

# **Act on Comprehensively Advancing Labor Measures, and Stabilizing the Employment of Workers, and Enriching Workers' Vocational Lives**

(Act No. 132 of July 21, 1966)

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## **Chapter I General Provisions**

(Purpose)

Article 1 (1) The purpose of this Act is for the national government to facilitate the proper functioning of the labor market in order to promote the stable employment of workers and the enrichment of their vocational lives according to their diverse circumstances, as well as the improvement of labor productivity, and enable workers to make effective use of their abilities by comprehensively taking necessary measures for employment in response to demographic changes caused by the declining birthrate and the aging of the population as well as other changes in economic and social circumstances, thereby creating employment security for workers and improving their economic and social status, as well as contributing to economic and social development and the attainment of full employment.

(2) In enforcing this Act, workers' freedom of choice in employment and employers' autonomy in their employment management must be respected, and efforts must be made to motivate workers to develop and improve their vocational abilities and achieve independence through work, as well as to facilitate employers' efforts toward ensuring employment security for workers.

(Definitions)

Article 2 The term "employment placement agency" as used in this Act means a public employment security office (including the head of a school that offers some of the services performed by a public employment security office pursuant to the provisions of the Employment Security Act (Act No. 141 of 1947)), a local government that offers free employment placement services pursuant to the provisions of the Employment Security Act, or any other person that offers employment placement services, having obtained a license or filed a notification pursuant to the provisions of the same Act.

(Basic Principles)

Article 3 (1) Due consideration must be given to ensuring the employment security throughout workers' entire vocational lives by helping them make appropriate plans for their vocational lives and by effectively taking measures such as helping them develop and improve the abilities required to realize such plans and facilitating them in smoothly finding new employment in the case of job changes.

(2) Due consideration must be given in facilitating the employment security of workers by ensuring the content of the duties, required skills, their experience, and other such matters necessary for the execution of their duties (hereinafter referred to as "ability, etc." in this paragraph) are clearly specified and that the abilities, etc. of workers are fairly evaluated through evaluation methods based on the above-mentioned details and matters, and by effectively implementing the measures for securing appropriate treatment, including the receipt of treatment based on such fair evaluation.

(Measures by the National Government)

Article 4 (1) In order to achieve the purpose provided for in Article 1, paragraph (1), the national government must comprehensively address the following particulars in accordance with the basic principles prescribed in the preceding Article:

(i) enhancing measures for improving working conditions such as shortening working hours, disseminating diverse working patterns, and securing balanced treatment among workers in different employment patterns or working patterns, in order to encourage each individual to work in line with

- their own wishes and abilities of the individual while maintaining harmony with the individual's own personal life;
- (ii) enhancing measures for vocational guidance and employment placement in order to help each individual find employment suited to their abilities and meet the industry's labor demand;
  - (iii) enhancing measures for vocational training and vocational abilities tests in order to enable each individual to acquire skills and knowledge suited to their abilities, in line with changes such as advances in technology and changes in the structure of industry, and to be properly evaluated for their acquired skills and knowledge;
  - (iv) enhancing measures necessary to support workers change jobs, move from one area to another, adapt to the workplace, and perform other acts, in order to facilitate the employment of persons with difficulty finding employment and rectify the imbalance of labor force supply and demand;
  - (v) enhancing measures necessary to prevent workers from becoming unemployed and facilitating workers who are compelled to separate from employment, due to a downscaling of operations, etc. (meaning any downsizing of operations or activities, or any change or discontinuation of business operations; the same applies hereinafter);
  - (vi) for the purpose of ensuring the employment of women and employment security of persons who raise children or provide nursing care to family members, facilitating continued employment and re-employment, facilitating hiring of mothers of fatherless families, fathers of motherless families, and widows, and enhancing other measures necessary for facilitating the employment of these persons;
  - (vii) increasing young persons' interest and understanding about employment and facilitating improvements in employment management with regard to young persons, facilitating the development and improvement of the practical vocational abilities of young persons, and enhancing other measures necessary to facilitate the employment of young persons, in order to ensure their employment security;
  - (viii) facilitating the smooth implementation of measures such as raising the mandatory retirement age and introducing a continuous employment system, facilitating the re-employment of elderly persons, ensuring various employment opportunities for them, and enhancing other measures necessary to enable elderly persons to find employment in line with their own wishes and abilities regardless of age, in order to stabilize the employment of elderly persons;
  - (ix) enhancing measures necessary to facilitate the employment of persons receiving treatment due to illness or injury according to the condition of their treatment, such as facilitating continued employment and smoothly finding

