

Ordinance for Enforcement of the Act on Stabilization of Employment of Elderly Persons

(Ordinance of the Ministry of Labour No. 24 of September 8, 1971)

Pursuant to provisions of Article 2, paragraphs (1) and (2); Article 7, paragraph (1); Article 10; Article 12, item (iv); Article 13, paragraphs (1) and (2); Article 14, paragraph (1), item (iii); Article 15, paragraph (1), item (iv); and Article 23 of the Act on Special Measures Concerning the Promotion of the Employment of Middle-Aged and Elderly Workers (Act No. 68 of 1971) and for the purpose of enforcement of said Act, the Ordinance for Enforcement of the Act on Special Measures Concerning the Promotion of the Employment of Middle-Aged and Elderly Workers are established as follows:

Chapter I General Provisions

(Age of Elderly Persons)

Article 1 The age to be specified by Ordinance of the Ministry of Health, Labour and Welfare, as provided for in Article 2, paragraph (1) of the Act on Stabilization of Employment of Elderly Persons (Act No. 68 of 1971; hereinafter referred to as the "Act"), is 55 years of age.

(Age of Middle-Aged and Elderly Persons)

Article 2 The age to be specified by Ordinance of the Ministry of Health, Labour and Welfare, as provided for in Article 2, paragraph (2), item (i) of the Act, is 45 years of age.

(The Age Range of Middle-Aged and Elderly Unemployed Persons, etc.)

Article 3 (1) The age range to be specified by Ordinance of the Ministry of Health, Labour and Welfare, as provided for in Article 2, paragraph (2), item (ii) of the Act is 45 or over and under 65 years of age.

(2) Unemployed persons specified by Ordinance of the Ministry of Health, Labour and Welfare as those who have particular difficulty in finding employment, as provided for in Article 2, paragraph (2), item (ii) of the Act, are to be unemployed persons under 65 years of age who fall under the following items:

- (i) persons with physical disabilities as provided for in Article 2, item (ii) of the Act on the Promotion of the Employment of Disabled Persons (Act No. 123 of 1960);
- (ii) persons who are under probationary supervision pursuant to the provisions of Article 26, paragraph (1) of the Anti-Prostitution Act (Act No. 118 of 1956)

and persons who are listed in each item of Article 48 or each item of Article 85, paragraph (1) of the Offenders Rehabilitation Act (Act No. 88 of 2007) and for whom the director of a probation office has contacted the Chief of the Public Employment Security Office regarding mediation for their employment;

(iii) persons whose employment is being considerably hampered due to other social circumstances.

(Designation of a Specified Area)

Article 4 (1) The designation of specified areas as provided for in Article 2, paragraph (3) of the Act (hereinafter referred to as a "Specified Area") is to be given to areas subject to wide scale employment placement activities as provided for in Article 25, paragraph (1) of the Employment Insurance Act (Act No. 116 of 1974) and that fall under each of the following items:

(i) there are a significant number of job seekers who are middle-aged and elderly, as provided for in Article 2, paragraph (2), item (i) of the Act (hereinafter referred to as "Middle-Aged and Elderly Persons");

(ii) the ratio of job seekers who are classified as Middle-Aged and Elderly Persons to the number of job openings available to Middle-Aged and Elderly Persons are significantly high;

(iii) the ratio of job seekers who are Middle-Aged and Elderly Persons who find employment is significantly small.

(2) The Minister of Health, Labour and Welfare may designate an area as a Specified Area, if the area is expected to have many unemployed Middle-Aged and Elderly Persons, and thereby is considered to fall under each item of the preceding paragraph or equivalent to the area provided for in the preceding paragraph, which is considered necessary to be deemed as a Specified Area.

(3) The unit of a Specified Area is based on the jurisdictional district of the Public Employment Security Offices; provided, however, that if there are special circumstances, said unit is an area separately specified by the Minister of Health, Labour and Welfare.

Chapter II Promotion of Securing Stable Employment for Elderly Persons by Raising the Mandatory Retirement Age and Introducing a Continuous Employment System

(Work under Article 8 of the Act)

Article 4-2 The work to be specified by Ordinance of the Ministry of Health, Labour and Welfare, as provided for in Article 8 of the Act, is work done below ground for a business provided for in Article 4 of the Mining Act (Act No. 289 of 1950).

(An Employer Who Has Special Relations)

Article 4-3 (1) The employer to be specified by Ordinance of the Ministry of Health, Labour and Welfare as provided for in Article 9, paragraph (2) of the Act are persons that are listed in the following items:

- (i) any subsidiary corporation, etc. of said employer;
- (ii) the parent corporation, etc. that has said employer as its subsidiary corporation, etc.;
- (iii) any subsidiary corporation, etc. of the parent corporation, etc. that has said employer as its subsidiary corporation, etc. (excluding said employer itself and the persons listed in the preceding two items);
- (iv) any affiliated corporation, etc., of said employer;
- (v) any affiliated corporation, etc. of the parent corporation, etc. that has said employer as its subsidiary corporation, etc. (excluding the persons listed in the preceding item).

