

Employment Insurance Act

(Act No. 116 of December 28, 1974)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of the employment insurance is to stabilize the standard of living and employment of workers by providing necessary benefits for workers who are unemployed, who are having trouble continuing employment, or who

are receiving job-related educational training, and to facilitate their job-seeking activities, as well as to prevent unemployment, rectify the employment situation, increase employment opportunities, develop and improve the capacity of workers, and promote their welfare, so as to contribute to their employment security.

(Administration)

- Article 2 (1) The employment insurance is administered by the government.
- (2) Part of the administration of the employment insurance may be delegated to prefectural governors as specified by Cabinet Order.

(Employment Insurance Services)

- Article 3 In order to achieve the purposes referred to in Article 1, the employment insurance, in addition to granting benefits for unemployment, etc. may implement employment stabilization programs and human resources development programs.

(Definitions)

- Article 4 (1) The term "insured person" as used in this Act means a worker who is employed in a covered undertaking other than the person listed in each item of Article 6.
- (2) The term "separation from service" as used in this Act means the termination of the employment relationship between an insured person and the employer.
- (3) The term "unemployment" as used in this Act means the conditions under which an insured person is separated from service and is unable to find employment in spite of having the will and ability to work.
- (4) The term "wage" as used in this Act means the wage, salary, allowance, bonus and all other payments to the worker from the employer as remuneration for labor under whatever name the remuneration is known (excluding wages that are paid in anything other than currency and are outside the scope specified by Order of the Ministry of Health, Labour and Welfare).
- (5) Necessary matters pertaining to the evaluation of the wages paid to a worker other than in currency are specified by Order of the Ministry of Health, Labour and Welfare.

Chapter II Covered Undertakings

(Covered Undertakings)

- Article 5 (1) In this Act, undertakings in which a worker is employed are to be covered undertakings.
- (2) The formation and expiration of the insurance relationship for the covered

undertakings are as prescribed by the Act on the Collection, etc. of Insurance Premiums of Labor Insurance (Act No. 84 of 1969, hereinafter referred to as the "Premiums Collection Act").

(Exclusions from Application)

Article 6 This Act does not apply to those persons listed in the following items:

- (i) persons who are employed on or after the day on which they reached 65 years of age (excluding those who have been continuously employed in a covered undertaking by the same employer from the day before the day on which they reached 65 years of age, and where this Act is applied, those who are to fall under specially insured persons in short-term employment prescribed in Article 38, paragraph (1) or insured day workers prescribed in Article 43, paragraph (1));
- (i)-2 part-time workers (meaning those whose prescribed weekly working hours are shorter than the prescribed weekly working hours of ordinary workers employed in the same covered undertaking and fewer than the number of hours specified by the Minister of Health, Labour and Welfare; the same applies in Article 13, paragraph (1), item (i)) who fall under those persons listed each item of Article 38, paragraph (1) (excluding, where this Act is applied, those who fall under insured day workers prescribed in Article 43, paragraph (1));
- (i)-3 day workers prescribed in Article 42 who do not fall under any of the items of Article 43, paragraph (1) (excluding those who have obtained approval from the chief of the Public Employment Security Office, as prescribed by Order of the Ministry of Health, Labour and Welfare);
- (ii) persons who are employed in a seasonal undertaking scheduled for a period not exceeding four months;
- (iii) insured persons under mariners insurance pursuant to the provisions of Article 17 of the Mariners Insurance Act (Act No. 73 of 1939);
- (iv) persons who are employed by the national, prefectural or municipal governments or in the undertakings of equivalent bodies and in the case of separation from service, who are found to be able to receive payment, based on other laws and regulations, ordinances and rules, etc., of benefits that exceed the level of job applicant benefits and employment promotion benefits and who are specified by Order of the Ministry of Health, Labour and Welfare.

(Notification concerning Insured Persons)

Article 7 Pursuant to Order of the Ministry of Health, Labour and Welfare, an employer (where the original contractor is regarded as the employer pursuant to the provisions of Article 8, paragraph (1) or paragraph (2) of the Premiums

Collection Act, with regard to those workers engaged in the undertaking other than those employed by the original contractor, the sub-contractor who employs the workers; the same applies hereinafter) must notify the Minister of Health, Labour and Welfare of the fact that workers they employ have become insured persons or ceased to be insured persons, with regard to a covered undertaking (where a series of undertakings carried out by means of successive contracts is regarded as a single undertaking pursuant to the provisions of Article 8, paragraph (1) or paragraph (2) with regard to those workers engaged in the undertaking other than those employed by the original contractor, each undertaking pertaining to the successive contracts; the same applies hereinafter) carried out by the employer, and of other matters specified by Order of the Ministry of Health, Labour and Welfare. The same applies to a labor insurance affairs association prescribed in Article 33, paragraph (3) of the Premiums Collection Act that manages affairs related to the notifications referred to in the first sentence of this Article entrusted by the employer, pursuant to Article 33, paragraph (1) of the Premiums Collection Act, as part of the labor insurance-related affairs prescribed in the same paragraph (hereinafter referred to as a "labor insurance affairs association").

(Demand for Confirmation)

Article 8 A person who is or was an insured person may at any time demand confirmation under the provisions of the following Article.

(Confirmation)

Article 9 (1) Confirmation of the fact that workers have become insured persons or the fact that workers have ceased to be insured persons is to be made by the Minister of Health, Labour and Welfare based on a notification under the provisions of Article 7 or a demand under the provisions of the preceding Article, or on the Minister's authority.

(2) With regard to the confirmation referred to in the preceding paragraph, the provisions of Chapter III (excluding Articles 12 and 14) of the Administrative Procedure Act (Act No. 88 of 1993) do not apply.

Chapter III Benefits for Unemployment

Section 1 General Rules

(Benefits for Unemployment)

Article 10 (1) Benefits for unemployment, etc. are to consist of job applicant benefits, employment promotion benefits, educational training benefits and continuous employment benefits.

(2) The job applicant benefits are to consist of the following:

- (i) basic allowance;
 - (ii) skill acquisition allowance;
 - (iii) lodging allowance; and
 - (iv) injury and disease allowance.
- (3) Notwithstanding the provisions of the preceding paragraph, the job applicant benefits for the continuously insured elderly prescribed in Article 37-2, paragraph (1) are to be the job applicant benefits for the elderly, the job applicant benefits for specially insured persons in short-term employment prescribed in Article 38, paragraph (1), are to be a special lump sum payment, and the job applicant benefits for the insured day workers prescribed in Article 43, paragraph (1) are to be the job applicant benefits for day workers.
- (4) The employment promotion benefits are to consist of the following:
- (i) employment promotion allowance;
 - (ii) relocation expenses; and
 - (iii) wide area job-seeking activity expenses.
- (5) The educational training benefits are to be payment for the educational training benefits.
- (6) The continuous employment benefits are to consist of the following:
- (i) basic continuous employment benefits for the elderly and re-employment benefits for the elderly (hereinafter referred to as "continuous employment benefits for the elderly" in Section 6, Subsection 1);
 - (ii) basic childcare leave benefits and re-engagement benefits for persons taking childcare leave (hereinafter referred to as "childcare leave benefits" in Subsection 2 of Section 6); and
 - (iii) nursing care leave benefits.

(Efforts to Find Employment)

Article 10-2 A person who receives payment of job applicant benefits must endeavor to find employment by carrying out job-seeking activities sincerely and earnestly, while endeavoring to develop and improve their vocational ability as necessary.

(Unpaid Benefits for Unemployment)

Article 10-3 (1) When a person able to receive payment of the benefits for unemployment, etc. has died and part of the benefits remains unpaid, the person's spouse (including a person in a de facto marital relationship with the person, where the marriage has not been registered), children, parents, grandchildren, grandparents and brothers or sisters, who had shared a livelihood with the person at the time of that person's death, may demand payment of the unpaid part of the benefits for unemployment, etc. in their own names.

- (2) The order of priority in which persons should receive the unpaid part of the benefits for unemployment, etc. pursuant to the provisions of the preceding paragraph, is to be the order as prescribed in the same paragraph.
- (3) If there are two or more persons of the same rank in the order of priority to receive the unpaid part of the benefits for unemployment, etc. pursuant to the provisions of paragraph (1), a demand made by any one of them is deemed to have been made on behalf of all of them for the total amount claimable, and payment made to one of them is be deemed to have been made to all of them.

(Order to Return Benefits)

Article 10-4 (1) In the case where a person has received payment of the benefits for unemployment, etc. by deception or other wrongful acts, the government may order the person to return the whole or a part of the benefits for unemployment, etc. paid, and may, in accordance with the standards specified by the Minister of Health, Labour and Welfare, order the person to pay the amount not exceeding an amount equivalent to twice the benefits that were received through deception or other wrongful acts.

- (2) In the case referred to in the preceding paragraph, if benefits for unemployment, etc. were paid due to a false notification, report or certification by the employer, employment placement service provider, etc. (meaning an employment placement provider prescribed in Article 4, paragraph (7) of the Employment Security Act (Act No. 141 of 1947) or a person who conducts vocational guidance (limited to guidance conducted in accordance with the aptitude, vocational experiences, and other actual circumstances of a person seeking employment) prescribed in paragraph (4) of the same Article in the course of trade (excluding Public Employment Security Offices and other employment security agencies; the same applies hereinafter), or a practitioner of specified educational training (meaning a person who conducts educational training specified by the Minister of Health, Labour and Welfare under Article 60-2, paragraph (1); the same applies hereinafter), the government may order the employer, employment placement service provider, or practitioner of specified educational training to return the benefits for unemployment, etc., or pay an amount of money, as prescribed in the preceding paragraph, jointly and severally with the person who received payment of the benefits for unemployment, etc..
- (3) The provisions of Article 26 and Article 41, paragraph (2) of the Premiums Collection Act apply mutatis mutandis to cases where the person concerned has failed to pay an amount of money ordered to be returned or paid pursuant to the provisions of the preceding two paragraphs.

(Protection of the Right to Receive Benefits)

Article 11 The right to receive benefits for unemployment, etc. may not be transferred nor offered as a security nor be subject to attachment.

(Prohibition of Public Charges)

Article 12 Taxes and other public charges may not be imposed based on the money received as payment for benefits for unemployment, etc.

Section 2 Job Applicant Benefits for Generally Insured Persons

Subsection 1 Basic Allowance

(Recipient Qualification for Basic Allowance)

Article 13 (1) The basic allowance is to be paid pursuant to the provisions of this Subsection, where an insured person who becomes unemployed has been insured for a total period of six months or more during the one-year period preceding the day of separation from service, pursuant to the provisions of the following Article (for insured persons listed in the following items, during the period of one year added to the number of days specified in the respective items (where the aggregate period exceeds four years, four years); referred to as the "period for calculation" in Article 17, paragraph (1)):

- (i) insured persons who have at one time been part-time workers (hereinafter referred to as "part-time insured persons") for a period during the one-year period preceding the day of separation from service: the number of days from the day on which the person became a part-time insured worker (when that day is not within the one-year period preceding the day of separation from service, from the day after the day one year preceding the day of separation) to the day before the day on which the person ceased to be a part-time insured worker; and
 - (ii) insured persons who were continuously unable to receive payment of their wages for 30 days or more due to disease or injury or for any other reason specified by Order of the Ministry of Health, Labour and Welfare during the one-year period preceding the day of separation from service (for insured persons listed in the preceding item, for the period of one year added to the number of days specified in the same item): the number of days for which the persons were unable to receive payment of their wages for the reason (for insured persons listed in the preceding item, the number of days pursuant to this item added to the number of days specified in the preceding item).
- (2) Confirmation as to whether an insured person falls under a part-time insured worker is to be made by the Minister of Health, Labour and Welfare.

(Insured Period)

Article 14 (1) Each period (limited to the periods with 14 or more days as basis

of the period wages were paid) within the overall insured period when the person was an insured person, counted backwards from the day on which the person ceased to be an insured person or from the day before each day that corresponds to that day in each month and is within the overall insured period (for months that do not have a day corresponding to that day, the last day of the month; hereinafter referred to as the "substitute corresponding day" in this paragraph), to the substitute corresponding day in each previous month is calculated as a full month, and other periods are not to be included in the overall insured period; provided, however, that when the number of days in the period from the day on which the person became an insured person, to the day before the first substitute corresponding day thereafter, is 15 days or more and the number of days in the period based on which wages were paid is 14 days or more, the period is calculated as an insured period of half a month.

(2) With regard to the application of the provisions of the preceding paragraph in the case where the insured period is a period in which the person was a part-time insured worker, the terms "14 days", "a full month" and "half a month" in the same paragraph are deemed to be replaced with "11 days", "half a month" and "a quarter of a month", respectively.

(3) The periods listed in each of the following items are not to be included when calculating the period in which the person was an insured person prescribed in the preceding two paragraphs, pursuant to the provisions of the preceding two paragraphs:

(i) in the case where the person had obtained recipient qualification (meaning qualification for receiving the basic allowance pursuant to the provisions of paragraph (1) of the preceding Article; hereinafter the same applies, except for the following Section to Section 4), the recipient qualification for the elderly prescribed in Article 37-3, paragraph (2), or the special recipient qualification prescribed in Article 39, paragraph (2), before the day on which the person last became an insured person, the period during which the person was an insured person preceding the day of separation from service pertaining to the recipient qualification, recipient qualification for the elderly, or special recipient qualification; and

(ii) the period when the person was an insured person before the day two years preceding the day on which it was confirmed that the person had become an insured person pursuant to the provisions of Article 9.

(Recognition of Unemployment)

Article 15 (1) The basic allowance is be paid for the days on which a person who has recipient qualifications (hereinafter referred to as a "qualified recipient" except for the following Section to Section 4) is unemployed (limited to those days for which the recognition of their unemployment has been obtained;

hereinafter the same applies in this Subsection).

- (2) A qualified recipient who seeks to obtain the recognition of unemployment set forth in the preceding paragraph (hereinafter referred to as the "recognition of unemployment" in this Subsection) must, after separation from service, make an appearance at the Public Employment Security Office and apply for employment as prescribed by Order of the Ministry of Health, Labour and Welfare.
- (3) The recognition of unemployment is to be given by the Public Employment Security Office to which a qualified recipient has applied for employment, once every four weeks calculated from the day on which the person first made an appearance after separation from service, with regard to each day of the immediately preceding 28 days; provided, however, that the Minister of Health, Labour and Welfare may specify differently with regard to the recognition of unemployment for qualified recipients who take public vocational training, etc. designated by the chief of the Public Employment Security Office (meaning vocational training (including training conducted by the Polytechnic University) conducted by Public Human Resources Development Centers established by the State, prefectures or municipalities or the Employment and Human Resources Development Organization of Japan and other training or courses given pursuant to the provisions of laws and regulations, for assisting unemployed persons in adapting to the working environment or for having them acquire the knowledge and skills necessary for obtaining employment and that are specified by Cabinet Order; the same applies hereinafter) and for other qualified recipients specified by Order of the Ministry of Health, Labour and Welfare.
- (4) Notwithstanding the provisions of the preceding two paragraphs, if a qualified recipient falls under any of the following items, the recipient may obtain the recognition of unemployment by submitting a certificate in which the reason that they were unable to make an appearance at the Public Employment Security Office is stated, as prescribed by Order of the Ministry of Health, Labour and Welfare:
 - (i) when the recipient was unable to make an appearance at the Public Employment Security Office due to disease or injury and the period thereof has been less than 15 consecutive days;
 - (ii) when the recipient was unable to make an appearance at the Public Employment Security Office on account of undergoing an interview with a job offerer to whom they were referred to by the Public Employment Security Office;
 - (iii) when the recipient was unable to make an appearance at the Public Employment Security Office on account of receiving public vocational training, etc., designated by the Chief of the Public Employment Security

Office; or

- (iv) when the recipient was unable to make an appearance at the Public Employment Security Office on account of a natural disaster or other unavoidable reasons.
- (5) The recognition of unemployment is to be given by confirming that the qualified recipient has carried out job-seeking activities, such as undergoing an interview with a job offerer, having been referred to employment by or having received vocational guidance from the Public Employment Security Office and other employment security agencies or employment placement service providers, etc., as prescribed by Order of the Ministry of Health, Labour and Welfare.

(Daily Amount of the Basic Allowance)

- Article 16 (1) The daily amount of the basic allowance is to be an amount obtained by multiplying the daily amount of wages by 50 percent (for daily amount of wages of more than 2,140 yen and less than 4,210 yen (when the amount has been changed pursuant to the provisions of Article 18, the changed amount), 80 percent; and for daily amount of wages of more than 4,210 yen and less than 12,220 yen (when the amount has been changed pursuant to the provisions of Article 18, the changed amount), the percentage specified by Order of the Ministry of Health, Labour and Welfare, gradually decreasing within the range of 80 percent to 50 percent, in accordance with the increase in the daily amount of wages).
- (2) With regard to the application of the provisions of the preceding paragraph to qualified recipients who are 60 years old or older and under 65 years old on the day of separation from service pertaining to their recipient qualification, the term "50 percent" in the same paragraph is deemed to be replaced with "45 percent" and the phrase "more than 4,210 yen and less than 12,220 yen" is deemed to be replaced with "more than 4,210 yen and less than 10,950 yen."

(Daily Amount of Wages)

- Article 17 (1) The daily amount of wages is to be the amount obtained by dividing by 180 the total amount of wages (excluding wages paid temporarily and wages paid for each period exceeding three months; the same applies in the following paragraph and Section 6) paid during the last six months in the period for calculation that have been counted as the insured period under the provisions of Article 14 (excluding the proviso of paragraph (1) (including cases where that proviso is applied pursuant to paragraph (2) of the same Article, following deemed replacement of terms)) (where the last six months include an insured period counted as half a month under the provisions of Article 14, paragraph (1) as applied pursuant to paragraph (2) of that Article, following

the deemed replacement of terms, the last six months counted as the insured period when the half a month is deemed to be one month in calculating the insured period).