- new employment of workers who are compelled to separate from employment, in order to ensure their employment security;
- (x) facilitating employment and vocational rehabilitation for persons with disabilities and enhancing other measures necessary to facilitate the self-sufficiency of persons with disabilities in their vocational lives, in order to ensure their employment security;
  - (xi) enhancing measures necessary to facilitate improvement of employment patterns and styles of working, in order to rectify unstable employment situations;
  - (xii) enhancing measures necessary to facilitate the improvements in employment management of foreign nationals (meaning all persons not of Japanese nationality; hereinafter the same applies in this Article) and to facilitate foreign nationals who have separated from employment find new employment, in order to facilitate the employment in Japan of foreign nationals who have advanced expertise or skills, and also to ensure appropriate employment opportunities for foreign nationals residing in Japan for the purpose of employment;
  - (xiii) enhancing measures necessary to facilitate the employment of workers in regions with shortages of employment opportunities, in order to improve regional employment structures;
  - (xiv) enhancing measures necessary for facilitating the resolution of problems in the workplace attributable to behavior harmful to the work environment of workers; and
  - (xv) facilitating improvements in employment management that contribute to ensuring employment security, and meeting industry's labor demand, and enhancing other measures, in addition to what is set forth in the preceding items, which are necessary for enabling workers to make effective use of their abilities.
- (2) When taking the measures prescribed in the preceding paragraph and other related measures, in addition to interworking them with the measures such as those to ensure the sound growth of the national economy, corresponding improvements in corporate management bases in response thereto, and regional development, and in addition to facilitating a steady increase in employment opportunities, and rectifying regional imbalances in employment opportunities, the national government must give its attention to rectifying employment practices that prevent workers from making effective use of their abilities.
- (3) When taking the measures prescribed in paragraph (1), item (xii), the national government must endeavor to enable the function of adjusting the supply-demand through the labor market to operate appropriately, by preventing the foreign nationals from engaging in illegal working activities

(meaning illegal working activities prescribed in Article 24, item (iii)-4, (a) of the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951)) and preventing inappropriately supplying labor, along with the measures taken to control the entry and stay of foreign nationals.

(Measures by Local Governments)

Article 5 Along with the measures taken by the national government, all local governments must endeavor to take necessary labor-related measures according to the circumstances of the relevant region.

(Employers' Responsibilities)

Article 6 (1) An employer must endeavor to improve the working conditions of workers employed thereby, such as shortening their working hours, and to develop an environment that enables workers to work in line with their own wishes and abilities while maintaining harmony with the individual's own personal life

(2) An employer must endeavor to ensure the employment security of workers who are compelled to separate from employment due to downscaling of operations, etc. by supporting such workers in their job search and other efforts toward finding new employment.

Article 7 In consideration of the fact that foreign nationals (meaning persons who do not have Japanese nationality, excluding persons prescribed by Order of the Ministry of Health, Labour and Welfare; the same applies hereinafter) do not have full knowledge of Japanese employment practices or the full information on employment that is necessary when searching for jobs in Japan, an employer must endeavor to take measures to enable the foreign nationals it employs to adapt to their jobs, and must otherwise improve its employment management with regard to foreign nationals it employs to enable them to make effective use of their abilities, and if a foreign national separates from employment due to dismissal (excluding dismissal based on grounds attributable to the worker) or due to any other reason prescribed by Order of the Ministry of Health, Labour and Welfare, and the foreign national wishes to find new employment, the employer must endeavor to search for job openings and take other necessary measures to support the foreign national in finding new employment.

(Guidelines)

Article 8 The Minister of Health, Labour and Welfare is to establish and make public the necessary guidelines for employers to take appropriate actions with respect to the particulars prescribed in the preceding Article.

(Ensuring Equal Opportunities Regardless of Age in Recruitment and Hiring)  
Article 9 When it is found necessary, as prescribed by Order of the Ministry of Health, Labour and Welfare, in order for workers to make effective use of their abilities, an employer must provide workers with equal opportunities in recruitment and hiring, regardless of their age, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

## **Chapter II Basic Policy**

(Basic Policy)

- Article 10 (1) The national government must establish a basic policy for the comprehensive implementation of labor-related measures which are necessary in enabling workers to make effective use of their abilities (hereinafter referred to as a "basic policy").
- (2) The particulars to be prescribed in a basic policy are as follows:
- (i) particulars concerning the significance of enabling workers to make effective use of their abilities;
  - (ii) basic particulars concerning measures to be taken in connection with the particulars set forth in the items of Article 4, paragraph (1); and
  - (iii) beyond what is set forth in the preceding two items, other significant particulars in connection with enabling workers to make effective use of their abilities.
- (3) The Minister of Health, Labour and Welfare must formulate a draft basic policy and seek a Cabinet decision.
- (4) When intending to formulate a draft basic policy, the Minister of Health, Labour and Welfare must seek the opinions of prefectural governors and hear the opinion of the Labor Policy Council, in advance.
- (5) When a Cabinet decision under the provisions of paragraph (3) is made, the Minister of Health, Labour and Welfare must make the basic policy public without delay.
- (6) When it is found necessary in formulating a draft basic policy, the Minister of Health, Labour and Welfare may request the head of a relevant administrative organ to submit materials or to provide other necessary cooperation.
- (7) The national government must take account of changes in socio-economic situations surrounding labor-related measures, examine the basic policy in light of such changes, and modify the policy when it is found necessary.
- (8) The provisions of paragraphs (3) through (6) apply mutatis mutandis to the modification of a basic policy.

