

Ordinance for Enforcement of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers

(Ordinance of the Ministry of Labour No. 20 of April 17, 1986)

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Chapter I Measures for Securing the Proper Operation of Worker Dispatching Undertakings

Section 1 Scope of the Designated Work

(Places Specified by an Ordinance of the Ministry of Health, Labour and Welfare Referred to in Paragraph (1) of Article 2 of the Order)

Article 1 (1) The places specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in paragraph (1) of Article 2 of the Order for Enforcement of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (Cabinet Order No. 95 of 1986; hereinafter referred to as the "Order") shall be the places listed as follows:

- (i) hospitals, etc., at which prefectures have, after going through the consultation process referred to in paragraph (1) of Article 30-12 of the

Medical Treatment Act (Act No. 205 of 1948), found that it is necessary, as one of the necessary measures referred to in the same paragraph, to have a dispatched worker engaged in work listed in item (i) of paragraph (1) of Article 2 of the Order, under arrangements for worker dispatching services carried out in the course of trade, for the purpose of securing medical care in the region (such hospitals, etc. shall refer to those prescribed in the same item; the same shall apply in the following item) and which are specified by the Minister of Health, Labour and Welfare;

- (ii) homes of patients related to the hospitals, etc. listed in the preceding item.
- (2) Those specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in item (i) of paragraph (1) of Article 2 of the Order shall be as follows:
 - (i) clinics established in support facilities for persons with disabilities prescribed in paragraph (12) of Article 5 of the Act for Supporting the Independence of Persons with Disabilities (Act No. 123 of 2005);
 - (ii) clinics established in relief facilities prescribed in item (i) of paragraph (1) of Article 38 of the Public Assistance Act (Act No. 144 of 1950);
 - (iii) clinics established in rehabilitation facilities prescribed in item (ii) of paragraph (1) of Article 38 of the Public Assistance Act;
 - (iv) clinics established in rehabilitation centers prescribed in item (vii) of paragraph (1) of Article 12 of the Japan Labor Health and Welfare Organization Act (Act No. 171 of 2002);
 - (v) clinics established in nursing homes for the elderly prescribed in Article 20-4 of the Welfare Act for the Elderly (Act No. 133 of 1963);
 - (vi) clinics established in special nursing homes for the elderly prescribed in Article 20-5 of the Welfare Act for the Elderly;
 - (vii) clinics established in facilities for nursing services prescribed in Article 39 of the Atomic Bomb Survivors' Assistance Act (Act No. 117 of 1994).

Section 2 License for Worker Dispatching Undertakings, etc.

Subsection 1 General Worker Dispatching Undertakings

(Procedures for Applying for a License)

- Article 1-2 (1) The written application referred to in paragraph (2) of Article 5 of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as the "Act") shall be in the form of a written application for a license for a general worker dispatching undertaking (Form 1).
- (2) The documents specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in paragraph (3) of Article 5 of the Act shall be as follows:

- (i) where an applicant is a juridical person, the following documents:
 - (a) articles of incorporation or articles of endowment;
 - (b) certificates of registered matters;
 - (c) a copy of the certificate of residence of the officers (in the case of a foreign national, the alien registration certificate; the same shall apply hereinafter) and their curricula vitae;
 - (d) where an officer is a minor and has not obtained a license for the operation of a general worker dispatching undertaking, a copy of the certificate of residence and a curriculum vitae of his/her statutory representative;
 - (e) rules concerning the proper management of personal information and protection of confidentiality (hereinafter referred to as "Rules for the Proper Management of Personal Information") for each place of business where the general worker dispatching undertaking is carried out;
 - (f) a balance sheet and profit and loss statement for a recent business year;
 - (g) documents certifying the details of assets concerning the general worker dispatching undertaking and the relation of the rights;
 - (h) a copy of the certificate of residence and curriculum vitae of a responsible person acting for the dispatching undertaking appointed for each place of business where the general worker dispatching undertaking is carried out;
 - (ii) where an applicant is an individual, the following documents:
 - (a) a copy of the certificate of residence and curriculum vitae;
 - (b) where an applicant is a minor and has not obtained a license for the operation of a general worker dispatching undertaking, a copy of the certificate of residence and a curriculum vitae of his/her statutory representative;
 - (c) documents listed in (e), (g) and (h) of the preceding item.
- (3) The business plan to be attached pursuant to the provisions of paragraph (3) of Article 5 of the Act shall be in the form of a business plan of a general worker dispatching undertaking (Form 3).
- (4) When a business operator of a specified dispatching undertaking prescribed in item (vi) of Article 2 of the Act (hereinafter referred to as a "Business Operator of a Specified Dispatching Undertaking") applies for a license for a general worker dispatching undertaking pursuant to the provisions of paragraph (1) of Article 5 of the Act, documents listed in (a) to (c) of item (i) of paragraph (2) are not required in the case of a juridical person, and documents listed in (a) of item (ii) of paragraph (2) are not required in the case of an individual.

(The Case Specified by an Ordinance of the Ministry of Health, Labour and Welfare Referred to in Item (i) of Paragraph (1) of Article 7 of the Act)

Article 1-3 The case specified by an Ordinance of the Ministry of Health, Labour

and Welfare referred to in item (i) of paragraph (1) of Article 7 of the Act shall be the case where 30 percent or more of all dispatched workers employed by a dispatching business operator who conducts said undertaking are 60 years of age or over (limited to those who were employed after retiring from a place of business of another business operator due to the age limit of over 60).

(License Certificate)

Article 2 The license certificate referred to in paragraph (1) of Article 8 of the Act shall be in the form of a license certificate for general worker dispatching undertakings (Form 4; hereinafter simply referred to as a "License Certificate").

(Reissuance of License Certificate)

Article 3 A person who intends to get his/her License Certificate reissued pursuant to the provisions of paragraph (3) of Article 8 of the Act shall submit a written application for the reissuance of a License Certificate (Form 5) to the Minister of Health, Labour and Welfare.

(Return, etc. of License Certificate)

Article 4 (1) A person who has been issued License Certificates shall, when coming to fall under any of the following items, return the License Certificates pertaining to all places of business for carrying out the general worker dispatching undertaking in the case of falling under item (i) or item (ii), and the License Certificates discovered or restored in the case of falling under item (iii) to the Minister of Health, Labour and Welfare, within ten days from the day following the day on which said fact occurred:

- (i) when the license was revoked;
- (ii) when the valid period of the license expired;
- (iii) in the case of having received the reissuance of the License Certificate, when the lost License Certificate was discovered or restored.

(2) When a person who has been issued License Certificates has come to fall under any of the cases listed in the following items, the person listed in said respective items shall return the License Certificates pertaining to all places of business for carrying out the general worker dispatching undertaking to the Minister of Health, Labour and Welfare, within ten days from the day following the day on which said fact occurred:

- (i) when the person has died: A relative who had been living together with said person or a statutory representative;
- (ii) when the juridical person has been extinguished through a merger: A representative person of the juridical person surviving the merger or established through the merger.

(Procedures for Applying for the Renewal of the Valid Period of the License)

- Article 5 (1) A person who wishes to obtain the renewal of the valid period of the license pursuant to the provisions of paragraph (2) of Article 10 of the Act shall submit a written application for the renewal of the valid period of the license for general worker dispatching undertakings (Form 1) to the Minister of Health, Labour and Welfare, by 30 days prior to the expiration day of the valid period of the license.
- (2) The documents specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in paragraph (3) of Article 5 of the Act which is applied *mutatis mutandis* pursuant to paragraph (5) of Article 10 of the Act shall be as follows:
- (i) where an applicant is a juridical person, the documents listed in (a), (b), (d), (e), (f) and (g) of item (i) of paragraph (2) of Article 1-2;
 - (ii) where an applicant is an individual, the documents listed in (e) and (g) of item (i) of paragraph (2) of Article 1-2.
- (3) The business plan to be attached pursuant to the provisions of paragraph (3) of Article 5 of the Act which is applied *mutatis mutandis* pursuant to paragraph (5) of Article 10 of the Act shall be in the form of a written business plan for a general worker dispatching undertaking (Form 3).
- (4) The renewal of the valid period of a license pursuant to the provisions of paragraph (2) of Article 10 of the Act shall be completed by issuing a new License Certificate in exchange for the License Certificate currently held by the person intending to obtain said renewal.

Articles 6 and 7 Deleted

(Notification, etc. of Changes)

- Article 8 (1) A person who intends to make a notification pursuant to the provisions of Article 11 of the Act shall submit a written notice of changes to a general worker dispatching undertaking (Form 5) in the case where the matters pertaining to said notification do not fall under any of the matters stated in the License Certificate, and a written notice of changes to a general worker dispatching undertaking and a written application for the rewriting of a License Certificate (Form 5) in the case where the matters pertaining to said notification fall under any of the matters stated in the License Certificate, to the Minister of Health, Labour and Welfare, within 30 days from the day following the day on which the fact pertaining to said changes occurred in the case of making a notification of changes listed in item (iv) of paragraph (2) of Article 5 of the Act, and within ten days from the day following the day on which the fact pertaining to said changes occurred in the case of making a notification of changes other than those listed in the same item.

