conciliation to be conducted by a conciliator appointed pursuant to the provisions of Article 74-7, paragraph (1), as applied following a deemed replacement of terms pursuant to the provisions of the preceding paragraph. In such a case, in Articles 20 through 23 and Article 26 of that Act, the term "commission" is deemed to be replaced with "conciliator"; in Article 20 of that Act, the phrase "workers employed by the same place of business as the parties concerned" is deemed to be replaced with "persons having expert knowledge regarding the medical care of persons with disabilities"; in Article 21 of that Act, the phrase "jurisdictional district of the prefectural labor office where the commission is established" is deemed to be replaced with "district transport bureau (including the transport administration department) where the director of the district transport bureau (including the director of the transport administration department) is established"; in Article 25, paragraph (1) of that Act, the phrase "Article 18, paragraph (1)" is deemed to be replaced with "Article 74-7, paragraph (1) of the Act to Facilitate the Employment of Persons with Disabilities"; in Article 26 of that Act, the phrase "pending before the commission" is deemed to be replaced with "handled by the relevant conciliator"; and in Article 31, paragraph (3) of that Act, the phrase "preceding paragraph" is deemed to be replaced with "Article 74-7, paragraph (1) of the Act to Facilitate the Employment of Persons with Disabilities".

(Exclusion from Application)

Article 85-3 The provisions of Articles 34 through 36, and Article 36-6, and the preceding Chapter do not apply to national public employees and local public

employees; and the provisions of Article 36-2 through 36-5 do not apply with respect to national public employees in the regular service (excluding the employees referred to in Article 2, item (ii) of the Act on Labor Relations of Agency Engaged in Administrative Execution (Act No. 257 of 1948)), court officials to whom the Act on Temporary Measures Concerning Court Officials (Act No. 299 of 1951) applies, Diet officers to whom the Diet Officers Act (Act No. 85 of 1947) applies, and members provided for in Article 2, paragraph (5) of the Self-Defense Forces Act (Act No. 165 of 1954).

Chapter V Penal Provisions

Article 85-4 Having violated an order to suspend activities under the provisions of Article 74-3, paragraph (18), the officer or employee of a home-based work support organization who has committed the violation is subject to imprisonment with work for not more than one year, a fine of not more than 1,000,000 yen, or both.

Article 86 An employer is subject to a fine of not more than 300,000 yen:

- (i) if the employer does not give a report under the provisions of Article 43, paragraph (7), Article 52, paragraph (2), Article 74-2, paragraph (7) or Article 74-3, paragraph (20), or if the employer gives a false report;
- (ii) if the employer does not draw up a plan for hiring qualifying disabled persons, in violation of an order under the provisions of Article 46, paragraph (1), or if the employer does not submit such a plan, in violation of the provisions of paragraph (4) of that Article;
- (iii) if the employer does not submit the documents and other objects under the provisions of Article 52, paragraph (1), or if the employer submits a document that contains a false statement;
- (iv) if the employer does not file the notification under the provisions of Article 81, paragraph (1), or if the employer files a false notification; or
- (v) if the employer does not give a report under the provisions of Article 82, paragraph (2) or gives a false report; if it does not respond to the questions of the relevant officials under the provisions of that paragraph or makes a false statement in response; or if the employer refuses, impedes, or evades an inspection under the provisions of that paragraph.

Article 86-2 An association of employers, corporation as provided in Article 49, paragraph (1), item (iv)-2, (a), or corporation as set forth in item (vii), (b) through (d) of that paragraph is subject to a fine of not more than 300,000 yen:

- (i) if it does not give a report under the provisions of Article 52, paragraph (2) or gives a false report; or

(ii) if it does not give a report under the provisions of Article 82, paragraph (2) or gives a false report; if it does not respond to the questions of the relevant officials under the provisions of that paragraph or makes a false statement in response; or if it refuses, impedes, or evades an inspection under the provisions of that paragraph.

Article 86-3 A home-based work support organization is subject to a fine of not more than 300,000 yen:

- (i) if it does not give a report under the provisions of Article 74-3, paragraph (20) or paragraph (21), or gives a false report;
- (ii) if it does not deliver the document under the provisions of Article 74-3, paragraph (8) or delivers a document containing a false statement;
- (iii) if it does not file the notification under the provisions of Article 74-3, paragraph (13) or files a false notification;
- (iv) if, in violation of the provisions of Article 74-3, paragraph (19), it does not keep a book or record, does not make statements in a book or record, makes a false statement in a book or record, or fails to retain a book or record; or
- (v) if it does not give a report under the provisions of Article 82, paragraph (2) or gives a false report; if it does not respond to the questions of the relevant officials under the provisions of that paragraph or gives a false statement in response; or if it refuses, impedes, or evades an inspection under the provisions of that paragraph.