(Request to Relevant Organs)

Article 10-2 When it is found necessary, the Minister of Health, Labour and Welfare may make a necessary request to the head of a relevant administrative organ in connection with the implementation of measures that are set forth in the basic policy and are under the jurisdiction of the administrative organ.

(Development of a System of Coordination among Relevant Persons for Implementation of Efforts by Small and Medium-Sized Enterprises)

Article 10-3 With respect to the implementation of measures prescribed in the basic policy including the improvement of working conditions such as the shortening of working hours, the dissemination of diverse working patterns, and the securing of balanced treatment among workers in different employment patterns or working patterns, the national government is to endeavor to establish a council consisting of local governments, employers' organizations such as those of which small and medium-sized enterprises are members, workers' organizations, and other relevant persons, and to take other measures necessary for the development of a coordination system for those governments, organizations, and persons, in order to facilitate the smooth implementation of efforts by small and medium-sized enterprises.

### **Chapter III Guidance for Job Seekers and Recruiting Employers**

(Employment Information)

Article 11 (1) The Minister of Health, Labour and Welfare must collect and organize information on the labor supply and demand, information on the requirements of job openings and job applications, and other necessary information on employment (hereinafter referred to as "employment information") for the purpose of contributing to the prompt and proper matching of job openings with job applications.

(2) The Minister of Health, Labour and Welfare is to provide employment information to job seekers, recruiting employers, other relevant persons, and relevant organizations such as employment placement agencies, vocational training institutions, and educational institutions in order to make use of such employment information for the purpose of job selection, hiring of workers, vocational guidance, job placement, vocational training, and other measures.

(3) The Minister of Health, Labour and Welfare must maintain and develop organizations necessary for the prompt and effective collection, organization, and utilization of employment information, and provision of employment information for use.

(Occupational Research Studies)

Article 12 (1) The Minister of Health, Labour and Welfare must conduct

research studies on the analysis of the present conditions of and trends in occupations, on vocational aptitude testing, increases in vocational adaptability, job analysis methods, and other basic particulars about occupations.

(2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to the results of research studies referred to in the preceding paragraph (hereinafter referred to as "results of occupational research studies").

(Guidance for Job Seekers)

Article 13 An employment placement agency must endeavor to enable job seekers to choose an occupation suited to their aptitudes, abilities, experience, skills, etc. by providing them with employment information, the results of occupational research studies, and other similar information, as well as by giving them guidance based on such information regarding their preferred types of work, job locations, other details related to applying for jobs, required skills, and other particulars involved in applying for jobs, thereby helping them actively enjoy freedom of choice in employment.

(Guidance for Recruiting Employers)

Article 14 (1) An employment placement agency must endeavor to encourage recruiting employers to hire workers suited to the job or position being offered, by providing recruiting employers with employment information, results of occupational research studies, and other similar information as well as by giving them guidance regarding the details of their job openings based on such information.

(2) An employment placement agency may provide recruiting employers with employment information and other similar information, as well as giving them guidance based on such information, regarding the timing of recruiting, the number of workers to be recruited, the geographical areas in which to recruit, and other methods of recruiting, if the employment placement agency finds the provision of information and guidance necessary for maintaining a proper balance between labor supply and demand.

(Employment Assistance)

Article 15 If an employer, labor union, or other relevant party requests assistance in hiring or assigning workers, aptitude testing, vocational training, or any other particular related to employment, the relevant employment security agency or public human resources development facility must give the party the necessary advice or take other measures, using the employment information results of occupational research studies, or other similar



information.

## **Chapter IV Enhancement of Vocational Training**

(Enhancement of Vocational Training)

Article 16 (1) The national government is to actively take the necessary measures to enhance vocational training, such as developing vocational training facilities, enhancing vocational training programs, researching and developing vocational training methods, and training and securing vocational training instructors and improving their qualities.

(2) The national government must endeavor to ensure that vocational training conducted by public human resources development facilities is closely associated with vocational training conducted by employers or organizations to which employers belong, in order to facilitate the effective development and improvement of workers' vocational skills.

(Enhancement of Vocational Abilities Testing System)

Article 17 The national government must endeavor to help workers develop and improve their vocational skills, ensure workers' employment security, and improve workers' economic and social status by establishing proper standards for vocational skills evaluation and establishing and enhancing a system for testing workers' vocational abilities based on standards determined in cooperation with employers' associations and other relevant parties and in consideration of advances in technology, the vocational ability level required for workers to smoothly find new employment, and other circumstances.

## **Chapter V Job-Change Benefits**

(Payment of Job-Change Benefits)

Article 18 In addition to benefits payable under the provisions of other laws and regulations, the national government and prefectures may, in accordance with the classification prescribed by Cabinet Order, pay the following benefits (hereinafter referred to as "job-change benefits") to job seekers or other workers, or employers, for the purpose of making it easier for and encouraging workers to find jobs suited to their abilities:

- (i) benefits to facilitate job search by job seekers and to provide them with security in their livelihood;
- (ii) benefits to make it easier for job seekers to acquire knowledge and skills;
- (iii) benefits to be allocated for expenses related to searching for a job over a wide geographical area or expenses required for using services to facilitate job search;

- (iv) benefits to be allocated for necessary expenses related to relocation for finding employment or acquiring knowledge or skills;
- (v) benefits to facilitate the training of job seekers to help them adapt to the work environment; and
- (vi) benefits other than what is listed in the preceding items which are prescribed by Cabinet Order.

