

障害者の雇用の促進等に関する法律

Act to Facilitate the Employment of Persons with Disabilities

(昭和三十五年七月二十五日法律第百二十三号)

(Act No. 123 of July 25, 1960)

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第一章 総則

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(目的)

(Purpose)

第一条 この法律は、障害者の雇用義務等に基づく雇用の促進等のための措置、雇用の分野における障害者と障害者でない者との均等な機会及び待遇の確保並びに障害者がその有する能力を有効に発揮することができるようにするための措置、職業リハビリテーションの措置その他障害者がその能力に適合する職業に就くこと等を通じてその職業生活において自立することを促進するための措置を総合的に講じ、もつて障害者の職業の安定を図ることを目的とする。

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.

(用語の意義)

(Meanings of Terms)

第二条 この法律において、次の各号に掲げる用語の意義は、当該各号に定めるところによる。

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

- 一 障害者 身体障害、知的障害、精神障害（発達障害を含む。第六号において同じ。）その他の心身の機能の障害（以下「障害」と総称する。）があるため、長期にわたり、職業生活に相当の制限を受け、又は職業生活を営むことが著しく困難な者をいう。

(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;
- 二 身体障害者 障害者のうち、身体障害がある者であつて別表に掲げる障害があるものをいう。

(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;
- 三 重度身体障害者 身体障害者のうち、身体障害の程度が重い者であつて厚生労働省令で定めるものをいう。

(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;
- 四 知的障害者 障害者のうち、知的障害がある者であつて厚生労働省令で定めるものをいう。

(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;
- 五 重度知的障害者 知的障害者のうち、知的障害の程度が重い者であつて厚生労働省令で定めるものをいう。

(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;
- 六 精神障害者 障害者のうち、精神障害がある者であつて厚生労働省令で定めるものをいう。

(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;

七 職業リハビリテーション 障害者に対して職業指導、職業訓練、職業紹介その他この法律に定める措置を講じ、その職業生活における自立を図ることをいう。

(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.

(基本的理念)

(Basic Principles)

第三条 障害者である労働者は、経済社会を構成する労働者の一員として、職業生活においてその能力を発揮する機会を与えられるものとする。

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.

第四条 障害者である労働者は、職業に従事する者としての自覚を持ち、自ら進んで、その能力の開発及び向上を図り、有為な職業人として自立するように努めなければならない。

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.

(事業主の責務)

(Employer Responsibilities)

第五条 すべて事業主は、障害者の雇用に関し、社会連帯の理念に基づき、障害者である労働者が有為な職業人として自立しようとする努力に対して協力する責務を有するものであつて、その有する能力を正当に評価し、適当な雇用の場を与えるとともに適正な雇用管理を行うことによりその雇用の安定を図るように努めなければならない。

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.

(国及び地方公共団体の責務)

(Responsibilities of the National and Local Governments)

第六条 国及び地方公共団体は、自ら率先して障害者を雇用するとともに、障害者の雇

用について事業主その他国民一般の理解を高めるほか、事業主、障害者その他の関係者に対する援助の措置及び障害者の特性に配慮した職業リハビリテーションの措置を講ずる等障害者の雇用の促進及びその職業の安定を図るために必要な施策を、障害者の福祉に関する施策との有機的な連携を図りつつ総合的かつ効果的に推進するように努めなければならない。

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.

(障害者雇用対策基本方針)

(Basic Policy on Employment Measures for Persons with Disabilities)

第七条 厚生労働大臣は、障害者の雇用の促進及びその職業の安定に関する施策の基本となるべき方針（以下「障害者雇用対策基本方針」という。）を策定するものとする。

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 障害者雇用対策基本方針に定める事項は、次のとおりとする。

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

一 障害者の就業の動向に関する事項

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

二 職業リハビリテーションの措置の総合的かつ効果的な実施を図るため講じようとする施策の基本となるべき事項

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

三 前二号に掲げるもののほか、障害者の雇用の促進及びその職業の安定を図るため講じようとする施策の基本となるべき事項

(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 厚生労働大臣は、障害者雇用対策基本方針を定めるに当たっては、あらかじめ、労働政策審議会の意見を聴くほか、都道府県知事の意見を求めるものとする。

(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 厚生労働大臣は、障害者雇用対策基本方針を定めたときは、遅滞なく、その概要を公表しなければならない。

(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 前二項の規定は、障害者雇用対策基本方針の変更について準用する。

(5) The provisions of the preceding two paragraphs apply mutatis mutandis to amendments to the basic policy on employment measures for persons with disabilities.

(障害者活躍推進計画作成指針)

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

第七条の二 厚生労働大臣は、国及び地方公共団体が障害者である職員がその有する能力を有効に発揮して職業生活において活躍することの推進（次項、次条及び第七十八条第一項第二号において「障害者である職員の職業生活における活躍の推進」という。）に関する取組を総合的かつ効果的に実施することができるよう、障害者雇用対策基本方針に基づき、次条第一項に規定する障害者活躍推進計画（次項において「障害者活躍推進計画」という。）の作成に関する指針（以下この条及び次条第一項において「障害者活躍推進計画作成指針」という。）を定めるものとする。

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 障害者活躍推進計画作成指針においては、次に掲げる事項につき、障害者活躍推進

計画の指針となるべきものを定めるものとする。

(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:

一 障害者活躍推進計画の作成に関する基本的な事項

(i) the basic particulars of the formulation of the plan for encouraging active engagement by persons with disabilities;

二 障害者である職員の職業生活における活躍の推進に関する取組の内容に関する事項

(ii) the particulars of the substance of the efforts to encourage employees with disabilities to engage actively in working life;

三 その他障害者である職員の職業生活における活躍の推進に関する取組に関する重要事項

(iii) other important particulars related to the efforts to encourage employees with disabilities to engage actively in working life.

3 厚生労働大臣は、障害者活躍推進計画作成指針を定め、又は変更したときは、遅滞なく、これを公表しなければならない。

(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.

(障害者活躍推進計画の作成等)

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

第七条の三 国及び地方公共団体の任命権者（委任を受けて任命権を行う者を除く。以下同じ。）は、障害者活躍推進計画作成指針に即して、当該機関（当該任命権者の委任を受けて任命権を行う者に係る機関を含む。）が実施する障害者である職員の職業生活における活躍の推進に関する取組に関する計画（以下この条及び第七十八条第一項第二号において「障害者活躍推進計画」という。）を作成しなければならない。

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 障害者活躍推進計画においては、次に掲げる事項を定めるものとする。

(2) The plan for encouraging active engagement by persons with disabilities is to establish the following particulars:

一 計画期間

(i) the term of the plan;

二 障害者である職員の職業生活における活躍の推進に関する取組の実施により達成しようとする目標

(ii) the goals to be achieved by implementing efforts to encourage working people with disabilities to engage actively in working life; and

三 実施しようとする障害者である職員の職業生活における活躍の推進に関する取組の内容及びその実施時期

(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 厚生労働大臣は、国又は地方公共団体の任命権者の求めに応じ、障害者活躍推進計画の作成に関し必要な助言を行うことができる。

(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 国及び地方公共団体の任命権者は、障害者活躍推進計画を作成し、又は変更したときは、遅滞なく、これを職員に周知させるための措置を講じなければならない。

(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 国及び地方公共団体の任命権者は、障害者活躍推進計画を作成し、又は変更したときは、遅滞なく、これを公表しなければならない。

(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 国及び地方公共団体の任命権者は、毎年少なくとも一回、障害者活躍推進計画に基づく取組の実施の状況を公表しなければならない。

(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 国及び地方公共団体の任命権者は、障害者活躍推進計画に基づく取組を実施するとともに、障害者活躍推進計画に定められた目標を達成するように努めなければならない。

(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.

第二章 職業リハビリテーションの推進

Chapter II Promotion of Vocational Rehabilitation

第一節 通則

Section 1 General Rules

(職業リハビリテーションの原則)

(Principles of Vocational Rehabilitation)

第八条 職業リハビリテーションの措置は、障害者各人の障害の種類及び程度並びに希望、適性、職業経験等の条件に応じ、総合的かつ効果的に実施されなければならない。

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 職業リハビリテーションの措置は、必要に応じ、医学的リハビリテーション及び社会的リハビリテーションの措置との適切な連携の下に実施されるものとする。

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

第二節 職業紹介等

Section 2 Job Placement

(求人の開拓等)

(Finding Job Openings)

第九条 公共職業安定所は、障害者の雇用を促進するため、障害者の求職に関する情報を収集し、事業主に対して当該情報の提供、障害者の雇入れの勧奨等を行うとともに、その内容が障害者の能力に適合する求人の開拓に努めるものとする。

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.

(求人条件等)

(Requirements in Job Openings; Related Matters)

第十条 公共職業安定所は、障害者にその能力に適合する職業を紹介するため必要があるときは、求人者に対して、身体的又は精神的な条件その他の求人条件について指導するものとする。

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 公共職業安定所は、障害者について職業紹介を行う場合において、求人者から求めがあるときは、その有する当該障害者の職業能力に関する資料を提供するものとする。

(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.

(職業指導等)

(Vocational Guidance)

第十一条 公共職業安定所は、障害者がある能力に適合する職業に就くことができるようにするため、適性検査を実施し、雇用情報を提供し、障害者に適応した職業指導を行う等必要な措置を講ずるものとする。

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.

(障害者職業センターとの連携)

(Cooperation with the National Institute of Vocational Rehabilitation)

第十二条 公共職業安定所は、前条の適性検査、職業指導等を特に専門的な知識及び技術に基づいて行う必要があると認める障害者については、第十九条第一項に規定する障害者職業センターとの密接な連携の下に当該適性検査、職業指導等を行い、又は当該障害者職業センターにおいて当該適性検査、職業指導等を受けることについてあつせんを行うものとする。

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.

(適応訓練)

(Adaptive Training)

第十三条 都道府県は、必要があると認めるときは、求職者である障害者（身体障害者、

知的障害者又は精神障害者に限る。次条及び第十五条第二項において同じ。)について、その能力に適合する作業の環境に適応することを容易にすることを目的として、適応訓練を行うものとする。

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 適応訓練は、前項に規定する作業でその環境が標準的なものであると認められるものを行う事業主に委託して実施するものとする。

(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.

(適応訓練のあつせん)

(Arranging Adaptive Training)

第十四条 公共職業安定所は、その雇用の促進のために必要があると認めるときは、障害者に対して、適応訓練を受けることについてあつせんするものとする。

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.

(適応訓練を受ける者に対する措置)

(Measures for Persons Undergoing Adaptive Training)

第十五条 適応訓練は、無料とする。

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

2 都道府県は、適応訓練を受ける障害者に対して、労働施策の総合的な推進並びに労働者の雇用の安定及び職業生活の充実等に関する法律（昭和四十一年法律第百三十二号）の規定に基づき、手当を支給することができる。

(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).

(厚生労働省令への委任)

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

第十六条 前三条に規定するもののほか、訓練期間その他適応訓練の基準については、厚生労働省令で定める。

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.

(就職後の助言及び指導)

(Giving Advice and Guidance after Employment Is Found)

第十七条 公共職業安定所は、障害者の職業の安定を図るために必要があると認めるときは、その紹介により就職した障害者その他事業主に雇用されている障害者に対して、その作業の環境に適応させるために必要な助言又は指導を行うことができる。

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.

(事業主に対する助言及び指導)

(Giving Advice and Guidance to Employers)

第十八条 公共職業安定所は、障害者の雇用の促進及びその職業の安定を図るために必要があると認めるときは、障害者を雇用し、又は雇用しようとする者に対して、雇入れ、配置、作業補助具、作業の設備又は環境その他障害者の雇用に関する技術的事項（次節において「障害者の雇用管理に関する事項」という。）についての助言又は指導を行うことができる。

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).

第三節 障害者職業センター

Section 3 Vocational Centers for Persons with Disabilities

(障害者職業センターの設置等の業務)

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

第十九条 厚生労働大臣は、障害者の職業生活における自立を促進するため、次に掲げる施設（以下「障害者職業センター」という。）の設置及び運営の業務を行う。

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:

- 一 障害者職業総合センター
 - (i) the National Institute of Vocational Rehabilitation;
 - 二 広域障害者職業センター
 - (ii) regional vocational centers for persons with disabilities;
 - 三 地域障害者職業センター
 - (iii) local vocational centers for persons with disabilities.
- 2 厚生労働大臣は、前項に規定する業務の全部又は一部を独立行政法人高齢・障害・求職者雇用支援機構（以下「機構」という。）に行わせるものとする。
- (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.

（障害者職業総合センター）

（National Institute of Vocational Rehabilitation）

第二十条 障害者職業総合センターは、次に掲げる業務を行う。

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

一 職業リハビリテーション（職業訓練を除く。第五号イ及び第二十五条第三項を除き、以下この節において同じ。）に関する調査及び研究を行うこと。

(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));

二 障害者の雇用に関する情報の収集、分析及び提供を行うこと。

(ii) collecting, analyzing, and providing information concerning the employment of persons with disabilities;

三 第二十四条の障害者職業カウンセラー及び職場適応援助者（身体障害者、知的障害者、精神障害者その他厚生労働省令で定める障害者（以下「知的障害者等」という。）が職場に適応することを容易にするための援助を行う者をいう。以下同じ。）の養成及び研修を行うこと。

(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);

四 広域障害者職業センター、地域障害者職業センター、第二十七条第二項の障害者就業・生活支援センターその他の関係機関に対する職業リハビリテーションに関する技術的事項についての助言、指導その他の援助を行うこと。

(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;

五 前各号に掲げる業務に付随して、次に掲げる業務を行うこと。

(v) to provide the following services in conjunction with the services set forth in each of the preceding items:

イ 障害者に対する職業評価（障害者の職業能力、適性等を評価し、及び必要な職業リハビリテーションの措置を判定することをいう。以下同じ。）、職業指導、基本的な労働の習慣を体得させるための訓練（第二十二条第一号及び第二十八条第二号において「職業準備訓練」という。）並びに職業に必要な知識及び技能を習得させるための講習（以下「職業講習」という。）を行うこと。

(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");

ロ 事業主に雇用されている知的障害者等に対する職場への適応に関する事項についての助言又は指導を行うこと。

(b) giving persons with intellectual and other disabilities who are employed by employers advice or guidance in matters that concern adaptation to the workplace;

ハ 事業主に対する障害者の雇用管理に関する事項についての助言その他の援助を行うこと。

(c) giving employers advice and other assistance in personnel management matters concerning persons with disabilities.

六 前各号に掲げる業務に附帯する業務を行うこと。

(vi) to provide services incidental to those set forth in each of the preceding items.