Article 86-4 A person violating the provisions of Article 77-2, paragraph (2) is subject to a fine of not more than 300,000 yen.

Article 87 (1) If the representative of a corporation (including an employers' association that is not a corporation; hereinafter the same applies in this paragraph) or an agent, employee, or other such worker of a corporation or individual has committed any of the violations referred to in Articles 85-4 through the preceding Article in connection with the business of that corporation or individual, in addition to the offender being subject to punishment, that corporation or individual is subject to the fine referred to in the relevant Article.

(2) If an employers' association that is not a corporation is subject to punishment pursuant to the provisions of the preceding paragraph, the representative of that association represents it with regard to procedural acts, and the provisions of the laws concerning criminal proceedings that have a corporation as the defendant or a suspect apply *mutatis mutandis*.

Article 88 A person violating the provisions of Article 33 is subject to a civil fine

of not more than 200,000 yen.

Article 89 Having failed to obtain the authorization of the Minister of Health, Labour and Welfare that must be obtained pursuant to the provisions of Article 59, paragraph (3), the officer of JEED who has committed that violation is subject to a civil fine of not more than 200,000 yen.

Article 89-2 A home-based work support organization that violates the provisions of Article 74-3, paragraph (34) in failing to keep a financial statement or business report, in not including the particulars that are required to be included in a financial statement or business report, or in including a false statement in a financial statement or business report; or that refuses a request under the provisions of the items of paragraph (15) of that Article without a legitimate reason for doing so is subject to a civil fine of not more than 200,000 yen.

Article 90 A person violating the provisions of Article 23 (or its representative, if the person in question is a corporation or other such entity) is subject to a civil fine of not more than 100,000 yen.

Article 91 A home-based worker with a disability is subject to a fine of not more than 50,000 yen:

- (i) if that person does not give a report under the provisions of Article 74-2, paragraph (7) or Article 74-3, paragraph (20), or gives a false report; or
- (ii) if that person does not give a report under the provisions of Article 82, paragraph (2) or gives a false report; does not respond to the questions of the relevant officials under the provisions of that paragraph or gives a false statement in response; or refuses, impedes, or evades an inspection under the provisions of that paragraph.

Supplementary Provisions

(Effective Date)

Article 1 This Act comes into effect as of the date of promulgation.

(Special Rules on Establishment of Regional Vocational Centers for Persons with Disabilities)

Article 2 (1) To apply the provisions of Article 19 to the facilities corresponding to the regional vocational centers for persons with disabilities that had been established by the national government by the day prior to the effective date of the Act Partially Amending the Act on the Promotion of the Employment of

Disabled Persons (Act No. 41 of 1987) which Order of the Ministry of Health, Labour and Welfare prescribes as becoming regional vocational centers for persons with disabilities that are established by the national government on the effective date of that Act, in paragraph (1) of that Article, the phrase "establishment and management" is deemed to read "management"; provided, however, that, on and after the date specified by Order of the Ministry of Health, Labour and Welfare, this does not apply to the facilities in question that are provided for by that Order of the Ministry of Health, Labour and Welfare.

- (2) Order of the Ministry of Health, Labour and Welfare prescribes the names and locations of the regional vocational centers for persons with disabilities for which the Minister of Health, Labour and Welfare has JEED carry out only management operations pursuant to the provisions of the preceding paragraph.

(Transitional Measures Related to the Obligations of the National and Local Governments Related to Employment)

Article 3 (1) Until otherwise provided for by law, to apply the provisions of Article 38, the phrase "the total number of employees of that organization" in paragraph (1) of that Article is deemed to read "the total number of employees of that organization (or, for an organization provided for by Cabinet Order as one at which a considerable percentage of the employees are in occupations that it is found to be difficult for qualifying disabled persons to work in (hereinafter referred to as an "organization for which an exclusion rate is established"), the number arrived at when the total number of employees of that organization is multiplied by the exclusion rate for that organization (meaning the rate of not more than 95% provided for by Cabinet Order) (any part of the number so calculated representing less than one full person is disregarded) and then the product is deducted from the total number of employees of that organization)".

