

Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers

(Act No. 88 of July 5, 1985)

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to prescribe measures to ensure the proper operation of worker dispatching services in order to help with proper coordination of labor supply and demand in conjunction with the Employment Security Act (Act No. 141 of 1947), and to help protect dispatched workers, thereby contributing to stable employment for dispatched workers and to otherwise advancing their welfare.

Article 2 In this Act, the meanings of the terms stated in the following items are as prescribed in those items:

- (i) the term "worker dispatch " means having a worker employed by a first person engage in work for a second person while maintaining the employment relationship with the first person and while receiving directions and orders from the second person; it does not include an arrangement in which the first person promises the second person that it will have the second person employ the worker in question.
- (ii) the term "dispatched worker" means a worker who is employed by an entity and who is subject to worker dispatched businesses ;
- (iii) providing "worker dispatching services" means providing worker dispatching service on a regular basis;
- (iv) the term "employment placement dispatch " as used in this Act means worker dispatch through which a person that has obtained the license referred to in Article 5, paragraph (1) (referred to below as a "staffing provider") carries out, or plans to carry out, employment placement for the dispatched worker who is subject to the arrangement and the person using the worker dispatching services that involve that worker (referred to below as a "client", except in Chapter III, Section 4) after obtaining a license or filing a notification under the Employment Security Act or the provisions of another such Act, either before or after it starts to provide those services; it includes a worker dispatching services under which, before the provider stops providing the worker dispatching services, the worker and the client agree that the worker will be employed by the client through that

employment placement.

(Exclusion from Application for Mariners)

Article 3 This Act does not apply to mariners prescribed in Article 6, paragraph (1) of the Mariners Employment Security Act (Act No.130 of 1948).

Chapter II Measures to Ensure Proper Operations of Worker Dispatching Service

Section 1 Scope of Work

Article 4 (1) It is prohibited for any person to carry out a worker dispatching service involving work falling under any of the following items:

- (i) port transportation work (meaning port transportation work prescribed in Article 2, item (ii) of the Port Labor Act (Act No. 40 of 1988) and work specified by Cabinet Order as corresponding to port transportation work carried out at ports other than those prescribed in item (i) of that Article);
 - (ii) construction work (meaning work relating to civil engineering, construction, the building, remodeling, maintenance, repairing, renovation, wrecking, or dismantling of a structure, or preparatory work for any of these); or
 - (iii) work as stated in each item of Article 2, paragraph (1) of the Security Services Act (Act No. 117 of 1972) and other work specified by Cabinet Order as work that, in order to ensure it is implemented properly, it is considered inappropriate to have a dispatched worker do based on worker dispatch that a person provides in the course of trade (simply referred to as "worker dispatch" in the following Section and Article 23, paragraphs (2), (4), and (5)).
- (2) Before drafting a proposal to establish or amend Cabinet Order referred to in item (iii) of the preceding paragraph, the Minister of Health, Labour and Welfare must obtain the opinion of the Labor Policy Council.
- (3) A person using the worker dispatching services provided by an entity that engages in worker dispatching services must not have a dispatched worker who is receiving directions and orders and subject to the relevant worker dispatching arrangement engage in work falling under any of the items of paragraph (1) at the direction of the person using those services.

Section 2 Service Licensing

(Licensing for Worker Dispatching Services)

Article 5 (1) A person seeking to engage in labor services must obtain a license from the Minister of Health, Labour and Welfare.

(2) A person seeking to be granted the license referred to in the preceding paragraph must submit a written application stating the following information

to the Minister of Health, Labour and Welfare:

- (i) the applicant's name and address, and the name of its representative, if it is a corporation;
 - (ii) the names and addresses of the applicant's officers, if it is a corporation;
 - (iii) the name and location of the place of business where it will engage in worker dispatching services; and
 - (iv) the name and address of the provider-side manager it will appoint pursuant to the provisions of Article 36.
- (3) The written application referred to in the preceding paragraph must be accompanied by a business plan for the services that the applicant will provide at each place of business where it will engage in worker dispatching services, and by other documents specified by Order of the Ministry of Health, Labour and Welfare.
- (4) In the business plan referred to in the preceding paragraph, the applicant must state the number of assigned workers involved in its services, the amount of the worker dispatching charge, and other particulars of its worker dispatching for each place of business where it will engage in worker dispatching services, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (5) Before granting the license referred to in paragraph (1), the Minister of Health, Labour and Welfare must obtain the opinion of the Labor Policy Council.

(Reasons for Ineligibility for Licensing)

Article 6 A person that falls under any of the following items may not receive the license referred to in paragraph (1) of the preceding Article:

- (i) a person who has been sentenced to imprisonment without work or a heavier punishment, or to a fine under the provisions of this Act, under the provisions of other Acts concerning labor that are specified by Cabinet Order (excluding the provisions referred to in the following item), or under the provisions of the Act on Preventing Illicit Acts by Members of Organized Crime Groups (Act No. 77 of 1991) (excluding the provisions of Article 50 (limited to the part related to item (ii)) and Article 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 Punishment of Physical Violence and Other Crimes (Act No. 60 of 1926), or in Article 73-2, paragraph (1) 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 person finished serving the sentence or ceased to be subject to its enforcement;
- (ii) a person sentenced to a fine under the provisions of Article 208, 213-2, or

- 214, paragraph (1) of the Health Insurance Act (Act No. 70 of 1922), Article 156, 159, or 160, paragraph (1) of the Mariners Insurance Act (Act No. 73 of 1939), the first sentence of Article 51 or Article 54, paragraph (1) (limited to the part related to the provisions of the first sentence of Article 51) of the Industrial Accident Compensation Insurance Act (Act No. 50 of 1947), Article 102, 103-2, or 104, paragraph (1) (limited to the part related to 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) (limited to the part related to 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 (limited to the part related to the provisions of Article 83) of the Employment Insurance Act (Act No. 116 of 1974), if it has not been five years since the day on which the person finished serving the sentence or ceased to be subject to its enforcement;
- (iii) a person specified by Order of the Ministry of Health, Labour and Welfare as one who is unable to properly engage in worker dispatching services due to a mental or physical disorder;
 - (iv) a person that has become subject to an order commencing bankruptcy proceedings and that has not been released from bankruptcy restrictions;
 - (v) a person whose license for engaging in worker dispatching services has been revoked pursuant to the provisions of Article 14, paragraph (1) (excluding item (i)), if it has not been five years since the date of the revocation;
 - (vi) a person who was a corporation's officer (meaning its managing member, director, or executive officer, or any person in an equivalent position; this includes an adviser, consultant, or any other person, irrespective of title, that is found to have at least the same authority over the corporation as a managing member, director, or executive officer; the same applies below in this Article) at the time the corporation's license for worker dispatching services was revoked pursuant to the provisions of Article 14, paragraph (1) (if its license was revoked pursuant to the provisions of item (i) of the same paragraph, this is limited to a case in which it was revoked because the corporation came to fall under item (i) or (ii)), if it has not been five years since the date of the revocation;
 - (vii) a person that has filed a notification indicating that it has discontinued its worker dispatching services under the provisions of Article 13, paragraph (1) during the period running from the day it received notice under the provisions of Article 15 of the Administrative Procedure Act (Act No. 88 of 1993) concerning a disposition that would revoke its staffing license under the provisions of Article 14, paragraph (1) up until either the day on which the disposition is taken or the day on which it is decided that the disposition will not be taken (excluding a person that has sufficient grounds for

- discontinuing its worker dispatching services), if it has not been five years since the date of the notification;
- (viii) a person who, during the 60 days before the day of the notice referred to in the preceding item, was the officer of a corporation that has submitted a notification indicating that it has discontinued its worker dispatching services under the provisions of Article 13, paragraph (1) within the period prescribed in that item (unless the corporation had sufficient grounds to discontinue its worker dispatching services), if it has not been five years since the date of the notification;
 - (ix) a member of an organized crime group prescribed in Article 2, item (vi) of the Act on Preventing Illicit Acts by Members of Organized Crime Groups (referred to below as a "member of an organized crime group" in this item), 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 (referred to below 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 carry out business as an adult, and whose legal representative falls under any of the preceding items or any of the following items;
 - (xi) a corporation that has an officer who falls under any of the preceding items;
 - (xii) a person whose business activities are controlled by an current or former member of an organized crime group; or
 - (xiii) a person that is likely to engage with a current or former member of an organized crime group in their business or employ a current or former member of an organized crime group as an assistant in their business.

(Criteria for Granting a License)

Article 7 (1) Unless the Minister of Health, Labour and Welfare finds that the application for a license referred to in Article 5, paragraph (1) conforms to the criteria stated below, the Minister must not grant that license:

- (i) that the business will not be carried out with the purpose of providing worker dispatching services solely to specified persons (excluding cases specified by Order of the Ministry of Health, Labour and Welfare as those in which it is considered to be necessary to assist in the continued employment of workers for whom it is considered to be particularly difficult to ensure employment opportunities);
- (ii) that the applicant conforms to the criteria specified by Order of the Ministry of Health, Labour and Welfare as a person with sufficient ability to properly manage the employment of the business' dispatched workers;
- (iii) that necessary measures are being taken to properly manage personal information (meaning information concerning an individual that make it

possible to identify a specific individual (including information that makes it possible to identify a specific individual when cross-referenced against other information); the same applies below) and to protect dispatched workers' confidential information; and

(iv) that the applicant has sufficient ability to appropriately provide the services, other than as stated in the preceding two items.

(2) If the Minister of Health, Labour and Welfare will not grant the license referred to in Article 5, paragraph (1), the Minister must notify the applicant of this without delay while indicating the reason for this.

(License Certificates)

Article 8 (1) If the Minister of Health, Labour and Welfare grants the license referred to in Article 5, paragraph (1), the Minister must issue license certificates to cover the number of places of business where the licensee will engage in worker dispatching services, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(2) A person that has been issued a license certificate must keep it at the place of business where the person engages in worker dispatching services and present it to a person concerned if asked.

(3) If an issued license certificate is lost or destroyed, the person that was issued that license certificate must promptly notify the Minister of Health, Labour and Welfare of this and have the license certificate reissued.

(License Conditions)

Article 9 (1) The license stated in Article 5, paragraph (1) may be granted under certain conditions, which may be subsequently altered.

(2) The conditions provided for in the preceding paragraph are limited to what is minimally necessary, either in view of the purpose of the license or to ensure the secure implementation of the things under the license, and must not impose any undue obligation upon the person that is granted the license.

(License Validity Period)

Article 10 (1) The validity period of the license provided for in Article 5, paragraph (1) is three years counting from the date it is granted.

(2) A person seeking to continue to engage in worker dispatching services under a license prescribed in the preceding paragraph after the expiration of the license's validity period (or after the expiration of the validity period as renewed pursuant to the provisions of this paragraph, if applicable) must have the validity period of the license renewed pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(3) If an application for renewal of the validity period of a license as prescribed in

the preceding paragraph has been submitted, but the Minister of Health, Labour and Welfare finds that the application is not in conformity with the criteria stated in each item of Article 7, paragraph (1), the Minister must not renew the license's validity period.

- (4) The validity period of the license referred to in Article 5, paragraph (1) when renewed pursuant to the provisions of paragraph (2) is five years counting from the day following the date of expiration of the validity period of the license before the renewal.
- (5) The provisions of Article 5, paragraphs (2) through (4), Article 6 (excluding items (v) through (viii)), and Article 7, paragraph (2) apply *mutatis mutandis* to the renewal of the validity period of a license under paragraph (2).

(Notification of Changes)

Article 11 (1) If there has been a change in the information stated in any of the items of Article 5, paragraph (2), a staffing provider must notify the Minister of Health, Labour and Welfare of this without delay. In that case, if the information subject to the change concerns the establishment of a new place of business where the provider will engage in worker dispatching services, the notification must be accompanied by a business plan for that place of business and other documents specified by Order of the Ministry of Health, Labour and Welfare.

- (2) The provisions of Article 5, paragraph (4) apply *mutatis mutandis* to the business plan referred to in the preceding paragraph.
- (3) If, pursuant to the provisions of paragraph (1), the Minister of Health, Labour and Welfare receives a notification of changes concerning the establishment of a new place of business where the provider will engage in worker dispatching services, the Minister must issue license certificates to cover the number of new places of business that will be established, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (4) When a staffing provider submits a notification under paragraph (1), and any particular related to that notification falls under any information stated in the license certificate, the provider must apply for updating of the license certificate pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

Article 12 Deleted

(Discontinuance of Business)

Article 13 (1) If a staffing provider discontinues its worker dispatching services, it must file a notification with the Minister of Health, Labour and Welfare of this without delay pursuant to the provisions of Order of the Ministry of

Health, Labour and Welfare.

- (2) When a notification under the provisions of the preceding paragraph is filed, the license referred to in Article 5, paragraph (1) ceases to be effective.

(License Revocation)

Article 14 (1) The Minister of Health, Labour and Welfare may revoke a license granted to a staffing provider pursuant to the provisions of Article 5, paragraph (1), if the staffing provider falls under any of the following items:

- (i) if the provider falls under any of the items (excluding items (v) through (viii)) of Article 6;
 - (ii) if the provider violates the provisions of this Act (excluding the provisions of Article 30, paragraph (1) and Section 4 of the following Chapter as applied pursuant to Articles 23, paragraph (3), Article 23-2, and Article 30, paragraph (2) following the replacement of terms) or the Employment Security Act, or orders or dispositions based on those provisions;
 - (iii) if the provider violates a condition attached to the license pursuant to the provisions of Article 9, paragraph (1); or
 - (iv) if the provider violates the provisions of Article 30, paragraph (1) as applied pursuant to Articles 23, paragraph (3), Article 23-2, and Article 30, paragraph (2) following a deemed replacement of terms, despite having received instructions under the provisions of Article 48, paragraph (3).
- (2) If a staffing provider falls under item (ii) or (iii) of the preceding paragraph, the Minister of Health, Labour and Welfare may order a partial or full suspension of its worker dispatching services for a designated period of time.

(Prohibition of Name Lending)

Article 15 A staffing provider must not allow any other person to engage in worker dispatching services using the provider's name.

Articles 16 through 22 Deleted

Section 3 Auxiliary Provisions

(Business Reports)

Article 23 (1) A staffing provider, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, must prepare a business report and settlement of accounts for its worker dispatching services, for each place of business at which it engages in those services, and submit them to the Minister of Health, Labour and Welfare.

- (2) A business report referred to in the preceding paragraph must contain the number of dispatched workers, the number of persons that have used the

worker dispatching services, the amount of the worker dispatching charge, and other particulars of the worker dispatching, for each place of business where the person has provided worker dispatching services, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(3) A staffing provider must report the rate of assignment to the provider's close clients prescribed in the following Article to the Minister of Health, Labour and Welfare, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(4) Before a staffing provider provides worker dispatching for the purpose of having a dispatched worker work at a place of business or other such facility that is located outside the region where this Act is in force (referred to below as "overseas staffing"), the provider must file a notification indicating this with the Minister of Health, Labour and Welfare, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(5) Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare and for each place of business where it engages in worker dispatching services, a staffing provider must provide information on the number of dispatched workers associated with those services, the number of persons that have used the worker dispatching services, the rate arrived at when the average wage of dispatched workers is subtracted from the average worker dispatching charge and the product is then divided by the average worker dispatching charge as calculated pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, the particulars of educational training, and other particulars specified by Order of the Ministry of Health, Labour and Welfare as those that it is appropriate to communicate to the relevant persons in advance in connection with the activities of its worker dispatching services.

(Limits on Staffing Providers' Providing Worker Dispatching to Close Clients)

Article 23-2 When a staffing provider provides worker dispatching for a person that is able to substantially control the staffing provider's management or any other person specified by Order of the Ministry of Health, Labour and Welfare as a person that has a specific relationship to the staffing provider (referred to below as a "close client" in this Article), the staffing provider must ensure that the rate of assignment to its close client (meaning the rate arrived at when the total working hours for assigned work (referring to the work done by workers subject to worker dispatching arrangements; the same applies below) that the dispatched workers whom the staffing provider employs perform for the close client in a business year is divided by the total working hours for all assigned work that the dispatched workers whom the staffing provider employs perform in the business year as calculated pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare) is not more than 80 percent.

(Mutatis Mutandis Application of Article 20 of the Employment Security Act)

Article 24 The provisions of Article 20 of the Employment Security Act apply mutatis mutandis to worker dispatching services. In that case, in paragraph (1) of that Article, the phrase "public employment security office" is deemed to be replaced with "staffing provider prescribed in Article 2, item (iv) of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (simply referred to below as a "staffing provider")" and the phrase "must not refer a job seeker to a place of business" is deemed to be replaced with "must not engage in worker dispatching prescribed in item (i) of that Article with regard to the place of business (simply referred to below as "worker dispatching") (if worker dispatching is actually carried out for the place of business at the time of the strike or lock-out, excluding that worker dispatching and any equivalent arrangement)"; in paragraph (2) of that Article, the phrase "unrestricted referral of job seekers" is deemed to be replaced with "unlimited worker dispatching", 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 notify the staffing provider of this, and the staffing provider, having received the notification, must not provide worker dispatching for that place of business (if worker dispatching is being provided for that place of business at the time of the notification, excluding the relevant worker dispatching and any equivalent arrangement)", the phrase "workers normally employed" is deemed to be replaced with "workers (including workers having been engaged in work under a worker dispatching arrangement) normally employed", and the phrase "referring workers" is deemed to be replaced with "providing dispatched workers".

(Prohibition on Using the Worker Dispatching Services of an Entity That

Engages in Worker Dispatching Services but That Is Not a Staffing Provider)

Article 24-2 A person using worker dispatching services must not use worker dispatching services that are provided by an entity that engages in worker dispatching services but that is not a staffing provider.

(Handling of Personal Information)

Article 24-3 (1) When a staffing provider collects, retains, or uses a worker's personal information in connection with worker dispatching, it must collect it only within the scope necessary for achieving the purpose of its operations (including employment placement, if it offers temp-to-perm placement; the same applies in the following Article), and must retain and use it only within the scope of the purpose for which it was collected; provided, however, that this

does not apply if the provider has the person's consent to do otherwise or if there are other justifiable reasons.

