

Act on the Promotion of Women's Active Engagement in Professional Life

(Act No. 64 of September 4, 2015)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to swiftly and thoroughly encourage women who choose to or intend to work, to fully demonstrate their qualities and capabilities and engage in professional life actively (hereinafter referred to as "women's active engagement in professional life"), leading to a vibrant and dynamic society in which the rights of both men and women are respected, and which can respond to changes in various social and economic conditions including the rapid progression of the declining birthrate and aging population, and the diversification of the demands of the Japanese public in consideration of the increasing importance in recent years of women's active engagement in professional life, pursuant to the basic principles of the Basic Act for Gender-Equal Society (Act No. 78 of 1999), by establishing fundamental principles for the promotion of women's active engagement in professional life, in addition to clarifying the responsibilities of the national government and local governments and employers, formulating a basic policy and employer action plan, and stipulating support measures for the promotion of women's active engagement in professional life.

(Fundamental Principles)

- Article 2 (1) The promotion of women's active engagement in professional life must be conducted for the purpose of enabling women to fully demonstrate their qualities and capabilities, taking into account the state of gender disparities regarding active engagement in professional life, through the active provision of employment opportunities, education and training, workplace promotion, different types of occupation, changes in employment, and other opportunities related to professional life; and the use of those opportunities for women who choose to or intend to work, and in consideration of the effects of workplace practices reflecting a stereotyped division of roles based on gender, etc. on women's active engagement in professional life.
- (2) In light of how the professional lives of many women are negatively affected through having to leave work due to marriage, pregnancy, childbirth, childcare, nursing care, and other reasons related to personal life, the promotion of women's active engagement in professional life must be conducted for the purpose of enabling a smooth and continuous balance between professional and personal life of men and women, by establishing a supportive environment for men and women with families, regardless of their gender, to allow them to carry out their household responsibilities such as childcare or nursing care for other family members, through mutual cooperation and with social support.
- (3) When promoting women's active engagement in professional life, special attention must be paid to the importance of respecting the wishes of women concerning the balance between professional and personal life.

(Responsibilities of the National Government and Local Governments)

Article 3 The national and local governments must formulate and implement necessary measures for the promotion of women's active engagement in professional life, in accordance with the fundamental principles of the promotion of women's active engagement in professional life (referred to as the "fundamental principles" in the following Article and Article 5, paragraph (1)) prescribed in the preceding Article.

(Responsibilities of Employers)

Article 4 In accordance with the fundamental principles, employers must endeavor to play an integral role in the active provision of opportunities of professional lives for women workers whom they employ or intend to employ, endeavor to establish a work environment that contributes positively to balancing professional and personal life of the workers they employ, and endeavor to undertake other initiatives for the promotion of women's active engagement in professional life, and to cooperate with measures for the promotion of women's active engagement in professional life implemented by

the national or local governments.

Chapter II Basic Policy

(Basic Policy)

Article 5 (1) The government must establish a basic policy on the promotion of women's active engagement in professional life (hereinafter referred to as the "basic policy"), in accordance with the fundamental principles in order to comprehensively and integrally implement measures for the promotion of women's active engagement in professional life.

(2) The basic policy is to prescribe the following:

- (i) a basic course of action on promoting women's active engagement in professional life;
- (ii) basic particulars concerning initiatives to be taken by employers for the promotion of women's active engagement in professional life;
- (iii) following particulars concerning measures for the promotion of women's active engagement in professional life:
 - (a) particulars concerning support measures for the promotion of women's active engagement in professional life;
 - (b) particulars concerning the maintenance of the environment necessary to create a balance between professional and personal life;
 - (c) other important particulars concerning measures for the promotion of women's active engagement in professional life;
- (iv) particulars necessary for the promotion of women's active engagement in professional life beyond what is set forth in the preceding three items.

(3) The Prime Minister must prepare a draft of the basic policy and call for a cabinet decision on the policy.

(4) The Prime Minister must disclose the basic policy to the public without delay, when a cabinet decision is made pursuant to the provisions of the preceding paragraph,

(5) The provisions of the preceding two paragraphs apply mutatis mutandis when altering the basic policy.

(Prefectural Promotion Plans)

Article 6 (1) Taking into consideration the basic plan, prefectures are to endeavor to establish plans with regard to measures for the promotion of women's active engagement in professional life within the relevant prefectural areas (hereinafter referred to as a "prefectural promotion plan" in this Article).