(広域障害者職業センター)

(Regional Vocational Centers for Persons with Disabilities)

第二十一条 広域障害者職業センターは、広範囲の地域にわたり、系統的に職業リハビリテーションの措置を受けることを必要とする障害者に関して、障害者職業能力開発校又は独立行政法人労働者健康安全機構法（平成十四年法律第一百七十一号）第十二条第一項第一号に掲げる療養施設その他の厚生労働省令で定める施設との密接な連携の下に、次に掲げる業務を行う。

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:

一 厚生労働省令で定める障害者に対する職業評価、職業指導及び職業講習を系統的に行うこと。

(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;

二 前号の措置を受けた障害者を雇用し、又は雇用しようとする事業主に対する障害者の雇用管理に関する事項についての助言その他の援助を行うこと。

(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;

三 前二号に掲げる業務に附帯する業務を行うこと。

(iii) providing services incidental to those set forth in the preceding two items.

(地域障害者職業センター)

(Local Vocational Centers for Persons with Disabilities)

第二十二条 地域障害者職業センターは、都道府県の区域内において、次に掲げる業務を行う。

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

一 障害者に対する職業評価、職業指導、職業準備訓練及び職業講習を行うこと。

(i) providing persons with disabilities with vocational evaluations, vocational guidance, vocational readiness training, and vocational training courses;

二 事業主に雇用されている知的障害者等に対する職場への適応に関する事項についての助言又は指導を行うこと。

(ii) giving persons with intellectual and other disabilities who are employed by employers advice or guidance in matters related to adaptation to the workplace;

三 事業主に対する障害者の雇用管理に関する事項についての助言その他の援助を行うこと。

(iii) giving employers advice and other assistance concerning personnel management matters concerning persons with disabilities;

四 職場適応援助者の養成及び研修を行うこと。

(iv) educating and training workplace adaptation aides;

五 第二十七条第二項の障害者就業・生活支援センターその他の関係機関に対する職業リハビリテーションに関する技術的事項についての助言その他の援助を行うこと。

(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

六 前各号に掲げる業務に附帯する業務を行うこと。

(vi) providing services incidental to those set forth in each of the preceding items.

(名称使用の制限)

(Restrictions on Name Use)

第二十三条 障害者職業センターでないものは、その名称中に障害者職業総合センター又は障害者職業センターという文字を用いてはならない。

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.

(障害者職業カウンセラー)

(Vocational Counselors for Persons with Disabilities)

第二十四条 機構は、障害者職業センターに、障害者職業カウンセラーを置かなければならない。

Article 24 (1) JEED must appoint vocational counselors for persons with disabilities in the vocational centers for persons with disabilities.

2 障害者職業カウンセラーは、厚生労働大臣が指定する試験に合格し、かつ、厚生労働大臣が指定する講習を修了した者その他厚生労働省令で定める資格を有する者でなければならない。

(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.

(障害者職業センター相互の連絡及び協力等)

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

第二十五条 障害者職業センターは、相互に密接に連絡し、及び協力して、障害者の職

業生活における自立の促進に努めなければならない。

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 障害者職業センターは、精神障害者について、第二十条第五号、第二十一条第一号若しくは第二号又は第二十二条第一号から第三号までに掲げる業務を行うに当たっては、医師その他の医療関係者との連携に努めるものとする。

(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 障害者職業センターは、公共職業安定所の行う職業紹介等の措置、第二十七条第二項の障害者就業・生活支援センターの行う業務並びに職業能力開発促進法（昭和四十四年法律第六十四号）第十五条の七第三項の公共職業能力開発施設及び同法第二十七条の職業能力開発総合大学校（第八十三条において「公共職業能力開発施設等」という。）の行う職業訓練と相まって、効果的に職業リハビリテーションが推進されるように努めるものとする。

(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).

（職業リハビリテーションの措置の無料実施）

(Implementation of Vocational Rehabilitation Measures Free of Charge)

第二十六条 障害者職業センターにおける職業リハビリテーションの措置は、無料とするものとする。

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

第四節 障害者就業・生活支援センター

Section 4 Work/Life Support Centers for Persons with Disabilities

（指定）

(Designation)

第二十七条 都道府県知事は、職業生活における自立を図るために就業及びこれに伴う

日常生活又は社会生活上の支援を必要とする障害者（以下この節において「支援対象障害者」という。）の職業の安定を図ることを目的とする一般社団法人若しくは一般財団法人、社会福祉法（昭和二十六年法律第四十五号）第二十二条に規定する社会福祉法人又は特定非営利活動促進法（平成十年法律第七号）第二条第二項に規定する特定非営利活動法人その他厚生労働省令で定める法人であつて、次条に規定する業務に関し次に掲げる基準に適合すると認められるものを、その申請により、同条に規定する業務を行う者として指定することができる。

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:

一 職員、業務の方法その他の事項についての業務の実施に関する計画が適正なものであり、かつ、その計画を確実に遂行するに足る経理的及び技術的な基礎を有すると認められること。

(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

二 前号に定めるもののほか、業務の運営が適正かつ確実に行われ、支援対象障害者の雇用の促進その他福祉の増進に資すると認められること。

(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 都道府県知事は、前項の規定による指定をしたときは、同項の規定による指定を受けた者（以下「障害者就業・生活支援センター」という。）の名称及び住所並びに事務所の所在地を公示しなければならない。

(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 障害者就業・生活支援センターは、その名称及び住所並びに事務所の所在地を変更しようとするときは、あらかじめ、その旨を都道府県知事に届け出なければならない。

(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 都道府県知事は、前項の規定による届出があつたときは、当該届出に係る事項を公示しなければならない。

(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.

(業務)

(Services)

第二十八条 障害者就業・生活支援センターは、次に掲げる業務を行うものとする。

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

一 支援対象障害者からの相談に応じ、必要な指導及び助言を行うとともに、公共職業安定所、地域障害者職業センター、社会福祉施設、医療施設、特別支援学校その他の関係機関との連絡調整その他厚生労働省令で定める援助を総合的に行うこと。

(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;

二 支援対象障害者が障害者職業総合センター、地域障害者職業センターその他厚生労働省令で定める事業主により行われる職業準備訓練を受けることについてあつせんすること。

(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

三 前二号に掲げるもののほか、支援対象障害者がその職業生活における自立を図るために必要な業務を行うこと。

(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.

(地域障害者職業センターとの関係)

(Relationship with Local Vocational Centers for Persons with Disabilities)

第二十九条 障害者就業・生活支援センターは、地域障害者職業センターの行う支援対象障害者に対する職業評価に基づき、前条第二号に掲げる業務を行うものとする。

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.

(事業計画等)

(Business Plans)

第三十条 障害者就業・生活支援センターは、毎事業年度、厚生労働省令で定めるところにより、事業計画書及び収支予算書を作成し、都道府県知事に提出しなければならない。これを変更しようとするときも、同様とする。

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 障害者就業・生活支援センターは、厚生労働省令で定めるところにより、毎事業年度終了後、事業報告書及び収支決算書を作成し、都道府県知事に提出しなければならない。

(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.

(監督命令)

(Supervision Order)

第三十一条 都道府県知事は、この節の規定を施行するために必要な限度において、障害者就業・生活支援センターに対し、第二十八条に規定する業務に関し監督上必要な命令をすることができる。

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.

(指定の取消し等)

(Revocation of Designation)

第三十二条 都道府県知事は、障害者就業・生活支援センターが次の各号のいずれかに該当するときは、第二十七条第一項の規定による指定（以下この条において「指定」

という。)を取り消すことができる。

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):

一 第二十八条に規定する業務を適正かつ確実に実施することができないと認められるとき。

(i) if the center is found to be unable to implement the services provided for in Article 28 properly and reliably;

二 指定に関し不正の行為があつたとき。

(ii) if a wrongful act occurred in connection with its designation; or

三 この節の規定又は当該規定に基づく命令若しくは処分に違反したとき。

(iii) if the center has violated the provisions of this Section or an order or disposition under those provisions.

2 都道府県知事は、前項の規定により、指定を取り消したときは、その旨を公示しなければならない。

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

(秘密保持義務)

(Duty of Confidentiality)

第三十三条 障害者就業・生活支援センターの役員若しくは職員又はこれらの職にあつた者は、第二十八条第一号に掲げる業務に関して知り得た秘密を漏らしてはならない。

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).

第二章の二 障害者に対する差別の禁止等

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

(障害者に対する差別の禁止)

(Prohibition of Discrimination Against Persons with Disabilities)

第三十四条 事業主は、労働者の募集及び採用について、障害者に対して、障害者でない者と均等な機会を与えなければならない。

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

第三十五条 事業主は、賃金の決定、教育訓練の実施、福利厚生施設の利用その他の待遇について、労働者が障害者であることを理由として、障害者でない者と不当な差別

的取扱いをしてはならない。

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.

(障害者に対する差別の禁止に関する指針)

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

第三十六条 厚生労働大臣は、前二条の規定に定める事項に関し、事業主が適切に対処するために必要な指針（次項において「差別の禁止に関する指針」という。）を定めるものとする。

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 第七条第三項及び第四項の規定は、差別の禁止に関する指針の策定及び変更について準用する。この場合において、同条第三項中「聴くほか、都道府県知事の意見を求める」とあるのは、「聴く」と読み替えるものとする。

(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".

(雇用の分野における障害者と障害者でない者との均等な機会の確保等を図るための措置)

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

第三十六条の二 事業主は、労働者の募集及び採用について、障害者と障害者でない者との均等な機会の確保の支障となつている事情を改善するため、労働者の募集及び採用に当たり障害者からの申出により当該障害者の障害の特性に配慮した必要な措置を講じなければならない。ただし、事業主に対して過重な負担を及ぼすこととなるときは、この限りでない。

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.

第三十六条の三 事業主は、障害者である労働者について、障害者でない労働者との均等な待遇の確保又は障害者である労働者の有する能力の有効な発揮の支障となつてい
る事情を改善するため、その雇用する障害者である労働者の障害の特性に配慮した職
務の円滑な遂行に必要な施設の整備、援助を行う者の配置その他の必要な措置を講じ
なければならない。ただし、事業主に対して過重な負担を及ぼすこととなるときは、
この限りでない。

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.

第三十六条の四 事業主は、前二条に規定する措置を講ずるに当たっては、障害者の意向を十分に尊重しなければならない。

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 事業主は、前条に規定する措置に関し、その雇用する障害者である労働者からの相談に応じ、適切に対応するために必要な体制の整備その他の雇用管理上必要な措置を講じなければならない。

(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.

(雇用の分野における障害者と障害者でない者との均等な機会の確保等に関する指針)

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

第三十六条の五 厚生労働大臣は、前三条の規定に基づき事業主が講ずべき措置に関して、その適切かつ有効な実施を図るために必要な指針（次項において「均等な機会の確保等に関する指針」という。）を定めるものとする。

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 第七条第三項及び第四項の規定は、均等な機会の確保等に関する指針の策定及び変更について準用する。この場合において、同条第三項中「聴くほか、都道府県知事の意見を求める」とあるのは、「聴く」と読み替えるものとする。

(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".

(助言、指導及び勧告)

(Advice, Guidance, and Recommendations)

第三十六条の六 厚生労働大臣は、第三十四条、第三十五条及び第三十六条の二から第三十六条の四までの規定の施行に関し必要があると認めるときは、事業主に対して、助言、指導又は勧告をすることができる。

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.

第三章 対象障害者の雇用義務等に基づく雇用の促進等

Chapter III Facilitating the Employment of Qualifying Disabled Persons

Based on the Duty to Employ Them; Related Matters

第一節 対象障害者の雇用義務等

Section 1 Duty to Employ Qualifying Disabled Persons

(対象障害者の雇用に関する事業主の責務)

(Employer Responsibilities in the Employment of Qualifying Disabled Persons)

第三十七条 全て事業主は、対象障害者の雇用に関し、社会連帯の理念に基づき、適当な雇用の場を与える共同の責務を有するものであつて、進んで対象障害者の雇入れに努めなければならない。

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 この章、第八十六条第二号及び附則第三条から第六条までにおいて「対象障害者」とは、身体障害者、知的障害者又は精神障害者（精神保健及び精神障害者福祉に関する法律（昭和二十五年法律第二百二十三号）第四十五条第二項の規定により精神障害者

保健福祉手帳の交付を受けているものに限る。第三節及び第七十九条第一項を除き、以下同じ。)をいう。

(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)).

(雇用に関する国及び地方公共団体の義務)

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

第三十八条 国及び地方公共団体の任命権者は、職員（当該機関（当該任命権者の委任を受けて任命権を行う者に係る機関を含む。以下同じ。）に常時勤務する職員であつて、警察官、自衛官その他の政令で定める職員以外のものに限る。第七十九条第一項及び第八十一条第二項を除き、以下同じ。）の採用について、当該機関に勤務する対象障害者である職員の数が、当該機関の職員の総数に、第四十三条第二項に規定する障害者雇用率を下回らない率であつて政令で定めるものを乗じて得た数（その数に一人未満の端数があるときは、その端数は、切り捨てる。）未満である場合には、対象障害者である職員の数がその率を乗じて得た数以上となるようにするため、政令で定めるところにより、対象障害者の採用に関する計画を作成しなければならない。

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 前項の職員の総数の算定に当たっては、短時間勤務職員（一週間の勤務時間が、当

該機関に勤務する通常の職員の一週間の勤務時間に比し短く、かつ、第四十三条第三項の厚生労働大臣の定める時間数未満である常時勤務する職員をいう。以下同じ。) は、その一人をもつて、厚生労働省令で定める数の職員に相当するものとみなす。

(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 第一項の対象障害者である職員の数の算定に当たっては、対象障害者である短時間勤務職員は、その一人をもつて、厚生労働省令で定める数の対象障害者である職員に相当するものとみなす。

(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 第一項の対象障害者である職員の数の算定に当たっては、重度身体障害者又は重度知的障害者である職員（短時間勤務職員を除く。）は、その一人をもつて、政令で定める数の対象障害者である職員に相当するものとみなす。

(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 第一項の対象障害者である職員の数の算定に当たっては、第三項の規定にかかわらず、重度身体障害者又は重度知的障害者である短時間勤務職員は、その一人をもつて、前項の政令で定める数に満たない範囲内において厚生労働省令で定める数の対象障害者である職員に相当するものとみなす。

(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 当該機関に勤務する職員が対象障害者であるかどうかの確認は、厚生労働省令で定める書類により行うものとする。

(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 厚生労働大臣は、必要があると認めるときは、国及び地方公共団体の任命権者に対して、前項の規定による確認の適正な実施に関し、勧告をすることができる。

(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.

(採用状況の通報等)

(Reporting of Hiring Status; Related Matters)

第三十九条 国及び地方公共団体の任命権者は、政令で定めるところにより、前条第一項の計画及びその実施状況を厚生労働大臣に通報しなければならない。

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 厚生労働大臣は、特に必要があると認めるときは、前条第一項の計画を作成した国及び地方公共団体の任命権者に対して、その適正な実施に関し、勧告をすることができる。

(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.

(任免に関する状況の通報等)

(Reporting of Appointment and Dismissal Status; Related Matters)

第四十条 国及び地方公共団体の任命権者は、毎年一回、政令で定めるところにより、当該機関における対象障害者である職員の任免に関する状況を厚生労働大臣に通報しなければならない。

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 国及び地方公共団体の任命権者は、厚生労働省令で定めるところにより、前項の規定により厚生労働大臣に通報した内容を公表しなければならない。

(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.

