

Industrial Accident Compensation Insurance Act

(Act No. 50 of April 7, 1947)

Table of Contents

Chapter I General Provisions (Article 1 to Article 5)
Chapter II Establishment and Extinguishment of Relationships between Insured Businesses and the Workers' Accident Insurance (Article 6)
Chapter III Payment of Insurance Proceeds
Section 1 General Rules (Article 7 to Article 12-7)
Section 2 Payment of Insurance Proceeds for Occupational Accidents (Article 12-8 to Article 20)
Section 3 Payment of Insurance Proceeds for Commuting Accidents (Article 21 to Article 25)
Section 4 Coverage of Follow-up Medical Examination (Article 26 to Article 28)
Chapter III-2 Projects to Promote Social Reintegration of Workers into Society (Article 29)
Chapter IV Sharing the Costs (Article 30 to Article 32)
Chapter IV-2 Special Insurance Coverage (Article 33 to Article 37)
Chapter V Complaints and Lawsuits (Article 38 to Article 41)
Chapter VI Miscellaneous Provisions (Article 42 to Article 50)
Chapter VII Penal Provisions (Article 51 to Article 54)
Supplementary Provisions

Chapter I General Provisions

Article 1 The purposes of the industrial accident compensation insurance are to pay necessary insurance proceeds to protect workers who are injured, fall ill or are disabled, or die, in a prompt and fair manner, which are caused in the course of their duties or while commuting to or from work, and to promote the social reintegration of workers into society who are injured or fall ill in the course of their duties or while commuting to or from work, in order to provide support to those workers and their surviving family members and secure the safety and health of workers or the like, thereby contributing to the promotion of the welfare of such workers.

Article 2 The government administers industrial accident compensation insurance.

Article 2-2 Industrial accident compensation insurance, in order to achieve the purposes set forth in Article 1, is paid to support the projects to promote social reintegration of workers into society in addition to pay insurance proceeds to workers for their injury, illness, disability or death or the like caused in the course of their duties or while commuting to or from work.

Article 3 (1) In this Act, the insurance covers businesses that hire workers.
(2) Notwithstanding the provisions of the preceding paragraph, this Act does not apply to businesses managed directly by the State, businesses managed by public agencies (excluding the businesses specified in appended table 1 of the Labor Standards Act (Act No. 49 of 1947)) and persons insured by mariners' insurance under the provisions of Article 17 of the Mariners' Insurance Act (Act No. 73 of 1939).

Article 4 Deleted

Article 5 Cabinet Orders and Orders of the Ministry of Health, Labour and Welfare under this Act and Cabinet Orders and Orders of the Ministry of Health, Labour and Welfare (limited to those pertaining to industrial accident compensation insurance services) under the Act on the Collection of Insurance Premiums of Labor Insurance (Act No. 84 of 1969; hereinafter referred to as the "Premiums Collection Act") are established after hearing the opinions of the Labour Policy Council as to drafts thereof.

Chapter II Establishment and Extinguishment of Relationships between the Insured Businesses and the Workers' Accident Insurance

Article 6 The establishment and extinguishment of relationships between the insured businesses and the worker's accident insurance are governed by the provisions of the Premiums Collection Act.

Chapter III Payment of Insurance Proceeds

Section 1 General Rules

Article 7 (1) The insurance proceeds under this Act are those prescribed below:
(i) payment of insurance proceeds for injury, illness, disability or death of workers during the course of their duties (hereinafter referred to as an "occupational accident");
(ii) payment of insurance proceeds for injury, illness, disability or death of workers while commuting to or from work (hereinafter referred to as a "commuting accident"); and

- (iii) coverage of follow-up medical examination
- (2) The commuting referred to in item (ii) of the preceding paragraph means that workers travel to or from work by choosing the efficient route and means as prescribed below, excluding commuting which has the nature of their duties:
 - (i) travel back and forth between the worker's residence and workplace;
 - (ii) travel from the worker's workplace to another workplace as specified by Order of the Ministry of Health, Labour and Welfare; and
 - (iii) travel between the worker's residences that precedes or follows the traveling back and forth specified in item (i) (limited to those satisfying the requirements specified by Order of the Ministry of Health, Labour and Welfare)
- (3) Where a worker deviates from the travel route referred to in each item of the preceding paragraph or discontinues the travel referred to in each item of that paragraph, traveling during the deviation or discontinuation or any subsequent travel set forth in each item of that paragraph are not deemed as commuting referred to in paragraph (1), item (ii); provided, however, that this does not apply if the deviation or discontinuation is required to carry out an activity necessary for daily life, which are the basic needs specified by Order of the Ministry of Health, Labour and Welfare due to unavoidable circumstances, except during the period of the deviation or stoppage en route.

Article 8 (1) The basic daily payment amount is the amount equivalent to the average wage referred to in Article 12 of the Labor Standards Act. In this case, the day on which the grounds to calculate the average wage occurred referred to in paragraph (1) of that Article is the day on which the accident which caused the injury or death as prescribed in paragraph (1), item (i) or item (ii) of the preceding Article occurs, or the date on which the occurrence of an illness prescribed in item (i) or item (ii) of that paragraph was confirmed by making a diagnosis (hereinafter referred to as "the date on which the grounds for calculation occurred").

- (2) When it is deemed inappropriate to pay the amount equivalent to the average wage referred to in Article 12 of the Labor Standards Act as the basic daily payment amount, the amount calculated by the government pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare is deemed to be the basic daily payment amount, notwithstanding the provisions of the preceding paragraph.

Article 8-2 (1) The basic daily payment amount for loss of salary during a temporary absence from work used as the basis for calculation of compensation payment for loss of salary during a temporary absence from work or payment for loss of salary during a temporary absence from work (hereinafter referred

to as the "compensation payment for loss of salary during a temporary absence from work, etc." in this Article) (hereinafter referred to as "basic daily payment amount for loss of salary during a temporary absence from work" in this Article) is provided as follows:

- (i) With regard to compensation payment for loss of salary during a temporary absence from work, etc. other than the compensation payment for loss of salary during a temporary absence from work, etc. prescribed in the following item, the amount calculated as the basic daily payment amount pursuant to the provisions of the preceding Article is deemed to be the basic daily compensation payment amount for loss of salary during a temporary absence from work.
 - (ii) If the average amount of salary (meaning the average amount of monthly salary of a worker calculated pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare based on the fixed amount of salary paid every month in the Monthly Labor Statistics prepared by the Ministry of Health, Labour and Welfare; hereinafter the same applies in this item) per a three-months period defined as January through March, April through June, July through September, and October through December (hereinafter referred to as a "quarter" in this Article) exceeds 110 percent or below 90 percent of the average salary for the quarter of the day on which the grounds for calculation occurred (in cases where the amount calculated pursuant to the provision of this item (hereinafter referred to as the "revised daily amount" in this item) is regarded as the basic daily amount for compensation payment for loss of salary during a temporary absence from work, the quarter two quarters before the first quarter for which the revised basic daily amount is to be used as the basis for calculating the amount of compensation payment for loss of salary during a temporary absence from work, etc.), in relation to the compensation payment for loss of salary during a temporary absence from work, etc. for which grounds for payment occurred on or after the first day of the quarter two quarters after the quarter in which the relevant increase or decrease has occurred, the basic daily amount of compensation payment for loss of salary during a temporary absence from work is the amount obtained by multiplying the amount calculated as the basic daily payment amount under the provisions of the preceding Article (in cases where a revised daily amount is regarded as the basic daily amount of compensation payment for loss of salary during a temporary absence from work, the revised daily amount) by a rate specified by the Minister of Health, Labour and Welfare based on that rate of increase or decrease.
- (2) If the date on which grounds for compensation payment for loss of salary during a temporary absence from work, etc. occurred is later than the date on which one year and six months have elapsed from the date of the

commencement of medical treatment pertaining to the compensation payment for loss of salary during a temporary absence from work, etc., if a worker falls under any of the cases set forth in the following items, the amount specified in the respective items is deemed to be the basic daily payment amount for loss of salary during a temporary absence from work, notwithstanding the provisions of the preceding paragraph:

- (i) if the amount calculated as the basic daily payment for loss of salary during a temporary absence from work pursuant to the provisions of the preceding paragraph is less than the minimum amount of basic daily payment for loss of salary during a temporary absence from work benefit specified by the Minister of Health, Labour and Welfare for each age group specified by Order of the Ministry of Health, Labour and Welfare (hereinafter simply referred to as the "age group" in this Article), which is less than the amount pertaining to the age group to which a worker who is to receive the basic daily compensation payment for loss of salary during a temporary absence from work, etc. is classified as of the first day of the quarter in which the date on which the grounds for the basic daily compensation payment for loss of salary during a temporary absence from work, etc. occurred (hereinafter referred to as the "base date" in the following item): the amount pertaining to the age group; or
 - (ii) if the amount calculated as the basic daily compensation payment for loss of salary during a temporary absence from work pursuant to the provisions of the preceding paragraph exceeds the maximum amount of the basic daily compensation payment for loss of salary during a temporary absence from work specified by the Minister of Health, Labour and Welfare for each age group, which pertains to the age group to which a worker who is to receive the compensation payment for loss of salary during a temporary absence from work, etc., as of the base date: the amount pertaining to the age group
- (3) The amount specified by the Minister of Health, Labour and Welfare referred to in item (i) of the preceding paragraph is to be specified each year for each age group pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare taking the employment conditions and other circumstances of workers of the relevant age group into account, by classifying all workers of their age group into twenty groups according to the amount of monthly wage they receive (hereinafter referred to as "monthly wage" in this paragraph) by using the amount of highest monthly wage received by the worker of the group receiving the lowest amount of monthly wage as the basis for the calculation of such amount.
- (4) The provisions of the preceding paragraph apply mutatis mutandis to the amount specified by the Minister of Health, Labour and Welfare referred to in paragraph (2), item (ii). In this case, the term "pertaining to the lowest amount

of monthly wage" in the preceding paragraph is deemed to be replaced with "of the group of the second highest amount of monthly wage".

Article 8-3 (1) The basic daily payment amount used as the basis for the calculation of payment of employees' pension insurance proceeds (hereinafter referred to as the "basic daily pension benefit amount" in this Article) is provided as follows;

(i) With regard to payment of employees' pension insurance proceeds to be paid in the three-months periods before July of the fiscal year (meaning April 1 through March 31 of the following year; the same applies hereinafter) of the year after the next fiscal year of the date on which the grounds for calculation occurred, the amount calculated as the basic daily payment amount pursuant to the provisions of Article 8 is used as the basic daily pension payment amount.

(ii) With regard to payment of employees' pension insurance proceeds to be paid in the three-months period after August of the fiscal year of the year after the next fiscal year of the date on which the grounds for calculation occurred, the amount obtained by multiplying the amount calculated as the basic daily payment amount pursuant to the provisions of Article 8 by the rate specified by the Minister of Health, Labour and Welfare based on the rate obtained by dividing the average salary (meaning the average amount of salary per worker calculated pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare based on the fixed amount of salary paid every month in the Monthly Labor Statistics prepared by the Ministry of Health, Labour and Welfare; hereinafter the same applies in this item and Article 16-6, paragraph (2)) of the fiscal year before the fiscal year of the month in which employees' pension insurance is to be paid (if it is to be paid in the month of April through July, the fiscal year before last), by the average salary of the fiscal year in which the date on which the grounds of calculation occurred, is used as the basic daily pension payment amount.

(2) The provisions of paragraphs (2) through (4) of the preceding Article apply mutatis mutandis to the basic daily pension payment amount. In this case, the term the "preceding paragraph" in paragraph (2) of that Article is deemed to be replaced with "paragraph (1) of the following Article"; the term "compensation payment for loss of salary during a temporary absence from work, etc." is deemed to be replaced with "payment of employees' pension insurance proceeds", the term "the date on which the grounds for payment occurred", is deemed to be replaced with the "month in which the payment is to be made," the term "the first day of the quarter (in the following item" is deemed to be replaced with "August 1 of the fiscal year if it is paid in the month of April through July; hereinafter in this paragraph", the term "age of" is deemed to be

replaced with the "age of the worker on the base date if the survivors pension or the compensation pension for surviving family is to be paid and calculated assuming that the death of the worker pertaining to the grounds for payment did not occur; the same applies in the following item) in item (i) of that paragraph; and the term a "compensation payment for loss of salary during a temporary absence from work" in item (ii) of that paragraph is deemed to be replaced with a " payment of employees' pension insurance proceeds".

Article 8-4 The provisions of paragraph (1) of the preceding Article apply mutatis mutandis to the basic daily payment amount used as the basis of calculation of the lump-sum payment of disability compensation, lump-sum compensation payment for surviving family, lump-sum payment for disability or lump-sum payment for surviving family. In this case, the term "to be paid in the three-month period" and the "month in which the payment is to be paid" in that paragraph are respectively deemed to be replaced with the "grounds for the payment occurred" and the "month in which the grounds for the payment occurred".

Article 8-5 When finding a fraction of the basic daily payment amount of less than one yen, such fraction is rounded up to one yen.

Article 9 (1) Payment of employees' compensation insurance proceeds is to commence in the month following the month in which the grounds for payment occurred and is to terminate in the month in which the right to receive payment is extinguished.

(2) If the grounds for suspending the payment have occurred, employees' pension insurance proceeds is not be paid from the month following the month in which the grounds occurred to the month in which the grounds cease to exist.

(3) Employees' compensation insurance proceeds are paid six times a year, in February, April, June, August, October and December of each year, for the previous month and the relevant month; provided, however, that in cases where the right to receive the payment is extinguished, the employees' pension insurance proceeds for the relevant two-months period is to be paid even if either of them is not the month of insurance proceeds payment.