- (2) In the case of making a notification of changes related to the establishment of a new place(s) of business among notifications to be made pursuant to the provisions of paragraph (1) of Article 11 of the Act, the written notice of changes to a general worker dispatching undertaking referred to in the preceding paragraph shall be accompanied by documents related to said new place(s) of business which are listed in (e), (g) and (h) of item (i) of paragraph (2) of Article 1-2 in the case of a juridical person, and documents related to said new place(s) of business which are listed in (c) of item (ii) of the same paragraph in the case of an individual (excluding documents certifying the details of assets concerning the general worker dispatching undertaking); provided, however, that when a business operator of a general dispatching undertaking prescribed in item (vi) of Article 2 of the Act (hereinafter referred to as a "Business Operator of a General Dispatching Undertaking") has permanently appointed a responsible person acting for the dispatching undertaking for another place of business where a general worker dispatching undertaking has been conducted as the responsible person acting for the dispatching undertaking for said new place(s) of business, his/her curriculum vitae is not required out of the documents listed in (h) of item (i) of paragraph (2) of Article 1-2 in the case of a juridical person, and his/her curriculum vitae are not required out of the documents listed in (c) of item (ii) of the same paragraph in the case of an individual (when there are no changes to the address of the appointed responsible person acting for the dispatching undertaking, a copy of his/her certificate of residence and his/her curriculum vitae are not required; hereinafter the same shall apply in this Article).
- (3) In the case of making a notification of changes other than those related to the establishment of a new place(s) of business among notifications to be made pursuant to the provisions of paragraph (1) of Article 11 of the Act, the written notice of changes to a general worker dispatching undertaking or the written notice of changes to a general worker dispatching undertaking and the written application for the rewriting of a License Certificate referred to in paragraph (1) shall be accompanied by documents related to said changed matters out of the documents prescribed in paragraph (2) of Article 1-2 (in the case of making a notification of changes related to the abolition of a place(s) of business, the License Certificate(s) for said abolished place(s) of business).
- (4) In the case where there were changes to the names of responsible persons acting for the dispatching undertaking among the matters listed in item (iv) of paragraph (2) of Article 5 of the Act, when said Business Operator of a General Dispatching Undertaking has permanently appointed a responsible person acting for the dispatching undertaking for another place of business where a general worker dispatching undertaking has been conducted as the responsible person acting for the dispatching undertaking for the place of business related

to said changes, his/her curriculum vitae is not required out of the documents listed in (h) of item (i) of paragraph (2) of Article 1-2 in the case of a juridical person, and his/her curriculum vitae is not required out of the documents listed in (c) of item (ii) of the same paragraph in the case of an individual.

(Issuance of License Certificate in the Case Where a Notification of Changes Related to Establishment of a New Place(s) of Business Has Been Made)

Article 9 A License Certificate under the provisions of paragraph (3) of Article 11 of the Act shall be issued for each of said new places of business.

(Notification of Discontinuance of Business)

Article 10 A person who intends to make a notification pursuant to the provisions of paragraph (1) of Article 13 of the Act shall submit a written notice of discontinuance of the general worker dispatching undertaking (Form 8) to the Minister of Health, Labour and Welfare, along with License Certificates related to all of his/her places of business for carrying out the general worker dispatching undertaking, within ten days from the day following the day of the discontinuance of said general worker dispatching undertaking.

Subsection 2 Specified Worker Dispatching Undertakings

(Procedures for Submitting a Written Notice)

Article 11 (1) The written notice referred to in paragraph (1) of Article 16 of the Act shall be in the form of a written notice of a specified worker dispatching undertaking (Form 9).

(2) The documents specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in paragraph (2) of Article 16 of the Act shall be as follows:

(i) where a notifier is a juridical person, the following documents:

(a) documents listed in (a) to (c) of item (i) of paragraph (2) of Article 1-2;

(b) where an officer is a minor and has not obtained a license for the operation of a specified worker dispatching undertaking, a copy of the certificate of residence and curriculum vitae of his/her statutory representative;

(c) Rules for the Proper Management of Personal Information for each place of business for carrying out a specified worker dispatching undertaking;

(d) documents certifying the relation of the rights to the place of business for carrying out a specified worker dispatching undertaking;

(e) a copy of the certificate of residence and curriculum vitae of a responsible person acting for the dispatching undertaking appointed for each place of

- business for carrying out a specified worker dispatching undertaking;
- (ii) where a notifier is an individual, the following documents:
- (a) documents listed in (a) of item (ii) of paragraph (2) of Article 1-2;
 - (b) where a notifier is a minor and has not obtained a license for the operation of a specified worker dispatching undertaking, a copy of the certificate of residence and curriculum vitae of his/her statutory representative;
 - (c) documents listed in (c), (d) and (e) of the preceding item.
- (3) The business plan to be attached pursuant to the provisions of paragraph (2) of Article 16 of the Act shall be in the form of a business plan of a specified worker dispatching undertaking (Form 3).
- (4) When a Business Operator of a General Dispatching Undertaking or a person who has filed an application for a license of a general worker dispatching undertaking under paragraph (1) of Article 5 of the Act intends to make a notification of a specified worker dispatching undertaking under paragraph (1) of Article 16 of the Act, documents listed in (a) of item (i) of paragraph (2) shall not be required in the case of a juridical person and documents listed in (a) of item (ii) of the same paragraph shall not be required in the case of an individual.
- (5) In the case where a notifier has been conducting a general worker dispatching undertaking, when the notifier intends to permanently appoint a responsible person acting for the dispatching undertaking for another place of business where a general worker dispatching undertaking has been conducted as the responsible person acting for the dispatching undertaking for said place of business related to said notification, his/her curriculum vitae is not required out of the documents listed in (e) of item (i) of paragraph (2) in the case of a juridical person, and his/her curriculum vitae is not required out of the documents listed in (c) of item (ii) of the same paragraph in the case of an individual (when there are no changes to the address of the responsible person acting for the dispatching undertaking to be appointed, a copy of his/her certificate of residence and his/her curriculum vitae are not required).

(Matters Specified by an Ordinance of the Ministry of Health, Labour and Welfare Referred to in Article 18 of the Act)

- Article 12 The matters specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in Article 18 of the Act shall be as follows:
- (i) the name, and in the case of a juridical person, the name of the representative person;
 - (ii) the name and location of the place of business.

Article 13 Deleted

(Notification of Changes)

Article 14 (1) A person who intends to make a notification pursuant to the provisions of Article 19 of the Act shall submit a written notice of changes to a specified worker dispatching undertaking (Form 10) to the Minister of Health, Labour and Welfare, along with documents related to said changed matters out of the documents prescribed in paragraph (2) of Article 11, within 30 days from the day following the day on which the fact pertaining to said changes occurred in the case of making a notification of changes listed in item (iv) of paragraph (2) of Article 5 of the Act, and within ten days from the day following the day on which the fact pertaining to said changes occurred in the case of making a notification of changes other than those listed in the same item; provided, however, that when a notifier has, on the occasion of making a notification under paragraph (1) of Article 11 of the Act with regard to said changes, attached documents related to said changed matters out of the documents listed in (a) to (c) of item (i) of paragraph (2) of Article 1-2 in the case of a juridical person, or documents related to said changed matters out of the documents listed in (a) of item (ii) of the same paragraph in the case of an individual, said documents are not required.

(2) The documents specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in paragraph (1) of Article 19 of the Act shall be the documents related to said new place(s) of business listed in (c), (d) and (e) of item (i) of paragraph (2) of Article 11 in the case of a juridical person, and the documents related to said place(s) of business listed in (c) of item (ii) of the same paragraph in the case of an individual; provided, however, that when said Business Operator of a Specified Dispatching Undertaking has permanently appointed a responsible person acting for the dispatching undertaking for another place of business where a general worker dispatching undertaking or a specified worker dispatching undertaking has been conducted as the responsible person acting for the dispatching undertaking for said new place(s) of business, his/her curriculum vitae is not required out of the documents listed in (e) of item (i) of the same paragraph in the case of a juridical person, and his/her curriculum vitae is not required out of the documents listed in (c) of item (ii) of the same paragraph in the case of an individual (when there are no changes to the address of the appointed responsible person acting for the dispatching undertaking, a copy of his/her certificate of residence and his/her curriculum vitae are not required; hereinafter the same shall apply in this Article).

(3) In the case where there were changes to the name of the responsible person acting for the dispatching undertaking among the matters listed in item (iv) of paragraph (2) of Article 5 of the Act, when said Business Operator of a

Specified Dispatching Undertaking has permanently appointed a responsible person acting for the dispatching undertaking for another place of business where a general worker dispatching undertaking or a specified worker dispatching undertaking has been conducted as the responsible person acting for the dispatching undertaking for the place of business related to said changes, his/her curriculum vitae is not required out of the documents listed in (e) of item (i) of paragraph (2) of Article 11 in the case of a juridical person, and his/her curriculum vitae is not required out of the documents listed in (c) of item (ii) of the same paragraph in the case of an individual.

(Notification of Discontinuance of Undertaking)

Article 15 A person who intends to make a notification pursuant to the provisions of Article 20 of the Act shall submit a written notice of discontinuance of the specified worker dispatching undertaking (Form 8) to the Minister of Health, Labour and Welfare, within ten days from the day following the day of the discontinuance of said specified worker dispatching undertaking.

Article 16 Deleted

Section 3 Auxiliary Provisions

(Business Reports and Settlements of Accounts)

Article 17 (1) A dispatching business operator prescribed in paragraph (1) of Article 23 of the Act (hereinafter simply referred to as a "Dispatching Business Operator") shall, within three months after the end of each business year, prepare business reports for the undertaking and settlements of accounts for each place of business for carrying out the worker dispatching undertaking and submit them to the Minister of Health, Labour and Welfare; provided, however, that when the Dispatching Business Operator has submitted a balance sheet and profit and loss statement for the business year, settlements of accounts are not required.

(2) The business reports and settlements of accounts to be submitted pursuant to the provisions of paragraph (1) of Article 23 of the Act shall be in the form of a business report for a worker dispatching undertaking (Form 11) and the form of settlements of accounts for a worker dispatching undertaking (Form 12), respectively.

(Notification of Overseas Dispatching)

Article 18 When a Dispatching Business Operator intends to carry out an overseas dispatching pursuant to the provisions of paragraph (3) of Article 23 of the Act (hereinafter simply referred to as an "Overseas Dispatching"), he/she

shall submit a written notice of an Overseas Dispatching (Form 13) along with a copy of documents under the provisions of Article 23 to the Minister of Health, Labour and Welfare.