(2) Taking into consideration the basic plan (when a prefectural promotion plan has been established, both the basic plan and the prefectural promotion plan), municipalities are to endeavor to establish plans with regard to measures for

the promotion of women's active engagement in professional life within the relevant municipal areas (referred to as a "municipal promotion plan" in the following paragraph).

- (3) When a prefecture or a municipality has established or modified its prefectural promotion plan or its municipal promotion plan, the prefecture or municipality must publicize this without delay.

Chapter III Employer Action Plan

Section 1 Guidelines on the Formulation of Employer Action Plan

Article 7 (1) The Prime Minister, Minister of Health, Labour and Welfare, and Minister for Internal Affairs and Communications must establish guidelines on the formulation of the general employer action plan prescribed in paragraph (1) of the following Article and the specified employer action plan prescribed in Article 19, paragraph (1) (collectively referred to as the "employer action plan " in the following paragraph) (hereinafter referred to as "guidelines on the formulation of the employer action plan") in line with the basic policy in order to enable employers to comprehensively and effectively implement initiatives concerning the promotion of women's active engagement in professional life.

(2) The guidelines on the formulation of the employer action plan are to stipulate what should serve as a guide for the employer action plan with regarding to the following particulars:

- (i) basic particulars concerning the formulation of the employer action plan;
- (ii) particulars concerning the content of initiatives for the promotion of women's active engagement in professional life; and
- (iii) other important particulars concerning initiatives for the promotion of women's active engagement in professional life.

(3) When establishing or modifying the guidelines on the formulation of the employer action plan, the Prime Minister, Minister of Health, Labour and Welfare, and Minister for Internal Affairs and Communications must publicize this without delay.

Section 2 General Employer Action Plan

(Formulation of the General Employer Action Plan)

Article 8 (1) Employers other than the national government and local governments (hereinafter referred to as "general employers") with over 100 regularly employed workers must establish a general employer action plan (meaning a plan concerning initiatives for the promotion of women's active engagement in professional life implemented by general employers; hereinafter the same applies) in line with the guidelines on the formulation of the general

employer action plan, and notify the Minister of Health, Labour and Welfare pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare. The same applies upon making any modification to the plan.

- (2) The general employer action plan is to prescribe the following particulars:
 - (i) the planning period;
 - (ii) the goals to be achieved by implementing initiatives for the promotion of women's active engagement in professional life;
 - (iii) the content of the initiatives for the promotion of women's active engagement in professional life which are planned to be implemented and their implementation period.
- (3) When intending to establish or modify the general employer action plan, general employers prescribed in paragraph (1) must ascertain the ratio of the number of women workers to the total number of workers they employed, gender differences in the number of years of continuous employment, the state of working hours, the ratio of women workers in managerial positions, and other factors in relation to women's active engagement in professional life in their businesses, analyze what can be changed to improve the promotion of women's active engagement in professional life, and establish an action plan based on the analysis of the results, pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare. In this case, the goals set forth in item (ii) of the preceding paragraph must be quantitatively prescribed using the ratio of the number of women workers to the total number of workers they employ, the ratio of reduction of difference in the number of years of continuous employment based on gender, working hours, and the ratio of women workers in managerial positions and other figures.
- (4) When establishing or modifying the general employer action plan, general employers prescribed in paragraph (1) must take measures to publicize this among workers pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare.
- (5) When establishing or modifying the general employer action plan, general employers prescribed in paragraph (1) must publicize this pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare.
- (6) General employers prescribed in paragraph (1) must implement initiatives based on the general employer action plan and endeavor to achieve the goals prescribed in the general employer action plan.
- (7) General employers with 100 or less regularly employed workers must endeavor to establish a general employer action plan in line with the guidelines on the formulation of the employer action plan and notify the Minister of Health, Labour and Welfare pursuant to the provisions of Order of the Minister of Health, Labour and Welfare. The same applies upon making any modification to the plan.

(8) The provisions of paragraph (3) and the provisions of paragraphs (4) through (6) apply mutatis mutandis to cases in which general employers prescribed in the preceding paragraph intend to establish or modify the general employer action plan, and cases in which general employers prescribed in the preceding paragraph established or modified the general employer action plan, respectively.