(2) In the case where the amount calculated under the provisions of the preceding paragraph is less than the amount listed in each of the following items, the daily amount of wages (excluding those related to qualified recipients who were part-time insured workers on the day of separation from service pertaining to their recipient qualification) is to be the amount listed in the respective items, notwithstanding the provisions of the preceding paragraph:

(i) in the case where wages are calculated by the days or hours worked, or are determined on a piece-rate or other contract systems, the amount equivalent to 70 percent of the amount obtained by dividing the total amount of wages paid during the last six months prescribed in the preceding paragraph by the number of days worked during the last six months; and

(ii) in the case where a portion of wages is fixed by the month, the week or any other set period, the total of the amount obtained by dividing the total sum of the portion by the number of days in that period (where a portion of wages is fixed by the month, a month is regarded as 30 days for the calculation) and the amount listed in the preceding item.

(3) When it is difficult to calculate the daily amount of wages pursuant to the provisions of the preceding two paragraphs or when it is found inappropriate to consider the amount calculated pursuant to the provisions of the preceding two paragraphs to be the daily amount of wages, the amount calculated as specified by the Minister of Health, Labour and Welfare is to be the daily amount of wages.

(4) Notwithstanding the provisions of the preceding three paragraphs, in the case where the daily amount of wages calculated under these provisions is less than the amount listed in item (i), the amount listed therein, and in the case where such daily amount of wages exceeds the amount listed in item (ii), the amount listed therein, is to be the daily amount of wages, respectively:

(i) the amount of 2,140 yen (when the amount has been changed pursuant to the provisions of the following Article, the changed amount);

(ii) the amounts specified in the following sub-items (a) through (d) in accordance with the classification of qualified recipients listed in those sub-items (a) through (d) (when these amounts have been changed pursuant to the provisions of the following Article, the changed amounts, respectively):

(a) a qualified recipient who is 60 years old or older and under 65 years old on the day of separation from service pertaining to recipient qualification: 15,580 yen;

(b) a qualified recipient who is 45 years old or older and under 60 years old on the day of separation from service pertaining to recipient qualification:

16,080 yen;

(c) a qualified recipient who is 30 years old or older and under 45 years old on the day of separation from service pertaining to recipient qualification: 14,620 yen; and

(d) a qualified recipient who is under 30 years old on the day of separation from service pertaining to recipient qualification: 13,160 yen.

(Automatic Changing of the Scope of the Daily Amount of Wages used in Calculating the Daily Amount of the Basic Allowance)

Article 18 (1) When the average earnings (meaning the average amount earned per worker calculated as prescribed by Order of the Ministry of Health, Labour and Welfare, based on the average regular earnings for workers indicated in the Monthly Labor Statistics compiled by the Ministry of Health, Labour and Welfare, the same applies hereinafter) for a fiscal year (meaning April 1 to March 31 of the following year, the same applies hereinafter) have either exceeded or fallen below the average earnings for the fiscal year starting on April 1, 2001 (when the amount subject to automatic changing has been changed pursuant to the provisions of this Article, the fiscal year preceding the fiscal year when the latest change was implemented), the Minister of Health, Labour and Welfare must change the daily amount of wages subject to automatic changing applicable from August 1 of the following fiscal year in accordance with the percentage of the increase or decrease.

(2) If there is a fractional amount of one to four yen in the amount subject to automatic changing which was changed pursuant to the provisions of the preceding paragraph, the amount is to be rounded down to the nearest ten yen, and a fractional amount of five to nine yen is to be rounded up to the nearest ten yen.

(3) "The amount subject to automatic changing" referred to in the preceding two paragraphs means the amounts used in calculating the daily amount of the basic allowance pursuant to the provisions of Article 16, paragraph (1) (including as applied pursuant to paragraph (2) of the same Article, following the deemed replacement of terms), being the daily wage in the scope of 2,140 yen to less than 4,210 yen, which is multiplied by 80 percent pursuant to the provisions of paragraph (1) of the same Article and the daily wage in the scope of 4,210 yen to less than 12,220 yen, which is multiplied by a rate from 80 percent to 50 percent pursuant to the provisions of the same paragraph and the amounts listed in each item of paragraph (4) of the preceding Article.

(Reduction of the Amount of the Basic Allowance)

Article 19 (1) If a qualified recipient has earned an income through labor during a period for which the recipient has obtained the recognition of unemployment,

payment of the basic allowance for the number of days on which the income have been based (hereinafter referred to as the "number of basis days" in this paragraph) is as specified by the following provisions:

- (i) when the total of the amount obtained by deducting 1,388 yen (when the amount has been revised pursuant to the provisions of the following paragraph, the revised amount; hereinafter referred to as the "amount of deduction" in this paragraph), from the amount equivalent to the amount of income for one day (meaning the amount obtained by dividing the total income by the number of basis days) and adding the daily amount of the basic allowance (referred to as "the total" in the following item) does not exceed an amount equivalent to 80 percent of the daily amount of wages: the amount obtained by multiplying the daily amount of the basic allowance by the number of basis days is to be paid;
 - (ii) when the total amount exceeds an amount equivalent to 80 percent of the daily amount of wages (excluding cases falling under the following item): the amount obtained by multiplying the remainder after deducting the excess amount (referred to as "the excess" in the following item) from the daily amount of the basic allowance by the number of basis days is to be paid; and
 - (iii) when the excess is more than the daily amount of the basic allowance: the basic allowance for the number of basis days is not to be paid.
- (2) When the average earnings for the fiscal year have exceeded or fallen below the average earnings for the fiscal year starting on April 1, 2001 (when the amount of deduction has been changed pursuant to the provisions of this paragraph, the fiscal year preceding the fiscal year when the latest change was implemented), the Minister of Health, Labour and Welfare must change the amount of deduction applicable from August 1 of the following fiscal year in accordance with the percentage of the increase or decrease.
- (3) When a qualified recipient has earned an income through labor during a period for which the recipient has obtained the recognition of unemployment, they must submit a notification on the amount of income and other matters to the chief of the Public Employment Security Office, as prescribed by Order of the Ministry of Health, Labour and Welfare.

(Benefit Period and the Duration of Benefits)

Article 20 (1) The basic allowance is paid, unless otherwise specified in this Act, in accordance with the classification of qualified recipients listed in the following items, for the days of unemployment within the period prescribed in each of those items (where a qualified recipient, who is unable to work for a continuous period of 30 days or more within the period due to pregnancy, childbirth or childcare or for other reasons specified by Order of the Ministry of Health, Labour and Welfare, has notified to that effect to the chief of the

Public Employment Security Office as prescribed by Order of the Ministry of Health, Labour and Welfare, the number of days for which the person is unable to work due to those reasons are to be added to the period and where the total period after that addition exceeds four years, the prescribed period is to be four years), within the limit of the number of days equivalent to the prescribed duration of benefits provided for in Article 22, paragraph (1):

- (i) qualified recipients other than those listed in the following item and item (iii): one year calculated from the day after the day of separation from service pertaining to the recipient qualification for the basic allowance (hereinafter referred to as "the basis day" in this Subsection);
 - (ii) qualified recipients who fall under Article 22, paragraph (2), item (i) on the basis day: a period of 60 days added to one year calculated from the day after the basis day; and
 - (iii) specific qualified recipients prescribed in Article 23, paragraph (2) who fall under Article 23, paragraph (1), item (ii), (a) on the basis day: a period of 30 days added to one year calculated from the day after the basis day.
- (2) When a qualified recipient whose separation from service pertaining to the recipient qualification is due to reaching retirement age (limited to the retirement age equal to or exceeding the age specified by Order of the Ministry of Health, Labour and Welfare) or for any other reasons specified by Order of the Ministry of Health, Labour and Welfare, does not wish to apply for employment as prescribed in Article 15, paragraph (2) during a certain period after the separation from service, and notifies to this effect to the chief of the Public Employment Security Office as prescribed by Order of the Ministry of Health, Labour and Welfare, the phrases "in accordance with the classification of qualified recipient listed in the following items...within the period prescribed in each of those items" and "within the period" in the preceding paragraph are deemed to be replaced, respectively, with "within the total of the period prescribed in each of the items and the period equivalent to a certain period (limited to one year) during which the recipient does not wish to apply for employment as prescribed in the following paragraph (where the recipient has applied for employment as prescribed in Article 15, paragraph (2) during the certain period in which they do not wish to apply for employment, the total of the period prescribed in each of those items and a period equivalent to the period from the day after the day of separation from service pertaining to recipient qualification for the basic allowance (hereinafter referred to as "the basis day" in this Subsection) until the day before the application for employment is made" and "within the total period"; and the phrase "the day of separation from service pertaining to recipient qualification for the basic allowance (hereinafter referred to as "the basis day" in this Subsection)" in item (i) of the same paragraph is be deemed to be replaced with "the basis day."

(3) In the case referred to in the preceding two paragraphs, when a person who has the recipient qualification referred to in paragraph (1) (hereinafter referred to as "previous recipient qualification" in this paragraph) has newly obtained a recipient qualification, a recipient qualification for the elderly prescribed in Article 37-3, paragraph (2), or a special recipient qualification prescribed in Article 39, paragraph (2) during the period under the provisions of the preceding two paragraphs, the basic allowance based on the previous recipient qualification will not be paid from the date of obtaining the new qualification.

(Waiting Period)

Article 21 The basic allowance is not paid if a qualified recipient has been unemployed for a period of less than seven days in total (including days on which the recipient is unable to work on account of disease or injury) from the day of the first application for employment to the Public Employment Security Office after separation from service pertaining to the recipient qualification for the basic allowance.

(Prescribed Duration of Benefits)

Article 22 (1) The number of days for which the basic allowance is payable based on single recipient qualification (hereinafter referred to as the "prescribed duration of benefits") is to be the number of days specified in each of the following items in accordance with the classification of qualified recipients listed in the respective items:

- (i) qualified recipients with a basic period for calculation of 20 years or more: 150 days;
- (ii) qualified recipients with a basic period for calculation of 10 years or more and less than 20 years: 120 days; and
- (iii) qualified recipients with a basic period for calculation of less than 10 years: 90 days.

(2) Notwithstanding the provisions of the preceding paragraph, the prescribed duration of benefits for qualified recipients set forth in the preceding paragraph who have difficulty in finding employment for reasons specified by Order of the Ministry of Health, Labour and Welfare is to be the number of days specified in the following items in accordance with the classification of qualified recipients listed in those items for those with a basic period for calculation equal to or exceeding one year, and 150 days for those with a basic period for calculation of less than one year:

- (i) qualified recipients who are 45 years old or older and under 65 years old on the basis day: 360 days; and
- (ii) qualified recipients who are under 45 years old on the basis day: 300 days.

- (3) The basic period for calculation referred to in the preceding two paragraphs is to be the period in which a qualified recipient specified in those provisions has been employed as an insured person in a covered undertaking by the same employer continuously until the basis day (for a person who had at one time been an insured person before the person became an insured person pertaining to the employment period, the total of that employment period and the period for which they were the insured person); provided, however, that in the case where the period includes periods listed in the following items, the period is to be that calculated by excluding all the periods falling under the periods listed in those respective items:
- (i) when the employment period or the day on which a person most recently ceased to be an insured person immediately preceding the day on which the person became an insured person pertaining to the insured period, is not within the one-year period preceding the day on which the person became an insured person, the insured period preceding that immediately preceding the day on which the person most recently ceased to be an insured person; and
 - (ii) for those who had received the basic allowance or a special lump sum payment before the day on which they became insured persons pertaining to the employment period, the period during which they were insured persons before the day of their separation from service pertaining to the recipient qualification for these benefits or to the special recipient qualification prescribed in Article 39, paragraph (2).
- (4) With regard to a single insured period, if the day on which a person became an insured person was before the day two years preceding the day on which confirmation of the person's status as an insured person was made pursuant to the provisions of Article 9, the calculations under the preceding paragraph are to be carried out by deeming that the person has become an insured person on the day two years preceding the day of the confirmation.

Article 23 (1) Notwithstanding the provisions of paragraph (1) of the preceding Article, the prescribed duration of benefits for specific qualified recipients (limited to those with the basic period for calculation prescribed in paragraph (3) of the preceding Article (hereinafter simply referred to as "basic period for calculation" in this Article) for one year or more (or for five years for the specific qualified recipients listed in items (iii) through (v)) is to be the number of days specified in the following items, in accordance with the classification of the specific qualified recipients listed in those items:

- (i) specific qualified recipients who are 60 years old or older and under 65 years old on the basis day: the number of days specified in the following sub-items (a) through (d), in accordance with the classification of the basic periods for calculation listed in those sub-items (a) through (d):

- (a) twenty years or more: 240 days;
 - (b) ten years or more and less than twenty years: 210 days;
 - (c) five years or more and less than ten years: 180 days; and
 - (d) one year or more and less than five years: 150 days;
- (ii) specific qualified recipients who are 45 years old or older and under 60 years old on the basis day: the number of days specified in the following sub-items (a) through (d), in accordance with the classification of the basic periods for calculation listed in those sub-items (a) through (d):
- (a) twenty years or more: 330 days;
 - (b) ten years or more and less than twenty years: 270 days;
 - (c) five years or more and less than ten years: 240 days; and
 - (d) one year or more and less than five years: 180 days.
- (iii) specific qualified recipients who are 35 years old or older and under 45 years old on the basis day: the number of days specified in the following sub-items (a) through (c), in accordance with the classification of the basic periods for calculation listed in those sub-items (a) through (c):
- (a) twenty years or more: 270 days;
 - (b) ten years or more and less than twenty years: 240 days; and
 - (c) five years or more and less than ten years: 180 days.
- (iv) specific qualified recipients who are 30 years old or older and under 35 years old on the basis day: the number of days specified in the following sub-items (a) through (c), in accordance with the classification of the basic periods for calculation listed in those sub-items (a) through (c):
- (a) twenty years or more: 240 days;
 - (b) ten years or more and less than twenty years: 210 days; and
 - (c) five years or more and less than ten years: 180 days.
- (v) specific qualified recipients who are under 30 years old on the basis day: the number of days specified in the following sub-item (a) or (b), in accordance with the classification of the basic periods for calculation listed in those sub-item (a) or (b):
- (a) ten years or more: 180 days; and
 - (b) five years or more and less than ten years: 120 days.
- (2) The specific qualified recipients set forth in the preceding paragraph are qualified recipients who fall under either of the following items (excluding qualified recipients prescribed in paragraph (2) of the preceding Article):
- (i) persons whose separation from service pertaining to recipient qualification for the basic allowance has been designated by Order of the Ministry of Health, Labour and Welfare as having accompanied the insolvency (meaning the commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, commencement of reorganization proceedings, an application for the commencement of special liquidation or other situations

falling under reasons specified by Order of the Ministry of Health, Labour and Welfare; the same applies in Article 57, paragraph (2), item (i) that occurred with regard to the undertaking by an employer who has been employing the persons, or the downsizing or discontinuance of a covered undertaking by the employer;

(ii) beyond what is set forth in the preceding item, persons who have been dismissed (excluding those who have been dismissed for serious grounds attributable to themselves; the same applies in Article 57, paragraph (2), item (ii)) or separated from service for other reasons specified by Order of the Ministry of Health, Labour and Welfare.

(Extended Training Benefits)

Article 24 (1) When a qualified recipient takes public vocational training, etc. as directed by the Chief of the Public Employment Security Office (excluding the training, etc. that exceeds the duration specified by Cabinet Order; hereinafter the same applies in this Article, Article 36, paragraphs (1) and (2), and Article 41, paragraph (1)), the basic allowance may be paid to the person for a period in excess of the prescribed duration of benefits (if the number of days for which the qualified recipient has received payment of the basic allowance within the period under Article 20, paragraphs (1) and (2) is less than the prescribed duration of benefits, the number of days for which the recipient has received payment of the basic allowance; hereinafter the same applies in this Section, except for Article 33, paragraph (3)), with regard to days when the person is unemployed during the duration of the public vocational training, etc. (including period of time that the person spends waiting in order to receive the public vocational training, etc. (limited to the period specified by Cabinet Order)).

(2) When the chief of the Public Employment Security Office finds, in light of criteria specified by Cabinet Order, that a qualified recipient receiving public vocational training, etc. they directed to undergo (limited to qualified recipients for whom the remaining number of basic allowance benefit days as on the day of completion of the public vocational training, etc. (meaning the number of days for which the basic allowance is payable within the period from the day after the day of completion of the course of public vocational training, etc. to the last day of the benefit period (meaning the period for which the basic allowance is payable for days they are unemployed within the period; the same applies hereinafter) in the case where the provisions of paragraph (4) are considered not to apply; hereinafter the same applies in this paragraph and paragraph (4)) is less than the number of days specified by Cabinet Order), is a person who has considerable difficulty in finding employment even after completion of the public vocational training, etc., the basic allowance may be

paid to that person in excess of the prescribed duration of benefits with regard to the days they are unemployed within the period prescribed in paragraph (4). In this case, the number of days for which the basic allowance is payable in excess of the prescribed duration of benefits is limited to the number of days obtained by deducting the remaining number of benefit days from the number of days specified by Cabinet Order as prescribed in the first sentence of this paragraph.

- (3) When a qualified recipient who receives payment of the basic allowance pursuant to the provisions of paragraph (1) takes public vocational training, etc. as directed by the chief of the Public Employment Security Office in excess of the duration of benefits prescribed in Article 20, paragraphs (1) and (2), that person's benefit period is to be the period until the day of completion of the public vocational training, etc., notwithstanding these provisions.
- (4) Notwithstanding the provisions of Article 20, paragraphs (1) and (2), the benefit period for a qualified recipient who receives payment of the basic allowance under the provisions of paragraph (2) is to be the period obtained by adding to the period specified in these provisions the number of days obtained by deducting the remaining number of benefit days from the number of days specified by Cabinet Order as prescribed in the first sentence of paragraph (2) of this Article (for persons who take public vocational training, etc. as directed by the chief of the Public Employment Security Office in excess of the duration of benefits prescribed in paragraphs (1) and (2) of the same Article and who are qualified to receive payment of the basic allowance pursuant to the provisions of paragraph (1), with regard to the day of completion of the public vocational training, etc., the period from that day until the day on which the number of days specified by Cabinet Order as prescribed in the first sentence of paragraph (2) have elapsed).