(Payment Criteria)

- Article 19 (1) Necessary criteria for the payment of job-change benefits are prescribed by Order of the Ministry of Health, Labour and Welfare.
- (2) In establishing and implementing the criteria set forth in the preceding paragraph, careful consideration must be given to the relationship between job-change benefits and similar benefits payable under the provisions of other laws and regulations in order to ensure that the criteria will facilitate the employment of job seekers.

(Bearing by the National Government)

- Article 20 Pursuant to the provisions of Cabinet Order, the national government bears part of the expenses required for job-change benefits paid by the prefectures.

(Prohibition of Transfers)

- Article 21 The right of a person to receive job-change benefits may not be transferred, offered as collateral, or attached; provided, however, that this does not apply to attachment of the right of an employer through a disposition for national tax delinquency (including dispositions under the same rule as that applicable thereto).

(Prohibition of Public Charges)

- Article 22 Taxes and other public charges may not be imposed on the basis of job-change benefits (excluding those paid to employers).

(Liaison and Cooperation)

- Article 23 Prefectural labor bureaus, public employment security offices, prefectures, and the Japan Organization for Employment of the Elderly, Persons with Disabilities and Job Seekers must maintain close liaison and cooperate with each other to ensure the smooth and effective payment of job-change benefits.

## **Chapter VI Measures to Promote Employers' Assistance in Reemployment**

(Formulation of a Reemployment Assistance Plan)

Article 24 (1) If an employer seeks to carry out the downscaling of its operations, prescribed by Order of the Ministry of Health, Labour and Welfare that is expected to compel a considerable number of its workers at any of its places of business to separate from employment, the employer must formulate a plan for measures to assist the reemployment of those workers (hereinafter referred to as a "reemployment assistance plan") pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(2) In formulating a reemployment assistance plan pursuant to the provisions of the preceding paragraph, an employer must hear the opinion of the labor union if the place of business associated with the reemployment assistance plan has a labor union composed of a majority of workers, or must hear the opinion of a representative of a majority of workers if the place of business does not have such a labor union. The same applies if the employer seeks to modify the reemployment assistance plan.

(3) Upon formulating a reemployment assistance plan pursuant to the provisions of the preceding two paragraphs, an employer must submit the plan to the head of the relevant public employment security office for approval pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare. The same applies if the employer modifies the reemployment assistance plan.

(4) Upon receipt of an application for approval as referred to in the preceding paragraph, if the head of the relevant public employment security office finds the measures stated in the reemployment assistance plan to be inappropriate for facilitating workers in finding new employment, the head of the public employment security office may request the employer to modify the reemployment assistance plan. If the employer fails to meet such a request, the head of the public employment security office may refuse to grant the approval referred to in the same paragraph.

(5) An employer that has applied for approval under paragraph (3) is deemed to have filed a notification pursuant to the provisions of Article 27, paragraph (1) on the date of application.

Article 25 (1) Even if the downscaling of operations, etc. that an employer seeks to carry out at any of its places of business does not fall under the provisions of paragraph (1) of the preceding Article, the employer may, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, formulate a reemployment assistance plan for workers who are compelled to separate from employment due to the downscaling of operations, etc. and submit the plan to the head of the relevant public employment security office for approval. The same applies if the employer modifies the reemployment assistance plan.

(2) The provisions of paragraph (2) of the preceding Article apply mutatis

mutandis to cases in which an employer formulates or modifies a reemployment assistance plan pursuant to the provisions of the preceding paragraph; the provisions of paragraphs (4) and (5) of that Article apply mutatis mutandis to cases in which an employer applies for approval as referred to in the preceding paragraph.

(Aid and Assistance to Facilitate Workers for Smooth Reemployment)

Article 26 For the purpose of facilitating workers who are compelled to separate from employment due to downscaling of operations, etc. (hereinafter referred to as an "assisted worker" in this Article), the government is to, as part of the services for stabilizing employment set forth in Article 62 of the Employment Insurance Act (Act No. 116 of 1974), provide the aid and assistance necessary to employers that give their assisted workers time off to search for jobs (excluding time off given as annual paid leave pursuant to the provisions of Article 39 of the Labor Standards Act (Act No. 49 of 1947)) or that take other measures that are considered to contribute significantly to facilitating workers' in finding new employment, based on a reemployment plan that has been approved pursuant to the provisions of Article 24, paragraph (3) or those of paragraph (1) of the preceding Article.