(Route to Submit Documents)

Article 19 The documents to be submitted to the Minister of Health, Labour and Welfare under the provisions of Chapter II of the Act or this Chapter shall be submitted via the Prefectural Labour Director who governs the location of the principal office of a Dispatching Business Operator; provided, however, that the documents related to matters other than those prescribed in items (i) and (ii) of paragraph (2) of Article 5 of the Act, out of the documents (including License Certificates) to be submitted to the Minister of Health, Labour and Welfare pursuant to the provisions of paragraph (3) of Article 8 of the Act, paragraph (1) or paragraph (4) of Article 11 of the Act, paragraph (1) of Article 19 of the Act or paragraph (1) of Article 4, may be submitted via the Prefectural Labour Director who governs the location of said place of business.

(The Number of Copies of Documents to be Submitted)

Article 20 The original of the documents (excluding License Certificates) to be submitted to the Minister of Health, Labour and Welfare under the provisions of Chapter II of the Act or this Chapter shall be submitted, along with two copies thereof (one copy, in the case of documents prescribed in paragraph (2) of Article 1-2, paragraph (2) of Article 5, paragraph (2) or paragraph (3) of Article 8, paragraph (2) of Article 11 or Article 14).

Chapter II Measures for Securing Improved Working Conditions for Dispatched Workers

Section 1 Worker Dispatch Contract

(Methods to Stipulate Matters under a Worker Dispatch Contract, etc.)

Article 21 (1) When there is only one combination of the contents of the matters listed in the items of paragraph (1) of Article 26 of the Act, such matters shall be stipulated by specifying the number of dispatched workers for said combination, and when there are two or more combinations, such matters shall be stipulated by specifying the details of each of the combinations and the number of dispatched workers for each of the combinations, pursuant to the provisions of the same paragraph.

(2) When the contents of the work referred to in item (i) of paragraph (1) of Article 26 of the Act contains the work listed in the items of Article 4 of the Order, the relevant item numbers shall be attached.

(3) The parties of a worker dispatch contract shall, when concluding the worker

dispatch contract, record in writing the matters stipulated under the provisions of paragraph (1) of Article 26 of the Act.

- (4) A person who receives the provision of worker dispatching services from a Dispatching Business Operator shall, when concluding the worker dispatch contract, record the contents clearly indicated under the provisions of paragraph (4) of Article 26 of the Act, along with the written matters referred to in the preceding paragraph.

(Matters Specified by an Ordinance of the Ministry of Health, Labour and Welfare Referred to in Item (x) of Paragraph (1) of Article 26 of the Act)

Article 22 The matters specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in item (x) of paragraph (1) of Article 26 of the Act shall be as follows:

- (i) the matters concerning a responsible person acting for the dispatching undertaking and a responsible person acting for the Client;
- (ii) in the case where a person receiving the provision of worker dispatching services has stipulated that he/she may have workers perform the dispatch work prescribed in item (ii) of paragraph (1) of Article 26 of the Act (hereinafter simply referred to as the "Dispatch Work") on days other than the days on which the Dispatch Work is to be performed as listed in item (iv) of the same paragraph or that he/she may extend the hours between the start time and the end time of the Dispatch Work listed in item (v) of the same paragraph, said extra days on which he/she may have workers perform the Dispatch Work or the number of hours by which he/she may extend;
- (iii) in the case where a Dispatching Business Operator has stipulated with a person who is or is going to be a client prescribed in Article 31 of the Act (hereinafter simply referred to as a "Client") that such person shall provide said dispatched workers with the right to use facilities such as clinics and food service facilities which workers employed by said person who is or is going to be a Client are currently using on a regular basis, the right to use facilities or equipment for recreational purposes, the lending of uniforms and other advantages for promoting dispatched workers' welfare, the details of such advantages and the methods of providing them.

(Matters to be Recorded in Writing Pertaining to Contract)

Article 22-2 The written matters prescribed in paragraph (3) of Article 21 shall contain the matters prescribed in the same paragraph and paragraph (4) of the same Article and the matters prescribed respectively in the following items, in accordance with the categories of the cases listed as follows:

- (i) in the case of employment placement dispatching: the fact that where the Client does not wish to accept an employment placement or does not employ

- a person who has been introduced to him/her, the reason thereof shall be clearly indicated to the Dispatching Business Operator, at his/her request, by way of delivery of the written matters, transmission by facsimile or transmission by e-mail (hereinafter referred to as "Delivery of the Written Matters, etc.");
- (ii) in the case of worker dispatching carried out for the work referred to in (a) of item (ii) of paragraph (1) of Article 40-2 of the Act; the fact that the work falls under (a) of the same item;
 - (iii) in the case of worker dispatching carried out for the work referred to in (b) of item (ii) of paragraph (1) of Article 40-2 of the Act; matters listed in (a) to (c) below;
 - (a) the fact that the work falls under (b) of item (ii) of paragraph (1) of Article 40-2 of the Act;
 - (b) the number of working days per month on which the work is performed at the Client's place of business;
 - (c) the normal prescribed number of working days per month for ordinary workers employed by the Client;
 - (iv) in the case of worker dispatching carried out for the work referred to in item (iii) of paragraph (1) of Article 40-2 of the Act: matters listed in (a) and (b) below:
 - (a) the name and work of a worker who takes leave under the provisions of paragraph (1) or (2) of Article 65 of the Labor Standards Act (Act No. 49 of 1947) (hereinafter such leave shall be referred to as "Maternity Leave Before or After Childbirth"), child care leave prescribed in item (i) of Article 2 of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave (Act No. 76 of 1991; hereinafter referred to as the "Child Care and Family Care Leave Act") (hereinafter such leave shall be referred to as "Child Care Leave"), or leave in the case prescribed in Article 33;
 - (b) the date of the start and the scheduled end of Maternity Leave Before or After Childbirth, Child Care Leave or leave in the case prescribed in Article 33 taken by the worker referred to in (a);
 - (v) in the case of worker dispatching carried out for the work referred to in item (iv) of paragraph (1) of Article 40-2 of the Act: matters listed in (a) and (b) below:
 - (a) the name and work of a worker who takes family care leave prescribed in item (ii) of Article 2 of the Child Care and Family Care Leave Act (hereinafter referred to as "Family Care Leave") or leave prescribed in Article 33-2;
 - (b) the date of the start and the scheduled end of Family Care Leave or leave prescribed in Article 33-2 taken by the worker referred to in (a);

(Methods to Stipulate Matters under Worker Dispatch Contract for Overseas Dispatching)

Article 23 A Dispatching Business Operator shall, when concluding a worker dispatch contract for Overseas Dispatching, record in writing the matters stipulated under the provisions of paragraph (3) of Article 26 of the Act and provide Delivery of the Written Matters, etc. to a person who receives the provision of services pertaining to said Overseas Dispatching.

(Measures Specified by an Ordinance of the Ministry of Health, Labour and Welfare Referred to in Item (iii) of Paragraph (3) of Article 26 of the Act)

Article 24 The measures specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in item (iii) of paragraph (3) of Article 26 of the Act shall be as follows:

- (i) notification of the first day on which receiving worker dispatching services will be in conflict with the provisions of paragraph (1) of Article 40-2 of the Act as prescribed in paragraph (5) of Article 26 of the Act;
- (ii) measures concerning a worker dispatch contract referred to in Article 39 of the Act;
- (iii) notification of the contents of the complaint and handling of the complaint referred to in paragraph (1) of Article 40 of the Act;
- (iv) measures concerning matters related to the employment of dispatched workers prescribed in Articles 40-3 to 40-5 inclusive of the Act;
- (v) provision of medical treatment in the case of illness or injury and other assistance necessary for promoting the welfare of dispatched workers;
- (vi) in addition to what is listed in the preceding items, measures necessary for the appropriate and smooth performance of Dispatch Work.

(Methods to Make a Notification of the First Day on which Receiving Worker Dispatching Services will be in Conflict with the Provisions of Paragraph (1) of Article 40-2 of the Act as Prescribed in Paragraph (5) of Article 26 of the Act)

Article 24-2 When concluding a worker dispatch contract, a notification shall be made in advance with regard to the first day on which receiving worker dispatching services will be in conflict with the provisions of paragraph (1) of Article 40-2 of the Act as prescribed in paragraph (5) of Article 26 of the Act, by way of Delivery of the Written Matters, etc. concerning matters to be notified under the provisions of paragraph (5) of Article 26 of the Act.

Section 2 Measures to Be Taken by Dispatching Business Operators, etc.

(Methods for Clear Indication of Working Conditions, etc.)

Article 25 (1) The matters to be clearly indicated under the provisions of paragraphs (1) and (2) of Article 34 of the Act shall be clearly indicated by any of the following methods; provided, however, that this shall not apply to the case of a clear indication of working conditions under the provisions of paragraph (1) of the same Article, where such matters cannot be clearly indicated in advance by any of the following methods because the worker dispatching is urgently needed and such matters have been clearly indicated in advance by methods other than the following methods:

(i) Delivery of the Written Matters;

(ii) either of the following methods by which the dispatched worker wishes to have the matters indicated:

(a) transmission by facsimile;

(b) transmission by e-mail.

(2) In the case referred to in the proviso of the preceding paragraph which falls under any of the following items, the relevant matters shall be clearly indicated to the dispatched worker by any of the methods listed in the items of the preceding paragraph, without delay after the commencement of the worker dispatching:

(i) when a request has been made by the dispatched worker;

(ii) when the period of the worker dispatching exceeds one week in the case other than that referred to in the preceding item.

Article 26 Deleted

(Methods for Notification to Client)

Article 27 (1) When there is only one combination of the contents of matters listed in the items of paragraph (1) of Article 26 of the Act, the names of the dispatched workers pertaining to the combination and the matters listed in the items of the following Article shall be notified, and when there are two or more combinations, the names of the dispatched workers for each of the combinations and the matters listed in the items of the following Article shall be notified, pursuant to the provisions of Article 35 of the Act.