(Approval as General Employers that Conform to Standards)

Article 9 Based on applications from general employers who notified the Minister of Health, Labour and Welfare pursuant to the provisions of the preceding Article, paragraph (1) or paragraph (7), the Minister of Health, Labour and Welfare may certify those general employers as having implemented initiatives for the promotion of women's active engagement in professional life that are appropriate and conform to other standards specified by Order of the Ministry of Health, Labor and Welfare.

(A Mark Indicating a Certified General Employer)

Article 10 (1) General employers who obtained the approval referred to in the preceding Article (hereinafter referred to as "certified general employers") may affix a mark specified by the Minister of Health, Labour and Welfare to goods, items for the provision of services, advertisements of goods or services or documents used for transactions, or communication and other goods and services specified by Order of the Ministry of Health, Labour and Welfare (referred to as the "goods, etc.," in the following paragraph and Article 14, paragraph (1)).

(2) No person must affix a mark prescribed in the preceding paragraph or any other misleading mark to the goods, etc., in addition to the cases under the provisions of the preceding paragraph.

(Rescinding Approval as a General Employer)

Article 11 The Minister of Health, Labour and Welfare may rescind approval as a general employer referred to in Article 9 if a certified general employer falls under any of the following items:

- (i) cases when it is confirmed that a certified general employer no longer conforms to the standards prescribed in Article 9;
- (ii) cases a certified general employer violates this Act or orders under this Act;
- (iii) cases in which approval under Article 9 has been obtained by wrongful means.

(Approval as Certified General Employers that Conform to Standards)

Article 12 Based on an application from a certified general employer, the

Minister of Health, Labour and Welfare, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, may certify, with respect to initiatives for the promotion of women's active engagement in professional life, that the general employer has implemented initiatives under the general employer action plan formulated by the general employer and has achieved the goals set forth in that general employer action plan; that the general employer has appointed persons who take charge of the duties prescribed in Article 13-2 of the Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment (Act No. 113 of 1972) and persons who take charge of duties prescribed in Article 29 of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members (Act No. 76 of 1991); and that the status of implementation of the relevant initiatives for the promotion of women's active engagement in professional life by the general employer is especially favorable and conform to other standards specified by Order of the Ministry of Health, Labour and Welfare.

(Special Provisions for Specially Certified General Employers)

Article 13 (1) The provisions of Article 8, paragraphs (1) and (7) do not apply to the general employers who obtained approval referred to in the preceding Article (hereinafter referred to as "specially certified general employers").

(2) Specially certified general employers must publicize the status of implementation of initiatives for promotion of women's active engagement in professional life at least once every year pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(A Mark Indicating a Specially Certified General Employer)

Article 14 (1) Specially certified general employers may affix a mark specified by the Minister of Health, Labour and Welfare on goods, etc.

(2) The provisions of Article 10, paragraph (2) apply mutatis mutandis to the markings referred to in the preceding paragraph.

(Rescinding Approval as Specially Certified General Employers)

Article 15 If a specially certified general employer falls under any one of the following items, the Minister of Health, Labour and Welfare may rescind the approval under Article 12:

(i) when the Minister rescinds the approval under Article 9 pursuant to the provisions of Article 11;

(ii) when it is confirmed that the specially certified general employer no longer conforms to the standards prescribed in Article 12;

(iii) when the specially certified general employer fails to make a publication

pursuant to the provisions of Article 13, paragraph (2), or makes a false publication;

- (iv) in addition to the cases set forth in the preceding items, when the specially certified general employer violates this Act or an order under this Act; or
- (v) when the specially certified general employer obtains the approval under Article 12 by wrongful means.

(Special Provisions on the Requesting of Recruitment Services)

Article 16 (1) If a small or medium-sized enterprise that is a member of an approved employer organization for small and medium-sized enterprises (meaning a general employer with 300 or less regularly employed workers; the same applies hereinafter in this paragraph and the following paragraph) commissions the recruitment of workers required for the implementation of initiatives related to the promotion of women's active engagement in professional life through the approved employer organization, when that organization intends to engage in the relevant recruitment, the provisions of Article 36, paragraph (1) and (3) of the Employment Security Act (Act No. 141 of 1947) do not apply to the small and medium-sized enterprise that is a member of the organization.

