

# Employment Security Act

(Act No. 141 of November 30, 1947)

## Chapter I General Provisions

### (Purpose of the Act)

Article 1 The purpose of this Act is, together with the Act on Comprehensive Promotion of Labor Policies, Stability of Employment of Workers and Enhancement of Vocational Life (Act No. 132 of 1966), to give every person the opportunity to obtain a job suited to their abilities and to give industry the workforce it needs by enabling public employment security offices and other such employment security organizations serving the public to provide things such as employment placement services with the cooperation of related administrative authorities and related organizations, by ensuring appropriate operation of employment placement service by persons other than employment security agencies in consideration of the role that these services are to play in the appropriate and smooth coordination of supply and demand in the workforce, and in other ways, thereby both ensuring employment security and contributing to economic and societal development.

### (Freedom of Choice in Employment)

Article 2 Every person has the right to freely choose a job, so long as this does not conflict with the public welfare.

### (Equal Treatment)

Article 3 No person is treated discriminatorily in terms of things such as employment placement or vocational guidance on the grounds of race, nationality, creed, sex, social status, family origin, previous profession, labor union membership, or any other such characteristic; provided, however, that this does not apply if otherwise provided in a collective agreement entered into between an employer and a labor union in accordance with the Labor Union Act (Act No. 174 of June, 1949).

### (Definitions)

Article 4 (1) The term "employment placement" as used in this Act means taking applications to post job openings and job-search applications, and acting as an intermediary to establish employment relationships between job posters and job seekers.

(2) The term "free employment placement" as used in this Act means employment

placement conducted without receiving a commission or other compensation for it, regardless of what it is called.

- (3) The term "paid employment placement" as used in this Act means employment placement other than free employment placement.
- (4) The term "vocational guidance" as used in this Act means guidance provided to job seekers to make it easier for them to choose jobs that are suited to their abilities and to increase their adaptability to those jobs, by implementing practical training or courses, by providing instructions, advice, or information, or by other such means.
- (5) The term "worker recruitment" as used in this Act means seeking to employ a worker soliciting aspiring workers to become its employees, either directly or through a third party.
- (6) The term "providing recruitment/candidate information" as used in this Act means providing information on worker recruitment to an aspiring worker at the request of a person recruiting workers or a commissioned recruiter (meaning a commissioned recruiter as provided in Article 39; hereinafter the same applies in this paragraph, Article 5-3, paragraph (1), and Article 5-4, paragraph (1)), or providing information on an aspiring worker to a person recruiting workers or a commissioned recruiter, at the request of the aspiring worker.
- (7) The term "worker supply" as used in this Act means having a worker work under the direction and orders of another person based upon a supply contract, and does not include anything that constitutes worker dispatch as provided in Article 2, item (i) of the Act on Securing the Proper Operation of Worker Dispatching Services and Protecting Dispatched Worker (Act No. 88 of 1985; hereinafter referred to as the "Worker Dispatching Act").
- (8) The term "specified local public entity" as used in this Act means a local public entity that provides free employment placement services pursuant to the provisions of Article 29, paragraph (1).
- (9) The term "provider of employment placement services" as used in this Act means a person that provides employment placement services after either being licensed as referred to in Article 30, paragraph (1) or Article 33, paragraph (1) or filing the notification under Article 33-2, paragraph (1) or Article 33-3, paragraph (1).
- (10) The term "provider of worker supply services" as used in this Act means a labor union or equivalent entity (meaning a labor union under the Labor Union Act or other entity equivalent thereto that is provided for by Order of the Ministry of Health, Labour and Welfare; the same applies hereinafter) that provides the worker supply services pursuant to the provisions of Article 45.
- (11) The term "personal information" as used in this Act means information concerning an individual, from which a specific individual can be identified

(including information from which a specific individual can be identified when cross-checked against other information).

(Operations of the Government)

Article 5 The government undertakes the following operations in order to accomplish the purpose referred to in Article 1:

- (i) ensuring the appropriate and smooth coordination of workforce supply and demand;
- (ii) establishing and endeavoring to implement the necessary policies to give the unemployed opportunities to obtain jobs;
- (iii) providing free employment placement services to help job seekers promptly obtain jobs that are suited to their abilities and to give job posters the workforce that they need;
- (iv) providing guidance and supervision for employment placement, worker recruitment, the services of providing recruitment/candidate information, the worker supply services, and the worker dispatch services that are provided for in Article 2, item (iii) of the Worker Dispatching Act and the services to secure employment opportunities for construction workers that are provided for in Article 2, paragraph (10) of the Act on Improvement, etc. of Employment of Construction Workers (Act No. 33 of 1976; hereinafter referred to as the "Construction Work Act") (hereinafter referred to as "worker dispatch and construction worker services") that is done by persons other than the government (this excludes specified local public entities carrying out free employment placement services pursuant to the provisions of Article 29, paragraph (1)), in a way that promotes the interests of workers and the public;
- (v) providing job seekers with the necessary vocational guidance;
- (vi) improving the management of operations at public employment security offices, with the cooperation of individuals, organizations, schools, and related administrative authorities; and
- (vii) providing employment placement or vocational guidance for persons who are entitled to receive benefits pursuant to the provisions of the Employment Insurance Act (Act No. 116 of 1974), and ensuring the sound operation of the employment insurance system.

(Cooperation of Employment Security Agencies and Specified Local Public Entities)

Article 5-2 (1) Employment security organization, specified local public entities, providers of employment placement services, and providers of worker supply services must endeavor to cooperate with one another with respect to things such as enhancing employment information and improving the technology for

coordinating workforce supply and demand, in order to ensure the appropriate and smooth coordination of workforce supply and demand.

- (2) Public employment security offices, specified local public entities, and providers of employment placement services must endeavor to cooperate with one another with respect to employment placement, in order to enable job seekers to obtain jobs that are suited to their abilities in the geographic areas where they wish to work.

(Explicitly Indicating the Working Conditions)

- Article 5-3 (1) In carrying out employment placement, a public employment security office, specified local public entity, or provider of employment placement services must explicitly indicate to a job seeker the substance of the work in which that person is to engage, and other their working conditions such as wages and working hours; in carrying out worker recruitment, a person recruiting workers or commissioned recruiter must explicitly indicate these things to an aspiring worker; and in carrying out worker supply, provider of worker supply services must indicate these things to a person to be supplied.
- (2) In apply to post a job opening, a job poster must explicitly indicate to a public employment security office, specified local public entity, or provider of employment placement services the substance of the work in which the job seeker would engage, as well as the wages, working hours, and other such conditions; a person seeking to have a worker supplied must explicitly indicate to a provider of worker supply services the substance of the work in which the worker to be supplied would engage, as well as the wages, working hours, and other such conditions, in advance.
- (3) If a job poster seeks to enter into a labor contract with a job seeker to whom it has been introduced by the public employment security office, specified local public entity, or provider of employment placement services with which it applied to post a job opening, if a person recruiting workers seeks to enter into a contract with an aspiring worker, or if a person seeking to have a worker supplied to it (but only if it will employ the worker who is supplied to it) seeks to enter into a contract with a worker who is supplied to it; and changes the substance, the wages, working hours, or other working conditions of the work in which the relevant person would engage (hereinafter referred to as the "substance of the job or work to be engaged in" in this paragraph) that have been explicitly indicated to that person pursuant to the provisions of paragraph (1), or in any other case prescribed by Order of the Ministry of Health, Labour and Welfare, it must explicitly indicate to the person seeking to be the other party to the contract the substance of the job or work to be engaged in that it is changing and the other particulars specified by Order of the Ministry of Health, Labour and Welfare.

- (4) With respect to the particulars of wages and working hours and the other particulars prescribed by Order of the Ministry of Health, Labour and Welfare, Labour and Welfare, an explicit indication under the preceding three paragraphs must be made by employing a method by Order of the Ministry of Health, Labour and Welfare.

(Handling of the Personal Information of Job Seekers and Prospective Workers)

Article 5-4 (1) In collecting, retaining, and using the personal information of a job seeker, aspiring worker, or worker that is being supplied (hereinafter referred to as the "personal information of a job seeker, etc." in this Article) with respect to their operations, a provider of employment placement services or job poster; a person recruiting workers or commissioned recruiter; or a provider of worker supply services or a person seeking to have a worker supplied to it (hereinafter referred to as a "public employment security office or other such person" in the following paragraph) must collect the personal information of a job seeker, etc. within the scope of what is necessary for it to achieve the purpose of its operations, and must retain and use this information within the scope of the purpose of the collection; provided, however, that this does not apply if it has the consent of the person concerned or if there are other justifiable reasons for it to do otherwise.

- (2) A public employment security office, etc. must take the necessary measures to appropriately manage the personal information of a job seeker, etc.

(Applying to Post a Job Opening)

Article 5-5 (1) A public employment security office, specified local public entity, or provider of employment placement services must accept all applications to post job openings; provided, however, that it may reject an application falling under any of the following items:

- (i) an application to post a job opening whose substance violates a law or regulation;
- (ii) an application to post a job opening for which the wages, working hours, or other such working conditions that constitute its substance are found to be remarkably inappropriate in comparison with ordinary working conditions;
- (iii) an application to post a job opening that is from a person that has become subject to a disposition, public announcement, or other such measures under the law for violating the provisions of labor-related laws that Cabinet Order prescribes (limited to cases prescribed by Order of the Ministry of Health, Labour and Welfare);
- (iv) an application to post a job opening that does not explicitly indicate the information under Article 5-3, paragraph (2);
- (v) an application to post a job opening that is from one of the following

persons:

- (a) a member of an organized crime group as prescribed in Article 2, item (vi) of the Act on the Prevention of Wrongful Acts by Members of Organized Crime Groups (Act No. 77 of 1991; hereinafter referred to as a "member of an organized crime group" in this item and Article 32);
  - (b) a corporation any of whose officer (meaning an executive employee, director, executive officer, or person in an equivalent position, and including a consultant, advisor or other person, irrespective of whether they have any title whatsoever, that is found to have at least the same amount of control over the corporation as an executive employee, director, executive officer, or person in an equivalent position; hereinafter the same applies in Article 32) is a member of an organized crime group; or
  - (c) a person whose business activities are controlled by a member of an organized crime group;
  - (vi) an application to post a job opening that is from a person that has failed to fulfill a request under the following paragraph without reasonable grounds.
- (2) When finding it necessary to do so in order to check whether an application to post a job opening falls under one of the items of the preceding paragraph, a public employment security office, specified local public entity, or provider of employment placement services may request a report from the job poster.
- (3) Upon receipt of a request under the preceding paragraph, a job poster must do as requested unless it has a legitimate reason for not doing so.