(Wide Area Extended Benefits)

Article 25 (1) When the Minister of Health, Labour and Welfare finds that it is difficult for job applicants residing in a certain area to find employment in the area, based on employment and other conditions in the area, has formulated plans to promote the employment of the job applicants in other areas and has had the relevant Prefectural Labor Director and the chief of the Public Employment Security Offices carry out employment placement activities over a wide area based on these plans (hereinafter referred to as "wide area employment placement activities" in this Article), and also finds it necessary in light of the standards specified by Cabinet Order for the area covered by the wide area employment placement activities, the Minister may make a decision on the measures for paying the basic allowance to qualified recipients whom the chief of the Public Employment Security Office certifies to be appropriate

to be referred to employment through wide area employment placement activities for the area, in excess of the prescribed duration of benefits, with regard to the days the applicants are unemployed within the period prescribed in paragraph (4), but limited to the period designated by the Minister. In this case, the number of days for which the basic allowance is payable in excess of the prescribed duration of benefits is to be limited to the number of benefit days specified by Cabinet Order.

- (2) When a person who is qualified to receive payment of the basic allowance based on the measures set forth in the preceding paragraph (hereinafter referred to as the "wide area extended benefits") has changed their domicile or residence to a place within the area designated by the Minister of Health, Labour and Welfare, the basic allowance may continue to be paid based on the measures.
- (3) In certifying whether or not a qualified recipient is appropriate for referral to employment through wide area employment placement activities, the certification of the chief of the Public Employment Security Office must conform to the standards specified by the Minister of Health, Labour and Welfare.
- (4) Notwithstanding the provisions of Article 20, paragraphs (1) and (2), the benefit period for a qualified recipient who is to receive payment of the wide area extended benefits is to be the period obtained by adding the number of days specified by Cabinet Order as prescribed in the second sentence of paragraph (1) to the period specified in these provisions.

Article 26 (1) The basic allowance based on the measures referred to in paragraph (1) of the preceding Article is not paid to a qualified recipient who, on or after the day on which the decision on the measures was made, has relocated from another area to the area covered by the measures and has been found to have no special reason for the relocation.

- (2) In certifying whether or not there is any special reason prescribed in the preceding paragraph, the certification is to be made by the chief of the Public Employment Security Office in accordance with the standards specified by the Minister of Health, Labour and Welfare.

(National Extended Benefits)

Article 27 (1) The Minister of Health, Labour and Welfare may, when there has been a severe nationwide worsening of unemployment situation reaching the standards specified by Cabinet Order, and the Minister finds it necessary from the perspective of employment prospects for qualified recipients, make a decision on measures to pay the basic allowance to qualified recipients in excess of the prescribed duration of benefits, for a limited period designated by

the Minister, with regard to the days the recipients are unemployed within the period prescribed in paragraph (3). In this case, the number of days for which the basic allowance is payable in excess of the prescribed duration of benefits is to be limited to the number of days specified by Cabinet Order.

- (2) The Minister of Health, Labour and Welfare, when finding it necessary in light of the standards specified by Cabinet Order after having made a decision on the measures referred to in the preceding paragraph, may extend the period designated under the provisions of the preceding paragraph (when the period has been extended under the provisions of this paragraph, that extended period).
- (3) Notwithstanding the provisions of Article 20, paragraphs (1) and (2), the benefit period for a qualified recipient who is qualified to receive payment of the basic allowance based on the measures referred to in paragraph (1) (hereinafter referred to as the "national extended benefits") is to be the period obtained by adding the number of days specified by Cabinet Order as prescribed in the second sentence of paragraph (1) to the period specified in these provisions.

(Adjustment Concerning Extended Benefits)

Article 28 (1) With regard to qualified recipients receiving the wide area extended benefits, unless payment of the wide area extended benefits has ended, the national extended benefits and the training extended benefits (meaning payment of the basic allowance under the provisions of Article 24, paragraph (1) or paragraph (2); the same applies hereinafter) are not paid; with regard to qualified recipients receiving the national extended benefits, unless payment of the national extended benefits has ended, the training extended benefits are not paid.

- (2) If it has been decided that the wide area extended benefits or the national extended benefits is to be paid to a qualified recipient receiving the training extended benefits, the training extended benefits are not be paid to the person when such extended benefits are being paid; if it has been decided that the wide area extended benefits are to be paid to a qualified recipient receiving the national extended benefits, the national extended benefits are not paid to the person when the wide area extended benefits are being paid.
- (3) Beyond what is set forth in the preceding two paragraphs, the number of days for which the basic allowance is payable, the benefit period, and other matters necessary for the adjustment of extended benefits for qualified recipients who consecutively receive payment of various kinds of extended benefits prescribed in paragraph (1), are specified by Cabinet Order.

(Restriction on Benefits When the Duration of Benefits Has Been Extended)

Article 29 (1) If a qualified recipient receiving the training extended benefits (limited to payment of the basic allowance under the provisions of Article 24, paragraph (2); the same applies in Article 32, paragraph (1)), the wide area extended benefits, or the national extended benefits has refused, without legitimate grounds, to take up the employment which has been referred to by the Public Employment Security Office, to take a course of public vocational training, etc., as directed by the chief of the Public Employment Security Office, or to receive the vocational guidance necessary for facilitating re-employment given by the Public Employment Security Office in accordance with the standards specified by the Minister of Health, Labour and Welfare, the basic allowance is not to be paid as from the date of the refusal; provided, however, that this does not apply when the person has newly obtained recipient qualification.

(2) The chief of the Public Employment Security Office is to certify whether or not there are legitimate grounds prescribed in the preceding paragraph in accordance with the standards specified by the Minister of Health, Labour and Welfare.

(Method and Date of Payment)

Article 30 (1) The basic allowance is to be paid once every four weeks, with regard to the days for which the recognition of unemployment has been given, as prescribed by Order of the Ministry of Health, Labour and Welfare; provided, however, that the Minister of Health, Labour and Welfare may specify differently for the payment of the basic allowance to qualified recipients who take a course of public vocational training, etc., as directed by the chief of the Public Employment Security Office and to other qualified recipients as specified by Order of the Ministry of Health, Labour and Welfare.

(2) The chief of the Public Employment Security Office is to specify the date to pay the basic allowance to each qualified recipient and inform the recipient thereof.

(Procedures for Demanding Unpaid Basic Allowance)

Article 31 (1) A person, who demands under the provisions of Article 10-3, paragraph (1) for payment of the basic allowance for a period for which the recognition of unemployment could not be obtained due to the death of the qualified recipient, must obtain the recognition of unemployment for the qualified recipient pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(2) If a qualified recipient set forth in the preceding paragraph falls under the provisions of Article 19, paragraph (1), the person who is to be paid the unpaid part of the basic allowance pursuant to the provisions of Article 10-3,

paragraph (1) must, as prescribed by Order of the Ministry of Health, Labour and Welfare, notify the amount of income referred to in Article 19, paragraph (1) and other matters to the chief of the Public Employment Security Office.

(Restriction on Benefits)

Article 32 (1) If a qualified recipient (excluding one who is receiving the training extended benefits, wide area extended benefits, or national extended benefits; hereinafter the same applies in this Article) has refused to take up the employment which has been referred to by the Public Employment Security Office or to take a course of public vocational training, etc., as directed by the chief of the Public Employment Security Office, the basic allowance is not to be paid for one month as from the date of the refusal; provided, however, that this does not apply to the case where the person falls under any of the following items:

- (i) when it is found that the occupation to which the qualified recipient has been referred, or the type of occupation for which they have been directed to take public vocational training, etc. is not appropriate in light of their abilities;
 - (ii) when a change to the current domicile or residence would be required in order to take up the employment or take public vocational training, etc., and it is found that the change would be difficult;
 - (iii) when the wage offered by the employer is unjustifiably low in comparison to the general wage level of work for the same degree of skill in the same kind of business in the same area;
 - (iv) when the recipient has been referred to a place of business that falls under the provisions of Article 20 (excluding the proviso of paragraph (2)) of the Employment Security Act; or
 - (v) when there is any other legitimate grounds.
- (2) If a qualified recipient has refused, without legitimate grounds, to receive vocational guidance necessary for facilitating re-employment given by the Public Employment Security Office in accordance with the standards specified by the Minister of Health, Labour and Welfare, the basic allowance is not paid during the period specified by the chief of the Public Employment Security Office within a limit not exceeding one month calculated from the day of the refusal.
- (3) The chief of the Public Employment Security Office is to certify whether a qualified recipient falls under any of the items of paragraph (1) and whether any legitimate grounds prescribed in the preceding paragraph exists, in accordance with the standards specified by the Minister of Health, Labour and Welfare.

Article 33 (1) If an insured person has been dismissed due to serious grounds attributable to themselves or has resigned voluntarily without legitimate grounds, the basic allowance is not to be paid for a period specified by the chief of the Public Employment Security Office of one month or more and less than three months, following the expiration of the period prescribed in Article 21; provided, however, that this does not apply to a period during which the person takes public vocational training, etc. as directed by the chief of the Public Employment Security Office, nor to a period after the day of completion of the public vocational training, etc.

(2) The chief of the Public Employment Security Office is to certify whether or not a qualified recipient falls under any of the cases set forth in the preceding paragraph, in accordance with the standards specified by the Minister of Health, Labour and Welfare.

(3) When the basic allowance is not payable under the provisions of paragraph (1) with regard to the separation from service pertaining to recipient qualification for the basic allowance and the period obtained by adding to the period in which the basic allowance is not payable the number of days specified by Order of the Ministry of Health, Labour and Welfare in the range of more than 7 days and less than 30 days and the number of days equivalent to the prescribed duration of benefits pertaining to the recipient qualification exceeds one year (a period obtained by adding 60 days to one year for a qualified recipient who falls under Article 22, paragraph (2), item (i) on the day of separation from service pertaining to recipient qualification for the basic allowance), notwithstanding the provisions of Article 20, paragraphs (1) and (2), the benefit period for the qualified recipient is to be the period obtained by adding to the period prescribed in these provisions the period in excess of one year.

(4) With regard to qualified recipients falling under the provisions of the preceding paragraph, the term "Article 20, paragraphs (1) and (2)" in Article 24, paragraph (1) is deemed to be replaced with "Article 33, paragraph (1)."

(5) When a qualified recipient falling under the provisions of paragraph (3) receives payment of the wide area extended benefits, national extended benefits, or training extended benefits, the necessary matters concerning adjustments of the benefit period for the person are specified by Order of the Ministry of Health, Labour and Welfare.

Article 34 (1) The basic allowance is not paid to a person who has received or attempted to receive payment of the job applicant benefits or employment promotion benefits by deception or other wrongful acts, as from the day on which the person received or attempted to receive payment of those benefits; provided, however, that if there are unavoidable circumstances, the whole or a part of the basic allowance may be paid.

- (2) If a person prescribed in the preceding paragraph has newly obtained recipient qualification after the day prescribed in the same paragraph, the basic allowance based on the newly obtained qualification is to be paid, notwithstanding the provisions of the preceding paragraph.
- (3) Even if a qualified recipient has, because of having had payment of the basic allowance withheld under the provisions of paragraph (1), become unable to receive payment of the basic allowance for the entire number of benefit days for which the recipient would otherwise have been qualified to receive payment of the basic allowance based on the recipient qualification, with regard to the application of the provisions of Article 22, paragraph (3), it is deemed that the payment of the basic allowance based on the recipient qualification has been made.
- (4) If a qualified recipient has, because of having had payment of the basic allowance withheld under the provisions of paragraph (1), become unable to receive payment of the basic allowance, as from the day prescribed in the same paragraph, for the whole or a part of the number of benefit days for which the recipient would otherwise have been qualified to receive payment of the basic allowance based on the recipient qualification, with respect to the application of the provisions of Article 37, paragraph (4), it is deemed that the payment of the basic allowance for the number of benefit days for which it has been decided that the basic allowance is not payable has been made.

(Special Provisions for Cases Where Insured Persons Other than Part-time Insured Workers Have Become Part-time Insured Workers without Interruption)

Article 35 (1) In the case where the following grounds have arisen during a period in which an insured person was continuously employed in a covered undertaking by the same employer, with regard to the application of the provisions of this Subsection (excluding Article 15, paragraphs (2) and (3), Article 20, paragraph (2), Article 21, Article 23, and Article 33), and Article 56-2, paragraph (3), item (i) and Article 57, paragraph (1) (limited to separation from service pertaining to the recipient qualification), it is deemed that the insured person has been separated from service on the day before the day on which the grounds have arisen:

- (i) an insured person other than a part-time insured worker has become a part-time insured worker; or
 - (ii) a part-time insured worker has become an insured person other than a part-time insured worker.
- (2) With regard to the application of the provisions of Article 14 in cases prescribed in the preceding paragraph, it is deemed that the insured person has ceased to be an insured person on the day on which the grounds listed in

each item of the preceding paragraph have arisen and has newly become an insured person on the same day.

- (3) With regard to the application of the provisions of Article 20, paragraph (1) in the cases prescribed in paragraph (1), the phrase "the period prescribed in each of the items (... within the period)" in Article 20, paragraph (1) is deemed to be replaced with "the total period obtained by adding the period prescribed in each of the items to the period equivalent to the period from the day after the day of separation from service until the last day of the period in which the person was continuously employed as an insured person in a covered undertaking by the same employer (when that period exceeds three years, three years) (... within the total period)."
- (4) With regard to the application of the provisions of Article 24, paragraphs (1), (3) and (4), Article 25, paragraph (4), Article 27, paragraph (3), and Article 33, paragraphs (3) and (4) in cases prescribed in paragraph (1), the term "Article 20, paragraph (1)" in these provisions is deemed to be replaced with "Article 20, paragraph (1) (including as applied pursuant to Article 35, paragraph (3) following the deemed replacement of terms)", the term "paragraph (1) of the same Article" in Article 24, paragraph (4) is deemed to be replaced with "Article 20, paragraph (1) (including as applied pursuant to Article 35, paragraph (3) following the deemed replacement of terms)", the term "Article 24, paragraph (1)" in Article 33, paragraph (4) is deemed to be replaced with "Article 24, paragraph (1) as applied pursuant to Article 35, paragraph (4) following the deemed replacement of terms" and the term "Article 33, paragraph (3)" is deemed to be replaced with "Article 33, paragraph (3) (including as applied pursuant to Article 35, paragraph (4) following the deemed replacement of terms)."

Subsection 2 Skill Acquisition Allowance and Lodging Allowance

(Skill Acquisition Allowance and Lodging Allowance)

- Article 36 (1) When a qualified recipient takes a course of public vocational training, etc., as directed by the chief of the Public Employment Security Office, skill acquisition allowance is paid for the period of the course.
- (2) When a qualified recipient takes up lodging separately from cohabiting relatives whom the recipient is supporting financially (including a person with whom a marriage is not registered but with whom the recipient is in a de facto marital relationship; the same applies in Article 58, paragraph (2)) in order to take public vocational training, etc. as directed by the chief of the Public Employment Security Office, lodging allowance is paid for the period of lodging.
 - (3) The skill acquisition allowance and the lodging allowance are not paid for the period for which the basic allowance is not to be paid pursuant to the

- provisions of Article 32, paragraphs (1) and (2) or Article 33, paragraph (1).
- (4) The requirements for payment and the amount of the skill acquisition allowance and of the lodging allowance are specified by Order of the Ministry of Health, Labour and Welfare.
- (5) The provisions of Article 34, paragraphs (1) and (2) apply mutatis mutandis to the skill acquisition allowance and the lodging allowance.

Subsection 3 Injury and Disease Allowance

(Injury and Disease Allowance)

- Article 37 (1) If a qualified recipient becomes unable to work due to disease or injury after making an appearance and applying for employment at the Public Employment Security Office following separation from service, injury and disease allowance is to be paid, within the limit of the number of days equivalent to the number of days prescribed in paragraph (4), with regard to the days within the period prescribed in Article 20, paragraph (1) (including as applied pursuant to Article 35, paragraph (3) following the deemed replacement of terms; the same applies in Article 56-2, paragraphs (1), item (i), paragraph (3), item (i), Article 57, paragraphs (1) and (2), and Article 78) and Article 20, paragraph (2) (for those falling under the provisions of Article 33, paragraph (3) (including as applied pursuant to Article 35, paragraph (4) following the deemed replacement of terms; hereinafter the same applies in this paragraph, Article 56-2, paragraph (1), item (i) and paragraph (3), item (i), and Article 57, paragraphs (1) and (2)), the period prescribed in Article 33, paragraph (3), and for those falling under the provisions of Article 57, paragraph (1) the period prescribed in the paragraph), during which payment of the basic allowance could not be received due to disease or injury (limited to those days with regard to which recognition of the fact that the recipient cannot receive payment of the basic allowance for disease or injury has been obtained).
- (2) The certification set forth in the preceding paragraph is given by the chief of the Public Employment Security Office, as prescribed by Order of the Ministry of Health, Labour and Welfare.
- (3) The daily amount of the injury and disease allowance is the amount equivalent to the daily amount of the basic allowance under the provisions of Article 16.
- (4) The number of days for which the injury and disease allowance is payable is the number of days obtained by deducting from the prescribed duration of benefits for the qualified recipient that have obtained the recognition referred to in paragraph (1), the number of days for which the basic allowance has already been paid to the qualified recipient based on the recipient qualification.

- (5) The injury and disease allowance is not paid for a period for which the basic allowance is not to be paid pursuant to the provisions of Article 32, paragraph (1) or (2) or Article 33, paragraph (1).
- (6) When the injury and disease allowance has been paid, with regard to the application of the provisions of this Act (excluding the provisions of Article 10-4 and Article 34), the basic allowance is deemed to have been paid for the number of days equivalent to the number of days for which the injury and disease allowance was paid.
- (7) The injury and disease allowance is paid, as prescribed by Order of the Ministry of Health, Labour and Welfare, for the days which the certification referred to in paragraph (1) has been obtained, on the day on which payment of the basic allowance is due for the first time after the grounds that the person cannot take up the employment have ceased to exist (if there is no day on which payment of the basic allowance is due after the grounds that the person cannot take up the employment has ceased to exist, the day designated by the Chief of the Public Employment Security Office); provided, however, that the Minister of Health, Labour and Welfare, when they find it necessary, may specify differently for the payment of the injury and disease allowance.
- (8) The injury and disease allowance is not paid when a qualified recipient who has obtained the recognition referred to in paragraph (1), with regard to the days for which the certification was obtained, is able to receive payment of the injury and disease allowance prescribed in Article 99 of the Health Insurance Act (Act No. 70 of 1922), the compensation for absence from work prescribed in Article 76 of the Labor Standards Act (Act No. 49 of 1947), the temporary absence from work compensation benefits or the temporary absence from work benefits prescribed in the Industrial Accident Compensation Insurance Act (Act No. 50 of 1947), or other benefits equivalent thereto that are specified by Cabinet Order from among the benefits provided pursuant to laws and regulations (including ordinances or rules based on the provisions of laws and regulations).
- (9) The provisions of Article 19, Article 21, Article 31 and Article 34, paragraphs (1) and (2) apply mutatis mutandis to the injury and disease allowance. In this case, the term "certification of unemployment" in Article 19, paragraphs (1) and (3) and Article 31, paragraph (1) is deemed to be replaced with "certification referred to in Article 37, paragraph (1)."