(2) The notification under the provisions of Article 35 of the Act shall be made in advance, when carrying out worker dispatching, by way of Delivery of the Written Matters, etc. concerning the matters to be notified under the same Article; provided, however, that this shall not apply to the case where Delivery of the Written Matters, etc. cannot be provided in advance because the worker dispatching is urgently needed and the matters to be notified have been notified in advance by methods other than by way of Delivery of the Written Matters, etc.:

- (3) In the case referred to in the proviso of the preceding paragraph and where the term of the worker dispatching exceeds two weeks (limited to the case where there are two or more combinations of the contents of matters listed in the items of paragraph (1) of Article 26 of the Act), Delivery of the Written Matters, etc. concerning said matters shall be provided, without delay after the commencement of the worker dispatching.
- (4) Under the provisions of paragraph (2) of Article 35-2 of the Act, the notification to a Client shall be made by way of Delivery of the Written Matters, etc. concerning the matters to be notified under the same paragraph and the notification to a dispatched worker shall be made by notifying the matters to be notified under the same paragraph by any of the following methods:
- (i) Delivery of the Written Matters;
 - (ii) either of the following methods by which the dispatched worker wishes to have the matters notified:
 - (a) transmission by facsimile;
 - (b) transmission by e-mail.

(Matters Specified by an Ordinance of the Ministry of Health, Labour and Welfare Referred to in Item (ii) of Article 35 of the Act)

Article 27-2 (1) The matters specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in item (ii) of Article 35 of the Act shall be whether the document listed in the following items has been submitted to the relevant administrative organ under the Ministerial Ordinance listed in said respective items:

- (i) written notice of acquisition of the health insurance qualification prescribed in paragraph (1) of Article 24 of the Ordinance for Enforcement of the Health Insurance Act (Ordinance of the Ministry of Home Affairs No. 36 of 1926);
 - (ii) written notice of acquisition of the welfare pension insurance qualification prescribed in Article 15 of the Ordinance for Enforcement of the Welfare Pension Insurance Act (Ordinance of the Ministry of Health and Welfare No. 37 of 1954);
 - (iii) written notice of acquisition of the employment insurance qualification prescribed in Article 6 of the Ordinance for Enforcement of the Employment Insurance Act (Ordinance of the Ministry of Labour No. 3 of 1975).
- (2) When a Dispatching Business Operator notifies the Client that the document listed in the items of the preceding paragraph has not been submitted under the provisions of the preceding paragraph, he/she shall present concrete reasons why said document has not been submitted.

(Matters Specified by an Ordinance of the Ministry of Health, Labour and Welfare Referred to in Item (iii) of Article 35 of the Act)

Article 28 The matters specified by an Ordinance of the Ministry of Health, Labour and Welfare Referred to in item (iii) of Article 35 of the Act shall be as follows:

- (i) the sex of a dispatched worker (when a dispatched worker is 45 years of age or over, such fact and the sex of the worker; and when a dispatched worker is under 18 years of age, the age and the sex of the worker);
- (ii) when the contents of the matters related to dispatched workers listed in item (iv), (v) or (x) of paragraph (1) of Article 26 of the Act are different from the contents of the respective matters for combinations related to the dispatched workers specified under the worker dispatch contract pursuant to the provisions of the same paragraph, said different contents.

(Appointment of a Responsible Person Acting for the Dispatching Undertaking)

Article 29 The appointment of a responsible person acting for the dispatching undertaking under the provisions of Article 36 of the Act shall be made as follows:

- (i) a dedicated responsible person acting for the dispatching undertaking shall be appointed for each place of business of a Dispatching Business Operator (hereinafter simply referred to as a "Place of Business" in this Article) from among workers the Dispatching Business Operator employs; provided, however, that this shall not preclude the Dispatching Business Operator (in the case of a juridical person, the officer thereof) from becoming a responsible person acting for the dispatching undertaking;
- (ii) when the number of dispatched workers working for said Place of Business is 100 or less, one or more responsible person(s) shall be appointed; when the number is over 100 but 200 or less, two or more responsible persons shall be appointed; and when the number exceeds 200, the number of responsible persons to be appointed shall be over two plus one for each 100 dispatched workers over 100;
- (iii) with regard to a Place of Business which carries out worker dispatching for the services of manufacturing products prescribed in paragraph (4) of the Supplementary Provisions of the Act (hereinafter referred to as "Manufacturing Services"); when the number of dispatched workers engaged in Manufacturing Services is 100 or less, one or more out of all responsible persons acting for the dispatching undertaking shall be exclusively in charge of said dispatched workers; when the number is over 100 but 200 or less, two or more responsible persons shall be exclusively in charge of said dispatched workers; and when the number exceeds 200, the number of responsible persons to be exclusively in charge of said dispatched workers shall be over two plus one for each 100 dispatched workers over 100 (hereinafter such responsible person shall be referred to as a "Responsible Person Acting for

the Dispatching Undertaking Exclusively in Charge of Manufacturing Services"); provided, however, that one of the responsible persons acting for the dispatching undertaking exclusively in charge of Manufacturing Services may also take charge of dispatched workers who are not engaged in Manufacturing Services.

(Preparation and Entry of Management Record of Dispatching Undertaking)

- Article 30 (1) A management record of dispatching undertaking under the provisions of paragraph (1) of Article 37 of the Act shall be prepared for each place of business of a Dispatching Business Operator.
- (2) The entry in a management record of a dispatching undertaking under the provisions of paragraph (1) of Article 37 of the Act shall be made when carrying out worker dispatching.
- (3) In addition to what is prescribed in the preceding paragraph, in the case where a notification under the provisions of paragraph (3) of Article 42 of the Act is made and the matters related to said notification fall under the matters listed in the items of paragraph (1) of Article 37 of the Act, if the contents of the matters related to said notification differ from the entries referred to in the preceding paragraph, the contents of the matters related to said notification shall be entered each time said notification is made.

(Matters Specified by an Ordinance of the Ministry of Health, Labour and Welfare Referred to in Item (viii) of Paragraph (1) of Article 37 of the Act)

Article 31 The Matters specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in item (viii) of paragraph (1) of Article 37 of the Act shall be as follows:

- (i) the name of a dispatched worker;
- (ii) the name of a place of business;
- (iii) the matters concerning a responsible person acting for the dispatching undertaking and a responsible person acting for the Client;
- (iv) when carrying out worker dispatching for the work referred to in item (i) of paragraph (1) of Article 40-2 of the Act, the item number to be attached under the provisions of paragraph (2) of Article 21;
- (v) when carrying out worker dispatching for the work referred to in (a) of item (ii) of paragraph (1) of Article 40-2 of the Act, the matters referred to in item (ii) of Article 22-2;
- (vi) when carrying out worker dispatching for the work referred to in (b) of item (ii) of paragraph (1) of Article 40-2 of the Act, the matters referred to in item (iii) of Article 22-2;
- (vii) when carrying out worker dispatching for the work referred to in item (iii) of paragraph (1) of Article 40-2 of the Act, the matters referred to in item (iv)

- of Article 22-2;
- (viii) when carrying out worker dispatching for the work referred to in item (iv) of paragraph (1) of Article 40-2 of the Act, the matters referred to in item (v) of Article 22-2;
- (ix) the contents of a notification under the provisions of Article 27-2.

(Initial Date for Calculating the Retention Period)

Article 32 The initial date for calculating the period for retaining a management record of dispatching undertaking under the provisions of paragraph (2) of Article 37 of the Act shall be the day of the termination of the worker dispatching.

Section 3 Measures to Be Taken by Clients, etc.

(Matters Specified by an Ordinance of the Ministry of Health, Labour and Welfare Referred to in Item (iii) of Paragraph (1) of Article 40-2 of the Act)

Article 33 The case specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in item (iii) of paragraph (1) of Article 40-2 of the Act shall be the leave for maternal protection and child care that precedes the leave under paragraph (1) of Article 65 of the Labor Standards Act and follows the leave under paragraph (2) of the same Article or Child Care Leave.

(Leave Specified by an Ordinance of the Ministry of Health, Labour and Welfare Referred to in Item (iv) of Paragraph (1) of Article 40-2 of the Act)

Article 33-2 The leave specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in item (iv) of paragraph (1) of Article 40-2 of the Act shall be the leave following Family Care Leave which is taken for taking care of family members prescribed in item (iv) of Article 2 of the Child Care and Family Care Leave Act.

(Matters Concerning the Period for Receiving the Provision of Worker Dispatching Services)

Article 33-3 When stipulating the period for receiving the provision of worker dispatching services under the provisions of paragraph (3) of Article 40-2 of the Act, the following matters shall be recorded in writing and be retained for three years from the day of the termination of the worker dispatching:

- (i) the name of the labor union comprising a majority of the workers prescribed in paragraph (4) of Article 40-2 of the Act (hereinafter referred to as the "Majority Union" in this Article and the following Article) or the person who represents a majority of the workers (hereinafter referred to as the "Representative of a Majority" in this Article and the following Article)

- whose opinions have been collected;
- (ii) the matters that have been notified to the Majority Union or the Representative of a Majority under the provisions of paragraph (4) of the following Article and the date of the notification;
- (iii) the date on which opinions were collected from the Majority Union or the Representative of a Majority and the details of said opinions;
- (iv) when a Client has listened to the opinions and changed the period for receiving the provision of worker dispatching services or changed the period for change as referred to in item (ii) of paragraph (4) of the following Article, the changed period.

Article 33-4 (1) The Representative of a Majority shall be a person who falls under all of the following items:

- (i) the person is not in a supervisory or management position prescribed in item (ii) of Article 41 of the Labor Standards Act;
 - (ii) the person has been selected through procedures by methods such as voting or a show of hands after clarifying an intention to select a person from whom opinions are collected under the provisions of paragraph (4) of Article 40-2 of the Act.
- (2) At a place of business where there are no persons falling under item (i) of the preceding paragraph, the Representative of a Majority shall be a person falling under item (ii) of the preceding paragraph.
- (3) A Client shall not treat a worker in any disadvantageous manner on the ground that the worker is the Representative of a Majority, has attempted to become the Representative of a Majority, or has performed a justifiable act as the Representative of a Majority.
- (4) Where opinions are collected from the Majority Union or the Representative of a Majority under the provisions of paragraph (4) of Article 40-2 of the Act, the following matters shall be notified in writing to said Majority Union or Representative of a Majority:
- (i) work for which the provision of worker dispatching services is to be received;
 - (ii) when newly stipulating the period for receiving the provision of worker dispatching services, said period and the scheduled time to start receiving the provision of worker dispatching services, and when changing the period for receiving the provision of worker dispatching services, said period for change.
- (5) A notification under the provisions of paragraph (5) of Article 40-2 of the Act shall be made by way of Delivery of the Written Matters, etc. concerning matters to be notified under the provisions of the same paragraph.