(Filing a Job-Search Application)

- Article 5-6 (1) A public employment security office, specified local public entity, or provider of employment placement services must accept all job-search applications; provided, however, that it may reject an application that violates a law or regulation.
- (2) A public employment security office, specified local public entity, or provider of employment placement services may implement testing and skills assessments if it finds this necessary for determining a job seeker's suitability for a particular kind of work.

(Referring Job Seekers to Employment Suitable for Their Abilities)

- Article 5-7 A public employment security office, specified local public entity, or provider of employment placement services must endeavor to refer a job seeker to employment that is suited to their abilities, and to introduce a job poster to job seekers who are suited to the poster's employment conditions.

**Chapter II Employment Placement and Vocational Guidance by  
Employment Security Agencies**

## Section 1 General Rules

(Authority of the Director-General of the Main Employment Security Bureau)

Article 6 The director-general of the main employment security bureau (meaning the bureau established as an internal bureau of the Ministry of Health, Labour and Welfare which has jurisdiction over employment placement, employment guidance, and other affairs related to employment security; the same applies in Article 9) (such a person is hereinafter referred to as the "director-general of the main employment security bureau"), under the direction and supervision of the Minister of Health, Labour and Welfare, directs and supervises prefectural labor directors with respect to matters concerning the implementation of this Act; establishes standards for direction and supervision of public employment security offices; plans and implements measures to give industry the workforce it needs; plans and implements measures to counter unemployment; decides the major geographical areas within which it adjusts workforce supply and demand, so as to coordinate workforce supply and demand; plans and implements vocational guidance; takes on other affairs that are necessary in connection with the implementation of this Act; and directs and supervises personnel under the jurisdiction of the director-general.

(Authority of Prefectural Labor Directors)

Article 7 Prefectural labor directors, under the direction and supervision of the director-general of the main employment security bureau, take on operations involving communication and coordination in the operations of public employment security offices, and direct and supervise personnel under their jurisdiction and the chiefs of public employment security offices, regarding matters related to the implementation of this Act.

(Public Employment Security Offices)

Article 8 (1) Public employment security offices are agencies that serve the public free of charge, providing employment placement, vocational guidance, and employment insurance, and performing other operations that need to be performed to accomplish the purpose of this Act.

(2) The chiefs of public employment security offices, under the direction and supervision of prefectural labor directors, take on the administrative functions of their public employment security offices, and direct and supervise personnel under their jurisdiction.

(Qualifications of Personnel)

Article 9 In order to ensure that the operations of public employment security offices and other employment security agencies are carried out effectively,

personnel who exclusively engage in operations that implement this Act at the main employment security bureau, prefectural labor offices, or public employment security offices must be persons who have the qualifications and experience that the National Personnel Authority prescribes.

- Article 9-2 (1) An employment facilitation advisor is assigned at each public employment security office.
- (2) An employment facilitation advisor is to provide employment guidance based on specialized knowledge, primarily to persons that have been issued instructions under Article 26, paragraph (1) or (2) of the Act on Stabilization of Employment of Elderly Persons (Act No. 68 of 1971).
- (3) Beyond what is provided for in the preceding two paragraphs, the Minister of Health, Labour and Welfare establishes the necessary particulars related to employment facilitation advisors.

(Cooperation with District Transport Bureaus)

Article 10 A public employment security office must cooperate in the operations that District Transport Bureau Chiefs (including the Chiefs of the Maritime Traffic Control Divisions) carry out in connection with employment security for mariners.

(Affairs Conducted by Municipalities)

Article 11 (1) The municipal mayor having jurisdiction over an area designated by the Minister of Health, Labour and Welfare as one in which it is found difficult to file applications to post job openings or job-search applications directly with a public employment security office because of the inconvenience of access to it (hereinafter referred to as a "designated area" in this paragraph) carries out the following:

- (i) acting as an intermediary to relay applications to post job openings from places of business located in designated areas and job-search applications from job seekers residing in designated areas to the public employment security office concerned;
- (ii) investigating the things that need to be investigated in connection with employment placement involving job posters with the place of business located in designated areas and job seekers who reside in designated areas, as requested by the relevant public employment security office;
- (iii) making information from the relevant public employment security office concerning job openings or job seeking known to job posters with places of business located in designated areas or to job seekers who reside in designated areas.
- (2) The chief of the relevant public employment security office may issue the

necessary instructions to the mayor of a municipality on finding that this is particularly necessary in connection with the affairs referred to in the preceding paragraph.

- (3) The mayor of a municipality must not collect actual costs or any other fee from a job poster or job seeker for the affairs referred to in paragraph (1), under any name.
- (4) The affairs to be conducted by municipalities pursuant to the provisions of paragraph (1) are type-1 statutory entrusted functions as provided in Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947).

#### Article 12 Deleted

(Form for Reporting on Operations)

Article 13 (1) The director-general of the main employment security bureau must establish the forms for reporting on operations that prefectural labor offices and public employment securities offices are to do pursuant to the provisions of this Act.

- (2) A prefectural labor office or public employment security office must report on their operations by the forms referred to in the preceding paragraph.

(Surveys on Workforce Supply and Demand)

Article 14 In order to contribute to the appropriate and smooth coordination of workforce supply and demand, the director-general of the main employment security bureau must endeavor to collect information on the state of employment and unemployment based on things such as prefectural labor offices' and public employment security offices' surveys and reports on workforce supply and demand, and must also endeavor to take the necessary measures, including organizing, analyzing, and publishing that information.

(Standard Job Titles)

Article 15 Based on the results of things such as surveys and research on employment, the director-general of the main employment security bureau must establish standard job titles to be commonly used in employment placement services, worker recruitment, and worker supply services, prepare job descriptions and occupational classification tables, and endeavor to put these into widespread use.

(Standards for Employment Placement)

Article 16 The Minister of Health, Labour and Welfare may establish the necessary standards for implementing employment placement and vocational guidance for physically or mentally disabled persons, new job seekers, middle-

aged and older unemployed persons, and others for whom special considerations need to be made regarding their obtaining employment.

## **Section 2 Employment Placement**

(Geographical Area of Employment Placement)

Article 17 (1) As much as possible, a public employment security office must endeavor to refer job seekers to positions that do not necessitate a change of domicile or residence at the time of employment.

(2) A public employment security office is to carry out employment placement activities that cover a wide geographical area if, within its jurisdictional district, it is unable to refer a job seeker to employment that satisfies the job seeker's wishes and is suited to their abilities, or is unable to supply a job poster with the job seeker whom it wants or to fill the number of job openings posted.

(3) Neighboring public employment security offices must endeavor to cooperate with one another as much as possible to carry out the employment placement activities covering a wide geographical area which are referred to in the preceding paragraph.

(4) Necessary particulars related to the employment placement activities covering a wide geographical area which are referred to in paragraph (2) are specified by Order of the Ministry of Health, Labour and Welfare.

(Development of Job Openings and Job Searches)

Article 18 (1) In addition to duties performed based on the provisions of other Acts, a public employment security office, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, is to undertake the necessary development of job openings and job searches in order to give job seekers opportunities to obtain jobs that are suited to their abilities and enable job posters to secure the workforce that they need.

(2) A public employment security office may ask to be provided with information and ask for other necessary communication and cooperation from local public entities, employer organizations, labor unions, and other persons concerned with respect to the development of job openings and job searches under the preceding paragraph.

(Providing Information on Operations)

Article 18-2 Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, a public employment security office is to provide job seekers and job posters with information about the particulars provided in Article 32-16, paragraph (3) concerning specified local public entities or

providers of employment placement services (excluding one that has been issued an order under Article 32-9, paragraph (2) or any other person prescribed by Order of the Ministry of Health, Labour and Welfare as a person whose employment placement services operations are inappropriate for a public employment security office to provide information about it to job seekers or job posters; hereinafter the same applies in this paragraph), information about the number of persons who were hired at the referral of specified local public entities or providers of employment placement services and had their moving expenses paid under Article 58 of the Employment Insurance Act, and information about employment placement services operations.

(Arrangement of Public Vocational Training)

Article 19 A public employment security office is to make arrangements for job seekers to undergo vocational training conducted by public facilities for career skills development (including that conducted by the Polytechnic University).

(Non-Intervention in Labor Disputes)

Article 20 (1) In order to maintain a neutral position regarding labor disputes, a public employment security office must not refer a job seeker to a place of business where there is an ongoing strike or lock-out.

(2) Other than in the case as prescribed in the preceding paragraph, if a labor relations commission notifies a public employment security office that a dispute which is likely to develop into a strike or lock-out has arisen at a place of business and that the unrestricted referral of job seekers would impede the settlement of the dispute, the public employment security office must not refer job seekers to that place of business; provided, however, that this does not apply referring workers to the extent needed for the place of business to maintain the number of workers normally employed prior to the occurrence of the dispute.

(Provisions on Implementation)

Article 21 Procedures for employment placement and other necessary particulars related to employment placement are specified by Order of the Ministry of Health, Labour and Welfare.