- (2) The term "approved employer organization for small and medium-sized enterprises" as used in this Article and the following Article means, among business cooperatives, federations of cooperatives, or other cooperatives or federations thereof established under special acts, or a federation as specified by Order of the Ministry of Health, Labour and Welfare or a general association comprising of small and medium-sized enterprise employers as its direct or indirect members (limited to those falling under the requirement prescribed by Order of the Ministry of Health, Labour and Welfare), an organization that provides consultations and assistance to small and medium-sized enterprises that are members of that organization with respect to securing human resources for the implementation of initiatives related to the promotion of women's active engagement in professional life, and which are approved by the Minister of Health, Labour and Welfare in that the organization conforms to the standards required for appropriate implementation of that consultation and assistance specified by Order of the Ministry of Health, Labour and Welfare, based on an application from the organization.
- (3) The Minister of Health, Labour and Welfare may rescind the approval provided in the preceding paragraph if it is confirmed that an approved employer organization for small and medium-sized enterprises no longer conforms to the standards prescribed in the preceding paragraph.
- (4) When intending to engage in the recruitment prescribed in paragraph (1), an

approved employer organization for small and medium-sized enterprises must notify the Minister of Health, Labour and Welfare of the recruitment period, the number of persons to be recruited, the recruitment area, and other particulars related to the recruitment of workers specified by Order of the Ministry of Health, Labour and Welfare.

- (5) The provisions of Article 37, paragraph (2) of the Employment Security Act apply mutatis mutandis to cases in which notification under the preceding paragraph has been received; the provisions of Article 5-3, paragraphs (1) and (4), Article 5-4, Article 39, Article 41, paragraph (2), Article 42, paragraph (1), Article 42-2, Article 48-3, paragraph (1), Article 48-4, Article 50, paragraphs (1) and (2), and Article 51 of that Act applies mutatis mutandis to persons who engage in the recruitment of workers upon submitting the notification prescribed in the preceding paragraph; the provisions of Article 40 of that Act applies mutatis mutandis to giving compensation to persons who engage in the recruitment of workers upon submitting the notification prescribed in that paragraph; and the provisions of Article 50, paragraphs (3) and (4) applies mutatis mutandis to cases in which the authority prescribed by paragraph (2) of that Article, as applied mutatis mutandis pursuant to this paragraph, is exercised. In this case, the term "persons who intend to conduct labor recruitment" in Article 37, paragraph (2) of that Act is deemed to be replaced with "persons who intend to engage in the recruitment of workers upon submitting a notification as prescribed in Article 16, paragraph (4) of the Act on Promotion of Women's Active Engagement in Professional Life," and the term "order the abolition of the businesses of the labor recruitment concerned or [...] a set period" in Article 41, paragraph (2) of that Act is deemed to be replaced with "a set period."
- (6) With regard to the application of the provisions of Article 36, paragraph (2) and Article 42-3 of the Employment Security Act, the term "in the preceding paragraph" in Article 36, paragraph (2) of that Act refers to "an act in which a person who intends to have a person other than their own employee engage in the recruitment of workers in an attempt to give it to a person other than that employee," and the term "a commissioned recruiter prescribed in Article 39" in Article 42-3 of that Act refers to "a person who engages in the recruitment of workers upon submitting a notification as prescribed in Article 16, paragraph (4) of the Act on Promotion of Women's Active Engagement in Professional Life (Act No. 64 of 2015)."
- (7) The Minister of Health, Labour and Welfare may request the approved employer organization for small and medium-sized enterprises to submit a report on the status of implementation of the consultation and support referred to in paragraph (2).

Article 17 Public employment security offices are to provide employment information and results of occupational research and study, and, based on these, provide guidance on the content or means of the recruitment, thereby achieving effective and appropriate implementation of the recruitment to approved employer organizations for small and medium-sized enterprises engaged in the recruitment of workers after giving the notification pursuant to the provisions of the preceding Article, paragraph (4),

(State Assistance for General Employers)

Article 18 The national government is to endeavor to provide consultation services and other assistance to general employers who intend to formulate a general employer action plan pursuant to the provisions of Article 8, paragraph (1) or paragraph (7), or who have submitted a notification pursuant to these provisions, in order to facilitate smooth implementation of the formulation of the general employer action plan, dissemination of the action plan to workers or publication, or measures based on the general employer action plan.