(2) The term "parent corporation, etc." as provided for in the preceding paragraph means the corporations, etc. (referring to a company, partnership, or any other type of entity similar thereto (including an equivalent entity in a foreign state); hereinafter, the same applies) listed in the following items; provided, however, that this does not apply to cases where it is found to be obvious that said corporation, etc. has no control over the body that decides financial and operational, or business policies (referring to a shareholders meeting or other equivalent body; hereinafter referred to as the "Decision-Making Body") of any other corporation, etc. in view of their financial, operational or business relationship:

- (i) a corporation, etc. who holds, on its own account, a majority of the voting rights of another corporation, etc. (excluding a corporation, etc. who has received a ruling for commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, commencement of reorganization proceedings, or a corporation, etc. equivalent thereto, where no effective dominant-subordinate relationship is found to exist; hereinafter, the same applies in this paragraph);
- (ii) a corporation, etc. who holds, on its own account, 40 percent or more and 50 percent or less of the voting rights of another corporation, etc. and satisfies any of the following requirements:
 - (a) the total number of voting rights held by said corporation, etc. on its own account and the voting rights held by persons who are found to exercise their voting rights in the same manner as the intent of said corporation, etc. due to a close relationship therewith in terms of financing, personnel affairs, funds, technology, transactions, or other matters, or by persons who agree to exercise their voting rights in the same manner as the intent

- of said corporation, etc. constitutes a majority of the voting rights of said other corporation, etc.;
- (b) persons who are or have been officers, members executing the business, or employees of said corporation, etc. and are capable of influencing decisions on the financial and operational or business policies of said other corporation, etc. constitute a majority of the members of the board of directors or other equivalent body of said other corporation, etc.;
 - (c) there exists between said corporation, etc. and said other corporation, etc. a contract, etc. that controls important decisions on the financial and operational, or business policies of said other corporation, etc.;
 - (d) said corporation, etc. provides a loan (including guarantee of obligations and provision of collateral; hereinafter, the same applies) that constitutes more than half of the total amount of the procured funds of said other corporation, etc. (limited to those included in the liability section of the balance sheet) (including cases where the amount of said loan constitutes more than half of the total amount of the procured funds when combined with the amount of a loan provided by a person with a close relationship with said corporation, etc. in terms of financing, personnel affairs, funds, technology, transactions, or other matters);
 - (e) there is any other fact that suggests that said corporation, etc. has control over the Decision-Making Body of said other corporation, etc.
- (iii) a corporation, etc. if the total number of voting rights held by said corporation, etc. on its own account and the voting rights held by persons who are found to exercise their voting rights in the same manner as the intent of said corporation, etc. due to a close relationship therewith in terms of financing, personnel affairs, funds, technology, transactions, other matters, or by persons who agree to exercise their voting rights in the same manner as the intent of said corporation, etc. (including cases where said corporation, etc. does not hold any voting rights on its own account) constitutes a majority of the voting rights of another corporation, etc. and said corporation satisfies any of the requirements listed in (b) to (e) of the preceding items.
- (3) The term "subsidiary corporation, etc." provided for in paragraph (1) means said other corporation, etc. whose Decision-Making Body is controlled by the parent corporation, etc. In this case, if a parent corporation, etc. and its subsidiary corporation, etc. or a subsidiary corporation, etc. alone controls the Decision-Making Body of another corporation, etc., such other corporation, etc. is deemed to be a subsidiary corporation, etc. of the parent corporation, etc.
- (4) The term "affiliated corporation, etc." provided for in paragraph (1) means the persons listed in the following items; provided, however, this does not apply to cases where it is found to be obvious that a corporation, etc. (including a subsidiary corporation, etc. of said corporation, etc.) is not capable of

significantly influencing decisions on the financial and operational, or business policies of another corporation, etc. other than its subsidiary corporation, etc. in view of their financial, operational, or business relationship:

- (i) if a corporation, etc. (including a subsidiary corporation, etc. of said corporation, etc.) holds on its own account not less than 20 percent of the voting rights of another corporation, etc. other than its subsidiary corporation, etc. (excluding another corporation, etc. other than its subsidiary corporation, etc. who has received a ruling for commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, or commencement of reorganization proceedings, or another corporation, etc. other than its subsidiary corporation, etc. equivalent thereto, where it is found that said corporation, etc. is not capable of significantly influencing the decisions on the financial and operational, or business policies of said other corporation, etc. other than its subsidiary corporation, etc.; hereinafter, the same applies), said other corporation, etc. other than its subsidiary corporation, etc.;
- (ii) if a corporation, etc. (including a subsidiary corporation, etc. of said corporation, etc.) holds, on its own account, 15 percent or more and less than 20 percent of the voting rights of another corporation, etc. other than its subsidiary corporation, etc., said other corporation, etc. other than its subsidiary corporation, etc., provided that it satisfies any of the following requirements:
 - (a) persons who are or have been officers, members who execute the business, or employees of said corporation, etc. and who are personally capable of influencing decisions on the financial and operational, or business policies of said other corporation, etc. other than its subsidiary corporation, etc. who hold the office of a representative director, a director, or a position equivalent thereto of said other corporation, etc. other than its subsidiary corporation, etc.;
 - (b) said other corporation, etc. other than its subsidiary corporation, etc. has received an important loan from said corporation, etc.;
 - (c) said other corporation, etc. other than its subsidiary corporation, etc. has received important technology from said corporation, etc.;
 - (d) said other corporation, etc. other than its subsidiary corporation, etc. carries out important sales, purchases, or any other operational or business transaction with said corporation, etc.;
 - (e) there is any other fact that suggests that said corporation, etc. significantly influences decisions on the financial, operational, or business policies of said other corporation, etc. other than its subsidiary corporation, etc.
- (iii) if the total number of voting rights held by a corporation, etc. (including