### **Section 3 Vocational Guidance**

(Implementation of Vocational Guidance)

Article 22 A public employment security office must provide vocational guidance to persons with physical or mental disabilities, new job seekers, and others in need of special guidance with regard to obtaining employment.

(Aptitude Testing)

Article 23 When finding it to be necessary to do so, a public employment security office may conduct aptitude testing for persons receiving vocational guidance.

(Coordination with Public Facilities for Career Skills Development)

Article 24 A public employment security offices may request necessary cooperation from a public facilities for career skills development and other persons concerned if it finds that it is necessary to provide persons receiving vocational guidance with information, consultations, or any other assistance related to the vocational training conducted by a public facility for career skills development (including that conducted by the Polytechnic University).

(Provisions on Implementation)

Article 25 Vocational guidance methods and other necessary particulars related to vocational guidance are specified by Order of the Ministry of Health, Labour and Welfare.

#### **Section 4 Employment Placement for Students, Pupils, and Graduates**

(Employment Placement of Students, Pupils, etc.)

Article 26 (1) In connection with employment placement by a school as provided in Article 1 of the School Education Act (Act No. 26 of 1947) (hereinafter referred to as a "school") for its students or pupils, or persons who have graduated from or left that school (excluding those prescribed by Cabinet Order; hereinafter referred to as a " student, pupil, etc."), a public employment security offices, in cooperation with the school, must endeavor to provide students and pupils with employment information and the results of occupational surveys and research, give them vocational guidance, and, through communication among public employment security offices, expand the scope of as many job openings as possible that it is found to be appropriate to refer students, pupils, etc., and make arrangements for to obtain jobs suited to their abilities.

(2) A public employment security office must cooperate in the vocational guidance that a school provides to its students and pupils.

(3) In order to effectively and efficiently provide vocational guidance to students, pupils, etc., a public employment security office is to give them opportunities to experience employment, give them opportunities to consult with career consultants as prescribed in Article 30-3 of the Human Resources Development Promotion Act (Act No. 64 of 1969), and take other necessary measures for deepening students' and pupils' interest in and understanding of career choices,

in cooperation with schools and other persons concerned.

(Schools' Undertaking of the Operations of Public Employment Security Offices)

- Article 27 (1) When finding it to be necessary to do so in order to smoothly carry out employment placement for current and former students and pupils, the chief of a public employment security office may assign a part of the operations of a public employment security office to the head of a school, with the consent, or at the request, of the head of that school.
- (2) The operations that the chief of a public employment security office may assign to the head of a school pursuant to the provisions of the preceding paragraph are limited to the following:
- (i) accepting applications to post job openings and communicating the accepted applications to public employment security offices;
  - (ii) accepting job-search applications;
  - (iii) introducing job seekers to job posters;
  - (iv) providing vocational guidance;
  - (v) providing guidance after employment; and
  - (vi) making arrangements for admission to public facilities for career skills development (including the Polytechnic University).
- (3) Notwithstanding the provisions of the main clause of paragraph (1) of Article 5-5, and the main clause of paragraph (1) of Article 5-6, the head of a school that has been assigned part of the operations of a public employment security office pursuant to the provisions of paragraph (1) (hereinafter referred to as a "head of a school undertaking operations") may reject applications to post job openings or job-search applications for jobs that are not appropriate for the school's curriculum.
- (4) Upon consultation with the chief of the relevant public employment security office, the head of a school undertaking operations may appoint a person to be responsible for employment security from among the personnel of the school, and have that person take charge of the operations provided for in the items of paragraph (2) and communicate with the relevant public employment security office.
- (5) The chief of a public employment security office may provide the head of a school undertaking operations with employment information, the results of surveys and research relating to employment and other similar materials, and other assistance in the performance of the operations referred to in the items of paragraph (2) that are undertaken by the head of that school, and may also provide the head of that school with economic assistance on finding this to be particularly necessary.
- (6) In the performance of the operations being undertaken, the head of a school

undertaking operations must comply with the standards established by the Minister of Health, Labour and Welfare in consultation with the Minister of Education, Culture, Sports, Science and Technology.

- (7) If the head of a school undertaking operations violates a law, regulation, or the standards referred to in the preceding paragraph, the chief of the relevant public employment security office may suspend the operations provided for in the items of paragraph (2) that are being undertaken by the head of that school.
- (8) The provisions of the preceding paragraphs do not apply to the case where the head of a school provides free employment placement services based on the provisions of Article 33-2.

(Provisions on Implementation)

Article 28 The means of communication, assistance, and cooperation between public employment security offices and schools, and other necessary particulars related to employment placement involving students, pupils, etc. are specified by Order of the Ministry of Health, Labour and Welfare.

## **Chapter II-2 Employment Placement Carried Out by Local Public Entities**

(Employment Placement Carried Out by Local Public Entities)

- Article 29 (1) A local public entity may provide free employment placement services.
- (2) A specified local public entity must notify the Minister of Health, Labour and Welfare that it will provide free employment placement services pursuant to the provisions of the preceding paragraph.
- (3) A specified local public entity may set a scope of job categories, etc. handled (meaning the scope of job categories and operations that the specified local public entity handles in its employment placement services; the same applies hereinafter).
- (4) If a specified local public entity has set a scope of job categories, etc. to be handled pursuant to the provisions of the preceding paragraph, the provisions of Article 5-5, paragraph (1) and Article 5-6, paragraph (1) are to apply only within the scope concerned.

(Discontinuation of Services)

Article 29-2 If a specified local public entity discontinues its free employment placement services, it must notify the Minister of Health, Labour and Welfare of this without delay.

(Prohibition on Name Lending)

Article 29-3 A specified local public entity must not allow another person to

carry out free employment placement services using the name of that local public entity.

(Explicitly Indicating the Scope of Job Categories and Operations Handled)

Article 29-4 A specified local public entity must explicitly indicate to job posters and job seekers the scope of job categories and operations handled, the particulars of its complaint processing, and other particulars prescribed by Order of the Ministry of Health, Labour and Welfare as those concerning the substance of free employment placement service operations that it is appropriate for job posters and job seekers to be informed of in advance.

(Provision of Information by Public Employment Security Offices)

Article 29-5 If a specified local public entity wishes to receive information concerning job openings or job searches, a public employment security office is to provide the information that Order of the Ministry of Health, Labour and Welfare prescribes as information that concerns job openings or job searches to the local public entity by an electronic or magnetic means (meaning a means that involves the use of an electronic data processing system or a means that involves making use of any other such information and communications technology) or by any other means prescribed by Order of the Ministry of Health, Labour and Welfare.

(Assistance by Public Employment Security Offices)

Article 29-6 A public employment security office may provide a specified local public entity with employment information, the results of surveys and research on employment, and other assistance related to the administration of free employment placement services.

(Responsibilities of Specified Local Public Entities)

Article 29-7 In the administration of free employment placement services, a specified local public entity must endeavor to take necessary measures to improve those services, in coordination with employment security agencies.

(Application Mutatis Mutandis)

Article 29-8 The provisions of Article 20 apply mutatis mutandis when a specified local public entity provides free employment placement services. In such a case, the term "public employment security office" in paragraph (1) of that Article is deemed to be replaced with "specified local public entity"; and the term "public employment security office" in paragraph (2) of that Article is deemed to be replaced with "public employment security office is to report this to the specified local public entity, and the local public entity receiving that

report".

(Provisions on Implementation)

Article 29-9 Beyond what is prescribed in this Chapter, necessary particulars related to the free employment placement services of specified local public entities are specified by Order of the Ministry of Health, Labour and Welfare.

**Chapter III Employment Placement by Persons Other Than Employment  
Security Agencies and Local Public Entities  
Section 1 Paid Employment Placement Services**

(License for Paid Employment Placement Services)

Article 30 (1) A person seeking to carry out paid employment placement services must be licensed by the Minister of Health, Labour and Welfare.

(2) A person seeking to be licensed as referred to in the preceding paragraph must submit to the Minister of Health, Labour and Welfare a written application stating the following:

(i) the person's name, address, and, if it is a corporation, the name of its representative;

(ii) if it is a corporation, the names and addresses of its officers;

(iii) the names and locations of the places of business at which it would carry out paid employment placement services;

(iv) the name and address of the employment placement manager appointed pursuant to the provisions of Article 32-14;

(v) other particulars prescribed by Order of the Ministry of Health, Labour and Welfare.

(3) The written application referred to in the preceding paragraph must be accompanied by a business plan for the paid employment placement services and other documents prescribed by Order of the Ministry of Health, Labour and Welfare, for each place of business at which the person would carry out those services.

(4) Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, the business plan referred to in the preceding paragraph must state the projected number of job seekers served by the paid employment placement services and other particulars related to employment placement, for each place of business at which the person would carry out those services.

(5) Before licensing a person as referred to in paragraph (1), the Minister of Health, Labour and Welfare must hear the opinion of the Labor Policy Council in advance.

(6) A person seeking to be licensed as referred to in paragraph (1) must pay the fee prescribed, in consideration of the actual costs, by Order of the Ministry of

Health, Labour and Welfare.

(Licensing Standards)

Article 31 (1) When finding that an application for licensing as referred to in paragraph (1) of the preceding Article conforms to the following standards, the Minister of Health, Labour and Welfare must license the applicant, as referred to in that paragraph:

- (i) the applicant has a sufficient financial basis to soundly perform the relevant services;
- (ii) the applicant has taken the necessary measures to appropriately manage personal information and preserve the confidentiality of job posters and job seekers, etc.;
- (iii) the applicant has the ability to appropriately perform the relevant services, beyond as prescribed in the preceding two items.

(2) If the Minister of Health, Labour and Welfare does not license an applicant as referred to in paragraph (1) of the preceding Article, the Minister must notify the applicant of this without delay, indicating the reasons therefor.