(Appointment of a Responsible Person Acting for the Client)

Article 34 The appointment of a responsible person acting for the Client under the provisions of Article 41 of the Act shall be made as follows:

- (i) a dedicated responsible person acting for the Client shall be appointed for each place of business or any other place for Dispatch Work (hereinafter referred to as a "Place of Business, etc." in this Article and the following Article) from among workers the Client employs; provided, however, that this shall not preclude the Client (in the case of a juridical person, the officer thereof) from becoming a responsible person acting for the Client;
- (ii) when the number of dispatched workers whom the Client causes to work under his/her instruction at a Place of Business, etc. is 100 or less, one or more responsible person(s) shall be appointed; when the number is over 100 but 200 or less, two or more responsible persons shall be appointed; and when the number exceeds 200, the number of responsible persons to be appointed shall be over two plus one for each 100 dispatched workers over 100; provided, however, that when the total number of said dispatched workers and the workers employed by the Client at said Place of Business, etc. is less than five, or when the period of said worker dispatching does not exceed one day, a responsible person acting for the Client does not need to be appointed;
- (iii) with regard to a Place of Business, etc. where more than 50 dispatched workers are caused to be engaged in Manufacturing Services, when the number of dispatched workers caused to be engaged in Manufacturing Services is over 50 but 100 or less, one or more out of all responsible persons acting for the Client at said Place of Business, etc. shall be exclusively in charge of said dispatched workers; when the number is over 100 but 200 or less, two or more responsible persons shall be exclusively in charge of said dispatched workers; and when the number exceeds 200, the number of responsible persons to be exclusively in charge of said dispatched workers shall be over two plus one for each 100 said dispatched workers over 100 (hereinafter such responsible person shall be referred to as a "Responsible Person Acting for the Client Exclusively in Charge of Manufacturing Services"); provided, however, that one of the Responsible Persons Acting for the Client Exclusively in Charge of Manufacturing Services may also take charge of dispatched workers who are not caused to be engaged in Manufacturing Services, and when it is required that the same responsible person acting for the Client should take charge of both dispatched workers caused to be engaged in Manufacturing Services and dispatched workers caused to be engaged in other work incidental to Manufacturing Services (hereinafter referred to as "Work Incidental to Manufacturing Services") in order to ensure the safety and health of said dispatched workers caused to be engaged in work incidental to Manufacturing Services, a single responsible

person acting for the Client may also take charge of dispatched workers caused to be engaged in work incidental to Manufacturing Services, only within the limit that the total number of both types of dispatched workers that he/she shall take charge of does not exceed 100.

(Preparation and Entry of Client's Management Record)

Article 35 (1) A Client's management record under the provisions of paragraph (1) of Article 42 of the Act shall be prepared for each Place of Business, etc.

(2) The entry in a Client's management record under the provisions of paragraph (1) of Article 42 of the Act shall be made when receiving the provision of worker dispatching services.

(3) In addition to what is prescribed in the preceding two paragraphs, in the case where the total number of dispatched workers whom the Client causes to work under his/her instruction at the Place of Business, etc. and the workers employed by the Client at said Place of Business, etc. is less than five, or when the period of said worker dispatching does not exceed one day, the preparation of and entry into a Client's management record is not required.

(Matters Specified by an Ordinance of the Ministry of Health, Labour and Welfare Referred to in Item (vii) of Paragraph (1) of Article 42 of the Act)

Article 36 The Matters specified by an Ordinance of the Ministry of Health, Labour and Welfare Referred to in item (vii) of paragraph (1) of Article 42 of the Act shall be as follows:

- (i) the name of a dispatched worker;
- (ii) the name of a place of business of a Dispatching Business Operator;
- (iii) the location of a place of business of a Dispatching Business Operator;
- (iv) the matters concerning a responsible person acting for the dispatching undertaking and a responsible person acting for the Client;
- (v) when carrying out worker dispatching for the work referred to in item (i) of paragraph (1) of Article 40-2 of the Act, the item number to be attached under the provisions of paragraph (2) of Article 21;
- (vi) when carrying out worker dispatching for the work referred to in (a) of item (ii) of paragraph (1) of Article 40-2 of the Act, the matters referred to in item (ii) of Article 22-2;
- (vii) when carrying out worker dispatching for the work referred to in (b) of item (ii) of paragraph (1) of Article 40-2 of the Act, the matters referred to in item (iii) of Article 22-2;
- (viii) when carrying out worker dispatching for the work referred to in item (iii) of paragraph (1) of Article 40-2 of the Act, the matters referred to in item (iv) of Article 22-2;
- (ix) when carrying out worker dispatching for the work referred to in item (iv)

- of paragraph (1) of Article 40-2 of the Act, the matters referred to in item (v) of Article 22-2;
- (x) the contents of a notification under the provisions of Article 27-2.

(Initial Date for Calculating the Retention Period)

Article 37 The initial date for calculating the period for retaining a Client's management record under the provisions of paragraph (2) of Article 42 of the Act shall be the day of the termination of the worker dispatching.

(Notification to Dispatching Business Operator)

- Article 38 (1) The notification to a Dispatching Business Operator under the provisions of paragraph (3) of Article 42 of the Act shall be made by way of Delivery of the Written Matters, etc., with regard to the matters for each dispatched worker listed in items (ii) and (iii) of paragraph (1) of the same Article and item (i) of Article 36, once or more for each month, specifying a certain date.
- (2) Notwithstanding the provisions of the preceding paragraph, when there is a request from a Dispatching Business Operator, the matters prescribed in the preceding paragraph shall be notified, without delay, by way of Delivery of the Written Matters, etc.

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

(Replacement of Terms when Applying the Ordinance for Enforcement of the Labor Standards Act)

Article 39 With regard to the application of the provisions of the Ordinance for Enforcement of the Labor Standards Act (Ordinance of the Ministry of Health and Welfare No. 23 of 1947), under the provisions of Article 44 of the Act, to Dispatch Work of a worker under dispatching prescribed paragraph (1) of the same Article (hereinafter simply referred to as a "Worker Under Dispatching"), the term "the provisions of Article 33 of the Act or paragraph (1) of Article 36 of the Act" in Article 19 of the same Ordinance shall be deemed to be replaced with "the provisions of Article 33 of the Act or paragraph (1) of Article 36 of the Act which are applied pursuant to the provisions of paragraph (2) of Article 44 of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as the "Worker Dispatching Act")"; the term "the provisions of Article 33 of the Act or paragraph (1) of Article 36 of the Act" in Article 20 of the same Ordinance shall be deemed to be replaced with "the provisions of Article 33 of the Act or paragraph (1) of Article 36 of the Act

which are applied pursuant to the provisions of paragraph (2) of Article 44 of the Worker Dispatching Act" ; and the term "An Employer" in Article 24 of the same Ordinance shall be deemed to be replaced with "a person who is, pursuant to the provisions of paragraph (2) of Article 44 of the Worker Dispatching Act, deemed to be an employer prescribed in Article 10 of the Act of a Client Undertaking prescribed in paragraph (1) of Article 44 of the Worker Dispatching Act".

(Matters, etc. Specified by an Ordinance of the Ministry of Health, Labour and Welfare Referred to in Article 45 of the Act)

Article 40 (1) The medical examinations under the provisions of the second sentence of paragraph (2) of Article 66 of the Industrial Safety and Health Act (Act No. 57 of 1972) which are specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in paragraph (1) of Article 45 of the Act shall be the medical examinations conducted by a business operator of the dispatching undertaking prescribed in paragraph (3) of Article 44 of the Act (hereinafter simply referred to as the "Dispatching Undertaking") for Workers Under Dispatching pursuant to the provisions of the second sentence of paragraph (2) of Article 66 of the Industrial Safety and Health Act.

(2) The health care referred to in paragraph (1) of Article 13 of the Industrial Safety and Health Act and other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in paragraph (1) of Article 45 of the Act concerning Workers Under Dispatching shall be the following matters which require expertise on medical science:

(i) the matters concerning the implementation of medical examinations under the provisions of paragraph (1) of Article 66 of the Industrial Safety and Health Act (including medical examinations referred to in the preceding paragraph) and measures for maintaining the good health of workers based on the examination results, among the matters listed in item (i) of paragraph (1) of Article 14 of the Ordinance on Industrial Safety and Health (Ordinance of the Ministry of Labour No. 32 of 1972);

(ii) the matters listed in item (v) of paragraph (1) of Article 14 of the Ordinance on Industrial Safety and Health;

(iii) the matters concerning education for health under the provisions of paragraphs (1) and (2) of Article 59 of the Industrial Safety and Health Act, among the matters listed in item (vi) of paragraph (1) of Article 14 of the Ordinance on Industrial Safety and Health.