(国に勤務する職員に関する特例)

(Special Provisions for Employees Working for the National Government)

第四十一条 省庁（内閣府設置法（平成十一年法律第八十九号）第四十九条第一項に規定する機関又は国家行政組織法（昭和二十三年法律第二百十号）第三条第二項に規定する省若しくは庁をいう。以下同じ。）で、当該省庁の任命権者及び当該省庁に置かれる外局等（内閣府設置法第四十九条第二項に規定する機関、国家行政組織法第三条第二項に規定する委員会若しくは庁又は同法第八条の三に規定する特別の機関をいう。以下同じ。）の任命権者の申請に基づいて、一体として対象障害者である職員の採用の促進を図ることができるものとして厚生労働大臣の承認を受けたもの（以下「承認省庁」という。）に係る第三十八条第一項及び前条の規定の適用については、当該外局等に勤務する職員は当該承認省庁のみに勤務する職員と、当該外局等は当該承認省庁とみなす。

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 厚生労働大臣は、前項の規定による承認をした後において、承認省庁若しくは外局等が廃止されたとき、又は承認省庁若しくは外局等における対象障害者である職員の採用の促進を図ることができなくなつたと認めるときは、当該承認を取り消すことができる。

(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.

(地方公共団体に勤務する職員に関する特例)

(Special Provisions for the Employees Working in Local Government)

第四十二条 地方公共団体の機関で、当該機関の任命権者及び当該機関以外の地方公共団体の機関（以下「その他機関」という。）の任命権者の申請に基づいて当該機関及び当該その他機関について次に掲げる基準に適合する旨の厚生労働大臣の認定を受けたもの（以下「認定地方機関」という。）に係る第三十八条第一項及び第四十条の規定の適用については、当該その他機関に勤務する職員は当該認定地方機関のみに勤務する職員と、当該その他機関は当該認定地方機関とみなす。

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:

一 当該認定地方機関と当該その他機関との人的関係が緊密であること。

(i) the same persons are closely connected with both the certified local organization and the other organization;

二 当該認定地方機関及び当該その他機関において、対象障害者である職員の採用の促進が確実に達成されると認められること。

(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 厚生労働大臣は、前項の規定による認定をした後において、認定地方機関若しくはその他機関が廃止されたとき、又は前項各号に掲げる基準に適合しなくなつたと認めるときは、当該認定を取り消すことができる。

(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.

(一般事業主の雇用義務等)

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

第四十三条 事業主（常時雇用する労働者（以下単に「労働者」という。）を雇用する事業主をいい、国及び地方公共団体を除く。次章及び第八十一条の二を除き、以下同

じ。)は、厚生労働省令で定める雇用関係の変動がある場合には、その雇用する対象障害者である労働者の数が、その雇用する労働者の数に障害者雇用率を乗じて得た数(その数に一人未満の端数があるときは、その端数は、切り捨てる。第四十六条第一項において「法定雇用障害者数」という。)以上であるようにしなければならない。

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 前項の障害者雇用率は、労働者(労働の意思及び能力を有するにもかかわらず、安定した職業に就くことができない状態にある者を含む。第五十四条第三項において同じ。)の総数に対する対象障害者である労働者(労働の意思及び能力を有するにもかかわらず、安定した職業に就くことができない状態にある対象障害者を含む。第五十四条第三項において同じ。)の総数の割合を基準として設定するものとし、少なくとも五年ごとに、当該割合の推移を勘案して政令で定める。

(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 第一項の対象障害者である労働者の数及び前項の対象障害者である労働者の総数の算定に当たっては、対象障害者である短時間労働者(一週間の所定労働時間が、当該事業主の事業所に雇用する通常の労働者の一週間の所定労働時間に比し短く、かつ、厚生労働大臣の定める時間数未満である常時雇用する労働者をいう。以下同じ。)は、その一人をもつて、厚生労働省令で定める数の対象障害者である労働者に相当するものとみなす。

(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 第一項の対象障害者である労働者の数及び第二項の対象障害者である労働者の総数の算定に当たっては、重度身体障害者又は重度知的障害者である労働者（短時間労働者を除く。）は、その一人をもつて、政令で定める数の対象障害者である労働者に相当するものとみなす。

(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 第一項の対象障害者である労働者の数及び第二項の対象障害者である労働者の総数の算定に当たっては、第三項の規定にかかわらず、重度身体障害者又は重度知的障害者である短時間労働者は、その一人をもつて、前項の政令で定める数に満たない範囲内において厚生労働省令で定める数の対象障害者である労働者に相当するものとみなす。

(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 第二項の規定にかかわらず、特殊法人（法律により直接に設立された法人、特別の法律により特別の設立行為をもつて設立された法人又は特別の法律により地方公共団体が設立者となつて設立された法人のうち、その資本金の全部若しくは大部分が国若しくは地方公共団体からの出資による法人又はその事業の運営のために必要な経費の主たる財源を国若しくは地方公共団体からの交付金若しくは補助金によつて得ている法人であつて、政令で定めるものをいう。以下同じ。）に係る第一項の障害者雇用率は、第二項の規定による率を下回らない率であつて政令で定めるものとする。

(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 事業主（その雇用する労働者の数が常時厚生労働省令で定める数以上である事業主に限る。）は、毎年一回、厚生労働省令で定めるところにより、対象障害者である労働者の雇用に関する状況を厚生労働大臣に報告しなければならない。

(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 第一項及び前項の雇用する労働者の数並びに第二項の労働者の総数の算定に当たっては、短時間労働者は、その一人をもつて、厚生労働省令で定める数の労働者に相当するものとみなす。

(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 当該事業主が雇用する労働者が対象障害者であるかどうかの確認は、厚生労働省令で定める書類により行うものとする。

(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.

（子会社に雇用される労働者に関する特例）

(Special Provisions for Workers Employed by Subsidiaries)

第四十四条 特定の株式会社（第四十五条の三第一項の認定に係る組合員たる事業主であるものを除く。）と厚生労働省令で定める特殊の関係のある事業主で、当該事業主及び当該株式会社（以下「子会社」という。）の申請に基づいて当該子会社について次に掲げる基準に適合する旨の厚生労働大臣の認定を受けたもの（以下「親事業主」という。）に係る前条第一項及び第七項の規定の適用については、当該子会社が雇用する労働者は当該親事業主のみが雇用する労働者と、当該子会社の事業所は当該親事業主の事業所とみなす。

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:

一 当該子会社の行う事業と当該事業主の行う事業との人的関係が緊密であること。

(i) the same persons are closely connected with both the business that the subsidiary does and the business that the parent employer does;

二 当該子会社が雇用する対象障害者である労働者の数及びその数の当該子会社が雇用する労働者の総数に対する割合が、それぞれ、厚生労働大臣が定める数及び率以上であること。

(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;

三 当該子会社がその雇用する対象障害者である労働者の雇用管理を適正に行うに足りる能力を有するものであること。

(iii) the subsidiary is sufficiently able to appropriately carry out personnel management for the qualifying disabled workers it employs; and

四 前二号に掲げるもののほか、当該子会社の行う事業において、当該子会社が雇用する重度身体障害者又は重度知的障害者その他の対象障害者である労働者の雇用の促進及びその雇用の安定が確実に達成されると認められること。

(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 前項第二号の労働者の総数の算定に当たっては、短時間労働者は、その一人をもつて、厚生労働省令で定める数の労働者に相当するものとみなす。

(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 第一項第二号の対象障害者である労働者の数の算定に当たっては、対象障害者である短時間労働者は、その一人をもつて、厚生労働省令で定める数の対象障害者である労働者に相当するものとみなす。

(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 厚生労働大臣は、第一項の規定による認定をした後において、親事業主が同項に定める特殊の関係についての要件を満たさなくなつたとき若しくは事業を廃止したとき、又は当該認定に係る子会社について同項各号に掲げる基準に適合しなくなつたと認めるときは、当該認定を取り消すことができる。

(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.

第四十五条 親事業主であつて、特定の株式会社（当該親事業主の子会社及び第四十五条の三第一項の認定に係る組合員たる事業主であるものを除く。）と厚生労働省令で定める特殊の関係にあるもので、当該親事業主、当該子会社及び当該株式会社（以下「関係会社」という。）の申請に基づいて当該親事業主及び当該関係会社について次に掲げる基準に適合する旨の厚生労働大臣の認定を受けたものに係る第四十三条第一項及び第七項の規定の適用については、当該関係会社が雇用する労働者は当該親事業主のみが雇用する労働者と、当該関係会社の事業所は当該親事業主の事業所とみなす。

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:

一 当該関係会社の行う事業と当該子会社の行う事業との人的関係若しくは営業上の関係が緊密であること、又は当該関係会社が当該子会社に出資していること。

(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;

二 当該親事業主が第七十八条第二項各号に掲げる業務を担当する者を同項の規定に

より選任しており、かつ、その者が当該子会社及び当該関係会社についても同項第一号に掲げる業務を行うこととしていること。

(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

三 当該親事業主が、自ら雇用する対象障害者である労働者並びに当該子会社及び当該関係会社に雇用される対象障害者である労働者の雇用の促進及び雇用の安定を確実に達成することができることと認められること。

(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 関係会社が、前条第一項又は次条第一項の認定を受けたものである場合は、前項の申請をすることができない。

(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 前条第四項の規定は、第一項の場合について準用する。

(3) The provisions of paragraph (4) of the preceding Article apply mutatis mutandis to a case as referred to in paragraph (1).

(関係子会社に雇用される労働者に関する特例)

(Special Provisions for Workers Employed by Related Subsidiaries)

第四十五条の二 事業主であつて、当該事業主及びその全ての子会社の申請に基づいて当該事業主及び当該申請に係る子会社（以下「関係子会社」という。）について次に掲げる基準に適合する旨の厚生労働大臣の認定を受けたもの（以下「関係親事業主」という。）に係る第四十三条第一項及び第七項の規定の適用については、当該関係子会社が雇用する労働者は当該関係親事業主のみが雇用する労働者と、当該関係子会社の事業所は当該関係親事業主の事業所とみなす。

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:

- 一 当該事業主が第七十八条第二項各号に掲げる業務を担当する者を同項の規定により選任しており、かつ、その者が当該関係子会社についても同項第一号に掲げる業務を行うこととしていること。
- (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;
- 二 当該事業主が、自ら雇用する対象障害者である労働者及び当該関係子会社に雇用される対象障害者である労働者の雇用の促進及び雇用の安定を確実に達成することができることと認められること。
- (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;
- 三 当該関係子会社が雇用する対象障害者である労働者の数が、厚生労働大臣が定める数以上であること。
- (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;
- 四 当該関係子会社がその雇用する対象障害者である労働者の雇用管理を適正に行うに足りる能力を有し、又は他の関係子会社が雇用する対象障害者である労働者の行う業務に関し、その行う事業と当該他の関係子会社の行う事業との人的関係若しくは営業上の関係が緊密であること。
- (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 関係子会社が第四十四条第一項又は前条第一項の認定を受けたものである場合については、これらの規定にかかわらず、当該子会社又は当該関係会社を関係子会社とみなして、前項（第三号及び第四号を除く。）の規定を適用する。
- (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 事業主であつて、その関係子会社に第一項の認定を受けたものがあるものは、同項の認定を受けることができない。

- (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 第一項第三号の対象障害者である労働者の数の算定に当たっては、対象障害者である短時間労働者は、その一人をもつて、厚生労働省令で定める数の対象障害者である労働者に相当するものとみなす。
- (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 第一項第三号の対象障害者である労働者の数の算定に当たっては、重度身体障害者又は重度知的障害者である労働者（短時間労働者を除く。）は、その一人をもつて、政令で定める数の対象障害者である労働者に相当するものとみなす。
- (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 第一項第三号の対象障害者である労働者の数の算定に当たっては、第四項の規定にかかわらず、重度身体障害者又は重度知的障害者である短時間労働者は、その一人をもつて、前項の政令で定める数に満たない範囲内において厚生労働省令で定める数の対象障害者である労働者に相当するものとみなす。
- (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 第四十四条第四項の規定は、第一項の場合について準用する。
- (7) The provisions of Article 44, paragraph (4) apply mutatis mutandis to a case as referred to in paragraph (1).

（特定事業主に雇用される労働者に関する特例）

(Special Provisions for Workers Employed by Specified Employers)

第四十五条の三 事業協同組合等であつて、当該事業協同組合等及び複数のその組合員たる事業主（その雇用する労働者の数が常時第四十三条第七項の厚生労働省令で定める数以上である事業主に限り、第四十四条第一項、第四十五条第一項、前条第一項又はこの項の認定に係る子会社、関係会社、関係子会社又は組合員たる事業主であるものを除く。以下「特定事業主」という。）の申請に基づいて当該事業協同組合等及び当該特定事業主について次に掲げる基準に適合する旨の厚生労働大臣の認定を受けたもの（以下「特定組合等」という。）に係る第四十三条第一項及び第七項の規定の適

用については、当該特定事業主が雇用する労働者は当該特定組合等のみが雇用する労働者と、当該特定事業主の事業所は当該特定組合等の事業所とみなす。

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:

一 当該事業協同組合等が自ら雇用する対象障害者である労働者が行う業務に関し、当該事業協同組合等の行う事業と当該特定事業主の行う事業との人的関係又は営業上の関係が緊密であること。

(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;

二 当該事業協同組合等の定款、規約その他これらに準ずるものにおいて、当該事業協同組合等が第五十三条第一項の障害者雇用納付金を徴収された場合に、特定事業主の対象障害者である労働者の雇用状況に応じて当該障害者雇用納付金に係る経費を特定事業主に賦課する旨の定めがあること。

(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;

三 当該事業協同組合等が、自ら雇用する対象障害者である労働者及び当該特定事業

主に雇用される対象障害者である労働者の雇用の促進及び雇用の安定に関する事業（第三項において「雇用促進事業」という。）を適切に実施するための計画（以下この号及び同項において「実施計画」という。）を作成し、実施計画に従つて、当該対象障害者である労働者の雇用の促進及び雇用の安定を確実に達成することができると認められること。

(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;

四 当該事業協同組合等が自ら雇用する対象障害者である労働者の数及びその数の当該事業協同組合等が雇用する労働者の総数に対する割合が、それぞれ、厚生労働大臣が定める数及び率以上であること。

(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;

五 当該事業協同組合等が自ら雇用する対象障害者である労働者の雇用管理を適正に行うに足る能力を有するものであること。

(v) the business cooperative or association is sufficiently able to appropriately carry out personnel management for the qualifying disabled workers it itself employs; and

六 当該特定事業主が雇用する対象障害者である労働者の数が、厚生労働大臣が定める数以上であること。

(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 この条において「事業協同組合等」とは、事業協同組合その他の特別の法律により設立された組合であつて厚生労働省令で定めるものをいう。

(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 実施計画には、次に掲げる事項を記載しなければならない。

(3) A business cooperative or association must include the following particulars in the implementation plan:

一 雇用促進事業の目標（事業協同組合等及び特定事業主がそれぞれ雇用しようとする対象障害者である労働者の数に関する目標を含む。）

(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);

二 雇用促進事業の内容

(ii) the substance of the employment facilitation projects; and

三 雇用促進事業の実施時期

(iii) the timing for implementing the employment facilitation projects.