(Notification of Large Fluctuations in Employment)

- Article 27 (1) Before there is a fluctuation in the volume of employment (meaning the separation from employment of a considerable number of workers within a certain period of time due to such reasons as downscaling of operations) at an employer's place of business which falls under a case prescribed by Order of the Ministry of Health, Labour and Welfare (hereinafter referred to as a "large fluctuation in employment" in this Article), the employer must notify the Minister of Health, Labour and Welfare of the number of workers to be separated from employment and of any other particulars prescribed by Order of the Ministry of Health, Labour and Welfare, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (2) The provisions of the preceding paragraph do not apply to large fluctuation in employment involving the national government or a local government. In this case, the appointer (including a person who has been delegated and exercises appointive power; the same applies in paragraph (3) of the following Article) of the national government or a local government is to give notice to the Minister of Health, Labour and Welfare prior to the large fluctuation in employment pursuant to the provisions of Cabinet Order.
- (3) Upon receipt of a notification under paragraph (1) or a notice under the preceding paragraph, the national government is to endeavor to facilitate the reemployment of workers affected by such notification or notice by taking the

following measures:

- (i) having an employment security agency provide employment information to the workers and other relevant persons and conduct extensive searches for job openings and place workers in jobs, prior to the workers separation from employment and at the request of the worker, while maintaining close liaison with the employment security agency; and
- (ii) having public human resources development facility provide necessary vocational training to the workers.

### **Chapter VII Measures Such as Facilitating Improvements in Employment Management with regard to Foreign Nationals and Facilitating Foreign Nationals in Finding New Employment**

(Notification of the Employment Status of Foreign Nationals)

Article 28 (1) If an employer newly hires a foreign national or if a foreign national employed by an employer separates from employment, the employer must, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, confirm the foreign national's name, status of residence (meaning the status of residence as prescribed in Article 2-2, paragraph (1) of the Immigration Control and Refugee Recognition Act; the same applies in the following paragraph), period of stay (meaning the period of stay as prescribed in paragraph (3) of the same Article), and other particulars prescribed by Order of the Ministry of Health, Labour and Welfare, and notify the Minister of Health, Labour and Welfare thereof.

- (2) Upon receipt of a notification under the preceding paragraph, the national government must endeavor to facilitate improvements in employment management with regard to the foreign national named in the notification or facilitate the foreign national in finding new employment, by taking the following measures:
  - (i) having an employment security agency provide the employer with the necessary guidance and advice regarding proper employment management with regard to the foreign national for their status of residence, knowledge, experience, etc.;
  - (ii) having an employment security agency provide the employer with the necessary guidance and advice on supporting the foreign national in finding new employment, at the request of the employer;
  - (iii) having an employment security agency provide employment information to the foreign national, conduct searches for job openings and place the foreign national in a job, in accordance with the foreign national's abilities, status of residence, etc.; and
  - (iv) having a public human resources development facility provide necessary

vocational training to the foreign national.

- (3) The provisions of paragraph (1) do not apply to the hiring or separation from service of a foreign national by the national government or a local government. In this case, if the national government or a local government newly hires a foreign national, or if a foreign national employed by the national government or a local government separates from service, the appointer of the national government or a local government is to give notice to the Minister of Health, Labour and Welfare pursuant to the provisions of Cabinet Order.
- (4) The provisions of paragraph (2) (excluding items (i) and (ii)) apply mutatis mutandis to a case in which notice is given pursuant to the provisions of the preceding paragraph.

(Provision of Information Regarding Notification)

Article 29 If requested by the Minister of Justice or the Commissioner of the Immigration Services Agency to check on the particulars of a foreign national's residence in connection with the handling of administrative affairs prescribed in the Immigration Control and Refugee Recognition Act, the Minister of Health, Labour and Welfare is to provide the Minister of Justice or the Commissioner of the Immigration Services Agency with information regarding notices under paragraph (1) of the preceding Article or notices under paragraph (3) of the same Article.

(Liaison or Cooperation with the Minister of Justice)

- Article 30 (1) For the purpose of ensuring the proper and smooth adjustment of labor supply and demand and for other similar purposes, the Minister of Health, Labour and Welfare may request the necessary liaison or cooperation from the Minister of Justice or the Commissioner of the Immigration Services Agency regarding the entry or departure of foreign nationals residing in Japan for work.
- (2) Should the Minister of Justice or the Commissioner of the Immigration Services Agency receive a request for liaison or cooperation under the preceding paragraph, they must, to the extent possible, respond to the request in a manner that does not interfere with the Minister's or the Commissioner's performance of primary duties.

### **Chapter VIII Measures to Be Taken by Employers in Connection with Problems Arising as a Result of Behavior that Constitutes Bullying in the Workplace**

(Measures in Terms of Employment Management)

Article 30-2 (1) In order for an employer to preclude any behavior that is based

on behavior that constitutes bullying in the workplace which exceeds the scope necessary and reasonable in the course of business from damaging the work environment of the employer's workers, the employer must provide consultation to those workers and take measures necessary in terms of employment management, such as developing a necessary system for appropriately handling such behavior.

- (2) It is prohibited for any employer to dismiss any worker, or otherwise treat any worker in a disadvantageous manner, on the grounds that the worker received the consultation referred to in the preceding paragraph or stated facts when cooperating in the employer's response to that consultation.
- (3) With respect to measures, etc. that employers should take under the provisions of the preceding two paragraphs, the Minister of Health, Labour and Welfare is to establish guidelines necessary for ensuring the proper and effective implementation of such measures, etc. (hereinafter referred to as the "guidelines" in this Article).
- (4) In establishing the guidelines, the Minister of Health, Labour and Welfare is to hear the opinion of the Labor Policy Council in advance.
- (5) Upon establishing the guidelines, the Minister of Health, Labour and Welfare is to make those guidelines public without delay.
- (6) The provisions of the preceding two paragraphs apply mutatis mutandis to the modification of the guidelines.