(Reasons for Disqualification of License)

Article 32 Notwithstanding the provisions of paragraph (1) of the preceding Article, the Minister of Health, Labour and Welfare must not grant the license referred to in Article 30, paragraph (1) to a person falling under one of the following items:

- (i) a person that has been sentenced to imprisonment without work or a heavier sentence, or to a fine pursuant to the provisions of this Act or the provisions of other labor-related Acts prescribed by Cabinet Order (other than the provisions referred to in the following item) or the provisions of the Act on the Prevention of Wrongful Acts by Members of Organized Crime Groups (other than the provisions of Articles 50 (but only the part that concerns item (ii)) and 52 of that Act) or for having committed an offense referred to in Article 204, 206, 208, 208-2, 222, or 247 of the Penal Code (Act No. 45 of 1907), in the Act on Sentencing for Violent Crimes and Equivalent Acts (Act No. 60 of 1926), or in Article 73-2 of the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951), if it has not been five years since the day on which the execution of the sentence was completed or the sentence became no longer executable;
- (ii) a person that has been sentenced to a fine pursuant to the provisions of Article 208 or 213-2 or Article 214, paragraph (1) of the Health Insurance Act (Act No. 70 of 1922), Article 156 or 159 or Article 160, paragraph (1) of the Mariners Insurance Act (Act No. 73 of 1939), the first sentence of Article 51 or Article 54, paragraph (1) (but only the part concerning the provisions of

- the first sentence of Article 51) of the Industrial Accident Compensation Insurance Act (Act No. 50 of 1947), Article 102 or 103-2 or Article 104, paragraph (1) (but only the part concerning the provisions of Article 102 or 103-2) of the Employees' Pension Insurance Act (Act No. 115 of 1954), the first sentence of Article 46 or Article 48, paragraph (1) (but only the part concerning the provisions of the first sentence of Article 46) of the Act on the Collection, etc. of Insurance Premiums of Labor Insurance (Act No. 84 of 1969), or Article 83 or 86 (but only the part concerning the provisions of Article 83) of the Employment Insurance Act, if it has not been five years since the day on which the execution of the sentence was completed or the sentence became no longer executable;
- (iii) a person prescribed by Order of the Ministry of Health, Labour and Welfare as being unable to properly carry out paid employment placement services due to a mental or physical disorder;
  - (iv) a person that has become subject to an order commencing bankruptcy proceedings and has not been discharged from bankruptcy;
  - (v) a person whose license for employment placement services has been rescinded pursuant to the provisions of Article 32-9, paragraph (1) (excluding item (i) and including as applied mutatis mutandis pursuant to Article 33, paragraph (4)) or that has been ordered to discontinue its free employment placement services pursuant to the provisions of Article 32-9, paragraph (1) (excluding item (i)) as applied mutatis mutandis pursuant to Article 33-3, paragraph (2), if it has not been five years since the date of the rescission or order;
  - (vi) a person who, at the time that the thing occurred that caused the corporation in question to be subject to the relevant administrative disposition rescinding its licensing or ordering it to discontinue its services, was the officer of a corporation that has had its licensing for employment placement services rescinded pursuant to the provisions of Article 32-9, paragraph (1) (including as applied mutatis mutandis pursuant to Article 33, paragraph (4)) (but if its licensing has been rescinded pursuant to the provisions of Article 32-9, paragraph (1) (limited to item (i)) (including as applied mutatis mutandis pursuant to Article 33, paragraph (4)), this is limited to a case in which the rescission was due to the corporation having come to fall under item (i) or (ii)), or of a corporation that has been ordered to discontinue its free employment placement services pursuant to the provisions of Article 32-9, paragraph (1) as applied mutatis mutandis pursuant to Article 33-3, paragraph (2) (but, if the discontinuance was ordered pursuant to the provisions of Article 32-9, paragraph (1) (limited to item (i)) as applied mutatis mutandis pursuant to Article 33-3, paragraph (2), this is limited to a case in which this was ordered due to the corporation

- having come to fall under item (i) or (ii)); if it has not been five years since the date of the rescission or order;
- (vii) a person that has filed a notification of the discontinuance of its employment placement services (excluding persons that have adequate grounds for the discontinuance of those services) under Article 32-8, paragraph (1) (including as applied mutatis mutandis pursuant to Article 33, paragraph (4) and Article 33-3, paragraph (2)) during the period between the day on which it was notified as under Article 15 of the Administrative Procedure Act (Act No. 88 of 1993) concerning the rescission of licensing for employment placement services under Article 32-9, paragraph (1) (including as applied mutatis mutandis pursuant to Article 33, paragraph (4)) or concerning an order to discontinue free employment placement services under Article 32-9, paragraph (1) as applied mutatis mutandis pursuant to Article 33-3, paragraph (2), and either the date on which the relevant administrative disposition was taken or the day on which it was decided not to take an administrative disposition; if it has not been five years since the date the notification was filed;
  - (viii) a person who, in the 60 days before the date that the relevant notification was filed, was an officer (meaning an executive member, director, executive officer, or equivalent person, and including a consultant, advisor, or other person, irrespective of whether they have any title whatsoever, that is found to have at least the same amount of control over the corporation as an executive member, director, executive officer, or equivalent person; hereinafter the same applies in this Article) of a corporation that has filed a notification of the discontinuance of its employment placement services under Article 32-8, paragraph (1) (including as applied mutatis mutandis pursuant to Article 33, paragraph (4) and Article 33-3, paragraph (2)) within the period referred to in the preceding item (unless the corporation has adequate grounds for discontinuing those services); if it has not been five years since the date on which the notification was filed;
  - (ix) a member of an organized crime group as prescribed in Article 2, item (vi) of the Act on the Prevention of Wrongful Acts by Members of Organized Crime Groups, or a person who ceased to be a member of an organized crime group on a day that is not yet five years in the past (hereinafter referred to as a "current or former member of an organized crime group" in this Article);
  - (x) a minor who does not have the same capacity to act as an adult as it regards business operations, and whose statutory agent falls under one of the preceding items or the following items;
  - (xi) a corporation any of whose officers falls under one of the preceding items;
  - (xii) a person whose business activities are controlled by a current or former member of an organized crime group;

- (xiii) a person that is likely to allow a current or former member of an organized crime group to engage in its operations or to employ a current or former member of an organized crime group as an assistant in its operations.

#### Article 32-2 Deleted

##### (Fees)

Article 32-3 (1) Except in the following cases, a person that has been licensed as referred to in Article 30, paragraph (1) (hereinafter referred to as a "provider of paid employment placement services") must not receive actual costs or any other fee or compensation for employment placement, under any name:

- (i) if it collects a fee of a type and amount that Order of the Ministry of Health, Labour and Welfare prescribes in consideration of things such as the expenses that are ordinarily necessary for employment placement; or
  - (ii) if it collects a fee based on a schedule of fees (meaning a schedule specifying the types and amounts of fees and other particulars of its fees) of which it has filed a notification with the Minister of Health, Labour and Welfare in advance.
- (2) Notwithstanding the provisions of the preceding paragraph, a provider of paid employment placement services must not collect fees from a job seeker; provided, however, that in a case prescribed by Order of the Ministry of Health, Labour and Welfare as one in which it is found that collecting a fee from a job seeker is necessary to the interests of the job seeker, it may collect a fee from a job seeker, but only in a case as set forth in the items of the preceding paragraph.
- (3) The schedule of fees provided for in paragraph (1), item (ii) must be prepared by a method prescribed by Order of the Ministry of Health, Labour and Welfare.
- (4) When finding that a fee based on the schedule of fees provided in paragraph (1), item (ii) falls under any of the following items, the Minister of Health, Labour and Welfare may order the relevant provider of paid employment placement services to change the schedule of fees by a designated time limit:
- (i) if it causes particular persons to be treated in a way that is unjustly differential; or
  - (ii) if the fee is found to be substantially unjust because the provider has not clearly specified the types and amounts of fees and other particulars concerning fees.

##### (License Certificates)

Article 32-4 (1) When granting the license referred to in Article 30, paragraph (1), the Minister of Health, Labour and Welfare must, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, issue

license certificates for the number of places of business at which the provider carries out paid employment placement services.

- (2) A person that has been issued a license certificate must keep the license certificate at the place of business at which it carries out paid employment placement services and present it at the request of a relevant person.
- (3) If a person that has been issued a license certificate loses it or if it is destroyed, the person must promptly file a notification of this with the Minister of Health, Labour and Welfare and have a license certificate reissued.

(Licensing Conditions)

Article 32-5 (1) Conditions may be attached to the licensing referred to in Article 30, paragraph (1), and those conditions may be changed.

- (2) The conditions referred to in the preceding paragraph are limited to what is minimally necessary either in light of the purpose of the licensing referred to in Article 30, paragraph (1) or to ensure the reliable implementation of the things under license, and must not impose an undue obligation on the person being licensed.

(License Validity Period)

Article 32-6 (1) The validity period of a license referred to in Article 30, paragraph (1) is three years counting from the day on which the license is granted.

- (2) A person seeking to continue to provide paid employment placement services for which it has been licensed after the expiration of the license validity period prescribed in the preceding paragraph (or after the license validity period as renewed pursuant to the provisions of this paragraph, if applicable) must have the license validity period renewed.
- (3) Having received an application to renew a license's validity period as prescribed in the preceding paragraph, the Minister of Health, Labour and Welfare must renew the license validity period if the Minister finds that the application conforms to the standards set forth in the items of paragraph (1) of Article 31.
- (4) A person seeking to have a license's validity period renewed as provided in paragraph (2) must pay a fee in the amount that Order of the Ministry of Health, Labour and Welfare prescribes in consideration of the actual costs.
- (5) The validity period of a license as referred to in Article 30, paragraph (1) that has been renewed pursuant to the provisions of paragraph (2) is five years counting from the day after the date on which the license validity period from prior to the renewal expires.
- (6) The provisions of Article 30, paragraphs (2) through (4), Article 31, paragraph (2), and Article 32 (excluding items (v) through (viii)) apply mutatis mutandis

to the renewal of a license's validity period as provided in paragraph (2).