- (2) Until otherwise provided for by law, to apply the provisions of Article 43, the phrase "the number of workers it employs" in paragraph (1) of that Article is deemed to read "the number of workers it employs (or, for the employer of a place of business carrying out operations that belong to a business type for which an exclusion rate is established (meaning a business type provided for by Order of the Ministry of Health, Labour and Welfare as one in which a considerable percentage of the workers are in occupations that it is found difficult for qualifying disabled persons to work in; the same applies hereinafter), the number arrived at when the number of workers in each business type for which exclusion rate is set at that place of business is multiplied by the exclusion rate for that business type (meaning the rate of not more than 95% provided for by Order of the Ministry of Health, Labour and

Welfare in consideration of the proportion of the workers in the business type for which the exclusion rate is set that workers in the relevant occupations ordinarily account for; the same applies hereinafter) (any part of the number so calculated representing less than one full person is disregarded) and then the product is deducted from the total number of workers it employs; the same applies in paragraph (7) and Article 78, paragraph (2))"; and "the total number of workers" in paragraph (2) of that Article is deemed to read "the number arrived at when the numbers of workers in each type of business for which an exclusion rate has been set are multiplied by the exclusion rates for those types of business, and the sum of these is deducted from the total number of workers".

- (3) The Cabinet Order referred to in Article 38 as applied following a deemed replacement of terms pursuant to the provisions of paragraph (1), and the Order of the Ministry of Health, Labour and Welfare referred to in Article 43 as applied following a deemed replacement of terms pursuant to the provisions of the preceding paragraph are to be enacted and amended so that the rates set by the Cabinet Order and Order of the Ministry of Health, Labour and Welfare are diminished gradually, in consideration of the extent of employment of qualifying disabled persons in the organizations for which an exclusion rate is set and business types for which an exclusion rate is set, the extent of development of technological innovations that makes it easier for persons with disabilities to find employment, and other matters.

(Transitional Measures Related to the Levy and Incentives for Employers
Employing 100 or Fewer Workers)

- Article 4 (1) Until otherwise provided for by law, the provisions of Article 49, paragraph (1), item (i), Article 50, and Chapter III, Section 2, Subsection 2, and Section 4 do not apply to an employer ordinarily employing 100 or fewer workers (excluding special public corporations; hereinafter the same applies in this Article).
- (2) Until otherwise provided for by law, the Minister of Health, Labour and Welfare may carry out operations for paying the monetary incentive referred to in the following paragraph or the special monetary incentive for home-based workers with disabilities referred to in paragraph (4) (hereinafter referred to as an "incentive") to employers ordinarily employing 100 or fewer workers.
- (3) Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, until otherwise provided for by law, for each fiscal year, if an employer ordinarily employs 100 or fewer workers and the aggregate of the numbers of workers with disabilities it employs as of the first day of each month within the relevant fiscal year exceeds whichever is larger of either the aggregate of the numbers arrived at when the number of workers it employs as

of the first day of each month within the relevant fiscal year is multiplied by the rate exceeding the benchmark proportion of disabled workers provided for in Article 54, paragraph 3 that is prescribed by Order of Health, Labour and Welfare (any part of the number so calculated representing less than one full person is disregarded) or the number prescribed by Order of the Ministry of Health, Labour and Welfare (hereinafter referred to as a "qualifying employer" in this Article), the Minister of Health, Labour and Welfare is to pay that employer an amount equivalent to what is arrived at when the number in excess is multiplied by the amount that is less than the unit adjustment amount provided for in Article 50, paragraph (2) which is prescribed by Order of the Ministry of Health, Labour and Welfare, as an incentive for the relevant fiscal year.

- (4) Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, until otherwise provided for by law, each fiscal year, if an employer (but not a home-based work support organization; the same applies hereinafter) has entered into written home-based work agreements with home-based workers with disabilities and has paid them consideration for work under those agreements, the Minister of Health, Labour and Welfare pays the employer the amount equivalent to the amount arrived at when the incentive amount is multiplied by the amount arrived at when the amount subject to adjustment is divided by the reference amount (rounded down to the nearest whole number, if applicable) as a special monetary incentive for home-based workers with disabilities for the relevant fiscal year; provided, however, that the amount may not exceed the amount arrived at when the home-based-work unit incentive amount is multiplied by the aggregate of the numbers of qualifying disabled workers the employer employs as of the first day of each month within the relevant fiscal year.
- (5) In the preceding paragraph, the meanings of the terms set forth in the following items are as prescribed respectively in those items:
- (i) the term "home-based-work unit incentive amount" means the amount less than the unit adjustment amount provided for in Article 50, paragraph (2) that is prescribed by Cabinet Order; and
 - (ii) the term "incentive amount" means the amount arrived at when the home-based-work unit incentive amount is multiplied by the reference number of months.
- (6) In each fiscal year, if a qualifying employer has amounts equivalent to consideration for home-based work, the total of these amounts is added to the amount subject to adjustment for that fiscal year. In such a case, to apply the provisions of paragraph (4), the phrase "amount subject to adjustment" in that paragraph is deemed to read "sum of the amount subject to adjustment and the total of the amounts equivalent to consideration for home-based work", and to