(Responsibilities of the National Government, Employers, and Workers)

- Article 30-3 (1) The national government must endeavor to take such measures as organizing public relations activities or enlightenment activities to inform employers and the general public that the behavior prescribed in paragraph (1) of the preceding Article as harmful to the work environment of workers is prohibited and to deepen their interest and understanding with respect to problems attributable to that behavior (hereinafter referred to as the "problems of behavior that constitutes bullying").
- (2) An employer must endeavor to deepen the interest and understanding of workers employed with respect to the problems of behavior that constitutes bullying, to provide training courses and give due consideration to ensure that those workers pay necessary attention to their behavior toward other workers, as well as cooperate in the national government's implementation of the measures referred to in the preceding paragraph.
  - (3) An employer (if this employer is a corporation, its officers) must endeavor to deepen the employer's own interest in and understanding of the problems of behavior that constitutes bullying and to pay necessary attention to their own behavior toward workers.
  - (4) Workers must endeavor to deepen their interest in and understanding of the

problems of behavior that constitutes bullying, to pay necessary attention to their behavior toward other workers, and to cooperate in the employer's implementation of the measures referred to in paragraph (1) of the preceding Article.

(Special Provisions concerning Promotion of Resolution of Disputes)

Article 30-4 The provisions of Article 4, Article 5, and Articles 12 through 19 of the Act on Promoting the Resolution of Individual Labor-Related Disputes (Act No. 112 of 2001) do not apply to disputes between workers and employers with respect to the particulars prescribed in Article 30-2, paragraphs (1) and (2), and such disputes are as provided for in the following Article through Article 30-8.

(Assistance with Resolution of Disputes)

Article 30-5 (1) At the request of both or either of the parties to a dispute referred to in the preceding Article for assistance in the resolution of the dispute, the director of the relevant prefectural labor bureau may give the parties to the dispute necessary advice, guidance, or recommendations.  
(2) The provisions of Article 30-2, paragraph (2) apply mutatis mutandis to the case where a worker requests the assistance referred to in the preceding paragraph.

(Delegation of Conciliation)

Article 30-6 (1) On finding it necessary in resolving a dispute referred to in Article 30-4 when both or either of the parties to the dispute files an application for conciliation, the director of the relevant prefectural labor bureau is to have the dispute coordinating committee referred to in Article 6, paragraph (1) of the Act on Promoting the Resolution of Individual Labor-Related Disputes conduct the conciliation.  
(2) The provisions of Article 30-2, paragraph (2) apply mutatis mutandis to the case where a worker makes an application as referred to in the preceding paragraph.

(Conciliation)

Article 30-7 The provisions of Articles 19 through 26 of the Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment (Act No. 113 of 1972) apply mutatis mutandis to the procedure of the conciliation referred to in paragraph (1) of the preceding Article. In this case, the term "paragraph 1 of the preceding Article" in Article 19, paragraph (1) of the same Act is deemed to be replaced with "Article 30-6, paragraph (1) of the Act on Comprehensively Advancing Labor Measures, and Stabilizing the



Employment of Workers, and Enriching Workers' Vocational Lives (Act No. 132 of 1966)"; the term "workplace" in Article 20 of the Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment is deemed to be replaced with "place of business"; and the term "Article 18, paragraph 1" in Article 25, paragraph (1) of the same Act is deemed to be replaced with "Article 30-4 of the Act on Comprehensively Advancing Labor Measures, and Stabilizing the Employment of Workers, and Enriching Workers' Vocational Lives."

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

Article 30-8 Beyond what is provided for in the preceding two Articles, necessary particulars concerning the conciliation procedure are prescribed by Order of the Ministry of Health, Labour and Welfare.

## **Chapter IX Coordination between the National Government and Local Governments**

(Coordination between the National Government and Local Governments)

Article 31 With respect to services provided by the national government, such as vocational guidance and employment placement, and labor-related measures taken by local governments, the national government and local governments are to take such actions as concluding agreements for ensuring mutual coordination and cooperation and implementing those services and measures in an integrated manner at the same facility, and thereby maintain mutual liaison and cooperate with each other so that the services and measures are smoothly and effectively implemented in close connection with one another.

(Requests)

Article 32 (1) When the head of a local government finds that a large number of workers has separated from employment or finds it likely that a large number of workers will separate from employment within the area under the jurisdiction of the local government, or otherwise finds it necessary for the employment security of workers, the head of the local government may request the Minister of Health, Labour and Welfare to implement measures necessary for the employment security of workers.

(2) When the Minister of Health, Labour and Welfare implements measures necessary for the employment security of workers upon request under the provisions of the preceding paragraph (hereinafter referred to as a "request for measures" in this Article), or finds that it is not necessary to implement measures associated with a request for measures, the Minister must notify the head of the local government that has made the relevant request for measures

to that effect without delay, with the reason for finding such measures not necessary if that is the case.