- (2) A staffing provider must take the necessary measures to properly manage workers' personal information.

(Duty of Confidentiality)

Article 24-4 It is prohibited for a staffing provider, its agent, employee, or other staff member to disclose to another person any secret learned with regard to information handled in the course of business, without legitimate grounds. The same applies even after a person has ceased to be a staffing provider or its agent, employee, or other staff member.

(Special Consideration to Be Given in Application of This Act)

Article 25 In applying the provisions of this Act that concern worker dispatching services, the Minister of Health, Labour and Welfare must take into consideration employment practices that are considered to contribute to workers' effective demonstration of their abilities and their employment security throughout their working lives, as well as the principle that assigned work should be occasional and temporary, and, at the same time, must make considerations so that the coordination of labor supply and demand through worker dispatching services is in harmony with the coordination of labor supply and demand under the other systems specified in the Employment Security Act.

Chapter III Measures for Protecting Dispatched Workers

Section 1 Worker Dispatching Contracts

(Contract Content)

Article 26 (1) Pursuant to the provisions of Order of the Minister of Health, Labour and Welfare, when entering into a staffing contract (meaning a contract under which one party agrees to provide dispatched workers to the other; the same applies below) the parties to the contract must specify the following particulars, and must specify the number of dispatched workers in keeping with the varying contents of those particulars:

- (i) the content of the work that the dispatched workers will engage in;
- (ii) the name and location of the place of business at which the dispatched workers will engage in the work under the worker dispatching arrangement, and other locations and organizational units (meaning sections to which workers are assigned which are specified by Order of the Ministry of Health, Labour and Welfare as those over which the person who is in a position to direct and order the job performance of the workers that have been assigned

- there has direct authority over the assignment of work to those workers; the same applies below) for the assigned work;
- (iii) particulars relating to the person who directly directs and orders the dispatched workers while they are working, on behalf of the person using staffing services;
 - (iv) the worker dispatching period and the days on which the dispatched workers will do the assigned work;
 - (v) the start and end times for the assigned work and break periods;
 - (vi) particulars relating to health and safety;
 - (vii) particulars relating to the handling of complaints submitted by a dispatched worker;
 - (viii) particulars relating to the necessary measures to ensure employment security for dispatched workers that are to be taken in connection with the termination of the staffing contract, such as ensuring new employment opportunities for dispatched workers, and measures relating to the bearing of costs in order to secure the funds needed to pay dispatched workers an allowance for absence from work (meaning the allowance that is to be paid by an employer pursuant to the provisions of Article 26 of the Labor Standards Act (Act No. 49 of 1947); the same applies in Article 29-2);
 - (ix) if the worker dispatching contract is for employment placement dispatch, particulars relating to the employment placement dispatch, such as the content of the work in which the dispatched worker is to engage through the employment placement and relevant working conditions; and
 - (x) beyond what is stated in each of the preceding items, particulars specified by Order of the Ministry of Health, Labour and Welfare.
- (2) In addition to what is prescribed in the preceding paragraph, when entering into a worker dispatching contract for overseas staffing, a worker dispatching provider must establish that the person using the overseas worker dispatching services is to take the following measures, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare:
- (i) appointing a client-side manager as referred to in Article 41;
 - (ii) preparing a client-side management record as referred to in Article 42, paragraph (1); entering the particulars stated in each item of that paragraph in that record; and notifying the relevant person in conformity with the conditions specified by Order of the Ministry of Health, Labour and Welfare as referred to in paragraph (3) of that Article; and
 - (iii) other measures specified by Order of the Ministry of Health, Labour and Welfare, which are necessary for the assigned work concerned to be conducted appropriately.
- (3) Before entering into a worker dispatching contract pursuant to the provisions of paragraph (1), the worker dispatching provider must clearly indicate to the

counterparty that it has obtained the license referred to in Article 5, paragraph (1).

- (4) In concluding a new worker dispatching contract pursuant to the provisions of paragraph (1), a person seeking to use the worker dispatching services (excluding worker dispatching that falls under any of the items of Article 40-2, paragraph (1); the same applies in the following paragraph) that the worker dispatching provider will provide based on that new contract must notify the worker dispatching provider, in advance, of the first day on or after that on which the provider will start providing those services, on which the person's use of the worker dispatching services will violate the provisions of paragraph (1) of that Article for work at its place of business or at the place for the assigned work to be performed.
- (5) If a worker dispatching provider does not receive a notice under the provisions of the preceding paragraph from the person seeking to use worker dispatching services based on a new worker dispatching contract, the provider must not conclude the worker dispatching contract with that person for work at the person's place of business or at the place for the assigned work to be performed.
- (6) In entering into a worker dispatching contract, a person seeking to use worker dispatching services (excluding employment placement dispatch) must endeavor not to take any action intended to specify the dispatched workers who will be subject to the worker dispatching arrangement at worker dispatching contract.
- (7) In entering into a worker dispatching contract pursuant to the provisions of paragraph (1), a person seeking to use worker dispatching services must provide the provider in advance with information specified by Order of the Ministry of Health, Labour and Welfare, including information on the wages and other treatment of comparable workers, for each type of work in which dispatched workers who will be subject to the worker dispatching arrangement will be engaged, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (8) The term "comparable worker" as used in the preceding paragraph means a regular worker who is employed by the person seeking worker dispatching services, and who has a job content and associated level of responsibility (referred to below as "job duties"), and a scope of change in their job duties and assignment that are expected to be the same as those of the dispatched workers who are subject to the worker dispatching arrangement, or any other worker specified by Order of the Ministry of Health, Labour and Welfare as a worker against whom the dispatched workers should be compared in terms of treatment.
- (9) If a worker dispatching provider has not received information under the

provisions of paragraph (7) from the person seeking worker dispatching services, the provider must not conclude a worker dispatching contract with that person in connection with the work in which the workers who are subject to the worker dispatching arrangement are to be engaged.

(10) In the case of any change in the information referred to in paragraph (7), the client, without delay, must provide the worker dispatching provider with the details of the change in information, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(11) A person seeking to use worker dispatching services or a client must make considerations concerning the amount of the worker dispatching charge so that the provider is able to comply with the provisions of Article 30-3, if it will provide worker dispatching other than subject to the agreement referred to in Article 30-4, paragraph (1), and with the provisions of an agreement concerning the particulars d in items (ii) through (v) of that paragraph, if it will provide worker dispatching subject to the agreement referred to in that paragraph.

(Cancellation of Contracts)

Article 27 It is prohibited for a person using worker dispatching services to cancel a worker dispatching contract on the grounds of a dispatched worker's nationality, creed, sex, social status, engagement in legitimate labor union activities, or other things of a similar nature.

Article 28 An entity providing worker dispatching may suspend that worker dispatching or cancel the worker dispatching contract if the person using its worker dispatching services has violated the provisions of this Act or of Acts applied pursuant to the provisions of Section 4 (including the provisions of orders based on these provisions; the same applies in Article 31 and Article 40-6, paragraph (1), item (v)) in connection with the assigned work.

Article 29 The cancellation of a worker dispatching contract has only prospective effect.

(Measures Taken upon the Cancellation of a Worker Dispatching Contract)

Article 29-2 If a person using worker dispatching services cancels a worker dispatching contract for its own reasons, the person must take the necessary measures to ensure employment security for the dispatched workers, including ensuring new employment opportunities for the workers who are subject to the worker dispatching arrangement and taking measures to secure the necessary funds to pay dispatched workers an allowance for absence from work and other similar allowances.

Section 2 Measures to Be Taken by Worker Dispatching Providers

(Employment Security for Current and Prospective Prescribed, Fixed-Term, Dispatched Workers)

Article 30 (1) A worker dispatching provider must endeavor to take the measures stated in the following items, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, for the dispatched workers on fixed-term contracts it employs (meaning dispatched workers who are employed for a fixed term; the same applies below) who are: specified by Order of the Ministry of Health, Labour and Welfare as those with a prospect of continuously engaging in services under the worker dispatching arrangement for at least one year in the same organizational unit at the client's place of business or at the place for the assigned work to be performed (referred to below as "prescribed dispatched workers on fixed-term contracts"); specified by Order of the Ministry of Health, Labour and Welfare as those who are considered to be in great need of employment security; and workers that the provider seeks to employ as dispatched workers on fixed-term contracts and who are specified by Order of the Ministry of Health, Labour and Welfare as those who are considered to be in great need of employment security (hereinafter collectively referred to below as "current and prospective prescribed, fixed-term, dispatched workers" in this paragraph):

- (i) requesting the client to offer labor contracts to prescribed dispatched workers on fixed-term contracts;
- (ii) ensuring job opportunities that will enable it to have persons work (limited to work under reasonable conditions in light of the ability and experience of current and prospective prescribed, fixed-term, dispatched workers and other particulars specified by Order of the Ministry of Health, Labour and Welfare) as dispatched workers, and providing those opportunities to its current and prospective prescribed, fixed-term, dispatched workers;
- (iii) ensuring opportunities for employment that will enable it to employ persons as non-dispatched workers without fixing a term, and providing those opportunities to current and prospective prescribed, fixed-term, dispatched workers; and
- (iv) beyond what is stated in the preceding three items, implementing educational training that is targeted at current and prospective prescribed, fixed-term, dispatched workers and that is specified by Order of the Ministry of Health, Labour and Welfare as being considered to particularly contribute to their employment security, and taking other such measures specified by Order of the Ministry of Health, Labour and Welfare as being necessary to ensure employment security.

- (2) To apply the provisions of the preceding paragraph to a prescribed dispatched worker on a fixed-term contract who has a prospect of continuously engaging in work for three years under a worker dispatching arrangement for work in an organizational unit at the client's place of business or at the place for the assigned work to be performed, the phrase "must endeavor to take" in that paragraph is deemed to be replaced with "must take".

(Multi-Stage and Systematic Educational Training)

Article 30-2 (1) A staffing provider must provide educational training to the dispatched workers it employs so that they can acquire the skills and knowledge necessary for assigned work in multi-stage and systematic manner. This being the case, if any such worker is a dispatched worker on an open-ended contract (meaning a dispatched worker who is employed without a fixed term; the same applies below), the worker dispatching provider must make considerations so that that worker can effectively exercise their abilities throughout their career.

- (2) At the request of a dispatched worker it employs, a worker dispatching provider must ensure opportunities for them to seek advice about career-path planning and must provide other such assistance.

(Prohibition on Unreasonable Treatment)

Article 30-3 (1) A worker dispatching provider must not create differences between the base pay, bonuses, and other treatment of the dispatched workers it employs and the corresponding treatment of regular workers that the client employs that are found to be unreasonable in consideration of the circumstances, including the dispatched workers' and regular workers' job descriptions and the scope of changes in their job descriptions and assignment, that are found to be appropriate in light of the nature of the treatment and the purpose of treating workers in that way.

- (2) A worker dispatching provider must not, without legitimate grounds, subject a dispatched worker to treatment that is disadvantageous in terms of base pay, bonuses, or other such treatment when compared to the treatment accorded to a regular worker employed by the client, if the dispatched worker's job description is the same as that of the regular worker, and their job description and assignment throughout the entire period until the end of their assigned work for the client are expected, in light of the worker dispatching contract, the client's customary practices, and other such circumstances, to be changed within the same scope as the job description and assignment of the regular worker throughout the entire period until the end of their employment relationship with the client.

Article 30-4 (1) Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, a worker dispatching provider must not apply the provisions of the preceding Article to the treatment of dispatched workers within the scope specified in item (i), if the following particulars concerning the treatment of dispatched workers (except for treatment associated with the educational training referred to in Article 40, paragraph (2), the welfare facilities referred to in paragraph (3) of that Article, and other such things specified by Order of the Ministry of Health, Labour and Welfare; the same applies in this paragraph) employed by the provider are prescribed in a written agreement with a labor union consisting of a majority of the workers, if there is one, or with a person who represents a majority of the workers, if there is no such labor union there; provided, however, that this does not apply if it does not abide by the particulars stated in item (ii), (iv), or (v) that are prescribed by the agreement, or if it does not attempt to implement a fair evaluation under the agreement in connection with item (iii):

- (i) the scope of dispatched workers whose treatment is as prescribed by the agreement;
- (ii) the way of establishing the wages for dispatched workers falling within the scope stated in the preceding item (limited to a way of establishing their wages that falls under (a) and (b), below (or only (a), for commuting allowances and other types of wage specified by Order of the Ministry of Health, Labour and Welfare));
 - (a) it ensures that the amount of wages is at least equivalent to what is specified by Order of the Ministry of Health, Labour and Welfare as the amount of average wages for ordinary workers engaged in the same type of work as that in which dispatched workers engage;
 - (b) it ensures that wages will improve if dispatched workers' job duties, work outcomes, motivation, abilities, experience, and other things related to the realities of their work increase;
- (iii) that, in establishing dispatched workers' wages in the way stated in the preceding item, the worker dispatching provider will fairly evaluate the dispatched workers' job duties, work outcomes, motivation, abilities, experience, and other things related to the realities of their work;
- (iv) the way of establishing the treatment (other than wages; the same applies below in this item) of dispatched workers falling within the scope stated in item (i) (limited to ways of establishing this that do not result in a difference between the treatment of those dispatched workers and the corresponding treatment of regular workers that the worker dispatching provider employs that are found to be unreasonable in consideration of the circumstances, including the dispatched workers' and regular workers' job descriptions and the scope of changes in their job descriptions and assignments, that are

- found to be appropriate in light of the nature of the treatment and the purpose of treating those workers in that way);
- (v) that the worker dispatching provider will provide dispatched workers falling within the scope stated in item (i) with educational training under Article 30-2, paragraph (1); and
- (vi) beyond what is stated in each of the preceding items, particulars specified by Order of the Ministry of Health, Labour and Welfare.
- (2) A worker dispatching provider that has concluded an agreement as referred to as in the preceding paragraph must familiarize the workers employed with the agreement pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(Establishing Wages in Consideration of Job Duties)

Article 30-5 A worker dispatching provider must endeavor to establish the wages (except the types of wage specified by Order of the Ministry of Health, Labour and Welfare, including commuting allowances) of the dispatched workers it employs (except dispatched workers referred to in Article 30-3, paragraph (2) and those whose treatment is as prescribed by the agreement referred to in paragraph (1) of the preceding Article (referred to below as a "worker covered under a collective agreement")) in consideration of their job duties, work outcomes, motivation, abilities, experience, and other things related to the realities of their work, while making considerations to achieve balance with regular workers employed by clients.

(Procedures for Preparing the Rules of Employment)

Article 30-6 Before preparing or amending the rules of employment in connection with a matter that concerns dispatched workers, a staffing provider must endeavor to hear the opinions of a person who is found to represent a majority of dispatched workers employed at the provider's place of business.

(Furthering Dispatched Workers' Welfare)

Article 30-7 Beyond what is provided for in Article 30 through the immediately preceding Article, a worker dispatching provider must endeavor to promote the welfare of the dispatched workers it employs and of workers it intends to employ as dispatched workers, by taking the necessary measures to ensure employment opportunities (including opportunities for them to be employed other than as dispatched workers) and educational training opportunities according to each worker's wishes, abilities, and experience, to improve their working conditions, and to otherwise stabilize their employment.

(Ensuring Proper Performance of Assigned Work)

Article 31 A worker dispatching provider must take the necessary measures and make other such appropriate considerations to ensure that a client, in having dispatched workers work under its directions and orders, does not violate the provisions of this Act or Acts applied pursuant to the provisions of Section 4 in connection with the assigned work, and to otherwise ensure that the assigned work is properly performed.

(Explaining the Particulars of Treatment)

Article 31-2 (1) A worker dispatching provider, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, must explain the particulars specified by Order of the Ministry of Health, Labour and Welfare to workers it seeks to employ as dispatched workers, including what it anticipates those workers' wages would be if the provider employed them as dispatched workers and other particulars of their treatment.

(2) Before hiring a worker as a dispatched worker, a worker dispatching provider must clearly indicate to the worker the particulars stated in item (i) by delivering a document or by other means specified by Order of the Ministry of Health, Labour and Welfare (referred to as "delivery of a document or equivalent means" in the following paragraph) and explain the details of the measures stated in item (ii) to the worker pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare:

(i) the particulars of the working conditions that are specified by Order of the Ministry of Health, Labour and Welfare, other than those specified by Order of the Ministry of Health, Labour and Welfare as provided in Article 15, paragraph (1) of the Labor Standards Act; and

(ii) the details of measures it has decided to take in connection with the particulars concerning which it has been established that measures are to be taken pursuant to the provisions of Article 30-3, Article 30-4, paragraph (1), and Article 30-5 (except for the particulars specified by Order of the Ministry of Health, Labour and Welfare as provided in Article 15, paragraph (1) of the Labor Standards Act and the particulars stated in the preceding item).

(3) Before providing worker dispatching (except where it is related to the agreement referred to in Article 30-4, paragraph (1)), a worker dispatching provider must clearly indicate the particulars stated in item (i) to the dispatched workers who will be subject to the worker dispatching arrangement through delivery of a document or equivalent means, and must explain to them the details of the measures stated in item (ii) pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare:

(i) the particulars specified by Order of the Ministry of Health, Labour and Welfare as provided in Article 15, paragraph (1) of the Labor Standards Act; and the particulars stated in item (i) of the preceding paragraph (except

- those specified by Order of the Ministry of Health, Labour and Welfare); and
- (ii) the details of the measures stated in item (ii) of the preceding paragraph.
- (4) If requested by a dispatched worker it employs, a worker dispatching provider must explain to the dispatched worker the details of and reasons for differences in treatment between the dispatched worker and the comparable worker prescribed in Article 26, paragraph (8), and the things that it has taken into account in deciding the particulars concerning which it has been established that measures are to be taken pursuant to the provisions of Articles 30-3 through 30-6.
- (5) A worker dispatching provider must not dismiss or otherwise treat a dispatched worker disadvantageously on the grounds of the worker's having made the request referred to in the preceding paragraph.