subsidiary corporation, etc. of said corporation, etc.) on its own account and the voting rights held by persons who are found to exercise their voting rights in the same manner as the intent of said corporation, etc. due to a close relationship therewith in terms of financing, personnel affairs, funds, technology, transactions, or other matters, or by persons who agree to exercise their voting rights in the same manner as the intent of said corporation, etc. (including a case where said corporation, etc. does not hold any voting rights on its own account) constitutes not less than 20 percent of the voting rights of another corporation, etc. other than its subsidiary corporation, etc., said other corporation, etc. other than its subsidiary corporation, etc., provided that it satisfies any of the requirements listed in (a) to (e) in the preceding items.

(Appointed Promoter of Employment for Elderly Persons)

Article 5 An employer is to appoint a promoter for the employment of elderly persons to be responsible for the operations provided for in Article 11 of the Act from among candidates who are considered to have the knowledge and experience required to perform said operations.

Chapter III Facilitating the Re-Employment of Elderly Persons
Section 1 Facilitating the Re-Employment of Elderly Persons by
Employers

(The Age Range of Elderly Persons who are Eligible for Measures to Support Re-Employment)

Article 6 (1) The persons specified by Ordinance of the Ministry of Health, Labour and Welfare as provided for in Article 15, paragraph (1) of the Act are those (hereinafter referred to as the "Eligible Elderly Persons, etc.") who are 45 or over and under 65 years of age, who do not fall under any of the following items:

- (i) persons who are employed by the day or for a fixed period of employment (excluding those who have been employed consecutively for a period of more than six months by the same employer);
- (ii) persons who are in a probationary period (excluding those who has been employed consecutively for a period of more than 14 days by the same employer);
- (iii) persons who are employed as persons who are not required to work full time.

(2) The reason specified by Ordinance of the Ministry of Health, Labour and Welfare, as provided for in Article 15, paragraph (1) of the Act, is a failure to meet the criteria relating to Elderly Persons who become eligible for the

continuous employment system provided for in Article 9, paragraph (2) of the Act prior to the partial revision of the same Act that remains in force pursuant to the provisions of paragraph (3) of the Supplementary Provisions of the Act to Partially Revise the Act on Stabilization of Employment of Elderly Persons (Act No. 78 of 2012) if said criteria are fixed, and also at the convenience of employers.

(Number of Elderly Persons Subject to Notification of Multiple Separations from Employment)

Article 6-2 (1) The number of persons specified by Ordinance of the Ministry of Health, Labour and Welfare, as provided for in Article 16, paragraph (1) of the Act, is five.

(2) The notification under the provisions of Article 16, paragraph (1) of the Act must be accomplished by submitting a form for multiple separations from employment (Form No. 1) to the Chief of the Public Employment Security Office governing the location of the place of business (or, if there are two or more such Public Employment Security Offices, the Public Employment Security Office handling the processes pursuant to the provisions of Article 792 of the Rules on Organization of the Ministry of Health, Labour and Welfare (Ordinance of the Ministry of Health, Labour and Welfare No. 1 of 2001)), no later than one month prior to the day on which the separations from employment related to said notification occur (or, if all separations from employment related to said notification do not occur on the same day, the day on which the last separation from employment related to said notification occurs).

(3) The number of persons who are separated from employment under the provisions of Article 16, paragraph (2) of the Act is to be calculated as the total number of the Eligible Elderly Persons, etc. who are separated from employment due to dismissal, etc. provided for in Article 15, paragraph (1) of the Act during a period not exceeding one month at the same place of business; provided, however, if the Eligible Elderly Persons, etc. relating to said separation from employment include persons (limited to those who are separated from employment due to dismissal, etc. under the provisions of Article 15, paragraph (1) of the Act during a period relating to said notification for multiple separations from employment) who relate to the notification already submitted based on the provisions of Article 27, paragraph (1) of the Employment Measures Act (Act No. 132 of 1966) (including application for approval provided for in Article 24, paragraph (3) of the same Act, in which the notification for large fluctuation in employment provided for in Article 27, paragraph (1) of the same Act, is deemed to have been submitted pursuant to the provisions of Article 24, paragraph (5) of the same Act), the number of said

persons is to be deducted from said total number.

(Drafting a Job-Seeking Support Plan)

Article 6-3 (1) Before drafting a job-seeking support plan (hereinafter referred to as the "Job-Seeking Support Plan") provided for in Article 17, paragraph (1) of the Act, an employer is to listen to the opinions of a labor union organized by a majority of the workers at the place of business related to said Job-Seeking Support Plan (if said labor union exists) or of a person representing a majority of the workers (if said labor union does not exist) with regard to the content of the measures to support re-employment to be commonly taken for the Eligible Elderly Persons, etc. who are to be separated from employment (hereinafter referred to as a "Scheduled Elderly Retiree").