4 特定事業主が、第四十四条第一項、前条第一項又は第一項の認定を受けたものである場合は、同項の申請をすることができない。

(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 第四十三条第八項の規定は、第一項の雇用する労働者の数及び同項第四号の労働者の総数の算定について準用する。

(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 前条第四項の規定は第一項第四号の対象障害者である労働者の数の算定について、同条第四項から第六項までの規定は第一項第六号の対象障害者である労働者の数の算定について準用する。

(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 厚生労働大臣は、第一項の規定による認定をした後において、当該認定に係る事業協同組合等及び特定事業主について同項各号に掲げる基準に適合しなくなつたと認めるときは、当該認定を取り消すことができる。

(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.

（一般事業主の対象障害者の雇入れに関する計画）

(Plans for General Employers to Hire Qualifying Disabled Persons)

第四十六条 厚生労働大臣は、対象障害者の雇用を促進するため必要があると認める場合には、その雇用する対象障害者である労働者の数が法定雇用障害者数未満である事

業主（特定組合等及び前条第一項の認定に係る特定事業主であるものを除く。以下この条及び次条において同じ。）に対して、対象障害者である労働者の数とその法定雇用障害者数以上となるようにするため、厚生労働省令で定めるところにより、対象障害者の雇入れに関する計画の作成を命ずることができる。

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 第四十五条の二第四項から第六項までの規定は、前項の対象障害者である労働者の数の算定について準用する。

(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 親事業主又は関係親事業主に係る第一項の規定の適用については、当該子会社及び当該関係会社が雇用する労働者は当該親事業主のみが雇用する労働者と、当該関係子会社が雇用する労働者は当該関係親事業主のみが雇用する労働者とみなす。

(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 事業主は、第一項の計画を作成したときは、厚生労働省令で定めるところにより、これを厚生労働大臣に提出しなければならない。これを変更したときも、同様とする。

(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 厚生労働大臣は、第一項の計画が著しく不適當であると認めるときは、当該計画を作成した事業主に対してその変更を勧告することができる。

(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 厚生労働大臣は、特に必要があると認めるときは、第一項の計画を作成した事業主に対して、その適正な実施に関し、勧告をすることができる。

(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.

(一般事業主についての公表)

(Public Disclosure of General Employers' Failure to Comply)

第四十七条 厚生労働大臣は、前条第一項の計画を作成した事業主が、正当な理由がなく、同条第五項又は第六項の勧告に従わないときは、その旨を公表することができる。

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.

(特定身体障害者)

(Persons with Prescribed Physical Disabilities)

第四十八条 国及び地方公共団体の任命権者は、特定職種（労働能力はあるが、別表に掲げる障害の程度が重いため通常の職業に就くことが特に困難である身体障害者の能力にも適合すると認められる職種で政令で定めるものをいう。以下この条において同じ。）の職員（短時間勤務職員を除く。以下この項、第三項及び第四項において同じ。）の採用について、当該機関に勤務する特定身体障害者（身体障害者のうち特定職種ごとに政令で定める者に該当する者をいう。以下この条において同じ。）である当該職種の職員の数が、当該機関に勤務する当該職種の職員の総数に、職種に応じて政令で定める特定身体障害者雇用率を乗じて得た数（その数に一人未満の端数があるときは、その端数は、切り捨てる。）未満である場合には、特定身体障害者である当該職種の職員の数がその特定身体障害者雇用率を乗じて得た数以上となるようにするため、政令で定めるところにより、特定身体障害者の採用に関する計画を作成しなければならない。

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 第三十九条の規定は、前項の計画について準用する。

(2) The provisions of Article 39 apply mutatis mutandis to the plan referred to in the preceding paragraph.

3 承認省庁又は認定地方機関に係る第一項の規定の適用については、当該外局等又は当該その他機関に勤務する職員は、当該承認省庁又は当該認定地方機関のみに勤務する職員とみなす。

(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 当該機関に勤務する職員が特定身体障害者であるかどうかの確認は、厚生労働省令で定める書類により行うものとする。

(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 厚生労働大臣は、必要があると認めるときは、国及び地方公共団体の任命権者に対して、前項の規定による確認の適正な実施に関し、勧告をすることができる。

(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 事業主は、特定職種の労働者（短時間労働者を除く。以下この項、次項及び第九項において同じ。）の雇入れについては、その雇用する特定身体障害者である当該職種の労働者の数が、その雇用する当該職種の労働者の総数に、職種に応じて厚生労働省令で定める特定身体障害者雇用率を乗じて得た数（その数に一人未満の端数があるときは、その端数は、切り捨てる。）以上であるように努めなければならない。

(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 厚生労働大臣は、特定身体障害者の雇用を促進するため特に必要があると認める場合には、その雇用する特定身体障害者である特定職種の労働者の数が前項の規定により算定した数未満であり、かつ、その数を増加するのに著しい困難を伴わないと認められる事業主（その雇用する当該職種の労働者の数が職種に応じて厚生労働省令で定める数以上であるものに限る。）に対して、特定身体障害者である当該職種の労働者の数が同項の規定により算定した数以上となるようにするため、厚生労働省令で定めるところにより、特定身体障害者の雇入れに関する計画の作成を命ずることができる。

(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 親事業主、関係親事業主又は特定組合等に係る前二項の規定の適用については、当該子会社及び当該関係会社が雇用する労働者は当該親事業主のみが雇用する労働者と、当該関係子会社が雇用する労働者は当該関係親事業主のみが雇用する労働者と、当該特定事業主が雇用する労働者は当該特定組合等のみが雇用する労働者とみなす。

(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 当該事業主が雇用する労働者が特定身体障害者であるかどうかの確認は、厚生労働省令で定める書類により行うものとする。

(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 第四十六条第四項及び第五項の規定は、第七項の計画について準用する。

(10) The provisions of Article 46, paragraph (4) and paragraph (5) apply mutatis mutandis to a plan as referred to in paragraph (7).

第二節 障害者雇用調整金の支給等及び障害者雇用納付金の徴収

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

第一款 障害者雇用調整金の支給等

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

(納付金関係業務)

(Levy-Related Operations)

第四十九条 厚生労働大臣は、対象障害者の雇用に伴う経済的負担の調整並びにその雇用の促進及び継続を図るため、次に掲げる業務（以下「納付金関係業務」という。）を行う。

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"):

一 事業主（特殊法人を除く。以下この節及び第四節において同じ。）で次条第一項の規定に該当するものに対して、同項の障害者雇用調整金を支給すること。

(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;

一の二 特に短い労働時間以外での労働が困難な状態にある対象障害者を特定短時間労働者（短時間労働者のうち、一週間の所定労働時間が厚生労働省令で定める時間の範囲内にある者をいう。以下この号において同じ。）として雇い入れる事業主又は対象障害者である特定短時間労働者を雇用する事業主に対して、これらの者の雇入れ又は雇用の継続の促進を図るための特例給付金を支給すること。

(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;
- 二 対象障害者を労働者として雇い入れる事業主又は対象障害者である労働者を雇用する事業主に対して、これらの者の雇入れ又は雇用の継続のために必要となる施設又は設備の設置又は整備に要する費用に充てるための助成金を支給すること。
- (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;
- 三 対象障害者である労働者を雇用する事業主又は当該事業主の加入している事業主の団体に対して、対象障害者である労働者の福祉の増進を図るための施設の設置又は整備に要する費用に充てるための助成金を支給すること。
- (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;
- 四 対象障害者である労働者を雇用する事業主であつて、次のいずれかを行うものに対して、その要する費用に充てるための助成金を支給すること。
- (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:
- イ 身体障害者又は精神障害者となつた労働者の雇用の継続のために必要となる当該労働者が職場に適応することを容易にするための措置
- (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;
- ロ 対象障害者である労働者の雇用に伴い必要となる介助その他その雇用の安定を図るために必要な業務（対象障害者である労働者の通勤を容易にするための業務を除く。）を行う者を置くこと（次号ロに掲げるものを除く。）。
- (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).
- 四の二 対象障害者に対する職場適応援助者による援助であつて、次のいずれかを行う者に対して、その要する費用に充てるための助成金を支給すること。
- (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:

イ 社会福祉法第二十二条に規定する社会福祉法人その他対象障害者の雇用の促進に係る事業を行う法人が行う職場適応援助者による援助の事業

(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;

ロ 対象障害者である労働者を雇用する事業主が対象障害者である労働者の雇用に伴い必要となる援助を行う職場適応援助者を置くこと。

(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;

五 身体障害者（重度身体障害者その他の厚生労働省令で定める身体障害者に限る。以下この号において同じ。） 、知的障害者若しくは精神障害者である労働者を雇用する事業主又は当該事業主の加入している事業主の団体に対して、身体障害者、知的障害者又は精神障害者である労働者の通勤を容易にするための措置に要する費用に充てるための助成金を支給すること。

(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;

六 重度身体障害者、知的障害者又は精神障害者である労働者を多数雇用する事業所の事業主に対して、当該事業所の事業の用に供する施設又は設備の設置又は整備に要する費用に充てるための助成金を支給すること。

(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;

七 対象障害者の職業に必要な能力を開発し、及び向上させるための教育訓練（厚生労働大臣が定める基準に適合するものに限る。以下この号において同じ。）の事業を行う次に掲げるものに対して、当該事業に要する費用に充てるための助成金を支給すること並びに対象障害者である労働者を雇用する事業主に対して、対象障害者である労働者の教育訓練の受講を容易にするための措置に要する費用に充てるための助成金を支給すること。

(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:

イ 事業主又はその団体

(a) an employer or employers' association;

ロ 学校教育法（昭和二十二年法律第二十六号）第二百二十四条に規定する専修学校又は同法第百三十四条第一項に規定する各種学校を設置する私立学校法（昭和二十四年法律第二百七十号）第三条に規定する学校法人又は同法第六十四条第四項に規定する法人

(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;

ハ 社会福祉法第二十二条に規定する社会福祉法人

(c) a social welfare corporation provided for in Article 22 of the Social Welfare Act;

ニ その他対象障害者の雇用の促進に係る事業を行う法人

(d) any other corporation that implements a project to facilitate the employment of qualifying disabled persons.

八 障害者の技能に関する競技大会に係る業務を行うこと。

(viii) carrying out operations related to skills competitions for persons with disabilities;

九 対象障害者の雇用に関する技術的事項についての研究、調査若しくは講習の業務又は対象障害者の雇用について事業主その他国民一般の理解を高めるための啓発の業務を行うこと（前号に掲げる業務を除く。）。

(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);

十 第五十三条第一項に規定する障害者雇用納付金の徴収を行うこと。

(x) collecting the persons with disabilities employment levy provided for in Article 53, paragraph (1);

十一 前各号に掲げる業務に附帯する業務を行うこと。

(xi) carrying out operations incidental to those set forth in each of the

preceding items.

2 厚生労働大臣は、前項各号に掲げる業務の全部又は一部を機構に行わせるものとする。

(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.

(障害者雇用調整金の支給)

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

第五十条 機構は、政令で定めるところにより、各年度（四月一日から翌年三月三十一日までをいう。以下同じ。）ごとに、第五十四条第二項に規定する調整基礎額に当該年度に属する各月（当該年度の中途に事業を開始し、又は廃止した事業主にあつては、当該事業を開始した日の属する月の翌月以後の各月又は当該事業を廃止した日の属する月の前月以前の各月に限る。以下同じ。）ごとの初日におけるその雇用する対象障害者である労働者の数の合計数を乗じて得た額が同条第一項の規定により算定した額を超える事業主に対して、その差額に相当する額を当該調整基礎額で除して得た数を単位調整額に乗じて得た額に相当する金額を、当該年度分の障害者雇用調整金（以下「調整金」という。）として支給する。

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 前項の単位調整額は、事業主がその雇用する労働者の数に第五十四条第三項に規定する基準雇用率を乗じて得た数を超えて新たに対象障害者である者を雇用するものとした場合に当該対象障害者である者一人につき通常追加的に必要とされる一月当たりの同条第二項に規定する特別費用の額の平均額を基準として、政令で定める金額とす

る。

(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 第四十三条第八項の規定は、前項の雇用する労働者の数の算定について準用する。

(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 第四十五条の二第四項から第六項までの規定は第一項の対象障害者である労働者の数の算定について、第四十八条第八項の規定は親事業主、関係親事業主又は特定組合等に係る第一項の規定の適用について準用する。

(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 親事業主、関係親事業主又は特定組合等に係る第一項の規定の適用については、機構は、厚生労働省令で定めるところにより、当該親事業主、当該子会社若しくは当該関係会社、当該関係親事業主若しくは当該関係子会社又は当該特定組合等若しくは当該特定事業主に対して調整金を支給することができる。

(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 第二項から前項までに定めるもののほか、法人である事業主が合併した場合又は個人である事業主について相続（包括遺贈を含む。第六十八条において同じ。）があつた場合における調整金の額の算定の特例その他調整金に関し必要な事項は、政令で定める。

(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.

(特例給付金及び助成金の支給)

(Payment of Special Benefits and Subsidies)

第五十一条 機構は、厚生労働省令で定める支給要件、支給額その他の支給の基準に従つて第四十九条第一項第一号の二の特例給付金及び同項第二号から第七号までの助成金を支給する。

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 前項の特例給付金及び助成金の支給については、対象障害者の職業の安定を図るため講じられるその他の措置と相まって、対象障害者の雇用が最も効果的かつ効率的に促進され、及び継続されるように配慮されなければならない。

(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.

(資料の提出等)

(Submission of Materials)

第五十二条 機構は、第四十九条第一項第十号に掲げる業務に関して必要な限度において、事業主に対し、対象障害者である労働者の雇用の状況その他の事項についての文書その他の物件の提出を求めることができる。

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 機構は、納付金関係業務に関し必要があると認めるときは、事業主、その団体、第四十九条第一項第四号の二イに規定する法人又は同項第七号ロからニまでに掲げる法人に対し、必要な事項についての報告を求めることができる。

(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.