(Clearly Indicating to Workers That They Are Dispatched Workers)

- Article 32 (1) Before hiring a worker as a dispatched worker, a staffing provider must clearly indicate this to the worker (including that the provider seeks to employ the worker as a dispatched worker for employment placement dispatch, if this is the case).
- (2) Before a worker dispatching provider makes a worker it employs whom it has hired as a worker other than a dispatched worker the subject of a worker dispatching arrangement, it must clearly indicate this to the worker (including that the provider seeks to make the worker the subject of employment placement dispatch, if this is the case) and obtain the worker's consent.

(Prohibition of Restrictions on the Employment of Dispatched Workers)

- Article 33 (1) Without legitimate grounds, a worker dispatching provider must not enter into a contract with a dispatched worker it employs or a worker it seeks to employ as a dispatched worker prohibiting the worker from being employed by the client (including a person that once was a client; the same applies in the following paragraph) or the prospective client after the worker's employment relationship with the provider ends.
- (2) Without legitimate grounds, a worker dispatching provider must not enter into a contract with a client or prospective client to which it is providing or will provide a dispatched worker it employs prohibiting the client from employing the dispatched worker after the worker's employment relationship with the provider ends.

(Clear Indication of Working Conditions)

- Article 34 (1) Before providing worker dispatching, a worker dispatching provider must clearly indicate the following particulars (excluding the particulars stated in items (iii) and (iv) if the worker dispatching falls under

any of the items of Article 40-2, paragraph (1)) to dispatched workers who will be subject to the worker dispatching arrangement, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare:

- (i) the provider's intention to provide worker dispatching;
 - (ii) the particulars stated in the items of Article 26, paragraph (1) and other particulars specified by Order of the Ministry of Health, Labour and Welfare that concern those dispatched workers;
 - (iii) the first day on which the provider will be in violation of the provisions of Article 35-3 as it concerns work in an organizational unit at the place of business or place for the assigned work to be performed where the dispatched worker will be engaged in work under the worker dispatching arrangement; and
 - (iv) the first day on which the client will be in violation of the provisions of Article 40-2, paragraph (1) as it concerns work at the client's place of business or place for the assigned work to be performed where the dispatched worker will be engaged in work under the worker dispatching arrangement.
- (2) When a worker dispatching provider has received a notification under the provisions of Article 40-2, paragraph (7) from a client, the provider, without delay, must clearly indicate to the dispatched workers engaged in work at the place of business or place for the assigned work to be performed that the notification concerns, the first day on which the client will come to violate the provisions of paragraph (1) of that Article as it concerns work at the place of business or at the place for the assigned work to be performed, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (3) When giving a clear indication under the provisions of the preceding two paragraphs, a worker dispatching provider must also clearly indicate that if the client takes an action that falls under Article 40-6, paragraph (1), item (iii) or (iv), the client will be deemed to have offered a labor contract pursuant to the provisions of that paragraph.

(Clearly Indicating the Amount of the Worker dispatching Charge)

Article 34-2 In a case as stated in any of the following items, the staffing provider, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, must clearly indicate to the workers stated in the corresponding item the amount specified by Order of the Ministry of Health, Labour and Welfare as the amount of the worker dispatching charge as it concerns that worker:

- (i) if the provider seeks to hire the worker as a dispatched worker: that worker;
- (ii) when the provider seeks to provide worker dispatching or if it changes the amount of the worker dispatching charge: the dispatched workers who are subject to the worker dispatching arrangement.

(Notifying the Client)

Article 35 (1) When a staffing provider provides worker dispatching, it must notify the client of the following particulars pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare:

- (i) the names the dispatched workers who will be subject to the worker dispatching arrangement;
 - (ii) whether each dispatched worker who will be subject to the worker dispatching arrangement is covered under a collective agreement;
 - (iii) whether each dispatched worker who will be subject to the worker dispatching arrangement is on an open-ended contract or on a fixed-term contract;
 - (iv) whether each dispatched worker who will be subject to the worker dispatching arrangement is a person specified by Order of the Ministry of Health, Labour and Welfare as referred to in Article 40-2, paragraph (1), item (ii);
 - (v) for each dispatched worker who will be subject to the worker dispatching arrangement, particulars specified by Order of the Ministry of Health, Labour and Welfare concerning whether there is confirmation that the worker has acquired qualification as an insured person under the provisions of Article 39, paragraph (1) of the Health Insurance Act, confirmation that the worker has acquired qualification as an insured person under the provisions of Article 18, paragraph (1) of the Employees' Pension Insurance Act, and confirmation that the worker has become an insured person under the provisions of Article 9, paragraph (1) of the Employment Insurance Act; and
 - (vi) other particulars specified by Order of the Ministry of Health, Labour and Welfare.
- (2) If a particular as stated in items (ii) through (v) of the preceding paragraph changes after the staffing provider gives the notice under the provisions of that paragraph, it must notify the client of this without delay.

(Worker dispatching Period)

Article 35-2 If a client would violate the provisions of Article 40-2, paragraph (1) by using the worker dispatching staffing services provided by a staffing provider, the provider must not continue to provide worker dispatching beginning from the first day the violation would occur.

Article 35-3 A staffing provider must not continuously provide worker dispatching (excluding worker dispatching that falls under any of the items of Article 40-2, paragraph (1)) using the same dispatched worker for more than

three years for work in an organizational unit at the client's place of business or at the place for the assigned work to be performed.

(Prohibition of Worker dispatching Using Day Workers)

Article 35-4 (1) A staffing provider must not provide worker dispatching using the day workers it employs (referring to workers employed on a daily basis or for a fixed term not exceeding 30 days; the same applies in this paragraph), unless the provider provides worker dispatching for work whose swift and adequate performance requires expert knowledge, technical skills, or experience, and which is specified by Cabinet Order as work that is considered unlikely to interfere with the proper management of day workers' employment even if they are made to engage in it based on a worker dispatching staffing arrangement, or unless the worker dispatching is considered necessary to assist in the continued employment of workers for whom it is considered to be particularly difficult to ensure employment opportunities or in other such cases specified by Cabinet Order.

(2) Before drafting a proposal for the establishment or amendment of the Cabinet Order referred to in the preceding paragraph, the Minister of Health, Labour and Welfare must obtain the opinion of the Labor Policy Council.

(Prohibition on Worker dispatching Using Workers Separated from Employment)

Article 35-5 A staffing provider that seeks to provide worker dispatching must not do so if use of the worker dispatching services in question would cause the client to violate the provisions of Article 40-9, paragraph (1).

(Provider-Side Manager)

Article 36 A staffing provider must appoint a provider-side manager from among persons not falling under any items of (i), (ii), and (iv) through (ix) of Article 6 (excluding minors, and limited to persons who meet the criteria specified by Order of the Ministry of Health, Labour and Welfare as persons who are sufficiently able to properly manage the employment of dispatched workers), pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, in order to have that manager do the following things in connection with assigned work:

- (i) dealing with the particulars prescribed in Articles 32, 34, and 35 and the following Article;
- (ii) giving the necessary advice and guidance to dispatched workers;
- (iii) handling complaints submitted by dispatched workers;
- (iv) dealing with managing dispatched workers' personal information;
- (v) dealing with providing dispatched workers with educational training and

ensuring that they have opportunities to seek advice about career-path planning;

- (vi) communicating and coordinating about dispatched workers' health and safety with the person that oversees the administration of operations related to workers' health and safety at the place of business, and with clients; and
- (vii) dealing with communicating and coordinating with clients, beyond what is stated in the preceding items.

(Provider-Side Management Records)

Article 37 (1) A staffing provider must prepare a provider-side management record for assigned work and enter the following particulars in it for each dispatched worker, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare:

- (i) whether that worker is covered under a collective agreement;
 - (ii) whether that worker is on an open-ended contract or on a fixed-term contract (and the period of the labor contract, if the worker is on a fixed-term contract);
 - (iii) whether that worker is a person specified by Order of the Ministry of Health, Labour and Welfare as referred to in Article 40-2, paragraph (1), item (ii);
 - (iv) the name of the client;
 - (v) the locations of the client's places of business or other places at which the assigned work is performed and the organizational unit;
 - (vi) the worker dispatching period and the days on which assigned work is performed;
 - (vii) what times the worker starts and finishes work;
 - (viii) the kind of work that the dispatched worker engages in;
 - (ix) measures taken pursuant to the provisions of Article 30, paragraph (1) (including when the provisions are applied pursuant to the provisions of paragraph (2) of that Article following the deemed replacement of terms);
 - (x) the dates, times, and content of educational training provided (limited to educational training specified by Order of the Ministry of Health, Labour and Welfare);
 - (xi) the particulars of the handling of complaints submitted by the dispatched worker;
 - (xii) if the dispatched worker is subject to temp-to-perm placement, the particulars of the temp-to-perm placement; and
 - (xiii) other particulars specified by Order of the Ministry of Health, Labour and Welfare.
- (2) A staffing provider must retain the provider-side management record referred to in the preceding paragraph for three years.

(Application Mutatis Mutandis)

Article 38 The provisions of Article 33 and Article 34, paragraph (1) (excluding items (iii) and (iv)) apply mutatis mutandis to entities providing worker dispatching other than staffing providers. In this case, the phrase "client" in Article 33 is deemed to be replaced with "person using staffing services".

Section 3 Measures to Be Taken by Clients

(Measures Concerning Staffing Contracts)

Article 39 A client must take appropriate measures so that it does not violate the provisions of a staffing contract as it concerns the particulars stated in the items of Article 26, paragraph (1) and other particulars specified by Order of the Ministry of Health, Labour and Welfare.

(Ensuring Proper Assigned Work)

Article 40 (1) If a client receives a complaint concerning assigned work from a dispatched worker working under its directions and orders, the client must notify the staffing provider of the details of the complaint and endeavor, in good faith and without delay, to handle the complaint appropriately and promptly in close cooperation with the staffing provider.

(2) Unless a dispatched worker already has the abilities they need for the work in question and excepting other cases specified by Order of the Ministry of Health, Labour and Welfare, at the request of the staffing provider that employs a dispatched worker who is working under a client's directions and orders, the client must take the necessary measures such as also providing that dispatched worker with educational training it implements to give workers whom the client employs and who are engaged in the same type of work as that dispatched worker the abilities they need to perform their work, in order to enable the dispatched worker to acquire the abilities they need for that work.

(3) A client must provide a dispatched worker working under its directions and orders with opportunities to use workplace facilities that it provides the workers it employs an opportunity to use, and that Order of the Ministry of Health, Labour and Welfare specifies as contributing to the smooth performance of work.

(4) Beyond what is prescribed in the preceding three paragraphs, a client must make considerations for dispatched workers who are made to work under its directions and orders by taking the necessary measures for assigned work to be done properly and smoothly, such as maintaining a proper work environment and facilitating the use of the infirmary and other such facilities regularly used by the workers employed by the client (excluding the welfare facilities specified

by Order of the Ministry of Health, Labour and Welfare as referred to in the preceding paragraph).

- (5) In order for measures under the provisions of Articles 30-2 and 30-3, Article 30-4, paragraph (1), and Article 31-2, paragraph (4) to be taken appropriately, a client, at the request of the staffing provider, must make considerations for providing the needed cooperation, including by providing information on workers employed by the client who are engaged in the same type of work, information on the performance of work by the dispatched workers, and other information that is needed for those measures to be taken.

(Term for Using Worker Dispatching Services)

Article 40-2 (1) A client must not use the staffing services provided by a staffing provider continuously for a period exceeding the allowable term for a staffing arrangement for work at each of its places of business or places for the assigned work to be performed; provided, however, that this does not apply if the worker dispatching arrangement falls under any of the following items:

- (i) a worker dispatching arrangement involving a dispatched worker on an open-ended contract;
- (ii) a worker dispatching arrangement involving persons specified by Order of the Ministry of Health, Labour and Welfare as dispatched workers for whom it is particularly difficult to ensure employment opportunities and whose continued or otherwise employment it is considered necessary to assist in;
- (iii) a worker dispatching arrangement for work falling under (a) or (b) below:
 - (a) work for starting, converting, expanding, downsizing, or discontinuing an undertaking, that is scheduled to be completed within a fixed period of time;
 - (b) work carried out on a number of days per month that is considerably less than the prescribed number of working days per month for regular workers employed by the client where the assigned work takes place, and that is less than the number of days specified by the Minister of Health, Labour and Welfare;
- (iv) a worker dispatching arrangement to cover the work of a worker employed by the client when that worker takes leave under the provisions of Article 65, paragraphs (1) and (2) of the Labor Standards Act, or takes the child-care leave prescribed in Article 2, item (i) 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), or in other cases specified by Order of the Ministry of Health, Labour and Welfare as being equivalent to this; or
- (v) a worker dispatching arrangement to cover the work of a worker employed by the client when that worker takes the family care leave prescribed in

Article 2, item (ii) of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members or other leave specified by Order of the Ministry of Health, Labour and Welfare as equivalent to this.

- (2) The allowable term for a staffing arrangement which is referred to in the preceding paragraph (referred to below as the "allowable term for a staffing arrangement") is three years.
- (3) If a client seeks to use the worker dispatching staffing services (excluding services related to worker dispatching that falls under any of the items of paragraph (1); the same applies below in this paragraph) provided by a staffing provider during a continuous period exceeding three years for work at each of its places of business or places for assigned work to be performed, it may extend the allowable term for the staffing arrangement by up to three years, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, during the period that runs from the day on which provision of the staffing services begins for work at each of the client's places of business or places for assigned work to be performed (or from the day after the final day in the allowable term for the staffing arrangement prior to its extension pursuant to the provisions of this paragraph, if applicable) until the day one month before the first day on which the client will come to violate the provisions of paragraph (1) in connection with the work at each of those places of business or places for assigned work to be performed (referred to as the "period for hearing opinions" in the following paragraph). The same applies to any further extension of the extended allowable term for the staffing arrangement.
- (4) If a client seeks to extend the allowable term for a staffing arrangement, it must hear the opinions of the majority labor union or representative (meaning a labor union made up of a majority of the workers at the client's place of business, if there is one, or a person who represents a majority of the workers at that place of business, if there is no such labor union there; the same applies in the following paragraph) within the period for hearing opinions pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (5) If the majority labor union or representative whose opinions are heard pursuant to the provisions of the preceding paragraph raises an objection, the client must explain to the majority labor union or representative the particulars specified by Order of the Ministry of Health, Labour and Welfare, including the reason for the extension of the allowable term for the staffing arrangement, as it concerns the work at each of the client's places of business or places for assigned work to be performed, by the day before what would be the final day of the allowable term for a staffing arrangement prior to its extension.
- (6) A client must endeavor to faithfully hear opinions pursuant to the provisions

of paragraph (4) and give an explanation pursuant to the provisions of the preceding paragraph in line with the purposes of this Act.

- (7) If a client has extended the allowable term for a staffing arrangement pursuant to the provisions of paragraph (3), it must promptly notify the staffing provider that is providing the worker dispatching of the first day the client will come into conflict with the provisions of paragraph (1) with regard to work at each of the client's places of business or places for assigned work to be performed.
- (8) Before establishing or amending the Order of the Ministry of Health, Labour and Welfare referred to in paragraph (1), item (ii), (iv) or (v), the Minister of Health, Labour and Welfare must obtain the opinion of the Labor Policy Council.

Article 40-3 If the allowable term for a staffing arrangement is extended pursuant to the provisions of paragraph (3) of the preceding Article, a client must not continuously use worker dispatching services (excluding worker dispatching that falls under any of the items of paragraph (1) of that Article) that the staffing provider provides using the same dispatched worker for a period exceeding three years for work in an organizational unit at the client's place of business or at the place for assigned work to be performed.

(Employment of Prescribed Dispatched Workers on Fixed-Term Contracts)

Article 40-4 If a client has used worker dispatching services (excluding services associated with worker dispatching that falls under any of the items of Article 40-2, paragraph (1)) that a staffing provider provides using the same prescribed dispatched worker on a fixed-term contract during a continuous period of one year or longer for work in an organizational unit at the client's place of business or at the place for assigned work to be performed, and the client seeks to hire a worker on or after the day that follows the final day in the period during which it used those staffing services (referred to below as "the period the client implemented the staffing arrangement" in this Article) so as to have a worker continue to engage in that work, it must endeavor to hire the prescribed dispatched worker who was continuously engaged in that same work during the period the client implemented the staffing arrangement (limited to a person specified by Order of the Ministry of Health, Labour and Welfare as one who wishes to continue to do that work).

(Providing Information on Recruitment of Workers to Be Employed by Clients)

Article 40-5 (1) If a client has used the worker dispatching services that a staffing provider provides using the same dispatched worker during a continuous period of one year or longer at the client's place of business or at

the place for assigned work to be performed, and the client is looking to recruit someone as a regular worker who will be engaged in work at that place of business or place for assigned work to be performed, it must provide the dispatched worker with information on the recruitment, including the details, wages, and working hours for the work in which the person would be engaged, by taking measures such as posting that information at the place in question.

- (2) To apply the provisions of the preceding paragraph to prescribed dispatched workers on fixed-term contracts (limited to those specified by Order of the Ministry of Health, Labour and Welfare as those who desire to be continuously employed) who have a prospect of continuously engaging in assigned work for three years with regard to work in an organizational unit at a client's place of business or at the place for assigned work to be performed, the terms "worker dispatching" and "regular worker" in that paragraph are deemed to be replaced with "worker dispatching (excluding worker dispatching that falls under any of the items of Article 40-2, paragraph (1))" and "worker", respectively.