- (3) In judging whether it is necessary to implement measures associated with a request for measures, the Minister of Health, Labour and Welfare must hear the opinions of academic experts and other persons specified by Order of the Ministry of Health, Labour and Welfare in advance, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (4) Any person whose opinion was sought pursuant to the provisions of the preceding paragraph must not divulge any secret learned in connection with the case for which the opinion was sought.

## **Chapter X Miscellaneous Provisions**

(Advice, Guidance, and Recommendations, and Publication)

Article 33 (1) The Minister of Health, Labour and Welfare may give advice, guidance, or recommendations to employers, if the Minister finds it necessary to do so in connection with the enforcement of this Act.

- (2) In the case where the Minister of Health, Labour and Welfare has given recommendations under the provisions of the preceding paragraph to an employer that has violated any of the provisions of Article 30-2, paragraphs (1) and (2) (including as applied mutatis mutandis pursuant to Article 30-5, paragraph (2) and Article 30-6, paragraph (2)); the same applies in Article 35 and Article 36, paragraph (1)), and if the employer that has received the recommendations has not complied with these recommendations, the Minister may make this public.

(Reports)

Article 34 (1) To the extent necessary to enforce the provisions of Article 27, paragraph (1) and Article 28, paragraph (1), the Minister of Health, Labour and Welfare may, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, order an employer to report on the employment status of workers and on other particulars, and may have the ministry personnel enter an employer's place of business in order to ask questions of relevant persons or inspect the employer's books, documents, and other articles.

- (2) The personnel who conducts on-site inspections pursuant to the provisions of the preceding paragraph must carry an identification card and present it to the persons concerned.
- (3) The authority to conduct an on-site inspection pursuant to the provisions of paragraph (1) must not be construed as being granted for the purpose of criminal investigation.

(Requests for the Submission of Materials)

Article 35 The Minister of Health, Labour and Welfare may request an employer to submit necessary materials and to give explanations if the Minister finds them necessary for the enforcement of this Act (excluding Article 27, paragraph (1), Article 28, paragraph (1), and Article 30-2, paragraphs (1) and (2)).

(Requests for Reports)

Article 36 (1) The Minister of Health, Labour and Welfare may request an employer to report on particulars necessary for the enforcement of the provisions of Article 30-2, paragraphs (1) and (2).

(2) A prefectural governor or the head of a public employment security office may request a person that is receiving or has received job-change benefits to report on necessary particulars concerning the payment of those job-change benefits.

(Delegation of Authority)

Article 37 (1) Part of the authority of the Minister of Health, Labour and Welfare as prescribed in this Act may be delegated to the directors of the prefectural labor bureau pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

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

(Special Provisions Concerning Mariners)

Article 38 (1) The provisions of this Act (excluding Article 1, Article 4, paragraph (1), item (xiv), and paragraph (2), Chapter VIII (excluding Articles 30-7 and 30-8), Article 33, Article 36, paragraph (1), paragraph (1) of the preceding Article, and Article 41) do not apply to mariners prescribed in Article 6, paragraph (1) of the Mariners' Employment Security Act (Act No. 130 of 1948) (hereinafter referred to as "mariners" in the following paragraph).

(2) With respect to mariners, the term "Minister of Health, Labour and Welfare" in Article 30-2, paragraphs (3) through (5), Article 33, Article 36, paragraph (1), and paragraph (1) of the preceding Article is deemed to be replaced with "Minister for Land, Infrastructure, Transport and Tourism"; the term "Labor Policy Council" in Article 30-2, paragraph (4) is deemed to be replaced with "Council for Transport Policy"; the term "through Article 30-8" in Article 30-4 is deemed to be replaced with "Article 30-6, and Article 38, paragraph (3)"; the term "director of the relevant prefectural labor bureau" in Article 30-5, paragraph (1), Article 30-6, paragraph (1), and paragraph (1) of the preceding

Article is deemed to be replaced with "district transport bureau chief (including the chief of the maritime traffic control division)"; the term "the dispute coordinating committee referred to in Article 6, paragraph (1)" in Article 30-6, paragraph (1) is deemed to be replaced with "a conciliator appointed from among those listed in the mediator candidate list set forth in Article 21, paragraph (3)"; the term "Article 35 and Article 36, paragraph (1)" in Article 33, paragraph (2) is deemed to be replaced with "Article 36, paragraph (1)"; and the term "Order of the Ministry of Health, Labour and Welfare" in paragraph (1) of the preceding Article is deemed to be replaced with "Order of the Ministry of Land, Infrastructure, Transport and Tourism."