apply the provisions of Article 74-2, paragraph (9) as applied mutatis mutandis pursuant to paragraph (8), the phrase ", with regard to" in that paragraph is deemed to read "with regard to", and the phrase "deemed to be" is deemed to read "; and amounts equivalent to consideration for home-based work provided for in paragraph (1) of the following Article (hereinafter referred to individually as an 'amount equivalent to consideration for home-based work' in this paragraph) that are associated with the subsidiaries and the related companies are deemed to be amounts equivalent to consideration for home-based work associated solely with the related parent employer; amounts equivalent to consideration for home-based work associated with the related subsidiaries are deemed to be amounts equivalent to consideration for home-based work associated solely with the related parent employer; and amounts equivalent to consideration for home-based work associated solely with the specified employer are deemed to be amounts equivalent to consideration for home-based work associated solely with the specified cooperative or association".

(7) The Minister of Health, Labour and Welfare is to have JEED carry out all or part of the operations provided for in paragraph (2).

(8) The provisions of Article 43, paragraph (8) apply mutatis mutandis to the calculation of the number of workers an employer employs that is referred to in paragraphs (1) through (3); the provisions of Article 45-2, paragraphs (4) through (6) apply mutatis mutandis to the calculation of the number of qualifying disabled workers referred to in paragraph (3); the provisions of Article 48, paragraph (8) apply mutatis mutandis to the application of the provisions of paragraphs (1) through (3) to parent employers, related parent employers, and specified cooperative or associations; the provisions of Article 50, paragraph (5) and paragraph (6) apply mutatis mutandis to monetary incentives; the provisions of Article 74-2, paragraph (7) and Article 74-3, paragraph (20) apply mutatis mutandis to the operations referred to in paragraph (2) (limited to those pertaining to paragraph (4)); the provisions of Article 74-2, paragraph (9) apply mutatis mutandis to the special monetary incentive for home-based workers with disabilities in paragraph (4); and the provisions of paragraph (10) of that Article apply mutatis mutandis to the calculation of the number of qualifying disabled workers referred to in paragraph (4).

(9) Until otherwise provided by law, to apply the provisions of Article 52, paragraph (2), Article 53, Article 86, item (i) (excluding the part related to Article 43, paragraph (7)), Article 87, and Article 89, "the operations set forth in each item of that paragraph" in Article 53, paragraph (1) is deemed to read ", expenses required for payment of the incentive referred to in Article 4, paragraph (2) of the Supplementary Provisions, and the operations set forth in

each item of Article 49, paragraph (1) and the operations provided for in Article 4, paragraph (2) of the Supplementary Provisions"; and the phrase ", Article 74-2, paragraph (7) or Article 74-3, paragraph (20)" in Article 86, item (i) is deemed to read "or Article 74-2, paragraph (7) or Article 74-3, paragraph (20) (including as applied mutatis mutandis pursuant to Article 4, paragraph (8) of the Supplementary Provisions)".

(Transitional Measures Related to the Calculation of the Amount of the Levy in Connection with Business Types for Which an Exclusion Rate Is Established)