Article 40-6 (1) When a person using staffing services (excluding organs of the national government (including agencies engaged in administrative execution (meaning an agency engaged in administrative execution defined in Article 2, paragraph (4) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999)); the same applies in the following Article) and local governments (including specified local incorporated administrative agencies (referring to the specified local incorporated administrative agency defined in Article 2, paragraph (2) of the Local Incorporated Administrative Agency Act (Act No. 118 of 2003)); the same applies in the following Article); the same applies below in this Article) takes any of the actions stated in the following items, the person is deemed to have offered a labor contract to the dispatched worker who is subject to the worker dispatching arrangement, with the same working conditions as those applicable to the dispatched worker as of the time when the action is taken; provided, however, that this does not apply if the person using staffing services was unaware that the action taken falls under the category of an action stated in the following items, and was not negligent in failing to learn this:

- (i) engaging the dispatched worker in work that falls under any of the items of Article 4, paragraph (1) in violation of the provisions of paragraph (3) of that Article;
- (ii) using staffing services in violation of the provisions of Article 24-2;
- (iii) using staffing services in violation of the provisions of Article 40-2, paragraph (1) (excluding violations of the provisions of paragraph (1) of that Article resulting from the absence of the hearing procedures prescribed in paragraph (4) of that Article as specified by Order of the Ministry of Health,

Labour and Welfare);

- (iv) using staffing services in violation of the provisions of Article 40-3; or
 - (v) entering into a service contract or any other contract that is nominally other than for worker dispatching for the purpose of evading the application of the provisions of this Act or any law that is applicable pursuant to the provisions of the following Section, and using staffing services without providing for the particulars stated in the items of Article 26, paragraph (1) in the contract.
- (2) A person using staffing services that has been deemed to have offered a labor contract pursuant to the provisions of the preceding paragraph may not terminate the offer within one year from the day on which the applicable act prescribed in that paragraph that resulted in the offer ends.
- (3) If a person using staffing services that has been deemed to have offered a labor contract pursuant to the provisions of paragraph (1) does not receive the manifestation of intention to accept or not to accept the offer within the period stated in the preceding paragraph, the offer ceases to be effective.
- (4) At the request of the person using staffing services, the business entity that provides worker dispatching involving a dispatched worker who is subject to a labor contract that is deemed to have been offered pursuant to the provisions of paragraph (1) must promptly notify the person of the working conditions of the dispatched worker as of the time when the labor contract is deemed to have been offered pursuant to the provisions of that paragraph.

Article 40-7 (1) If a person using staffing services that is an organ of the national government or a local government takes an action that falls under any of the items of paragraph (1) of the preceding Article (other than in a case as referred to in the proviso to that paragraph), and if a dispatched worker subject to the worker dispatching arrangement requests, within one year from the day on which the relevant action has ended, that the dispatched worker be engaged in the same work as the work under the arrangement at the organ of the national or local government, the organ of the national or local government, in line with the purposes of the provisions of that paragraph and from the viewpoint of ensuring employment security for the dispatched worker, must hire that person based on the provisions of the National Public Service Act (Act No. 120 of 1947; including as applied mutatis mutandis pursuant to the Act on Temporary Measures concerning Court Officials (Act No. 299 of 1951)), the Diet Officers Act (Act No. 85 of 1947), the Self-Defense Forces Act (Act No. 165 of 1954), the Local Public Service Act (Act No. 261 of 1950), or other applicable laws and regulations, or must take other appropriate measures.

- (2) At the request of the organ of the national or local government associated with the worker dispatching arrangement in question, the business entity that

provides worker dispatching involving a dispatched worker who has made a request as prescribed in the preceding paragraph must promptly notify the organ of the national or local government of the working conditions of the dispatched worker as of the time when the relevant organ of the national or local government committed an act that falls under any of the items of paragraph (1) of the preceding Article.

Article 40-8 (1) At the request of a person using staffing services or a dispatched worker, the Minister of Health, Labour and Welfare may give the necessary advice about whether an act by a person using staffing services falls under any of the items of Article 40-6, paragraph (1).

(2) If a dispatched worker whom a labor contract that is found to have been offered pursuant to the provisions of Article 40-6, paragraph (1) concerns accepts the offer but is not allowed to work by the person using staffing services that has been found to have offered the labor contract pursuant to the provisions of that paragraph, the Minister of Health, Labour and Welfare may give the person using staffing services the necessary advice, guidance, or recommendations about the employment of the dispatched worker.

(3) If a person using staffing services that has been found to have offered a labor contract pursuant to the provisions of Article 40-6, paragraph (1) does not follow the recommendation given by the Minister of Health, Labour and Welfare, pursuant to the provisions of the preceding paragraph, that the relevant dispatched worker should be allowed to work, the Minister of Health, Labour and Welfare may make this public.

(Prohibition on Using Worker Dispatching Services Involving Workers Separated from Employment)

Article 40-9 (1) If a client seeks to use worker dispatching services but a dispatched worker subject to the worker dispatching arrangement is a person separated from employment with the client, the client must not use staffing services involving that dispatched worker (excluding dispatched workers specified by Order of the Ministry of Health, Labour and Welfare as those for whom it is particularly difficult to ensure employment opportunities and whose continued employment it is considered necessary to assist in) until the final day in the one-year period counting from the date of the separation from employment.

(2) If a client has received a notification under the provisions of Article 35, paragraph (1) and it would violate the provisions of the preceding paragraph if the client were to use the worker dispatching services in question, the client must promptly notify the provider that seeks to provide the worker dispatching of this.

(Client-Side Manager)

Article 41 A client must appoint a client-side manager pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, to have that person carry out the following particulars with regard to assigned work:

- (i) making the details of the following particulars known to persons in a job position that involves them giving directions and orders on dispatched workers' work performance, and to other persons concerned:
 - (a) the provisions of this Act and the Acts applied pursuant to the provisions of the following Section (including provisions concerning orders based on these provisions);
 - (b) the provisions of the staffing contract prescribed in Article 39 which concern the dispatched workers;
 - (c) the notification under the provisions of Article 35 concerning the dispatched workers;
- (ii) dealing with the particulars prescribed in Article 40-2, paragraph (7) and the following Article;
- (iii) handling complaints submitted by dispatched workers;
- (iv) communicating and coordinating about dispatched workers' health and safety with the person that oversees the administration of operations related to workers' health and safety at the relevant place of business and with the staffing provider; and
- (v) communicating and coordinating with staffing providers, beyond what is stated in the preceding items.

(Client-Side Management Records)

Article 42 (1) A client must prepare a client-side management record with regard to assigned work and enter in the record the following particulars with regard to each dispatched worker, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare:

- (i) whether the worker is a worker covered under a collective agreement;
- (ii) whether the worker is its dispatched worker on an open-ended contract or its dispatched worker on a fixed-term contract;
- (iii) whether the worker is a person specified by Order of the Ministry of Health, Labour and Welfare as referred to in Article 40-2, paragraph (1), item (ii);
- (iv) the name of the staffing provider;
- (v) the days on which the assigned work was performed;
- (vi) what time the worker started and finished work and rest breaks during work, for each day on which assigned work was performed;
- (vii) the kind of work that the dispatched worker was engaged in;

- (viii) the particulars of the handling of complaints submitted by the dispatched worker;
 - (ix) if the dispatched worker is subject to temp-to-perm placement, the particulars of their temp-to-perm placement;
 - (x) the date, time, and content of educational training provided (limited to educational training specified by Order of the Ministry of Health, Labour and Welfare); and
 - (xi) other particulars specified by Order of the Ministry of Health, Labour and Welfare.
- (2) A client must retain the client-side management record referred to in the preceding paragraph for three years.
- (3) Pursuant to Order of the Ministry of Health, Labour and Welfare, a client must notify a staffing provider of the particulars stated in each item of paragraph (1) (excluding item (iv)).

(Application Mutatis Mutandis)

Article 43 The provisions of Article 39 apply mutatis mutandis to persons that use staffing services but that do not constitute clients.

Section 4 Special Application of the Labor Standards Act and Related Acts

(Special Application of the Labor Standards Act)

- Article 44 (1) The provisions of Articles 3, 5, and 69 of the Labor Standards Act (including penal provisions related to these provisions) apply to the assigned work of a worker provided for in Article 9 of that Act (excluding a person who is employed at a business at which only relatives living together are employed, or a domestic employee) who is employed by an entity that controls a business as prescribed in that Article (simply referred to below as a "business" in this Section) (the entity in control of such a business is simply referred to below as an "entity" in this Article), who has been assigned to another entity's business in order to do assigned work at that business, and who is not employed by that other entity (that other entity is referred to below as the "client entity" in this Article) (such a worker is referred to below as an "assigned worker" in this Section); the business to which the assigned worker has been assigned (referred to below as the "client's business" in this Section) is deemed to also be a business at which the assigned worker is employed, and the provisions of Articles 3, 5, and 69 of that Act (including the associated penal provisions) apply.
- (2) The client's business is deemed to be the only business at which the assigned worker is employed as it concerns the assigned work performed by an assigned

worker, and the provisions of Article 7, Article 32, Article 32-2, paragraph (1), Article 32-3, paragraph (1), Article 32-4, paragraphs (1) through (3), Articles 33 through 35, Article 36, paragraphs (1) and (6), Article 40, Article 41, Articles 60 through 63, Article 64-2, Article 64-3, Articles 66 through 68, and Article 141, paragraph (3) of the Labor Standards Act and the provisions of orders based on these provisions (including penal provisions related to these provisions) apply. In that case, the phrase "at the workplace" in Article 32-2, paragraph (1) of that Act is deemed to be replaced with "at the workplace of the provider's business (which means the provider's business prescribed in Article 44, paragraph (3) of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched workers (referred to below as the "Worker Dispatching Act"); the same applies below), in which the provider-side employer as prescribed in that paragraph (such employer is simply referred to below as a "provider-side employer")"; the phrase "pursuant to rules of employment or the equivalent", in Article 32-3 of the Labor Standards Act is deemed to be replaced with "pursuant to rules of employment or the equivalent, a provider-side employer"; the phrase "a worker for whom" in that Article is deemed to be replaced with "a worker who can be made to work for the working hours under the provisions of Article 26 of the Worker Dispatching Act, based on the staffing contract with regard to the worker concerned under paragraph (1) of that Article"; the phrase "at that workplace" in that Article is deemed to be replaced with "at the workplace of the business of the relevant provider's business, where the provider-side employer"; the phrase "at that workplace" in Article 32-4, paragraphs (1) and (2) of the Labor Standards Act is deemed to be replaced with "at the workplace of the business of the relevant provider's business, where the provider-side employer"; the phrase "at that workplace" in Article 36, paragraph (1) of that Act is deemed to be replaced with "at the workplace of the provider's business, where the provider-side employer"; and the phrase "concluded a written agreement" in that Article is deemed to be replaced with "concluded a written agreement and".

- (3) The employer provided for in Article 10 of the Labor Standards Act for the business of an entity that provides worker dispatching (such a business is referred to below as the "provider's business" in this Section) (such an employer is referred to below as the "provider-side employer" in this Article) must not provide worker dispatching if the person that would be deemed, pursuant to the preceding paragraph, to be the employer that Article 10 of the Labor Standards Act prescribes for the business of the entity using the worker dispatching services would violate the provisions of Article 32, 34, or 35, Article 36, paragraph (6), Article 40, Articles 61 through 63, Article 64-2 or 64-3, or Article 141, paragraph (3) of that Act, or the provisions of any orders based on these provisions (referred to as "the provisions of laws and

regulations concerning labor standards" in the following paragraph), as applied pursuant to the provisions of the preceding paragraph, if it were to cause the dispatched worker who would be subject to the worker dispatching arrangement to work in accordance with the assigned work conditions that the associated staffing contract prescribes.

- (4) If a provider-side employer violates the provisions of the preceding paragraph (limited to a case in which the person that is deemed, pursuant to the provisions of paragraph (2), to be the employer prescribed in Article 10 of the Labor Standards Act for that client's business violates the relevant provisions of laws and regulations concerning labor standards with regard to a worker assigned under the relevant staffing arrangement), the provider-side employer is deemed to have violated the relevant provisions of laws and regulations concerning labor standards, and the provisions of Articles 118, 119, and 121 of the Labor Standards Act apply.
- (5) To apply the exceptions to the Labor Standards Act under the provisions of each of the preceding paragraphs, the following provisions (including penal provisions relating to these provisions), the following terms are deemed to be replaced in the following manner: the phrase "that workplace" in Article 38-2, paragraph (2) of that Act is deemed to be replaced with "the workplace (for the assigned work prescribed in Article 23-2 of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (Act No. 88 of 1985; referred to below as the "Worker Dispatching Act"), the workplace of the provider's business prescribed in Article 44, paragraph (3) of the Worker Dispatching Act)"; the phrase "if the employer has assigned a worker" in Article 38-3, paragraph (1) of the Labor Standards Act is deemed to be replaced with "if the employer has assigned a worker (including if the client-side employer (meaning the person deemed, pursuant to the provisions of paragraph (1) or (2) of that Article, to be the employer prescribed in Article 10 of the Worker Dispatching Act for the client's business prescribed in Article 44, paragraph (1) of that Act; the same applies below) has assigned a worker)"; the phrase "this Act" in Article 99, paragraphs (1) through (3), Article 100, paragraphs (1) and (3), and Article 104-2 of the Labor Standards Act is deemed to be replaced with "this Act and the provisions of Article 44 of the Worker Dispatching Act"; the phrase "employer" in Article 101, paragraph (1), Article 104, paragraph (2), Article 104-2, Article 105-2, Article 106, paragraph (1), and Article 109 of the Labor Standards Act is deemed to be replaced with "employer (including client-side employers)"; the phrase "criminal violations of this Act" in Article 102 of that Act is deemed to be replaced with "criminal violations (including the crimes prescribed in Articles 118, 119, and 121 of the Labor Standards Act under the provisions of Article 44, paragraph (4) of the Worker Dispatching Act) of this Act (including as applied pursuant to the provisions of

Article 44 of that Act)"; the phrase "this Act or an order issued pursuant to this Act" in Article 104, paragraph (1) of the Labor Standards Act is deemed to be replaced with "the provisions of this Act or orders issued based on this Act (including as applied pursuant to the provisions of Article 44 of the Worker Dispatching Act), or the provisions of paragraph (3) of that Article"; the phrase "this Act" in Article 106, paragraph (1) of the Labor Standards Act is deemed to be replaced with "this Act (including the provisions of Article 44 of the Worker Dispatching Act; the same applies below in this paragraph)"; the phrase "agreement and any resolution as provided in Article 38-4, paragraphs (1) and (5)" in Article 106, paragraph (1) of the Labor Standards Act is deemed to be replaced with "agreement and any resolution as provided in Article 38-4, paragraphs (1) and (5) (including as applied mutatis mutandis pursuant to Article 41-2, paragraph (3)) and Article 41-2, paragraph (1) (for the client-side employer, the main points of this Act and orders based on this Act)"; and the phrase "this Act and orders based on this Act" in Article 112 of the Labor Standards Act is deemed to be replaced with "the provisions of this Act and orders issued based on this Act (including as applied pursuant to the provisions of Article 44 of the Worker Dispatching Act), and the provisions of paragraph (3) of that Article".

- (6) Technical replacements of terms and other things needed to apply the provisions of the Labor Standards Act and orders issued based on it pursuant to the provisions of this Article are prescribed by orders.

(Special Application of the Industrial Safety and Health Act)

Article 45 (1) The person running a client's business where a worker has been assigned to do work is deemed to also be the employer that employs that assigned worker (meaning the employer prescribed in Article 2, item (iii) of the Industrial Safety and Health Act (Act No. 57 of 1972); the same applies below in this Article), such an assigned worker is deemed to also be a worker employed by the person running that client's business, and the provisions of Article 3, paragraph (1), Articles 4 and 10, Articles 12 through 13 (excluding paragraphs (2) and (3)), Articles 13-2, 13-3, 18, and 19-2, Article 59, paragraph (2), Articles 60-2 and 62, Article 66-5, paragraph (1), and Articles 69 and 70 (including penal provisions related to these provisions) of that Act apply to the client's business where the worker has been assigned to do that work. In that case, the phrase "Article 25-2, paragraph (2)" in Article 10, paragraph (1) of that Act is deemed to be replaced with "Article 25-2, paragraph (2) (including as applied pursuant to the provisions of Article 45, paragraph (3) of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (referred to below as the "Worker Dispatching Act"))", and the phrase "the following operations" in Article 10, paragraph (1) of the

Industrial Safety and Health Act is deemed to be replaced with "the following operations (with regard to an assigned worker prescribed in Article 44, paragraph (1) of the Worker Dispatching Act (simply referred to below as an "assigned worker"), the operations referred to in item (ii) (excluding those connected with special education on health or safety as prescribed in Article 59, paragraph (3)), the operations referred to in item (iii) (limited to those connected with medical examinations under the provisions of Article 66, paragraph (1) (including medical examinations that fall under the provisions of the second sentence of paragraph (2) of that Article and are specified by Order of the Ministry of Health, Labour and Welfare) and medical examinations associated with to the above medical examinations under the provisions of paragraph (4) of that Article, and medical examinations associated with those medical examinations above under the provisions of the proviso to paragraph (5) of that Article), and the operations referred to in item (v) (limited to those operations specified by Order of the Ministry of Health, Labour and Welfare) are excluded; referred to below as "health and safety management operations at the client's place of business" in Article 12, paragraph (1) and Article 12-2"; in Article 12, paragraph (1) and Article 12-2, the phrase "the operations listed in each item of Article 10, paragraph (1)" is deemed to be replaced with "health and safety management operations at the client's place of business", the phrase "Article 25-2, paragraph (2)" is deemed to be replaced with "Article 25-2, paragraph (2) (including as applied pursuant to the provisions of Article 45, paragraph (3) of the Worker Dispatching Act)", and the phrase "in each item of paragraph (1) of that Article" is deemed to be replaced with "in each item of Article 25-2, paragraph (1)"; in Article 13, paragraph (1), the phrase "healthcare to workers and undertake other duties specified by Order of the Ministry of Health, Labour and Welfare (hereinafter" is deemed to be replaced with "healthcare to workers and undertake other duties specified by Order of the Ministry of Health, Labour and Welfare (with regard to assigned workers, excluding duties specified by Order of the Ministry of Health, Labour and Welfare from the relevant duties; in paragraphs (4) and (5), the following Article, and Article 13-3"; in paragraph (4) of that Article, the phrase "other information provided" is deemed to be replaced with "other information provided (with regard to assigned workers, from relevant pieces of information, excluding information on the particulars specified by Order of the Ministry of Health, Labour and Welfare referred to in paragraph (1))"; and in Article 18, paragraph (1) of the Industrial Safety and Health Act, the phrase "the following particulars" is deemed to be replaced with "the following particulars (with regard to assigned workers, excluding particulars specified by Order of the Ministry of Health, Labour and Welfare from the relevant particulars)".