第二款 障害者雇用納付金の徴収

Subsection 2 Collection of the Persons with Disabilities Employment Levy

(障害者雇用納付金の徴収及び納付義務)

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

第五十三条 機構は、第四十九条第一項第一号の調整金、同項第一号の二の特例給付金及び同項第二号から第七号までの助成金の支給に要する費用、同項第八号及び第九号の業務の実施に要する費用並びに同項各号に掲げる業務に係る事務の処理に要する費用に充てるため、この款に定めるところにより、事業主から、毎年度、障害者雇用納付金（以下「納付金」という。）を徴収する。

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 事業主は、納付金を納付する義務を負う。

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

(納付金の額等)

(Amount of Levy)

第五十四条 事業主が納付すべき納付金の額は、各年度につき、調整基礎額に、当該年度に属する各月ごとにその初日におけるその雇用する労働者の数に基準雇用率を乗じて得た数（その数に一人未満の端数があるときは、その端数は、切り捨てる。）の合計数を乗じて得た額とする。

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 前項の調整基礎額は、事業主がその雇用する労働者の数に基準雇用率を乗じて得た数に達するまでの数の対象障害者である者を雇用するものとした場合に当該対象障害者である者一人につき通常必要とされる一月当たりの特別費用（対象障害者である者を雇用する場合に必要な施設又は設備の設置又は整備その他の対象障害者である者の適正な雇用管理に必要な措置に通常要する費用その他対象障害者である者を雇用するために特別に必要とされる費用をいう。）の額の平均額を基準として、政令で定める

金額とする。

(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 前二項の基準雇用率は、労働者の総数に対する対象障害者である労働者の総数の割合を基準として設定するものとし、少なくとも五年ごとに、当該割合の推移を勘案して政令で定める。

(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 第四十三条第八項の規定は、第一項及び第二項の雇用する労働者の数並びに前項の労働者の総数の算定について準用する。

(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 第四十五条の二第四項から第六項までの規定は第三項の対象障害者である労働者の総数の算定について、第四十八条第八項の規定は親事業主、関係親事業主又は特定組合等に係る第一項の規定の適用について準用する。

(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.

第五十五条 前条第一項の場合において、当該事業主が当該年度において対象障害者である労働者を雇用しており、かつ、同条第二項に規定する調整基礎額に当該年度に属する各月ごとの初日における当該事業主の雇用する対象障害者である労働者の数の合

計数を乗じて得た額が同条第一項の規定により算定した額に達しないときは、当該事業主が納付すべき納付金の額は、同項の規定にかかわらず、その差額（第七十四条の二第四項及び第五項において「算定額」という。）に相当する金額とする。

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 前条第一項の場合において、当該事業主が当該年度において対象障害者である労働者を雇用しており、かつ、同条第二項に規定する調整基礎額に当該年度に属する各月ごとの初日における当該事業主の雇用する対象障害者である労働者の数の合計数を乗じて得た額が同条第一項の規定により算定した額以上であるときは、当該事業主については、同項の規定にかかわらず、納付金は、徴収しない。

(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 第四十五条の二第四項から第六項までの規定は前二項の対象障害者である労働者の数の算定について、第四十八条第八項の規定は親事業主、関係親事業主又は特定組合等に係る前二項の規定の適用について準用する。

(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.

(納付金の納付等)

(Payment of the Levy)

第五十六条 事業主は、各年度ごとに、当該年度に係る納付金の額その他の厚生労働省令で定める事項を記載した申告書を翌年度の初日（当該年度の中途に事業を廃止した

事業主にあつては、当該事業を廃止した日) から四十五日以内に機構に提出しなければならない。

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 事業主は、前項の申告に係る額の納付金を、同項の申告書の提出期限までに納付しなければならない。

(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 第一項の申告書には、当該年度に属する各月ごとの初日における各事業所ごとの労働者の数及び対象障害者である労働者の数その他の厚生労働省令で定める事項を記載した書類を添付しなければならない。

(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 機構は、事業主が第一項の申告書の提出期限までに同項の申告書を提出しないとき、又は同項の申告書の記載に誤りがあると認めたときは、納付金の額を決定し、事業主に納入の告知をする。

(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 前項の規定による納入の告知を受けた事業主は、第一項の申告書を提出していないとき（納付すべき納付金の額がない旨の記載をした申告書を提出しているときを含む。）は前項の規定により機構が決定した額の納付金の全額を、第一項の申告に係る納付金の額が前項の規定により機構が決定した納付金の額に足りないときはその不足額を、その通知を受けた日から十五日以内に機構に納付しなければならない。

(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 事業主が納付した納付金の額が、第四項の規定により機構が決定した納付金の額を超える場合には、機構は、その超える額について、未納の納付金その他この款の規定による徴収金があるときはこれに充当し、なお残余があれば還付し、未納の納付金その他この款の規定による徴収金がないときはこれを還付しなければならない。

(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 第四十八条第八項の規定は、親事業主、関係親事業主又は特定組合等に係る第一項、第三項及び第四項の規定の適用について準用する。この場合において、同条第八項中「とみなす」とあるのは、「と、当該子会社及び当該関係会社の事業所は当該親事業主の事業所と、当該関係子会社の事業所は当該関係親事業主の事業所と、当該特定事業主の事業所は当該特定組合等の事業所とみなす」と読み替えるものとする。

(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".

(納付金の延納)

(Deferring Payment of the Levy)

第五十七条 機構は、厚生労働省令で定めるところにより、事業主の申請に基づき、当該事業主の納付すべき納付金を延納させることができる。

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.

(追徴金)

(Supplementary Charges)

第五十八条 機構は、事業主が第五十六条第五項の規定による納付金の全額又はその不足額を納付しなければならない場合には、その納付すべき額（その額に千円未満の端数があるときは、その端数は、切り捨てる。）に百分の十を乗じて得た額の追徴金を徴収する。ただし、事業主が天災その他やむを得ない理由により、同項の規定による納付金の全額又はその不足額を納付しなくなつた場合は、この限りでない。

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 前項の規定にかかわらず、同項に規定する納付金の全額又はその不足額が千円未満であるときは、同項の規定による追徴金は、徴収しない。

(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 機構は、第一項の規定により追徴金を徴収する場合には、厚生労働省令で定めるところにより、事業主に対して、期限を指定して、その納付すべき追徴金の額を通知しなければならない。

(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.

(徴収金の督促及び滞納処分)

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

第五十九条 納付金その他この款の規定による徴収金を納付しない者があるときは、機構は、期限を指定して督促しなければならない。

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 前項の規定により督促するときは、機構は、納付義務者に対して督促状を発する。この場合において、督促状により指定すべき期限は、督促状を発する日から起算して十日以上経過した日でなければならない。

(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 第一項の規定による督促を受けた者がその指定の期限までに納付金その他この款の規定による徴収金を完納しないときは、機構は、厚生労働大臣の認可を受けて、国税滞納処分の例により、滞納処分をすることができる。

(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.

(延滞金)

(Penal Interest)

第六十条 前条第一項の規定により納付金の納付を督促したときは、機構は、その督促に係る納付金の額につき年十四・五パーセントの割合で、納付期限の翌日からその完納又は財産差押えの日の前日までの日数により計算した延滞金を徴収する。ただし、督促に係る納付金の額が千円未満であるときは、この限りでない。

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 前項の場合において、納付金の額の一部につき納付があつたときは、その納付の日以降の期間に係る延滞金の額の計算の基礎となる納付金の額は、その納付のあつた納付金の額を控除した額とする。

(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 延滞金の計算において、前二項の納付金の額に千円未満の端数があるときは、その端数は、切り捨てる。

(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 前三項の規定によつて計算した延滞金の額に百円未満の端数があるときは、その端数は、切り捨てる。

(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 延滞金は、次の各号のいずれかに該当する場合には、徴収しない。ただし、第四号の場合には、その執行を停止し、又は猶予した期間に対応する部分の金額に限る。

(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.

一 督促状に指定した期限までに納付金を完納したとき。

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

二 納付義務者の住所又は居所がわからないため、公示送達の方法によつて督促したとき。

(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;

三 延滞金の額が百円未満であるとき。

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

四 納付金について滞納処分の執行を停止し、又は猶予したとき。

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

五 納付金を納付しないことについてやむを得ない理由があると認められるとき。

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

(先取特権の順位)

(Order of Statutory Liens)

第六十一条 納付金その他この款の規定による徴収金の先取特権の順位は、国税及び地方税に次ぐものとする。

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.

(徴収金の徴収手続等)

(Procedure for Collecting Amounts to Be Collected)

第六十二条 納付金その他この款の規定による徴収金は、この款に別段の定めがある場合を除き、国税徴収の例により徴収する。

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.

(時効)

(Prescription)

第六十三条 納付金その他この款の規定による徴収金を徴収し、又はその還付を受ける権利は、これらを行行使することができる時から二年を経過したときは、時効によつて消滅する。

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 機構が行う納付金その他この款の規定による徴収金の納入の告知又は第五十九条第一項の規定による督促は、時効の更新の効力を生ずる。

(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.

(徴収金の帰属)

(Ownership of the Amount Collected)

第六十四条 機構が徴収した納付金その他この款の規定による徴収金は、機構の収入とする。

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.

(徴収金の徴収に関する審査請求)

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

第六十五条 納付金その他この款の規定による徴収金の賦課又は徴収の処分について不服がある者は、厚生労働大臣に対して審査請求をすることができる。この場合において、厚生労働大臣は、行政不服審査法（平成二十六年法律第六十八号）第二十五条第二項及び第三項、第四十六条第一項並びに第四十七条の規定の適用については、機構の上級行政庁とみなす。

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.

第六十六条 削除

Article 66 Deleted

(行政手続法の適用除外)

(Exclusion from Application of the Administrative Procedure Act)

第六十七条 納付金その他この款の規定による徴収金の賦課又は徴収の処分については、行政手続法（平成五年法律第八十八号）第二章及び第三章の規定は、適用しない。

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.

(政令への委任)

(Delegation to Cabinet Order)

第六十八条 この款に定めるもののほか、法人である事業主が合併した場合又は個人である事業主について相続があつた場合における納付金の額の算定の特例その他この款に定める納付金その他の徴収金に関し必要な事項は、政令で定める。

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.

第六十九条から第七十二条まで 削除

Articles 69 through 72 Deleted

第三節 対象障害者以外の障害者に関する特例

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

(精神障害者に関する助成金の支給業務の実施等)

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

第七十三条 厚生労働大臣は、精神障害者（精神保健及び精神障害者福祉に関する法律第四十五条第二項の規定により精神障害者保健福祉手帳の交付を受けているものを除く。）である労働者に関しても、第四十九条第一項第二号から第九号まで及び第十一号に掲げる業務に相当する業務を行うことができる。

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 厚生労働大臣は、前項に規定する業務の全部又は一部を機構に行わせるものとする。

(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 前項の場合においては、当該業務は、第四十九条第一項第二号から第九号まで及び第十一号に掲げる業務に含まれるものとみなして、第五十一条及び第五十三条の規定を適用する。この場合において、第五十一条第二項中「対象障害者」とあるのは、「身体障害者、知的障害者又は第二条第六号に規定する精神障害者」とする。

(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)".

(身体障害者、知的障害者及び精神障害者以外の障害者に関する助成金の支給業務の実施等)

(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)

第七十四条 厚生労働大臣は、障害者（身体障害者、知的障害者及び精神障害者を除く。）のうち厚生労働省令で定める者に関しても、第四十九条第一項第二号から第九号まで及び第十一号に掲げる業務であつて厚生労働省令で定めるものに相当する業務を行うことができる。

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 厚生労働大臣は、前項に規定する業務の全部又は一部を機構に行わせるものとする。

(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 前項の場合においては、当該業務は、第四十九条第一項第二号から第九号まで及び第十一号に掲げる業務に含まれるものとみなして、第五十一条及び第五十三条の規定を適用する。

(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.

第四節 障害者の在宅就業に関する特例

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

(在宅就業障害者特例調整金)

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

第七十四条の二 厚生労働大臣は、在宅就業障害者の就業機会の確保を支援するため、事業主で次項の規定に該当するものに対して、同項の在宅就業障害者特例調整金を支給する業務を行うことができる。

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 厚生労働大臣は、厚生労働省令で定めるところにより、各年度ごとに、在宅就業障害者との間で書面により在宅就業契約を締結した事業主（次条第一項に規定する在宅就業支援団体を除く。以下この節において同じ。）であつて、在宅就業障害者に在宅就業契約に基づく業務の対価を支払つたものに対して、調整額に、当該年度に支払つた当該対価の総額（以下「対象額」という。）を評価額で除して得た数（その数に一未満の端数があるときは、その端数は切り捨てる。）を乗じて得た額に相当する金額を、当該年度分の在宅就業障害者特例調整金として支給する。ただし、在宅就業単位調整額に当該年度に属する各月ごとの初日における当該事業主の雇用する対象障害者である労働者の数の合計数を乗じて得た額に相当する金額を超えることができない。

(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 この節、第四章、第五章及び附則第四条において、次の各号に掲げる用語の意義は、

当該各号に定めるところによる。

(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:

一 在宅就業障害者 対象障害者であつて、自宅その他厚生労働省令で定める場所において物品の製造、役務の提供その他これらに類する業務を自ら行うもの（雇用されている者を除く。）

(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);

二 在宅就業契約 在宅就業障害者が物品の製造、役務の提供その他これらに類する業務を行う旨の契約

(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;

三 在宅就業単位調整額 第五十条第二項に規定する単位調整額以下の額で政令で定める額

(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;

四 調整額 在宅就業単位調整額に評価基準月数（在宅就業障害者の就業機会の確保に資する程度その他の状況を勘案して政令で定める月数をいう。以下同じ。）を乗じて得た額

(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

五 評価額 障害者である労働者の平均的な給与の状況その他の状況を勘案して政令で定める額に評価基準月数を乗じて得た額

(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 第五十五条第一項の場合において、当該事業主が当該年度において在宅就業障害者に在宅就業契約に基づく業務の対価を支払っており、かつ、第二項の規定により算定した在宅就業障害者特例調整金の額が算定額に達しないときは、当該事業主が納付すべき納付金の額は、同条第一項の規定にかかわらず、その差額に相当する金額とする。

この場合においては、当該事業主については、第二項の規定にかかわらず、在宅就業障害者特例調整金は支給しない。

(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 第五十五条第一項の場合において、当該事業主が当該年度において在宅就業障害者に在宅就業契約に基づく業務の対価を支払っており、かつ、第二項の規定により算定した在宅就業障害者特例調整金の額が算定額以上であるときは、同項の規定にかかわらず、当該事業主に対して、その差額に相当する金額を、当該年度分の在宅就業障害者特例調整金として支給する。この場合においては、当該事業主については、同条第一項の規定にかかわらず、納付金は徴収しない。

(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 厚生労働大臣は、第一項に規定する業務の全部又は一部を機構に行わせるものとする。

(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 機構は、第一項に規定する業務に関し必要があると認めるときは、事業主又は在宅就業障害者に対し、必要な事項についての報告を求めることができる。

(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 第六項の場合における第五十三条の規定の適用については、同条第一項中「並びに同項各号に掲げる業務」とあるのは、「、第七十四条の二第一項の在宅就業障害者特例調整金の支給に要する費用並びに第四十九条第一項各号に掲げる業務及び第七十四

条の二第一項に規定する業務」とする。

(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 親事業主、関係親事業主又は特定組合等に係る第二項、第四項及び第五項並びに第五十六条第一項及び第四項の規定の適用については、在宅就業契約に基づく業務の対価として在宅就業障害者に対して支払った額に関し、当該子会社及び当該関係会社が支払った額は当該親事業主のみが支払った額と、当該関係子会社が支払った額は当該関係親事業主のみが支払った額と、当該特定事業主が支払った額は当該特定組合等のみが支払った額とみなす。

(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 第四十五条の二第四項から第六項までの規定は第二項の対象障害者である労働者の数の算定について、第五十条第五項及び第六項の規定は第一項の在宅就業障害者特例調整金について準用する。

(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).