- (2) After a Scheduled Elderly Retiree has been decided, the employer is to immediately listen to the wishes of said Scheduled Elderly Retiree on the creation of the Job-Seeking Support Plan, prepare and deliver it.
- (3) In drafting a Job-Seeking Support Plan, an employer is to listen to the wishes of the Scheduled Elderly Retiree concerning re-employment and job-seeking activities while said Scheduled Elderly Retiree is still employed related to said Job-Seeking Support Plan in advance of its preparation.
- (4) In lieu of issuing the Job-Seeking Support Plan under the provisions of paragraph (2), an employer may, with the agreement of a Scheduled Elderly Retiree and as provided for in paragraph (6), provide matters to be listed in each item of paragraph (8) (hereinafter referred to as the "Information on Support Plan" in this Article) using an electronic data processing system or using other methods of information communications technology, which is listed in the items below (hereinafter referred to as the "Electronic or Magnetic Means" in this Article). In this case, the employer is deemed to have issued a Job-Seeking Support Plan:
 - (i) a method using an electronic data processing system (referring to the electronic data processing system connecting the computer used by an employer and the computer used by an Scheduled Elderly Retiree through an electric telecommunication line), under which the Information on Support Plan is transmitted through the electric telecommunication line connecting the computer used by the employer and the computer used by the Scheduled Elderly Retiree, and the Information on Support Plan is recorded as a file in the computer used by the Scheduled Elderly Retiree;
 - (ii) a method whereby the Information on Support Plan is recorded as a file on a magnetic disk, a CD-ROM, or any other equivalent medium that is able to accurately record specific information, and is delivered.
- (5) The methods listed in the items in the preceding paragraph must be those that enable a Scheduled Elderly Retiree to create a document by outputting the

information recorded in a file.

- (6) When an employer seeks to provide the Information on Support Plan pursuant to the provisions of paragraph (4), the employer must inform said Scheduled Elderly Retiree of the type and contents of the following Electronic or Magnetic Means that the employer intends to use, and obtain consent to do so in writing or by an Electronic or Magnetic Means, in advance:
- (i) the stipulated methods used by the employer listed in items of paragraph (4);
 - (ii) a method to record the information onto a file.
- (7) An employer that has obtained consent under the provisions of the preceding paragraph must not provide the Information on Support Plan by Electronic or Magnetic Means if said Scheduled Elderly Retiree has stated in writing or by an Electronic or Magnetic Means that said Scheduled Elderly Retiree cannot accept provisions by an Electronic or Magnetic Means; provided, however, that this does not apply if said Scheduled Elderly Retiree has consented to it under the provisions of the preceding paragraph at another time.
- (8) The matters specified by Ordinance of the Ministry of Health, Labour and Welfare as provided for in Article 17, paragraph (1) of the Act are as follows:
- (i) the name, age, and sex of a Scheduled Elderly Retiree;
 - (ii) the day on which a Scheduled Elderly Retiree is separated from employment (if the day on which the Scheduled Elderly Retiree is to be separated from employment is not fixed, the period in which the Scheduled Elderly Retiree is to be separated from employment);
 - (iii) vocational career of a Scheduled Elderly Retiree (including the contents of main business that said Scheduled Elderly Retiree has engaged in, work experience, performance, and achievement);
 - (iv) qualification or license held by, or training courses taken by, a Scheduled Elderly Retiree;
 - (v) matters relating to the skills, knowledge, and other vocational abilities of a Scheduled Elderly Retiree;
 - (vi) in addition to the descriptions in the preceding three items, matters that will serve as reference when a Scheduled Elderly Retiree drafts a document that clarifies their vocational career, etc. and other matters that may be helpful in their re-employment.

- Article 6-4 (1) The operations of a person in charge of re-employment support under the provisions of Article 17, paragraph (2) of the Act are as follows:
- (i) to search for job openings relating to Scheduled Elderly Retirees, collect information concerning job openings, and provide information on job openings obtained thereby to Scheduled Elderly Retirees;
 - (ii) to provide necessary consultation for facilitating the re-employment of

Scheduled Elderly Retirees;

- (iii) to communicate with Public Employment Security Offices and public human resources development facilities, etc. with regard to support for the re-employment of Scheduled Elderly Retirees;
 - (iv) in addition to the operations listed in the preceding three items, necessary operations in support for the re-employment of Scheduled Elderly Retirees.
- (2) The employer is to ensure the person responsible for re-employment support, listens to the opinions of the labor union organized by the majority of workers at the place of business related to the Job-Seeking Support Plan (if said labor union exists) or of a person representing a majority of the workers (if said labor union does not exist) with regard to basic matters concerning the performance of the support operations before conducting said operations.

(Method Specified by Ordinance of the Ministry of Health, Labour and Welfare Provided for in Article 18-2, Paragraph (1) of the Act)

Article 6-5 (1) The method specified by Ordinance of the Ministry of Health, Labour and Welfare, as provided for in Article 18-2, paragraph (1) of the Act, is a method of describing or recording the reason (hereinafter referred to as the "Reason" in paragraph (3)), as provided for in the same paragraph, in conjunction with a document or an electronic or magnetic record (referring to a record that is made in an electronic form, a magnetic form, or any other method not recognizable by human perception and that it is used in information processing by computers; hereinafter, the same applies in this Article) to be used for the recruitment and employment of workers.

(2) A document or an electronic or magnetic record provided for in the preceding paragraph is to include those listed in the following items:

- (i) if an employer posts job offering to the Public Employment Security Offices or persons who conduct employment placements after having obtained a license or filed a notification under the provisions of the Employment Security Act (Act No. 141 of 1947) or other Acts, the description or record of the content of said job offering;
- (ii) if an employer entrusts the recruitment of workers to a person other than employees of said employer after having obtained a license or filed a notification under the provisions of the Employment Security Act or other Acts, the description or record of the content of recruitment relating to said entrustment;
- (iii) if an employer intends to receive a supply of workers from a person that carries out the business of supplying workers pursuant to the provisions of Article 45 of the Employment Security Act, a clear indication of the contents of the work that the supplied workers are to engage in, addressed to said business of supplying workers.