(3) The matters concerning Workers Under Dispatching specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in paragraph (1) of Article 45 of the Act among the matters referred to in the items of paragraph (1) of Article 18 of the Industrial Safety and Health Act

shall be as follows:

- (i) the matters concerning those that pertain to those listed in item (i) of the preceding paragraph, among the matters listed in item (i) of paragraph (1) of Article 18 of the Industrial Safety and Health Act;
- (ii) the matters listed in item (ii) of paragraph (1) of Article 18 of the Industrial Safety and Health Act;
- (iii) the following matters among the matters listed in item (iv) of paragraph (1) of Article 18 of the Industrial Safety and Health Act:
 - (a) the matters concerning those that pertain to medical examinations prescribed in item (i) of the preceding paragraph, among the matters listed in item (i) of Article 22 of the Ordinance on Industrial Safety and Health;
 - (b) the matters concerning those that pertain to education for health prescribed in item (iii) of the preceding paragraph, among the matters listed in item (iv) of Article 22 of the Ordinance on Industrial Safety and Health;
 - (c) the matters concerning those that pertain to the results of medical examinations prescribed in item (i) of the preceding paragraph, among the matters listed in item (vii) of Article 22 of the Ordinance on Industrial Safety and Health;
 - (d) the matters listed in item (viii) of Article 22 of the Ordinance on Industrial Safety and Health.
- (4) The health care referred to in paragraph (1) of Article 13 of the Industrial Safety and Health Act and other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in paragraph (2) of Article 45 of the Act concerning Workers Under Dispatching shall be the matters listed in the items of paragraph (2) which require expertise on medical science.
- (5) The matters concerning Workers Under Dispatching specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in paragraph (2) of Article 45 of the Act among the matters referred to in the items of paragraph (1) of Article 18 of the Industrial Safety and Health Act shall be those listed in the items of paragraph (3).
- (6) A person deemed to be a business operator employing a Worker Under Dispatching prescribed in paragraph (10) of Article 45 of the Act shall prepare a copy of the written matters containing the results of medical examinations referred to in the same paragraph, by using Form 5 of the Ordinance on Industrial Safety and Health, Form 3 of the Ordinance on the Prevention of Organic Solvent Poisoning (Ordinance of the Ministry of Labour No. 36 of 1972), Form 2 of the Ordinance on Prevention of Lead Poisoning (Ordinance of the Ministry of Labour No. 37 of 1972), Form 2 of the Ordinance on Prevention of Tetraalkyl Lead Poisoning (Ordinance of the Ministry of Labour No. 38 of 1972), Form 2 of the Ordinance on Prevention of Hazards due to Specified Chemical

Substances (Ordinance of the Ministry of Labour No. 39 of 1972), Form 1 of the Ordinance on Safety and Health of Work under High Pressure (Ordinance of the Ministry of Labour No. 40 of 1972), Form 1 of the Ordinance on Prevention of Ionizing Radiation Hazards (Ordinance of the Ministry of Labour No. 41 of 1972) or Form 2 of the Ordinance on Prevention of Asbestos Hazards (Ordinance of the Ministry of Health, Labour and Welfare No. 21 of 2005), respectively, in accordance with the types of medical examinations that the Worker Under Dispatching received.

- (7) A business operator of the Dispatching Undertaking shall retain the written matters referred to in paragraph (10) of Article 45 of the Act which he/she has received under the provisions of the same paragraph for five years (in the case of the written matters prepared using Form 2 of the Ordinance on Prevention of Hazards due to Specified Chemical Substances (limited to those that pertain to the work prescribed in paragraph (2) of Article 40 of the same Ordinance) or Form 1 of the Ordinance on Prevention of Ionizing Radiation Hazards (excluding the case where the written matters are delivered to the organization referred to in Article 57 of the same Ordinance under the provisions of the proviso of the same Article), for 30 years; and in the case of the written matters prepared using Form 2 of the Ordinance on Prevention of Asbestos Hazards, for 40 years from the day on which said worker ceased to be engaged regularly in said work).
- (8) A person deemed to be a business operator employing a Worker Under Dispatching prescribed in paragraph (10) of Article 45 of the Act shall prepare a copy of the written notice referred to in paragraph (14) of the same Article containing the opinion of a physician or dentist referred to in the same paragraph, by using Form 5 of the Ordinance on Industrial Safety and Health, Form 3 of the Ordinance on the Prevention of Organic Solvent Poisoning, Form 2 of the Ordinance on Prevention of Lead Poisoning, Form 2 of the Ordinance on Prevention of Tetraalkyl Lead Poisoning, Form 2 of the Ordinance on Prevention of Hazards due to Specified Chemical Substances, Form 1 of the Ordinance on Safety and Health of Work under High Pressure, Form 1 of the Ordinance on Prevention of Ionizing Radiation Hazards or Form 2 of the Ordinance on Prevention of Asbestos Hazards, respectively, in accordance with the types of medical examinations that the Worker Under Dispatching received and send the copy to the business operator of the Dispatching Undertaking referred to in the same paragraph.

(Replacement of Terms when Applying the Ordinance on Industrial Safety and Health, etc.)

Article 41 (1) When applying the provisions of the Ordinance on Industrial Safety and Health, pursuant to the provisions of Article 45 of the Act, to a

Client Undertaking prescribed in paragraph (1) of Article 44 of the Act (hereinafter simply referred to as a "Client Undertaking"), the technical replacement of terms of the same Ordinance pursuant to the provisions of paragraph (17) of Article 45 of the Act shall be as follows:

Provisions of the Ordinance on Industrial Safety and Health for which a term is deemed to be replaced	Term deemed to be replaced	Term to be used as replacement
Article 12	A business operator	A person deemed to be a business operator who shall appoint a health manager pursuant to the provisions of paragraph 1 of Article 45 of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as the "Worker Dispatching Act")
	item (vi) of paragraph 1 of Article 7	item (vi) of paragraph 1 of Article 7 which is applied pursuant to the provisions of paragraph 4 of Article 41 of the Ordinance for Enforcement of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as the "Ordinance for Enforcement of the Worker Dispatching Act")
	the work referred to in the items of paragraph 1 of Article 10 of the Act	safety and health management at the client's place of business prescribed in paragraph 1 of Article 45 of the Worker Dispatching Act
Paragraph 3 of Article 14	the matters listed in the items of paragraph 1	the matters listed in the items of paragraph 1 (with regard to a worker under dispatching prescribed in paragraph 1 of Article 44 of the Worker Dispatching Act (hereinafter simply referred to as a "worker under dispatching"), the matters other than those listed in the items of paragraph 2 of Article 40 of the Ordinance for Enforcement of the Worker Dispatching Act among the matters listed in the items of paragraph 1)

Paragraph 5 of Article 14	A business operator	A person deemed to be a business operator who shall conduct medical examinations by dentists pursuant to the provisions of paragraph 3 of Article 45 of the Worker Dispatching Act
	workers	workers (including workers under dispatching)
	the matters listed in the items of paragraph 1	the matters listed in the items of paragraph 1 (with regard to a worker under dispatching, the matters other than those listed in the items of paragraph 2 of Article 40 of the Ordinance for Enforcement of the Worker Dispatching Act among the matters listed in the items of paragraph 1)
Paragraph 6 of Article 14	workers	workers (including workers under dispatching)
	a business operator	a person deemed to be a business operator who shall conduct medical examinations by dentists pursuant to the provisions of paragraph 3 of Article 45 of the Worker Dispatching Act
Paragraph 2 of Article 15	A business operator	A person deemed to be a business operator who shall appoint an industrial physician(s) pursuant to the provisions of paragraph 3 of Article 45 of the Worker Dispatching Act
	the matters prescribed in paragraph 1 of the preceding Article	the matters prescribed in paragraph 1 of the preceding Article (with regard to a worker under dispatching, the matters other than those listed in the items of paragraph 2 of Article 40 of the Ordinance for Enforcement of the Worker Dispatching Act among the matters listed in the items of paragraph 1)
Paragraph 2 of Article 15-2	A business operator	A person deemed to be a business operator pursuant to the provisions of paragraph 1 of Article 45 of the Worker Dispatching Act
	health care, etc. for workers	health care, etc. for workers (with regard to a worker under dispatching, health care, etc. for workers which shall be conducted by an industrial physician(s) pursuant to the provisions of paragraph 1 of Article 45 of the Worker Dispatching Act)
Paragraph 1 of Article 35	A business operator	A person deemed to be a business operator pursuant to the provisions of paragraph 1 of Article 45 of the Worker Dispatching Act
	of the worker	of the worker (including the worker under dispatching)
	workers for a place of work	workers (including workers under dispatching) for a place of work
Paragraph 2 of Article 35	A business operator	A person deemed to be a business operator pursuant to the provisions of paragraph 1 of Article 45 of the Worker Dispatching Act

	workers	workers (including workers under dispatching)
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(2) When applying the provisions of the Ordinance on Industrial Safety and Health to a Dispatching Undertaking in which workers employed in said undertaking are dispatched for Dispatch Work in a Client Undertaking, the technical replacement of terms of the same Ordinance pursuant to the provisions of paragraph (17) of Article 45 of the Act shall be as follows:

Provisions of the Ordinance on Industrial Safety and Health for which a term is deemed to be replaced	Term deemed to be replaced	Term to be used as replacement
Article 12	A business operator	A person who carries out a dispatching undertaking prescribed in paragraph 3 of Article 44 of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as the "Worker Dispatching Act") (hereinafter such undertaking shall be simply referred to as a "dispatching undertaking")
	the work referred to in the items of paragraph 1 of Article 10 of the Act	safety and health management in a worker dispatching undertaking prescribed in paragraph 2 of Article 45 of the Worker Dispatching Act

Paragraph 3 of Article 14	the matters listed in the items of paragraph 1	the matters listed in the items of paragraph 1 (with regard to a worker under dispatching prescribed in paragraph 1 of Article 44 of the Worker Dispatching Act (hereinafter simply referred to as a "worker under dispatching"), the matters listed in the items of paragraph 2 of Article 40 of the Ordinance for Enforcement of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as the "Ordinance for Enforcement of the Worker Dispatching Act"))
Paragraph 2 of Article 15	the matters prescribed in paragraph 1 of the preceding Article	the matters prescribed in paragraph 1 of the preceding Article (with regard to a worker under dispatching, the matters listed in the items of paragraph 2 of Article 40 of the Ordinance for Enforcement of the Worker Dispatching Act)
Paragraph 2 of Article 15-2	health care, etc. for workers	health care, etc. for workers (with regard to a worker under dispatching, health care, etc. for workers which shall be conducted by an industrial physician(s) pursuant to the provisions of paragraph 2 of Article 45 of the Worker Dispatching Act)

- (3) In addition to what is prescribed in the preceding two paragraphs, when applying the provisions of the Ordinance on Industrial Safety and Health pursuant to the provisions of Article 45 of the Act, the technical replacement of terms of the same Ordinance pursuant to the provisions of paragraph (17) of Article 45 of the Act shall be as follows:

Provisions of the Ordinance on Industrial Safety and Health for which a term is deemed to be replaced	Term deemed to be replaced	Term to be used as replacement
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Paragraph 2 of Article 6	A business operator	A business operator (including a person deemed to be a business operator who shall appoint a safety manager pursuant to the provisions of paragraph 3 of Article 45 of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as the "Worker Dispatching Act"))
Paragraph 2 of Article 11	A business operator	A business operator (including a person deemed to be a business operator who shall appoint a health manager pursuant to the provisions of paragraph 1 of Article 45 of the Worker Dispatching Act)
Article 12-4	A business operator	A business operator (including a person deemed to be a business operator who shall appoint a safety and health promoter or a health promoter pursuant to the provisions of paragraph 1 of Article 45 of the Worker Dispatching Act)
Paragraph 4 of Article 14	A business operator	A business operator (including a person deemed to be a business operator who shall appoint an industrial physician(s) pursuant to the provisions of paragraph 1 of Article 45 of the Worker Dispatching Act)
Article 17 and Article 18	A business operator	A business operator (including a person deemed to be a business operator who shall appoint an operation chief pursuant to the provisions of paragraph 3 of Article 45 of the Worker Dispatching Act)
Article 18-5	A business operator	A business operator (including a person deemed to be a business operator who shall appoint a master safety and health supervisor pursuant to the provisions of paragraph 3 of Article 45 of the Worker Dispatching Act)
	workers	workers (including workers under dispatching prescribed in paragraph 1 of Article 44 of the Worker Dispatching Act (hereinafter simply referred to as a "worker(s) under dispatching"))
Paragraph 1 of Article 23	A business operator	A business operator (including a person deemed to be a business operator who employs a worker under dispatching pursuant to the provisions of paragraph 1 or 3 of Article 45 of the Worker Dispatching Act)
Paragraph 3 of Article 23	A business operator	A business operator (including a person deemed to be a business operator who employs a worker under dispatching pursuant to the provisions of paragraph 1 or 3 of Article 45 of the Worker Dispatching Act)
	workers	workers (including workers under dispatching)

Article 23-2	A business operator	A business operator (including a person deemed to be a business operator who employs a worker under dispatching pursuant to the provisions of paragraph 1 or 3 of Article 45 of the Worker Dispatching Act)
Article 24-8	A business operator	A business operator (including a person deemed to be a business operator who shall appoint a person in charge of the technical matters on relief work pursuant to the provisions of paragraph 3 of Article 45 of the Worker Dispatching Act)
Paragraph 1 of Article 40-3	A business operator	A business operator (including a person deemed to be a business operator who employs a worker under dispatching pursuant to the provisions of paragraph 3 of Article 45 of the Worker Dispatching Act)
Paragraph 1 of Article 42	A business operator	A business operator (including a person who carries out a client undertaking prescribed in paragraph 1 of Article 44 of the Worker Dispatching Act; the same shall apply in the following paragraph)
	workers (workers (including workers under dispatching;
Article 48	when employing him/her	when employing him/her (with regard to a worker under dispatching, when the provision of worker dispatching services prescribed in item (i) of Article 2 of the Worker Dispatching Act commenced for said worker under dispatching)
Article 99	The Act and orders issued thereunder	The Act and orders issued thereunder (including the case where they are applied pursuant to the provisions of Article 45 of the Worker Dispatching Act)
Article 100	the Act	the Act (including the case where it is applied pursuant to the provisions of Article 45 of the Worker Dispatching Act)
Article 667	a worker whom he/she employs	a worker whom he/she employs (including a person deemed to be a worker whom he/she employs pursuant to the provisions of paragraph 3 of Article 45 of the Worker Dispatching Act)
Article 671 and Article 677	workers	workers (including workers under dispatching)

(4) With regard to the application of the provisions of items (iv) to (vi) of paragraph (1) of Article 7, Article 12-2, and items (ii) and (iii) of paragraph (1) of Article 13 of the Ordinance on Industrial Safety and Health to a workplace of a Client Undertaking where a worker is dispatched for the Dispatch Work performed at the workplace, said workplace of the Client Undertaking shall also be deemed to be the workplace where said Worker Under Dispatching is employed.

- (5) With regard to the application of the provisions of item (iv) of paragraph (1) of Article 4 of the Ordinance on Industrial Safety and Health to a workplace of a Client Undertaking where a worker is dispatched for the Dispatch Work performed at the workplace, said workplace of the Client Undertaking shall be deemed to be the workplace where said Worker Under Dispatching is employed.
- (6) With regard to the application of the provisions of item (iv) of paragraph (1) of Article 4 of the Ordinance on Industrial Safety and Health to a workplace of a Dispatching Undertaking where a worker employed for the workplace is dispatched for Dispatch Work for a Client Undertaking, said workplace of the Dispatching Undertaking shall be deemed to be a workplace where said Worker Under Dispatching is not employed.

(Sending of Reports of Worker's Death, Illness or Injuries Concerning Workers under Dispatching)

Article 42 A person carrying out a Client Undertaking shall, when he/she has submitted a report referred to in paragraph (1) of Article 97 of the Ordinance on Industrial Safety and Health concerning a Worker Under Dispatching to the head of the relevant Labor Standards Supervision Office pursuant to the provisions of the same paragraph, send a copy of the report, without delay, to the business operator of the Dispatching Undertaking who employs said Worker Under Dispatching.

(Replacement of Terms when Applying the Ordinance on Safety of Boilers and Pressure Vessels, etc.)

Article 43 (1) When applying the provisions of the Ordinance on Safety of Boilers and Pressure Vessels (Ordinance of the Ministry of Labour No. 33 of 1972) pursuant to the provisions of Article 45 of the Act, the technical replacement of terms of the same Ordinance pursuant to the provisions of paragraph (17) of Article 45 of the Act shall be as follows:

Provisions of the Ordinance on Safety of Boilers and Pressure Vessels for which a term is deemed to be replaced	Term deemed to be replaced	Term to be used as replacement

Paragraph 1 of Article 23	Article 42 of the Ordinance on Industrial Safety and Health	Article 42 of the Ordinance on Industrial Safety and Health (including the case where it is applied pursuant to the provisions of paragraph 3 of Article 41 of the Ordinance for Enforcement of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as the "Ordinance for Enforcement of the Worker Dispatching Act"))
Paragraph 1 of Article 44, Article 48, Article 79 and Article 83	a business operator	a business operator (including a person who carries out a client undertaking prescribed in paragraph 1 of Article 44 of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers)
Item (i) of Article 125	Articles 36 to 54	Articles 36 to 54 (for the provisions of paragraph 1 of Article 44 and Article 48, including the case where they are applied pursuant to the provisions of paragraph 1 of Article 43 of the Ordinance for Enforcement of the Worker Dispatching Act)
Items (i) to (iii) of paragraph 1 of Article 125	Articles 71 to 85	Articles 71 to 85 (for the provisions of Article 79 and Article 83, including the case where they are applied pursuant to the provisions of paragraph 1 of Article 43 of the Ordinance for Enforcement of the Worker Dispatching Act)
Item (iv) of Article 125	Articles 71 to 83	Articles 71 to 83 (for the provisions of Article 79 and Article 83, including the case where they are applied pursuant to the provisions of paragraph 1 of Article 43 of the Ordinance for Enforcement of the Worker Dispatching Act)

(2) When applying the provisions of the Ordinance on the Prevention of Organic Solvent Poisoning, the Ordinance on Prevention of Lead Poisoning, the Ordinance on Prevention of Tetraalkyl Lead Poisoning and the Ordinance on Safety and Health of Work under High Pressure pursuant to the provisions of Article 45 of the Act, with regard to the technical replacement of terms of these orders under the provisions of paragraph (17) of the same Article, the term "when employing him/her" in paragraph (2) of Article 29 of the Ordinance on the Prevention of Organic Solvent Poisoning, paragraph (1) of Article 53 of the Ordinance on Prevention of Lead Poisoning, Article 22 of the Ordinance on Prevention of Tetraalkyl Lead Poisoning and paragraph (1) of Article 38 of the Ordinance on Safety and Health of Work under High Pressure shall be deemed to be replaced with "when employing him/her (with regard to a Worker Under Dispatching prescribed in paragraph (1) of Article 44 of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved

Working Conditions for Dispatched Workers, when the provision of worker dispatching services prescribed in item (i) of Article 2 of the same Act commenced for said Worker Under Dispatching)".

- (3) When applying the provisions of the Ordinance on Prevention of Hazards due to Specified Chemical Substances, the Ordinance on Prevention of Ionizing Radiation Hazards, and the Ordinance on Prevention of Asbestos Hazards pursuant to the provisions of Article 45 of the Act, with regard to the technical replacement of terms of these orders under the provisions of paragraph (16) of the same Article, the term "when employing him/her" in paragraph (1) of Article 39 of the Ordinance on Prevention of Hazards due to Specified Chemical Substances, paragraph (1) of Article 56 of the Ordinance on Prevention of Ionizing Radiation Hazards, paragraph (1) of Article 40 of the Ordinance on Prevention of Asbestos Hazards shall be deemed to be replaced with "when employing him/her (with regard to a Worker Under Dispatching prescribed in paragraph (1) of Article 44 of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers, when the provision of worker dispatching services prescribed in item (i) of Article 2 of the same Act commenced for said Worker Under Dispatching)" ; and the term "a business operator and workers whom he/she employs" in Article 62 of the Ordinance on Prevention of Ionizing Radiation Hazards shall be deemed to be replaced with "a business operator (including a person deemed to be a business operator who employs a Worker Under Dispatching pursuant to the provisions of paragraph (3) of Article 45 of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers) and workers whom he/she employs (including persons deemed to be workers whom he/she employs pursuant to the provisions of paragraph (3) of Article 45 of the same Act)".