(2) To apply the provisions of Article 10, paragraph (1), Article 12, paragraph (1),

Article 12-2, Article 13, paragraphs (1) and (4), and Article 18, paragraph (1) of the Industrial Safety and Health Act to a provider's business employing workers who are assigned to do assigned work at a client's business, the phrase "the following operations" in Article 10, paragraph (1) of that Act is deemed to be replaced with "the following operations (with regard to assigned workers prescribed in Article 44, paragraph (1) of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched workers (referred to below as the "Worker Dispatching Act") (such a worker is referred to below simply as an "assigned worker"), excluding operations over which the person running the client's business as prescribed in Article 44, paragraph (1) of the Worker Dispatching Act appoints a general health and safety manager to exercise overall control pursuant to the provisions of this paragraph as applied by replacing the terms pursuant to the provisions of Article 45, paragraph (1) of the Worker Dispatching Act; such operations are referred to as "health and safety management operations at the client's place of business" in Article 12, paragraph (1) and Article 12-2)"; the phrase "the operations listed in each item of Article 10, paragraph (1)" in Article 12, paragraph (1) and Article 12-2 of the Industrial Safety and Health Act is deemed to be replaced with "health and safety management operations at the client's place of business"; the phrase "healthcare to workers and undertake other duties specified by Order of the Ministry of Health, Labour and Welfare (hereinafter" in Article 13, paragraph (1) of that Act is deemed to be replaced with "healthcare to workers and undertake other duties specified by Order of the Ministry of Health, Labour and Welfare (with regard to assigned workers, limited to duties specified by Order of the Ministry of Health, Labour and Welfare among the duties mentioned above; in paragraphs (4) and (5), the following Article, and Article 13-3"; the phrase "other information provided" in paragraph (4) of that Article is deemed to be replaced with "other information provided (with regard to assigned workers, among relevant pieces of information, limited to information related to particulars specified by Order of the Ministry of Health, Labour and Welfare referred to in paragraph (1))"; and the phrase "the following particulars" in Article 18, paragraph (1) of the Industrial Safety and Health Act is deemed to be replaced with "the following particulars (with regard to assigned workers, limited to particulars specified by Order of the Ministry of Health, Labour and Welfare among the relevant particulars)".

- (3) The person running a client's business where a worker has been assigned to do work is deemed to be the employer that employs the assigned worker; such an assigned worker is deemed to be a worker employed by the person running the client's business; and the provisions of Article 11, Articles 14 through 15-3, Article 17, Articles 20 through 27, Articles 28-2 through 30-3, Article 31-3, Article 36 (limited to the part related to the provisions of Article 30,

paragraphs (1) and (4), Article 30-2, paragraphs (1) and (4), and Article 30-3, paragraphs (1) and (4)), Article 45 (excluding paragraph (2)), Articles 57-3 through 57-5, Article 59, paragraph (3), Article 60, Article 61, paragraph (1), Articles 65 through 65-4, the first sentence and second sentence of Article 66, paragraph (2) (limited to the part concerning workers whom the person running the client's business has had engage in work specified by Cabinet Order referred to in the second sentence of that paragraph (including assigned workers); the same applies below in this Article), Article 66, paragraphs (3), (4) (limited to the part related to the provisions of the first sentence and second sentence of paragraph (2) of Article 66 and Article 66, paragraph (3) of the Industrial Safety and Health Act; the same applies below in this Article), and (5) (limited to the part related to the provisions of the first sentence and second sentence of paragraph (2) of Article 66 and Article 66, paragraphs (3) and (4) of that Act; the same applies below in this Article), Article 66-3 (limited to the part related to the provisions of the first sentence and second sentence of paragraph (2) of Article 66 and Article 66, paragraphs (3), (4), and (5) of that Act; the same applies below in this Article), Articles 66-8-3, 68, 68-2, and 71-2, Chapter IX, Section 1, and Articles 88 through 89-2 of the Industrial Safety and Health Act and the provisions of orders based on those provisions (including penal provisions related to those provisions) apply to the client's business where that worker has been assigned to do that work. In this case, the phrase "the provisions of this Act or an order under this Act" in Article 29, paragraph (1) of that Act is deemed to be replaced with "the provisions of this Act or orders based on this Act (including as applied pursuant to the provisions of Article 45 of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (referred to below as the "Worker Dispatching Act")), or the provisions of paragraph (10) of that Article or orders based on the provisions of that paragraph"; the phrase "the provisions of this Act or an order based on this Act" in paragraph (2) of that Article is deemed to be replaced with "the provisions of this Act or orders based on this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act), or the provisions of paragraph (10) of that Article or orders based on the provisions of that paragraph"; the phrase "this Act or an order hereunder" in Article 30, paragraph (1), item (v) and Article 88, paragraph (6) of the Industrial Safety and Health Act is deemed to be replaced with "the provisions of this Act or orders based on this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act)"; the phrase "paragraphs (1) through (4) of Article 66, proviso in paragraph (5) and Article 66-2" in Article 66-4 of the Industrial Safety and Health Act is deemed to be replaced with "the first sentence or second sentence of paragraph (2) of Article 66 (limited to the part concerning workers whom a

person running a client's business has had engage in the work specified by Cabinet Order referred to in the second sentence of that paragraph (including assigned workers prescribed in Article 44, paragraph (1) of the Worker Dispatching Act); the same applies below in this Article), Article 66, paragraphs (3) and (4) (limited to the part related to the provisions of the first sentence and second sentence of paragraph (2) of Article 66 and Article 66, paragraphs (3) and (4); the same applies below in this Article), or the proviso to Article 66, paragraph (5) (limited to the part related to the provisions of the first sentence and second sentence of paragraph (2) of Article 66 and Article 66, paragraphs (3) and (4))"; and the phrase "paragraph (1) of Article 66-8" in Article 66-8-3 of the Industrial Safety and Health Act is deemed to be replaced with "Article 66-8, paragraph (1), an employer for a provider's business (referring to the provider's business prescribed in Article 44, paragraph (3) of the Worker Dispatching Act)".

- (4) To apply the provisions of Article 45, paragraph (2) of the Industrial Safety and Health Act to a person that is deemed, pursuant to the provisions of the preceding paragraph, to be the entity employing an assigned worker, the term "employer" in that paragraph is deemed to be replaced with "the person deemed to be the entity employing an assigned worker, as prescribed in Article 44, paragraph (1) of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers, pursuant to the provisions of Article 45, paragraph (3) of that Act".
- (5) To apply the provisions of the first sentence of paragraph (3) and the provisions of Article 45, paragraph (2) of the Industrial Safety and Health Act to a provider's business that has assigned a worker employed by that business to do assigned work at a client's business, the employer at the provider's business is deemed not to employ the assigned worker, and that assigned worker is deemed not to be employed by the employer at the provider's business.
- (6) The employer at a provider's business must not provide dispatched workers if the person that would be deemed, pursuant to the preceding paragraph, to be the employer of the worker assigned to do the assigned work at its business, would violate the provisions of Article 59, paragraph (3), Article 61, paragraph (1), Article 65-4, or Article 68 of the Industrial Safety and Health Act (simply referred to as "the provisions of the Industrial Safety and Health Act" in the following paragraph) as applied pursuant to the provisions of paragraph (3) above, if it were to cause the worker who would be subject to the worker dispatching arrangement to work in accordance with the assigned work conditions that the associated staffing contract prescribes.
- (7) If the employer at a provider's business has violated the provisions of the preceding paragraph (but only if the person deemed to be the employer of the

assigned worker pursuant to the provisions of paragraph (3) has violated the relevant provisions of the Industrial Safety and Health Act in connection with the assigned worker under the worker dispatching arrangement), the employer at the provider's business is deemed to have violated the provisions of the Industrial Safety and Health Act, and the provisions of Articles 119 and 122 of that Act apply.

- (8) Beyond what is prescribed in paragraphs (1), (3), and (4), in Article 5, paragraph (1) of the Industrial Safety and Health Act, the phrase "employers" is deemed to be replaced with "employers (including a person running a client's business prescribed in Article 44, paragraph (1) of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (referred to below as the "Worker Dispatching Act") (such employer is referred to below as a "client employer"))"; in paragraph (4) of that Article, the phrase "employer in those undertakings" is deemed to be replaced with "employer in those undertakings or the person deemed to be the employer under those undertakings pursuant to the provisions of Article 45 of the Worker Dispatching Act", the phrase "employed solely by the representative" is deemed to be replaced with "workers employed solely by the representative and not by a person other than the representative among relevant employers under those undertakings (including the client employer)", and the phrase "this Act" is deemed to be replaced with "this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act)"; in Article 16, paragraph (1) of the Industrial Safety and Health Act, the phrase "paragraph (1) or (3) of Article 15" is deemed to be replaced with "Article 15, paragraph (1) or (3) as applied pursuant to the provisions of Article 45, paragraph (3) of the Worker Dispatching Act"; in Article 19 of the Industrial Safety and Health Act and Article 17, paragraph (4) as applied mutatis mutandis pursuant to paragraph (4) of Article 19, the phrase "employer" is deemed to be replaced with "client employer"; in Article 19, paragraph (1) of the Industrial Safety and Health Act, the phrase "Article 17 and the preceding Article" is deemed to be replaced with "Article 17 and the preceding Article as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act"; and in Article 19, paragraphs (2) and (3) and Article 17, paragraphs (4) and (5) as applied mutatis mutandis pursuant to Article 19, paragraph (4), the phrase "workers" is deemed to be replaced with "workers (including assigned workers prescribed in Article 44, paragraph (1) of the Worker Dispatching Act)"; and those provisions apply to the person running a client's business where a worker has been assigned to do work.
- (9) To apply the provisions of Article 19, paragraph (1) of the Industrial Safety and Health Act to a provider's business that has assigned a worker it employs to do assigned work at a client's business, the phrase "Article 17 and the

preceding Article" in that paragraph is deemed to be replaced with "Article 17 and the preceding Article as applied pursuant to the provisions of Article 45 of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers".

- (10) A person deemed to be an employer of assigned workers pursuant to the provisions of paragraph (3) (including a person deemed to be their employer pursuant to the provisions of Article 5, paragraph (4) of the Industrial Safety and Health Act as applied following a deemed replacement of terms pursuant to the provisions of paragraph (8)) must without delay, after having implemented medical examinations for those assigned workers under the provisions of paragraph (2), (3), or (4) of Article 66 of that Act as applied pursuant to the provisions of paragraph (3), or upon the submission of documents certifying the results of the medical examination under the provisions of the proviso to paragraph (5) of that Article by those assigned workers, prepare documents stating the results of the medical examinations based on records on the assigned workers under the provisions of Article 66-3 and send the documents to the employer at the provider's business, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (11) An employer at a provider's business that has received the documents referred to in the preceding paragraph pursuant to the provisions of that paragraph must retain them pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (12) A person violating the provisions of the preceding two paragraphs is subject to a fine of not more than 300,000 yen.
- (13) If a representative of a corporation, or an agent, employee, or other worker of a corporation or individual, commits a violation referred to in the preceding paragraph in connection with the 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 that paragraph.
- (14) Upon obtaining the opinion of a physician or dentist pursuant to the provisions of Article 66-4 of the Industrial Safety and Health Act as applied to assigned workers pursuant to the provisions of paragraph (3), a person as referred to in paragraph (10) must notify the employer at the provider's business of that opinion without delay, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (15) For the special application of the Industrial Safety and Health Act under the provisions of each of the preceding paragraphs, the following provisions (including penal provisions related to these provisions) apply with the provided terms being replaced in the provided manner: the phrase "employers" in Article 9 of that Act is deemed to be replaced with "employers (including a person running a client's business provided for in Article 44, paragraph (1) of the Act

on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (referred to below as the "Worker Dispatching Act") (such a person is referred to below as a "client employer"); the same applies below in this Article"); the phrase "employers" in Article 28, paragraph (4), Article 32, paragraphs (1) through (4), Article 33, paragraph (1), Article 34, Article 63, Article 66-5, paragraph (3), Article 70-2, paragraph (2), Article 71-3, paragraph (2), Article 71-4, Article 93, paragraphs (2) and (3), Article 97, paragraph (2), Article 98, paragraph (1), Article 99, paragraph (1), Article 99-2, paragraphs (1) and (2), Articles 100 through 102, Article 104, paragraphs (1), (2), and (4), Article 106, paragraph (1), and Article 108-2, paragraph (3) of the Industrial Safety and Health Act is deemed to be replaced with "employers (including client employers)"; the phrase "workers employed by" in Article 31, paragraph (1) of that Act is deemed to be replaced with "workers (including assigned workers prescribed in Article 44, paragraph (1) of the Worker Dispatching Act (simply referred to below as a "assigned worker") employed by)"; the phrase "workers" in Articles 31-2 and 31-4 and Article 32, paragraphs (4), (6), and (7) of the Industrial Safety and Health Act is deemed to be replaced with "workers (including assigned workers)"; the phrase "the provisions of this Act or an order issued under this Act" in Article 31-4 and Article 97, paragraph (1) of the Industrial Safety and Health Act is deemed to be replaced with "the provisions of this Act or orders based on this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act), or the provisions of paragraph (6), (10), or (11) of that Article or the provisions of orders based on these provisions"; the phrase "this Act" in Article 90, Article 91, paragraph (1), and Article 100 of the Industrial Safety and Health Act is deemed to be replaced with "the provisions of this Act and Article 45 of the Worker Dispatching Act"; the phrase "crime that violates this Act" in Article 92 of the Industrial Safety and Health Act is deemed to be replaced with "crime (including the crimes referred to in Articles 119 and 122, which are applicable under the provisions of Article 45, paragraph (7) of the Worker Dispatching Act) that violates this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act) and the crimes referred to in Article 45, paragraphs (12) and (13) of the Worker Dispatching Act"; the phrase "Article 34" in Article 98, paragraph (1) of the Industrial Safety and Health Act is deemed to be replaced with "Article 34 (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act)"; the phrase "this Act" in Article 101, paragraph (1) of the Industrial Safety and Health Act is deemed to be replaced with "this Act (including the provisions of Article 45 of the Worker Dispatching Act)"; the phrase "the provisions of this Act or an order under this Act" in Article 103, paragraph (1) of the Industrial Safety and Health Act is deemed to be replaced with "the

provisions of this Act or an order under this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act)"; the phrase "the provisions of this Act or an order under this Act" in Article 104, paragraph (1) of the Industrial Safety and Health Act is deemed to be replaced with "the provisions of this Act or an order under this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act), or the provisions of paragraph (10) or (11) of that Article or the provisions of orders based on these provisions"; the phrase "(excluding the provisions of Chapter II)" in Article 115, paragraph (1) of the Industrial Safety and Health Act is deemed to be replaced with "(excluding the provisions of Chapter II) and the provisions of Article 45 of the Worker Dispatching Act".

- (16) To apply the provisions of the Industrial Safety and Health Act, as applied pursuant to the provisions of paragraphs (1) through (5), paragraphs (7) through (9), and the immediately preceding paragraph, to a person that has violated the Industrial Safety and Health Act or the provisions of orders based on that Act, or to a person that has violated the provisions of paragraph (6), (10), or (11) or the provisions of orders based on those provisions, the phrase "the provisions of this Act or an order under this Act" in Article 46, paragraph (2), item (i) of that Act is deemed to be replaced with "the provisions of this Act or an order under this Act (including as applied pursuant to the provisions of Article 45 of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (referred to below as the "Worker Dispatching Act")), or the provisions of paragraph (6), (10), or (11) of that Article or the provisions of orders based on these provisions"; the phrase "the provisions of paragraph (1) or (2) of Article 45 or an order under those provisions" in Article 54-3, paragraph (2), item (i) of the Industrial Safety and Health Act is deemed to be replaced with "the provisions of Article 45, paragraph (1) or (2) or of an order based on these provisions (including as applied pursuant to the provisions of Article 45, paragraphs (3) and (4) of the Worker Dispatching Act)"; the phrase "the provisions of this Act, an order under this Act or administrative dispositions under these provisions" in Article 56, paragraph (6) of the Industrial Safety and Health Act is deemed to be replaced with "the provisions of this Act or an order under this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act), administrative dispositions under these provisions, the provisions of paragraph (6), (10), or (11) of that Article, or the provisions of orders based on these provisions"; the phrase "the provisions of this Act or an order under this Act" in Article 74-2, paragraph (2), item (ii), Article 75-3, paragraph (2), item (iii) (including as applied mutatis mutandis pursuant to Articles 83-3 and 85-3 of the Industrial Safety and Health Act), Article 84, paragraph (2), item (ii), and Article 99-3, paragraph (1) of the Industrial Safety and Health Act is

deemed to be replaced with "the provisions of this Act or orders based on this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act), or the provisions of paragraph (6), (10), or (11) of that Article or the provisions of orders based on these provisions"; the phrase "this Act (including the orders issued or dispositions taken thereunder)" in Article 75-4, paragraph (2) (including as applied mutatis mutandis pursuant to Articles 83-3 and 85-3 of the Industrial Safety and Health Act) and Article 75-5, paragraph (4) of the Industrial Safety and Health Act (including as applied mutatis mutandis pursuant to Article 83-3 of that Act) is deemed to be replaced with "the provisions of this Act or orders based on this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act), administrative dispositions under these provisions, the provisions of paragraph (6), (10), or (11) of that Article, or the provisions of orders based on these provisions"; and the phrase "this Act or an order hereunder" in Article 84, paragraph (2), item (iii) of the Industrial Safety and Health Act is deemed to be replaced with "this Act and orders based on this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act), and the Worker Dispatching Act (limited to the provisions of paragraphs (6), (10), and (11) of that Article) and orders based on it".

- (17) Technical replacements a of terms and other things needed to apply the provisions of the Industrial Safety and Health Act and orders based on it pursuant to the provisions of this Article are prescribed by orders.