Article 10 If it is not known for three months whether a worker who was on board a vessel when it sank, capsized, was lost or went missing or who was on board a vessel and went missing during its navigation is dead or alive, or if the death of such worker becomes apparent within three months but the time of death is not known, the worker shall, with respect to the application of the provisions relating to the payment of compensation benefits for surviving

family, funeral service fee, survivors benefits and funeral rite benefits, presuming that the worker has died on the date on which the vessel sank, capsized, was lost or went missing or on the date on which the worker went missing. The same applies in the cases where it is not known for three months whether a worker who was on board an aircraft when it crashed, was lost or went missing or who was on board an aircraft and went missing during its flight is dead or alive, or where the death of such worker becomes apparent within three months but the time of death is not known.

Article 11 (1) If a person who has the right to receive payment of employees' pension insurance proceeds under this Act dies and any payment of the insurance proceeds payable to the deceased person remains unpaid, their spouse (including a person who did not register the marriage but has been in a de facto marital relationship with the deceased person; the same applies hereinafter), children, parents, grandchildren, grandparents or siblings who makes a living together with the deceased person at the time of their death (in the case of the compensation pension for surviving family, other surviving family members eligible to receive the survivor compensation pension, and in the case of the survivor pension, other surviving family members eligible to receive the survivor pension) may claim payment of the unpaid insurance proceeds in their own names.

(2) In the case referred to in the preceding paragraph, if the deceased person had not claimed payment of insurance proceeds before their death, those persons prescribed in that paragraph may claim payment of the insurance proceeds in their own names.

(3) The order of priority of those who are to receive any unpaid insurance proceeds depends on the order prescribed in paragraph (1) (in the case of the compensation pension for surviving family, the order priority depends on the order prescribed in Article 16-2, paragraph (3), and in the case of the pension for surviving family, the order prescribed in Article 16-2, paragraph (3), as applied mutatis mutandis pursuant to Article 22-4, paragraph (3)).

(4) If there are two or more persons who hold the same rank in the order of priority of persons who are to receive any unpaid insurance proceeds, a claim made by one of the relevant persons is deemed to have been made on behalf of all relevant persons for the total amount, and a payment made to one of the relevant persons is deemed to have been made to all relevant persons.

Article 12 (1) When, even though the grounds to suspend the payment of employees' pension insurance proceeds occurred, any employees' pension insurance proceeds have been paid for the period in which the payment should have been suspended, the insurance proceeds which have been paid may be

deemed to be an advance payment of the employees' pension insurance proceeds which are to be paid after that period. Despite the fact that the grounds for changing the amount of insurance proceeds by reducing its amount have occurred, the insurance proceeds of which amount is not reduced have been paid for the period from the month following the month in which the grounds occurred, the same applies to the amount of the insurance proceeds should have been reduced.

- (2) Where a worker who has the right to receive employees' pension insurance proceeds (excluding the compensation pension for surviving family and the survivor pension; hereinafter referred to as "Pension B" in this paragraph) has become eligible to receive other employees' pension insurance proceeds (excluding the compensation pension for surviving family and the survivor pension; hereinafter referred to as "Pension A" in this paragraph) for the same injury or illness caused in the course of their duty or while commuting to or from work (hereinafter referred to as the "same illness or injury" in this Article), and the right to receive Pension B has been extinguished, if Pension B has been paid for the period from the month following the month in which the relevant right was extinguished, that payment of Pension B is deemed to be an advanced payment of Pension A. If a worker who has the right to receive payment of employees' pension insurance proceeds (excluding the compensation pension for surviving family and the survivor pension) is eligible for the compensation payment for loss of salary during a temporary absence from work or payment for loss of salary during a temporary absence from work, or a lump-sum compensation payment for disability or a lump-sum payment for disability for the same illness or injury, and the right to receive the employees' pension insurance proceeds has been extinguished, the same applies if the employees' pension insurance proceeds have been paid for the period as the payment for the month after the month in which the relevant right was extinguished.
- (3) If a worker receiving the compensation payment for loss of salary during a temporary absence from work or the payment for loss of salary during a temporary absence from work has the right to receive a disability compensation benefit or a compensation benefit for workers who get injured or sick while commuting to or from work or a benefit for workers who get injured or sick while commuting to or from work for the same injury or illness, and it was decided that the compensation payment for loss of salary during a temporary absence from work or payment for loss of salary during a temporary absence from work would not be paid, if the compensation payment for loss of salary during a temporary absence from work or payment for loss of salary during a temporary absence from work is continued to be paid to the worker thereafter, such compensation payment for loss of salary during a temporary absence from work or payment for loss of salary during a temporary absence from work paid

is deemed to be an advanced payment of the disability compensation benefit, compensation benefit for workers who get injured or sick while commuting to or from home, a disability benefit or a benefit for workers who get injured or sick while commuting to or from work.

Article 12-2 If a person who has the right to receive the payment of insurance proceeds has died, and despite the fact that the right to receive the payment is extinguished, employees' pension insurance proceeds have been overpaid for the period after the month in which the date of the death is recorded, if there are any insurance proceeds that are to be paid to the person who is to perform obligations under the claim for the return of monies that has resulted from the overpayment (hereinafter referred to as the "claim for the return of monies" in this Article), the amount of payment under the insurance proceeds may be appropriated as the amount of the claim for the return of monies that resulted from the overpayment, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

Article 12-2-2 (1) When a worker has intentionally caused an accident which is the direct cause of injury, illness, disability or death, the government does not pay insurance proceeds.

(2) When a worker has, by an intentional criminal act or gross negligence or by not following directions as to medical treatment without any just cause, caused an injury, illness, disability or death or an accident that was the cause thereof, or progressed the stage of injury, illness or disability or hindered their recovery, the government may decide not to pay the whole or a part of the insurance proceeds.

Article 12-3 (1) When a person has received insurance proceeds by deception or other wrongful means, the government may collect the amount equivalent to the cost for the payment of the insurance proceeds in whole or in part from the person.

(2) In the cases referred to in the preceding paragraph, when the insurance proceeds was paid due to a false report or certification submitted by an employer (in cases where an original contractor is deemed to be an employer pursuant to the provisions of Article 8, paragraph (1) or paragraph (2) of the Premiums Collection Act, the original contractor; the same applies hereinafter), the government may order the employer to pay the money to be collected as set forth in the preceding paragraph jointly and severally with the person who has received the insurance proceeds.

(3) The provisions of Article 26, Article 28, Article 29 and Article 41 of the Premiums Collection Act apply mutatis mutandis to the money to be collected

pursuant to the provisions of the preceding two paragraphs.

- Article 12-4 (1) When the government has paid insurance proceeds in cases where an accident which is the cause of payment of insurance proceeds is caused by an act of a third party, the government acquires the right to claim compensation for damages held by the person who has received the insurance proceeds against the third party, at a maximum of the payment amount thereof.
- (2) In the cases referred to in the preceding paragraph, when the person who are to receive insurance proceeds has received compensation for damages for the same reason from the third party, the government may decide not to pay the insurance proceeds, at a maximum of the amount of the compensation.

Article 12-5 (1) The right to receive insurance proceeds will not be affected by the retirement of the worker.

- (2) The right to receive insurance proceeds may not be transferred, pledged as collateral or attached; provided, however, that this does not apply where the right to receive employees' pension insurance proceeds is pledged as collateral to the Welfare and Medical Service Agency pursuant to the provisions of the Welfare and Medical Service Agency Act (Act No. 166 of 2002).

Article 12-6 Taxes and other public charges may not be imposed on the basis of money and goods received as payment of insurance proceeds.

Article 12-7 A person who has the right to receive insurance proceeds must, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, notify the government of the particulars necessary for the payment of insurance proceeds specified by Orderance of the Ministry of Health, Labour and Welfare, or submit the necessary documents for the payment of insurance proceeds or other items specified by Order of the Ministry of Health, Labour and Welfare.

Section 2 Payment of Insurance Proceeds for Occupational Accidents

- Article 12-8 (1) The payment of insurance proceeds for an occupational accident set forth in Article 7, paragraph (1), item (i) is the payment of insurance proceeds specified in the following:
- (i) medical treatment compensation benefits;
 - (ii) compensation payment for loss of salary during a temporary absence from work;
 - (iii) disability compensation benefits;
 - (iv) compensation benefits for surviving family;

- (v) funeral service fee;
 - (vi) compensation benefits for workers who get injured or sick ; and
 - (vii) nursing care compensation benefits
- (2) The insurance proceeds set forth in the preceding paragraph (excluding the illness and injury compensation pension and the nursing care compensation benefits), where the reason for compensation for accident prescribed in Article 75 through Article 77, and Article 79 and Article 80 of the Labor Standards Act have occurred, are paid to a worker or surviving family members who are to receive compensation or to a person who holds the funeral, based on their claims.
- (3) A compensation benefit for workers who get injured or sick is paid to a worker who get injured or fall ill in the course of their duties when the worker falls under all of the following items on the day on which one year and six months have elapsed from the commencement of medical treatment for the injury or illness, or falls under all of the following items after that day, and the compensation benefit is l paid to the worker during the period when the worker suffers from the injury or illness:
- (i) the illness or injury is not cured; and
 - (ii) the degree of disability due to the injury or illness falls under the grade of injury or illness specified by Order of the Ministry of Health, Labour and Welfare
- (4) Nursing care compensation benefits are paid to a worker who has the right to receive a disability compensation benefit or illness or injury compensation benefit, based on their claim, when the worker having disability requires constant or occasional nursing care and is receiving constant or occasional nursing care service due to the disability which is the reason for the disability compensation benefit or illness and injury compensation benefit, due to the degree of disability specified by Order of the Ministry of Health, Labour and Welfare, and such compensation benefits are paid during the period when the worker is receiving the nursing care service (excluding the following periods):
- (i) the period during which the worker is admitted to a facility designed to support persons with disabilities prescribed in Article 5, paragraph (12) of the Services and Supports for Persons with Disabilities Act (Act No. 123 of 2005) (hereinafter referred to as a "facility designed to support persons with disabilities") (limited to cases where the worker receives care for daily life prescribed in paragraph (6) of that Article (hereinafter referred to as "nursing care for daily life")); and
 - (ii) the period during which the worker is admitted to a facility specified by the Minister of Health, Labour and Welfare as those equivalent to a facility designed to support persons with disabilities (limited to those where nursing care for daily life is provided); and

(iii) the period during which the worker is admitted to a hospital or clinic

Article 13 (1) The medical treatment compensation benefits is paid for medical treatment.

- (2) The coverage of the medical treatment benefit set forth in the preceding paragraph is as prescribed in the following items (limited to those that are considered necessary by the government):
- (i) medical examination;
 - (ii) provision of medicines or treatment materials;
 - (iii) medical treatment procedures, operations and other treatment;
 - (iv) management of medical treatment and relevant care and other nursing care of workers staying at home;
 - (v) admission to hospitals or clinics and relevant care and other nursing care of the worker; and
 - (vi) transport
- (3) The government may, where it is difficult to pay the medical treatment benefit set forth in paragraph (1) and in other cases specified by Order of the Ministry of Health, Labour and Welfare, pay the medical treatment expenses instead of the medical treatment benefit.

Article 14 (1) The compensation payment for loss of salary during a temporary absence from work is paid from the fourth day since a worker does not receive wages because the worker is unable to work in order to receive medical treatment for an injury or illness caused in the course of their duties, and the amount of compensation per day is the amount equivalent to 60 percent of the basic daily payment amount; provided, however, that the amount of the compensation payment for loss of salary during a temporary absence from work for days on which a worker works for a portion of the regular working hours due to medical treatment for an injury or illness caused in the course of their duties is the amount equivalent to 60 percent of the amount obtained by deducting the amount of the wages to be paid for the work from the basic daily payment amount (in cases where the amount prescribed in Article 8-2, paragraph (2), item (ii) (hereinafter referred to as the "maximum amount" in this paragraph) is regarded as the basic daily payment amount, the basic daily payment amount to be paid on the assumption that the provision of that item does not apply) (in cases where the amount after the deduction exceeds the maximum amount, the amount equivalent to the maximum amount).

- (2) When a worker who receives compensation payment for loss of salary during a temporary absence from work is, for the same reason, eligible to receive either a employee's disability pension under the provisions of the Employee's Pension Insurance Act (Act No. 115 of 1954) or a disability basic pension under the

provisions of the National Pension Act (Act No. 141 of 1959), the amount of the compensation payment for loss of salary during a temporary absence from work to be paid to the worker, notwithstanding the provision of the preceding paragraph, is the amount obtained by multiplying the amount set forth in that paragraph, pursuant to the provisions of items (i) through (iii) of Table 1, by the rate for illness and injury compensation benefits amongst the rates specified by Cabinet Order set forth in items (i) through (iii) of that table (in cases where such amount is less than the amount specified by Cabinet Order, the amount specified by Cabinet Order).

Article 14-2 No compensation payment for loss of salary during a temporary absence from work is paid if a worker falls under any of the following items (limited to cases specified by Order of the Ministry of Health, Labour and Welfare):

- (i) where a worker is detained in a penal institution, workhouse or any other facility equivalent thereto; or
- (ii) where a worker is detained in a juvenile training school or any other facility equivalent thereto

Article 15 (1) The disability compensation benefits is paid either as a disability compensation pension or a lump-sum payment for disability, in accordance with the grades of disability specified by Order of the Ministry of Health, Labour and Welfare.

(2) The amounts of a disability compensation pension or a lump sum compensation payment for disability is as prescribed respectively in Appended Table 1 or Appended Table 2.

Article 15-2 Where there has been a change to the degree of the relevant degree of the disability of a worker receiving a disability compensation pension, and as a result of such change, the worker falls under another grade of disability prescribed in Appended Table 1 or Appended Table 2, the government is to, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, pay the disability compensation pension or lump sum compensation payment for disability corresponding to the new grade of disability under which the worker now falls, and does not pay the former disability compensation pension thereafter.