Section 3 Specified Employer Action Plan

Article 19 (1) The national government and local government organizations, and the head or other officials of these organizations specified by Cabinet Order (hereinafter referred to as the "specified employers") must establish a specified employer action plan (meaning a plan concerning initiatives for the promotion of women's active engagement in professional life implemented by specified employers; hereinafter the same applies in this Article) in line with the guidelines on the formulation of the employer action plan pursuant to the provisions of Cabinet Order.

(2) The specified employer action plan is to prescribe the following particulars:

- (i) the planning period;
- (ii) the goals to be achieved by implementing initiatives for the promotion of women's active engagement in professional life;
- (iii) the contents of the initiatives for the promotion of women's active engagement in professional life planned to be implemented and their implementation period.

(3) When intending to establish or amend the specified employer action plan, specified employers must establish or modify the general employer action plan, take into account the ratio of the number of women employees to the total number of employees they employed, gender differences in the number of years of continuous employment, the state of working hours, the ratio of women employees in managerial positions, and other factors in relation to women's active engagement in professional life in their administrative duties and

business, analyze what can be changed to improve the promotion of women's active engagement in professional life, and then establish an action plan based on results of the analysis, pursuant to the provisions of Cabinet Office Order. In this case, the goals set for in item (ii) of the preceding paragraph must be quantitatively prescribed using the ratio of women employees to the total number of employees they employ, the amount of reduction of difference in the number of years of continuous employment based on gender, working hours, and the percentage of women employees in managerial positions and other figures.

- (4) When a specified employer establishes or modifies the specified employer action plan, the specified employer must take measures to publicize this among its employees without delay.
- (5) If a specified employer establishes or modifies the specified employer action plan, the specified employer must publicize this without delay.
- (6) A specified employer must publicize the status of implementation of initiatives based on the specified employer action plan at least once every year.
- (7) A specified employer must implement initiatives based on the specified employer action plan and endeavor to achieve the goals prescribed in the specified employer action plan.

Section 4 Publication of Information that Contributes to Women's Choice of Occupations

(Publication of Information that Contributes to Women's Choice of Occupations by General Employers)

Article 20 (1) General employers prescribed in Article 8, paragraph (1) (limited to those with over 300 regularly employed workers) must regularly publicize the following information regarding women's active engagement in professional life in their business to contribute to choice of occupations for women who work or who intend to work, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare:

- (i) achievements in the provision of opportunities for professional life of women workers whom they employ or intend to employ; and
 - (ii) achievements in development of employment environment that contributes to the creation of a balance between professional and personal life of workers they employ.
- (2) General employers prescribed in Article 8, paragraph (1) (other than the general employers prescribed in the preceding paragraph) must regularly publicize at least either of the information set forth in each item of the preceding paragraph with respect to women's active engagement in professional life in their business to contribute to choice of occupations for

women who work or who intend to work, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

- (3) General employers prescribed in Article 8, paragraph (7) must endeavor to regularly publicize either of the information set forth in each item of paragraph (1) with respect to women's active engagement in professional life in their business to contribute to choice of occupations for women who work or who intend to work, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(Publication of Information that Contributes to Women's Choice of Occupations by Specified Employers)

Article 21 Specified employers must regularly publicize the following information regarding women's active engagement in professional life in their administrative duties and business to contribute to choice of occupations for women who work or who intend to work, pursuant to the provisions of Cabinet Office Order:

- (i) achievements in the provision of opportunities for professional life of women whom they appoint or intend to appoint; and
- (ii) achievements in development of working conditions that contribute to the creation of a balance between professional and personal life of the officials they appoint.

Chapter IV Support Measures for the Promotion of Women's Active Engagement in Professional Life

(Vocational Guidance and Other Measures)

- Article 22 (1) The national government is to endeavor to provide vocational guidance, employment placement, vocational training, support for start-ups, and other necessary measures to promote women's active engagement in professional life.
- (2) In combination with the measures referred to in the preceding paragraph, local governments are to respond to requests for consultation from women who work or intend to work, from their families and other relevant persons, and endeavor to introduce relevant organizations, provide other relevant information and advice, and take other necessary measures to promote women's active engagement in professional life.
- (3) Local governments may entrust part of the administrative affairs for the duties prescribed in the preceding paragraph to a person that conforms to the criteria specified by Cabinet Office Order as having the capability to properly carry out the administrative duties.
- (4) A person who engages in or has engaged in the administrative affairs relating

to the entrustment under the provisions of the preceding paragraph, must not divulge any secrets learned in the course of the relevant administrative affairs without legitimate grounds.