Section 2-2 Job Applicant Benefits for Continuously Insured Elderly Persons

(Continuously Insured Elderly Persons)

Article 37-2 (1) The job applicant benefits for the elderly are paid, pursuant to

the provisions of this Section, if an insured person who has been continuously employed in a covered undertaking by the same employer from the day before the person reached 65 years of age to the day after they reached 65 years of age (excluding specially insured persons in short-term employment prescribed in Article 38, paragraph (1) and insured day workers prescribed in Article 43, paragraph (1); hereinafter referred to as "continuously insured elderly persons"), has become unemployed.

- (2) The provisions of the preceding Section (excluding Article 13, paragraph (2) and Article 14), the following Section and Section 4 do not apply to continuously insured elderly persons.

(Recipient Qualification for the Elderly)

Article 37-3 (1) The job applicant benefits for the elderly are paid, pursuant to the provisions of the following Article, when a continuously insured elderly person becomes unemployed and the total insured period under Article 14 during the one-year period preceding the day of separation from service (for continuously insured elderly persons prescribed in each of the following items, the period obtained by adding the number of days prescribed in each item to one year (if the period exceeds four years, four years)) is six months or more:

(i) continuously insured elderly person who had at one time been a part-time insured worker for a period during the one-year period preceding the day of separation from service: the number of days from the day on which the person became a part-time insured worker (when that day is not within the one-year period preceding the day of separation from service, the day following the day one year before the day of the separation from service) until the day before the day on which the person ceased to be a part-time insured worker; or

(ii) continuously insured elderly person who was continuously unable to receive payment of wages for 30 days or more due to disease, injury or other reasons specified by Order of the Ministry of Health, Labour and Welfare during the one-year period preceding the day of separation from service (for an insured person who is a continuously insured elderly person listed in the preceding item, the period obtained by adding the number of days prescribed in the same item to one year): the number of days for which the person was unable to receive payment of wages for the reason (for an insured person who is a continuously insured elderly person listed in the preceding item, the number of days obtained by adding the number of days prescribed in the same item to that number of days).

- (2) If a person who is qualified to receive payment of the job applicant benefits for the elderly pursuant to the provisions of the preceding paragraph (hereinafter referred to as "recipient qualification for the elderly") (hereinafter

the person is referred to as "elderly qualified recipient"), has taken up employment without receiving the job applicant benefits for the elderly during the period prescribed in paragraph (4) of the following Article and thereafter became unemployed again (excluding the case where the person has newly obtained a special recipient qualification prescribed in Article 39, paragraph (2)), when the person has obtained the certification referred to in paragraph (4) of the following Article after making an appearance at the Public Employment Security Office and applying for employment during the period, the person may receive payment of the job applicant benefits for the elderly based on the recipient qualification for the elderly.

(Job Applicant Benefits for the Elderly)

Article 37-4 (1) The amount of the job applicant benefits for the elderly is to be the amount obtained by multiplying the daily amount of the basic allowance to be paid when the provisions of Articles 16 through 18 (excluding Article 17, paragraph (4), item (ii)) are applied to qualified recipients by deeming elderly qualified recipients as qualified recipients prescribed in Article 15, paragraph (1) by the number of days prescribed in the following items in accordance with the classification of the basic periods for calculation listed in each item (where the number of days from the day on which the certification referred to in paragraph (4) was obtained until the final day of the period prescribed in the same paragraph is less than the number of days prescribed in the each item, the number of days equivalent to the number of days from the day on which the certification was obtained until the final day):

(i) one year or more: 50 days; and

(ii) less than one year: 30 days.

(2) Notwithstanding the provisions of the preceding paragraph, if the daily amount of wages for elderly qualified recipients calculated pursuant to the provisions of the same paragraph exceeds the amount listed in Article 17, paragraph (4), item (ii), (d) (where the amount has been changed pursuant to the provisions of Article 18, the changed amount), this amount is to be the daily amount of wages.

(3) The basic period for calculation referred to in paragraph (1) is to be the period equivalent to the period calculated when the elderly qualified recipients are deemed to be qualified recipients prescribed in Article 15, paragraph (1) and the day of separation from service pertaining to the recipient qualification for the elderly is deemed to be the basis day prescribed in Article 20, paragraph (1), item (i), and the provisions of Article 22, paragraphs (3) and (4) are applied. In this case, for the period after the period on or after the day on which the person reached 65 years of age during the period of continuous employment in a covered undertaking by the same employer until the basis day prescribed in

paragraph (3) of the same Article, that period is to be the period obtained by multiplying the period by a rate specified by Order of the Ministry of Health, Labour and Welfare, within the limit of 100 percent.

- (4) An elderly qualified recipient seeking to receive payment of the job applicant benefits for the elderly must make an appearance at the Public Employment Security Office, by the day on which one year has elapsed from the day following the day of separation from service, apply for employment, and then obtain the certification of unemployment, as prescribed by Order of the Ministry of Health, Labour and Welfare.
- (5) The provisions of Article 21, Article 31, paragraph (1), Article 32, Article 33, paragraphs (1) and (2), and Article 34, paragraph (1) apply mutatis mutandis with regard to the job applicant benefits for the elderly. In this case, the term "qualified recipients" and "recipient qualification" in these provisions are deemed to be replaced, respectively, with "elderly qualified recipients" and "recipient qualification for the elderly"; the terms "a period for which the recognition of unemployment could not be obtained" and "obtain the recognition of unemployment" in Article 31, paragraph (1) are deemed to be replaced, respectively, with "elderly qualified recipients when the certification referred to in Article 37-4, paragraph (4) could not be obtained" and "obtain the certification referred to in the same paragraph"; and the term "the period prescribed in Article 21" in Article 33, paragraph (1) is deemed to be replaced with "the period prescribed in Article 21 as applied mutatis mutandis pursuant to Article 37-4, paragraph (5)."

(Special Provisions for the Cases where Continuously Insured Elderly Persons Other than Part-time Insured Workers Have Become Continuously Insured Elderly Part-time Workers without Interruption)

Article 37-5 (1) With regard to the application of the provisions of Article 14, Article 37-3, paragraph (1), and the preceding Article (excluding paragraph (4)), when the following grounds have arisen during the period in which a continuously insured elderly person was continuously employed in a covered undertaking by the same employer (limited to the period following the day on which the elderly person reached 65 years of age), it is deemed that the continuously insured elderly person has been separated from service on the day before the grounds have arisen:

- (i) when a continuously insured elderly person other than a part-time insured worker has become a continuously insured elderly part-time worker; or
- (ii) when a continuously insured elderly part-time worker has become a continuously insured elderly person other than a part-time insured worker.
- (2) With regard to the application of the provisions of Article 14 in the case prescribed in the preceding paragraph, the continuously insured elderly person

is deemed to have ceased to be an insured person on the day on which the grounds listed in the items of the same paragraph have arisen, and to have newly become an insured person on the same day.

- (3) With regard to the application of the provisions of paragraph (5) of the preceding Article in the case prescribed in paragraph (1), the term "in Article 31, paragraph (1)" in the same paragraph is deemed to be replaced with "the term 'separation from service' in Article 21 is deemed to be replaced with 'separation from service (excluding the case where a person is deemed to have been separated from service pursuant to the provisions of Article 37-5, paragraph (1))'; in Article 31, paragraph (1)."
- (4) Necessary matters concerning the application of the provisions of Article 14 and the preceding Article when the grounds listed in the items of Article 35, paragraph (1) have arisen during the period before a continuously insured elderly person reached 65 years of age are specified by Order of the Ministry of Health, Labour and Welfare.

Section 3 Job Applicant Benefits for Specially Insured Persons in Short-Term Employment

(Specially Insured Persons in Short-Term Employment)

Article 38 (1) If an insured person who falls under any of the following items (excluding insured day workers prescribed in Article 43, paragraph (1); hereinafter referred to as "specially insured person in short-term employment") has become unemployed, a special lump sum payment is to be made, pursuant to the provisions of this Section:

(i) persons employed seasonally (excluding those listed in the following item);

or

(ii) persons who are normally engaged in short-term employment (meaning employment where the term for which those persons are employed continuously by the same employer as insured persons is less than one year).

(2) The confirmation as to whether or not an insured person falls under any of the items of the preceding paragraph is made by the Minister of Health, Labour and Welfare.

(3) The provisions of Section 2 (excluding Article 13, paragraph (2) and Article 14 (including as applied pursuant to Article 35, paragraph (2))), the preceding Section and, the following Section do not apply to specially insured persons in short-term employment.

(Special Recipient Qualification)

Article 39 (1) A special lump sum payment is made pursuant to the provisions of the following Article, when a specially insured person in short-term

employment has become unemployed and the person's total insured period under Article 14 during the one-year period preceding the day of separation from service has been six months or more (for insured persons who are specially insured persons in short-term employment listed in the following items, the period obtained by adding the number of days prescribed in each item to one year (when the total period exceeds four years, four years)):

- (i) specially insured person in short-term employment who had at one time been a part-time insured worker for a period during the one-year period preceding the day of separation from service (excluding the period from the day on which the person most recently became an insured person until the day of the separation from service): the number of days from the day on which the person became the part-time insured worker (where that day is not within the one-year period preceding the day of the separation from service, the day following the day one year before the day of the separation from service), until the day before the day on which the person ceased to be the part-time insured worker; or
 - (ii) specially insured person in short-term employment who was continuously unable to receive payment of wages for 30 days or more due to disease, injury or other reasons specified by Order of the Ministry of Health, Labour and Welfare during the one-year period preceding the day of separation from service (for an insured person who is a specially insured person in short-term employment listed in the preceding item, the period obtained by adding the number of days prescribed in the same item to one year): the number of days for which the person was unable to receive payment of wages due to the reason (for an insured person who is a specially insured person in short-term employment listed in the preceding item, the number of days obtained by adding the number of days prescribed in the same item to that number of days).
- (2) If a person who is qualified to receive the special lump sum payment pursuant to the provisions of the preceding paragraph (hereinafter referred to as "special recipient qualification") (hereinafter the person is referred to as "specially qualified recipient") has obtained employment without receiving the special lump sum payment within the period prescribed in paragraph (3) of the following Article and has subsequently become unemployed again (excluding the case where the person has newly obtained a recipient qualification prescribed in Article 14, paragraph (3), item (i), recipient qualification for the elderly, or special recipient qualification), when the person, within that period, has obtained the recognition referred to in paragraph (3) of the following Article after making an appearance at the Public Employment Security Office and applying for employment, the person is able to receive the special lump sum payment based on the special recipient qualification.

(Special Lump Sum Payment)

- Article 40 (1) The amount of the special lump sum payment is to be an amount equivalent to the daily amount of the basic allowance that would be payable to a specially qualified recipient when the recipient is deemed as a qualified recipient prescribed in Article 15, paragraph (1) and the provisions of Articles 16 through 18 are applied to the recipient, multiplied by 50 days (when the number of days from the day on which the recognition referred to in paragraph (3) was made until the last day of the period under the same paragraph is less than 50 days, the number of days equivalent to that number of days).
- (2) With regard to the application of the provisions of Article 17, paragraph (4) in the case prescribed in the preceding paragraph, the term "under 30 years old" in item (ii), (d) of the same paragraph is deemed to be replaced with "under 30 years old or 65 years old or older."
- (3) A specially qualified recipient who seeks to receive the special lump sum payment must, before the day on which six months have elapsed from the day following the day of separation from service and as prescribed by Order of the Ministry of Health, Labour and Welfare, obtain the certification of unemployment by making an appearance at the Public Employment Security Office and applying for employment.
- (4) The provisions of Article 21, Article 31, paragraph (1), Article 32, Article 33, paragraphs (1) and (2), and Article 34, paragraphs (1) through (3) apply mutatis mutandis to the special lump sum payment. In this case, the terms "qualified recipient" and "recipient qualification" in Article 21 are deemed to be replaced, respectively, with "specially qualified recipient" and "special recipient qualification"; the terms "qualified recipient", "a period for which the certification of unemployment could not be obtained" and "obtain the certification of unemployment" in Article 31, paragraph (1) are deemed to be replaced, respectively, with "specially qualified recipient", "the specially qualified recipients where the certification of unemployment referred to in Article 40, paragraph (3) could not be obtained" and "must obtain the recognition referred to in the same paragraph"; the term "qualified recipient" in Article 32 is deemed to be replaced with "specially qualified recipient"; the term "provided, however, that this does not apply to a period during which the recipient takes public vocational training, etc. as directed by the Chief of the Public Employment Security Office, nor to the period after the day of completion of the public vocational training, etc." in Article 33, paragraph (1) is deleted; the term "qualified recipient" in paragraph (2) of the same Article is deemed to be replaced with "specially qualified recipient"; the term "recipient qualification" in Article 34, paragraph (2) is deemed to be replaced with "special recipient qualification" and the terms "qualified recipient" and

"recipient qualification" in paragraph (3) of the same Article are deemed to be replaced, respectively, with "specially qualified recipient" and "special recipient qualification".

(Case of Taking a Course of Public Vocational Training)

Article 41 (1) When a specially qualified recipient is to take a course of public vocational training, etc. (excluding one for a period which is shorter than that specified by Cabinet Order), as directed by the Chief of the Public Employment Security Office, before receiving the special lump sum payment based on the special recipient qualification, the special lump sum payment is not to be paid, notwithstanding the provisions of Article 10, paragraph (3) and the preceding three Articles, and the job applicant benefits are paid, pursuant to the provisions of Section 2 (excluding the provisions of the proviso of Article 33, paragraph (1)), by deeming the person as a qualified recipient prescribed in Article 15, paragraph (1), limited to the period until the day of completion of the course of public vocational training, etc.

(2) A specially qualified recipient referred to in the preceding paragraph is able to receive payment of the job applicant benefits pursuant to the provisions of the same paragraph, even if it is found that the person may not receive payment of the basic allowance pursuant to the provisions of Article 29, paragraph (1) or Article 34, paragraph (1) before the day on which the person became an insured person pertaining to the special recipient qualification.

Section 4 Job Applicant Benefits for Insured Day Workers

(Day Workers)

Article 42 The term "day worker" as used in this Section means a worker who falls under any of the following items (excluding those who have been employed in a covered undertaking by the same employer for 18 days or more in each of the preceding two months (except those who have obtained the approval referred to in paragraph (2) of the following Article)):

- (i) persons who are employed by the day; or
- (ii) persons who are employed for a fixed period of employment of 30 days or less.

(Insured Day Workers)

Article 43 (1) If a day worker who is an insured person that falls under any of the following items or that has obtained the approval referred to in Article 6, item (i)-3 (hereinafter referred to as "insured day worker ") has become unemployed, job applicant benefits for day workers are paid pursuant to the provisions of this Section:

- (i) persons who reside in a special ward or an area of a municipality in which a Public Employment Security Office is located (excluding areas designated by the Minister of Health, Labour and Welfare) or in the entire area or parts of neighboring municipalities designated by the Minister of Health, Labour and Welfare (hereinafter referred to as "covered area" in this paragraph) and are employed in a covered undertaking;
 - (ii) persons who reside outside the covered area and are employed in a covered undertaking located inside the covered area; or
 - (iii) persons who reside outside the covered area and are employed in a covered undertaking located outside the covered area which has been designated by the Minister of Health, Labour and Welfare based on the situation in the day labor market and other circumstances.
- (2) If an insured day worker was employed in a covered undertaking by the same employer for 18 days or more in each of the preceding two months, when the day worker has obtained an approval by the chief of the Public Employment Security Office as prescribed by Order of the Ministry of Health, Labour and Welfare, the day worker may continue to be an insured day worker.
- (3) If an insured day worker who was employed in a covered undertaking by the same employer for 18 days or more in each of the preceding two months has been separated from service in the first month in which the worker ceased to be treated as an insured day worker due to not having received the approval referred to in the preceding paragraph and has become unemployed, the person is deemed to be an insured day worker with regard to the payment of job applicant benefits for day workers during the month in which they became unemployed.
- (4) The provisions of Article 6 (limited to item (ii)), Articles 7 through 9 and the preceding three Sections do not apply to insured day workers.

(Insured Day Worker's Benefits Book)

Article 44 An insured day worker must, as prescribed by Order of the Ministry of Health, Labour and Welfare, receive issuance of the insured day worker's benefits book at the Public Employment Security Office.

(Recipient Qualification for the Job Applicant Benefits for Day Workers)

Article 45 If an insured day worker has become unemployed, and when the stamp premiums referred to in Article 10, paragraph (2), item (iv) of the Premiums Collection Act (hereinafter referred to as "stamp premiums") are paid to the person for 26 days or more in total during the period of two months before the month containing the date of unemployment, the job applicant benefits for day workers are to be paid pursuant to the provisions of Articles 47 through 52.

Article 46 If a person who is able to receive payment of the job applicant benefits for day workers pursuant to the provisions of the preceding Article is a qualified recipient prescribed in Article 15, paragraph (1), the job applicant benefits for day workers are not paid for the days which the person has received payment of the basic allowance, and the basic allowance are not paid for the days which they have received payment of the job applicant benefits for day workers.

(Certification of Unemployment of an Insured Day Worker)

Article 47 (1) The job applicant benefits for day workers are paid for the days on which an insured day worker is unemployed (limited to those days for which the certification of unemployment has been obtained; the same applies in Article 54, item (i)).