Article 16 Compensation benefits for surviving family is to be paid as either a compensation pension for surviving family or a lump sum compensation for surviving family.

Article 16-2 (1) The surviving family members who are eligible to receive a compensation pension for surviving family is a worker's spouse, children, parents, grandchildren, grandparents, and siblings who were dependent on the worker's income at the time of their death; provided, however, that in the case of those other than a wife (including a person who did not register marriage but has been in a de facto marital relationship with the worker; the same applies hereinafter), this applies only where they have satisfied the requirements prescribed in any of the following items at the time of the worker's death:

- (i) in the case of a husband (including a person who did not register marriage but has been in a de facto marital relationship with the worker; the same applies hereinafter), parents or grandparents: they are 60 years of age or older;
 - (ii) in the case of children or grandchildren: they must be in their age before the first March 31 after they turned 18 years of age;
 - (iii) in the case of siblings: they must be in their age before the first March 31 after they turned 18 years of age, or they are 60 years of age or older; or
 - (iv) in the case of a husband, children, parents, grandchildren, grandparents, or siblings who do not fall under any of the requirements set forth in the preceding three items: they are disabled as specified in Order of the Ministry of Health, Labour and Welfare
- (2) When a child who was an unborn baby at the time of a worker's death is born, the child, with respect to the application of the provisions of the preceding paragraph, is deemed, from then on, as a child who was dependent on the worker's income at the time of the worker's death.
- (3) The order of priority of surviving family members who are to receive a compensation pension for surviving family is given to the spouse first, and then to children, parents, grandchildren, grandparents and siblings.

Article 16-3 (1) The amount of a compensation pension for surviving family is the amount prescribed in appended table 1.

- (2) If there are two or more persons who has the right to receive a compensation pension for surviving family, the amount of the compensation pension for surviving family, notwithstanding the provisions of the preceding paragraph, is the amount obtained by dividing the amount prescribed in appended table 1 by the number of persons concerned.
- (3) If there has been an increase or decrease in the number of the surviving family members which is to be used as the basis for calculating the amount of a compensation pension for surviving family, the amount of the compensation pension for surviving family is changed from the month after the month in which the increase or decrease occurred.

- (4) Where the surviving family member who has the right to receive a compensation pension for surviving family is the worker's wife, and there are no other surviving family members eligible to receive the compensation pension for surviving family who share the cost of living with the wife, if the wife falls under any of the following items, the amount of the compensation pension for surviving family is changed from the month after the month in which the wife falls under the respective items:
- (i) when the wife turns the age of 55 (excluding cases where the wife is disabled as specified in Order of the Ministry of Health, Labour and Welfare set forth in appended table 1);
 - (ii) when the wife becomes disabled as specified in Order of the Ministry of Health, Labour and Welfare set forth in Appended Table 1 or such circumstances have ceased to exist (excluding cases where the wife is 55 years of age or older)

Article 16-4 (1) The right to receive a compensation pension for surviving family is extinguished when a surviving family member having the right falls under any of the following items. In this case, when there is no person holding the same rank in the order of priority but there is a person(s) holding a lower rank, the compensation pension for surviving family is paid to the person(s) who holds the next rank:

- (i) when the surviving family member eligible for survivors benefit dies;
- (ii) when the surviving family member eligible for survivors benefit is married (including cases where they did not register marriage but the surviving family member is in a de facto marital relationship);
- (iii) when the surviving family member eligible for survivors benefit is adopted by a person other than their lineal relative by blood or their lineal relative through marriage (including a person who did not register adoption but is in a de facto adoptive relationship);
- (iv) when the kinship between the surviving family member and the deceased worker is terminated by the dissolution of their kinship;
- (v) in the case of children, grandchildren or siblings, when the first March 31 after they turned 18 years old ends (excluding cases where they have been disabled as specified in Order of the Ministry of Health, Labour and Welfare set forth in Article 16-2, paragraph (1), item (iv) continuously from the time of the death of the worker); or
- (vi) in the case of the worker's husband, children, parents, grandchildren, grandparents or siblings who are disabled as specified in Order of the Ministry of Health, Labour and Welfare set forth in Article 16-2, paragraph (1), item (iv), when such circumstances have ceased to exist (excluding cases where the worker's husband, parents or grandparents were 60 years of age or

older at the time of the worker's death, where the worker's children or grandchildren have not experienced the first March 31 after they turned 18 years old, and where the worker's siblings have not experienced the first March 31 after they turned 18 years old or they were 60 years of age or older at the time of the worker's death).

- (2) When a surviving family member eligible to receive a compensation pension for surviving family falls under any of the items of the preceding paragraph, the member cease to be a surviving family member eligible to receive the compensation pension for surviving family.

Article 16-5 (1) When the whereabouts of a person who has the right to receive a compensation pension for surviving family is unknown for not less than one year, the payment of the compensation pension for surviving family is suspended for as long as those whereabouts are unknown, upon the request filed by a person who holds the same rank in the order of priority if there is any such person, or upon the request filed by a person who holds the next rank in the order of priority if there is no person holding the same rank. In this case, if there is no person holding the same rank, the person who holds the next rank is the person with the first rank during that period.

- (2) A surviving family member whose payment of the compensation pension for surviving family is suspended pursuant to the provisions of the preceding paragraph may request for revocation of the suspension of the payment at any time.
- (3) The provisions of Article 16-3, paragraph (3) apply mutatis mutandis where the payment of the compensation pension for surviving family is suspended pursuant to the provisions of paragraph (1) or where the suspension of the payment is revoked pursuant to the provisions of the preceding paragraph. In this case, the term "month in which the increase or decrease occurred" in paragraph (3) of that Article is deemed to be replaced with the "month in which the payment is suspended or the suspension of the payment is revoked."

Article 16-6 (1) A lump sum compensation for surviving family is paid in the following cases:

- (i) where, at the time of the worker's death, there is no surviving family member who is eligible to receive a compensation pension for surviving family; and
- (ii) where a person's right to receive the compensation pension for surviving family is extinguished, and there is no other surviving family member who is eligible to receive the compensation pension for surviving family and the total amount of the compensation pension for surviving family paid for the worker's death is less than the amount of the lump sum compensation for

surviving family that would be paid on the assumption that the situation falls under the case set forth in the preceding item on the day on which the right is extinguished.

- (2) When the total amount of a compensation pension for surviving family prescribed in item (ii) of the preceding paragraph is calculated, with regard to the amount of the compensation pension for surviving family paid for a period before July of the fiscal year of the date on which the right prescribed in that item is extinguished (in cases where the month of the date on which the right is extinguished is any of the months from April to July, the previous fiscal year; hereinafter the same applies in this paragraph), the amount is calculated according to the amount obtained by multiplying the amount actually paid by the rate specified by the Minister of Health, Labour and Welfare based on the rate obtained by dividing the average salary for the fiscal year before the fiscal year of the date on which the right is extinguished by the average salary for the fiscal year one year before the fiscal year of the months for which the compensation pension for surviving family is paid (in cases where the relevant month is either April, May, June or July, the fiscal year two years before).

Article 16-7 (1) The surviving family members who are eligible to receive a lump sum compensation for surviving family are the persons specified in the following items:

- (i) the worker's spouse;
 - (ii) the worker's children, parents, grandchildren and grandparents who were dependent on the worker's income at the time of their death; and
 - (iii) the worker's children, parents, grandchildren and grandparents who do not fall under the preceding item, and the worker's siblings.
- (2) The order of priority for the surviving family members who are to receive a lump sum compensation for surviving family is decided in accordance with the order set forth in each of the items of the preceding paragraph, and among the persons specified in items (ii) and (iii) of that paragraph, the order set forth in the respective items applies.

Article 16-8 (1) The amount of a lump sum compensation payment for surviving family is the amount prescribed in appended table 2.

- (2) The provisions of Article 16-3, paragraph (2) apply mutatis mutandis to the amount of the lump sum compensation payment for surviving family. In this case, the term "appended table 1" in that paragraph is deemed to be replaced with "appended table 2".

Article 16-9 (1) A person who intentionally causes the death of a worker is not be regarded as a surviving family member who is eligible to receive compensation

benefits for surviving family.

- (2) A person who, before the death of a worker, intentionally causes the death of a person holding a higher or the same rank in the order of priority as a surviving family member who is eligible to receive a compensation pension for surviving family as a result of the worker's death, is not be regarded as a surviving family member who is eligible to receive a compensation pension for surviving family.
- (3) A person who has intentionally causes the death of a surviving family member who is eligible to receive a compensation pension for surviving family is not regarded as a surviving family member who is eligible to receive a lump sum compensation payment for surviving family. The same applies to a person who, before the death of a worker, intentionally causes the death of a person who is to become a surviving family member eligible to receive a compensation pension for surviving family as a result of the worker's death.
- (4) When a surviving family member who is eligible to receive a compensation pension for surviving family intentionally causes the death of another surviving family member holding a higher or the same rank in the order of priority as a surviving family member who is eligible to receive a compensation pension for surviving family, that surviving family member is not regarded as a surviving family member who is eligible to receive a compensation pension for surviving family. In this case, if that surviving family member is a person having the right to receive a compensation pension for surviving family, the relevant right is extinguished.
- (5) In the case referred to in the second sentence of the preceding paragraph, the provisions of the second sentence of Article 16-4, paragraph (1) apply *mutatis mutandis*.

Article 17 The amount of funeral service fee is the amount specified by the Minister of Health, Labour and Welfare in consideration of the cost normally required for funeral.

Article 18 (1) The amount of an illness and injury compensation pension is as prescribed in appended table 1 in accordance with the grades of illness or injury specified in Order of the Ministry of Health, Labour and Welfare set forth in Article 12-8, paragraph (3), item (ii).

(2) Compensation payment for loss of salary during a temporary absence from work is not paid to a person who receives an illness or injury compensation pension.

Article 18-2 Where there has been a change in the degree of the relevant degree of disability of a worker receiving an illness or injury compensation pension,

and as a result of such change, that person falls under another grade of illness or injury prescribed in appended table 1, the government, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, pays the illness or injury compensation pension corresponding to the new grade of illness or injury under which the person now falls, and does not pay the former illness or injury compensation pension thereafter.

Article 19 Where a worker who gets injured or fall ill in the course of their duties receives an illness or injury compensation pension on the day when three years have elapsed after the commencement of medical treatment pertaining to the illness or injury, or begins to receive an illness or injury compensation pension after that day, with respect to the application of the provisions of Article 19, paragraph (1) of the Labor Standards Act, the relevant employer is deemed to have received a compensation for discontinuance pursuant to the provisions of Article 81 of the Labor Standards Act on the day when three years have elapsed or on the day when the worker begins to receive the illness or injury compensation pension, respectively.

Article 19-2 Nursing care compensation benefits is to be paid monthly, and the monthly amount is the amount specified by the Minister of Health, Labour and Welfare in consideration of the expenses normally required for receiving constant or occasional nursing care.

Article 20 In addition to what is prescribed in this Section, the particulars necessary for payment of insurance proceeds in respect of an occupational accidents are prescribed in Order of the Ministry of Health, Labour & Welfare.

Section 3 Insurance Proceeds for Commuting Accidents

Article 21 The insurance proceeds in respect of commuting accidents set forth in Article 7, paragraph (1), item (ii) are the insurance proceeds specified as follows:

- (i) medical treatment benefits;
- (ii) payment for loss of salary during a temporary absence from work;
- (iii) disability benefits;
- (iv) benefits for surviving family;
- (v) payments for funeral service fee;
- (vi) benefits for workers who get injured or fall ill while commuting to and from work; and
- (vii) nursing care benefits

Article 22 (1) Where a worker gets injured or falls ill (limited to diseases specified by Order of the Ministry of Health, Labour and Welfare; hereinafter the same applies in this Section) while commuting to or from work (meaning commuting as set forth in Article 7, paragraph (1), item (ii); the same applies hereinafter), medical treatment benefits is paid to the worker based on their claim.

(2) The provisions of Article 13 apply mutatis mutandis to medical treatment benefits.

Article 22-2 (1) Where a worker does not receive wages because of their inability to work due to medical treatment pertaining to an injury or illness caused while commuting to or from work, compensation payment for loss of salary during a temporary absence from work benefits is to be paid to the worker based on their claim.

(2) The provisions of Article 14 and Article 14-2 apply mutatis mutandis to compensation payment for loss of salary during a temporary absence from work. In this case, the term "in the course of their duties" in Article 14, paragraph (1) is deemed to be replaced with "while commuting to or from work" and the term "in accordance with the cases prescribed in items (i) through (iii) of appended table 1, by the rate for an illness or injury compensation pension amongst the rates specified in Cabinet Order set forth in items (i) to (iii) of that table" in paragraph (2) of that Article is be deemed to be replaced with "in accordance with the cases prescribed in items (i) through (iii) of appended table 1 as applied mutatis mutandis pursuant to the provisions of Article 23, paragraph (2), by the rate for an illness or injury compensation pension amongst the rates specified in Cabinet Order set forth in items (i) through (iii) of that table."

(3) The amount of compensation or loss of salary during a temporary absence from work to be paid to a worker receiving medical treatment benefits (excluding persons specified in Order of the Ministry of Health, Labour and Welfare as set forth in Article 31, paragraph (2)) pertaining to the first day on which the grounds for payment occurred, notwithstanding the provisions of Article 14, paragraph (1) as applied mutatis mutandis pursuant to the provisions of the preceding paragraph, is the amount obtained by deducting the amount equivalent to the amount specified in Order of the Ministry of Health, Labour and Welfare set forth in Article 31, paragraph (2) from the amount set forth in Article 14, paragraph (1).

Article 22-3 (1) Where a worker gets injured or falls ill while commuting to or from work and remains physically disabled after recovery, a disability benefit is paid to the worker based on their claim.