(在宅就業支援団体)

(Home-Based Work Support Organizations)

第七十四条の三 各年度ごとに、事業主に在宅就業対価相当額（事業主が厚生労働大臣の登録を受けた法人（以下「在宅就業支援団体」という。）との間で締結した物品の製造、役務の提供その他これらに類する業務に係る契約に基づき当該事業主が在宅就業支援団体に対して支払った金額のうち、当該契約の履行に当たり在宅就業支援団体が在宅就業障害者との間で締結した在宅就業契約に基づく業務の対価として支払った部分の金額に相当する金額をいう。以下同じ。）があるときは、その総額を当該年度

の対象額に加算する。この場合において、前条の規定の適用については、同条第二項中「当該対価の総額」とあるのは「当該対価の総額と次条第一項に規定する在宅就業対価相当額の総額とを合計した額」と、同条第九項中「に関し、」とあるのは「に関し」と、「とみなす」とあるのは「と、当該子会社及び当該関係会社に係る次条第一項に規定する在宅就業対価相当額（以下この項において「在宅就業対価相当額」という。）は当該親事業主のみに係る在宅就業対価相当額と、当該関係子会社に係る在宅就業対価相当額は当該関係親事業主のみに係る在宅就業対価相当額と、当該特定事業主に係る在宅就業対価相当額は当該特定組合等のみに係る在宅就業対価相当額とみなす」とする。

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 前項の登録は、在宅就業障害者の希望に応じた就業の機会を確保し、及び在宅就業障害者に対して組織的に提供することその他の在宅就業障害者に対する援助の業務を行う法人の申請により行う。

(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 次の各号のいずれかに該当する法人は、第一項の登録を受けることができない。

(3) A corporation that falls under any of the following items may not be registered as referred to in paragraph (1):

一 この法律の規定その他労働に関する法律の規定であつて政令で定めるもの又は出入国管理及び難民認定法（昭和二十六年政令第三百十九号）第七十三条の二第一項の規定及び同項の規定に係る同法第七十六条の二の規定により、罰金の刑に処せられ、その執行を終わり、又は執行を受けることがなくなつた日から五年を経過しない法人

(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;

二 第十八項の規定により登録を取り消され、その取消の日から五年を経過しない法人

(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;

三 役員のうち、禁錮以上の刑に処せられ、又はこの法律の規定その他労働に関する法律の規定であつて政令で定めるもの若しくは暴力団員による不当な行為の防止等に関する法律（平成三年法律第七十七号）の規定（同法第五十条（第二号に係る部分に限る。）及び第五十二条の規定を除く。）により、若しくは刑法（明治四十年法律第四十五号）第二百四条、第二百六条、第二百八条、第二百八条の二、第二百二十二条若しくは第二百四十七条の罪、暴力行為等処罰に関する法律（大正十五年法律第六十号）の罪若しくは出入国管理及び難民認定法第七十三条の二第一項の罪を犯したことにより、罰金の刑に処せられ、その執行を終わり、又は執行を受けることがなくなつた日から五年を経過しない者のある法人

(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 厚生労働大臣は、第二項の規定により登録を申請した法人が次に掲げる要件のすべてに適合しているときは、その登録をしなければならない。この場合において、登録に関して必要な手続は、厚生労働省令で定める。

(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:

一 常時十人以上の在宅就業障害者に対して、次に掲げる業務のすべてを継続的に実施していること。

(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:

イ 在宅就業障害者の希望に応じた就業の機会を確保し、及び在宅就業障害者に対して組織的に提供すること。

(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;

ロ 在宅就業障害者に対して、その業務を適切に行うために必要な知識及び技能を習得するための職業講習又は情報提供を行うこと。

(b) providing home-based workers with disabilities with vocational training or information to acquire knowledge and skills necessary to do their work appropriately;

ハ 在宅就業障害者に対して、その業務を適切に行うために必要な助言その他の援助を行うこと。

(c) giving home-based workers with disabilities advice or other assistance necessary for them to do their work appropriately;

ニ 雇用による就業を希望する在宅就業障害者に対して、必要な助言その他の援助を行うこと。

(d) giving home-based workers with disabilities who wish to work under an employment relationship advice or other assistance;

二 前号イからニまでに掲げる業務（以下「実施業務」という。）の対象である障害者に係る障害に関する知識及び当該障害に係る障害者の援助を行う業務に従事した経験並びに在宅就業障害者に対して提供する就業の機会に係る業務の内容に関する知識を有する者（次号において「従事経験者」という。）が実施業務を実施し、そ

の人数が二人以上であること。

(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;

三 前号に掲げる者のほか、実施業務を適正に行うための専任の管理者（従事経験者である者に限る。）が置かれていること。

(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

四 実施業務を行うために必要な施設及び設備を有すること。

(iv) the corporation has the necessary facilities and equipment to carry out the operations that the corporation implements.

5 登録は、在宅就業支援団体登録簿に次に掲げる事項を記載してするものとする。

(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:

一 登録年月日及び登録番号

(i) the date of registration and registration number;

二 在宅就業支援団体の名称及び住所並びにその代表者の氏名

(ii) the name and address of the home-based work support organization and the name of its representative; and

三 在宅就業支援団体が在宅就業障害者に係る業務を行う事業所の所在地

(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 第一項の登録は、三年以内において政令で定める期間ごとにその更新を受けなければ、その期間の経過によつて、その効力を失う。

(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 第二項から第五項までの規定は、前項の登録の更新について準用する。

(7) The provisions of paragraphs (2) through (5) apply mutatis mutandis to a renewal of registration as referred to in the preceding paragraph.

8 在宅就業支援団体は、物品の製造、役務の提供その他これらに類する業務に係る契

約に基づき事業主から対価の支払を受けたときは、厚生労働省令で定めるところにより、当該事業主に対し、在宅就業対価相当額を証する書面を交付しなければならない。

(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 在宅就業支援団体は、前項に定めるもののほか、第四項各号に掲げる要件及び厚生労働省令で定める基準に適合する方法により在宅就業障害者に係る業務を行わなければならない。

(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 在宅就業支援団体は、第五項第二号又は第三号に掲げる事項を変更しようとするときは、変更しようとする日の二週間前までに、その旨を厚生労働大臣に届け出なければならない。

(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 在宅就業支援団体は、在宅就業障害者に係る業務に関する規程（次項において「業務規程」という。）を定め、当該業務の開始前に、厚生労働大臣に届け出なければならない。これを変更しようとするときも、同様とする。

(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 業務規程には、在宅就業障害者に係る業務の実施方法その他の厚生労働省令で定める事項を定めておかななければならない。

(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 在宅就業支援団体は、在宅就業障害者に係る業務の全部又は一部を休止し、又は廃止しようとするときは、厚生労働省令で定めるところにより、あらかじめ、その旨を厚生労働大臣に届け出なければならない。

(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.

1 4 在宅就業支援団体は、毎事業年度経過後三月以内に、その事業年度の財産目録、貸借対照表及び損益計算書又は収支計算書並びに事業報告書（その作成に代えて電磁的記録（電子的方式、磁気的方式その他の人の知覚によつては認識することができない方式で作られる記録であつて、電子計算機による情報処理の用に供されるものをいう。以下同じ。）の作成がされている場合における当該電磁的記録を含む。以下「財務諸表等」という。）を作成し、五年間事業所に備えて置かなければならない。

(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.

1 5 在宅就業障害者その他の利害関係人は、在宅就業支援団体の業務時間内は、いつでも、次に掲げる請求をすることができる。ただし、第二号又は第四号の請求をするには、在宅就業支援団体の定めた費用を支払わなければならない。

(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);

一 財務諸表等が書面をもつて作成されているときは、当該書面の閲覧又は謄写の請求

(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;

二 前号の書面の謄本又は抄本の請求

(ii) a request for a certified copy or extract of a document as referred to in the preceding item;

三 財務諸表等が電磁的記録をもつて作成されているときは、当該電磁的記録に記録された事項を厚生労働省令で定める方法により表示したものの閲覧又は謄写の請求

(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

四 前号の電磁的記録に記録された事項を電磁的方法であつて厚生労働省令で定めるものにより提供することの請求又は当該事項を記載した書面の交付の請求

(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.

1 6 厚生労働大臣は、在宅就業支援団体が第四項各号のいずれかに適合しなくなつたと認めるときは、当該在宅就業支援団体に対し、これらの規定に適合するため必要な措置をとるべきことを命ずることができる。

(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.

1 7 厚生労働大臣は、在宅就業支援団体が第九項の規定に違反していると認めるときは、当該在宅就業支援団体に対し、在宅就業障害者に係る業務を行うべきこと又は当該業務の実施の方法その他の業務の方法の改善に関し必要な措置をとるべきことを命ずることができる。

(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.

1 8 厚生労働大臣は、在宅就業支援団体が次の各号のいずれかに該当するときは、その登録を取り消し、又は期間を定めて在宅就業障害者に係る業務の全部若しくは一部の停止を命ずることができる。

(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:

一 第三項第一号又は第三号に該当するに至つたとき。

(i) it has come to fall under paragraph (3), item (i) or item (iii);

二 第八項、第十項から第十四項まで又は次項の規定に違反したとき。

(ii) it has violated the provisions of paragraph (8), paragraphs (10) through (14) or the following paragraph;

三 正当な理由がないのに第十五項各号の規定による請求を拒んだとき。

(iii) it has denied a request under the provisions of each item of Article 15

without a legitimate reason for doing so;

四 前二項の規定による命令に違反したとき。

(iv) it has violated an order under the provisions of one of the preceding two paragraphs; or

五 不正の手段により第一項の登録を受けたとき。

(v) it was registered as referred to in paragraph (1) by wrongful means.

19 在宅就業支援団体は、厚生労働省令で定めるところにより、帳簿を備え、在宅就業障害者に係る業務に関し厚生労働省令で定める事項を記載し、これを保存しなければならない。

(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 機構は、第一項において読み替えて適用する前条第二項の場合における同条第一項の業務に関し必要があると認めるときは、事業主、在宅就業障害者又は在宅就業支援団体に対し、必要な事項についての報告を求めることができる。

(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 在宅就業支援団体は、毎年一回、厚生労働省令で定めるところにより、在宅就業障害者に係る業務に関し厚生労働省令で定める事項を厚生労働大臣に報告しなければならない。

(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 厚生労働大臣は、次に掲げる場合には、その旨を官報に公示しなければならない。

(22) The Ministry of Health, Labour and Welfare must issue public notice in the Official Gazette:

一 第一項の登録をしたとき。

(i) on having made a registration as referred to in paragraph (1);

二 第十項の規定による届出があつたとき。

(ii) on having received a notification under the provisions of paragraph (10);

三 第十三項の規定による届出があつたとき。

(iii) on having received a notification under the provisions of paragraph (13); or
四 第十八項の規定により第一項の登録を取り消し、又は在宅就業障害者に係る業務の停止を命じたとき。

(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).

第三章の二 紛争の解決

Chapter III-2 Resolution of Disputes

第一節 紛争の解決の援助

Section 1 Assistance in Resolution of Disputes

(苦情の自主的解決)

(Self-Initiated Resolution of Grievances)

第七十四条の四 事業主は、第三十五条及び第三十六条の三に定める事項に関し、障害者である労働者から苦情の申出を受けたときは、苦情処理機関（事業主を代表する者及び当該事業所の労働者を代表する者を構成員とする当該事業所の労働者の苦情を処理するための機関をいう。）に対し当該苦情の処理を委ねる等その自主的な解決を図るように努めなければならない。

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.

(紛争の解決の促進に関する特例)

(Special Provisions for Facilitating the Resolution of Disputes)

第七十四条の五 第三十四条、第三十五条、第三十六条の二及び第三十六条の三に定める事項についての障害者である労働者と事業主との間の紛争については、個別労働関係紛争の解決の促進に関する法律（平成十三年法律第百十二号）第四条、第五条及び第十二条から第十九条までの規定は適用せず、次条から第七十四条の八までに定めるところによる。

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.

(紛争の解決の援助)

(Assistance in Resolution of Disputes)

第七十四条の六 都道府県労働局長は、前条に規定する紛争に関し、当該紛争の当事者の双方又は一方からその解決につき援助を求められた場合には、当該紛争の当事者に対し、必要な助言、指導又は勧告をすることができる。

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 事業主は、障害者である労働者が前項の援助を求めたことを理由として、当該労働者に対して解雇その他不利益な取扱いをしてはならない。

(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.

第二節 調停

Section 2 Conciliation

(調停の委任)

(Delegation of Conciliation)

第七十四条の七 都道府県労働局長は、第七十四条の五に規定する紛争（労働者の募集及び採用についての紛争を除く。）について、当該紛争の当事者の双方又は一方から調停の申請があつた場合において当該紛争の解決のために必要があると認めるときは、個別労働関係紛争の解決の促進に関する法律第六条第一項の紛争調整委員会に調停を行わせるものとする。

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 前条第二項の規定は、障害者である労働者が前項の申請をした場合について準用する。

(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.

(調停)

(Conciliation)

第七十四条の八 雇用の分野における男女の均等な機会及び待遇の確保等に関する法律

(昭和四十七年法律第百十三号)第十九条から第二十六条までの規定は、前条第一項の調停の手續について準用する。この場合において、同法第十九条第一項中「前条第一項」とあるのは「障害者の雇用の促進等に関する法律第七十四条の七第一項」と、同法第二十条中「関係当事者と同一の事業場に雇用される労働者」とあるのは「障害者の医療に関する専門的知識を有する者」と、同法第二十五条第一項中「第十八条第一項」とあるのは「障害者の雇用の促進等に関する法律第七十四条の七第一項」と読み替えるものとする。

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".

第四章 雑則

Chapter IV Miscellaneous Provisions

(障害者の雇用の促進等に関する研究等)

(Research on Facilitating the Employment of Persons with Disabilities)

第七十五条 国は、障害者の能力に適合する職業、その就業上必要な作業設備及び作業補助具その他障害者の雇用の促進及びその職業の安定に関し必要な事項について、調査、研究及び資料の整備に努めるものとする。

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.

(障害者の雇用に関する広報啓発)

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

第七十六条 国及び地方公共団体は、障害者の雇用を妨げている諸要因の解消を図るため、障害者の雇用について事業主その他国民一般の理解を高めるために必要な広報そ

の他の啓発活動を行うものとする。

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.

(基準に適合する事業主の認定)

(Certification of Employers That Meet the Standards)

第七十七条 厚生労働大臣は、その雇用する労働者の数が常時三百人以下である事業主からの申請に基づき、厚生労働省令で定めるところにより、当該事業主について、障害者の雇用の促進及び雇用の安定に関する取組に関し、当該取組の実施状況が優良なものであることその他の厚生労働省令で定める基準に適合するものである旨の認定を行うことができる。

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 第四十三条第八項の規定は、前項の雇用する労働者の数の算定について準用する。

(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.