(Filing a Notification of a Change)

Article 32-7 (1) If one of the particulars set forth in the items of paragraph (2) of Article 30 (excluding those prescribed by Order of the Ministry of Health, Labour and Welfare) changes, a provider of paid employment placement services must file a notification of this with the Minister of Health, Labour and Welfare without delay. In such a case, if the particular that has changed relates to the establishment of a new place of business at which it will provide paid employment placement services, the notification must be accompanied by a business plan for that place of business and any other document prescribed by Order of the Ministry of Health, Labour and Welfare.

(2) The provisions of Article 30, paragraph (4) apply *mutatis mutandis* to the business plan referred to in the preceding paragraph.

(3) Having received a notification of a change that relates to the establishment of a place of business for providing paid employment placement services pursuant to the provisions of paragraph (1), the Minister of Health, Labour and Welfare must issue license certificates for the number of places of business being newly established, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(4) When filing the notification under paragraph (1), if a particular to which the notification pertains falls under the category of a particular that is stated on the license certificate, the provider of paid employment placement services must apply to have the license certificate updated, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(Discontinuation of Services)

Article 32-8 (1) If a provider of paid employment placement services discontinues its paid employment placement services, it must file a notification of this with the Minister of Health, Labour and Welfare without delay, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(2) A license as referred to in Article 30, paragraph (1) ceases to be effective once the notification under the preceding paragraph has been filed.

(Rescission of Licenses)

Article 32-9 (1) If a provider of paid employment placement services falls under one of the following items, the Minister of Health, Labour and Welfare may rescind the license referred to in Article 30, paragraph (1):

(i) if the provider of paid employment placement services falls under an item of Article 32 (excluding item (iii));

(ii) if the provider of paid employment placement services violates a provision

of this Act or the Worker Dispatching Act (excluding the provisions of Chapter 3, Section 4) or an order or disposition based on those provisions; or (iii) if the provider of paid employment placement services violates a condition attached to the license pursuant to the provisions of Article 32-5, paragraph (1).

(2) If the provider of paid employment placement services falls under item (ii) or (iii) of the preceding paragraph, the Minister of Health, Labour and Welfare may order the suspension of all or part of its paid employment placement services for a designated period.

(Prohibition on Lending Name)

Article 32-10 A provider of paid employment placement services must not allow another person to provide paid employment placement services under the name of the provider of paid employment placement services.

(Scope of Job Categories Handled)

Article 32-11 (1) A provider of paid employment placement services must not refer job seekers to employment in which they would perform port transport work (meaning port transport work as provided in Article 2, item (ii) of the Port Labor Act or work prescribed by Order of the Ministry of Health, Labour and Welfare as work equivalent thereto and performed at a port other than a port provided in item (i) of that Article), employment in which they would perform construction work (meaning work involving civil engineering, architecture, other work of constructing, remodeling, preserving, repairing, modifying, demolishing, or dismantling a structure, or any work in preparation therefor), or any other employment prescribed by Order of the Ministry of Health, Labour and Welfare as a type of employment that the mediation of through paid employment placement services presents a risk of interfering with the protection of workers in that type of employment.

(2) The provisions of Article 5-5, paragraph (1) and Article 5-6, paragraph (1) do not apply to applications to post job openings and job-search applications for the types of employment prescribed in the preceding paragraph in connection with paid providers of employment placement services.

(Filing Notifications on the Scope of Job Categories, etc.)

Article 32-12 (1) When a person seeking to provide paid employment placement services or a provider of paid employment placement services decides on a scope of job categories, etc. in the paid employment placement services, it must file a notification of these with the Minister of Health, Labour and Welfare. The same applies if it changes these.

(2) If a person seeking to provide paid employment placement services or a

provider of paid employment placement services has filed a notification regarding the scope of job categories, etc. pursuant to the provisions of the preceding paragraph, the provisions of Article 5-5 and Article 5-6, paragraph (1) are to apply only within the scope of job categories , etc.

- (3) If the Minister of Health, Labour and Welfare finds that the scope of job categories, etc. for which a notification has been filed pursuant to the provisions of paragraph (1) would cause particular persons to be treated in a way that is unjustly differential, the Minister may order the person seeking to provide paid employment placement services or the provider of paid employment placement services to change the scope of job categories and operations handled by a designated time limit.

(Explicitly Indicating the Scope of Job Categories, etc.)

Article 32-13 Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, a provider of paid employment placement services must explicitly indicate to job posters and job seekers the scope of job categories and operations handled, the particulars of its fees, the particulars of its complaint processing, and other particulars prescribed by Order of the Ministry of Health, Labour and Welfare as those concerning the substance of paid employment placement service operations that it is appropriate for job posters and job seekers to be informed of in advance.

(Employment Placement Managers)

Article 32-14 Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, a paid provider of employment placement services must appoint an employment placement manager from among persons not falling under Article 32, item (i), (ii), or (iv) through (ix) (excluding minors, and limited to persons who meet the criteria prescribed by Order of the Ministry of Health, Labour and Welfare as persons that have a sufficient ability to properly manage paid employment placement services) to supervise and manage the following things related to employment placement and to provide employees with the education that they need to properly perform employment placement:

- (i) those related to processing complaints from job posters and job seekers;
- (ii) those related to managing information on job posters (limited to information pertaining to employment placement) and the personal information of job seekers;
- (iii) those related to accepting applications to post job openings and job-search applications, to providing advice and guidance to job posters and job seekers, and other things involved in managing and improving the operations of paid employment placement services;

(iv) those related to communicating and coordinating with employment security agencies.

(Keeping of Books)

Article 32-15 A provider of paid employment placement services must prepare the books and documents prescribed by Order of the Ministry of Health, Labour and Welfare with respect to its operations, and must keep them at its place of business.

(Business Reports)

Article 32-16 (1) Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, a provider of paid employment placement services must prepare a business report concerning its paid employment placement services for each place of business at which it provides those services, and must submit this to the Minister of Health, Labour and Welfare.

(2) Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, in the business report referred to in the preceding paragraph, a paid provider of employment placement services must state the number of job seekers associated with its paid employment placement services for each place of business at which it provides those services, the amounts of fees for employment placement, and other particulars of its employment placement.

(3) Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, a provider of paid employment placement services must provide information on the number of persons who have obtained employment through its employment placement; the number of persons who obtained employment through its employment placement (limited to those who entered into labor contracts without a fixed-term) but have separated from employment (excluding those who have separated from employment due to dismissal and other persons prescribed by Order of the Ministry of Health, Labour and Welfare); the particulars of its fees; and other particulars prescribed by Order of the Ministry of Health, Labour and Welfare.

## **Section 2 Free Employment Placement Services**

(Free Employment Placement Services)

Article 33 (1) Unless doing so pursuant to the provisions of the following Article and Article 33-3, a person seeking to provide free employment placement services (excluding those provided by an employment security agency or specified local public entity; the same applies hereinafter) must be licensed by the Minister of Health, Labour and Welfare.

(2) Before granting the license referred to in the preceding paragraph, the

Minister of Health, Labour and Welfare must hear the opinion of the Labor Policy Council in advance; provided, however, that this does not apply if the license is granted to a labor union, etc.

- (3) The validity period of the license referred to in paragraph (1) is five years counting from the day on which the license is granted.
- (4) The provisions of Article 30, paragraphs (2) through (4), Articles 31, 32, 32-4, and 32-5, Article 32-6, paragraph (2), (3), and (5), Articles 32-7 through 32-10, and Articles 32-12 through 32-16 apply mutatis mutandis to free employment placement services provided under the license referred to in paragraph (1) and persons that have obtained that license. In such a case, the phrase "the license referred to in the preceding paragraph" in Article 30, paragraph (2), the phrase "the license referred to in paragraph (1) of the preceding Article" in Article 31, and the phrase "the license referred to in Article 30, paragraph (1)" in Article 32, Article 32-4, paragraph (1), Article 32-5, Article 32-6, paragraph (5), Article 32-8, paragraph (2), and Article 32-9, paragraph (1) are deemed to be replaced with "the license referred to in Article 33, paragraph (1)"; the phrase "the preceding paragraph" in Article 32-6, paragraph (2) is deemed to be replaced with "Article 33, paragraph (3)"; the phrase "the particulars of its fees, the particulars of its complaint processing" in Article 32-13 is deemed to be replaced with "the particulars of its complaint processing"; and the phrase "the amounts of fees for employment placement, and other particulars" in paragraph (2) of the preceding Article and the phrase "the particulars of its fees, and other particulars" in paragraph (3) thereof are deemed to be replaced with ", and other particulars".
- (5) The provisions of Article 30, paragraphs (2) through (4), Article 31, paragraph (2), and Article 32 (excluding items (v) through (viii)) apply mutatis mutandis to the renewal of the validity period of the license provided for in Article 32-6, paragraph (2) as applied mutatis mutandis pursuant to the preceding paragraph.