(2) A person who seeks to obtain the certification of unemployment referred to in the preceding paragraph (hereinafter referred to as the "recognition of unemployment" in this Section) must make an appearance at the Public Employment Security Office and apply for employment, as prescribed by Order of the Ministry of Health, Labour and Welfare.

(3) The Minister of Health, Labour and Welfare, when they find it necessary, may specify differently for the certification of unemployment of insured day workers, notwithstanding the provisions of the preceding paragraph.

(Daily Amount of Job Applicant Benefits for Day Workers)

Article 48 The daily amount of the job applicant benefits for day workers is to be the amount prescribed in the following items, in accordance with the classification listed in each item:

(i) stamp premiums of the amount listed in Article 22, paragraph (1), item (i) of the Premiums Collection Act (hereinafter referred to as "first class stamp premiums") (if the amount has been changed pursuant to the provisions of paragraph (2) or (4) of the same Article, the changed amount) out of the stamp premiums paid during the preceding two months are for 24 days or more: 7,500 yen (if this amount has been changed pursuant to the provisions of paragraph (1) of the following Article, the changed amount);

(ii) amount falling under either of the following sub-items: 6,200 yen (if this amount has been changed pursuant to the provisions of paragraph (1) of the following Article, the changed amount):

(a) when the first class stamp premiums and the stamp premiums of the amount listed in Article 22, paragraph (1), item (ii) of the Premiums Collection Act (hereinafter referred to as "second class stamp premiums") (if the amount has been changed pursuant to the provisions of paragraph

- (2) or (4) of the same Article, the changed amount) out of the stamp premiums paid during the preceding two months are for 24 days or more (excluding cases falling under the preceding item); or
- (b) when, out of the stamp premiums paid during the preceding two months, the first class stamp premiums and the second class stamp premiums are for less than 24 days, and the amount obtained by dividing by 24 the total of the first class stamp premiums amount paid and the second class stamp premiums paid adding the amount paid for the number of days equivalent to the number of days after deducting from 24 days, the number of days for which first class stamp premiums and second class stamp premiums were paid, of the stamp premiums listed in item (iii) of paragraph (1) of Article 22 of the Premiums Collection Act (hereinafter referred to as the "third class stamp premiums") (if the amount has been changed pursuant to the provisions of paragraph (2) or (4) of the same Article, the changed amount), is not less than the daily amount of second class stamp premiums.
- (iii) when the case does not fall under either of the preceding two items: 4,100 yen (if this amount has been changed pursuant to the provisions of paragraph (1) of the following Article, the changed amount).

(Automatic Changing of the Daily Amounts of Job Applicant Benefits for Day Workers)

Article 49 (1) When the average regular earnings (meaning the average regular earnings referred to in Article 18, paragraph (1); hereinafter the same applies in this paragraph) have either exceeded 120 percent or fallen below 83 percent of the average regular earnings for September 1994 (the average regular earnings which were the basis of the most recent revision where the daily amounts, etc. of the job applicant benefits for day workers have been changed based on the provisions of this paragraph), and when the situation is found to be likely to persist, the Minister of Health, Labour and Welfare must change the daily amounts, etc. of the job applicant benefits for day workers, in accordance with the percentage of increase or decrease of the average regular earnings.

- (2) The "daily amounts, etc. of the job applicant benefits for day workers" referred to in the preceding paragraph means the daily amount of wages pertaining to the classification of the first class stamp premiums and the second class stamp premiums (if the amounts have been changed pursuant to the provisions of the preceding paragraph, the changed amounts; referred to as "daily amounts of wages pertaining to the first and second class stamp premium classification" in the following paragraph) and the daily amount of wages pertaining to the classification of the second class stamp premiums and the third class stamp premiums (if the amounts have been changed pursuant to

the provisions of the preceding paragraph, the changed amounts; referred to as "daily amounts of wages pertaining to the second and third class stamp premium classification" in the following paragraph), out of the daily amount of the job applicant benefits for day workers prescribed in item (i) of the preceding Article (referred to as "first class benefits" in the following paragraph and Article 54), the daily amount of the job applicant benefits for day workers prescribed in item (ii) of the preceding Article (referred to as "second class benefits" in the following paragraph and Article 54), the daily amount of the job applicant benefits for day workers prescribed in item (iii) of the preceding Article (referred to as "third class benefits" in the following paragraph and Article 54) and the daily amounts of wages pertaining to the classification of the amounts of stamp premiums prescribed in Article 22, paragraph (1) of the Premium Collection Act.

- (3) When the daily amounts of the first class premiums, the second class premiums, and the third class premiums prescribed in Article 22, paragraph (2) of the Premiums Collection Act have been changed pursuant to the provisions of paragraph (5) of the same Article, the Minister of Health, Labour and Welfare may not change the daily amounts of the first class benefits, the second class benefits, and the third class benefits nor of the daily amounts of wages pertaining to the first and second class stamp premium classification or of wages pertaining to the second and third class stamp premium classification pursuant to the provisions of paragraph (1), during the period from the date of the change until the day before the day on which one year has elapsed from the date of the change (if there has been a Diet decision with regard to the change before that day, the day before the day of the decision).

(Duration of the Job Applicant Benefits for Day Workers)

Article 50 (1) The job applicant benefits for day workers are paid, for the days in the month containing the day on which an insured day worker became unemployed, for which the certification of unemployment was obtained, within the limit of 13 benefit days in total, when stamp premiums have been paid for the insured day worker for less than 28 days in total during the two-month period before the month containing the day of unemployment, and within the limit of the number of benefit days obtained by adding one day to the 13 days for every four days in excess of the 28 days, when stamp premiums have been paid for the insured day worker for more than 28 days in total; provided, however, that the job applicant benefits for day workers are not to be paid for more than 17 days in total for that month.

- (2) The job applicant benefits for day workers are not paid for the first day in each week (meaning the seven day period from Sunday to Saturday) on which the insured day worker did not take up employment.

(Method of Payment for the Job Applicant Benefits for Day Workers)

Article 51 (1) The job applicant benefits for day workers are to be paid at the Public Employment Security Office on the day on which the certification of unemployment is given.

- (2) The Minister of Health, Labour and Welfare, when they find it necessary, may specify differently for the payment of the job applicant benefits for day workers, notwithstanding the provisions of the preceding paragraph.
- (3) The provisions of Article 31, paragraph (1) apply mutatis mutandis to the job applicant benefits for day workers. In this case, the terms "qualified recipient" and "certification of unemployment" in the same paragraph are deemed to be replaced, respectively, with "person able to receive payment of the job applicant benefits for day workers" and "certification of unemployment referred to in Article 47, paragraph (2)."

(Restriction on Benefits)

Article 52 (1) If a day worker who is able to receive payment of the job applicant benefits for day workers has refused to take up the employment referred by the Public Employment Security Office, the job applicant benefits for day workers are not paid for seven days counting from the day on which the worker refused to take up the employment; provided, however, that this does not apply if the worker falls under any of the following items:

- (i) when it is found that the employment referred is not appropriate in the light of the person's abilities;
- (ii) when the wage for the employment referred is unjustifiably low in comparison to the general wage level for work for the same degree of skill in the same kind of business in the same locality;
- (iii) when the person was referred to a place of business that falls under the provisions of Article 20 (excluding the proviso of paragraph (2)) of the Employment Security Act; or
- (iv) when there are other legitimate grounds.
- (2) The certification on whether or not a person who is able to receive payment of the job applicant benefits for day workers falls under any of the items of the preceding paragraph is to be made by the chief of the Public Employment Security Office in accordance with the standards specified by the Minister of Health, Labour and Welfare.
- (3) If a person who is able to receive payment of the job applicant benefits for day workers has received or attempted to receive payment of the job applicant benefits or employment promotion benefits by deception or other wrongful acts, the job applicant benefits for day workers are not paid to the person for the month for which they received or attempted to receive payment of the job

applicant benefits or the employment promotion benefits, and for the period of three months from the month following that month; provided, however, that if there are unavoidable reasons, the whole or a part of the job applicant benefits for day workers may be paid.

(Special Provisions Concerning the Job Applicant Benefits for Day Workers)

Article 53 (1) If an insured day worker has become unemployed and the worker falls under all of the following items, they may notify to that effect to the chief of the Public Employment Security Office and receive payment of the job applicant benefits for day workers prescribed in the following Article:

- (i) stamp premiums have been paid to the insured day worker for 11 days or more in each month and for 78 days or more in total during six consecutive months;
 - (ii) the person has not received payment of the job applicant benefits for day workers under the provisions of Article 45 during the last five months out of the six consecutive months referred to in the preceding item (hereinafter referred to as the "basis period"); and
 - (iii) the person has not received payment of the job applicant benefits for day workers under the provisions of Article 45 during the period of two months from the month following the last month of the basis period (when the date the notification was made falls within the two month period, the period up to that date).
- (2) The notification referred to in the preceding paragraph must be made within the period of four months from the month following the last month of the basis period.

Article 54 The payment of the job applicant benefits for day workers to a person who has made the notification referred to in paragraph (1) of the preceding Article is to be as prescribed in the following items, notwithstanding the provisions of Article 48 and Article 50, paragraph (1):

- (i) the period during which and the number of days for which the job applicant benefits for day workers may be received are limited to 60 days in total, with regard to days of unemployment within the period of four months from the month following the last month of the basis period;
- (ii) the daily amount of the job applicant benefits for day workers is to be the amount prescribed, respectively, in sub-items (a) through (c), in accordance with the classification listed in those sub-items (a) through (c):
 - (a) when the first class stamp premiums out of the stamp premiums paid during the basis period have been paid for 72 days or more: the daily amount of the first class benefits;
 - (b) when the case falls under either of the following: the daily amount of the

second class benefits:

1. when the first class stamp premiums and the second class stamp premiums out of the stamp premiums paid during the basis period have been paid for 72 days or more (excluding cases falling under (a));
 2. when, out of the stamp premiums paid in the basis period, the first class stamp premiums and second class stamp premiums have been paid for less than 72 days and the amount obtained by dividing by 72 the total of the first class stamp premiums paid and the second class stamp premiums paid adding the amount of the third class stamp premiums paid for the number of days equivalent to the number of days after deducting from the 72 days, the number of days for which the first class stamp premiums and second class stamp premiums were paid, is not less than the daily amount of the second class stamp premiums.
- (c) when the case does not fall under (a) or (b): the daily amount of the third class benefits.

Article 55 (1) With regard to a person who has made the notification referred to in Article 53, paragraph (1) within the period of two months following the last month of the basis period, the job applicant benefits for day workers under the provisions of Article 45 are not paid until the day on which the two months have elapsed.

(2) If a person who has made the notification referred to in Article 53, paragraph (1) has received payment of the job applicant benefits for day workers under the provisions of Article 45 in the third or fourth month from the month following the last month of the basis period, the job applicant benefits for day workers under the provisions of the preceding Article are not paid for the days for which the job applicant benefits for day workers were paid; and when the person has received payment of the job applicant benefits for day workers under the provisions of the preceding Article, the job applicant benefits for day workers under the provisions of Article 45 are not paid for the days for which the job applicant benefits for day workers were paid.

(3) With regard to the application of the provisions of Article 53, paragraph (1), item (ii) in the case where a person who, after having received payment of the job applicant benefits for day workers under the provisions of the preceding Article, makes the notification referred to in Article 53, paragraph (1), it is deemed that the person has received payment of the job applicant benefits for day workers under the provisions of Article 45.

(4) The provisions of Article 46, Article 47, Article 50, paragraph (2), Articles 51, and Article 52 apply mutatis mutandis to the job applicant benefits for day workers under the provisions of the preceding Article.

(Special Provisions Concerning the Insured Period with Regard to a Person Who Was an Insured Day Worker)

- Article 56 (1) If an insured day worker had been employed in a covered undertaking by the same employer for 18 days or more in each of two months and was separated from service in or after the following month, the two months may be calculated as two months of the insured period under the provisions of Article 14; provided, however, that this does not apply when the provisions of Article 43, paragraph (2) or (3) have been applied to the worker.
- (2) In calculating the daily amount of wages prescribed in Article 17 for a person who has obtained recipient qualification, recipient qualification for the elderly, or special recipient qualification prescribed in Article 14, paragraph (3), item (i) by calculating the two months prescribed in the preceding paragraph as the insured period pursuant to the provisions of the same paragraph, the amount obtained by dividing the amount of the stamp premiums paid in each of those two months by the rate specified by Order of the Ministry of Health, Labour and Welfare is deemed to be the amount of wages paid each month.
- (3) The provisions of paragraph (1) apply mutatis mutandis to the calculation of the basis period for calculation under the provisions of Article 22, paragraph (3). In this case, the term "the two months may be calculated as two months of the insured period under the provisions of Article 14" is deemed to be replaced with "the period employed may be calculated as a period falling under the period in which the person was employed as an insured person in a covered undertaking by the same employer continuously until the basis day prescribed in Article 22, paragraph (3)."

Section 5 Employment Promotion Benefits

(Employment Promotion Allowance)

- Article 56-2 (1) Employment promotion allowance is paid to a person who falls under any of the following items when the Chief of the Public Employment Security Office finds it necessary in accordance with the standards specified by Order of the Ministry of Health, Labour and Welfare:
- (i) a qualified recipient falling under the following (a) or (b) for whom the remaining number of payment days for the basic allowance on the day before the day on which the recipient took up the employment (meaning the number of days for which the basic allowance would have been payable to the person, assuming they had not taken up the employment, during the period between the day after the day on which they took up the employment and the final day of the period prescribed in Article 20, paragraphs (1) and (2) pertaining to the recipient qualification (for qualified recipients falling under the provisions of Article 33, paragraph (3), the period under the provisions of the

same paragraph, and for qualified recipients falling under the provisions of paragraph (1) of the following Article, the period under the provisions of the same paragraph); the same applies hereinafter) is one-third or more of the prescribed duration of benefits based on said recipient qualification and 45 days or more:

- (a) persons who have taken up employment and do not fall under (b); or
 - (b) persons who have taken up stable employment specified by Order of the Ministry of Health, Labour and Welfare;
- (ii) a qualified recipient (limited to a person for whom the remaining number of payment days for the basic allowance on the day before the day on which the person took up the employment is less than one-third of the prescribed duration of benefits based on the recipient qualification or less than 45 days), specially qualified recipient (including a person who has received the special lump sum payment and for whom six months calculated from the day after the day of separation from service pertaining to the special recipient qualification concerned have not elapsed; the same applies hereinafter), or qualified day worker recipient (meaning a person who is able to receive payment of the job applicant benefits for day workers pursuant to the provisions of Article 45 or Article 54; the same applies hereinafter), who has taken up stable employment specified by Order of the Ministry of Health, Labour and Welfare and who is designated as a physically disabled person or any other person who has difficulty finding employment by Order of the Ministry of Health, Labour and Welfare.
- (2) If a qualified recipient, specially qualified recipient, or qualified day worker recipient (referred to as a "qualified recipient, etc." in Article 58 and Article 59, paragraph (1)) has received payment of an employment promotion allowance (excluding the allowance pertaining to persons falling under item (i), (a) of the preceding paragraph; hereinafter the same applies in this paragraph) with regard to the employment during the period specified by Order of the Ministry of Health, Labour and Welfare before the day on which the person took up the stable employment prescribed in item (i), (b) or item (ii) of the preceding paragraph, the employment promotion allowance is not paid, notwithstanding the provisions of the preceding paragraph.
- (3) The amount of the employment promotion allowance is to be the amount prescribed respectively in the following items, in accordance with the classification of persons listed in each item:
- (i) persons who fall under paragraph (1), item (i), (a): with regard to days during which they are actually employed (limited to the case where there are any days on which the basic allowance would have been payable, assuming they had not taken up the employment, during the period between the day on which they took up the employment and the final day of the period

- prescribed in Article 20, paragraphs (1) and (2) pertaining to the recipient qualification for the basic allowance pertaining to the employment promotion allowance (for qualified recipients who fall under the provisions of Article 33, paragraph (3) the period under the provisions of the same paragraph and for qualified recipients who fall under the provisions of paragraph (1) of the following Article, the period under the provisions of the same paragraph), the amount obtained by multiplying the daily amount of the basic allowance under the provisions of Article 16 (when the amount exceeds the amount obtained by multiplying 12,220 yen (when the amount has been changed pursuant to the provisions of Article 18, the changed amount) prescribed in Article 16, paragraph (1) (including as applied pursuant to paragraph (2) of the same Article, following the deemed replacement of terms) by 50 percent (for qualified recipients who are 60 years old or older and under 65 years old on the day of separation from service pertaining to their recipient qualification, 45 percent), that amount; hereinafter referred to as the "daily amount of the basic allowance" in this Article) by 0.3;
- (ii) persons who fall under paragraph (1), item (i), (b): the amount obtained by multiplying the daily amount of the basic allowance by the number obtained by multiplying the number of days equivalent to the remaining number of payment days by 0.3;
 - (iii) persons who fall under paragraph (1), item (ii): the amount specified by Order of the Ministry of Health, Labour and Welfare in accordance with the classification of persons listed in the following sub-items (a) through (c), within the limit of the amount obtained by multiplying the amount prescribed in the sub-items (a) through (c) by 30:
 - (a) qualified recipients: the daily amount of the basic allowance;
 - (b) specially qualified recipients: the daily amount of the basic allowance to be paid to the persons when the provisions of Articles 16 through 18 are applied by deeming them as qualified recipients of the basic allowance (when the amount exceeds the amount obtained by multiplying 12,220 yen (when the amount has been changed pursuant to the provisions of Article 18, the changed amount) prescribed in Article 16, paragraph (1) (including as applied pursuant to paragraph (2) of the same Article, following the deemed replacement of terms) which is applied by deeming the persons as qualified recipients of the basic allowance, by 50 percent (for qualified recipients who are 60 years old or older and under 65 years old on the day of separation from service pertaining to their special recipient qualifications, 45 percent), that amount);
 - (c) qualified day worker recipients: the daily amount of the job applicant benefits for day workers under the provisions of Article 48 or Article 54, item (ii).