(Financial Measures)

Article 23 The national government is to endeavor to take financial measures and other measures necessary to support the measures of local governments for the promotion of women's active engagement in professional life.

(Increasing Opportunities to Receive Orders from the National Government)

Article 24 (1) In order to contribute to the promotion of women's active engagement in professional life, while paying special attention to the proper use of budget, the national government is to increase opportunities and implement other necessary measures for certified general employers, specially certified general employers, and other general employers which have favorable conditions for women's active engagement in professional life or have implemented favorable initiatives for the promotion of women's active engagement in professional life (referred to as the "certified general employers, etc." in the following paragraph) to receive orders for procurement of services or goods from the national government or public finance corporations (meaning the Okinawa Development Finance Corporation and other corporations established under special laws as specified by Cabinet Order).

(2) Local governments are to endeavor to increase opportunities and implement other necessary measures for certified general employers, etc. to receive orders, in accordance with the measures of the national government.

(Awareness-raising Activities)

Article 25 With regard to the promotion of women's active engagement in professional life, the national government and local governments are to increase public interest and understanding, gain cooperation from the public, and conduct necessary awareness-raising activities.

(Collection, Compilation and Provision of Information)

Article 26 The national government is to collect, compile and provide information regarding the status of women's active engagement in professional life, and the relevant initiatives being made both in Japan and abroad to contribute to the initiatives for the promotion of women's active engagement in professional life.

(Councils)

Article 27 (1) The national government and local government organizations that

conduct administrative affairs and provide services related to the promotion of women's active engagement in professional life within the areas of those local governments (hereinafter referred to as the "relevant organizations" in this Article) may organize a council composed of the relevant organizations (hereinafter referred to as the "council") to ensure the effective and smooth implementation of initiatives for the promotion of women's active engagement in professional life within those areas, by making use of the cases related to the measures taken by the national government pursuant to the provisions of Article 22, paragraph (1) and the measures taken by a local government pursuant to that Article, paragraph (2), and other information useful for the promotion of women's active engagement in professional life.

- (2) If the administrative affairs under the provisions of Article 22, paragraph (3) are entrusted to other persons within the areas of those local governments, the relevant organizations that organize the council are to add those entrusted persons as members of the council.
- (3) The relevant organizations that organize the council may add the following persons to the council as members when found necessary:
 - (i) general employer organizations or their allied organizations;
 - (ii) persons with relevant expertise; and
 - (iii) other persons deemed necessary by the relevant organizations.
- (4) Through mutual communication between the relevant organizations and the members referred to in the preceding two paragraphs (hereinafter referred to as the "relevant organizations, etc." in this paragraph), the council is to share useful information for the promotion of women's active engagement in professional life and work on the development of closer collaboration among the relevant organizations, as well as deliberate on initiatives concerning the promotion of women's active engagement in professional life based on the circumstances of each area.
- (5) When the council has been organized, those relevant local governments must publicize to that effect pursuant to the provisions of Cabinet Office Order.

(Obligation of Confidentiality)

Article 28 Persons who engage in or have engaged in council administrative affairs must not divulge any secrets learned in the course of carrying out the administrative affairs of the council without legitimate grounds.

(Particulars Determined by the Council)

Article 29 Beyond what is provided for in the preceding two Articles, particulars necessary for the organization and operation of the council are determined by the council.

Chapter V Miscellaneous Provisions

(Collection of Reports and Issuance of Advice, Guidance, and Recommendations)

Article 30 The Minister of Health, Labour and Welfare may request reports from the general employers prescribed in Article 8, paragraph (1) or the general employers prescribed in paragraph (7) of that Article that are the certified general employers or specially certified general employers or give them advice, guidance, or recommendations, when found necessary with regard to the enforcement of this Act.