(2) Disability benefits are paid in the form of disability pension or a lump sum

payment for disability, in accordance with the grades of disabilities specified in Order of the Ministry of Health, Labour and Welfare set forth in Article 15, paragraph (1).

- (3) The provisions of Article 15, paragraph (2) and Article 15-2 as well as the provisions of appended table 1 (limited to the parts pertaining to the disability compensation pension) and appended table 2 (limited to the parts pertaining to the lump sum compensation payment for disability) apply mutatis mutandis to disability benefits. In this case, the term "disability compensation pension" and "lump sum payment for disability" in these provisions are respectively deemed to be replaced with "disability pension" and "lump sum payment for disability".

Article 22-4 (1) Where a worker dies while commuting to or from work, benefits for surviving family is paid to the worker's surviving family members based on their claims.

- (2) Benefit for surviving family is paid in the form of a survivor pension or lump sum payment for surviving family.
- (3) The provisions of Articles 16-2 to Article 16-9 as well as the provisions of appended table 1 (limited to the parts pertaining to the compensation pension for surviving family) and appended table 2 (limited to the parts pertaining to the lump sum compensation for surviving family) apply mutatis mutandis to benefits for surviving family. In this case, the term "compensation pension for surviving family" and "lump sum compensation for surviving family" in these provisions are respectively deemed to be replaced with "pension for surviving family" and "lump sum payment for surviving family".

Article 22-5 (1) Where a worker dies while commuting to or from work, funeral service fee is paid to the person who holds the funeral based on their claim.

- (2) The provisions of Article 17 apply mutatis mutandis to payment of funeral service fee.

Article 23 (1) An illness or injury pension is paid to a worker who gets injured or fall ill while commuting to or from work, when the person falls under all of the following items on the day on which one year and six months have elapsed after the commencement of medical treatment pertaining to the illness or injury, or falls under all of the following items after that day, and such payment is made for the period during which the relevant illness or injury continues to exist:

- (i) the illness or injury is not cured; and
- (ii) the degree of disability due to the illness or injury falls under a grade of illness or injury specified by Order of the Ministry of Health, Labour and

Welfare set forth in Article 12-8, paragraph (3), item (ii).

- (2) The provisions of Article 18 and Article 18-2 as well as the provisions of appended table 1 (limited to those parts pertaining to the illness or injury compensation pension) apply mutatis mutandis to an illness or injury pension. In this case, the term "compensation payment for loss of salary during a temporary absence from work " in Article 18, paragraph (2) is deemed to be replaced with "payment for loss of salary during a temporary absence from work", and the term "illness or injury compensation pension" in that table is deemed to be replaced with "illness or injury pension".

Article 24 (1) Nursing care benefit is paid to a worker who has the right to receive a disability pension or an illness or injury pension, based on their claim, when the worker is in a physical condition requiring constant or occasional nursing care and is receiving constant or occasional nursing care due to a disability which is the cause for the payment of that disability pension or illness or injury pension which the worker has the right to receive and whose degree of disability is specified by Order of the Ministry of Health, Labour and Welfare set forth in Article 12-8, paragraph (4), and such payment is made during the period while the worker is receiving the nursing care(excluding the following periods):

- (i) the period during which the worker is admitted to a facility designed for persons with disabilities (limited to cases where the worker receives nursing care for daily life);
 - (ii) the period during which the worker is admitted to a facility specified by the Minister of Health, Labour and Welfare set forth in Article 12-8, paragraph (4), item (ii); and
 - (iii) the period during which the worker is admitted to a hospital or clinic
- (2) The provisions of Article 19-2 apply mutatis mutandis to nursing care benefits.

Article 25 In addition to what is prescribed in this Section, necessary particulars necessary for payment of insurance proceeds in respect of a commuting accident are prescribed by Order of the Ministry of Health, Labour and Welfare.

Section 4 Payment for Follow-up Medical Examination

Article 26 (1) Follow-up medical examination expenses is paid to a worker, based on their claim, where the worker has, in their most recent medical examination conducted pursuant to the provisions of Article 66, paragraph (1) of the Industrial Health and Safety Act (Act No. 57 of 1972) or a medical examination pertaining to the medical examination conducted pursuant to the provisions of

the proviso to paragraph (5) of that Article (hereinafter referred to as an "initial medical examination" in this paragraph), undergone blood pressure tests or blood tests or other tests concerning physical conditions related to the occurrence of a cerebrovascular disease or heart disease caused in the course of their duties, which are specified by Order of the Ministry of Health, Labour and Welfare, and the worker who has undergone these tests is diagnosed as those showing abnormalities for all items of the medical test (excluding workers who, based on the results of the initial medical examination or for other reasons, obviously have symptoms of cerebrovascular disease or heart disease).

(2) The coverage of follow-up medical examination is as follows:

- (i) a medical examination conducted by a doctor who carries out the medical test (excluding the tests prescribed in the preceding paragraph) specified by Order of the Ministry of Health, Labour and Welfare which are necessary to understand the conditions of the blood vessels in the brain and the heart (limited to once per fiscal year; hereinafter referred to as a "follow-up medical examination" in this Section); and
- (ii) health guidance given by a doctor or public health nurse by having an interview based on the results of the follow-up medical examination in order to prevent the occurrence of a cerebrovascular disease and heart disease (limited to once per follow-up medical examination; hereinafter referred to as "specific health guidance" in the following paragraph)

(3) With regard to workers who, based on the results of a follow-up medical examination or for other reasons, obviously have symptoms of a cerebrovascular disease or heart disease, the government does not give specific health guidance pertaining to the follow-up medical examination.

Article 27 With respect to the application of the provisions of Article 66-4 of the Industrial Health and Safety Act to an employer (meaning an employer prescribed in Article 2, item (iii) of that Act) who has received, from a worker who has undergone a follow-up medical examination, a document certifying the results of the follow-up medical examination within a period specified by Order of the Ministry of Health, Labour and Welfare not exceeding three months from the day of the follow-up medical examination, the term the "results of the medical examinations..." (limited to the results of the medical examinations" in that Article is deemed to be replaced with the "results of the medical examination and the follow-up medical examination prescribed in Article 26, paragraph (2), item (i) of the Industrial Accident Compensation Insurance Act..." (limited to the results of these medical examinations").

Article 28 In addition to what is prescribed in this Section, the necessary

particulars for the payment of follow-up medical examination, etc. are prescribed by Order of the Ministry of Health, Labour and Welfare.

Chapter III-2 Projects to Promote Social Reintegration of Workers into Society

- Article 29 (1) The government may undertake the following projects as the project to promote social reintegration of workers into society for workers engaged in businesses covered by this insurance and their surviving families:
- (i) projects necessary to establish and operate facilities for medical treatment and facilities for medical rehabilitation, and promote the smooth social reintegration of workers had an occupational accident or commuting accident (hereinafter referred to as "victims" in the following item);
 - (ii) projects necessary to provide support for victims under medical treatment, provide support for victims who receive nursing care, provide support for surviving family members who attend school, support victims and their surviving family members by providing loans for the funds they need, and other support for victims and their surviving family members; and
 - (iii) projects necessary to support activities for the prevention of occupational accidents, to establish and operate facilities for medical examinations, to secure the safety and health of workers, to secure the appropriate implementation of the payment of insurance proceeds, and to secure the payment of wages
- (2) Standards necessary for the implementation of the projects specified in the items of the preceding paragraph are specified by Order of the Ministry of Health, Labour and Welfare.
- (3) The government is to have the Japan Labor Health and Welfare Organization perform, among the project to promote social reintegration of workers into society set forth in paragraph (1), those specified in Article 12, paragraph (1) of the Japan Labor Health and Welfare Organization Act (Act No. 171 of 2002).

Chapter IV Bearing of Costs

Article 30 The premiums to be collected by the government to cover the costs necessary for industrial accident compensation insurance services are governed by the provisions of the Premiums Collection Act.

Article 31 (1) When the government pays insurance proceeds for an accident which falls under any of the following items, it may collect from the employer, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, the whole or a part of the amount of money equivalent to the amount

incurred to pay the insurance benefits, up to the limit of, in the case of insurance proceeds in respect of an occupational accident, the value of accident compensation under the provisions of the Labor Standards Act, and up to the limit of, in the case of insurance proceeds for a commuting accident, the value of accident compensation under the provisions of that Act equivalent to the insurance proceeds for an occupational accident payable where a commuting accident is deemed to be an occupational accident:

- (i) an accident occurred during a period when the employer has failed, intentionally or through gross negligence, to submit a notification under the provisions of Article 4-2, paragraph (1) of the Premiums Collection Act which is related to the establishment of the relationship between the insured business and this insurance (in cases where the government has made a decision with respect to the projects concerned under the provisions of Article 15, paragraph (3) of the Premiums Collection Act, the period after the decision is excluded);
 - (ii) an accident occurred during a period when the employer has failed to pay the general premiums set forth in Article 10, paragraph (2), item (i) of the Premiums Collection Act (limited to the period after the time limit designated in a demand letter set forth in Article 26, paragraph (2) of the Premiums Collection Act); or
 - (iii) an accident caused by the employer through their intentional act or gross negligence, which is the cause of an occupational accident
- (2) The government collects an amount specified by Order of the Ministry of Health, Labour and Welfare not exceeding two hundred yen, from a worker who receives payment for medical treatment (excluding workers specified by Order of the Ministry of Health, Labour and Welfare) as the worker's co-payment; provided, however, that this does not apply to a worker who receives payment for loss of salary during a temporary absence from work at an amount reduced pursuant to the provisions of Article 22-2, paragraph (4).
- (3) The government may, as an appropriation to the co-payment set forth in the preceding paragraph, which is collected from the worker set forth in that paragraph, deduct an amount equivalent to the co-payment from the amount of the insurance proceeds to be paid to the worker, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (4) The provisions of Article 26, Article 28, Article 29 and Article 41 of the Premiums Collection Act apply mutatis mutandis to the money collected under the provisions of paragraph (1) or (2).

Article 32 The national treasury may subsidize part of the costs necessary for industrial accident compensation insurance services, within the budget.

Chapter IV-2 Special Insurance Coverage

Article 33 The occupational accident and commuting accident of the persons specified in the following items (in the case of persons specified in items (ii), (iv) or (v), excluding those who are workers) are governed by the provisions of this Chapter:

- (i) an employer who hires the number of workers less than the number specified by Order of the Ministry of Health, Labour and Welfare (excluding businesses specified by Order of the Ministry of Health, Labour and Welfare; hereinafter referred to as a "specified business" in item (vii)), who entrusts a labor insurance affairs association set forth in Article 33, paragraph (3) of the Premiums Collection Act (hereinafter referred to as a "labor insurance affairs association") with the handling of the labor insurance affairs set forth in paragraph (1) of that Article (in cases where the employer is a juridical person or other organization, the representative thereof);
- (ii) a person engaged in a business operated by an employer set forth in the preceding item;
- (iii) a person who normally operates a type of business specified by Order of the Ministry of Health, Labour and Welfare without hiring any workers;
- (iv) a person engaged in a business operated by a person set forth in the preceding item;
- (v) a person engaged in a type of work specified by Order of the Ministry of Health, Labour and Welfare;
- (vi) a person who is dispatched by an organization carrying out a business for providing technical cooperation in a developing area outside the area where this Act is enforced (excluding businesses for which the period of business is predetermined), to be engaged in a business carried out in the developing area (excluding areas in countries specified by Order of the Ministry of Health, Labour and Welfare in consideration of the status of protection systems in relation to occupational accidents and commuting accidents and other circumstances) in order to perform the operations of the organization; and
- (vii) a person who is dispatched by an employer carrying out a business in the area where this Act is enforced (excluding businesses for which the period of business is predetermined), to be engaged in a business carried out in an area outside the area where this Act is enforced (excluding areas in countries specified by Order of the Ministry of Health, Labour and Welfare in consideration of the status of protection systems in relation to occupational accidents and commuting accidents and other circumstances) (in cases where the business does not fall under the categories of specified business, limited to persons who are dispatched as a worker used for the relevant business)

Article 34 (1) When an employer set forth in item (i) of the preceding Article files a claim for persons specified in that item and in item (ii) of that Article collectively as persons eligible to receive insurance proceeds for the occupational accident or commuting accident covered by this insurance based on the relationship established between this insurance and the relevant business, and the approval of the government has been given, the application of the provisions of Chapter III, Sections 1 to 3 and Chapter III-2 is provided as follows:

- (i) The persons specified in items (i) and (ii) of the preceding Article are deemed to be the workers used for the business;
 - (ii) When a person specified in item (i) or (ii) of the preceding Article gets injured or falls ill during the course of their duties, when the person is unable to engage in the business due to medical treatment for the illness or injury or when the person remains physically disabled after the person has recovered from the illness or injury, or when the person dies in the course of their duties, it is deemed that the cause of accident compensation prescribed in Article 75 to Article 77 and Article 79 and Article 80 of the Labor Standards Act has occurred;
 - (iii) The basic daily payment amount for the persons specified in items (i) and (ii) of the preceding Article is the amount specified by the Minister of Health, Labour and Welfare in consideration of the amount of the wages of the workers used for the business and other circumstances; and
 - (iv) When an accident involving a person specified in item (i) or (ii) of the preceding Article occurs during a period in which Type 1 special insurance premiums set forth in Article 10, paragraph (2), item (ii) of the Premiums Collection Act is unpaid, the government may decide not to pay the insurance proceeds pertaining to the accident in whole or in part. The same applies where an accident that is the cause of an occupational accident occurred to any of these persons as a result of an intentional act or the gross negligence of an employer set forth in item (i) of the preceding Article.
- (2) The employer set forth in item (i) of the preceding Article may, even after the approval set forth in the preceding paragraph is given, decide not to designate the persons specified in that item and item (ii) of that Article collectively as persons eligible to receive insurance proceeds, with the approval of the government.
- (3) The government may, when an employer set forth in item (i) of the preceding Article violates the provisions of this Act or the Premiums Collection Act or Order of the Ministry of Health, Labour and Welfare under these Acts, revoke the approval set forth in paragraph (1).
- (4) The right to receive insurance proceeds of the persons specified in items (i)

and (ii) of the preceding Article is not affected by the approval under the provisions of paragraph (2) or the revocation of the approval set forth in paragraph (1) pursuant to the provisions of the preceding paragraph. The same applies where these persons have ceased to be the persons specified in items (i) and (ii) of that Article.