(3) The provisions of Articles 20 through 27 and Article 31, paragraphs (3) and (4) of the Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment apply mutatis mutandis to conciliation conducted by a conciliator appointed pursuant to the provisions of Article 30-6, paragraph (1) applied following the deemed replacement of terms pursuant to the preceding paragraph. In this case, the term "Commission" in Articles 20 through 23 and Article 26 of the same Act is deemed to be replaced with "conciliator"; the term "workplace" in Article 20 of the same Act is deemed to be replaced with "place of business"; the term "Prefectural Labor Office where the relevant Commission is established" in Article 21 of the same Act is deemed to be replaced with "district transport bureau (including the maritime traffic control division) to which the district transport bureau chief (including the chief of the maritime traffic control division) who appointed the conciliator is assigned"; the term "Article 18, paragraph 1" in Article 25, paragraph (1) of the same Act is deemed to be replaced with "Article 30-4 of the Act on Comprehensively Advancing Labor Measures, and Stabilizing the Employment of Workers, and Enriching Workers' Vocational Lives (Act No. 132 of 1966)"; the term "pending before the Commission" in Article 26 of the Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment is deemed to be replaced with "being handled by the conciliator"; the terms "this section," "Conciliation," and "Ordinance of the Ministry of Health, Labor and Welfare" in Article 27 of the same Act are deemed to be replaced with "Article 20 through the preceding Article and Article 31, paragraphs (3) and (4) applied mutatis mutandis pursuant to Article 38, paragraph (3) of the Act on Comprehensively Advancing Labor Measures, and Stabilizing the Employment of Workers, and Enriching Workers' Vocational Lives" "council and Conciliation," and "Order of the Ministry of Land, Infrastructure, Transport and Tourism," respectively; and the term "preceding paragraph" in Article 31, paragraph (3) of the Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment is deemed to be replaced with "Article 30-6, paragraph (1) of the Act on

Comprehensively Advancing Labor Measures, and Stabilizing the Employment of Workers, and Enriching Workers' Vocational Lives."

(Exclusion from Application)

Article 38-2 The provisions of Articles 6 through 9, Chapter VI (excluding Article 27), Articles 30-4 through 30-8, Article 33, paragraph (1) (limited to the part pertaining to the enforcement of the provisions of Chapter VIII), paragraph (2), and Article 36, paragraph (1) do not apply to national public employees and local public employees; the provisions of Articles 30-2 and 30-3 do not apply to national public employees in the regular service (excluding employees falling under Article 2, item (ii) of the Act on Labor Relations of Agency Engaged in Administrative Execution (Act No. 257 of 1948)), court officials to whom the Act on Temporary Measures concerning Court Officials (Act No. 299 of 1951) applies, the Diet officers prescribed in Article 1 of the Diet Officers Act (Act No. 85 of 1947), and the personnel prescribed in Article 2, paragraph (5) of the Self-Defense Forces Act (Act No. 165 of 1954).

(Penal Provisions)

Article 39 A person that has violated the provisions of Article 32, paragraph (4) is punished by imprisonment for a term of not more than six months or a fine of not more than 500,000 yen.

Article 40 (1) A person falling under any of the following items is punished by a fine of not more than 300,000 yen:

(i) a person that has failed to give notification or has given false notification, in violation of the provisions of Article 27, paragraph (1);

(ii) a person that has failed to give notification under the provisions of Article 28, paragraph (1) or that has given false notification;

(iii) a person that has failed to submit a report under the provisions of Article 34, paragraph (1) or that has submitted a false report, a person that has failed to answer, or has given a false statement in response to a question asked by the relevant personnel under the provisions of the same paragraph, or a person that has refused, obstructed, or evaded an inspection under the provisions of the same paragraph; or

(iv) a person that has failed to submit a report under the provisions of Article 36, paragraph (2) or that has submitted a false report.

(2) If a representative of a corporation, or an agent, employee, or other worker of a corporation or individual, commits a violation referred to in the preceding paragraph in connection with the operations of the corporation or individual, in addition to the offender being subject to punishment, the corporation or individual is subject to the punishment referred to in the same paragraph.

Article 41 A person that has failed to submit a report under the provisions of Article 36, paragraph (1) or that has submitted a false report is punished by a fine of not more than 200,000 yen.

### **Supplementary Provisions [Extract]**

(Effective Date)

Article 1 This Act comes into effect as of the date of promulgation; provided, however, that the provisions of Article 21 come into effect as of the day on which six months have elapsed from the date of its promulgation.

### **Supplementary Provisions [Act No. 107 of October 1, 1973]**

- (1) This Act comes into effect as of the date of promulgation; provided, however, that the provisions of Article 1 amending Article 21 of the Employment Measures Act come into effect as of the day on which six months have elapsed from the date of promulgation.
- (2) The provisions of Article 21 of the Employment Measures Act amended by this Act (limited to the part concerning fluctuations in the volume of employment associated with workers' separation from employment) apply to employment volume fluctuations that are prescribed in that Article, when all the cases of separation from employment involved in the fluctuation concerned occur on or after the date of enforcement (meaning enforcement under the proviso to the preceding paragraph; the same applies hereinafter) of this Act; prior laws continue to govern where all or some of the cases of separation from employment involved in the fluctuation occur prior to that date.
- (3) Prior laws continue to govern the applicability of penal provisions to acts engaged in prior to the enforcement of this Act and acts that are engaged in after the enforcement of this Act in connection with the notification of fluctuations in the volume of employment and that, pursuant to the provisions of the preceding paragraph, are to continue to be governed by prior laws.