Article 5 (1) Until otherwise provided for by law, to apply the provisions of Article 50, Article 54, and the preceding Article, the phrase "amount calculated pursuant to the provisions of paragraph (1) of that Article" in Article 50, paragraph (1) is deemed to read "amount obtained when the base adjustment amount is multiplied by the aggregate of the numbers arrived at when the number of workers the employer employs as of the first day of each month in the relevant fiscal year is multiplied by the benchmark proportion of disabled workers provided for in Article 54, paragraph (3) as applied following a deemed replacement of terms pursuant to the provisions of Article 5, paragraph (1) of the Supplementary Provisions (any part of the number so calculated representing less than one full person is disregarded)"; the phrase "benchmark proportion of disabled workers provided for in Article 54, paragraph (3)" in paragraph (2) of that Article and paragraph (3) of the preceding Article is deemed to read "benchmark proportion of disabled workers provided for in Article 54, paragraph (3) as applied following a deemed replacement of terms pursuant to the provisions of Article 5, paragraph (1) of the Supplementary Provisions"; the phrase "the number of workers they employ" in Article 54, paragraph (1) and paragraph (2) is deemed to read "the number of workers they employ (or, for the employer of a place of business carrying out operations that belong to a business type for which an exclusion rate is established, the number arrived at when the number of workers on that day in each business type for which exclusion rate is set at that place of business is multiplied by the exclusion rate for that business type (any part of the number so calculated representing less than one full person is disregarded) and then the product is deducted from the total number of workers they employ as of that day"; the phrase " the total number of workers" in paragraph (3) of that Article is deemed to read "the number arrived at when the numbers of workers in each type of business for which an exclusion rate has been set are multiplied by the exclusion rates for those types of business, and the sum of these is deducted from the total number of workers"; and "apply mutatis mutandis" in paragraph (5) of that Article is deemed to read "apply mutatis mutandis. In such a case, the phrase "deemed" in paragraph (8) of that Article is deemed to be replaced

with ", the places of business of the subsidiary and the related companies are deemed to be the places of business of the parent employer, the places of business of the related company are deemed to be the places of business of the related parent employer, and the places of business of the specified employer are deemed to be the places of business of the specified cooperative or association".

- (2) The measures referred to in the preceding paragraph are to be discontinued promptly when employers whose administration of their operations is found will not be hindered if the provisions of that paragraph cease to apply have come to account for a majority of the employers carrying out operations in a business type for which an exclusion rate is set, in light of things such as alternation of workers with disabilities and other workers, enhancement of vocational training for qualifying disabled persons, and the extent of improvement of and arrangements for the work facilities and work assist tools that qualifying disabled persons need on the job.

(Considerations Related to the Facilitation of the Employment of Persons with Disabilities Other Than Qualifying Disabled Persons)

Article 6 The government is to endeavor to research and study the functional conditions for facilitating the employment of persons with disabilities other than qualifying disabled persons and for stabilizing employment for them, and is to consider the advancement of measures to facilitate their employment and to stabilize employment for them based on the results.

Appended Table: Scope of Disabilities (Related to Article 2 and Article 48)

<p>(i) A long-term visual impairment as follows:</p> <p>(a) one in which the person's vision (meaning vision as measured using the standard optotype or, if the person has an abnormality in refraction, vision as measured after this is corrected; the same applies hereinafter) in both eyes is 0.1 or less;</p> <p>(b) one in which the person's vision is 0.02 or less in one eye and 0.6 or less in the other eye;</p> <p>(c) one in which the person's visual field in both eyes is 10 degrees or less;</p> <p>(d) one in which the person lacks one-half or more of the visual field of both eyes.</p>
<p>(ii) A long-term impairment of auditory or equilibrium function as follows:</p> <p>(a) one in which the person's hearing levels in both ears are 70 decibels or more;</p> <p>(b) one in which the person's hearing level is 90 decibels or more in one ear and 50 decibels or more in the other ear;</p> <p>(c) one in which the person's best articulation score for ordinary speaking voices is 50% or less in both ears;</p> <p>(d) a serious impairment of equilibrium function.</p>

<p>(iii) An impairment of vocal function, language function, or masticatory function as follows:</p> <p>(a) a loss of vocal function, language function, or masticatory function;</p> <p>(b) a severe, long-term impairment of vocal function, language function, or masticatory function</p>
<p>(iv) An impairment of the limbs as follows:</p> <p>(a) a long-term, severe dysfunction of one upper limb, one lower limb, or the trunk;</p> <p>(b) the loss of a part above the interphalangeal joint of a thumb or the loss of a part above the first interphalangeal joints of at least two fingers, one of which is the index finger;</p> <p>(c) the loss of a part of one lower limb at or above the Lisfranc joint;</p> <p>(d) a severe dysfunction of the thumb, or a severe dysfunction of at least three fingers, one of which is the index finger;</p> <p>(e) loss of all toes;</p> <p>(f) beyond what is set forth in (a) through (e), an impairment of a degree that is found to be more severe than the degrees of impairment set forth in (a) through (e).</p>
<p>(v) A long-term dysfunction of the heart, kidney, or respiratory organs, or any other long-term impairment prescribed by Cabinet Order, that is found to be of a severity that significantly restricts the person's daily life.</p>