- (3) Notwithstanding the provisions of paragraph (1), when conducting recruitment or employment of workers by placing advertisements in newspapers, magazines, other publications, or by any other method similar thereto, or when there is no document or electronic or magnetic record provided for in paragraph (1) and thereby it is difficult to show the Reason using the method provided for in the same paragraph in advance, the Reason may be pointed out using either of the following methods without delay at the request of a job seeker:
- (i) the method of delivering a written document;
 - (ii) a method using an electronic data processing system (referring to the electronic data processing system connecting the computer used by an employer and the computer used by a job seeker through an electric telecommunication line) or a method using other information communications technology that enables a job seeker to create a document by outputting the electronic or magnetic record recorded using said method.

Section 2 Special Measures for Middle-Aged and Elderly Unemployed Persons

(Issuance of Passbooks)

- Article 7 (1) The application provided for in Article 20 of the Act is to be filed with the Chief of the Public Employment Security Office governing the location of the domicile (or if the domicile is difficult, the residence) of said applicant (or, if there are two or more such Public Employment Security Offices, the Public Employment Security Office handling the processes pursuant to the provisions of Article 792 of the Rules on Organization of the Ministry of Health, Labour and Welfare; hereinafter referred to as the "Governing Public Employment Security Office" in this Section), pursuant to the procedures and forms determined by the Director-General of the Employment Security Bureau of the Ministry of Health, Labour and Welfare (hereinafter referred to as the "Director-General of the Employment Security Bureau").
- (2) The requirements specified by the Minister of Health, Labour and Welfare after listening to the opinions of the Labour Policy Council, as provided for in Article 20, item (iv) of the Act, are as follows:
- (i) a person who wishes to be employed as a full-time worker (referring to a worker who has been employed consecutively by the same employer);
 - (ii) the amount of income of a person, calculated by a method specified by the Director-General of the Employment Security Bureau (if a spouse (including a person in a relationship with said person where marital relationship is de facto, though a marriage has not been registered) has income, said amount is the total amount of income of both persons calculated by a method specified

by the Director-General of the Employment Security Bureau) does not exceed the amount specified by the Director-General of the Employment Security Bureau based on the maximum amount of income on which income tax is not to be imposed, according to the existence and number of qualifying spouse and dependents for deduction, provided for in the Income Tax Act (Act No. 33 of 1965), where the provisions of Article 83, Article 84, and Article 86 of the same Act are applied;

- (iii) with regard to a person who has received a job application passbook for middle-aged and elderly unemployed persons, etc. (hereinafter referred to as the "Passbook") provided for in Article 20 of the Act, one year has elapsed since the day on which the Passbook (in the event that a person has received a Passbook at least two times, the last Passbook that said person has received) becomes invalid, except in cases when it falls under any of the following:
 - (a) for those who have obtained a job after receiving a Passbook (excluding those whose Passbook has become invalid since said person no longer fulfills any of the requirements provided for in Article 20, items (i) or (ii) of the Act, or the preceding two items, or said person falls under Article 9, paragraph (1), items (i) or (iii)), when said person separates from employment for reasons which cannot be attributed to said person or due to other circumstances which cannot be attributed to said person;
 - (b) for a person whose Passbook becomes invalid as said person falls under Article 9, paragraph (1), item (ii), when the reason provided for in the same item has ceased to exist.
- (iv) a person has not received or is not entitled to receive, pursuant to the provisions of Article 10-2, paragraphs (1) or (2) of the Act on Temporary Measures concerning Ex-Workers of Armed Forces Stationed in Japan (Act No. 158 of 1958), the authorization provided for in paragraphs (1) or (2) of the same Article (excluding cases in which one year has elapsed since the day on which the authorization ceases to be effective, pursuant to the provisions of paragraphs (4) or (5) of the same Article);
- (v) a person has not received or is not entitled to receive a job application Passbook for unemployed persons in Okinawa pursuant to the provisions of Article 78, paragraph (1) of the Act on Special Measures for the Promotion and Development of Okinawa (Act No. 14 of 2002) (excluding cases in which one year has elapsed since the day on which said person's job application Passbook for unemployed persons in Okinawa became invalid, pursuant to the provisions of paragraph (2) of the same Article);
- (vi) a person has not received or is not entitled to receive a job application Passbook for retired fishers pursuant to the provisions of Article 4, paragraph (1) of the Act on Temporary Measures concerning Retired Fishers