(Publication)

Article 31 Where the Minister of Health, Labour and Welfare has made recommendations under the provisions of the preceding Article to the general employers prescribed in Article 8, paragraph (1) that has failed to make a publication or has made a false publication pursuant to the provisions of Article 20, paragraph (1) or (2) or the general employers prescribed in Article 8, paragraph (7) that are the certified general employers or specially certified general employers that have made a false publication with respect to the information prescribed in Article 20, paragraph (2) or Article 20, paragraph (3), the Minister of Health, Labour and Welfare may make a publication to that effect, provided that those employers receiving the recommendations have not complied with those recommendations.

(Delegation of Authority)

Article 32 Part of the authorities of the Minister of Health, Labour and Welfare prescribed in Articles 8, 9, 11, 12, 15, 16 and 30, and the preceding Article may be delegated to the director general of the relevant prefectural labor bureau, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(Delegation to Cabinet Order)

Article 33 Beyond what is provided for in this Act, any other particulars necessary for the enforcement of this Act are specified by Cabinet Order.

Chapter VI Penal Provisions

Article 34 Any person who has engaged in the recruitment of workers in violation of a business suspension order pursuant to the provisions of Article 41, paragraph (2) of the Employment Security Act, as applied mutatis mutandis pursuant to Article 16, paragraph (5), is subject to imprisonment for

not more than one year or a fine of not more than one million yen.

Article 35 Any person who falls under any of the following items is subject to imprisonment for not more than one year or a fine of not more than 500,000 yen:

- (i) any person who has divulged secrets in violation of the provisions of Article 22, paragraph (4); or
- (ii) any person who has divulged secrets in violation of the provisions of Article 28.

Article 36 Any person who falls under any 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) any person who has engaged in the recruitment of workers without submitting a notification under the provisions of Article 16, paragraph (4);
- (ii) any person who has failed to comply with the instructions under the provisions of Article 37, paragraph (2) of the Employment Security Act, as applied mutatis mutandis pursuant to Article 16, paragraph (5); or
- (iii) any person who has violated the provisions of Article 39 or Article 40 of the Employment Security Act, as applied mutatis mutandis pursuant to Article 16, paragraph (5).

Article 37 Any person who falls under any of the following items is subject to a fine of not more than 300,000 yen:

- (i) any person who has violated the provisions of Article 10, paragraph (2) (including as applied mutatis mutandis pursuant to Article 14, paragraph (2));
- (ii) any person who has failed to make a report under the provisions of Article 50, paragraph (1) of the Employment Security Act, as applied mutatis mutandis pursuant to Article 16, paragraph (5), or has made a false report;
- (iii) any person who has refused, obstructed or evaded entry or inspection under the provisions of Article 50, paragraph (2) of the Employment Security Act, as applied mutatis mutandis pursuant to Article 16, paragraph (5), or has failed to answer a question under those provisions or made a false statement; or
- (iv) any person who has divulged any secrets in violation of the provisions of Article 51, paragraph (1) of the Employment Security Act, as applied mutatis mutandis pursuant to Article 16, paragraph (5).

Article 38 When a representative of a corporation, or an agent, employee or any other worker of a corporation or an individual has committed an act in

violation of Article 34, Article 36, or the preceding Article with respect to the business of that corporation or individual, in addition to the offender being subject to punishment, that corporation or individual is subject to the fine prescribed in the respective Articles.

Article 39 Any person who fails to make a report or makes a false report pursuant to the provisions of Article 30 is subject to a fine of not more than 200,000 yen.

Supplementary Provisions [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date of promulgation; provided, however, that the provisions of Chapter III (excluding Article 7), Chapter V (excluding Article 28) and Chapter VI (excluding Article 30), and the provisions of Article 5 of the Supplementary Provisions come into effect as of April 1, 2016.

(Expiration of This Act)

Article 2 (1) This Act ceases to be effective as of March 31, 2026.

(2) With regard to any secrets learned by persons who engaged in the administrative affairs concerning the entrustment under Article 22, paragraph (3), concerning the relevant administrative affairs, the provisions of paragraph (4) of that Article (including penal provisions pertaining to that paragraph) remain in force after the date prescribed in the preceding paragraph, notwithstanding the provisions of that paragraph.

(3) With regard to any secrets learned by persons who engaged in the administrative affairs of the council, concerning the relevant administrative affairs, the provisions of Article 28 (including penal provisions pertaining to that Article) remain in force after the date prescribed in paragraph (1), notwithstanding the provisions of that paragraph.