- (4) When the employment promotion allowance pertaining to persons who fall under paragraph (1), item (i), (a) has been paid, with regard to the application of the provisions of this Act (excluding the provisions of Article 10-4 and Article 34; the same applies in the following paragraph), the basic allowance is deemed to have been paid for the number of days equivalent to the number of days for which the employment promotion allowance was paid.
- (5) When the employment promotion allowance pertaining to persons who fall under paragraph (1), item (i), (b) has been paid, with regard to the application of the provisions of this Act, the basic allowance is deemed to have been paid for the number of days equivalent to the number of days obtained by dividing the amount of the employment promotion allowance by the daily amount of the basic allowance.

(Special Provisions for Cases where the Employment Promotion Allowance Has Been Paid)

Article 57 (1) Notwithstanding the provisions of Article 20, paragraphs (1) and (2), and Article 33, paragraph (3), when the period listed in item (i) exceeds the period listed in item (ii), with regard to specific recipients of the employment promotion allowance, the basic allowance benefit period for the specific recipients of the employment promotion allowance is to be the period adding the period under these provisions and the exceeding period:

- (i) the period adding the period between the day after the day of separation from service pertaining to the recipient qualification for the basic allowance pertaining to the employment promotion allowance (limited to the allowance pertaining to persons who fall under paragraph (1), item (i), (b) of the preceding Article; hereinafter the same applies in this Article) and the day of the second separation from service (meaning the first separation from employment after receiving payment of the employment promotion allowance; the same applies in the following paragraph (when the recipient qualification, recipient qualification for the elderly, or special recipient qualification has been newly obtained, excluding separation from service pertaining to the recipient qualification, recipient qualification for the elderly, or special recipient qualification)) and the number of days listed in the following sub-items (a) and (b):
- (a) the number of days specified by Order of the Ministry of Health, Labour and Welfare within a limit of 20 days or less;
- (b) the number of days obtained by deducting the number of days for which the basic allowance is deemed to have been paid pursuant to the provisions of paragraph (5) of the preceding Article from the remaining number of payment days on the day before the day on which the person took up the employment pertaining to the employment promotion allowance;

- (ii) the period prescribed in Article 20, paragraphs (1) and (2) pertaining to the recipient qualification, assuming the person had not taken up the employment (for qualified recipients who fall under the provisions of Article 33, paragraph (3), the period prescribed in the same paragraph).
- (2) The specific recipients of the employment promotion allowance referred to in the preceding paragraph means persons who have received payment of the employment promotion allowance, whose second separation from service falls within the period prescribed in Article 20, paragraphs (1) and (2) pertaining to recipient qualification for the basic allowance pertaining to the employment promotion allowance (for qualified recipients who fall under the provisions of Article 33, paragraph (3), the period prescribed in the same paragraph) and who fall under any of the following items:
 - (i) persons whose second separation from service has been prescribed by Order of the Ministry of Health, Labour and Welfare as having accompanied an insolvency that occurred with regard to the undertaking by the employer who had been employing the persons, or the downsizing or discontinuance of the covered undertaking by the employer;
 - (ii) beyond what is provided for in the preceding item, persons who have been separated from service because of dismissal or other reasons specified by Order of the Ministry of Health, Labour and Welfare.
- (3) With regard to qualified recipients who fall under the provisions of paragraph (1), the term "Article 20, paragraphs (1) and (2)" in Article 24, paragraph (1) is deemed to be replaced with "Article 57, paragraph (1)."
- (4) The provisions of Article 33, paragraph (5) apply mutatis mutandis to qualified recipients who fall under paragraph (1).

(Relocation Expenses)

Article 58 (1) If a qualified recipient, etc., changes their domicile or residence to take up the employment referred by the Public Employment Security Office or to take a course of public vocational training, etc., as directed by the chief of the Public Employment Security Office, and the chief of the Public Employment Security Office finds it necessary in accordance with the standards specified by the Minister of Health, Labour and Welfare, relocation expenses are paid.

- (2) The amount of the relocation expenses is specified by Order of the Ministry of Health, Labour and Welfare, taking into account the expenses normally required for relocation of a qualified recipient, etc., and cohabiting relatives who are supported by the recipient.

(Wide Area Job-Seeking Activity Expenses)

Article 59 (1) When a qualified recipient, etc., engages in wide area job-seeking

activities through referral by the Public Employment Security Office and the chief of the Public Employment Security Office finds it necessary in accordance with the standards specified by the Minister of Health, Labour and Welfare, wide area job-seeking activity expenses are paid.

- (2) The amount of the wide area job-seeking activity expenses are specified by Order of the Ministry of Health, Labour and Welfare, taking into account the expenses normally required for the job-seeking activities referred to in the preceding paragraph.

(Restriction on Benefits)

Article 60 (1) The employment promotion benefits are not paid to a person who has received or attempted to receive payment of the job applicant benefits or employment promotion benefits by deception or other wrongful acts, starting from the day on which the person received or attempted to receive payment of these benefits; provided, however, that if there are unavoidable reasons, the whole or a part of the employment promotion benefits may be paid.

- (2) If a person prescribed in the preceding paragraph has newly obtained recipient qualification or special recipient qualification on or after the day prescribed in the same paragraph, the employment promotion benefits based on the recipient qualification or special recipient qualification are paid, notwithstanding the provisions of the same paragraph.
- (3) Where a person prescribed in paragraph (1) who has been disqualified from receiving payment of the job applicant benefits for day workers pursuant to the provisions of Article 52, paragraph (3) (including as applied mutatis mutandis pursuant to Article 55, paragraph (4); the same applies in the following paragraph), is or has become a qualified day worker recipient, after the expiration of the period of disqualification for the payment, the employment promotion benefits are paid based on the qualification as a qualified day worker recipient, notwithstanding the provisions of paragraph (1).
- (4) If a person prescribed in paragraph (1) (excluding a person who is considered to be disqualified from receiving payment of the job applicant benefits for day workers pursuant to the provisions of Article 52, paragraph (3)) has newly become a qualified day worker recipient, the employment promotion benefits based on the qualification as a qualified day worker recipient are paid to the person, notwithstanding the provisions of paragraph (1).
- (5) When a qualified recipient has become unable to receive payment of the whole or a part of the employment promotion allowance based on the recipient qualification, due to being denied payment of the employment promotion benefits pursuant to the provisions of paragraph (1), the whole or a part of the employment promotion allowance that the person was disqualified from receiving is deemed to have been paid, with regard to the application of the

provisions of Article 56-2, paragraph (4).

Section 5-2 Educational Training Benefits

(Educational Training Benefits)

Article 60-2 (1) The educational training benefits are to be paid when persons falling under any of the following items, take and complete the educational training designated by the Minister of Health, Labour and Welfare as job-related educational training necessary for employment security and promotion of job placement as prescribed by Order of the Ministry of Health, Labour and Welfare (limited to the case where the fact has been certified by the practitioner of specified educational training who conducted the educational training), and where the required period for payment exceeds three years:

- (i) insured persons (excluding continuously insured elderly persons, specially insured persons in short-term employment, and insured day workers; referred to as "generally insured persons" in the following item) on the day of commencing the educational training (hereinafter referred to as "basis day" in this Article);
- (ii) persons other than those listed in the previous item, whose basis day falls within the period specified by Order of the Ministry of Health, Labour and Welfare from the day on which they ceased to be generally insured persons immediately before the basis day.

(2) The required period for payment referred to in the preceding paragraph is to be the period, within the period before the basis day, during which a person listed in each item of that paragraph is employed continuously as an insured person (excluding continuously insured elderly persons, hereinafter the same applies in this paragraph) in a covered undertaking by the same employer (for persons who had at one time been insured before the day they became an insured person pertaining to the period of employment, the period is to be the aggregate of the period of employment and the period during which the person had been insured); provided, however, that when the periods listed in the following items are included in that period, the period is calculated excluding all periods falling under those listed in the items:

- (i) when the period of employment or the day on which the person had ceased to be an insured person immediately before the day they became an insured person pertaining to the period during which they had been insured is not within a one-year period prior to the day on which they had become insured, the period is the period during which the person had been insured before the day on which they had ceased to be an insured person; or
- (ii) when the educational training benefits have been received prior to the basis day, the period is the period during which the person was insured prior to

the basis day pertaining to the benefits.

- (3) The provisions of Article 22, paragraph (4) apply mutatis mutandis to the calculations of the required period for payment referred to in the preceding paragraph.
- (4) The amount of the educational training benefits is to be an amount obtained by multiplying the amount of expenses which the persons listed in the items of paragraph (1) have paid for taking the educational training prescribed in the same paragraph (limited to expenses within the limit specified by Order of the Ministry of Health, Labour and Welfare) (limited to the amount which has been certified by the practitioner of specified educational training who conducted the educational training as the amount of expenses paid for taking the educational training) by a rate specified by Order of the Ministry of Health, Labour and Welfare, within the range of 20 percent to 40 percent (when the amount exceeds the amount specified by Order of the Ministry of Health, Labour and Welfare, the amount specified).
- (5) Notwithstanding the provisions of paragraph (1) and the preceding paragraph, when the amount calculated as the educational training benefits under the provisions of those paragraphs does not exceed the amount specified by Order of the Ministry of Health, Labour and Welfare, the educational training benefits are not paid.

(Restriction on Benefits)

- Article 60-3 (1) The educational training benefits are not paid to a person who has received or attempted to receive payment of the educational training benefits by deception or other wrongful acts, starting from the day on which the person received or attempted to receive payment of the benefits; provided, however, that if there are unavoidable reasons, the whole or a part of the educational training benefits may be paid.
- (2) If a person who are unable to receive payment of the educational training benefits pursuant to the provisions of the preceding paragraph has newly become a person who is able to receive payment of the educational training benefits, the educational training benefits are paid, notwithstanding the provisions of the same paragraph.
 - (3) Even if a person has become unable to receive payment of the educational training benefits pursuant to the provisions of paragraph (1), with regard to the application of the provisions of paragraph (2) of the preceding Article, the benefits are deemed to have been paid.

Section 6 Continuous Employment Benefits

Subsection 1 Continuous Employment Benefits for the Elderly

(Basic Continuous Employment Benefits for the Elderly)

- Article 61 (1) The basic continuous employment benefits for the elderly are paid for the months subject to payment where the amount of wages paid (where there are wages, payment of which could not be received in the months subject to payment due to misconduct, disease or other reasons specified by Order of the Ministry of Health, Labour and Welfare, the amount calculated by deeming that those wages have been paid; hereinafter the same applies in this paragraph, the items of paragraphs (4) and (5) (including as applied mutatis mutandis pursuant to paragraph (3) of the following Article) and paragraph (1) of the same Article), to an insured person (excluding specially insured persons in short-term employment and insured day workers; hereinafter the same applies in this Subsection) in the month subject to payment (when the insured person has ceased to fall under item (i), the months subject to payment after the month subject to payment containing the day on which the person ceased to fall under the same item), has fallen below an amount equivalent to 75 percent of the amount obtained by multiplying by 30 the amount equivalent to the daily amount of wages calculated where the provisions of Article 17 (excluding paragraph (3)) are applied, deeming the insured person as a qualified recipient and the day on which the insured person reached 60 years of age (when the insured person has ceased to fall under item (i), the day on which the person ceased to fall under the same item) as the day of separation from service pertaining to the recipient qualification (hereinafter referred to as the "amount deemed to be the daily amount of wages" in this Article); provided, however, that this does not apply when the case falls under any of the following items:
- (i) when the period equivalent to the period to be calculated when the provisions of Article 22, paragraphs (3) and (4) have been applied, deeming the insured person as a qualified recipient and the day on which the insured person reached 60 years of age or the day in the month subject to payment corresponding to that day (for a month which does not have a day corresponding to that day, the last day of that month) as the basis day prescribed in Article 20, paragraph (1), item (i) is less than five years;
 - (ii) when the amount of wages paid in the month subject to payment is 350,880 yen or more (when that amount has been changed pursuant to the provisions of paragraph (7), the changed amount; hereinafter referred to as the "payment amount limit" in this Subsection).
- (2) The term "months subject to payment" as used in this Article means the months within the period from the month containing the day on which the insured person reached 60 years of age until the month containing the day on which they reach 65 years of age (limited to months in which the person was continuously insured from the first to the last day of the month and in which they did not take absence from work for which they could receive payment of

- the basic childcare leave benefits or nursing care leave benefits).
- (3) When the deemed daily wage amount is calculated pursuant to the provisions of paragraph (1), with regard to the application of the provisions of Article 17, paragraph (4), the term "the provisions of the preceding three paragraphs" in the same paragraph is deemed to be replaced with "the provisions of paragraphs (1) and (2)."
- (4) When it is not possible or it is difficult to calculate the deemed daily wage amount pursuant to the provisions of paragraph (1), or where it is found inappropriate to apply the provisions of the same paragraph using the deemed daily wage amount calculated pursuant to the provisions of the same paragraph, the deemed daily wage amount calculated as specified by the Minister of Health, Labour and Welfare. In this case, the provisions of Article 17, paragraph (4) apply mutatis mutandis to the deemed daily wage amount calculated pursuant to the provisions of this paragraph.
- (5) The amount of the basic continuous employment benefits for the elderly for a single month subject to payment is the amount obtained, in accordance with the classification listed in the following items, by multiplying the amount of wages paid in the month subject to payment by the rates prescribed in the items; provided, however, that where the amount obtained by adding the amount of wages to that amount exceeds the payment amount limit, it is to be the amount obtained by deducting the amount of wages from the payment amount limit:
- (i) when the amount of wages is less than the amount equivalent to 61 percent of the amount obtained by multiplying the deemed daily wage amount by 30: 15 percent;
 - (ii) when the case does not fall under the preceding item: the percentage specified by Order of the Ministry of Health, Labour and Welfare to gradually decrease from 15 percent in a fixed percentage in accordance with the degree of gradual increase in the proportion of the amount of wages to the amount obtained by multiplying the deemed daily wage amount by 30.
- (6) Notwithstanding the provisions of paragraph (1) and the preceding paragraph, the basic continuous employment benefits for the elderly are not paid for the month subject to payment, when the amount calculated as the amount of the basic continuous employment benefits for the elderly for the month subject to payment does not exceed the amount equivalent to 80 percent of the amount listed in Article 17, paragraph (4), item (i) (when that amount has been changed pursuant to the provisions of Article 18, the changed amount).
- (7) When the average earnings for the fiscal year have either exceeded or fallen below the average earnings for the year beginning on April 1, 2001 (where the payment amount limit has been changed pursuant to the provisions of this paragraph, the fiscal year preceding the fiscal year of the most recent change),

the Minister of Health, Labour and Welfare must change the payment amount limit applicable from August 1 of the following fiscal year, in accordance with the rate of increase or decrease.

(Re-employment Benefits for the Elderly)

Article 61-2 (1) The re-employment benefits for the elderly are paid for the months subject to payment after re-employment, where a qualified recipient (limited to one whose basic period for calculation pursuant to the provisions of Article 22, paragraph (3) as on the day of separation from service pertaining to the recipient qualification is not less than five years and who has received payment of the basic allowance based on the recipient qualification) has become an insured person due to taking stable employment on or after the day on which the insured person reached 60 years of age, and when the amount of wages paid to the insured person in the months subject to payment after re-employment has fallen below the amount equivalent to 75 percent of the amount obtained by multiplying by 30 the daily amount of wages, which was the basis of the calculation of the daily amount of the basic allowance; provided, however, that this does not apply when the case falls under any of the following items:

- (i) when the remaining number of payment days on the day before the day on which the insured person took up the employment (referred to as the "employment day" in the following paragraph) is less than 100 days;
- (ii) when the amount of wages paid in the months subject to payment after the re-employment is not less than the payment amount limit.

(2) The "months subject to payment after re-employment" referred to in the preceding paragraph, means the months within the period between the month containing the employment day and the month containing the day on which two years (for an insured person referred to in the same paragraph whose remaining number of payment days on the day before the employment day is less than 200 days, one year) have elapsed from the day after the employment day (where the month is a month after the month in which the insured person referred to in the same paragraph reaches 65 years of age, the month in which the person reaches 65 years of age) (limited to months in which the person was continuously insured from the first to the last day of the month and in which they did not take absence from work for which they could receive payment of the basic childcare leave benefits or nursing care benefits).

(3) The provisions of paragraphs (5) and (6) of the preceding Article apply mutatis mutandis to the amount of the re-employment benefits for the elderly. In this case, the terms in paragraph (5) of the same Article "for a single month subject to payment", "the month subject to payment" and "the amount deemed to be the daily amount of wages" are deemed to be replaced, respectively, with

"for a single month subject to payment after re-employment (meaning the months subject to payment after the re-employment prescribed in paragraph (2) of the following Article; the same applies in paragraph (6) as applied mutatis mutandis pursuant to paragraph (3) of the following Article)", "the month subject to payment after re-employment" and "the daily amount of wages referred to in paragraph (1) of the following Article"; and the terms in paragraph (6) of the same Article "paragraph (1)" and "the month subject to payment" are deemed to be replaced, respectively, with "paragraph (1) of the following Article" and "the month subject to payment after re-employment."

(4) If a person who is able to receive payment of the re-employment benefits for the elderly is qualified to receive payment of the employment promotion allowance (limited to an allowance pertaining to persons falling under Article 56-2, paragraph (1), item (i), (b); hereinafter the same applies in this paragraph) with regard to the same employment, the re-employment benefits for the elderly are not paid when the person has received payment of the employment promotion allowance, and the employment promotion allowance are not paid when the person has received payment of the re-employment benefits for the elderly.

(Restriction on Benefits)

Article 61-3 The continuous employment benefits for the elderly prescribed in the following items are not paid to a person who has received or attempted to receive payment of the benefits for unemployment, etc., listed in the same items by deception or other wrongful acts, starting from the day on which the person received or attempted to receive payment of the benefits; provided, however, that in the case where there are unavoidable reasons, the whole or a part of the continuous employment benefits for the elderly may be paid:

- (i) basic continuous employment benefits for the elderly: basic continuous employment benefits for the elderly; and
- (ii) re-employment benefits for the elderly or job applicant benefits or employment promotion benefits based on the recipient qualification pertaining to the benefits: re-employment benefits for the elderly.