(Free Employment Placement Services Provided by Schools)

- Article 33-2 (1) After filing a notification with the Minister of Health, Labour and Welfare, the head of a facility set forth in one of the following items may provide free employment placement services for the persons specified in that item (including persons prescribed by Order of the Ministry of Health, Labour and Welfare as equivalent thereto):
- (i) a school (other than an elementary school or kindergarten): its students, pupils, etc.;
  - (ii) a special training college: its students and graduates;
  - (iii) a facility set forth in one of the items of paragraph (1) of Article 15-7 of the Human Resources Development Promotion Act: persons undergoing the

- vocational training that it conducts and persons who have completed that vocational training;
- (iv) the Polytechnic University: persons undergoing the vocational training that it conducts, persons undergoing the instructor training provided for in Article 27, paragraph (1) of the Human Resources Development Promotion Act that it conducts, and persons who have completed that vocational training or instructor training.
- (2) The head of a facility set forth in one of the items of the preceding paragraph that provides free employment placement services pursuant to the provisions of that paragraph may designate persons to be in charge of operations in employment placement services from among the personnel of those facilities, and may have those designated persons carry out the operations on behalf of the heads.
- (3) The Minister of Health, Labour and Welfare may establish standards concerning the performance of operations for free employment placement services that the heads of the facilities set forth in the items of paragraph (1) carry out pursuant to the provisions of that paragraph.
- (4) Before establishing the standards referred to in the preceding paragraph that pertain to the heads of the facilities set forth in paragraph (1), items (i) and (ii), the Minister of Health, Labour and Welfare must first consult with the Minister of Education, Culture, Sports, Science and Technology.
- (5) The head of a facility set forth in one of the items of paragraph (1) who seeks to carry out free employment placement services pursuant to the provisions of that paragraph may establish the scope of employment placement to be handled by the facility and file the notification referred to in that paragraph.
- (6) If the head of a facility set forth in the items of paragraph (1) has established the scope of employment placement and filed a notification pursuant to the provisions of the preceding paragraph, the provisions of Article 5-5, paragraph (1) and Article 5-6, paragraph (1) are to apply only within the scope of employment placement.
- (7) The provisions of Article 32-8, paragraph (1), Article 32-9, paragraph (2), and Articles 32-10, 32-13, 32-15, and 32-16 apply mutatis mutandis to the free employment placement services that the head of a facility as set forth in one of the items of paragraph (1) provides pursuant to the provisions of that paragraph. In such a case, the phrase "item (ii) or (iii) of the preceding paragraph" in Article 32-9, paragraph (2) is deemed to be replaced with "item (ii) of the preceding paragraph"; the phrase "the particulars of its fees, the particulars of its complaint processing" in Article 32-13 is deemed to be replaced with "the particulars of its complaint processing"; the phrase "a business report concerning its paid employment placement services for each place of business at which it provides those services" in Article 32-16,

paragraph (1) is deemed to be replaced with "a business report"; the phrase "paid employment placement services for each place of business at which it provides those services" in paragraph (2) of that Article is deemed to be replaced with "services"; the phrase "the amounts of fees for employment placement, and other" in that paragraph and the phrase "the particulars of its fees, and other" in paragraph (3) of that Article are deemed to be replaced with ", and other"; and the phrase "must provide" in that paragraph is deemed to be replaced with "must endeavor to provide".

(8) Before ordering the head of a facility set forth in item (i) or (ii) of paragraph (1) who is providing free employment placement services pursuant to the provisions of that paragraph to suspend those services pursuant to the provisions of Article 32-9, paragraph (2) as applied mutatis mutandis pursuant to the preceding paragraph, the Minister of Health, Labour and Welfare must first notify the relevant educational administrative agency.

(Free Employment Placement Services Provided by Special Corporations)

Article 33-3 (1) After filing a notification with the Minister of Health, Labour and Welfare, a corporation that has been incorporated pursuant to a special law and that is prescribed by Order of the Ministry of Health, Labour and Welfare may provide free employment placement services to job posters that are direct or indirect members of the corporation (hereinafter individually referred to as a "member" in this paragraph) or to job seekers that are members of the corporation or persons employed by them.

(2) The provisions of Article 30, paragraphs (2) through (4), Article 32, Article 32-4, paragraph (2), Article 32-7, paragraphs (1) and (2), Article 32-8, paragraph (1), Article 32-9, Article 32-10, and Articles 32-12 through 32-16 apply mutatis mutandis to free employment placement services provided after the notification referred to in the preceding paragraph is filed and to corporations that have filed the notification referred to in that paragraph. In such a case, the phrases set forth in the middle column of the following table which appear in the provisions set forth in the left-hand column of that table are deemed to be replaced with the phrases set forth in the right-hand column of that table.

Article 30, paragraph (2)	A person seeking to be licensed as referred to in the preceding paragraph	A corporation seeking to file the notification referred to in Article 33-3, paragraph (1)
	written application	written notice
Article 30, paragraph (3)	written application	written notice

Article 32	Notwithstanding the provisions of paragraph (1) of the preceding Article, the Minister of Health, Labour and Welfare	A corporation that falls under one of the following items
	must not grant the license referred to in Article 30, paragraph (1) to a person falling under one of the following items	must not establish a new place of business for free employment placement services and carry out free employment placement services
Article 32-4, paragraph (2)	A person that has been issued a license certificate	A corporation that has filed the notification referred to in Article 33-3, paragraph (1)
	the license certificate	the document stating that the notification has been filed and giving other particulars prescribed by Order of the Ministry of Health, Labour and Welfare
Article 32-9, paragraph (1)	rescind the license referred to in Article 30, paragraph (1)	order the discontinuance of its free employment placement services, and may order the discontinuance of the free employment placement services in question if a provider of free employment placement services falls under items (v) through (viii) of Article 32 at the commencement of the free employment placement services (this applies for each place of business at which it provides free employment placement services, if it does so at two or more places of business; the same applies hereinafter in this paragraph)
Article 32-9, paragraph (2)	item (ii) or (iii) of the preceding paragraph	item (ii) of the preceding paragraph
Article 32-13	the particulars of its fees, the particulars of its complaint processing	the particulars of its complaint processing

Article 32-16, paragraph (2)	the amounts of fees for employment placement, and other particulars	, and other particulars
Article 32-16, paragraph (3)	, the particulars of its fees, and other	, and other

(Assistance by Public Employment Security Offices)

Article 33-4 A public employment security office may provide a person that provides free employment placement services after being licensed as referred to in Article 33, paragraph (1) or filing the notification under Article 33-2, paragraph (1) or paragraph (1) of the preceding Article, with employment information, the results of research and study relating to employment, and other assistance in its administration of free employment placement services.

### Section 3 Auxiliary Provisions

(Responsibilities of Providers of Employment Placement Services)

Article 33-5 In administrating its services, a provider of employment placement services must endeavor to take the necessary measures to improve them, in coordination with employment security agencies.

(Guidance of the Minister of Health, Labour and Welfare)

Article 33-6 If it is particularly necessary in order to coordinate workforce supply and demand, the Minister of Health, Labour and Welfare may give a provider of employment placement services the necessary guidance, advice, and recommendations with regard to the scope, timing, means, and number of cases of employment placement, and methods of carrying out employment placement, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(Application Mutatis Mutandis)

Article 34 The provisions of Article 20 apply mutatis mutandis when a provider of employment placement services provides employment placement services. In such a case, the phrase "public employment security office" in paragraph (1) of that Article is deemed to be replaced with "provider of employment placement services"; and the phrase "the public employment security office" in paragraph (2) of that Article is deemed to be replaced with "the public employment security office is to report this to the provider of employment placement services, and the provider of employment placement services that has received the report."

(Provisions on Implementation)

Article 35 Beyond what is provided for in this Chapter, the procedure for applying for a license for employment placement services and other necessary particulars related to employment placement services are specified by Order of the Ministry of Health, Labour and Welfare.

### **Chapter III-2 Worker Recruitment**

(Entrustment of Recruitment)

Article 36 (1) If a person seeking to employ workers seeks to provide a person not constituting its employee with compensation and have that person recruit workers for it, it must be licensed by the Minister of Health, Labour and Welfare.

(2) The amount of the compensation referred to in the preceding paragraph must be approved by the Minister of Health, Labour and Welfare in advance.

(3) If a person seeking to employ workers have a person not constituting its employee recruit workers for it without providing that person with compensation, it must file a notification of this with the Minister of Health, Labour and Welfare.

(Restrictions on Recruitment)

Article 37 (1) If it is especially necessary to do so in order to coordinate workforce supply and demand, the Minister of Health, Labour and Welfare or the chiefs of public employment security offices, as it concerns worker recruitment (excluding recruitment under paragraph (1) of the preceding Article), may restrict the timing for recruiting workers, the number of persons to be recruited, the recruitment area, and other matters concerning recruiting methods, indicating the reasons therefor, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(2) When granting a license for worker recruitment pursuant to the provisions of paragraph (1) of the preceding Article, the Minister of Health, Labour and Welfare may give the person seeking to conduct worker recruitment the necessary instructions concerning the timing for recruiting, the number of persons to be recruited, the recruitment area, and other matters concerning recruiting methods.

Article 38 Deleted

(Prohibition Against Receipt of Compensation)

Article 39 It is prohibited for a person recruiting workers or a person that is engaged in recruiting workers pursuant to the provisions of Article 36,

paragraph (1) or (3) (hereinafter referred to as a "commissioned recruiter") to receive any compensation in connection with its recruitment, under any name, from a worker that has responded to a recruitment invitation.

(Prohibition Against Giving Compensation)

Article 40 A person recruiting workers must not compensate an employee who is engaged in recruiting workers or a commissioned recruiter, except when paying wages, salaries, or the equivalent or when providing compensation to which the approval referred to in Article 36, paragraph (2) pertains.

(Rescission of Licenses)

Article 41 (1) If a person recruiting workers under the license referred to in Article 36, paragraph (1), or a person engaged in recruiting workers pursuant to the provisions of that paragraph, violates a provision of this Act or the Worker Dispatching Act (excluding the provisions of Chapter 3, Section 4; the same applies in the following paragraph) or an order or disposition based on its provisions, the Minister of Health, Labour and Welfare may rescind the license referred to in Article 36, paragraph (1) or order the suspension of its worker recruitment operations for a designated period.