(表示等)

(Representation; Other Matters)

第七十七条の二 前条第一項の認定を受けた事業主（次条において「認定事業主」という。）は、商品、役務の提供の用に供する物、商品又は役務の広告又は取引に用いる書類若しくは通信その他の厚生労働省令で定めるもの（次項において「商品等」という。）に厚生労働大臣の定める表示を付することができる。

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 何人も、前項の規定による場合を除くほか、商品等に同項の表示又はこれと紛らわ

しい表示を付してはならない。

(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.

(認定の取消し)

(Revocation of Certification)

第七十七条の三 厚生労働大臣は、認定事業主が次の各号のいずれかに該当するときは、第七十七条第一項の認定を取り消すことができる。

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:

一 第七十七条第一項に規定する基準に適合しなくなつたと認めるとき。

(i) if the Minister finds that the employer no longer conforms to the standards provided for in Article 77, paragraph (1);

二 この法律又はこの法律に基づく命令に違反したとき。

(ii) if the employer violates an order that is based on this Act; or

三 不正の手段により第七十七条第一項の認定を受けたとき。

(iii) if the employer has received the certification referred to in Article 77, paragraph (1) by wrongful means.

(障害者雇用推進者)

(Facilitator of Employment of Persons with Disabilities)

第七十八条 国及び地方公共団体の任命権者は、厚生労働省令で定めるところにより、次に掲げる業務を担当する者を選任しなければならない。

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:

一 障害者の雇用の促進及びその雇用の継続を図るために必要な施設又は設備の設置又は整備その他の諸条件の整備を図るための業務

(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;

二 障害者活躍推進計画の作成及び障害者である職員の職業生活における活躍の推進に関する取組の円滑な実施を図るための業務

(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;

三 第三十八条第一項の計画の作成及び当該計画の円滑な実施を図るための業務

(iii) formulating the plan referred to in Article 38, paragraph (1) and smoothly

implementing that plan;

四 第三十八条第七項、第三十九条第二項及び第四十八条第五項の規定による勧告を受けたときは、当該勧告に係る厚生労働省との連絡に関する業務

(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

五 第四十条第一項の規定による通報、同条第二項の規定による公表及び第八十一条第二項の規定による届出を行う業務

(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 事業主は、その雇用する労働者の数が常時第四十三条第七項の厚生労働省令で定める数以上であるときは、厚生労働省令で定めるところにより、次に掲げる業務を担当する者を選任するように努めなければならない。

(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:

一 障害者の雇用の促進及びその雇用の継続を図るために必要な施設又は設備の設置又は整備その他の諸条件の整備を図るための業務

(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;

二 第四十三条第七項の規定による報告及び第八十一条第一項の規定による届出を行う業務

(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

三 第四十六条第一項の規定による命令を受けたとき、又は同条第五項若しくは第六項の規定による勧告を受けたときは、当該命令若しくは勧告に係る国との連絡に関する業務又は同条第一項の計画の作成及び当該計画の円滑な実施を図るための業務

(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 第四十三条第八項の規定は、前項の雇用する労働者の数の算定について準用する。

(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.

(障害者職業生活相談員)

(Working Life Counselors for Persons with Disabilities)

第七十九条 国及び地方公共団体の任命権者は、厚生労働省令で定める数以上の障害者（身体障害者、知的障害者及び精神障害者（厚生労働省令で定める者に限る。）に限る。以下この条及び第八十一条において同じ。）である職員（常時勤務する職員に限る。以下この項及び第八十一条第二項において同じ。）が勤務する事業所においては、その勤務する職員であつて、厚生労働大臣が行う講習（以下この条において「資格認定講習」という。）を修了したもののその他厚生労働省令で定める資格を有するものうちから、厚生労働省令で定めるところにより、障害者職業生活相談員を選任し、その者にその勤務する障害者である職員の職業生活に関する相談及び指導を行わせなければならない。

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 事業主は、厚生労働省令で定める数以上の障害者である労働者を雇用する事業所においては、その雇用する労働者であつて、資格認定講習を修了したもののその他厚生労働省令で定める資格を有するものうちから、厚生労働省令で定めるところにより、障害者職業生活相談員を選任し、その者に当該事業所に雇用されている障害者である労働者の職業生活に関する相談及び指導を行わせなければならない。

(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 厚生労働大臣は、資格認定講習に関する業務の全部又は一部を、第四十九条第一項第九号に掲げる業務として機構に行わせることができる。

(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).

(障害者である短時間労働者の待遇に関する措置)

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

第八十条 事業主は、その雇用する障害者である短時間労働者が、当該事業主の雇用する労働者の所定労働時間労働すること等の希望を有する旨の申出をしたときは、当該短時間労働者に対し、その有する能力に応じた適切な待遇を行うように努めなければならない。

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.

(解雇の届出等)

(Notification of Dismissal; Related Matters)

第八十一条 事業主は、障害者である労働者を解雇する場合（労働者の責めに帰すべき理由により解雇する場合その他厚生労働省令で定める場合を除く。）には、厚生労働省令で定めるところにより、その旨を公共職業安定所長に届け出なければならない。

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 国及び地方公共団体の任命権者は、障害者である職員を免職する場合（職員の責めに帰すべき理由により免職する場合その他厚生労働省令で定める場合を除く。）には、厚生労働省令で定めるところにより、その旨を公共職業安定所長に届け出なければならない。

(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 前二項の届出があつたときは、公共職業安定所は、当該届出に係る障害者である労

働者について、速やかに求人の開拓、職業紹介等の措置を講ずるように努めるものとする。

(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.

(書類の保存)

(Retention of Documents)

第八十一条の二 労働者を雇用する事業主は、厚生労働省令で定めるところにより、第三十八条第六項、第四十三条第九項並びに第四十八条第四項及び第九項の規定による確認に関する書類（その保存に代えて電磁的記録の保存がされている場合における当該電磁的記録を含む。）で厚生労働省令で定めるものを保存しなければならない。

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.

(報告等)

(Reports; Other Matters)

第八十二条 厚生労働大臣又は公共職業安定所長は、この法律を施行するため必要な限度において、厚生労働省令で定めるところにより、国又は地方公共団体の任命権者に対し、障害者の雇用の状況その他の事項についての報告を求めることができる。

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 厚生労働大臣又は公共職業安定所長は、この法律を施行するため必要な限度において、厚生労働省令で定めるところにより、事業主等（事業主、その団体、第四十九条第一項第四号のニイに規定する法人又は同項第七号ロからニまでに掲げる法人をいう。以下この項において同じ。）、在宅就業障害者又は在宅就業支援団体に対し、障害者の雇用の状況その他の事項についての報告を命じ、又はその職員に、事業主等若しくは在宅就業支援団体の事業所若しくは在宅就業障害者が業務を行う場所に立ち入り、関係者に対して質問させ、若しくは帳簿書類その他の物件の検査をさせることができる。

(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 前項の規定により立入検査をする職員は、その身分を示す証明書を携帯し、関係者に提示しなければならない。

(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 第二項の規定による立入検査の権限は、犯罪捜査のために認められたものと解釈してはならない。

(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.

(連絡及び協力)

(Communication and Cooperation)

第八十三条 公共職業安定所、機構、障害者就業・生活支援センター、公共職業能力開発施設等、社会福祉法に定める福祉に関する事務所、精神保健及び精神障害者福祉に関する法律第六条第一項に規定する精神保健福祉センターその他の障害者に対する援護の機関等の関係機関及び関係団体は、障害者の雇用の促進及びその職業の安定を図るため、相互に、密接に連絡し、及び協力しなければならない。

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.

(権限の委任)

(Delegation of Authority)

第八十四条 この法律に定める厚生労働大臣の権限は、厚生労働省令で定めるところにより、その一部を都道府県労働局長に委任することができる。

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 前項の規定により都道府県労働局長に委任された権限は、厚生労働省令で定めるところにより、公共職業安定所長に委任することができる。

(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.

(厚生労働省令への委任)

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

第八十五条 この法律に規定するもののほか、この法律の実施のため必要な手続その他の事項は、厚生労働省令で定める。

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.

(船員に関する特例)

(Special Provisions for Mariners)

第八十五条の二 第七十四条の八の規定は、船員職業安定法（昭和二十三年法律第百三十号）第六条第一項に規定する船員及び同項に規定する船員になろうとする者（次項において「船員等」という。）に関しては、適用しない。

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 船員等に関しては、第三十六条第一項、第三十六条の五第一項、第三十六条の六及び第八十四条第一項中「厚生労働大臣」とあるのは「国土交通大臣」と、第三十六条第二項及び第三十六条の五第二項中「同条第三項中」とあるのは「同条第三項及び第四項中「厚生労働大臣」とあるのは「国土交通大臣」と、同条第三項中「労働政策審議会」とあるのは「交通政策審議会」と、」と、第七十四条の五中「から第七十四条の八まで」とあるのは「、第七十四条の七及び第八十五条の二第三項」と、第七十四条の六第一項、第七十四条の七第一項及び第八十四条第一項中「都道府県労働局長」とあるのは「地方運輸局長（運輸監理部長を含む。）」と、第七十四条の七第一項中「第六条第一項の紛争調整委員会」とあるのは「第二十一条第三項のあつせん員候補

者名簿に記載されている者のうちから指名する調停員」と、第八十二条第二項中「厚生労働大臣又は公共職業安定所長」とあるのは「国土交通大臣」と、「事業主等（事業主、その団体、第四十九条第一項第四号のニイに規定する法人又は同項第七号ロからニまでに掲げる法人をいう。以下この項において同じ。）、在宅就業障害者又は在宅就業支援団体」とあるのは「事業主」と、「事業主等若しくは在宅就業支援団体の事業所若しくは在宅就業障害者が業務を行う場所」とあるのは「事業主の事業所」と、同項、第八十四条第一項及び前条中「厚生労働省令」とあるのは「国土交通省令」とする。

- (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 雇用の分野における男女の均等な機会及び待遇の確保等に関する法律第二十条から第二十六条まで並びに第三十一条第三項及び第四項の規定は、前項の規定により読み替えて適用する第七十四条の七第一項の規定により指名を受けて調停員が行う調停について準用する。この場合において、同法第二十条から第二十三条まで及び第二十六条中「委員会は」とあるのは「調停員は」と、同法第二十条中「関係当事者と同一の事業場に雇用される労働者」とあるのは「障害者の医療に関する専門的知識を有する者」と、同法第二十一条中「当該委員会が置かれる都道府県労働局」とあるのは「当該調停員を指名した地方運輸局長（運輸監理部長を含む。）が置かれる地方運輸局（運輸監理部を含む。）」と、同法第二十五条第一項中「第十八条第一項」とあるのは「障害者の雇用の促進等に関する法律第七十四条の七第一項」と、同法第二十六条中「当該委員会に係属している」とあるのは「当該調停員が取り扱っている」と、同法第三十一条第三項中「前項」とあるのは「障害者の雇用の促進等に関する法律第七十四条の七第一項」と読み替えるものとする。

(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".

(適用除外)

(Exclusion from Application)

第八十五条の三 第三十四条から第三十六条まで、第三十六条の六及び前章の規定は、国家公務員及び地方公務員に、第三十六条の二から第三十六条の五までの規定は、一

般職の国家公務員（行政執行法人の労働関係に関する法律（昭和二十三年法律第二百五十七号）第二条第二号の職員を除く。）、裁判所職員臨時措置法（昭和二十六年法律第二百九十九号）の適用を受ける裁判所職員、国会職員法（昭和二十二年法律第八十五号）の適用を受ける国会職員及び自衛隊法（昭和二十九年法律第百六十五号）第二条第五項に規定する隊員に関しては、適用しない。

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).

第五章 罰則

Chapter V Penal Provisions

第八十五条の四 第七十四条の三第十八項の規定による業務の停止の命令に違反したときは、その違反行為をした在宅就業支援団体の役員又は職員は、一年以下の懲役若しくは百万円以下の罰金に処し、又はこれを併科する。

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.

第八十六条 事業主が次の各号のいずれかに該当するときは、三十万円以下の罰金に処する。

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

一 第四十三条第七項、第五十二条第二項、第七十四条の二第七項又は第七十四条の三第二十項の規定による報告をせず、又は虚偽の報告をしたとき。

(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;

二 第四十六条第一項の規定による命令に違反して対象障害者の雇入れに関する計画を作成せず、又は同条第四項の規定に違反して当該計画を提出しなかつたとき。

(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;

三 第五十二条第一項の規定による文書その他の物件の提出をせず、又は虚偽の記載をした文書の提出をしたとき。

(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;

四 第八十一条第一項の規定による届出をせず、又は虚偽の届出をしたとき。

(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

五 第八十二条第二項の規定による報告をせず、若しくは虚偽の報告をし、又は同項の規定による当該職員の質問に対して答弁せず、若しくは虚偽の陳述をし、若しくは同項の規定による検査を拒み、妨げ、若しくは忌避したとき。

(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.

第八十六条の二 事業主の団体、第四十九条第一項第四号の二イに規定する法人又は同項第七号ロからニまでに掲げる法人が次の各号のいずれかに該当するときは、三十万円以下の罰金に処する。

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:

一 第五十二条第二項の規定による報告をせず、又は虚偽の報告をしたとき。

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

二 第八十二条第二項の規定による報告をせず、若しくは虚偽の報告をし、又は同項の規定による当該職員の質問に対して答弁せず、若しくは虚偽の陳述をし、若しくは同項の規定による検査を拒み、妨げ、若しくは忌避したとき。

(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.

第八十六条の三 在宅就業支援団体が次の各号のいずれかに該当するときは、三十万円以下の罰金に処する。

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

一 第七十四条の三第二十項又は第二十一項の規定による報告をせず、又は虚偽の報

告をしたとき。

(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;

二 第七十四条の三第八項の規定による書面の交付をせず、又は虚偽の記載をした書面の交付をしたとき。

(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;

三 第七十四条の三第十三項の規定による届出をせず、又は虚偽の届出をしたとき。

(iii) if it does not file the notification under the provisions of Article 74-3, paragraph (13) or files a false notification;

四 第七十四条の三第十九項の規定に違反して帳簿を備えず、帳簿に記載せず、若しくは虚偽の記載をし、又は帳簿を保存しなかつたとき。

(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

五 第八十二条第二項の規定による報告をせず、若しくは虚偽の報告をし、又は同項の規定による当該職員の質問に対して答弁せず、若しくは虚偽の陳述をし、若しくは同項の規定による検査を拒み、妨げ、若しくは忌避したとき。

(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.

第八十六条の四 第七十七条の二第二項の規定に違反した者は、三十万円以下の罰金に処する。

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.