- Incidental to Conclusion of International Agreement (Act No. 94 of 1977) or Article 3-2 of the Ordinance for Enforcement of the Act on Temporary Measures concerning Retired Fishers Incidental to Conclusion of International Agreement (Ordinance of the Ministry of Labour No. 30 of 1977) (excluding cases in which one year has elapsed since the day on which said person's job application Passbook for retired fishers became invalid due to expiration specified by Ordinance of the Ministry of Health, Labour and Welfare as provided for in Article 4, paragraph (3) of the same Act or pursuant to the provisions of paragraph (4) of the same Article);
- (vii) a person has not received or is not entitled to receive a job application Passbook for retirees of regular ferry line service for general passengers pursuant to the provisions of Article 16, paragraphs (1) or (2) of the Act on Special Measures concerning Regular Ferry Line Service for General Passengers Incidental to Construction of Connection Bridge Between Honshu and Shikoku (Act No. 72 of 1981), or Article 1 of the Ministerial Ordinance on Vocational Guidance Based on the Act on Special Measures concerning Regular Ferry Line Service for General Passengers Incidental to Construction of Connection Bridge Between Honshu and Shikoku (Ordinance of the Ministry of Labour No. 38 of 1981) (excluding cases in which one year has elapsed since the day on which said person's job application Passbook for retirees of regular ferry line service for general passengers became invalid pursuant to the provisions of Article 16, paragraph (3) of the same Act);
- (viii) a person who has not received a job application Passbook for coal mining retirees pursuant to the provisions of Article 8 or Article 9 of the Supplementary Provisions of the Ordinance for Enforcement of the Employment Measures Act (Ordinance of the Ministry of Labour No. 23 of 1966) prior to the revision by the Ministerial Ordinance on Partial Revision of the Ordinance for Enforcement of the Employment Insurance Act (Ordinance of the Ministry of Health, Labour and Welfare No. 82 of 2005) (excluding cases in which one year has elapsed since the day on which said person's job application Passbook for coal mining retirees became invalid due to the expiration provided for in Article 12, paragraph (1) of the Supplementary Provisions of the same Ordinance or pursuant to the provisions of paragraph (2) of the same Article).
- (3) When an application for a Passbook is filed, in principle, the Chief of the Governing Public Employment Security Office is to examine whether said applicant falls under the provisions of Article 20 of the Act within 30 days from the date of receipt of said application, and if the Chief finds that the applicant falls under said provisions, the Chief is to issue a Passbook to the applicant, and if the Chief finds that the applicant does not fall under said provisions, the Chief is to notify the applicant in writing thereof.

- (4) When the Chief of the Governing Public Employment Security Office deems it necessary in order to carry out the examination described in the preceding paragraph, the Chief is to request that the applicant submit a medical certificate of the results of the medical examination, or inspect the skills, physical strength, aptitude, etc. of said applicant.
- (5) The form of the Passbook is specified by the Director-General of the Employment Security Bureau.

(Validity Period of a Passbook)

- Article 8 (1) The period specified by Ordinance of the Ministry of Health, Labour and Welfare, as provided for in Article 21, paragraph (1) of the Act, is six months from the date of issuance of the Passbook; provided, however, that if the Chief of the Governing Public Employment Security Office instructs the unemployed person to undertake the measures listed in Article 23, paragraph (1), item (ii) of the Act or the measures (limited to training that is designed to assist said unemployed person in adapting to the working environment) listed in item (iii) of the same paragraph, based on the plan provided for in the same paragraph, pursuant to the provisions of Article 24, paragraph (1) of the Act, and when said measures are not completed within a period of six months, the period is until the end of said measures.
- (2) The extension of the validity period of a Passbook under the provisions of Article 21, paragraph (2) of the Act is to be made for a person who has received a Passbook, who falls under any of the following items, and who is found to still be in need of the measures (hereinafter referred to as the "Employment Promotion Measures") listed in the items of Article 23, paragraph (1) of the Act, based on the plan provided for in the same paragraph:
- (i) persons who are 55 or over and under 65 years of age (excluding those listed in item (iii));
 - (ii) for persons who reside in a Specified Area, in addition to those listed in the preceding item, persons who are 45 or over and under 55 years of age (excluding those listed in the following item);
 - (iii) a person for whom the Chief of the Governing Public Employment Security Office deems to be having particular difficulty in finding employment, based on the criteria specified by the Director-General of the Employment Security Bureau.
- (3) The period specified by Ordinance of the Ministry of Health, Labour and Welfare, as referred to in Article 21, paragraph (2) of the Act, is six months for those listed in items (i) and (iii) of the preceding paragraph and who reside in an area other than a Specified Area and those listed in item (ii) of the same paragraph, and one year for those listed in items (i) and (iii) of the preceding paragraph who reside in a Specified Area, counting from the following day of

the end of the period provided for in paragraph (1).

(Invalidation of a Passbook)

Article 9 (1) The requirements specified by the Minister of Health, Labour and Welfare, after listening to the opinions of the Labour Policy Council as provided for in Article 22, paragraph (1), item (iii) of the Act, are as follows:

- (i) when a person fails to follow the instructions provided for in Article 24, paragraphs (1) or (2) of the Act or Article 25, paragraph (2) of the Act and said person does not fall under any of the following items. The decision on whether a person falls under any of the following items is made based on the criteria formulated by the Director-General of the Employment Security Bureau, in accordance with the criteria provided for in Article 32, paragraph (3) of the Employment Insurance Act:
 - (a) when the instructed Employment Promotion Measures, or the employment that a person has been referred to, are not appropriate in light of the abilities of said person;
 - (b) when a change to the current domicile or address would be required in order to undertake the instructed Employment Promotion Measures or to engage in the employment that said person has been referred to, and said change would be difficult;
 - (c) when the wage offered by the employer is unjustifiably low in comparison to the wage level deemed usual for work of the same degree of skill, in the same kind of business, and in the same locality;
 - (d) when a person is referred to a place of business where a labor dispute has arisen, in violation of the provisions of Article 20 of the Employment Security Act;
 - (e) when there is any other justifiable reason.
 - (ii) when a person is unable to undertake the Employment Promotion Measures due to sickness or injury or for any other reason, and it is difficult to expect said measures to have an effect;
 - (iii) when a person, by means of deception or other wrongful conduct received or attempted to receive job-change payment benefits provided for in Article 18 of the Employment Measures Act, benefits for unemployment, etc. under the provisions of the Employment Insurance Act, or other benefits equivalent thereto under the provisions of laws and regulations or ordinances; provided, however, that this excludes cases where it is found that there is a compelling reason thereof.
- (2) The notice provided for in Article 22, paragraph (2) of the Act is to be given in writing, specifying a deadline of the Passbook that has become invalid pursuant to the provisions of paragraph (1) of the same Article should be returned.

(Return of Passbook)

Article 10 A person who has received a Passbook must return the Passbook to the Chief of the Governing Public Employment Security Office immediately on the lapse of the period provided for in Article 8, paragraphs (1) or (3), when a Passbook becomes invalid due to expiration of said period, or by the deadline provided for in paragraph (2) of the preceding Article when the Passbook becomes invalid pursuant to the provisions of Article 22, paragraph (1) of the Act.

(Reissuance of Passbook)

Article 11 (1) A person who has lost or damaged a Passbook may apply to the Chief of the Governing Public Employment Security Office for the reissuance of a Passbook pursuant to the procedures and forms determined by the Director-General of the Employment Security Bureau.

(2) When a person to whom a Passbook has been reissued due to loss of a Passbook finds said Passbook, said person must immediately return said Passbook to the Chief of the Governing Public Employment Security Office.

(Ledger of Recipients of Job-Application Passbooks for Middle-Aged and Elderly Unemployed Persons)

Article 12 The Chief of the Governing Public Employment Security Office is to keep a register of each person who has received a job-application passbook for middle-aged and elderly unemployed persons, etc. and describe the issuance and invalidation of the Passbook and any other necessary particulars concerning the person who has received the Passbook in said ledger.

Article 13 Deleted

(Instructions by the Chief of the Public Employment Security Offices)

Article 14 (1) The instructions provided for in Article 24, paragraph (1) of the Act are to be made at the same time as the issuance of a Passbook, and the instructions provided for in paragraph (2) of the same Article are to be made at the same time as the extension of the validity period of the Passbook.

(2) The instructions provided for in Article 24, paragraphs (1) and (2) of the Act are to be made by describing the particulars listed in the following items in a Passbook:

(i) the types of Employment Promotion Measures to be undertaken and their order;

(ii) the period that a person undertakes the Employment Promotion Measures and the start and end of said period;

- (iii) if a person is instructed to undertake the measures listed in Article 23, paragraph (1), item (i) of the Act, the days that said person should regularly appear at the Governing Public Employment Security Office;
 - (iv) if a person is instructed to undertake the measures (hereinafter referred to as the "Training" in this item) listed in Article 23, paragraph (1), items (ii) or (iii) of the Act, the type of Training and facilities;
 - (v) any other matters deemed necessary to undertake the Employment Promotion Measures as specified by the Director-General of the Employment Security Bureau.
- (3) When the Chief of the Governing Public Employment Security Office gives instructions, as provided for in Article 24, paragraphs (1) or (2) of the Act, the Chief must consult in advance with the chief of a public vocational training facility and any other relevant organizations that are conducting the Employment Promotion Measures about said instructions.
- (4) When the Chief of the Governing Public Employment Security Office gives instructions provided for in Article 24, paragraphs (1) or (2) of the Act, the Chief must immediately notify the organizations that are conducting the Employment Promotion Measures related to said instructions thereof.

(Plan Provided for in Article 29 of the Act)

Article 15 The matters to be specified in the plan provided for in Article 29 of the Act are as follows:

- (i) a basic policy for the promotion of the employment of middle-aged and elderly unemployed persons, etc. as provided for in Article 2, paragraph (2) of the Act;
- (ii) matters relating to the vocational guidance and employment placements, as well as vocational training;
- (iii) matters relating to setting the absorption ratio of unemployed persons provided for in Article 30, paragraph (1) of the Act concerning a public works project (hereinafter referred to as the "Public Works Project") provided for in the same paragraph;
- (iv) matters relating to the implementation of a project for the development of and employment in a Specified Area;
- (v) matters relating to the coordination on the implementation of the Public Works Project and the implementation of the project for the development of and employment in a Specified Area;
- (vi) matters relating to the coordination and cooperation with relevant organizations, such as local governments.

(Approval of Direct Employment of Workers in Public Works Projects)

Article 16 For the purpose of obtaining approval of the Public Employment

Security Office under the provisions of Article 30, paragraph (3) of the Act, a business, etc. for a public works project (hereinafter referred to as the "Business etc. for a Public Works Project") provided for in paragraph (2) of the same Article is to submit a written application to the Public Employment Security Office governing the area where the main work is to be implemented (or, if there are two or more such Public Employment Security Offices, the Public Employment Security Office handling the processes pursuant to the provisions of Article 792 of the Rules on Organization of the Ministry of Health, Labour and Welfare; the same applies in the following Article), using the form specified by the Director-General of the Employment Security Bureau.