Subsection 2 Childcare Leave Benefits

(Basic Childcare Leave Benefits)

Article 61-4 (1) The basic childcare leave benefits are paid for the payment unit period where an insured person (excluding continuously insured elderly persons, specially insured persons in short-term employment, and insured day workers; hereinafter the same applies in this Subsection and the following Subsection) has, as prescribed by Order of the Ministry of Health, Labour and

Welfare, taken absence from work in order to take care of their child under one year old (when falling under the case specified by Order of the Ministry of Health, Labour and Welfare as the case found especially necessary to take absence from work on or after the day on which the child reaches one year of age for the purpose of continuing employment, one and half years old), when the period deemed to be the insured period is a total of 12 months or more within the two-year period preceding the day on which the absence was commenced (for an insured person who was continuously unable to receive payment of wages for 30 days or more due to disease, injury or other reasons specified by Order of the Ministry of Health, Labour and Welfare during the two-year period preceding the day on which the absence was commenced, two years added to the number of days for which payment of wages could not be received due to the reason (when that total period exceeds four years; four years)).

- (2) The "period deemed to be the insured period" referred to in the preceding paragraph is the period equivalent to the insured period to be calculated when the provisions of Article 14 (excluding paragraph (2)) have been applied, deeming the day on which the absence from work prescribed in the preceding paragraph was commenced was the day on which the person ceased to be an insured person. In this case, with regard to the application of the provisions of paragraphs (1) and (3) of the same Article, the term "14 days" in paragraph (1) of the same Article is deemed to be replaced with "11 days"; the terms "of the preceding two paragraphs" and "in the preceding two paragraphs" in paragraph (3) of the same Article are deemed to be replaced, respectively, with "of paragraph (1)" and "in the same paragraph."
- (3) The "payment unit period" in this Article and paragraph (2) of the following Article means a single period when the period of absence from work taken pursuant to the provisions of paragraph (1) has been classified into each period from the day on which the absence was commenced or the day corresponding to that day in each month within the period of the absence (for a month which does not have a day corresponding to that day, the last day of the month; hereinafter referred to as the "corresponding absence commencement day" in this paragraph and item (ii) of the following paragraph) until the day before the corresponding absence commencement day in each successive month (for the month containing the day on which the absence ended, the day on which the absence ended), in accordance with the classification.
- (4) The amount of the basic childcare leave benefits for a single payment unit period is an amount equivalent to 30 percent of the amount obtained by multiplying the amount equivalent to the daily amount of wages to be calculated when the provisions of Article 17 have been applied, deeming the person qualified to receive payment of the basic childcare leave benefits as a

qualified recipient and the day before the day on which the qualified recipient commenced the absence pertaining to payment of the basic childcare leave benefits as the day of separation from service pertaining to the recipient qualification (hereinafter referred to as the "daily amount of wages at the commencement of absence" in this Subsection), by the duration of benefits prescribed in the following items in accordance with the classification of payment unit periods listed in the same items (referred to as the "duration of benefits" in this paragraph and paragraph (2) of the following Article). In this case, with regard to the application of the provisions of the same Article, the term "where it is difficult" in paragraph (3) of the same Article is deemed to be replaced with "when it is not possible or difficult"; the term "item (ii)" in paragraph (4) of the same Article is deemed to be replaced with "item (ii), (c)":

(i) payment unit periods other than the payment unit period listed in the following item: 30 days; and

(ii) the payment unit period containing the day on which the absence was ended: the number of days from the day on which the absence was commenced or the corresponding absence commencement day until the day on which the absence was ended during the payment unit period.

(5) Notwithstanding the provisions of the preceding paragraph, when wages have been paid during the payment unit period to the insured person who has taken the absence from work prescribed in paragraph (1) by the employer who employs the insured person, when the amount obtained by adding the amount of the basic childcare leave benefits for the payment unit period to the amount of wages exceeds the amount equivalent to 80 percent of the amount obtained by multiplying the daily amount of wages at the commencement of absence by the duration of benefits, the amount obtained by deducting the amount of wages from the amount equivalent to 80 percent of the amount obtained by multiplying the daily amount of wages at the commencement of absence by the duration of benefits is the amount of the basic childcare leave benefits for the payment unit period. In this case, when the amount of wages is not less than the amount equivalent to 80 percent of the amount obtained by multiplying the daily amount of wages at the commencement of absence by the duration of benefits, notwithstanding the provisions of the same paragraph, the basic childcare leave benefits are not paid for the payment unit period for which the wages were paid.

(Re-engagement Benefits for Persons Taking Childcare Leave)

Article 61-5 (1) The re-engagement benefits for persons taking childcare leave are to be paid when an insured person who is able to receive payment of the basic childcare leave benefits has been employed by the employer who employed the person as an insured person during the period of the absence

from work pertaining to the basic childcare leave benefits which they are able to receive, for six months or more continuously on or after the day on which the absence was ended.

- (2) The amount of the re-engagement benefits for persons taking childcare leave is the amount obtained by multiplying the amount equivalent to 10 percent of the daily amount of wages at the commencement of absence pertaining to the basic childcare leave benefits which they are able to receive during the payment unit period, by the total duration of benefits for the payment unit periods (limited to periods for which payment of the basic childcare leave benefits may be received) during the period of absence referred to in the preceding paragraph was taken.

(Restriction on Benefits)

Article 61-6 (1) The childcare leave benefits are not paid to a person who has received or attempted to receive payment of the basic childcare leave benefits by deception or other wrongful acts, starting from the day on which the person received or attempted to receive payment of the benefits; provided, however, that in the case where there are unavoidable reasons, the whole or a part of the childcare leave benefits may be paid.

- (2) If a person who is unable to receive payment of the childcare leave benefits pursuant to the provisions of the preceding paragraph has newly taken absence as prescribed in Article 61-4, paragraph (1), following the day prescribed in the preceding paragraph, and has become a person able to receive payment of the basic childcare leave benefits, the childcare leave benefits pertaining to the absence are paid notwithstanding the provisions of the preceding paragraph.

Subsection 3 Nursing Care Leave Benefits

(Nursing Care Leave Benefits)

Article 61-7 (1) The nursing care leave benefits are paid for the payment unit period where an insured person has, as prescribed by Order of the Ministry of Health, Labour and Welfare, taken absence from work in order to take care of their specified family members (meaning the insured person's spouse (including a person in a relationship with the insured person where a marital relationship is de facto, though a marriage has not been registered; hereinafter the same applies in this paragraph), parents, children (including those specified as being equivalent by Order of the Ministry of Health, Labour and Welfare) and the parents of the insured person's spouse; hereinafter the same applies in this Article), when the period deemed to be the insured period is a total of 12 months or more within the two-year period preceding the day on which the absence was commenced (for an insured person who was

continuously unable to receive payment of wages for 30 days or more due to disease, injury of other reasons specified by Order of the Ministry of Health, Labour and Welfare during the two-year period preceding the day on which the absence was commenced, two years added to the number of days for which payment of wages could not be received due to the reason (when that period exceeds four years, four years)).

- (2) The "period deemed to be the insured period" referred to in the preceding paragraph is the period equivalent to the insured period to be calculated when the provisions of Article 14 (excluding paragraph (2)) have been applied, deeming the day on which the leave prescribed in the preceding paragraph was commenced to be the day on which the person ceased to be an insured person. In this case, with regard to the application of the provisions of paragraphs (1) and (3) of the same Article, the term "14 days" in paragraph (1) of the same Article is deemed to be replaced with "11 days"; the terms "of the preceding two paragraphs" and "in the preceding two paragraphs" in paragraph (3) of the same Article are deemed to be replaced, respectively, with "of paragraph (1)" and "in the same paragraph."
- (3) The "payment unit period" in this Article means a single period when the period of absence under the provisions of paragraph (1) was taken (limited to the period until the day on which three months have elapsed since the day on which the absence taken in order to take nursing care of the specified family members was commenced) has been classified into each period from the day on which the absence was commenced or the day corresponding to that day in each month within the period of the absence (for a month which does not have a day corresponding to that day, the last day of the month, hereinafter referred to as the "corresponding absence commencement day" in this paragraph and item (ii) of the following paragraph) until the day before the corresponding absence commencement day in each successive month (for the month containing the day on which the absence was ended, the day on which the absence ended), in accordance with the classification.
- (4) The amount of the basic nursing care leave benefits for a single payment unit period, is to be an amount equivalent to 40 percent of the amount obtained by multiplying the amount equivalent to the daily amount of wages to be calculated when the provisions of Article 17 have been applied, deeming the person who is able to receive payment of the basic nursing care leave benefits to be a qualified recipient and the day before the day on which the qualified recipient commenced the absence pertaining to payment of the basic nursing care leave benefits to be the day of separation from service pertaining to the recipient qualification (hereinafter referred to as the "daily amount of wages at the commencement of absence" in the following paragraph), by the duration of benefits prescribed in the following items in accordance with the classification

of payment unit periods listed in the items (referred to as the "duration of benefits" in the following paragraph). In this case, with regard to the application of the provisions of the same Article, the term "where it is difficult" in paragraph (3) of the same Article is deemed to be replaced with "when it is not possible or difficult"; the term "item (ii)" in paragraph (4) of the same Article is deemed to be replaced with "item (ii), (c)":

- (i) payment unit periods other than the payment unit period listed in the following item: 30 days; and
 - (ii) the payment unit period containing the day on which the absence ended: the number of days from the day on which the absence was commenced or the corresponding absence commencement day until the day on which the absence ended during the payment unit period.
- (5) Notwithstanding the provisions of the previous paragraph, when wages have been paid during the payment unit period to the insured person who has taken the absence prescribed in paragraph (1) by the employer who employs the insured person, when the amount obtained by adding the amount of the nursing care leave benefits for the payment unit period to the amount of wages exceeds the amount equivalent to 80 percent of the amount obtained by multiplying the daily amount of wages at the commencement of absence by the duration of benefits, the amount obtained by deducting the amount of wages from the amount equivalent to 80 percent of the amount obtained by multiplying the daily amount of wages at the commencement of absence by the duration of the benefits is to be the amount of the nursing care leave benefits for the payment unit period. In this case, when the amount of wages is not less than the amount equivalent to 80 percent of the amount obtained by multiplying the daily amount of wages at the commencement of absence by the duration of benefits, notwithstanding the provisions of the same paragraph, the basic nursing care leave benefits are not paid for the payment unit period for which the wages were paid.
- (6) Notwithstanding the provisions of paragraph (1), if an insured person has received payment of the nursing care leave benefits with regard to absence taken in order to take nursing care of their specified family members, pursuant to the provisions of this Subsection, and when the insured person has taken absence that fall under any of the following items after the day on which 93 days have elapsed since the day on which the absence was commenced, the nursing care leave benefits are not paid:
- (i) absence from work in order to continuously take nursing care of the specified family members who have been in need of care since the day on which the absence was commenced; or
 - (ii) absence from work with regard to each period of absence taken by the insured person for the specified family members (meaning absence taken in

order to take nursing care of the specified family members; hereinafter the same applies in this item), taken after the day on which the total number of days from the day on which the absence was commenced to the day on which the absence ended has reached 93 days.

(Restriction on Benefits)

Article 61-8 (1) The nursing care leave benefits are not paid to a person who has received or attempted to receive payment of the nursing care leave benefits by deception or other wrongful acts, starting from the day on which the person received or attempted to receive payment of the benefits; provided, however, that in the case where there are unavoidable reasons, the whole or a part of the nursing care leave benefits may be paid.

(2) If a person who has been disqualified from receiving payment of the nursing care leave benefits pursuant to the provisions of the preceding paragraph, has newly taken absence from work prescribed in paragraph (1) of the preceding Article, following the day prescribed in the same paragraph, and has become a person able to receive payment of the nursing care leave benefits, notwithstanding the provisions of the preceding paragraph, the nursing care leave benefits pertaining to the leave are paid.

Chapter IV Employment Stabilization Programs

(Employment Stabilization Program)

Article 62 (1) The government may implement the following programs with regard to insured persons and those who were or are seeking to become insured persons (hereinafter referred to as "insured persons, etc." in this Chapter), as programs for the stabilization of employment, with a view to preventing unemployment, rectifying the employment situation, increasing employment opportunities and otherwise promote stabilization of employment:

- (i) providing necessary aid and assistance for employers who lay off workers or take other measures necessary for stabilizing worker employment in the case where the employer have been compelled to curtail business activities due to business fluctuations, changes in the industrial structure, or other economic reasons;
- (ii) providing necessary aid and assistance for employers who provide leave under the provisions of Article 26, paragraph (1) of the Employment Measures Act (Act No. 132 of 1966) to workers who have been compelled to be separated from service or for employers who take other measures necessary for promoting the re-employment of those workers;
- (iii) providing necessary aid and assistance for the employers who raise the mandatory retirement age, extend the employment of the elderly such as

through introducing the continuous employment system prescribed in Article 9 of the Act Concerning Stabilization of Employment of the Elderly, etc. (Act No. 618 of 1971), assist the elderly, etc. prescribed in Article 2, paragraph (2) of the same Act (hereinafter referred to simply as "the elderly, etc." in this item) with their re-employment, or hire the elderly, etc., and for employers who take other measures necessary for stabilizing the employment of the elderly, etc.;

- (iv) providing necessary aid and assistance to employers who newly employ workers through relocating their places of business to areas where there is a need for increased employment opportunities, employers who employ, throughout the year, persons who become unemployed on a seasonal basis in areas where many such persons reside, or employers who take other measures necessary for stabilizing worker employment in areas where improvement in the conditions related to employment is necessary; and
 - (v) beyond what is set forth in the preceding items, other programs, specified by Order of the Ministry of Health, Labour and Welfare, which are necessary for promoting the employment of physically disabled persons and others having particular difficulty in finding employment, for promoting the employment of workers in the case where the status of employment has become unstable nationwide and for stabilizing the employment of insured persons, etc.
- (2) Necessary standards for the implementation of the programs listed in the items of the preceding paragraph are specified by Order of the Ministry of Health, Labour and Welfare.
- (3) The government is to entrust part of the programs listed in the items of paragraph (1) to the Employment and Human Resources Development Organization of Japan and the Japan Organization for Employment of the Elderly and Persons with Disabilities, pursuant to the provisions of the Act on the Employment and Human Resources Development Organization of Japan, Independent Administrative Agency (Act No. 170 of 2002) and the Act on the Japan Organization for Employment of the Elderly and Persons with Disabilities, Independent Administrative Agency (Act No. 165 of 2002) and the orders based on these Acts.

(Human Resources Development Program)

Article 63 (1) The government may implement the following programs with regard to insured persons, as human resources development programs with a view to promoting the development and the improvement of their abilities throughout their working lives:

- (i) providing the employers, etc. prescribed in Article 13 of the Human Resources Development Promotion Act (Act No. 64 of 1969) and persons

- engaged in activities for the promotion of vocational training, with the aid and assistance necessary for the promotion of vocational training based on the plan prescribed in Article 11 of the same Act, authorized vocational training prescribed in Article 24, paragraph (3) of the same Act (including as applied mutatis mutandis pursuant to Article 27-2, paragraph (2) of the same Act) (referred to as "authorized vocational training" in item (v)) or other vocational training provided by the employers etc., and providing prefectures that provide the aid and assistance necessary for the promotion of the vocational training with subsidies for the whole or a part of the expenses required;
- (ii) establishing or operating public human resources development facilities (including lodging facilities for persons taking vocational training conducted by public human resources development facilities; hereinafter the same applies in this item) or the Polytechnic University (including lodging facilities for persons taking instructor training or vocational training conducted by the Polytechnic University), conducting the vocational training prescribed in the proviso of Article 15-6, paragraph (1) of the Human Resources Development Promotion Act or providing prefectures establishing or operating public human resources development facilities with subsidies for the whole or a part of the expenses required;
 - (iii) implementing training courses for acquiring skills and knowledge necessary for facilitating re-employment (referred to as "vocational courses" in item (v)) and training for adapting to the work environment for job applicants and persons planning to retire;
 - (iv) providing necessary aid and assistance for employers who grant the paid educational training leave prescribed in Article 10-4, paragraph (2) of the Human Resources Development Promotion Act;
 - (v) providing workers who take vocational training (limited to training conducted by public human resources development facilities or the Polytechnic University) or a vocational course, with the necessary grant to facilitate or promote the taking of the vocational training or vocational course and providing necessary aid for employers (limited to those who pay workers the wages normally payable for prescribed working hours, for the period during which the workers take vocational training) who allow the workers they employ to take vocational training based on the plan prescribed in Article 11 of the Human Resources Development Promotion Act, authorized vocational training, or other vocational training;
 - (vi) bearing the expenses necessary for the implementation of the trade skill test, providing the aid necessary for the promotion of the trade skill test for corporations and other organizations that conduct the trade skill test and providing prefectures that provide the aid and assistance necessary for the

- promotion of the trade skill test with subsidies for the whole or a part of the expenses required; and
- (vii) beyond what is set forth in the preceding items, other programs necessary for the development and improvement of workers' abilities, which are specified by Order of the Ministry of Health, Labour and Welfare.
- (2) With regard to necessary standards for the implementation of the programs listed in the items of the preceding paragraph, those pertaining to the subsidies for expenses to be provided to prefectures under the provisions of item (ii) of the same paragraph are specified by Cabinet Order and those pertaining to other programs are specified by Order of the Ministry of Health, Labour and Welfare.
- (3) The government is to entrust part of the programs listed in the items of paragraph (1) to the Employment and Human Resources Development Organization of Japan, as prescribed by the Act on the Employment and Human Resources Development Organization of Japan, Independent Administrative Agency and the orders based on the Act.

Article 64 Deleted (Act. No. 30 of April 2008)

(Utilization of the Programs)

Article 65 The programs prescribed in Articles 62 and 63 and the facilities pertaining to those programs may be made available to persons other than the insured persons, etc., insofar as it does not constitute a hindrance to use by the insured persons, etc. and does not harm their interests.