(2) If a person recruiting workers after having filed a notification as referred to in Article 36, paragraph (3) or a person engaged in recruiting workers pursuant to the provisions of that paragraph violates a provision of this Act or the Worker Dispatching Act or an order or disposition based on its provisions, the Minister of Health, Labour and Welfare may order the discontinuance of the worker recruitment operations or order the suspension thereof for a designated period.

(Accurately Representing the Substance of Work under Recruitment)

Article 42 (1) In explicitly indicating, pursuant to the provisions of Article 5-3, paragraph (1), the substance of work in which the worker would engage and other particulars connected with its recruitment, a person recruiting workers by placing an advertisement in a publication such as a newspaper or magazine, by posting or distributing documents, or by other methods prescribed by Order of the Ministry of Health, Labour and Welfare (including commissioned recruiters; the same applies hereinafter in this paragraph) must endeavor to represent things accurately by using plain expressions and in other ways so as not to mislead workers who are seeking to be recruited, in order to help workers make appropriate employment choices. This being the case, when a person recruiting workers provides aspiring workers with information on worker recruitment through a person offering the service of providing recruitment/candidate information, the person recruiting workers must

endeavor to ensure that the person offering the service of providing recruitment/candidate information seeks the necessary cooperation.

(2) In order to ensure that the information which a person offering the service of providing recruitment/candidate information provides at the request of a person recruiting workers, commissioned recruiter, or aspiring worker is accurately represented, the person offering that service must endeavor to provide the necessary cooperation to the person making that request.

(Responsibilities of Persons Recruiting Workers)

Article 42-2 In administering its operations, a person recruiting workers, commissioned recruiter, or person offering the service of providing recruitment/candidate information must endeavor to take the necessary measures to improve its operations in order to help workers make appropriate employment choices.

(Application Mutatis Mutandis)

Article 42-3 The provisions of Article 20 apply mutatis mutandis to worker recruitment. In such a case, in paragraph (1) of that Article, the phrase "a public employment security office" is deemed to be replaced with "persons that conduct worker recruitment (excluding persons prescribed by Order of the Ministry of Health, Labour and Welfare; the same applies in the following paragraph) and commissioned recruiters (which mean commissioned recruiters provided in Article 39; the same applies in said paragraph)" and the phrase "must not refer job seekers to a place of business" is deemed to be replaced with "must not recruit workers to work at a place of business"; in paragraph (2) of that Article, the phrase "unrestricted referral of job seekers" is deemed to be replaced with "unrestricted recruitment of workers" and the phrase "the public employment security office must not refer job seekers to that place of business" is deemed to be replaced with "the public employment security office must report this to persons recruiting workers and commissioned recruiters, and those persons recruiting workers and commissioned recruiters, upon receipt of that report, must not recruit workers to work at that place of business," and the term "referral" in the proviso to that paragraph is deemed to be replaced with "recruitment".

(Provisions on Implementation)

Article 43 The procedure for applying for a license for worker recruitment and provides for other necessary particulars related to worker recruitment are specified by Order of the Ministry of Health, Labour and Welfare.

### **Chapter III-3 The Worker Supply Services**

(Prohibition of the Worker Supply Services)

Article 44 It is prohibited for any person to provide the worker supply services or to have a worker who has been supplied by a person providing the worker supply services work under the directions or orders of the person to which the worker has been supplied, except in the cases provided for in the following Article.

(Licensing for the Worker Supply Services)

Article 45 A labor union, etc. may provide a free worker supply service if it is licensed by the Minister of Health, Labour and Welfare.

(Responsibilities of Providers of Worker Supply Service)

Article 45-2 In operating its services, a provider of worker supply service must endeavor to take the necessary measures to improve its services in order to contribute to the appropriate and smooth coordination of workforce supply and demand.

(Application Mutatis Mutandis)

Article 46 The provisions of Articles 20 and 33-4 and Article 41, paragraph (1) apply mutatis mutandis when a labor union, etc. provides the worker supply services pursuant to the provisions of the preceding Article. In this case, in Article 20, paragraph (1), the phrase "public employment security office" is deemed to be replaced with "providers of worker supply services" and the phrase "must not refer job seekers to" is deemed to be replaced with "must not supply workers with"; in paragraph (2) of that Article, the phrase "unrestricted referral of job seekers" is deemed to be replaced with "unrestricted supply of workers" and the phrase "the public employment security office must not refer job seekers to that place of business" is deemed to be replaced with "the public employment security office is to report this to providers of worker supply services, and those providers of worker supply services that have received that report must not supply workers to that place of business"; in the proviso to that paragraph, the term "referral" is deemed to be replaced with "supply"; and in Article 41, paragraph (1), the phrase "the license referred to in that paragraph" is deemed to be replaced with "the license referred to in that Article" and the phrase "its worker recruitment operations" is deemed to be replaced with "all or part of its worker supply services".

(Provisions on Implementation)

Article 47 The procedure for applying for a license for the worker supply services and other necessary particulars related to the worker supply services are

specified by Order of the Ministry of Health, Labour and Welfare.

### **Chapter III-4 Worker Dispatch Services, etc.**

Article 47-2 Worker dispatch services are governed by the provisions of the Worker Dispatching Act, the Port Labor Act, and the Construction Work Act.

### **Chapter IV Miscellaneous Provisions**

(Guidelines)

Article 48 The Minister of Health, Labour and Welfare is to publish the guidelines that providers of employment placement services, job posters, persons recruiting workers, commissioned recruiters, persons offering the service of providing recruitment/candidate information, providers of worker supply services, and persons seeking to have workers supplied to them need to properly deal with the things provided for in Articles 3, 5-3, 5-4, 33-5, 42, 42-2, and 45-2.

(Guidance and Advice)

Article 48-2 On finding it to be necessary to do so in connection with the implementation of this Act, the Minister of Health, Labour and Welfare may give a provider of employment placement services, job poster, person recruiting workers, commissioned recruiter, person offering the service of providing recruitment/candidate information, providers of worker supply services, or person seeking to have a worker supplied to it the necessary guidance and advice to ensure the appropriate administration of its operations.

(Order for Improvement)

Article 48-3 (1) If a provider of employment placement services, person recruiting workers, commissioned recruiter, or provider of worker supply services violates a provision of this Act or of an order based on this Act in connection with its operations, and the Minister of Health, Labour and Welfare finds it to be necessary to do so to ensure the appropriate administration of those operations, the Minister may order that person to take the necessary measures to improve the administration of its operations.

(2) When finding that a job poster or person seeking to have workers supplied to it is in violation of the provisions of Article 5-3, paragraph (2) or (3), that it has made a report containing factual discrepancies when asked to report under Article 5-5, paragraph (3), or that there is a continued risk that it will violate those provisions in spite of it having received guidance or advice under the preceding Article as a result of having violated those provisions, the Minister

of Health, Labour and Welfare may issue a recommendation that the job poster or person seeking to have workers supplied to it to take the necessary measures to rectify its violation of the provisions of Article 5-3, paragraph (2) or (3), or Article 5-5, paragraph (3), or to prevent a violation of those provisions.

(3) If the Minister of Health, Labour and Welfare has issued an order under paragraph (1) or a recommendation under the preceding paragraph to a person recruiting workers, but the person to which the order or recommendation was issued has failed to follow it, the Minister may make this known to the public.

(Report to the Minister of Health, Labour and Welfare)

Article 48-4 (1) If a specified local public entity, provider of employment placement services, job poster, person recruiting workers, commissioned recruiter, providers of worker supply services, or person seeking to have workers supplied to it violates a provision of this Act or of an order based on this Act, a job seeker who has filed a job-search application with the specified local public entity or provider of employment placement services, a worker who has responded to the recruitment invitation, or a worker supplied by the supplier of workers may report this to the Minister of Health, Labour and Welfare and request that appropriate measures be taken.

(2) Upon receipt of the report referred to in the preceding paragraph, the Minister of Health, Labour and Welfare must conduct the necessary investigation and, if the Minister finds the substance of the report to be true, take measures based on this Act and other appropriate measures.

(Request for Reports)

Article 49 On finding it to be necessary to do so, an administrative authority may have a person that employs workers make the necessary reports in connection with employment stability, on things such as its worker-hiring or worker-separation status, wages or other such working conditions.

(Reports and Inspections)

Article 50 (1) To the extent necessary for the implementation of this Act, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, an administrative authority may have a person that provides employment placement services (excluding a specified local public entity if that public entity carries out free employment placement services pursuant to the provisions of Article 29, paragraph (1)), job poster, person recruiting workers, commissioned recruiter, person offering the service of providing recruitment/candidate information, person that provides the worker supply services, or person seeking to have workers supplied to it report on the necessary matters.

- (2) To the extent necessary for the implementation of this Act, an administrative authority may have its personnel enter the place of business or other facilities of a person that provides employment placement services (excluding a specified local public entity if that public entity carries out free employment placement services pursuant to the provisions of Article 29, paragraph (1)), job poster, person recruiting workers, commissioned recruiter, person that provides of worker supply services, or person seeking to have workers supplied to it; question relevant persons; and inspect its books, documents, and other such items.
- (3) Personnel conducting on-site inspections pursuant to the provisions of the preceding paragraph must carry their identification cards and present them to the relevant persons.
- (4) The authority for on-site inspections under paragraph (2) must not be construed having been accorded for the purpose of a criminal investigation.

(Duty to Maintain Confidentiality)

Article 51 (1) It is prohibited for a provider of employment placement services, job poster, person recruiting workers, commissioned recruiter, provider of worker supply services, or person seeking to have workers supplied to it (hereinafter referred to as a "provider of employment placement services or other prescribed person" in this Article), or its agent, employee, or other such worker to divulge a personal secret learned with respect to any matter handled in the course of operations, without reasonable grounds. The same applies even after it is no longer a provider of employment placement services or other prescribed person, and even after a person is no longer its agent, employee, or other such worker.

