

# **Ministerial Ordinance Prescribing Standards on Total Contract Term in paragraph (1), Article 18 of Labor Contracts Act**

(Ordinance of the Ministry of Health, Labour and Welfare No. 148 of October 26,  
2012)

The Ministerial Ordinance Prescribing Standards on Total Contract Term in paragraph (1), Article 18 of Labor Contracts Act (Act No.128 of 2007) is provided as follows, based on the provision of paragraph (2), Article 18 of the Labor Contracts Act.

(Standards Prescribed in Ministerial Ordinance of Health, Labour and Welfare  
Referred to in paragraph (2), Article 18 of the Act)

Article 1 (1) The standards provided by Ministerial Ordinance of Health, Labour and Welfare referred to in paragraph (2), Article 18 of Labor Contracts Act (hereinafter referred to as the "Act") are prescribed in each of the following items based on the non-contract terms (any term between the expiration date of the term of one fixed-term contract and the first day of the term of the next fixed-term contract and not included in either of these contract terms; the same applies hereinafter in this Article) set forth in each respective item:

- (i) the first non-contract term after the first day of employment (hereinafter referred to as the "first non-contract term" in this paragraph): The length of the first non-contract term is to be less than half of the length of the term of the fixed-term labor contract prior to the first non-contract term (or the aggregate contract term if there are two fixed-term labor contracts or more)(the half-term figure is to be adjusted to six months if it exceeds six months or to one month if it is less than one);
- (ii) the non-contract term following the first non-contract term (hereinafter referred to as the "second non-contract term" in this paragraph): It is to be prescribed as follows based on the cases as set forth in each respective item:
  - (a) if the first non-contract term is as provided in the preceding item, the length of the second non-contract term is to be less than half of the aggregate length of the terms of all the fixed-term labor contracts prior to the second non-contract term (the half-term figure is to be adjusted so that it is six months if it exceeds six months or to one month if it is less than one month); and
  - (b) in cases other than that set forth in (a), the length of the second non-contract term is to be less than half of the aggregate length of the terms of all the fixed-term labor contracts between the first non-contract term and

the second non-contract term (the half-term figure is to be adjusted so that it is six months if it exceeds six months or to one month if it is less than one month);

- (iii) the non-contract term following the second non-contract term (hereinafter referred to as the "third non-contract term" in this paragraph): It is to be prescribed as follows based on the cases set forth in each respective item:
    - (a) if the second non-contract term is as provided in preceding item (a), the length of the third non-contract term is to be less than half of the aggregate length of the terms of all the fixed-term labor contracts prior to the third non-contract term (the half-term figure is to be adjusted so that it is six months if it exceeds six months or to one month if it is less than one month);
    - (b) if the second non-contract term is as provided in preceding item (b), the length of the third non-contract term is to be less than half of the aggregate length of the terms of all the fixed-term labor contracts between the first non-contract term and the third non-contract term (the half-term figure is to be adjusted so that it is six months if it exceeds six months or to one month if it is less than one month); and
    - (c) in cases other than those set forth in (a) and (b), the length of the third non-contract term is to be less than half of the length of the term of the fixed-term labor contract between the second non-contract term and the third non-contract term (or the aggregate contract term if there are two fixed-term labor contracts or more)(the half-term figure is to be adjusted so that it is six months if it exceeds six months or to one month if it is less than one month);
  - (iv) the non-contract term following the third non-contract term: The length of the term is to be less than the term obtained by performing a calculation prescribed by the preceding 3 items.
- (2) If a period of less than one month appears in any term of fixed-term labor contracts subject to summing up according to the provision of the preceding items, the total number of days is to be converted at rate of 30 days a month.

(The Term Provided in paragraph (2), Article 18 of the Act as Prescribed in Ministerial Ordinance of Health, Labour and Welfare)

Article 2 The term provided in paragraph (2), Article 18 of the Act as prescribed by Ministerial Ordinance of Health, Labour and Welfare is to be the term where the contract term of one fixed-term labor contract in the same paragraph is multiplied by one-half (if a fraction less than one month arises, it is to be regarded as one month).

### **Supplementary Provisions**

- (1) This Ministerial Ordinance comes into force on the fixed date of enforcement (April 1, 2013) provided by the proviso to Article 1 of Supplementary Provisions to the Act (Act No. 56 of 2012) that revises a part of the Labor Contracts Act.
- (2) The provision in paragraph (1), Article 1 is applied to any labor contract which prescribes that the first day of its term is after the effective date of this Ministerial Ordinance.