Chapter V Bearing of Expenses

(Amount to be Borne by the National Treasury)

Article 66 (1) The national treasury bears a part of the expenses necessary for the payment of the job applicant benefits (excluding job applicant benefits for the elderly; the same applies in item (i)) and continuous employment benefits (excluding basic continuous employment benefits for the elderly and re-employment benefits for the elderly; the same applies in item (iii)), in accordance with the following classification:

- (i) with regard to the job applicant benefits other than the job applicant benefits for day workers, one-fourth of the expenses necessary for the payment of the job applicant benefits;
- (ii) with regard to the job applicant benefits for day workers, one-third of the expenses necessary for the payment of the job applicant benefits for day workers; and
- (iii) with regard to the continuous employment benefits, one-eighth of the

- expenses necessary for the payment of the continuous employment benefits.
- (2) Each fiscal year, with regard to the job applicant benefits set forth in item (i) of the preceding paragraph, if the amount of the general premiums collected pursuant to the provisions of the Premiums Collection Act is exceeded by the amount equivalent to three-quarters of the total amount of the job applicant benefits paid, the national treasury bears an amount up to the amount equivalent to one-third of the total amount of the job applicant benefits paid during the fiscal year, with regard to the excess amount, in addition to the amount to be borne by the national treasury pursuant to the provisions of the same item, notwithstanding the provisions of the same item.
- (3) The amount of the general premiums prescribed in the preceding paragraph is to be the amount obtained by deducting the total of the amounts listed in items (ii) and (iii) from the amount listed in item (i):
- (i) the total of the following amounts (hereinafter referred to as the "general premiums amount collected" in this Article and Article 68, paragraph (2)):
- (a) the amount of the portion corresponding to the employment insurance rate (when the rate has been changed pursuant to the provisions of Article 12, paragraph (5) or paragraph (8) of the Premiums Collection Act, the changed rate; hereinafter the same applies in this Article) out of the amount of the general premiums pertaining to undertakings listed in Article 12, paragraph (1), item (i) of the same Act which has been collected pursuant to the provisions of the same Act (when the amount of the general premiums for an undertaking that employs elderly workers is, pursuant to the provisions of Article 11-2 of the Premiums Collection Act, deemed to be the amount prescribed in the same Article, the amount obtained by deducting the elderly worker exemption amount from the amount of the portion corresponding to the employment insurance rate out of the amount obtained by adding the elderly worker exemption amount prescribed in paragraph (6) of Article 12 of the same Act (limited to the exemption amount pertaining to undertakings listed in paragraph (1), item (i) of the same Article; hereinafter the same applies in this item) to the general premiums);
- (b) the amount of the general premiums pertaining to undertakings listed in Article 12, paragraph (1), item (iii) of the Premiums Collection Act;
- (ii) the amount obtained by multiplying the amount equivalent to the amount of the stamp premiums collected under the provisions of the Premiums Collection Act by the rate specified by the Minister of Health, Labour and Welfare in consultation with the Minister of Finance;
- (iii) the amount obtained by multiplying the amount obtained by deducting the amount listed in the preceding item from the general premiums amount collected by the rate obtained by dividing the rate of 0.35 percent (0.45

percent for the undertakings listed in Article 12, paragraph (4), item (iii) of the Premiums Collection Act) by the employment insurance rate (the obtained rate is referred to as the "two-program rate" in paragraph (5) and Article 68, paragraph (2)).

- (4) If the employment insurance rate has been changed pursuant to the provisions of Article 12, paragraph (8) of the Premiums Collection Act, the terms "0.35 percent" and "0.45 percent" in item (iii) of the preceding paragraph are deemed to be replaced, respectively, with "0.3 percent" and "0.4 percent."
- (5) With regard to the job applicant benefits for day workers, in each fiscal year when the amount listed in item (i) below exceeds the amount listed in item (ii) below, the national treasury bears the amount obtained by deducting the amount equivalent to the excess amount from the amount to be borne by the national treasury pursuant to the provisions of paragraph (1), item (ii), notwithstanding the provisions of the same item (if this amount is less than the amount equivalent to one-fourth of the total amount of the job applicant benefits for day workers paid during the fiscal year, the amount equivalent to one-fourth of the total amount of the job applicant benefits for day workers paid during the fiscal year):
- (i) the total of the following amounts:
 - (a) the amount of the stamp premiums collected pursuant to the provisions of the Premiums Collection Act;
 - (b) the amount obtained by deducting from the amount obtained by multiplying the amount equivalent to the amount referred to in (a) above by the rate listed in paragraph (3), item (ii) which has been specified by the Minister of Health, Labour and Welfare in consultation with the Minister of Finance, the amount obtained by multiplying that amount by the two-program rate;
 - (ii) the amount equivalent to two-thirds of the total amount of the job applicant benefits for day workers which has been paid.
- (6) Beyond what is set forth in the preceding paragraphs, the national treasury bears the expenses necessary for performing administrative affairs of employment insurance services, within the budgetary limits for each fiscal year.

Article 67 When the measures referred to in Article 25, paragraph (1) have been decided on, notwithstanding the provisions of paragraph (1), item (i) of the preceding Article, the national treasury bears one-third of the expenses necessary for the payment of the job applicant benefits pertaining to those who receive the wide area extended benefits. In this case, the phrases "the total amount of the job applicant benefits paid" and "where the amount of the general premiums" in paragraph (2) of the preceding Article are deemed to be replaced, respectively, with "the amount obtained by deducting the total

amount of the job applicant benefits pertaining to those who receive the wide area extended benefits from the total amount of the job applicant benefits paid" and "where the amount obtained by deducting the amount equivalent to two-thirds of the total amount of the job applicant benefits pertaining to those who receive the wide area extended benefits from the amount of the general premiums".

(Premiums)

Article 68 (1) The premiums to be collected by the government for the purpose of allocating them for covering the expenses necessary for the employment insurance services are as specified by the provisions of the Premiums Collection Act.

(2) Of the premiums referred to in the preceding paragraph, the total of the amount equivalent to the stamp premiums amount added to the amount obtained by deducting the amount obtained by multiplying the general premiums amount collected by the two-program rate from the general premiums amount collected, is to be allocated for covering the necessary expenses for benefits for unemployment, etc. and the amount obtained by multiplying the general premiums amount collected by the two-program rate is to be allocated for covering the necessary expenses for employment stabilization programs and for human resources development programs.

Chapter VI Motion for Objection and Lawsuits

(Motion for Objection)

Article 69 (1) A person who has an objection to a confirmation under the provisions of Article 9, a disposition concerning benefits for unemployment, etc. or a disposition under the provisions of Article 10-4, paragraph (1) or paragraph (2) may request for examination by an employment insurance examiner; a person who has an objection to the examiner's decision may request for re-examination by the Labor Insurance Appeal Committee.

(2) A person that has requested for examination referred to in preceding paragraph may, if no decision has been made concerning the request for examination after three months have elapsed since the day after the day on which the request for examination was made, request for re-examination with regard to the disposition pertaining to the request for examination by the Labor Insurance Appeal Committee, without waiting for a decision to be made.

(3) The request for examination referred to in paragraph (1) and the request for re-examination referred to in the preceding two paragraphs are deemed to be demand by litigation with regard to the renewal of the statute of limitations.

(4) The provisions of Chapter II, Section 1, Section 2 (excluding Articles 18 and

19) and Section 5 of the Administrative Complaint Review Act (Act No. 160 of 1962) do not apply to the request for examination referred to in paragraph (1) and request for re-examination referred to in paragraph (1) or (2).

(Limitation on Reasons for an Objection)

Article 70 Where a disposition for confirmation under the provisions of Article 9 has become final and binding, an objection to the disposition is not permitted to be the reason for an objection to a disposition for the payment of benefits for unemployment, etc. based on the disposition.

(Relation between a Motion for Objection and a Lawsuit)

Article 71 An action for revocation of original administrative disposition prescribed in Article 69, paragraph (1) may not be instituted until an administrative determination has been made by the Labor Insurance Appeal Committee with regard to the request for re-examination of the disposition; provided, however, that this does not apply when the case falls under any of the following items:

- (i) when no administrative determination has been made after three months have elapsed since the day after the day on which the request for re-examination was made; or
- (ii) when there is an urgent necessity in order to avoid the conspicuous damage that would occur through waiting for an administrative determination concerning the request for re-examination or there are other legitimate grounds for not waiting for the determination to be made.

Chapter VII Miscellaneous Provisions

(Consultation to the Labor Policy Council)

Article 72 (1) The Minister of Health, Labour and Welfare must hear the opinions of the Labor Policy Council in advance when seeking to establish the standards referred to in Article 25, paragraph (1), Article 27, paragraph (1) or paragraph (2) by Cabinet Order; when seeking to establish the reasons referred to in Article 13, paragraph (1), item (ii), Article 20, paragraph (1) or (2), Article 22, paragraph (2), Article 37-3, paragraph (1), item (ii), Article 39, paragraph (1), item (ii), Article 61-4, paragraph (1), Article 61-7, paragraph (1), the standards referred to in Article 56-2, paragraph (1) or the persons who have difficulty in finding employment as referred to in item (ii) of the same paragraph by Order of the Ministry of Health, Labour and Welfare; when seeking to specify the number of hours referred to in Article 6, item (i)-2 or the standards referred to in Article 10-4, paragraph (1), Article 25, paragraph (3), Article 26, paragraph (2), Article 29, paragraph (2), Article 32, paragraph (3)

(including as applied mutatis mutandis pursuant to Article 37-4, paragraph (5) and Article 40, paragraph (4)), Article 33, paragraph (2) (including as applied mutatis mutandis pursuant to Article 37-4, paragraph (5) and Article 40, paragraph (4)), or Article 52, paragraph (2) (including as applied mutatis mutandis pursuant to Article 55, paragraph (4)); or when making decisions on other important matters pertaining to the implementation of this Act.

(2) In addition to responding to consultations from the Minister of Health, Labour and Welfare's, the Labor Policy Council may, as necessary, make proposals to the relevant administrative authorities, or may require their reports, concerning the administration of the employment insurance services.

(Prohibition of Disadvantageous Treatment)

Article 73 An employer may not dismiss workers or treat them in a disadvantageous manner on the grounds of their having required confirmation under the provisions of Article 8.

(Prescription)

Article 74 The right to receive payment of the benefits for unemployment, etc., or to obtain a refund of the benefits and the right to collect an amount which has been ordered to be paid pursuant to the provisions of Article 10-4, paragraph (1) or paragraph (2) is extinguished by prescription when two years have elapsed.

(Free Certification of Matters on Family Register)

Article 75 The mayor of municipality (the mayor of a ward in a special ward and designated cities referred to in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947)), as prescribed by the ordinance of the municipality (including a special ward), may issue a certificate concerning the family register of a person who receives payment of the job applicant benefits or employment promotion benefits to the administrative authority or to the person who receives payment of the job applicant benefits or employment promotion benefits, free of charge.

(Reports)

Article 76 (1) An administrative authority may, as prescribed by Order of the Ministry of Health, Labour and Welfare, order an employer who employs or has employed insured persons or qualified recipients, elderly qualified recipients, specially qualified recipients or qualified day worker recipients (hereinafter referred to as "qualified recipients, etc.") or persons falling under any of the items of Article 60-2, paragraph (1) (hereinafter referred to as "educational training benefit recipients"), a labor insurance affairs association or an

organization that was a labor insurance affairs association, to make a report, submit a document or make an appearance as may be necessary for the implementation of this Act.

- (2) An administrative agency may, as prescribed by Order of the Ministry of Health, Labour and Welfare, order an employer who seeks to employ qualified recipients, etc., an employment placement provider, etc. who conducts employment placement services or vocational guidance for qualified recipients, etc., or a practitioner of specified educational training who conducts the educational training prescribed in Article 60-2, paragraph (1) for educational training benefit recipients, to make a report or submit a document as may be necessary for the implementation of this Act.
- (3) Those who have been separated from service may, as prescribed by Order of the Ministry of Health, Labour and Welfare, request a previous employer or a labor insurance affairs association conducting affairs concerning the issuance of certificates necessary for receiving payment of the job applicant benefits, as a part of the labor insurance-related affairs prescribed in Article 33, paragraph (1) of the Premiums Collection Act, to issue a certificate necessary for receiving payment of the job applicant benefits. The employer or labor insurance affairs association when so required, must issue the certificate as required.
- (4) The provisions of the preceding paragraph apply mutatis mutandis to a request concerning the issuance of certificates necessary for receiving payment of the continuous employment benefits. In this case, the phrases "those who have been separated from service" and "previous employer" in the preceding paragraph are deemed to be replaced, respectively, with "insured persons or those who were insured persons" and "employer who employed the insured persons or those who were insured persons".

Article 77 An administrative authority may order an insured person, qualified recipient, etc., educational training benefit recipient, or person requiring payment of the unpaid part of the benefits for unemployment, etc., to make a report, submit a document or make an appearance, as may be necessary for the implementation of this Act.

(Diagnosis)

Article 78 An administrative authority may, when it finds it necessary for paying the job applicant benefits, order a person who obtains or seeks to obtain the recognition of unemployment prescribed in Article 15, paragraph (2) pursuant to the provisions of item (i) of the same paragraph, a person who has made a request pursuant to the provisions of Article 20, paragraph (1) or a person who receives or seeks to receive payment of the injury and disease allowance, to undergo diagnosis by a designated physician.

(On-Site Inspection)

- Article 79 (1) An administrative authority may, when it finds it necessary for the implementation of this Act, have its officials enter the place of business which belongs to the employer who employs or has employed an insured person, qualified recipient, etc., or educational training benefits recipient or the office of the labor insurance affairs association or the office of the organization which was a labor insurance affairs association, and question the persons concerned or inspect the books and documents (in the case where electronic or magnetic record (meaning record produced by an electronic form, magnetic form or any other form that cannot be perceived by human senses, which are used for information processing by a computer) are prepared and kept in lieu of those books and documents, including the electronic or magnetic record).
- (2) The official who enters and makes an inspection pursuant to the provisions of the preceding paragraph, must carry an identification card and present it to the persons concerned.
- (3) The authority to conduct on-site inspections under the provisions of paragraph (1) may not be construed as being granted for criminal investigation.

(Delegation of Transitional Measures to Orders)

Article 80 When Cabinet Order or Order of the Ministry of Health, Labour and Welfare is established, amended or repealed based on this Act, necessary transitional measures may be established by the Cabinet Order or Order of the Ministry of Health, Labour and Welfare, respectively, within the limit deemed to be reasonably necessary. The same applies when the Minister of Health, Labour and Welfare specifies, amends or repeals the amount subject to automatic changing referred to in Article 18, paragraph (3) and other matters.

(Delegation of Authority)

- Article 81 (1) Part of the authority of the Minister of Health, Labour and Welfare provided for in this Act may be delegated to the Prefectural Labor Director, as prescribed by Order of the Ministry of Health, Labour and Welfare.
- (2) The authority delegated to the Prefectural Labor Director pursuant to the provisions of the preceding paragraph may be delegated to the chief of the Public Employment Security Office, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

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

Article 82 Beyond what is provided for in this Act, procedures necessary for the implementation of this Act and other matters are prescribed by Order of the Ministry of Health, Labour and Welfare.

Chapter VIII Penal Provisions

Article 83 When an employer falls under any of the following items, the employer is punished by imprisonment with labor for not more than six months or to a fine of not more than 300,000 yen:

- (i) when the person has failed to make a notification or has made a false notification, in violation of the provisions of Article 7;
- (ii) when the person has violated the provisions of Article 73;
- (iii) when the person has failed to make a report or has made a false report, or has failed to submit documents or has submitted documents containing false entries, in violation of an order under the provisions of Article 76, paragraph (1);
- (iv) when the person has refused to issue a certificate, in violation of the provisions of Article 76, paragraph (3) (including as applied mutatis mutandis pursuant to paragraph (4) of the same Article); or
- (v) when the person has failed to give an answer to a question by the official concerned under the provisions of Article 79, paragraph (1), has given a false statement, or has refused, obstructed or evaded the inspection under the provisions of the same paragraph.

Article 84 When a labor insurance affairs association falls under any of the following items, the representative, agent, or employee or other worker of the association who has committed the violation is punished by imprisonment with labor for not more than six months or to a fine of not more than 300,000 yen:

- (i) when it has failed to make a notification or has made a false notification, in violation of the provisions of Article 7;
- (ii) when it has failed to make a report or has made a false report, or has failed to submit documents or has submitted documents containing false entries, in violation of an order under the provisions of Article 76, paragraph (1);
- (iii) when it has refused to issue a certificate, in violation of the provisions of Article 76, paragraph (3) (including as applied mutatis mutandis pursuant to paragraph (4) of the same Article); or
- (iv) when it has failed to give an answer to a question by the official concerned under the provisions of Article 79, paragraph (1), has given a false statement, or has refused, obstructed or evaded the inspection under the provisions of the same paragraph.

Article 85 If an insured person, qualified recipient, etc., educational training benefit recipient or a person requiring payment of the unpaid part of the benefits for unemployment, etc., or other person concerned falls under any of

the following items, the person is punished by imprisonment with labor for not more than six months, or a fine of not more than 200,000 yen:

- (i) when the person has obtained an insured day worker's benefits book by deception or other wrongful acts, in violation of the provisions of Article 44;
- (ii) when the person has failed to make a report or has made a false report, or has failed to submit documents or has submitted documents containing false entries, or has failed to make an appearance, in violation of the order under the provisions of Article 77; or
- (iii) when the person has failed to give an answer to a question by the official concerned under the provisions of paragraph (1) of Article 79, has given a false statement, or has refused, obstructed or evaded the inspection under the provisions of the same paragraph.

Article 86 (1) If a representative of a corporation (including a labor insurance affairs association which is not a corporation: hereinafter the same applies in this paragraph), or an agent, employee or other worker of a corporation or an individual, has committed a violation under the preceding three Articles, with regard to the business of the corporation or individual, not only the offender is punished but also the corporation or individual is punished by the fine prescribed in the respective Article.

(2) If a labor insurance affairs association that is not a corporation is punished pursuant to the provisions of the preceding paragraph, the representative or administrator of that association represents the labor insurance affairs association, with regard to procedural acts and the provisions of the Acts applicable in criminal proceedings where the accused is a corporation apply *mutatis mutandis*.

Supplementary Provisions [Extract]

(Effective Date)

Article 1 (1) This Act comes into force as of April 1, 1975; provided, however, that the provisions of Article 21 of the Supplementary Provisions 1 come into force as from January 1 of the same year.

(The rest is omitted.)