第八十七条 法人（法人でない事業主の団体を含む。以下この項において同じ。）の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関して第八十五条の四から前条までの違反行為をしたときは、行為者を罰するほか、その法人又は人に対しても、各本条の罰金刑を科する。

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 前項の規定により法人でない事業主の団体を処罰する場合においては、その代表者が訴訟行為につきその団体を代表するほか、法人を被告人又は被疑者とする場合の刑事訴訟に関する法律の規定を準用する。

(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.

第八十八条 第三十三条の規定に違反した者は、二十万円以下の過料に処する。

Article 88 A person violating the provisions of Article 33 is subject to a civil fine of not more than 200,000 yen.

第八十九条 第五十九条第三項の規定により厚生労働大臣の認可を受けなければならない場合において、その認可を受けなかつたときは、その違反行為をした機構の役員は、二十万円以下の過料に処する。

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.

第八十九条の二 第七十四条の三第十四項の規定に違反して財務諸表等を備えて置かず、財務諸表等に記載すべき事項を記載せず、若しくは虚偽の記載をし、又は正当な理由がないのに同条第十五項各号の規定による請求を拒んだ在宅就業支援団体は、二十万円以下の過料に処する。

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.

第九十条 第二十三条の規定に違反したもの（法人その他の団体であるときは、その代表者）は、十万円以下の過料に処する。

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.

第九十一条 在宅就業障害者が次の各号のいずれかに該当するときは、五万円以下の過

料に処する。

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

一 第七十四条の二第七項又は第七十四条の三第二十項の規定による報告をせず、又は虚偽の報告をしたとき。

(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

二 第八十二条第二項の規定による報告をせず、若しくは虚偽の報告をし、又は同項の規定による当該職員の質問に対して答弁せず、若しくは虚偽の陳述をし、若しくは同項の規定による検査を拒み、妨げ、若しくは忌避したとき。

(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.

附 則

Supplementary Provisions

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から施行する。

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

(広域障害者職業センターの設置の特例)

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

第二条 身体障害者雇用促進法の一部を改正する法律（昭和六十二年法律第四十一号）の施行の日の前日に国が設置していた広域障害者職業センターに相当する施設であつて、同法の施行の日に国が設置する広域障害者職業センターとなるものとして厚生労働省令で定める施設に係る第十九条の規定の適用については、同条第一項中「設置及び運営」とあるのは、「運営」とする。ただし、当該施設のうち厚生労働省令で定める施設については、当該厚生労働省令で定める日以後においては、この限りでない。

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 前項の規定により機構にその運営の業務のみを行わせる広域障害者職業センターの名称及び位置は、厚生労働省令で定める。

(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.

(雇用に関する国及び地方公共団体の義務等に関する経過措置)

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

第三条 第三十八条の規定の適用については、当分の間、同条第一項中「当該機関の職員の総数」とあるのは、「当該機関の職員の総数（対象障害者が就業することが困難であると認められる職種の職員が相当の割合を占める機関として政令で定める機関（以下「除外率設定機関」という。）にあつては、当該除外率設定機関の職員の総数から、当該除外率設定機関における職員の総数に当該除外率設定機関に係る除外率（九十五パーセント以内において政令で定める率をいう。）を乗じて得た数（その数に一人未満の端数があるときは、その端数は、切り捨てる。）を控除した数）」とする。

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 第四十三条の規定の適用については、当分の間、同条第一項中「その雇用する労働者の数」とあるのは「その雇用する労働者の数（除外率設定業種（対象障害者が就業することが困難であると認められる職種の労働者が相当の割合を占める業種として厚生労働省令で定める業種をいう。以下同じ。）に属する事業を行う事業所の事業主にあつては、その雇用する労働者の数から、当該事業所に係る除外率設定業種ごとの労働者の数）」とする。

働者の数に当該除外率設定業種に係る除外率（除外率設定業種に係る労働者のうちに当該職種労働者が通常占める割合を考慮して除外率設定業種ごとに九十五パーセント以内において厚生労働省令で定める率をいう。以下同じ。）を乗じて得た数（その数に一人未満の端数があるときは、その端数は、切り捨てる。）を合計した数を控除した数。第七項及び第七十八条第二項において同じ。）と、同条第二項中「総数に」とあるのは「総数から除外率設定業種ごとの労働者の総数に当該除外率設定業種に係る除外率を乗じて得た数の合計数を控除した数に」とする。

(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 第一項の規定により読み替えて適用する第三十八条の政令及び前項の規定により読み替えて適用する第四十三条の厚生労働省令は、除外率設定機関及び除外率設定業種における対象障害者の雇用の状況、障害者が職業に就くことを容易にする技術革新の進展の状況その他の事項を考慮し、当該政令及び厚生労働省令で定める率が段階的に縮小されるように制定され、及び改正されるものとする。

(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.

(雇用する労働者の数が百人以下である事業主に係る納付金及び報奨金等に関する暫定措置)

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

第四条 その雇用する労働者の数が常時百人以下である事業主（特殊法人を除く。以下この条において同じ。）については、当分の間、第四十九条第一項第一号、第五十条並びに第三章第二節第二款及び第四節の規定は、適用しない。

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 厚生労働大臣は、当分の間、その雇用する労働者の数が常時百人以下である事業主に対して次項の報奨金及び第四項の在宅就業障害者特例報奨金（以下「報奨金等」という。）を支給する業務を行うことができる。

(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 厚生労働大臣は、当分の間、厚生労働省令で定めるところにより、各年度ごとに、その雇用する労働者の数が常時百人以下である事業主のうち、当該年度に属する各月ごとの初日におけるその雇用する対象障害者である労働者の数の合計数が、当該年度に属する各月ごとにその初日におけるその雇用する労働者の数に第五十四条第三項に規定する基準雇用率を超える率であつて厚生労働省令で定めるものを乗じて得た数（その数に一人未満の端数があるときは、その端数は、切り捨てる。）の合計数又は厚生労働省令で定める数のいずれか多い数を超える事業主（以下この条において「対象事業主」という。）に対して、その超える数を第五十条第二項に規定する単位調整額以下の額で厚生労働省令で定める額に乗じて得た額に相当する金額を、当該年度分の報奨金として支給する。

(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 厚生労働大臣は、当分の間、厚生労働省令で定めるところにより、各年度ごとに、在宅就業障害者との間で書面により在宅就業契約を締結した対象事業主（在宅就業支援団体を除く。以下同じ。）であつて、在宅就業障害者に在宅就業契約に基づく業務の対価を支払つたものに対して、報奨額に、対象額を評価額で除して得た数（その数に一未満の端数があるときは、その端数は切り捨てる。）を乗じて得た額に相当する金額を、当該年度分の在宅就業障害者特例報奨金として支給する。ただし、在宅就業単位報奨額に当該年度に属する各月ごとの初日における当該対象事業主の雇用する対象障害者である労働者の数の合計数を乗じて得た額に相当する金額を超えることができない。

(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 前項において次の各号に掲げる用語の意義は、当該各号に定めるところによる。

(5) In the preceding paragraph, the meanings of the terms set forth in the following items are as prescribed respectively in those items:

一 在宅就業単位報奨額 第五十条第二項に規定する単位調整額以下の額で厚生労働

省令で定める額

(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

二 報奨額 在宅就業単位報奨額に評価基準月数を乗じて得た額

(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 各年度ごとに、対象事業主に在宅就業対価相当額があるときは、その総額を当該年度の対象額に加算する。この場合において、第四項の規定の適用については、同項中「対象額」とあるのは、「対象額と在宅就業対価相当額の総額とを合計した額」とし、第八項において準用する第七十四条の二第九項の規定の適用については、同項中「に関し、」とあるのは「に関し」と、「とみなす」とあるのは「と、当該子会社及び当該関係会社に係る次条第一項に規定する在宅就業対価相当額（以下この項において「在宅就業対価相当額」という。）は当該親事業主のみに係る在宅就業対価相当額と、当該関係子会社に係る在宅就業対価相当額は当該関係親事業主のみに係る在宅就業対価相当額と、当該特定事業主に係る在宅就業対価相当額は当該特定組合等のみに係る在宅就業対価相当額とみなす」とする。

(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 厚生労働大臣は、第二項に規定する業務の全部又は一部を機構に行わせるものとする

る。

(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 第四十三条第八項の規定は第一項から第三項までの雇用する労働者の数の算定について、第四十五条の二第四項から第六項までの規定は第三項の対象障害者である労働者の数の算定について、第四十八条第八項の規定は親事業主、関係親事業主又は特定組合等に係る第一項から第三項までの規定の適用について、第五十条第五項及び第六項の規定は報奨金等について、第七十四条の二第七項及び第七十四条の三第二十項の規定は第二項に規定する業務（第四項に係るものに限る。）について、第七十四条の二第九項の規定は第四項の在宅就業障害者特例報奨金について、同条第十項の規定は第四項の対象障害者である労働者の数の算定について準用する。

(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 第五十二条第二項、第五十三条、第八十六条第一号（第四十三条第七項に係る部分を除く。）、第八十七条及び第八十九条の規定の適用については、当分の間、第五十三条第一項中「並びに同項各号に掲げる業務」とあるのは「、附則第四条第二項の報奨金等の支給に要する費用並びに第四十九条第一項各号に掲げる業務及び附則第四条第二項に規定する業務」と、第八十六条第一号中「、第七十四条の二第七項又は第七十四条の三第二十項」とあるのは「又は第七十四条の二第七項若しくは第七十四条の三第二十項（附則第四条第八項において準用する場合を含む。）」とする。

(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)".

(除外率設定業種に係る納付金の額の算定等に関する暫定措置)

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

第五十条 第五十条、第五十四条及び前条の規定の適用については、当分の間、第五十条第一項中「同条第一項の規定により算定した額」とあるのは「当該調整基礎額に当該年度に属する各月ごとにその初日におけるその雇用する労働者の数に附則第五十条第一項の規定により読み替えて適用される第五十四条第三項に規定する基準雇用率を乗じて得た数（その数に一人未満の端数があるときは、その端数は、切り捨てる。）の合計数を乗じて得た額」と、同条第二項及び前条第三項中「第五十四条第三項に規定する基準雇用率」とあるのは「附則第五十条第一項の規定により読み替えて適用される第五十四条第三項に規定する基準雇用率」と、第五十四条第一項及び第二項中「その雇用する労働者の数」とあるのは「その雇用する労働者の数（除外率設定業種に属する事業を行う事業所の事業主にあつては、その日におけるその雇用する労働者の数から、その日における当該事業所に係る除外率設定業種ごとの労働者の数に当該除外率設定業種に係る除外率を乗じて得た数（その数に一人未満の端数があるときは、その端数は、切り捨てる。）を合計した数を控除した数）」と、同条第三項中「労働者の総数に対する」とあるのは「労働者の総数から除外率設定業種ごとの労働者の総数に当該除外率設定業種に係る除外率を乗じて得た数の合計数を控除した数に対する」と、同条第五項中「準用する」とあるのは「準用する。この場合において、同条第八項中「とみなす」とあるのは、「と、当該子会社及び当該関係会社の事業所は当該親事業主の事業所と、当該関係子会社の事業所は当該関係親事業主の事業所と、当該特定事業主の事業所は当該特定組合等の事業所とみなす」と読み替えるものとする。

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 前項の措置は、対象障害者である労働者とその他の労働者との交替、対象障害者の職業訓練の充実、対象障害者の就業上必要な作業設備及び作業補助具の改善整備の状況等に照らして、除外率設定業種に属する事業を行う事業主について、同項の規定を適用しなくてもその事業の運営に支障を生じないと認められる事業主が多数を占めるに至ったときは、速やかに廃止するものとする。

(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.

(対象障害者以外の障害者の雇用の促進等に関する検討)

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

第六条 政府は、対象障害者以外の障害者の雇用の促進及びその職業の安定について、その職能的諸条件についての調査及び研究に努めるものとし、その結果に基づいて、当該障害者の雇用の促進及びその職業の安定を図るための施策の推進について検討するものとする。

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.

別表 障害の範囲 (第二条、第四十八条関係)

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

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| <p>一 次に掲げる視覚障害で永続するもの</p> <p>(i) A long-term visual impairment as follows:</p> <p>イ 両眼の視力 (万国式試視力表によつて測つたものをいい、屈折異状がある者については、矯正視力について測つたものをいう。以下同じ。) がそれぞれ〇・一以下のもの</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>ロ 一眼の視力が〇・〇二以下、他眼の視力が〇・六以下のもの</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>ハ 両眼の視野がそれぞれ一〇度以内のもの</p> <p>(c) one in which the person's visual field in both eyes is 10 degrees or less;</p> <p>ニ 両眼による視野の二分の一以上が欠けているもの</p> <p>(d) one in which the person lacks one-half or more of the visual field of both eyes.</p> |
| <p>二 次に掲げる聴覚又は平衡機能の障害で永続するもの</p> <p>(ii) A long-term impairment of auditory or equilibrium function as follows:</p> <p>イ 両耳の聴力レベルがそれぞれ七〇デシベル以上のもの</p> <p>(a) one in which the person's hearing levels in both ears are 70 decibels or more;</p> <p>ロ 一耳の聴力レベルが九〇デシベル以上、他耳の聴力レベルが五〇デシベル以上のもの</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>ハ 両耳による普通話声の最良の語音明瞭度が五〇パーセント以下のもの</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>ニ 平衡機能の著しい障害</p> <p>(d) a serious impairment of equilibrium function.</p> |

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| <p>三 次に掲げる音声機能、言語機能又はそしやく機能の障害</p> <p>(iii) An impairment of vocal function, language function, or masticatory function as follows:</p> <p>イ 音声機能、言語機能又はそしやく機能の喪失</p> <p>(a) a loss of vocal function, language function, or masticatory function;</p> <p>ロ 音声機能、言語機能又はそしやく機能の著しい障害で、永続するもの</p> <p>(b) a severe, long-term impairment of vocal function, language function, or masticatory function</p> |
| <p>四 次に掲げる肢体不自由</p> <p>(iv) An impairment of the limbs as follows:</p> <p>イ 一上肢、一下肢又は体幹の機能の著しい障害で永続するもの</p> <p>(a) a long-term, severe dysfunction of one upper limb, one lower limb, or the trunk;</p> <p>ロ 一上肢のおや指を指骨間関節以上で欠くもの又はひとさし指を含めて一上肢の二指以上をそれぞれ第一指骨間関節以上で欠くもの</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>ハ 一下肢をリスフラン関節以上で欠くもの</p> <p>(c) the loss of a part of one lower limb at or above the Lisfranc joint;</p> <p>ニ 一上肢のおや指の機能の著しい障害又はひとさし指を含めて一上肢の三指以上の機能の著しい障害で、永続するもの</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>ホ 両下肢のすべての指を欠くもの</p> <p>(e) loss of all toes;</p> <p>ヘ イからホまでに掲げるもののほか、その程度がイからホまでに掲げる障害の程度以上であると認められる障害</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>五 心臓、じん臓又は呼吸器の機能の障害その他政令で定める障害で、永続し、かつ、日常生活が著しい制限を受ける程度であると認められるもの</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> |