(Special Application of the Pneumoconiosis Act)

Article 46 (1) The person running a client's business at which a worker has been assigned to do work and which involves dusty tasks as prescribed in Article 2, paragraph (1), item (iii) of the Pneumoconiosis Act (Act No. 30 of 1960) (such work is referred to below as "dusty tasks" in this Article) is deemed to be the employer provided for in Article 2, paragraph (1), item (v) of that Act that employs the assigned worker (limited to one who is or has been regularly engaged in dusty tasks; the same applies below up to paragraph (4) and in paragraph (7)) (such an employer is simply referred to below as the "employer" in this Article), such an assigned worker is deemed to be a worker employed by the person running the client's business, and the provisions of Articles 5 through 9-2, Articles 11 through 14, Article 15, paragraph (3), Articles 16 through 17, and Article 35-2 of that Act (including penal provisions related to these provisions) apply to the client's business where the worker has been assigned to do that work. In this case, the phrase "separation from employment" in of Article 9-2, paragraph (1) of the above-mentioned Act is deemed to be replaced with "separation from employment (with regard to a assigned worker prescribed in Article 46, paragraph (1) of the Act on Ensuring

the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (referred to below as the "Worker Dispatching Act"), the end of staffing services involving the assigned worker being provided, as prescribed in Article 2, item (i) of the Worker Dispatching Act; the same applies below in this paragraph); and the phrase "this Act" in Article 35-2 of the Pneumoconiosis Act is deemed to be replaced with "this Act (including the provisions of Article 46 of the Worker Dispatching Act)".

- (2) To apply the provisions stated in the first sentence of the preceding paragraph to a provider's business (limited to one involving dusty tasks) that has assigned a worker employed by that business to do assigned work at a client's business (limited to one involving dusty tasks), the employer at the provider's business is deemed not to employ the assigned worker, and the assigned worker is deemed not to be employed by the employer at the provider's business.
- (3) To apply the provisions of Article 10 of the Pneumoconiosis Act pursuant to the provisions of paragraph (1), the following terms are deemed to be replaced in the manner stated below: in Article 10, the phrase "An employer may, having conducted a pneumoconiosis examination" is deemed to be replaced with "A person running a client's business prescribed in Article 44, paragraph (1) of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (such a business is simply referred to below as a "client's business") may, having conducted a pneumoconiosis examination for assigned workers prescribed in Article 46, paragraph (1) of that Act"; and the phrase "in Article 66, paragraph (1) or (2) of the Industrial Safety and Health Act" is deemed to be replaced with "in Article 66, paragraphs (1) or (2) of the Industrial Safety and Health Act in the case of a person running a provider's business prescribed in Article 44, paragraph (3) of that Act, and in paragraph (2) of that Article in the case of a person running a client's business".
- (4) The provisions of Articles 20-2 through 21 and Article 22-2 of the Pneumoconiosis Act (including penal provisions related to the provisions of Article 21 of that Act) apply to the assigned work that an assigned worker does in a business involving dusty tasks, with the person running the provider's business (excluding one who constitutes the employer; the same applies in the following paragraph and paragraph (6)) being deemed to be the employer, the person running the client's business being deemed to also be the employer that employs that assigned worker, and with the assigned worker being deemed to also be employed by the person running the client's business.
- (5) The provisions of Article 22 of the Pneumoconiosis Act (including penal provisions connected with that Article) apply to an assigned worker's assigned work at a business involving dusty tasks, with the person running the

provider's business being deemed to be the employer.

- (6) The provisions of Articles 8 through 14, Article 15, paragraph (3), Articles 16 through 17, and Articles 20-2, 22-2, and 35-2 of the Pneumoconiosis Act (including penal provisions related to these provisions) apply to a worker who has ever been regularly engaged in dusty tasks at a client's business and who is employed by the person running the provider's business at the time in question, but who is not regularly engaged in dusty tasks at that time (excluding persons regularly engaged in work other than dusty tasks at that client's business), with the person running the provider's business being deemed to be the employer. In this case, in Article 10 of that Act, the phrase "A employer may, having conducted a pneumoconiosis examination" is deemed to be replaced with "A person running a provider's business prescribed in Article 44, paragraph (3) of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (referred to below as the "Worker Dispatching Act") (that undertaking is simply referred to below as a "provider's business") may, having conducted a pneumoconiosis examination for assigned workers prescribed in paragraph (1) of that Article or for those who were the assigned workers prescribed in that paragraph", and the phrase "in Article 66, paragraphs (1) or (2) of the Industrial Safety and Health Act" is deemed to be replaced with "in Article 66, paragraphs (1) or (2) of the Industrial Safety and Health Act in the case of a person running a provider's business, and in Article 66, paragraph (2) of the Industrial Safety and Health Act in the case of a person running a client's business prescribed in Article 44, paragraph (1) of the Worker Dispatching Act"; and the phrase "this Act" in Article 35-2 of the Pneumoconiosis Act is deemed to be replaced with "this Act (including the provisions of Article 46 of the Worker Dispatching Act)".
- (7) Upon implementing pneumoconiosis examinations for the assigned workers or upon receiving documents certifying the results of pneumoconiosis examinations or other documents submitted by the assigned workers pursuant to the provisions of the proviso to Article 11 of the Pneumoconiosis Act as applied pursuant to the provisions of paragraph (1), a person deemed to be an employer employing assigned workers pursuant to the provisions of paragraph (1) must prepare documents stating the results of the pneumoconiosis examinations based on records concerning the assigned workers that have been prepared pursuant to the provisions of Article 17, paragraph (1) of that Act as applied pursuant to the provisions of paragraph (1), pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare; and, upon receiving notification under the provisions of Article 14, paragraph (1) of that Act (including as applied mutatis mutandis pursuant to Article 15, paragraph (3), Article 16, paragraph (2), and Article 16-2, paragraph (2) of that Act) as applied pursuant to the provisions of paragraph (1), must prepare documents

stating the contents of the notification pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare and send them to the person running the provider's business without delay.

- (8) Upon receiving the documents referred to in the preceding paragraph pursuant to the provisions of that paragraph, the person running the relevant provider's business must retain the documents pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (9) If an assigned worker who engages in assigned work in a business involving dusty tasks and who is regularly engaged in dusty tasks (excluding a worker whose classification for supervision of pneumoconiosis has been determined to be No. II, No. III, or No. IV), is diagnosed, in a medical examination referred to in Article 66, paragraphs (1) or (2) of the Industrial Safety and Health Act (excluding one conducted by the person running the client's business), with pneumoconiosis prescribed in Article 2, paragraph (1), item (i) of the Pneumoconiosis Act (simply referred to below as "pneumoconiosis") or with suspected pneumoconiosis, the person running the provider's business must inform the person running the client's business of this without delay.
- (10) A person violating the provisions of the preceding three paragraphs is subject to a fine of not more than 300,000 yen.
- (11) If a representative of a corporation, or an agent, employee, or other worker of a corporation or individual, commits a violation referred to in the preceding paragraph in connection with the 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 that paragraph.
- (12) For the special application of the Pneumoconiosis Act under the provisions of each of the preceding paragraphs, the following provisions (including penal provisions relating to these provisions) apply with the following terms and phrases deemed to be replaced in the manner stated below: the term "the employer" in Article 32, paragraph (1) of that Act is deemed to be replaced with "the employer (including a person deemed to be the employer pursuant to the provisions of Article 46 of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (referred to below as the "Worker Dispatching Act"); referred to as "the employer and equivalent" in Article 35-3, paragraphs (1), (2), and (4), Article 43-2, paragraph (2), and Article 44)"; the phrase "employer" in Article 35-3, paragraphs (1), (2), and (4) of the Pneumoconiosis Act is deemed to be replaced with "the employer and equivalent"; the phrase "the provisions of this Act or of orders based on this Act" in paragraphs (1) of that Article is deemed to be replaced with "the provisions of this Act or of orders based on this Act (including as applied pursuant to the provisions of Article 46 of the Worker Dispatching Act), or the provisions of paragraphs (7) through (9) of that Article or the provisions of

orders based on these provisions"; the phrase "This Act" in Article 39, paragraphs (2) and (3) of the Pneumoconiosis Act is deemed to be replaced with "This Act (including as applied pursuant to the provisions of Article 46 of the Worker Dispatching Act)"; the phrase "paragraph (4) of Article 21" in paragraph (3) of that Article is deemed to be replaced with "Article 21, paragraph (4) (including as applied pursuant to the provisions of Article 46, paragraph (4) of the Worker Dispatching Act)"; the phrase "the place of business at which dusty tasks are performed" in Article 40, paragraph (1) of the Pneumoconiosis Act is deemed to be replaced with "the place of business at which dusty tasks are performed (including the place of business of a person deemed to be an employer pursuant to the provisions of Article 46 of the Worker Dispatching Act; the same applies in Article 42, paragraph (1))"; the phrase "this Act" in Article 41 and Article 42, paragraph (1) of the Pneumoconiosis Act is deemed to be replaced with "this Act and the provisions of Article 46 of the Worker Dispatching Act"; the phrase "a violation of the provisions of this Act" in Article 43 of the Pneumoconiosis Act is deemed to be replaced with "a violation of the provisions of this Act (including as applied pursuant to the provisions of Article 46 of the Worker Dispatching Act) and the crimes referred to in paragraphs (10) and (11) of that Article"; the phrase "the provisions of this Act or of orders based on this Act" in Article 43-2, paragraph (1) of the Pneumoconiosis Act is deemed to be replaced with "the provisions of this Act or of orders based on this Act (including as applied pursuant to the provisions of Article 46 of the Worker Dispatching Act), or the provisions of paragraphs (7) through (9) of that Article or the provisions of orders based on these provisions"; and the phrase "the employer" in paragraph (2) of that Article and Article 44 of the Pneumoconiosis Act is deemed to be replaced with "the employer and equivalent".

- (13) To apply the provisions of Article 10 of the Pneumoconiosis Act when a person running a provider's business is an employer and has implemented pneumoconiosis examinations for assigned workers, the term "The employer" in that Article is deemed to be replaced with "A person running a provider's business prescribed in Article 44, paragraph (3) of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (referred to below as the "Worker Dispatching Act") (that undertaking is simply referred to below as a "provider's business"))"; and the phrase "in paragraph (1) or (2) of Article 66 of the Industrial Safety and Health Act" is deemed to be replaced with "in Article 66, paragraphs (1) or (2) of the Industrial Safety and Health Act in the case of a person running a provider's business and in Article 66, paragraph (2) of the Industrial Safety and Health Act in the case of a person running a client's business prescribed in Article 44, paragraph (1) of the Worker Dispatching Act".

- (14) Technical replacements of terms and other things needed to apply the provisions of the Pneumoconiosis Act and orders based on it pursuant to the provisions of this Article are prescribed by orders.

(Special Application of the Working Environment Measurement Act)

Article 47 (1) A person deemed to be an employer employing assigned workers under the provisions of Article 45, paragraph (3) is deemed to be included in the concept of the employer prescribed in Article 2, item (i) of that Act, and the provisions of Chapter I, Article 8, paragraph (2) (including as applied *mutatis mutandis* pursuant to Article 34, paragraph (2) of the Working Environment Measurement Act (Act No. 28 of 1975)), and Chapters IV and V of that Act apply. In such a case, the phrase "Article 65, paragraph (1) of the Industrial Safety and Health Act" in Article 3, paragraph (1) of the Working Environment Measurement Act is deemed to be replaced with "Article 65, paragraph (1) of the Industrial Safety and Health Act (including as applied pursuant to the provisions of Article 45, paragraph (3) of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers; the same applies in the following Article)".

- (2) To apply the provisions of the Working Environment Measurement Act to persons that have violated the provisions of the Industrial Safety and Health Act or orders based on it as applied pursuant to the provisions of Article 45, the provisions of paragraphs (6), (10), or (11) of that Article or the provisions of orders based on those provisions, or pursuant to the provisions of the Working Environment Measurement Act or of orders based on it, as applied pursuant to the provisions of the preceding paragraph, the phrase "the provisions of this Act or the Industrial Safety and Health Act (including orders under it)" in Article 6, item (iii) of the Working Environment Measurement Act is deemed to be replaced with "the provisions of this Act, the Industrial Safety and Health Act, or orders based on these Acts (including as applied pursuant to the provisions of Article 45 or 47 of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (referred to below as the "Worker dispatching Act")), or the provisions of Article 45, paragraph (6), (10), or (11) of the Worker Dispatching Act or the provisions of orders based on these provisions"; the phrase "the provisions of this Act or the Industrial Safety and Health Act (including orders under it)" in Article 21, paragraph (2), item (v), (a) of the Working Environment Measurement Act (including as applied *mutatis mutandis* pursuant to Article 32-2, paragraph (4) of that Act) is deemed to be replaced with "the provisions of this Act, the Industrial Safety and Health Act, or orders based on these Acts (including as applied pursuant to the provisions of Article 45 or 47 of the Worker Dispatching Act), or the provisions of Article 45, paragraph (6), (10), or (11) of

the Worker Dispatching Act or the provisions of orders based on these provisions"; the phrase "this Act or the Industrial Safety and Health Act (including orders and dispositions thereunder)" in Article 23, paragraph (2) (including as applied mutatis mutandis pursuant to Article 32-2, paragraph (4) of the Working Environment Measurement Act) and Article 24, paragraph (4) of the Working Environment Measurement Act is deemed to be replaced with "the provisions of this Act, the Industrial Safety and Health Act, or orders based on these Acts (including as applied pursuant to the provisions of Article 45 or 47 of the Worker Dispatching Act), dispositions under these provisions, or the provisions of Article 45, paragraph (6), (10), or (11) of the Worker Dispatching Act or the provisions of orders based on these provisions", and the phrase "this Act or the Working Environment Measurement Act, or orders thereunder" in Article 32, paragraph (3) and Article 34, paragraph (1) of the Working Environment Measurement Act is deemed to be replaced with "this Act or the Working Environment Measurement Act, the provisions of orders based on these Acts (including as applied pursuant to the provisions of Article 45 or 47 of the Worker Dispatching Act), or the provisions of Article 45, paragraph (6), (10), or (11) of the Worker Dispatching Act or orders based on these provisions".

- (3) Technical replacements of terms and other things needed to apply the provisions of the Working Environment Measurement Act pursuant to the provisions of this Article are prescribed by orders.

(Special Application of the Act on Ensuring Equal Opportunities for and Treatment of Men and Women in Employment)

Article 47-2 Inasmuch as it concerns the work performed by dispatched workers whom a person using worker dispatching services causes to work under its directions and orders based on a worker dispatching arrangement, the person using those services is deemed to also be a staffing provider employing those dispatched workers, and the provisions of Article 9, paragraph (3), Article 11, paragraph (1), Article 11-2, paragraph (2), Article 11-3, paragraph (1), Article 11-4, paragraph (2), Article 12, and Article 13, paragraph (1) of the Act on Ensuring Equal Opportunities for and Treatment of Men and Women in Employment (Act No. 113 of 1972) apply to that person. In this case, the phrase "employment management" in Article 11, paragraph (1) and Article 11-3, paragraph (1) of that Act is deemed to be replaced with "employment management and giving directions and orders".

(Special Application of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members)

Article 47-3 Inasmuch as it concerns the worker dispatching work performed by dispatched workers whom a person using staffing services causes to work under its directions and orders based on a worker dispatching arrangement, the person using those services is deemed to also be a staffing provider employing those dispatched workers and the provisions of Article 10, Articles 16 (including as applied mutatis mutandis pursuant to Articles 16-4 and 16-7 of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members), 16-10, 18-2, 20-2, Article 21, paragraph (2), Articles 23-2 and 25, and Article 25-2, paragraph (2) of that Act apply to that person. In that case, the phrase "employment management measures" in Article 25, paragraph (1) of that Act is deemed to be replaced with "measures for employment management and giving directions and orders".

(Special Application of the Act on Comprehensive Promotion of Labor Policies, Stability of Employment of Workers, and Enhancement of Vocational Life)
Article 47-4 Inasmuch as it concerns the work performed by dispatched workers that a person using worker dispatching services causes to work under its directions and orders based on a worker dispatching arrangement, the person using those services is deemed to also be a staffing provider employing those dispatched workers and the provisions of Article 30-2, paragraph (1) and Article 30-3, paragraph (2) of the Act on Comprehensive Promotion of Labor Policies, Stability of Employment of Workers and Enhancement of Vocational Life (Act No. 132 of 1966) apply to that person. In this case, the phrase "in terms of employment management" in Article 30-2, paragraph (1) of that Act is deemed to be replaced with "in terms of employment management and giving directions and orders".

Chapter IV Resolution of Disputes

(Voluntary Resolution of Complaints)

- Article 47-5 (1) If a staffing provider receives a complaint from a dispatched worker with regard to any of the particulars prescribed in Articles 30-3 and 30-4 and Article 31-2, paragraphs (2) through (5) or is notified, by a client, of the details of a complaint submitted to the client by a dispatched worker with regard to any of the above-mentioned particulars, the provider must endeavor to voluntarily resolve the complaint.
- (2) If a client receives a complaint from a dispatched worker with regard to any of the particulars prescribed in Article 40, paragraphs (2) and (3), it must endeavor to voluntarily resolve this.

(Special Provisions to Facilitate Resolution of Disputes)

Article 47-6 Any dispute between a dispatched worker and a staffing provider with regard to any of the particulars referred to in paragraph (1) of the preceding Article and any dispute between a dispatched worker and a client with regard to any of the matters referred to in paragraph (2) of that Article are governed by the provisions of the following Article through Article 47-10, and the provisions of Articles 4 and 5 and Articles 12 through 19 of the Act on Promoting the Resolution of Individual Labor-Related Disputes (Act No. 112 of 2001) do not apply to such disputes.

(Assistance in Resolution of Disputes)

- Article 47-7 (1) At the request of both or either of the parties to a dispute referred to in the preceding Article for assistance in the resolution of the dispute, the relevant prefectural labor director may give the parties to the dispute necessary advice, guidance, or recommendations.
- (2) It is prohibited for a staffing provider or client to treat a dispatched worker disadvantageously on the grounds of the worker's request for the assistance referred to in the preceding paragraph.

(Delegation of Conciliation)

- Article 47-8 (1) On finding that it is necessary to do so in order to resolve a dispute as prescribed in Article 47-6 when both or either of the parties to the dispute files an application for conciliation, the relevant prefectural labor director is to have the dispute coordinating committee stated in Article 6, paragraph (1) of the Act on Promoting the Resolution of Individual Labor-Related Disputes conduct the conciliation.
- (2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis if a dispatched worker files an application as referred to in the preceding paragraph.