Article 35 (1) When an association of persons set forth in Article 33, item (iii) or an association of persons set forth in item (v) of that Article has filed a claim to have this insurance apply to occupational accidents and commuting accidents occurred to the persons set forth in item (iii) of that Article who are members of the association and to persons set forth in item (iv) of that Article related to those persons or to persons set forth in item (v) of that Article who are members of the association (limited to occupational accidents in the case of persons specified by Order of the Ministry of Health, Labour and Welfare among those specified above in consideration of the situation while traveling between their residence and workplace or the like), and the approval of the government has been given, the application of the provisions of Chapter III, Sections 1 through 3 (with regard to the persons specified by Order of the Ministry of Health, Labour and Welfare, Sections 1 and 2 of that Chapter) and Chapter III-2 of this Act and Chapters II through VI of the Premiums Collection Act are provided as follows:

- (i) the association is deemed to be the insured business set forth in Article 3, paragraph (1) and as the employer thereof.
- (ii) the day on which the approval was given is deemed to be the day on which the insured business set forth in the preceding item commences.
- (iii) the persons specified in Article 33, items (iii) to (v) pertaining to the association is deemed to be the workers used for the insured business set forth in item (i).
- (iv) the dissolution of the association is deemed to be the discontinuation of the business.
- (v) The provisions of paragraph (1), item (ii) of the preceding Article apply *mutatis mutandis* to the grounds for payment of insurance proceeds for occupational accidents pertaining to the persons specified in Article 33, items (iii) through (v). In this case, in respect of persons specified in item (v) of that Article, the term "in the course of their duties" and the "relevant business" in paragraph (1), item (ii) of the preceding Article are respectively deemed to be replaced with "due to the work" and the "relevant work."
- (vi) The basic daily payment amount for each of the persons specified in Article 33, items (iii) through (v) is the amount specified by the Minister of Health, Labour and Welfare in consideration of the wages of workers used for the businesses of the same kind as, or similar to, the business, or used for the

businesses where the same kind as, or similar to, the work is carried out, and other circumstances.

- (vii) When an accident occurred to any of the persons specified in Article 33 items (iii) through (v) occurred during a period in which the Type 2 special insurance premiums set forth in Article 10, paragraph (2), item (iii) of the Premiums Collection Act were unpaid, the government may decide not to pay the whole or a part of the insurance benefits pertaining to the accident.
- (2) A person who, as a person specified in any of items (iii) through (v) of Article 33, is deemed to be a worker pursuant to the provisions of item (iii) of the preceding paragraph in respect of one association, is not, in terms of the same kind of business or the same kind of work, also deemed to be a worker pursuant to the provisions of that item in respect of another association.
- (3) An association set forth in paragraph (1) may, even after the approval set forth in that paragraph has been given, may extinguish the relationship between this insurance and the association, with the approval of the government.
- (4) The government may, when an association set forth in paragraph (1) violates the provisions of this Act, the Premiums Collection Act, or Order of the Ministry of Health, Labour and Welfare under these Acts, may extinguish the relationship between this insurance and the association.
- (5) The right to receive insurance proceeds of persons specified in Article 33, items (iii) through (v) is not affected by the withdrawal of the persons specified in item (iii) or (v) of that Article from the association set forth in paragraph (1). The same applies where any of the persons specified in items (iii) through (v) of that Article cease to be a person specified in the respective items.

Article 36 (1) When an association referred to in Article 33, item (vi) or an employer referred to in item (vii) of that Article files a claim for a person specified in item (vi) or (vii) of that Article as a person eligible to receive insurance proceeds for an occupational accident or commuting accident covered by this insurance, based on the relationship between this insurance and the insured business (excluding businesses for which the period of business is predetermined) carried out by the association or employer in the area where this Act is enforced, and the approval of the government has been given, the application of the provisions of Chapter III, Sections 1 through 3 and Chapter III-2 is provided as follows:

- (i) a person specified in Article 33, items (vi) or (vii) is deemed to be a worker used for the relevant business.
- (ii) the provisions of Article 34, paragraph (1), item (ii) apply *mutatis mutandis* to the grounds for insurance proceeds for an occupational accident occurred to a person specified in Article 33, item (vi) or (vii), and the provisions of

item (iii) of that paragraph apply mutatis mutandis to the basic daily payment amount for a person specified in item (vi) or (vii) of that Article. In this case, the term the "business" in item (ii) of that paragraph is deemed to be replaced with a "business to be carried out in a developing area prescribed in Article 33, item (vi) or (vii) or in an area outside the area where this Act is enforced."

(iii) When an accident occurred to a person specified in Article 33, item (vi) or (vii) occurs during a period in which the Type 3 special insurance premiums set forth in Article 10, paragraph (2), item (iii)-2 of the Premiums Collection Act were unpaid, the government may decide not to pay the whole or a part of the insurance proceeds pertaining to the relevant accident.

(2) The provisions of Article 34, paragraphs (2) and (3) apply mutatis mutandis to an association referred to in Article 33, item (vi) or an employer referred to in item (vii) of that Article that has obtained the approval of the government set forth in the preceding paragraph, and the provisions of Article 34, paragraph (4) apply mutatis mutandis to the right of a person specified in Article 33, item (vi) or (vii) to receive insurance proceeds. In this case, the term the "approval referred to in the preceding paragraph" and the "approval referred to in paragraph (1)" in these provisions is deemed to be replaced with the "approval referred to in Article 36, paragraph (1)", and the term "the persons specified in that item and item (ii) of that Article collectively" in Article 34, paragraph (2) is deemed to be replaced with a "person specified in items (vi) or (vii) of that Article", and the term "items (i) and (ii) of that Article" in paragraph (4) of that Article is deemed to be replaced with "Article 33, item (vi) or (vii)".

Article 37 In addition to what is prescribed in this Chapter, the necessary matters in respect of the occupational accident and commuting accident occurred to persons specified in the items of Article 33 are prescribed by Order of the Ministry of Health, Labour and Welfare.

Chapter V Complaints and Lawsuits

Article 38 (1) A person who is dissatisfied with a decision on insurance proceeds may file a request for administrative review with an industrial accident compensation insurance examiner, and a person who is dissatisfied with a decision by the examiner may file a request for re-examination with the Labor Insurance Appeal Committee.

(2) A person who has filed a request for administrative review set forth in the preceding paragraph may, when no decision on the request for administrative review is made even after three months have elapsed from the day on which the request was filed, file a request for re-examination with the Labor

Insurance Appeal Committee without waiting for a decision on the disposition for the request for administrative review.

- (3) With regard to a renewal of prescription, the request for administrative review set forth in paragraph (1) and the request for re-examination set forth in the preceding two paragraphs is deemed to be a demand by litigation.

Article 39 The provisions of Chapter II, Section 1, Section 2 (excluding Articles 18 and 19) and Section 5 of the Administrative Appeal Act (Act No. 160 of 1962) do not apply to either the request for administrative review set forth in paragraph (1) of the preceding Article or the request for re-examination set forth in paragraph (1) or (2) of that Article.

Article 40 No action for revocation of original administrative disposition prescribed in Article 38, paragraph (1) may be filed until an administrative determination is made by the Labor Insurance Appeal Committee on the request for re-examination of the disposition; provided, however that this does not apply to the cases falling under any of the following items:

- (i) when no administrative determination is made even after three months have elapsed from the day on which the request for re-examination is filed;
or
- (ii) when there is an urgent need to avoid the significant loss or damage caused by waiting for an administrative determination on the request for re-examination or when there are other reasonable grounds for not waiting for such administrative determination.

Article 41 The provisions of Article 37 of the Premiums Collection Act apply mutatis mutandis to the monies to be collected pursuant to the provisions of Article 31, paragraph (1), and the provisions of Article 38 of the Premiums Collection Act apply mutatis mutandis to the monies to be collected pursuant to the provisions of Article 12-3, paragraphs (1) and (2) and Article 31, paragraph (1).

Chapter VI Miscellaneous Provisions

Article 42 The right to receive medical treatment compensation benefits, compensation payment for loss of salary during a temporary absence from work, funeral service fees, nursing care compensation benefits, medical treatment benefits, payment for loss of salary during a temporary absence from work, funeral rites benefits, nursing care benefits and payment for follow-up medical examination is extinguished by prescription when two years have elapsed, and the right to receive disability compensation benefits, compensation benefits for

surviving family, disability benefits and survivors benefits is extinguished by prescription when five years have elapsed.

Article 43 The provisions of the Civil Code concerning the computation of a period of time apply mutatis mutandis to the computation of a period of time prescribed in this Act or by Cabinet Orders and Orders of the Ministry of Health, Labour and Welfare under this Act.

Article 44 No stamp tax is imposed on documents related to industrial accident compensation insurance.

Article 45 The mayor of a municipality (with regard to special wards and designated cities set forth in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947), the mayor of a ward) may, pursuant to the provisions of a municipal ordinance of the relevant municipality (including a special ward), issue a certificate with no charge, in respect of the family register of a person or surviving family member seeking to receive insurance proceeds, to the administrative authority concerned or the person seeking to receive insurance proceeds.

Article 46 An administrative authority may, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, order a person who hires worker(s), a labor insurance affairs association or an association prescribed in Article 35, paragraph (1) to make a report, submit a document or appear in its office as necessary for the enforcement of this Act.

Article 47 An administrative authority may, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, order a worker hired for a business in which the relationship between the insured business and this insurance has been established (including a person who is deemed to be a worker hired for that business pursuant to the provisions of Article 34, paragraph (1), item (i), Article 35, paragraph (1), item (iii) or Article 36, paragraph (1), item (i)) or a person who receives or seeks to receive insurance proceeds, to make a report, make a notification, or submit a document or other articles (hereinafter referred to as a "report, etc." in this Article) or to appear in its office as necessary for the enforcement of this Act, or may order a third party who caused an accident which was the cause of insurance proceeds (hereinafter referred to as a "third party" in Article 53) to make a report, etc.

Article 47-2 An administrative authority may, when it finds it necessary for the payment of insurance proceeds, order a person who receives or seeks to receive

insurance proceeds (including the person who is the basis of calculation of the amount of a compensation pension for surviving family or a pension for surviving family) to undergo a diagnosis by a doctor designated by the authority.

Article 47-3 The government may temporarily suspend the payment of insurance proceeds when a person having the right to receive insurance proceeds, without any reasonable grounds, fails to make a notification or submit a document or other items pursuant to the provisions of Article 12-7 or fails to comply with an order issued pursuant to the provisions of preceding two Articles.

Article 48 (1) An administrative authority may, to the extent necessary for the enforcement of this Act, have its officials enter the workplace of the insured business, or the office of a labor insurance affairs association or of an association prescribed in Article 35, paragraph (1), question relevant persons or inspect books and documents or other items.

(2) An official who conducts an on-site inspection pursuant to the provisions of the preceding paragraph must carry an identification card and present it to the relevant persons.

(3) The authority to conduct on-site inspections under the provisions of paragraph (1) must not be construed as the authority granted for criminal investigations.

Article 49 (1) An administrative authority may, when it finds it necessary for the payment of insurance proceeds, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, order the doctor or other person who takes charge of the medical examination of a person who receives or seeks to receive insurance proceeds (including the person who is the basis of calculation of the amount of a compensation pension for surviving family or pension for surviving family), to submit a report or medical records, books and documents or other items related to the matters concerning the medical examination, or may have its officials inspect these items.

(2) The provisions of paragraph (2) of the preceding Article apply *mutatis mutandis* to the inspection under the provisions of the preceding paragraph, and the provisions of paragraph (3) of that Article apply *mutatis mutandis* to the authority under the provisions of the preceding paragraph.

Article 49-2 Where Cabinet Order or Order of the Ministry of Health, Labour and Welfare is established, amended or abolished under this Act, necessary transitional measures may be provided for by Cabinet Order or Order of the Ministry of Health, Labour and Welfare, respectively, to the extent considered

reasonably necessary for such establishment, amendment or abolition.

Article 49-3 The authority of the Minister of Health, Labour and Welfare prescribed by this Act may, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, be partially delegated to the Directors of the Prefectural Labor Bureaus.

Article 50 The details concerning the enforcement of this Act are prescribed by Order of the Ministry of Health, Labour and Welfare.

Chapter VII Penal Provisions

Article 51 When an employer falls under any of the following items, the employer is punished by imprisonment with work for not more than six months or a fine of not more than 300,000 yen. When a labor insurance affairs association or an association prescribed in Article 35, paragraph (1) falls under any of these items, the same applies to the representative, agent or employee or other worker of the labor insurance affairs association or the association, who committed the violation:

- (i) where the employer or association fails to make a report or submit a false report, or fails to submit a document or submits a document containing any false statement, in violation of an order issued pursuant to the provisions of Article 46; or
- (ii) where the employer or association fails to answer or made a false statement in response to a question asked by the relevant official pursuant to the provisions of Article 48, paragraph (1), or has refuses, prevents or evades an inspection conducted pursuant to the provisions of Article 48, paragraph (1).