(2) Other than a secret as referred to in the preceding paragraph, it is prohibited for a provider of employment placement services or other prescribed person or its agent, employee, or other such worker to inform another person of a piece of personal information, or of information concerning a person that Order of the Ministry of Health, Labour and Welfare prescribes, that it has learned in connection with its operations, without due cause. The same applies even after it is no longer a provider of employment placement services or other prescribed person, and even after a person is no longer its agent, employee, or other such worker.

Article 51-2 It is prohibited for a specified local public entity or a person engaged in the operations of a public employment security office or specified local public entity to inform another person of a piece of personal information, or of information concerning a person that Order of the Ministry of Health, Labour and Welfare prescribes, that it has learned in connection with the

operations of the public entity or office, without due cause. The same applies even after it is no longer a specified local public entity or a person engaged in the operations of a public employment security office or specified local public entity.

(Consultation and Assistance)

Article 51-3 A public employment security office may offer consultations and give the necessary advice and other such assistance to job seekers, etc. in matters concerning employment placement, worker recruitment, or worker supply.

(Education and Training of Personnel)

Article 52 The government must formulate a plan and establish the necessary facilities to educate and train personnel engaged in the employment placement, vocational guidance, and other affairs that it conducts concerning the implementation of this Act.

(Ensuring That the Relevant Operations Are Widely Known)

Article 52-2 The government must formulate and endeavor to implement a plan to ensure that the employment placement, vocational guidance, and employment insurance which it provides and the purpose of this Act are widely known.

(Communication Among Government Agencies)

Article 53 The government may establish a liaison council if it finds it to be necessary to do so in order to coordinate the relevant agencies' affairs with regard to the employment placement, vocational guidance, surveys on workforce supply and demand, or worker recruitment provided for in this Act or in order for those agencies to consult on the means of achieving the most effective utilization of the workforce.

(Giving Guidance on Hiring Methods)

Article 54 The Minister of Health, Labour and Welfare may give guidance to a factory, place of business, or other such workplace on increasing production efficiency by improving methods of hiring workers and ensuring that its business retains a workforce.

Articles 55 through 59 Deleted

(Delegation of Authority)

Article 60 Pursuant to the provisions of Order of the Ministry of Health, Labour

and Welfare, the authority of the Minister of Health, Labour and Welfare that is provided for in this Act may be delegated to the director-general of the main employment security bureau or to prefectural labor directors.

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

Article 61 Beyond what is prescribed in this Act, the necessary procedures for the implementation of this Act and other such particulars are specified by the Ministry of Health, Labour and Welfare.

(Exclusion from Application)

Article 62 (1) This Act does not apply to mariners provided for in Article 6, paragraph (1) of the Mariners' Employment Security Act (Act No. 130 of 1948).  
(2) This Act does not apply to the employment placement services and the service of providing recruitment/candidate information carried out as employment assistance under Article 18-5, paragraph (1) of the National Public Service Act (Act No. 120 of 1947) (including as applied mutatis mutandis pursuant to Article 65-10, paragraph (2) of the Self-Defense Forces Act (Act No. 165 of 1954) and Article 54, paragraph (1) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999)) by the Center for Personnel Interchanges between the Government and Private Entities provided for in Article 18-7, paragraph (1) of the National Public Service Act. The same applies to employment placement services that the Supreme Court's organization that conducts affairs related to post-separation employment assistance for court officials other than judges and their secretaries provides as employment assistance upon those officials' separation from service, pursuant to the provisions of the Supreme Court Rules prescribed in Article 106-2, paragraph (2), item (iii) of the National Public Service Act as applied mutatis mutandis pursuant to the Act on Temporary Measures concerning Court Officials (Act No. 299 of 1951) following a deemed replacement of terms.

## **Chapter V Penal Provisions**

Article 63 A person falling under one of the following items is subject to imprisonment for not less than one year and not more than ten years, or to a fine of not less than 200,000 yen and not more than 3,000,000 yen:

- (i) a person that has carried out or been engaged in employment placement, recruitment of a worker, or worker supply by means of assault, intimidation, unlawful confinement, or any other means of wrongful restraint to a person's mental or physical freedom; or
- (ii) a person that has carried out or been engaged in employment placement, recruitment of a worker, or worker supply with the intention of having a

worker do work that is harmful to public health or morals.

Article 64 A person falling under one of the following items is subject to imprisonment for not more than one year or a fine of not more than 1,000,000 yen:

- (i) a person that has violated the provisions of Article 30, paragraph (1);
- (i)-2 a person that has used deception or any other wrongful act to obtain a license under Article 30, paragraph (1), a renewal of the validity period of a license under Article 32-6, paragraph (2) (including as applied mutatis mutandis pursuant to Article 33, paragraph (4)), a license under Article 33, paragraph (1), a license under Article 36, paragraph (1), or a license under Article 45;
- (ii) a person that has violated an order to suspend its services under Article 32-9, paragraph (2) (including as applied mutatis mutandis pursuant to Article 33, paragraph (4), Article 33-2, paragraph (7), and Article 33-3, paragraph (2));
- (iii) a person that has violated the provisions of Article 32-10 (including as applied mutatis mutandis pursuant to Article 33, paragraph (4), Article 33-2, paragraph (7), and Article 33-3, paragraph (2));
- (iv) a person that has violated the provisions of Article 32-11, paragraph (1);
- (v) a person that has violated the provisions of Article 33, paragraph (1);
- (vi) a person that has violated an order to discontinue its services under Article 32-9, paragraph (1) as applied mutatis mutandis pursuant to Article 33-3, paragraph (2);
- (vii) a person that has violated the provisions of Article 36, paragraph (1);
- (viii) a person that has violated an order to suspend its worker recruitment services or worker supply services under Article 41, paragraph (1) (including as applied mutatis mutandis pursuant to Article 46) or to discontinue or suspend worker recruitment operations under Article 41, paragraph (2); or
- (ix) a person that has violated the provisions of Article 44.

Article 65 A person falling under one of the following items is subject to imprisonment for not more than six months or a fine of not more than 300,000 yen:

- (i) a person that has violated the provisions of Article 11, paragraph (3);
- (ii) a person that has violated the provisions of Article 32-3, paragraph (1) or (2);
- (iii) a person that has carried out free employment placement services without giving the notification under Article 33-2 paragraph (1) or Article 33-3, paragraph (1);
- (iv) a person that has violated the provisions of Article 36, paragraph (2) or (3);

- (v) a person that has failed to comply with a restriction or instruction under Article 37;
- (vi) a person that has violated the provisions of Article 39 or 40;
- (vii) a person that has violated an order under Article 48-3, paragraph (1);
- (viii) a person that has carried out or been engaged in employment placement, recruitment of workers, or worker supply through the placement of a false advertisement or the presentation of false conditions;
- (ix) a person that has filed an application to post a job opening with a public employment security office or person engaging in employment through the presentation of false conditions; or
- (x) a person that has carried out or been engaged in employment placement, recruitment of workers, or worker supply for a factory, place of business, or other such workplace in which working conditions are in violation of a law or regulation.

Article 66 A person falling under one of the following items is subject to a fine of not more than 300,000 yen:

- (i) a person that has made a false statement in a written application or written notification provided for in Article 30, paragraph (2) (including as applied mutatis mutandis pursuant to Article 32-6, paragraph (6), Article 33, paragraphs (4) and (5), and Article 33-3, paragraph (2)), or in a document provided for in Article 30, paragraph (3) (including as applied mutatis mutandis pursuant to Article 32-6, paragraph (6), Article 33, paragraphs (4) and (5), and Article 33-3, paragraph (2)) and then submitted it;
- (ii) a person that has violated an order under Article 32-3, paragraph (4);
- (iii) a person that has failed to file the notification under Article 32-7, paragraph (1) (including as applied mutatis mutandis pursuant to Article 33, paragraph (4) and Article 33-3, paragraph (2)) or has falsely filed such a notification, or that has made a false statement in a document provided for in Article 32-7, paragraph (1) (including as applied mutatis mutandis pursuant to Article 33, paragraph (4) and Article 33-3, paragraph (2)) and then submitted it;
- (iv) a person that has failed to file the notification under Article 32-8, paragraph (1) (including as applied mutatis mutandis pursuant to Article 33, paragraph (4), Article 33-2, paragraph (7), and Article 33-3, paragraph (2)) or that has falsely filed such a notification;
- (v) a person that has violated the provisions of Article 32-14 (including as applied mutatis mutandis pursuant to Article 33, paragraph (4) and Article 33-3, paragraph (2));
- (vi) a person that has failed to prepare books and documents or keep them at its place of business in violation of the provisions of Article 32-15 (including

- as applied mutatis mutandis pursuant to Article 33, paragraph (4), Article 33-2, paragraph (7), and Article 33-3, paragraph (2)), or that has prepared false books or documents;
- (vii) a person that has failed to make a report under Article 49 or Article 50, paragraph (1), or has made a false report;
  - (viii) a person that has refused, obstructed, or evaded an entry or inspection under Article 50, paragraph (2), or has failed to answer a question under the same provisions or made a false statement; or
  - (ix) a person that has violated the provisions of Article 51, paragraph (1).

**Article 67** If the representative of a corporation or the agent, employee, or other worker of a corporation or individual commits a violation referred to in Article 63 through 66 in connection with the business of the corporation or individual, in addition to the offender being subject to punishment, the corporation or individual is subject to the fine referred to in the relevant Article.

### **Supplementary Provisions**

- (1) This Act comes into effect on December 1, 1947.
- (2) A person carrying out employment placement services or the worker supply services with the approval of administrative authorities at the time this Act comes into effect may continue to carry out those services, but only for three months after this Act enters into effect.
- (3) The Employment Placement Act (Act No. 61 of April 1938) is hereby repealed.