(Conciliation)

Article 47-9 The provisions of Articles 19 through 26 of the Act on Equal Opportunities Between Treatment of Men and Women in Employment apply mutatis mutandis to the procedures for the conciliation referred to in paragraph (1) of the preceding Article. In such a case, the phrase "paragraph (1) of the preceding Article" in Article 19, paragraph (1) of that Act is deemed to be replaced with "Article 47-8, paragraph (1) of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (Act No. 88 of 1985); the phrase "workplace" in Article 20 of the Act on Ensuring of Equal Opportunities for and Treatment of Men and Women in Employment is deemed to be replaced with "place of business"; and the phrase

"Article 18, paragraph (1)" in Article 25, paragraph (1) of that Act is deemed to be replaced with "Article 47-6 of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers".

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

Article 47-10 Beyond what is prescribed in this Section, Order of the Ministry of Health, Labour and Welfare provides for the necessary particulars of conciliation procedures.

Chapter V Miscellaneous Provisions

(Responsibilities of Associations of Staffing Providers)

Article 47-11 (1) An association that has staffing providers as its direct or indirect members (such an association is referred to as an "association of staffing providers" in the following paragraph, and a direct or indirect member of such an association is referred to below as a "member" in this paragraph) must endeavor to give its members the necessary advice, cooperation, and other such assistance, in order to ensure the proper operation of worker dispatching services and to ensure the protection of dispatched workers.

(2) The national government is to endeavor to give associations of staffing providers the necessary advice and cooperation to ensure the proper operation of worker dispatching services by staffing providers and ensure the protection of dispatched workers.

(Guidelines)

Article 47-12 The Minister of Health, Labour and Welfare is to publish guidelines that concern the measures that staffing providers and clients must take pursuant to the provisions of Article 24-3 and Chapter III, Sections 1 through 3, and that are needed in order to help them implement those measures properly and effectively.

(Guidance and Advice)

Article 48 (1) If the Minister of Health, Labour and Welfare finds it to be necessary to do so in connection with the entry into force of this Act (except for the provisions of Chapter III, Section 4; the same applies in Article 49-3, paragraph (1), Article 50, and Article 51, paragraph (1)), the Minister may provide entities providing worker dispatching and persons using worker dispatching services with the necessary guidance and advice to ensure the proper operation of worker dispatching services or to ensure proper assigned work.

(2) In order to help with the proper coordination of labor supply and demand, if a

staffing provider is engaging in worker dispatching services with the objective of providing worker dispatching solely to specified persons (except in cases specified by Order of the Ministry of Health, Labour and Welfare referred to in Article 7, paragraph (1), item (i)) and the Minister of Health, Labour and Welfare finds it to be necessary, the Minister may recommend the staffing provider to change the objective and contents of its worker dispatching services.

- (3) If the Minister of Health, Labour and Welfare gives guidance or advice under the provisions of paragraph (1) to a staffing provider that has violated the provisions of Article 23, paragraph (3), Article 23-2, or Article 30, paragraph (1) as applied pursuant to paragraph (2) of that Article following a deemed replacement of terms, but the provider continues to violate those provisions, the Minister of Health, Labour and Welfare may instruct the provider to take the necessary measures.

(Order for Improvement)

Article 49 (1) If a staffing provider violates the provisions of this Act (excluding the provisions of Article 23, paragraph (3), Article 23-2, and Article 30, paragraph (1) as applied pursuant to paragraph (2) of that Article following replacement of terms) or other Acts relating to labor (including the provisions of orders based on these provisions) in connection with its worker dispatching services, and the Minister of Health, Labour and Welfare finds it necessary for ensuring propriety in the assigned work, the Minister may order the provider to improve the method of employment management for dispatched workers and otherwise to take necessary measures to improve the operation of its worker dispatching services.

- (2) If a client violates the provisions of Article 4, paragraph (3), and the Minister of Health, Labour and Welfare finds it materially inappropriate to permit assigned work that is in violation of the provisions of that paragraph to continue, the Minister may order the staffing provider that provides worker dispatching to that client to suspend worker dispatching under the staffing contract for that assigned work.

(Publication)

Article 49-2 (1) If a person using staffing services violates the provisions of Article 4, paragraph (3), Article 24-2, Article 26, paragraph (7) or (10), Article 40, paragraph (2) or (3), Article 40-2, paragraphs (1), (4), or (5), Article 40-3, or Article 40-6, paragraph (1), or, despite having already received guidance or advice under the provisions of Article 48, paragraph (1) for the person's violation of the above-mentioned provisions, is found likely to continue to violate those provisions, the Minister of Health, Labour and Welfare may recommend the person using staffing services to take the necessary measures

to correct the assigned work violating the provisions of Article 4, paragraph (3), Article 24-2, Article 40-2, paragraph (1), (4), or (5), Article 40-3, or Article 40-6, paragraph (1) or the necessary measures to prevent that assigned work from being carried out.

- (2) If the Minister of Health, Labour and Welfare has given recommendations under the provisions of the preceding paragraph but the person subject to the recommendations has not complied with them, the Minister may make this public.

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

Article 49-3 (1) If a business entity that provides worker dispatching or a person using staffing services violates this Act or the provisions of an order based on this Act, a dispatched worker may notify the Minister of Health, Labour and Welfare of this.

- (2) Neither a business entity that provides worker dispatching nor a person using staffing services must dismiss or otherwise treat a dispatched worker disadvantageously on the ground of the worker's having made the notification referred to in the preceding paragraph.

(Reporting)

Article 50 Within the limits necessary to bring this Act into force, the Minister of Health, Labour and Welfare may order an entity engaging in worker dispatching services or a person using staffing services it provides to report on the necessary particulars, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(On-site Inspections)

Article 51 (1) Within the limits necessary to bring this Act into force, the Minister of Health, Labour and Welfare may have a Ministry official enter the place of business or other facilities of the entity engaging in worker dispatching services or a person using staffing services provided by them, question relevant persons, and inspect books, documents, and other items.

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

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

(Counseling and Assistance)

Article 52 A public employment security office may handle requests for

consultation from workers and other such persons and offer the necessary advice and other such assistance with regard to the particulars of assigned work.

(Partners for the Proper Operation of Worker dispatching Services)

Article 53 (1) The Minister of Health, Labour and Welfare may commission persons, from among those that enjoy public confidence and have expert knowledge and experience concerning the operation of worker dispatching services and assigned work, to act as partners for the proper operation of worker dispatching services.

(2) A partner for the proper operation of worker dispatching services, through cooperation in administrative measures to ensure the proper operation of worker dispatching services and proper assigned work, may respond to a request for counsel from, and give expert advice to, entities that provide worker dispatching, persons using worker dispatching services, workers, and others.

(3) A partner for the proper operation of worker dispatching services must not disclose any secrets learned in the course of duties to any other party without legitimate grounds. The same applies even after they have ceased to be a partner for the proper operation of worker dispatching services.

(4) A partner for the proper operation of worker dispatching services does not receive any remuneration from the State for performing their duties.

(5) A partner for the proper operation of worker dispatching services may receive payment for the expenses required to perform their duties, within the limits of budget.

(Fees)

Article 54 The following persons must pay the fees specified by Cabinet Order by taking into consideration the actual cost involved:

(i) a person seeking to obtain the license referred to in Article 5, paragraph (1);

(ii) a person seeking to obtain a reissuance of a license certificate under the provisions of Article 8, paragraph (3);

(iii) a person seeking to renew the validity period of a license under the provisions of Article 10, paragraph (2); and

(iv) a person seeking to have the person's license certificate updated under the provisions of Article 11, paragraph (4).

(Delegation of Transitional Measures to Orders)

Article 55 When Cabinet Order is established, amended, or repealed under the provisions of this Act, necessary transitional measures (including transitional measures for penal provisions) may be specified by Cabinet Order, and when

Order of the Ministry of Health, Labour and Welfare is established, amended, or repealed under the provisions of this Act, necessary transitional measures (including transitional measures for penal provisions) may be specified by Order of the Ministry of Health, Labour and Welfare, within limits considered reasonably necessary in connection with its establishment, amendment, or repeal.

(Delegation of Authority)

Article 56 (1) Part of the authority of the Minister of Health, Labour and Welfare prescribed in this Act may be delegated to prefectural labor directors, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(2) The authority delegated to prefectural labor directors pursuant to the provisions of the preceding paragraph may be delegated to the chiefs of public employment security offices, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

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

Article 57 Beyond what is prescribed by this Act, Order of the Ministry of Health, Labour and Welfare provides for the procedures and other particulars necessary for the implementation of this Act.

Chapter VI Penal Provisions

Article 58 Any person that has provided worker dispatching with the intention of inducing the workers to engage in work injurious to public health or public morals is subject to imprisonment for not less than one year and not more than ten years, or a fine of not less than 200,000 yen and not more than 3,000,000 yen.

Article 59 Any person that falls under any 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 4, paragraph (1) or Article 15;
- (ii) a person that has provided worker dispatching services without obtaining the license referred to in Article 5, paragraph (1);
- (iii) a person that has obtained the license referred to in Article 5, paragraph (1) or renewed the validity period of a license under the provisions of Article 10 paragraph (2), through deception or any other wrongful act; or
- (iv) a person that has violated a disposition under the provisions of Article 14,

paragraph (2).

Article 60 Any person that falls under either 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 a disposition under the provisions of Article 49; or
- (ii) a person that has violated the provisions of Article 49-3, paragraph (2).

Article 61 Any person that falls under any of the following items is subject to a fine of not more than 300,000 yen:

- (i) a person that has submitted a written application prescribed in Article 5, paragraph (2) (including as applied mutatis mutandis pursuant to Article 10, paragraph (5)) containing a false statement, or documents prescribed in Article 5, paragraph (3) (including as applied mutatis mutandis pursuant to Article 10, paragraph (5)) containing a false statement;
- (ii) a person that has failed to submit a notification or has submitted a false notification under the provisions of Article 11, paragraph (1), Article 13, paragraph (1), or Article 23, paragraph (4), or that has entered a false statement and submitted documents prescribed in Article 11, paragraph (1);
- (iii) a person that has violated the provisions of Article 34, 35-2, 35-3, 36, 37, 41, or 42;
- (iv) a person that has failed to submit a notification or submitted a false notification under the provisions of Article 35;
- (v) a person that has failed to submit a report or has submitted a false report under the provisions of Article 50; or
- (vi) a person that has refused, obstructed, or evaded an entry or inspection under the provisions of Article 51, paragraph (1), or that has failed to reply to questions or has given false statements.

Article 62 If a representative of a corporation, or an agent, employee, or other worker of a corporation or individual, has committed a violation under Articles 58 through the preceding Article 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 fines prescribed in those Articles.

Supplementary Provisions [Act No. 73 of September 18, 2015 Extract] [Extract]

(Effective Date)

Article 1 This Act comes into effect on September 30, 2015; provided, however,

that the provisions of Article 11 of the Supplementary Provisions come into effect on the date of promulgation.

(Review)

- Article 2 (1) Approximately three years after the enforcement of this Act, the government is to review the provisions of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers as amended by this Act (referred to below as the "new Act") by considering the extent to which the new Act has entered into force and, if it finds this to be necessary, is to take the needed measures based on the results of the review.
- (2) Notwithstanding the provisions of the preceding paragraph, if the government finds, considering the trends in the numbers of regular workers and dispatched workers and other situations in the labor market, that this Act's entry into force is likely to damage an employment practice that is considered to contribute to the effective demonstration of workers' abilities and their employment security throughout their working lives, the government is to promptly review the provisions of the new Act.
- (3) The government is to take such necessary measures as research and study in order to study how to ensure equal and balanced treatment between dispatched workers and workers employed by clients and engaged in the same type of work as the work in which dispatched workers are engaged.

(Transitional Measures for Licensing in the General Staffing Business)

- Article 3 (1) A person that, as of the time this Act enters into force, has obtained the license referred to in Article 5, paragraph (1) of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers prior to its amendment by this Act (referred to below as "the former Act") is deemed to have obtained the license referred to in Article 5, paragraph (1) of the new Act on the date on which this Act enters into force (referred to below as "the effective date"). In that case, the validity period of the license referred to in that paragraph which is associated with the person that is deemed to have obtained it is the remainder of the validity period of that person's license under the provisions of Article 10 of the former Act as of the effective date.
- (2) An application for a license that has been filed pursuant to the provisions of Article 5, paragraph (2) of the former Act as of the time this Act enters into force is deemed to be an application for a license that has been filed pursuant to the provisions of Article 5, paragraph (2) of the new Act.
- (3) A license certificate issued pursuant to the provisions of Article 8, paragraph (1) of the former Act as of the time this Act enters into force is deemed to be a license certificate issued pursuant to the provisions of Article 8, paragraph (1)

of the new Act.

(Transitional Measures Related to Grounds for Ineligibility)

Article 4 The provisions of Article 6, items (iv) through (vii) of the new Act apply to a person whose license has been revoked as provided in item (iv) of that Article on or after the effective date (or to a person who was the officer of a corporation as referred to in item (v) of that Article, if the person in question is a corporation) and to a person that has submitted a notification as provided in item (vi) of that Article on or after the effective date (or to a person who was the officer of a corporation as referred to in item (vii) of that Article, if the person in question is a corporation); prior laws continue to govern the grounds for ineligibility related to the disposition revoking the license of a person that has had their license revoked, or the disposition issuing an order to a person that has become subject to an order, as provided in provisions of Article 6, item (iv) of the former Act, prior to the effective date (or to a person who was the officer of a corporation as referred to in item (v) of that Article, if the person in question is a corporation) and the grounds for ineligibility related to the submission of a notification by a person that submitted a notification as provided in item (vi) of that Article prior to the effective date (or to a person who was the officer of a corporation as referred to in item (vii) of that Article, if the person in question is a corporation).

(Transitional Measures for Revoking a General Staffing Business License)

Article 5 Prior laws continue to govern the causes arising prior to the effective date for license revocation under the provisions of Article 14, paragraph (1) of the new Act and for an order a partial or full suspension of worker dispatching services under the provisions of paragraph (2) of that Article, for persons that are deemed to have obtained the license referred to in Article 5, paragraph (1) of the new Act pursuant to the provisions of Article 3, paragraph (1) of the Supplementary Provisions.

(Transitional Measures for Specified Worker Dispatching Services)

Article 6 (1) Notwithstanding the provisions of Article 5, paragraph (1) of the new Act, a person that has submitted a written notice pursuant to the provisions of Article 16, paragraph (1) of the former Act and is providing specified worker dispatching services (meaning the specified worker dispatching services provided for in Article 2, item (v) of the former Act) at the time this Act comes into force may continue to engage in worker dispatching services using dispatched workers (limited to those who are subject to worker dispatching that a person provides in the course of trade) that consist solely of regularly employed workers, during a period of three years counting from the

effective date (if the person becomes subject to an order to discontinue its worker dispatching services pursuant to the provisions of paragraph (4) or submits a notification of discontinuance for its worker dispatching services pursuant to the provisions of Article 13, paragraph (1) of the new Act within the period, until the day of the order or notification). If that three-year period passes after the person has applied for the license referred to in Article 5, paragraph (1) of the new Act within the period, the same applies until the decision on whether to grant the license under application is made.

- (2) The provisions of Article 5, Articles 7 through 10, the second sentence of paragraph (1) and paragraphs (2) through (4) of Article 11, Article 13, paragraph (2), Article 14, and Article 54 of the new Act do not apply to worker dispatching services under the provisions of the preceding paragraph; to apply the other provisions of the new Act, the person engaging in worker dispatching services is deemed to be a staffing provider as defined in Article 2, item (iv) of the new Act. In this case, the phrase "d in each item of Article 5, paragraph (2)" in Article 11, paragraph (1) of the new Act is deemed to be replaced with "to be stated in the written notice referred to in Article 16, paragraph (1) of the Act on Ensuring Proper Operations in the Staffing Business and Protecting Assignable Workers prior to amendment (referred to below as the "Act prior to the 2015 Amendment") by the provisions of Article 1 of the Act Partially Amending the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (Act No. 73 of 2015)", the phrase "has obtained the license referred to in Article 5, paragraph (1)" in Article 26, paragraph (3) of the new Act is deemed to be replaced with "has submitted a written notice pursuant to the provisions of Article 16, paragraph (1) of the Act prior to the 2015 Amendment", and the necessary deemed replacement of other terms is prescribed by Cabinet Order.
- (3) A person engaging in worker dispatching services under the provisions of paragraph (1) must keep documents stating the fact that that person has submitted the written notice referred to in Article 16, paragraph (1) of the former Act and other particulars specified by Order of the Ministry of Health, Labour and Welfare at each place of business where it engages in worker dispatching services, and must present those documents to relevant persons upon request.
- (4) If a person engaging in worker dispatching services under the provisions of paragraph (1) falls under any of the items (excluding items (iv) through (vii)) of Article 6 of the new Act, or is still in violation of the provisions of Article 23, paragraph (3) or Article 23-2 of the new Act even after receiving instructions under Article 48, paragraph (3) of the former Act before the effective date or receiving instructions under the provisions of Article 48, paragraph (3) of the new Act on or after the effective date, the Minister of Health, Labour and

Welfare may order the person to discontinue those services; if that person falls under any of items (iv) through (vii) of Article 6 of the former Act when it begins to engage in worker dispatching services (if the person has established two or more places of business where it engages in worker dispatching services, the services in which it engages at each of those places of business; the same applies below in this paragraph), the Minister of Health, Labour and Welfare may order the person to discontinue those services.

- (5) If a person engaging in worker dispatching services under the provisions of paragraph (1) violates any of the provisions of the former Act (excluding the provisions of Chapter III, Section 4 of the former Act) or any order or disposition based on those provisions before the effective date, violates any of the provisions of the new Act (excluding the provisions of Chapter III, Section 4 of the new Act) or any order or disposition based on those provisions on or after the effective date, or violates any of the provisions of the Employment Security Act (Act No. 141 of 1947) or any order or disposition based on those provisions, the Minister of Health, Labour and Welfare may order the person to fully or partially discontinue its worker dispatching services for a designated period.
- (6) A person violating a disposition under the preceding two paragraphs is subject to imprisonment for not more than one year or a fine of not more than 1,000,000 yen.
- (7) If a representative of a corporation, or an agent, employee, or other worker of a corporation or individual, commits a violation referred to in the preceding paragraph in connection with the 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 that paragraph.