Article 52 Deleted

Article 53 When a person other than an employer, labor insurance affairs association or association prescribed in Article 35, paragraph (1) (excluding a third party) falls under any of the following items, that person is punished by imprisonment with work of not more than six months or a fine of not more than 200,000 yen:

- (i) where the person fails to make a report or notification or makes a false report or notification, or fails to submit a document or other items or submits a document containing any false statement, in violation of an order issued pursuant to the provisions of Article 47;
- (ii) where the person fails to answer or make a false statement in response to a question asked by the relevant official pursuant to the provisions of Article

48, paragraph (1), or refuses, prevents or evades an inspection conducted pursuant to the provisions of Article 48, paragraph (1); or
(iii) where the person fails to make a report or makes a false report or fails to present medical records, books and documents or other items in violation of an order issued pursuant to the provisions of Article 49, paragraph (1), or refuses, prevents or evades an inspection conducted pursuant to the provisions of that Article.

Article 54 (1) When a representative of a juridical person (including labor insurance affairs associations and associations prescribed in Article 35, paragraph (1) which are not juridical persons; hereinafter the same applies in this paragraph) or an agent, employee or any other worker for a juridical person or an individual, with regard to the business of the juridical person or individual, commits a violation set forth in Article 51 or the preceding Article, not only the offender is punished but also the juridical person or individual is punished by the fine prescribed in the respective Articles.

(2) Where a labor insurance affairs association or an association prescribed in Article 35, paragraph (1) which is not a juridical person is punished pursuant to the provisions of the preceding paragraph, the representative of the labor insurance affairs association or association represents the labor insurance affairs association or association in conducting procedural acts, and the provisions of Acts concerning criminal proceedings in cases where a juridical person is an accused or a suspect apply *mutatis mutandis* to such cases.

Supplementary Provisions

Article 55 The date on which this Act comes into effect is specified by Imperial Order.

Article 56 For a period of five years after the enforcement of this Act, the premium rate per yen in wages classified by grade, notwithstanding the provisions of Article 26, is specified by the competent minister, after consulting with the Labour Policy Council.

Article 57 (1) The Industrial Accident Mutual Assistance Insurance Act is repealed.

(2) The payment of insurance proceeds for any accident that occurred prior to the enforcement of this Act and the premiums for any period prior to the enforcement of this Act is continued to be governed by the former Act.

(3) The punishment for any person to whom the penal provisions of the former Act prior to the enforcement of this Act should have been applied is continue to

be governed by the former Act.

- (4) At the time of the enforcement of this Act, the premiums that have already been paid by a person who has an insurance contract with the government for industrial accident mutual assistance insurance for any period after the enforcement of this Act may be appropriated for premiums of this insurance.
- (5) In addition to what is prescribed in the preceding three paragraphs, any necessary matters upon the repeal of the former Act are prescribed by Cabinet Order or municipal ordinance.

Article 58 (1) Where a person having the right to receive a disability compensation pension dies, if the total of the amount of the disability compensation pension paid to the person (for the part of the disability compensation pension paid for the period until July of the fiscal year of the day on which the person died (in cases where the month of the day on which the person died is any of the months from April to July, the previous fiscal year; hereinafter the same applies in this paragraph), the amount obtained by making a calculation in accordance with the provisions of Article 16-6, paragraph (2) as provided for by Order of the Ministry of Health, Labour and Welfare) and the amount of the advance lump sum payment for disability compensation pension pertaining to the disability compensation pension paid to the person (in cases where the grounds for the payment of the advance lump sum payment for disability compensation pension occur in or before July of the fiscal year of the day on which the person died, the amount obtained by making a calculation in accordance with the method of calculating the amount of the compensation pension for surviving family under the provisions of that paragraph as provided for by Order of the Ministry of Health, Labour and Welfare) is less than the amount among those prescribed in the right-hand column of the following table corresponding to the grade of disability pertaining to the relevant disability compensation pension prescribed in the left-hand column of that table (in cases where the day on which the person died is August 1 of the fiscal year two years after the fiscal year the day of the occurrence of the grounds for calculation or any subsequent day, the amount to be obtained where the amount obtained by making a calculation in accordance with the provisions of Article 8-3, paragraph (1) as applied mutatis mutandis pursuant to Article 8-4 as provided for by Order of the Ministry of Health, Labour and Welfare is regarded as the basic daily payment amount in that table), the government, until otherwise provided for by law, pays a lump sum payment for the difference of disability compensation pension equivalent to the amount of the relevant difference to the surviving family members of the person based on their claims.

Grade of Disability	Amount
Grade 1	basic daily payment amount for 1,340 days
Grade 2	basic daily payment amount for 1,190 days
Grade 3	basic daily payment amount for 1,050 days
Grade 4	basic daily payment amount for 920 days
Grade 5	basic daily payment amount for 790 days
Grade 6	basic daily payment amount for 670 days
Grade 7	basic daily payment amount for 560 days

- (2) The surviving family members eligible to receive a lump sum payment for the difference of disability compensation pension are those prescribed in the following items. In this case, the order of priority of the surviving family members who are to receive the lump sum payment for the difference of disability compensation pension is decided in accordance with the order set forth in the following items, and among those specified in these items, the order as set forth in the respective items:
- (i) the worker's spouse, children, parents, grandchildren, grandparents and siblings who shared living expenses with the worker at the time of their death; or
 - (ii) the worker's spouse, children, parents, grandchildren, grandparents and siblings who do not fall under the preceding item.
- (3) The right to receive a lump sum payment for the difference of disability compensation pension is extinguished by prescription when five years have elapsed.
- (4) With regard to a lump sum payment for the difference of disability compensation pension, the provisions of Article 10 apply by deeming it to be compensation benefits for surviving family, and the provisions of Article 12, paragraph (3) and Article 20, paragraph (1) of the Premiums Collection Act apply by deeming it to be a lump sum compensation for surviving family to be paid in the case referred to in Article 16-6, paragraph (1), item (ii).
- (5) The provisions of Article 16-3, paragraph (2) and Article 16-9, paragraphs (1) and (2) apply mutatis mutandis to the lump sum payment for the difference of disability compensation pension. In this case, the term the "preceding paragraph" and "appended table 1" in Article 16-3, paragraph (2) are respectively deemed to be replaced with "Article 58, paragraph (1)" and "that paragraph".

Article 59 (1) The government, unless otherwise provided for by law, in cases where a worker gets injured or fall ill in the course of their duties and remains physically disabled when the worker has recovered, pays an advance lump sum payment for disability compensation pension with respect to the disability, as insurance proceeds, to the person having the right to receive a disability

compensation pension based on their claim.

- (2) The amount of an advance lump sum payment for disability compensation pension is the amount specified by Order of the Ministry of Health, Labour and Welfare, corresponding to the grade of disability pertaining to the relevant disability compensation pension prescribed in the left-hand column of the table in paragraph (1) of the preceding Article, up to the maximum amount of those prescribed in the right-hand column of that table (when a claim set forth in the preceding paragraph is filed in or after August of the fiscal year two years after the fiscal year of the day on which the grounds for calculation occurred, the amounts to be obtained where the basic daily payment amount to be obtained by deeming the advance lump sum payment for disability compensation pension to be a lump sum payment for disability compensation and applying the provisions of Article 8-4 thereto is regarded as the basic daily payment amount in that table).
- (3) Where an advance lump sum payment for disability compensation pension is made, the payment of a disability compensation pension pertaining to the disability of the worker is suspended for the period until the total amount payable each month reaches the amount of the advance lump sum payment for disability compensation pension in accordance with the calculation method specified by Order of the Ministry of Health, Labour and Welfare.
- (4) The right to receive an advance lump sum payment for disability compensation pension is extinguished by prescription when two years have elapsed.
- (5) An advance lump sum payment for disability compensation pension is deemed to be the disability compensation pension, and the provisions of Article 12, paragraph (3) and Article 20, paragraph (1) of the Premiums Collection Act apply thereto.
- (6) During the period in which the payment of a disability compensation pension payable to a person who has received an advance lump sum payment for disability compensation pension is suspended pursuant to the provisions of paragraph (3), the provisions of Article 36-2, paragraph (2) of the National Pension Act and Article 65, paragraph (2) of the National Pension Act (hereinafter referred to as "former National Pension Act" in this paragraph and paragraph (7) of the following Article) prior to the amendment pursuant to the provisions of Article 1 of the Act for the Partial Amendment to the National Pension Act (Act No. 34 of 1985; hereinafter referred to as "Act No. 34 of 1985" in this paragraph and paragraph (7) of the following Article), which remain in force pursuant to the provisions of Article 32, paragraph (11) of the Supplementary Provisions of Act No. 34 of 1985 (including the cases where Article 65, paragraph (2) of the former National Pension Act governs pursuant to the provisions of Article 28, paragraph (10) of the Supplementary Provisions

of Act No. 34 of 1985 and the cases as applied mutatis mutandis pursuant to the provisions of Article 79-2, paragraph (5) of the former National Pension Act which remain in force pursuant to the provisions of Article 32, paragraph (11) of the Supplementary Provisions of Act No. 34 of 1985; hereinafter the same applies in paragraph (7) of the following Article); nor to the application of the provisions of the proviso to Article 4, paragraph (3), item (ii) of the Child Rearing Allowance Act (Act No. 238 of 1961); nor to the application of the provisions of the proviso to Article 3, paragraph (3), item (ii) and proviso to Article 17, item (i) of the Act Concerning the Payment of Special Child Rearing Allowance (Act No. 134 of 1964) do not apply to disability compensation benefits.

Article 60 (1) The government, until otherwise provide for by law, in cases where a worker dies due to the reason in the course of their duties, pay an advance lump sum payment for compensation pension for surviving family with respect to the death, as insurance proceeds, to the surviving family members having the right to receive a compensation pension for surviving family based on their claims.

(2) The amount of the advance lump sum payment for compensation pension for surviving family is the amount specified by Order of the Ministry of Health, Labour and Welfare, up to the maximum amount equivalent to the basic daily payment amount for 1,000 days (in cases where a claim set forth in the preceding paragraph is filed in or after August of the fiscal year two years after the fiscal year of the day on which the grounds for calculation occurred, the amount equivalent to the basic daily benefit amount to be obtained by deeming the advance lump sum payment for compensation pension for surviving family to be a lump sum compensation for surviving family and applying the provisions of Article 8-4 thereto.)

(3) Where an advance lump sum payment for compensation pension for surviving family is to be made, the payment of a compensation pension for surviving family pertaining to the death of the worker is suspended for the period until the total amount payable each month reaches the amount of the advance lump sum payment for compensation pension for surviving family, in accordance with the calculation method specified by Order of the Ministry of Health, Labour and Welfare.

(4) With respect to the application of the provisions of Article 16-6 in cases where an advance lump sum payment for compensation pension for surviving family is to be made, the term the "amount of the compensation pension for surviving family" in paragraph (1), item (ii) of that Article is deemed to be replaced with the "amount of the compensation pension for surviving family and the amount of the advance lump sum payment for compensation pension for surviving

family (in cases where the grounds for payment of the advance lump sum payment for compensation pension for surviving family occurred in or before July of the fiscal year of the day on which the right was extinguished (in cases where the month of the day on which the right was extinguished is April, May, June or July, the previous fiscal year), the amount obtained by making a calculation in accordance with the method of calculating the amount of the compensation pension for surviving family under the provisions of the following paragraph as provided for by Order of the Ministry of Health, Labour and Welfare)".

- (5) The right to receive an advance lump sum payment for compensation pension for surviving family is extinguished by prescription when two years have elapsed.
- (6) The advance lump sum payment for compensation pension for surviving family is deemed to be a compensation pension for surviving family, and the provisions of Article 12, paragraph (3) and Article 20, paragraph (1) of the Premiums Collection Act apply thereto.
- (7) During the period in which the payment of a compensation pension for surviving family payable to a person who has received an advance lump sum payment for compensation pension for surviving family is suspended pursuant to the provisions of paragraph (3), the provisions of Article 36-2, paragraph (2) of the National Pension Act and Article 65, paragraph (2) of the former National Pension Act which remain in force pursuant to the provisions of Article 32, paragraph (11) of the Supplementary Provisions of Act No. 34 of 1985; nor to the application of the provisions of the proviso to Article 4, paragraph (2), item (ii) and the proviso to Article 4, paragraph (3), item (ii) of the Child Rearing Allowance Act do not apply to the compensation pension for surviving family.

Article 61 (1) Where a person having the right to receive a disability pension dies, if the total of the amount of the disability pension paid to the person (for the part of the disability pension paid for the period until July of the fiscal year of the day on which the person died (in cases where the month of the day on which the person died is any of the months from April to July, the previous fiscal year; hereinafter the same applies in this paragraph), the amount obtained by making a calculation in accordance with the provisions of Article 16-6, paragraph (2) as provided for by Order of the Ministry of Health, Labour and Welfare) and the amount of the advance lump sum payment for disability pension pertaining to the disability pension paid to the person (in cases where the grounds for the payment of the advance lump sum payment for disability pension occur in or before July of the fiscal year of the day on which the person died, the amount obtained by making a calculation in accordance with the

method of calculating the amount of the compensation pension for surviving family specified in that paragraph as provided for by Order of the Ministry of Health, Labour and Welfare) is less than the amount among those prescribed in the right-hand column of the table in Article 58, paragraph (1) corresponding to the grade of disability pertaining to the relevant disability pension prescribed in the left-hand column of that table (in cases where the day on which the person died is August 1 of the fiscal year two years after the fiscal year of the day on which the grounds for calculation occurred or any subsequent day, the amount to be obtained where the amount obtained by making a calculation in accordance with the provisions of Article 8-3, paragraph (1) as applied mutatis mutandis pursuant to Article 8-4 as provided for by Order of the Ministry of Health, Labour and Welfare is regarded as the basic daily payment amount in that table), the government, unless otherwise provided for by law, pays a lump sum payment for the difference of disability pension equivalent to the amount of the difference, as insurance proceeds, to the surviving family members of the person based on their claims.