(Matters Specified by an Ordinance of the Ministry of Health, Labour and Welfare Referred to in Article 46 of the Act)

- Article 44 (1) A person deemed to be a business operator employing a Worker Under Dispatching prescribed in paragraph (1) of Article 46 of the Act (simply referred to as a "Worker Under Dispatching" in paragraph (3) of the following Article) shall prepare a copy of the written matters containing the results of pneumoconiosis examinations referred to in paragraph (7) of Article 46 of the Act, pursuant to the provisions of paragraph (1) of the same Article, by using Form 3 of the Ordinance for Enforcement of the Pneumoconiosis Act (Ordinance of the Ministry of Labour No. 6 of 1960).
- (2) A person referred to in the preceding paragraph shall prepare a copy of the written notice of decision of the classification for supervision of pneumoconiosis referred to in Article 16 of the Ordinance for Enforcement of the

Pneumoconiosis Act which contains the contents of the notification referred to in paragraph (7) of Article 46 of the Act.

- (3) A person carrying out a Dispatching Undertaking shall retain the written matters referred to in paragraph (7) of Article 46 of the Act which he/she has received under the provisions of the same paragraph for seven years in the case of written matters containing the results of pneumoconiosis examinations and for three years in the case of written matters containing the contents of the notification.

(Replacement of Terms when Applying the Ordinance for Enforcement of the Pneumoconiosis Act)

Article 45 (1) When applying the provisions of the Ordinance for Enforcement of the Pneumoconiosis Act pursuant to the provisions of Article 46 (excluding paragraph (6)) of the Act, the technical replacement of terms of the same Ordinance pursuant to the provisions of paragraph (14) of Article 46 of the Act shall be as follows:

Provisions of the Ordinance for Enforcement of the Pneumoconiosis Act for which a term is deemed to be replaced	Term deemed to be replaced	Term to be used as replacement
Article 18	while they were being employed	while they were being employed (with regard to workers under dispatching prescribed in paragraph 1 of Article 46 of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter simply referred to as "workers under dispatching"), while they were being dispatched for dispatch work prescribed in item (ii) of paragraph 1 of Article 26 of the same Act in a client undertaking prescribed in paragraph 1 of Article 44 of the same Act (hereinafter referred to as a "client undertaking"))

	those who separated from employment	those who separated from employment (with regard to workers under dispatching, including those for whom the provision of worker dispatching services prescribed in item (i) of Article 2 of the Worker Dispatching Act has terminated)
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(2) When applying the provisions of the Ordinance for Enforcement of the Pneumoconiosis Act to a person deemed to be a business operator referred to in item (v) of paragraph (1) of Article 2 of the Pneumoconiosis Act, pursuant to the provisions of paragraph (6) of Article 46 of the Act, with regard to the technical replacement of terms of the same Ordinance pursuant to the provisions of paragraph (14) of the same Article, the term "Article 7 to Article 9-2 of the Act" in Article 10, Article 14, and Article 22 of the same Ordinance shall be deemed to be replaced with "Article 8 to Article 9-2 of the Act".

(3) In the case where the provisions of paragraph (1) of Article 18 of the Pneumoconiosis Act are applied pursuant to the provisions of paragraph (2) of Article 6 of the Order, the interested party referred to in paragraph (5) of Article 19 of the Pneumoconiosis Act concerning application for examination under paragraph (1) of Article 18 of the same Act shall be a person listed in the following items for an applicant listed in the respective items, notwithstanding the provisions of Article 25 of the Pneumoconiosis Act:

(i) a Worker Under Dispatching: a person carrying out a Client Undertaking who is deemed to be a business operator prescribed in item (v) of paragraph (1) of Article 2 of the Pneumoconiosis Act who employs said Worker Under Dispatching pursuant to the provisions of paragraph (1) of Article 46 of the Act (hereinafter such business operator shall be referred to as a "Business Operator" in this paragraph) and a person carrying out a Dispatching Undertaking who employs said Worker Under Dispatching;

(ii) a worker for whom a person carrying out a Dispatching Undertaking is deemed to be a Business Operator pursuant to the provisions of paragraph (6) of Article 46 of the Act: said person carrying out a Dispatching Undertaking;

(iii) a worker who has once been engaged regularly in dust work (which means dust work prescribed in item (iii) of paragraph (1) of Article 2 of the Pneumoconiosis Act; the same shall apply hereinafter) in a Client Undertaking and is not currently employed by a person carrying out a Dispatching Undertaking: said person who used to carry out the Dispatching Undertaking;

(iv) a person carrying out a Client Undertaking who is deemed to be a Business Operator who employs a Worker Under Dispatching pursuant to the provisions of paragraph (1) of Article 46 of the Act: said Worker Under

- Dispatching and a person carrying out a Dispatching Undertaking who employs said Worker Under Dispatching;
- (v) a person carrying out a Dispatching Undertaking who employs a Worker Under Dispatching: said Worker Under Dispatching and a person carrying out a Client Undertaking related to said Worker Under Dispatching;
 - (vi) a person carrying out a Dispatching Undertaking who is deemed to be a Business Operator with regard to a worker whom he/she employs pursuant to the provisions of paragraph (6) of Article 46 of the Act: said worker;
 - (vii) a person carrying out a Dispatching Undertaking who dispatched a worker employed for his/her undertaking for Dispatch Work in a Client Undertaking to cause the worker to be engaged regularly in dust work and does not currently employ said worker: said person who used to be the worker;
 - (viii) a person other than those listed in the preceding items: a Worker Under Dispatching or a person who used to be a Worker Under Dispatching and a person carrying out a Dispatching Undertaking who employs said Worker Under Dispatching or a person who used to be a person carrying out a Dispatching Undertaking (with regard to a Worker Under Dispatching, including a person carrying out a Client Undertaking who is deemed to be a Business Operator who employs said Worker Under Dispatching pursuant to the provisions of paragraph (1) of Article 46 of the Act).

(Replacement of Terms when Applying the Ordinance for Enforcement of the Act on Securing, etc. of Equal Opportunity and Treatment between Men and Women in Employment)

Article 46 When applying the provisions of the Ordinance for Enforcement of the Act on Securing, etc. of Equal Opportunity and Treatment between Men and Women in Employment (Ordinance of the Ministry of Labour No. 2 of 1986), pursuant to the provisions of Article 47-2 of the Act, to a person who receives the provision of worker dispatching services prescribed in the same Article, with regard to the technical replacement of terms of the same Ordinance, the term "A business operator" in Article 2-3 of the same Ordinance shall be deemed to be replaced with "A person deemed to be a business operator who employs dispatched workers pursuant to the provisions of Article 47-2 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (Act No. 88 of 1985)" and the term " Women Workers" in the same Article shall be deemed to be replaced with "Women Workers (including women dispatched workers whom a person receiving the provision of worker dispatching services causes to work under his/her instruction)".

Chapter III Miscellaneous Provisions

(Reporting, etc.)

Article 47 When the Minister of Health, Labour and Welfare requests a business operator carrying out a worker Dispatching Undertaking and a person receiving the provision of worker dispatching services from said business operator to report necessary matters pursuant to the provisions of Article 50 of the Act, he/she shall notify them in writing the matters to be reported and the reason to have them make a report.

(Certificate for On-Site Inspections)

Article 48 The certificate referred to in paragraph (2) of Article 51 of the Act shall be in Form 14.

Articles 49 to 53 Deleted

(Methods for Payment of Fees, etc.)

Article 54 (1) The fees under the provisions of Article 54 of the Act shall be paid by attaching revenue stamps for an amount corresponding to the amount of the relevant fees to a written application.

(2) The fees referred to in the preceding paragraph shall not be returned, once paid.

(Delegation of Authority)

Article 55 The following authority of the Minister of Health, Labour and Welfare shall be delegated to the Prefectural Labour Director who governs the location of the principal office of a person carrying out a worker Dispatching Undertaking and the place of business where said undertaking is carried out; provided, however, that it shall not prevent the Minister of Health, Labour and Welfare from exercising the authority per se:

- (i) order under the provisions of paragraph (2) of Article 14 of the Act;
- (ii) order under the provisions of paragraph (2) of Article 21 of the Act;
- (iii) guidance and advice under the provisions of paragraph (1) of Article 48 of the Act and recommendation under the provisions of paragraph (2) of the same Article;
- (iv) order under the provisions of paragraphs (1) and (2) of Article 49 of the Act;
- (v) recommendation under the provisions of paragraphs (1) and (2) of Article 49-2 of the Act;
- (vi) collection of reports under the provisions of Article 50 of the Act;
- (vii) on-site inspection under the provisions of Article 51 of the Act.

Supplementary Provisions

- (1) This Ministerial Ordinance shall come into force as from the date of enforcement of the Act (July 1, 1986).
- (2) What is specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in item (iii) of paragraph (2) of Article 5 of the Act which is applied by replacing the terms pursuant to the provisions of paragraph (4) of the Supplementary Provisions of the Act shall be work other than the Manufacturing Services of a worker who takes Maternity Leave Before or After Childbirth, Child Care Leave or leave in the case prescribed in Article 33, or Family Care Leave or leave prescribed in Article 33-2 for which a worker Dispatching Undertaking is carried out.

Supplementary Provisions [Ordinance of the Ministry of Health, Labour and Welfare No. 147 of August 2, 2006]

(Effective Date)

Article 1 This Ministerial Ordinance shall come into force as from the date of enforcement of the Cabinet Order on the Partial Revision of the Industrial Safety and Health Act (September 1, 2006).

(Transitional Measures Concerning the Application of Penal Provisions)

Article 8 With regard to the application of penal provisions to any acts committed prior to the enforcement of this Ministerial Ordinance and any acts committed after the enforcement of this Ministerial Ordinance in the case where the provisions then in force shall remain in force pursuant to the provisions of Article 4 of the Supplementary Provisions, the provisions then in force shall remain applicable.

Supplementary Provisions [Ordinance of the Ministry of Health, Labour and Welfare No. 183 of October 11, 2006]

This Ministerial Ordinance shall come into force as from April 1, 2007.

Forms 1-14 Omitted