(Transitional Measures for the Worker Dispatching Period)

Article 7 The provisions of Article 35-3 of the new Act apply to worker dispatching that is provided under a staffing contract concluded on or after the effective date.

(Transitional Measures for Provider-Side Management Records and Client-Side Management Records)

Article 8 (1) The provisions of Article 37, paragraph (1), item (viii) of the new Act apply to measures taken pursuant to the provisions of Article 30, paragraph (1) of the new Act (including as applied pursuant to the provisions of paragraph (2) of that Article following the replacement of terms) on or after the effective date.

- (2) The provisions of Article 37, paragraph (1), item (ix) and Article 42, paragraph (1), item (ix) of the new Act apply to educational training provided on or after the effective date.

(Transitional Measures for the Period of Using Worker Dispatching Services)

- Article 9 (1) The provisions of Article 40-2 of the new Act apply to worker dispatching provided under a staffing contract concluded on or after the effective date. Prior laws continue to govern worker dispatching provided under a staffing contract concluded before the effective date.
- (2) The provisions of Article 40-3 of the new Act apply to worker dispatching provided under a staffing contract concluded on or after the effective date.

(Transitional Measures for Penal Provisions)

Article 10 Prior laws continue to govern the application of penal provisions to actions that a person takes before the effective date, and to actions that a person takes on or after the effective date in cases that the provisions of Article 5 and paragraph (1) of the preceding Article of the Supplementary Provisions provide are to continue to be governed by prior laws.

(Delegation to Cabinet Order)

Article 11 Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures in connection with this Act's entry into force.

Supplementary Provisions [Act No. 17 of March 31, 2016] [Extract]

(Effective Date)

Article 1 This Act comes into effect on January 1, 2017; provided, however, that the provisions stated in the following items come into effect on the dates prescribed in those items:

- (i) the provisions of Article 7 and the provisions of Articles 13, 32, and 33 of the Supplementary Provisions: the date of promulgation.

(Transitional Measures for Penal Provisions)

Article 13 Prior laws continue to govern the application of penal provisions to actions that a person takes before the provisions stated in Article 1, item (i) of the Supplementary Provisions come into force.

(Review)

Article 14 Once five years have passed after this Act's entry into force, the government is to review the extent to which the provisions of this Act as amended by the provisions of Articles 5, 6, and 8 have entered into force and, if it finds it to be necessary, is to take the requisite measures based on the results of its review.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 33 Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures connected with this Act's entry into force.

Supplementary Provisions [Act No. 71 of July 6, 2018] [Extract]

(Effective Date)

Article 1 This Act comes into effect on April 1, 2019; provided, however, that the provisions stated in the following items come into effect on the date described in each item:

- (i) the provisions of Article 3, and the provisions of Article 7, paragraph (2), Article 8, paragraph (2), Articles 14 and 15 of the Supplementary Provisions, the provisions of Article 18 of the Supplementary Provisions amending Appended Table 1, item (xviii) of the Act on Public Consultants on Social and Labour Insurance (Act No. 89 of 1968), the provisions of Article 19 of the Supplementary Provisions amending Article 28 and Article 38, paragraph (3) of the Act on Stabilization of Employment of Elderly Persons (Act No. 68 of 1971), the provisions of Article 20 of the Supplementary Provisions amending Article 30, paragraph (2) of the Act on the Improvement of Employment of Construction Workers (Act No. 33 of 1976), the provisions of Article 27 of the Supplementary Provisions, the provisions of Article 28 of the Supplementary Provisions amending Article 4, paragraph (1), item (lii) of the Act for Establishment of the Ministry of Health, Labour and Welfare (Act No. 97 of 1999) and the provisions amending Article 9, paragraph (1), item (iv) of that Act (limited to the part adding ", the Act on Comprehensively Advancing Labor Measures, and Stabilizing the Employment of Workers, and Enriching Workers' Vocational Lives" after "(Act No. 46 of 1998)"), and the provisions of Article 30 of the Supplementary Provisions: the date of promulgation;
- (ii) the provisions of Article 5 (excluding the provisions amending Articles 44 through 46 of the Worker Dispatching Act), the provisions of Articles 7 and 8, and the provisions of Article 6, Article 7, paragraph (1), Article 8, paragraph (1), Articles 9, 11, 13, and 17 of the Supplementary Provisions, the provisions of Article 18 of the Supplementary Provisions (excluding the provisions stated in the preceding item), the provisions of Article 19 of the Supplementary Provisions (excluding the provisions stated in the preceding item), the provisions of Article 20 of the Supplementary Provisions (excluding the provisions stated in the preceding item), the provisions of Articles 21, 23, and 26 of the Supplementary Provisions, and the provisions of Article 28 of the Supplementary Provisions (excluding the provisions

stated in the preceding item): April 1, 2020.

(Transitional Measures for Revoking Worker Dispatching Services Licenses)

Article 6 Prior laws continue to govern causes that have arisen before the provisions stated in Article 1, item (ii) of the Supplementary Provisions come into effect as it concerns the revocation of the license of a person that has been granted a license pursuant to the provisions of the Worker Dispatching Act prior to its amendment under Article 5 as of the time the provisions stated in Article 1, item (ii) of the Supplementary Provisions come into effect, or as it concerns the business suspension order to such a person.

(Transitional Measures Concerning the Provision of Information to Staffing Providers)

Article 7 (1) A client (meaning a client provided for in Article 2, item (iv) of the Worker Dispatching Act; the same applies in the following paragraph and paragraph (1) of the following Article) that has concluded a staffing contract (meaning a staffing contract provided for in Article 26, paragraph (1) of the Worker Dispatching Act; the same applies below in this paragraph) before the provisions stated in Article 1, item (ii) of the Supplementary Provisions come into effect and that uses worker dispatching services (meaning services under a worker dispatching arrangement provided for in Article 2, item (i) of the Worker Dispatching Act; the same applies below in this paragraph and the following Article) under a staffing contract after the provisions stated in Article 1, item (ii) of the Supplementary Provisions come into effect must provide the staffing provider (meaning a staffing provider provided for in Article 2, item (iv) of the Worker Dispatching Act; the same applies in the following Article) that provides that worker dispatching with information provided for by Order of the Ministry of Health, Labour and Welfare, including information on the wages and other treatment of comparable workers (meaning comparable workers provided for in Article 26, paragraph (8) of the Worker Dispatching Act as amended by the provisions of Article 5 (referred to below as "the new Worker Dispatching Act" in this paragraph, paragraph (1) of the following Article, and Article 9 of the Supplementary Provisions)), for each type of work in which the workers who will be subject to the worker dispatching arrangement (meaning dispatched workers provided for in Article 2, item (ii) of the Worker Dispatching Act; the same applies in paragraph (1) of the following Article) are to be engaged, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, on the date on which the provisions stated in Article 1, item (ii) of the Supplementary Provisions come into effect (referred to as "the item (ii) effective date" in the following paragraph and the following Article). This being the case, the phrase "paragraph (7)" in Article 26,

paragraph (10) of the new Worker Dispatching Act is deemed to be replaced with "paragraph (7) of this Act or Article 7, paragraph (1) of the Supplementary Provisions of the Act on the Arrangement of Related Acts to Promote Work Style Reform (Act No. 71 of 2018)"; the phrase "or of Acts applied pursuant to the provisions of Section 4" in Article 28 of the Worker Dispatching Act and the phrase "or Acts applied pursuant to the provisions of Section 4" in Article 31 of that Act are deemed to be replaced with ", the Acts applied pursuant to the provisions of Section 4 or the Act on the Arrangement of Related Acts to Promote Work Style Reform (limited to the provisions of Article 7, paragraph (1) of the Supplementary Provisions)"; the phrase "Article 51, paragraph (1))" in Article 48, paragraph (1) of the new Worker Dispatching Act is deemed to be replaced with "Article 51, paragraph (1)) or the Act on the Arrangement of Related Acts to Promote Work Style Reform (limited to the provisions of Article 7, paragraph (1) of the Supplementary Provisions)"; the phrase "Article 40-9, paragraph (1)" in Article 49-2, paragraph (1) of the new Worker Dispatching Act is deemed to be replaced with "Article 40-9, paragraph (1) or Article 7, paragraph (1) of the Supplementary Provisions of the Act on the Arrangement of Related Acts to Promote Work Style Reform"; the phrase "this Act or the provisions of an order based on this Act" in Article 49-3, paragraph (1) of the Worker Dispatching Act is deemed to be replaced with "this Act or the Act on the Arrangement of Related Acts to Promote Work Style Reform (limited to the provisions of Article 7, paragraph (1) of the Supplementary Provisions), or the provisions of an order based on either of these Acts"; and the phrase "this Act" in Article 50 and Article 51, paragraph (1) of the Worker Dispatching Act is deemed to be replaced with "this Act or the Act on the Arrangement of Related Acts to Promote Work Style Reform (limited to the provisions of Article 7, paragraph (1) of the Supplementary Provisions)".

- (2) The client referred to in the preceding paragraph may provide information referred to in that paragraph in accordance with the provisions of that paragraph even before the provisions stated in Article 1, item (ii) of the Supplementary Provisions come into effect. In such a case, provision of information implemented in accordance with the provisions of that paragraph is deemed to be implemented pursuant to the provisions of that paragraph on the item (ii) effective date.

(Transitional Measures for Notice to Client)

Article 8 (1) For the provision of dispatched workers that is taking place at the time the provisions stated in Article 1, item (ii) of the Supplementary Provisions come into effect, a staffing provider must notify the clients with which its dispatched workers are associated of whether any dispatched worker

subject to the worker dispatching arrangement is a worker covered under a collective agreement (meaning a "worker covered under a collective agreement" provided for in Article 30-5 of the new Worker Dispatching Act) on the item (ii) effective date pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare. In that case, the term "this Act" in Article 6, item (i) of the Worker Dispatching Act is deemed to be replaced with "this Act (including as applied pursuant to the provisions of Article 8, paragraph (1) of the Supplementary Provisions of the Act on the Arrangement of Related Acts to Promote Work Style Reform (Act No. 71 of 2018); the phrase "the replacement of terms)" in Article 14, paragraph (1), item (ii) of the Worker Dispatching Act is deemed to be replaced with "the replacement of terms), the Act on the Arrangement of Related Acts to Promote Work Style Reform (limited to the provisions of Article 8, paragraph (1) of the Supplementary Provisions)"; the term "that paragraph" in Article 35, paragraph (2) of the new Worker Dispatching Act is deemed to be replaced with "that paragraph or Article 8, paragraph (1) of the Supplementary Provisions of the Act on the Arrangement of Related Acts to Promote Work Style Reform" and the phrase "items (ii) through (v) of the preceding paragraph" in Article 35, paragraph (2) of the new Worker Dispatching Act is deemed to be replaced with "items (ii) through (v) of the preceding paragraph"; the phrase "the following Article" in Article 36, item (i) of the Worker Dispatching Act is deemed to be replaced with "the following Article, and Article 8, paragraph (1) of the Supplementary Provisions of the Act on the Arrangement of Related Acts to Promote Work Style Reform"; the phrase "Article 35" in Article 41, item (i), (c) of the Worker Dispatching Act is deemed to be replaced with "Article 35 of this Act or Article 8, paragraph (1) of the Supplementary Provisions of the Act on the Arrangement of Related Acts to Promote Work Style Reform"; the phrase "and Article 51, paragraph (1))" in Article 48, paragraph (1) of the new Worker Dispatching Act is deemed to be replaced with "and Article 51, paragraph (1)) or the Act on the Arrangement of Related Acts to Promote Work Style Reform (limited to the provisions of Article 8, paragraph (1) of the Supplementary Provisions)"; the phrase "replacement of terms)" in Article 49, paragraph (1) of the Worker Dispatching Act is deemed to be replaced with "replacement of terms) or the Act on the Arrangement of Related Acts to Promote Work Style Reform (limited to the provisions of Article 8, paragraph (1) of the Supplementary Provisions)"; the phrase "this Act or the provisions of an order based on this Act" in Article 49-3, paragraph (1) of the Worker Dispatching Act is deemed to be replaced with "this Act or the Act on the Arrangement of Related Acts to Promote Work Style Reform (limited to the provisions of Article 8, paragraph (1) of the Supplementary Provisions), or the provisions of an order based on either of these Acts"; the phrase "this Act" in Article 50 and Article 51, paragraph (1) of the Worker Dispatching Act is

deemed to be replaced with "this Act or the Act on the Arrangement of Related Acts to Promote Work Style Reform (limited to the provisions of Article 8, paragraph (1) of the Supplementary Provisions)"; and the phrase "Article 35" in Article 61, item (iv) of the Worker Dispatching Act is deemed to be replaced with "Article 35 of this Act or Article 8, paragraph (1) of the Supplementary Provisions of the Act on the Arrangement of Related Acts to Promote Work Style Reform".

- (2) Even before the provisions stated in Article 1, item (ii) of the Supplementary Provisions come into effect, a staffing provider may give the notice referred to in that paragraph concerning the worker dispatching referred to in the preceding paragraph in accordance with the provisions of Article 1, item (ii) of the Supplementary Provisions. In that case, the notice given in accordance with the provisions of that paragraph is deemed to be given pursuant to the provisions of that paragraph on the item (ii) effective date.

(Transitional Measures for Special Provisions to Facilitate Resolution of Disputes Involving Dispatched Workers)

Article 9 Notwithstanding the provisions of Article 47-6 of the Worker Dispatching Act, prior laws continue to govern a dispute that is subject to pending mediation referred to in Article 5, paragraph (1) of the Act on Promoting the Resolution of Individual Labor-Related Disputes (Act No. 112 of 2001) before the Dispute Coordinating Committee (meaning the Dispute Coordinating Committee provided for in Article 6, paragraph (1) of that Act; the same applies in Article 11 of the Supplementary Provisions) at the time the provisions stated in Article 1, item (ii) of the Supplementary Provisions come into effect, and that constitutes a dispute provided for in Article 47-6 of the Worker Dispatching Act.

(Review)

Article 12 (1)

- (3) In addition to the particulars provided for in the preceding two paragraphs, once approximately five years have passed after this Act's entry into force, the government is to review the provisions of the Acts amended by this Act (referred to below as "each of the amended Acts" in this paragraph), taking into account the extent to which each of the amended Acts have entered into force, with the objective of ensuring work-life balance, improving working conditions, ensuring balanced treatment among workers in various employment patterns or working patterns, and otherwise enriching the occupational lives of workers through promotion of consultations between the workers and employers or other related matters, and if the government finds it necessary to do so, it is to take necessary measures based on the results of that review.

(Transitional Measures for Penal Provisions)

Article 29 Prior laws continue to govern the application of penal provisions to actions that a person takes before this Act (as for the provisions stated in Article 1, item (iii) of the Supplementary Provisions, the relevant provisions) comes into effect, and to actions that a person takes after this Act comes into effect in cases that these Supplementary Provisions provide are to continue to be governed by prior laws, and in cases for which these Supplementary Provisions provide that prior laws remain in force.

(Delegation to Cabinet Order)

Article 30 Beyond what is provided for in these Supplementary Provisions, Cabinet Order provides for transitional measures (including transitional measures for penal provisions) that are made necessary by this Act's entry into force.

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

(Effective Date)

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

- (i) the provisions amending Article 4 of the Act on Comprehensively Advancing Labor Measures, and Stabilizing the Employment of Workers, and Enriching Workers' Vocational Lives in Article 3, and the provisions of the following Article and Article 6 of the Supplementary Provisions: the date of promulgation.

(Transitional Measures for Penal Provisions)

Article 5 Prior laws continue to govern the application of penal provisions for actions that a person takes before this Act comes into effect.

(Delegation to Cabinet Order)

Article 6 Beyond what is provided for in these Supplementary Provisions, Cabinet Order provides for the necessary transitional measures connected with this Act's entry into force.

(Review)

Article 7 Once five years have passed after this Act's entry into force, the government is to review the extent to which the provisions amended by this Act

have entered into force, and if it finds it necessary to do so, it is to take the requisite measures based on the results of its review.

Supplementary Provisions [Act No. 37 of June 14, 2019] [Extract]

(Effective Date)

Article 1 This Act comes into effect on the day after the final day in the three-month period counting from the date of promulgation; provided, however, that the provisions stated in the following items come into effect as of the date prescribed in each item:

- (i) the provisions of Articles 40, 59, 61, 75 (limited to the provisions amending Article 34-20 of the Child Welfare Act), 85, 102, 107 (limited to the provisions amending Article 26 of the Act on the Protection of Children pertaining to Adoption Mediation by Private Mediation Agencies), 111, 143, 149, 152, 154 (limited to the provisions amending Article 25, item (vi) of the Act on Real Estate Appraisal), and 168, and the following Article, and Articles 3 and 6 of the Supplementary Provisions: the date of promulgation.

(Transitional Measures for Acts by Administrative Authorities)

Article 2 Prior laws continue to govern the effect of a disposition or other action taken by an administrative authority under the provisions of the Act before its amendment by this Act or an order under this Act (limited to provisions on ineligibility or other provisions that provide for measures involving the restriction of a right) before the date on which this Act (or the provisions stated in the items of the preceding Article, if applicable; the same applies below in this Article and the following Article) comes into effect, and to govern the effect of forfeiture of a position arising from those provisions.

(Transitional Measures for Penal Provisions)

Article 3 Prior laws continue to govern the application of penal provisions to actions a person takes before this Act comes into effect.

(Review)

Article 7 Within approximately one year after the promulgation of this Act, the government is to review the provisions of the Companies Act (Act No. 86 of 2005) and the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006) that restrict a person's eligibility to be an officer of a corporation on the grounds that the person is an adult ward or a person under curatorship, and is to delete the relevant provisions or take other necessary legislative measures based on the results of its review.