- (2) A lump sum payment for the difference of disability pension is deemed to be a payment for surviving family, and the provisions of Article 10 apply thereto.
- (3) The provisions of Article 16-3, paragraph (2), Article 16-9, paragraphs (1) and (2) and Article 58, paragraphs (2) and (3) apply mutatis mutandis to a lump sum payment for the difference of disability pension. In this case, the term the "preceding paragraph" and "appended table 1" in Article 16-3, paragraph (2) is deemed to be replaced, respectively, with "Article 61, paragraph (1)" and "that paragraph".

Article 62 (1) The government, unless otherwise provided for by law, in cases where a worker gets injured or fall ill while commuting to or from work and remains physically disabled when the worker has recovered, pays an advance lump sum payment for disability pension, as insurance proceeds, to the person having the right to receive a disability pension based on their claim.

- (2) The amount of the advance lump sum payment for disability pension is the amount specified by Order of the Ministry of Health, Labour and Welfare prescribed in Article 59, paragraph (2) corresponding to the grade of disability pertaining to the relevant disability pension prescribed in the left-hand column of the table of Article 58, paragraph (1).
- (3) The provisions of Article 59, paragraphs (3), (4) and (6) apply mutatis mutandis to an advance lump sum payment for disability pension. In this case, the term "disability compensation pension" in paragraphs (3) and (6) of that Article is deemed to be replaced with "disability pension".

Article 63 (1) The government, unless otherwise provided for by law, in cases

where a worker dies while commuting to or from work, pays an advance lump sum payment for surviving family with respect to the death, as insurance proceeds, to the surviving family members having the right to receive a pension for surviving family based on their claims.

- (2) The amount of the advance lump sum payment for pension for surviving family is the amount specified by Order of the Ministry of Health, Labour and Welfare prescribed in Article 60, paragraph (2).
- (3) The provisions of Article 60, paragraphs (3) to (5) and (7) apply mutatis mutandis to an advance lump sum payment for pension for surviving family. In this case, the term "compensation pension for surviving family" in paragraph (3) of that Article is deemed to be replaced with "pension for surviving family", the term "Article 16-6" and the "amount of the compensation pension for surviving family" in paragraph (4) of that Article is deemed to be replaced, respectively, with "Article 16-6 which is replaced pursuant to the provisions of Article 22-4, paragraph (3)" and the "amount of the pension for surviving family" and the term "of a compensation pension for surviving family" and the "compensation pension for surviving family" in paragraph (7) of that Article is deemed to be replaced, respectively, with "of a pension for surviving family" and the "pension for surviving family".

Article 64 (1) Where a worker or their surviving family members are to receive a disability compensation pension or a compensation pension for surviving family or a disability pension or a pension for surviving family (hereinafter referred to as "pension benefits" in this Article) (limited to cases where the person or persons are, at the time when the worker or they have acquired the right to receive the pension benefits, eligible to claim an advance lump sum payment for disability compensation pension, advance lump sum payment for compensation pension for surviving family, advance lump sum payment for disability pension or advance payment of pension for surviving family (hereinafter referred to as an "advance lump sum benefit payment" in this Article) pertaining to the pension benefits), and the person or persons who are eligible to receive the payment for damages, on the same grounds, under the Civil Code or other Acts (hereinafter simply referred to as "compensation for damages"; limited to the part of the damages which is covered by the pension benefits) from an employer who hires or hired the worker, the compensation for damages, until otherwise provided for by law, is provided as follows:

- (i) The employer may, during the period until when the right of the worker or their surviving family members to receive pension benefits is extinguished, choose not to fulfill the obligation to pay the damages, up to the maximum of the total amount which, when calculated at the statutory interest rate for the period between the date of the occurrence of the loss and the date on which

the person or persons are to receive an advance lump sum benefit payment, would be equivalent to the maximum amount of the advance lump sum benefit payment (in cases where the employer is exempted from the liability for damages pursuant to the provisions of the following item, the amount obtained by deducting the amount exempted).

- (ii) When pension benefits or an advance lump sum benefit payment is paid during a period in which the time to pay for the damages has been extended pursuant to the provisions of the preceding item, the employer is exempted from the liability for damages, up to the maximum of the total amount which, when calculated at the statutory interest rate for the period between the date of the occurrence of the loss and the date when the payment was made, would be equivalent to the amount of the pension benefits or advance lump sum benefit payment.
- (2) Where a worker or their surviving family members are eligible to receive the payment for damages from an employer who hires or hired the worker, and the person or persons, at the time when they are to receive insurance proceeds, have received the payment for damages (limited to the part of the damages which is covered by the insurance proceeds) for the same reason, the government may decide not to pay any insurance proceeds up to the maximum amount of the damages according to the standards specified by the Minister of Health, Labour and Welfare after consulting with the Labor Policy Council; provided, however, that where pension benefits prescribed in the preceding paragraph are to be received, this does not apply to the insurance proceeds prescribed as followings:
- (i) pension benefits (limited to pension benefits in relation to the period until the total amount payable each month to a worker or their surviving family members reaches the amount equivalent to the maximum amount of an advance lump sum benefit payment pertaining to the relevant pension benefits (with regard to those who have received the advance lump sum benefit payment, the amount after deducting the amount paid) in accordance with the method prescribed by Order of the Ministry of Health, Labour and Welfare);
 - (ii) a lump sum payment for the difference of disability compensation pension, lump sum compensation for surviving family to be paid under Article 16-6, paragraph (1), item (ii), lump sum payment for the difference of disability pension, and lump sum payment for surviving family to be paid under Article 16-6, paragraph (1), item (ii) as applied mutatis mutandis following the deemed replacement of terms pursuant to the provisions of Article 22-4, paragraph (3); and
 - (iii) an advance lump sum benefit payment

Supplementary Provisions [Act No. 130 of June 11, 1965] [Extract]

Article 1 This Act comes into effect on August 1, 1965.

Article 2 With regard to a business in which the relationship between the insured business and this insurance has been established prior to the enforcement of the provisions of Article 1, the provisions of Article 3-2 of the Industrial Accident Compensation Insurance Act amended by the provisions of Article 1 (hereinafter referred to as the "New Act" in this Article through Article 8 of the Supplementary Provisions) do not apply.

Article 3 (1) The employer that owns a business in which the relationship between the insured business and this insurance has been established, prior to the enforcement of the provisions of Article 1, under the provision of Article 6 of the Industrial Accident Compensation Insurance Act prior to the amendment by the provisions of Article 1 (hereinafter referred to as the "Former Act" in this Article through Article 8 of the Supplementary Provisions) (excluding those businesses of which the insurance subscriber has made a report set forth in Article 28, paragraph (1) or paragraph (2) of the Former Act or the government has given a notice set forth in paragraph (3) of that Article) must notify the government of the particulars prescribed in Article 6, paragraph (2) of the New Act no later than August 5, 1965.

(2) A person who fails to make a notification under the provisions of the preceding paragraph or makes a false notification is punished by imprisonment with work for not more than six months or a fine of not more than 50,000 yen.

(3) When the representative of a juridical person or an agent, employee or other worker of a juridical person or individual commits a violation set forth in the preceding paragraph, not only the offender is punished, but also the juridical person or individual is punished by the fine set forth in that paragraph.

Article 4 With regard to the employer that owns a business which is conducted, at the time of the enforcement of the provisions of Article 1, under several subcontracts for workers, the provisions of Article 8 of the Former Act remain applicable.

Article 5 Prior laws continue to govern medical treatment compensation or compensation for loss of salary during a temporary absence from work payable pursuant to the provisions of the Former Act which is not paid by the date on which the provisions of Article 1 comes into effect.

Article 6 Where the injury or illness caused in the course of worker's duties,

which pertains to the medical treatment commenced prior to the enforcement of the provisions of Article 1, is cured after the enforcement of the provisions of that Article, the provisions of Article 12, paragraph (1), item (i) of the New Act also apply to the part of the medical treatment that was provided prior to the enforcement of the provisions of Article 1.

Article 7 Where a person has been temporarily absent from work for not more than seven days prior to the enforcement of the provisions of Article 1 and continues to be temporarily absent from work for the same reason after the enforcement of the provisions of that Article, the provisions of Article 12, paragraph (1), item (ii) of the New Act also apply to the temporary absence from work prior to the enforcement of the provisions of Article 1. In this case, if the person has been temporarily absent from work for more than seven days, the person is paid for loss of salary during a temporary absence from work for three days during a temporary absence from work.

Article 8 (1) With regard to insurance proceeds pertaining to an accident which occurred prior to the enforcement of the provisions of Article 1, the provisions of Article 17 to Article 19-2 of the Former Act remain in force.

(2) The provisions of Article 30-4 of the New Act do not apply to an accident which occurred prior to the enforcement of the provisions of Article 1.

Article 9 (1) The Labor Standards Act is partially amended as follows:
[Omitted]

Article 10 With regard to accident compensation for a business conducted under several subcontracts for workers, which pertains to an accident that occurred on or before July 31, 1965, the provisions of Article 87 of the Labor Standards Act prior to the amendment to the provisions of the preceding Article apply.

Article 11 (1) The Labor Welfare Corporation Act (Act No. 126 of 1957) is partially amended as follows:
[Omitted]

Article 12 The government is to conduct research and studies on efficient measures to include all businesses, which have not yet been covered by industrial accident compensation insurance, in order to cover businesses by compulsory insurance, in consideration of the association with other social insurance systems and with the aim of obtaining results within two years, and take necessary measures promptly based on the findings of the research and studies.

Article 13 Deleted

Article 14 Prior laws continue to govern a Type 1 disability compensation, illness and injury benefits and Type 1 disability benefits under the provisions of the Industrial Accident Compensation Insurance Act prior to the amendment to the provisions of Article 3 (hereinafter referred to as the "Former Act" in this Article through Article 16 of the Supplementary Provisions) pertaining to a period until the day before the date on which the provisions of Article 3 comes into effect, and a Type 2 disability compensation, compensation for surviving family, funeral service fees, type 2 disability benefits, benefits for surviving family and funeral rites benefits under the provisions of the Former Act, which is not yet paid by the date on which the provisions of that Article comes into effect.

Article 15 A person who is eligible, at the time of the enforcement of the provisions of Article 3, to receive a Type 1 disability compensation or Type 1 disability benefits or receive illness or injury and disability benefits under the provisions of the Former Act is paid a disability compensation pension or long-term illness or injury compensation benefits under the provisions of the Industrial Accident Compensation Insurance Act after the amendment to the provisions of that Article (hereinafter referred to as the "New Act"), respectively. In this case, with regard to long-term illness and injury compensation benefits to be paid to a person eligible to receive Type 1 illness and injury benefits, if such person reports to the government within 30 days after the enforcement of the provisions of that Article, the person is paid a pension only at the amount set under the provisions then in force, notwithstanding the provisions of Article 18, paragraph (1) of the New Act, for the period until the person recovers from the illness or injury or needs to receive medical treatment for the illness or injury while staying in a hospital or clinic.

Article 16 With regard to the amount of insurance proceeds prescribed in Article 27 or Article 30-2, paragraph (1), item (i) or item (ii) of the New Act, a Type 1 disability compensation and type 1 disability benefits under the provisions of the Former Act is deemed to be a disability compensation pension, and illness and injury benefits under the provisions of that Act is deemed to be long-term illness and injury compensation benefits.

Article 40 to Article 42 Deleted

Article 43 (1) Until the coverage of surviving family members eligible to receive a compensation pension for surviving family is amended pursuant to the provisions of Article 45 of the Supplementary Provisions, a worker's husband (including a person who did not register marriage but has been in a de facto marital relationship with the worker; hereinafter the same applies in the following paragraph), parents, grandparents and siblings who were dependent on the worker's income at the time of the worker's death and were 55 or over or under 60 years of age (excluding those prescribed in Article 16-2, paragraph (1), item (iv) of the Industrial Accident Compensation Insurance Act who do not fall under Article 16-4, paragraph (1), item (vi) of that Act), notwithstanding the provisions of Article 16-2, paragraph (1) of that Act, is regarded as surviving family members eligible to receive a compensation pension for surviving family under the provisions of that Act. In this case, the term "any of the items of the preceding paragraph" in Article 16-4, paragraph (2) of that Act is deemed to be replaced with "any of the items of the preceding paragraph (excluding item (vi))," and the term "surviving family members eligible to receive a compensation pension for surviving family" in the row concerning a compensation pension for surviving family in Appended Table 1 of that Act is deemed to be replaced with "surviving family members eligible to receive a compensation pension for surviving family (excluding surviving family members prescribed in Article 43, paragraph (1) of the Supplementary Provisions of the Act for Partial Amendment to the Industrial Accident Compensation Insurance Act (Act No. 130 of 1965) who are under 60 years of age)."

(2) The order of priority of the surviving family members prescribed in the preceding paragraph who receive a compensation pension for surviving family is decided in accordance with the order prescribed in Article 16-2, paragraph (1) of the Industrial Accident Compensation Insurance Act, and among those surviving family members prescribed in the preceding paragraph, the husband comes first, then parents, grandparents and siblings.

(3) Payment of a compensation pension for surviving family payable to surviving family members prescribed in paragraph (1) is suspended until the month in which the member turns 60 years old; provided, however, that this does not preclude the application of the provisions of Article 60 of the Industrial Accident Compensation Insurance Act.

Article 44 In addition to what is provided for by the Supplementary Provisions, any matters necessary for the enforcement of this Act are prescribed by Cabinet Order.

Article 45 With regard to compensation pension for occupational accident

occurred to workers, review will be conducted in consideration of the relationships between the industrial accident compensation insurance system and the employee's pension insurance and other social insurance systems, and will be paid promptly under the other Act based on the results of the review.

Supplementary Provisions [Act No. 30 of April 23, 2007] [Extract]

Article 1 (1) This Act comes into effect on the day of its promulgation; provided, however, that the provisions of the following items come into effect on the dates specified in the respective items:

(i) and (ii) (Omitted)

(iii) the provisions of Article 2, Article 4, and Article 6 (partially omitted): the date on which the Japan Pension Organization Act comes into effect.