(4) With regard to the application of penal provisions to acts committed prior to the lapse of this Act, this Act remains in force after the date prescribed in paragraph (1), notwithstanding the provisions of that paragraph.

(Delegation to Cabinet Order)

Article 3 Beyond what is provided for in the preceding Article, paragraphs 2 through 4, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 4 When three years have passed since this Act came into effect, the

government is to conduct a review of the provisions of this Act by taking into account the state of enforcement of this Act, and is to, when it is found necessary, take necessary measures based on the findings of the review.

Supplementary Provisions [Act No. 14 of March 31, 2017] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of April 1, 2017; provided however, that the provisions listed in the following items come into effect as of the date specified in each item:

- (i) the amending provisions to add one Article after Article 64 of the Employment Insurance Act in Article 1, and the provisions of Article 35 of the Supplementary Provisions: the date of promulgation;
- (ii) and (iii) : Omitted;
- (ii) the provisions in Article 2 that amend Article 10-4, paragraph (2), Article 58, paragraph (1), Article 60-2, paragraph (4), Article 76, paragraph 2-2 and Article 79-2 of the Employment Insurance Act, and amend Article 11-2, paragraph (1) of the Supplementary Provisions; the provisions amending paragraph (3) of that Article (limited to the part in which "50 out of 100" is amended to "80 out of 100"); the provisions of Article 4; the provisions in Article 7 that amend Article 53, paragraphs (5) and (6), and Article 64 of the Child Care and Family Care Leave Act; the provisions of Articles 5 through 8 and Article 10 of the Supplementary Provisions; the provisions in Article 13 of the Supplementary Provisions that amend Article 10, paragraph (10), item (v) of the Act on National Public Officers' Retirement Allowance (Act No. 182 of 1953); the provisions of Article 14, paragraph (2) and Article 17 of the Supplementary Provisions; the provisions of Article 18 of the Supplementary Provisions (excluding the provisions listed in the following item); the provisions in Article 19 of the Supplementary Provisions that amend Article 38, paragraph (3) of the Act on Stabilization of Employment of Elderly Persons (Act No. 68 of 1971) (limited to the parts in which "Article 4, paragraph (8)" is amended to "Article 4, paragraph (9)"); the provisions in Article 20, of the Supplementary Provisions that amend the row of Article 4, paragraph (8), the row of Article 32-11 through Article 32-15, Article 32-16, paragraph (1) and Article 51, and the row of Article 48-3 and Article 48-4, paragraph (1) of the Act on the Improvement of Employment of Construction Workers (Act No. 33 of 1976); the provisions of Articles 21 and 22, Article 26 through 28, and Article 32 of the Supplementary Provisions; and the provisions of Article 33 of the Supplementary Provisions (excluding the provisions listed in the following item): January 1, 2018.

(Transitional Measures for Penal Provisions)

Article 34 Prior laws continue to govern the applicability of penal provisions to conduct that a person engages in before this Act comes into effect (with regard to the provisions listed in item (iv), Article 1 of these Supplementary Provisions, those provisions are applicable) comes into effect.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 35 Beyond what is provided for in these Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

Supplementary Provisions [Act No. 24 of June 5, 2019 Excerpt] [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the day specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided however, that the provisions listed in the following items come into effect as of the date specified in each item:

- (i) the provisions in Article 3 that amend Article 4 of the Act on Comprehensively Advancing Labor Measures, and Stabilizing the Employment of Workers, and Enriching Workers' Vocational Lives, and provisions of the following Article and Article 6 of these Supplementary Provisions: the date of promulgation;
- (ii) the provisions of Article 2: the date specified by Cabinet Order within a period not exceeding three years from the date of promulgation.

(Transitional Measures for Penal Provisions)

Article 5 Prior laws continue to govern the applicability of penal provisions to conduct that a person engages in before this Act comes into effect.

(Delegation to Cabinet Order)

Article 6 Beyond what is provided for in these Supplementary Provisions, transitional measures necessary for the enforcement of this Act are specified by Cabinet Order.

(Review)

Article 7 When five years have passed since this Act came into effect, the government is to conduct a review of the status of enforcement of the provisions as amended by this Act, and when found necessary, is to take necessary measures based on the findings of the review.