Article 51 Prior laws continue to govern the benefits paid through the services specified in Article 29, paragraph (1), item (iv) of the Industrial Accident Compensation Insurance Act prior to the amendment to the provisions of Article 5, for which the grounds for payment occurred prior to the date of enforcement.

Article 52 With regard to the application of the provisions of the Act on the Collection of Premiums on Labor Insurance amended by the provisions of Article 7 with regard to the costs necessary for the payment of the benefits which are continued to be governed by prior laws pursuant to the provisions of the preceding Article, the term "services" in Article 10, paragraph (1) of that Act is deemed to be replaced with "services (including the services for the payment of the benefits which is continued to be governed by prior laws pursuant to the provisions of Article 51 of the Supplementary Provisions of the Act for Partial Amendment to the Employment Insurance Act, etc. (Act No. 30 of 2007) (hereinafter referred to as the "benefit payment services")), and the term "and the projects to promote social reintegration of workers into society" in Article 12, paragraph (2) of that Act is deemed to be replaced with "and the projects to promote social reintegration of workers into society (including the benefit payment services; the same applies hereinafter)."

Article 53 With respect to the application of the provisions of the Act on Special Accounts amended by the provision of Article 136 of the Supplementary Provisions with regard to the costs necessary for the benefits which is continued to be governed by prior laws pursuant to the provision of Article 51 of the Supplementary Provisions, the term "costs for the projects to promote social reintegration of works into society" in Article 99, paragraph (1), item

(ii)(b) of that Act is deemed to be replaced with "costs for the projects to promote social reintegration of works into society (including the costs necessary for the services for the payment of the benefits which is continued to be governed by prior laws pursuant to the provision of Article 51 of the Supplementary Provisions of the Act for Partial Amendment to the Employment Insurance Act, etc. (Act No. 30 of 2007))."

Article 142 After approximately five years from the enforcement of this Act, the government, in consideration of the status of the enforcement of this Act, etc., conducts a review of desirable regulations under the provisions of the Employment Insurance Act, etc. amended by this Act, and take any necessary measures based on the results of the review when it finds it necessary to do so.

Article 143 In addition to what is provided for by the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are prescribed by Cabinet Order.

Supplementary Provisions [Act No. 109 of July 6, 2007] [Extract]

Article 1 This Act comes into effect on the day specified by Cabinet Order, which is before April 1, 2010; provided, however, that the provisions of the following items come into effect on the dates specified in the respective items:

- (i) (Omitted) the provisions of Article 66 and Article 75 of the Supplementary Provisions: the date of promulgation;
- (ii) (Omitted)

Article 73 (1) An administrative determination, approval, designation, authorization or other disposition, or notice or other act made by the Commissioner of the Social Insurance Agency, the Director-General of a Regional Social Insurance Bureau or the head of a social insurance office (hereinafter referred to as the "Commissioner of the Social Insurance Agency, etc.") pursuant to the provisions of laws and regulations prior to the enforcement of this Act (in the case of the provisions of the items of Article 1 of the Supplementary Provisions, the respective provisions; the same applies hereinafter), except those otherwise provided for by laws and regulations, is respectively be deemed, after the enforcement of this Act, to be an administrative determination, approval, designation, authorization or other disposition or notice or other act of the Minister of Health, Labour and Welfare, the Director-General of a Regional Bureau of Health and Welfare or the Director-General of a Regional Branch Bureau of Health and Welfare or the Japan Pension Organization (hereinafter referred to as the "Minister of Health,

Labour and Welfare, etc.") pursuant to the corresponding provisions of laws and regulations after the enforcement of this Act.

- (2) An request, notification or other act for the Commissioner of the Social Insurance Agency, etc. pursuant to the provisions of laws and regulations prior to the enforcement of this Act, except those otherwise provided for by laws and regulations, is respectively deemed, after the enforcement of this Act, to be a request, notification or other act for the Minister of Health, Labour and Welfare, etc. pursuant to the corresponding provisions of laws and regulations after the enforcement of this Act.
- (3) With regard to the particulars on which a report, notification, submission or other procedure which are required by the Commissioner of the Social Insurance Agency, etc. pursuant to the provisions of laws and regulations prior to the enforcement of this Act, if the relevant procedure has not yet been completed prior to the date of enforcement, except those otherwise provided for by laws and regulations, it is deemed that a report, notification, submission or other procedure has not yet been completed for the particulars which are required by the Minister of Health, Labour and Welfare, etc. pursuant to the corresponding provisions of laws and regulations after the enforcement of this Act, and the provisions of laws and regulations after the enforcement of this Act apply thereto.
- (4) An administrative determination, approval, designation, authorization or other disposition or notice or other act to be made or implemented by the Commissioner of the Social Insurance Agency, etc. pursuant to the provisions of laws and regulations which are continued to be governed by prior laws, and a request, notification or other act required by the Commissioner of the Social Insurance Agency, etc. pursuant to the provisions of laws and regulations, except those otherwise provided for by laws and regulations, is made or implemented by or required by the Minister of Health, Labour and Welfare, etc., respectively, according to the authorities under the provisions of laws and regulations after the enforcement of this Act or of types of affairs pertaining to the authorities.

Article 75 In addition to what is provided for by the Supplementary Provisions, necessary transitional measures for the enforcement of this Act are prescribed by Cabinet Order.

Supplementary Provisions [Act No. 110 of July 6, 2007] [Extract]

Article 1 This Act come into effect on April 1, 2008; provided, however, that the provisions prescribed in the following items come into effect on the dates specified in the respective items:

- (i) the provisions of Article 1, Article 6, Article 13, Article 16 and Article 19 of this Act, and Article 23, Article 25, Article 27 and Article 28 of the Supplementary Provisions: the date of promulgation;
- (ii) and (iii) (Omitted)
- (iv) the provisions of Article 8, Article 18, and Article 20 to Article 23 of this Act, and Article 7 to Article 9, Article 13, Article 16 and Article 24 of the Supplementary Provisions: April 1, 2009;
- (v) through (vii) (Omitted)

Article 27 Prior laws continue to govern the application of penal provisions to conduct in which a person engages prior to the enforcement of this Act (in the case of the provisions of the items of Article 1 of the Supplementary Provisions, the respective provisions; the same applies in the following Article).

Article 28 In addition to what is provided for by the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are prescribed by Cabinet Order.

Supplementary Provisions [Act No. 111 of July 6, 2007] [Extract]

Article 1 This Act comes into effect on the day of its promulgation.

Article 8 In addition to what is provided for by the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are prescribed by Cabinet Order.

Appended Table 1 (Re: Article 14, Article 15, Article 15-2, Article 16-3, Article 18, Article 18-2, Article 22-3, Article 22-4 and Article 23)

- (i) In cases where a disability compensation pension, injury and illness compensation pension or compensation pension for surviving family is paid, and for the same reason (meaning the relevant disability or death in the case of a disability compensation pension and compensation pension for surviving family, and the fact of being disabled due to the relevant injury or illness in the case of an injury and illness compensation pension, respectively; the same applies hereinafter), a disability employee's pension under the provisions of the Employees' Pension Insurance Act and a basic pension for surviving family under the provisions of the National Pension Act (excluding a disability basic pension under the provisions of Article 30-4 of the National Pension Act; the same applies hereinafter) or an employee's pension for surviving family under the provisions of the Employee's Pension Insurance Act and a basic pension for surviving family or widow's pension under the provisions of the National Pension Act are also paid: the amount obtained by multiplying each of the amounts prescribed in the lower columns by the rate specified by Cabinet Order within a range not lower than the rate obtained by making the calculation as explained in (a) to (c) below according to the categories of insurance benefits in pension form listed in (a) through (c) respectively (if the amount thus obtained is less than the amount specified by Cabinet Order, the amount specified by Cabinet Order)

(a) Disability compensation pension: the rate obtained by the following formula: [1] calculating, with regard to all persons who received a disability compensation pension in the insurance year before the previous year (meaning the period from April 1 of the year before the previous year until March 31 of the previous year; hereinafter the same shall apply in this item) and were also paid, on the same grounds, a disability employee's pension under the provisions of the Employee's Pension Insurance Act and a disability basic pension under the provisions of the National Pension Act, the average amount of the amounts of disability compensation pension paid in the insurance year before the previous year (meaning the amounts of disability compensation pension paid in cases where it is assumed that those persons were paid no disability employee's pension under the provisions of the Employee's Pension Insurance Act nor disability basic pension under the provisions of the National Pension Act); [2] calculating the average amount of the total amounts of disability employee's pension under the provisions of the Employee's Pension Insurance Act and disability basic pension under the provisions of the National Pension Act received by those persons in the insurance year before the previous year; [3] deducting the amount obtained by multiplying the average amount in [2] by 50 percent from the average amount in [1]; and [4] dividing the amount thus obtained by the average amount of disability compensation pension paid (average amount in [1])

(b) Compensation pension for surviving family: the rate obtained by making a calculation by the formula prescribed in (a), while replacing the terms "disability compensation pension," "disability employee's pension" and "disability basic pension" in (a) with "compensation pension for surviving family," "employee's pension for surviving family," and "basic pension for surviving family or widow's pension," respectively

(c) Injury and illness compensation pension: the rate obtained by making a calculation by the formula prescribed in (a), while replacing the term "disability compensation pension" in (a) with "injury and illness compensation pension"

(ii)	<p>In cases where a disability compensation pension, injury and disease compensation pension or compensation pension for surviving family is paid, and on the same grounds, and a disability employee's pension or employee's pension for surviving family under the provisions of the Employees' Pension Insurance Act is also paid (excluding the case prescribed in item (i)): the amount obtained by multiplying each of the amounts set forth in the lower columns by the rate specified by Cabinet Order as being equivalent to the rate specified by Cabinet Order set forth in the preceding item according to the categories of insurance benefits in pension form (if the amount thus obtained is less than the amount specified by Cabinet Order, the amount specified by Cabinet Order)</p>
(iii)	<p>In cases where a disability compensation pension, injury and disease compensation pension or compensation pension for surviving family is paid, and for the same reason, and a disability basic pension or basic pension for surviving family or widow's pension under the provisions of the National Pension Act are also paid (excluding the case prescribed in item (i) and cases where a disability mutual aid pension or mutual aid pension for surviving family under the provisions of the National Public Service Personnel Mutual Aid Associations Act (Act No. 128 of 1958), the Local Public Service Personnel Mutual Aid Associations Act (Act No. 152 of 1962) or the Private School Personnel Mutual Aid Act (Act No. 245 of 1953)): the amount obtained by multiplying each of the amounts set forth in the lower columns by the rate specified by Cabinet Order as being equivalent to the rate specified by Cabinet Order set forth in item (i) according to the categories of insurance benefits in pension form (if the amount thus obtained is less than the amount specified by Cabinet Order, the amount specified by Cabinet Order)</p>
(iv)	<p>in cases other than those referred to in the preceding three items: each of the amounts set forth in the lower columns</p>
Category	Amount
Disability compensation pension	<p>(i) person with a Grade 1 disability</p> <p style="text-align: right;">the basic daily payment amount for 313 days</p>

	<p>(ii) person with a Grade 2 disability</p> <p>(iii) person with a Grade 3 disability</p> <p>(iv) person with a Grade 4 disability</p> <p>(v) person with a Grade 5 disability</p> <p>(iv) person with a Grade 6 disability</p> <p>(vii) person with a Grade 7 disability</p>	<p>the basic daily payment amount for 277 days</p> <p>the basic daily payment amount for 245 days</p> <p>the basic daily payment amount for 213 days</p> <p>the basic daily payment amount for 184 days</p> <p>the basic daily payment amount for 156 days</p> <p>the basic daily payment amount for 131 days</p>
<p>Compensation pension for surviving family</p>	<p>The amount prescribed in each of the following items according to the number of surviving family members having the right to receive a compensation pension for surviving family and surviving family members eligible to receive a compensation pension for surviving family who share living expenses with those having the right specified in the respective items</p> <p>(i) One: the basic daily payment amount for 153 days; provided, however, that in the case where the wife is aged 55 or over or the wife is disabled as specified by Order of the Ministry of Health, Labour and Welfare, the basic daily payment amount for 175 days</p> <p>(ii) Two: the basic daily payment amount for 201 days</p> <p>(iii) Three: the basic daily payment amount for 223 days</p> <p>(iv) Four or more: the basic daily payment amount for 245 days</p>	

Injury and illness compensation pension	(i) person with a Grade 1 injury/illness	313 days of the basic daily benefit amount
	(ii) person with a Grade 2 injury/illness	277 days of the basic daily benefit amount
	(iii) person with a Grade 3 injury/illness	245 days of the basic daily benefit amount

Appended Table 2 (Re: Article 15, Article 15-2, Article 16-8, Article 22-3 and Article 22-4)

Category	Amount	
Lump sum payment for Disability compensation	(i) person with a Grade 8 disability	503 days of the basic daily benefit amount
	(ii) person with a Grade 9 disability	391 days of the basic daily benefit amount
	(iii) person with a Grade 10 disability	302 days of the basic daily benefit amount
	(iv) person with a Grade 11 disability	223 days of the basic daily benefit amount
	(v) person with a Grade 12 disability	156 days of the basic daily benefit amount
	(iv) person with a Grade 13 disability	101 days of the basic daily benefit amount
	(vii) person with a Grade 14 disability	56 days of the basic daily benefit amount
Lump sum compensation for surviving family	(i) in the case referred to in Article 16-6, paragraph (1), item (i)	1,000 days of the basic daily benefit amount
	(ii) in the case referred to in Article 16-6, paragraph (1), item (ii)	Amount obtained by deducting the total amount of the compensation pension for surviving family prescribed in Article 16-6, paragraph (1), item (ii) from 1,000 days of the basic daily benefit amount