(Notice of Number of Workers Employed in Public Works Project)

Article 17 A Corporation etc. for a Public Works Project is to notify the Public Employment Security Office governing the area where the main work is to be implemented about the number of workers to be employed in the work before the start of said work (when it is necessary to urgently start the work or there is any other compelling reason, immediately after the start of the work) according to the job type. In such cases, when deemed necessary by the Chief of said Public Employment Security Office, the Chief may request said Corporation, etc. for a Public Works Project to submit a document that proves the name, address, and date of birth of workers employed by said Public Works Project, and other documents certifying the employment of said workers.

Chapter IV Deleted

Article 18 Deleted

Article 19 Deleted

Article 20 Deleted

Article 21 Deleted

Article 22 Deleted

Article 23 Deleted

Chapter V Silver Human Resources Centers

Section 1 Silver Human Resources Centers

(Criteria Specified by Ordinance of the Ministry of Health, Labour and Welfare)

Provided for in Article 41, Paragraph (1) of the Act)

Article 24 The criteria specified by Ordinance of the Ministry of Health, Labour and Welfare, as provided for in Article 41, paragraph (1) of the Act, are that two or more areas of municipalities to be designated by the prefectural governor satisfy the following requirements:

- (i) that said two or more municipal areas are close to each other, and that there are a considerable number of mandatorily retired persons and other elderly retirees in said areas;
- (ii) when the operations provided for in Article 42, paragraph (1) of the Act is carried out in two or more said areas of municipalities, said operations are expected to be carried out more efficiently compared to cases where the operations are carried out in a single area of a municipality, in light of the situation, etc. for employment opportunities for temporary short-term work and other light activities.

(Application for Designation)

Article 24-2 (1) A person that seeks to receive a designation under the provisions of Article 41, paragraph (1) of the Act must submit to the prefectural governor a written application that contains the following particulars:

- (i) name and address;
 - (ii) name of the representative;
 - (iii) location of the place of business.
- (2) The following documents must be attached to the written application provided for in the preceding paragraph:
- (i) articles of incorporation and certificate of registered particulars;
 - (ii) the total amount of assets, their type, and a document certifying these items;
 - (iii) a basic plan for the operations, provided for in Article 42, paragraph (1) of the Act;
 - (iv) a document that contains the names and brief biographical outlines of officers.

(Notification for Change of Name)

Article 24-3 A Silver Human Resources Center (hereinafter referred to as the "Silver Human Resources Center") provided for in Article 41, paragraph (2) of the Act that intends to submit a notification under the provisions of paragraph (4) of the same Article, must submit to the prefectural governor a document that contains the following particulars:

- (i) name, address or location of the place of business after a change;
- (ii) expected day of change;
- (iii) reason for change.

(Notification of Fee-based Employment Placement Service)

Article 24-4 (1) A Silver Human Resources Center that intends to provide a fee-based employment placement service pursuant to the provisions of Article 42, paragraph (2) of the Act, must notify the director of the Prefectural Labor Bureau governing the location of the principal place of business (hereinafter referred to as the "Director of the Governing Prefectural Labor Bureau") thereof.

- (2) Upon submission of the notification provided for in the preceding paragraph, the provisions concerning the provision of the fee-based employment placement service must be attached.
- (3) When the Director of the Governing Prefectural Labor Bureau receives a notification provided for in paragraph (1), the Director of the Governing Prefectural Labor Bureau must notify of the received date to the person who submitted said receipt..
- (4) The procedures and forms for the notification provided for in paragraph (1) are determined by the Director-General of the Employment Security Bureau.
- (5) If a Silver Human Resources Center that provides a fee-based employment placement service, after submitting a notification pursuant to the provisions of Article 42, paragraph (2) of the Act, discontinues the whole or part of its service, the Silver Human Resources Center must notify the Director of the Governing Prefectural Labor Bureau in writing thereof, within 10 days from the date of said discontinuation.
- (6) The provisions applied to Public Employment Security Offices in the Ordinance for Enforcement of the Employment Security Act (Ordinance of the Ministry of Labour No. 12 of 1947) apply mutatis mutandis to the fee-based employment placement service carried out by Silver Human Resources Centers, as specified by the Director-General of the Employment Security Bureau.

(Submission of Reports)

Article 24-5 (1) After submitting a notification pursuant to the provisions of Article 42, paragraph (2) of the Act, a Silver Human Resources Center that provides a fee-based employment placement service must keep the books and records pursuant to the procedures and forms determined by the Director-General of the Employment Security Bureau, prepare reports, and submit them to the Director-General of the Employment Security Bureau via the Director of the Governing Prefectural Labor Bureau.

- (2) When the Director of the Governing Prefectural Labor Bureau receives the reports provided for in the preceding paragraph, the Director of the Governing Prefectural Labor Bureau must immediately forward them to the Director-General of the Employment Security Bureau.

(Particulars Specified by Ordinance of the Ministry of Health, Labour and Welfare Provided for in Article 32-4, Paragraph (2) of the Employment Security Act as Applied by Replacing Certain Terms Pursuant to Article 42, Paragraph (3) of the Act)

Article 24-6 The particulars specified by Ordinance of the Ministry of Health, Labour and Welfare, as provided for in Article 32-4, paragraph (2) of the Employment Security Act, as applied by replacing certain terms pursuant to Article 42, paragraph (3) of the Act are as follows:

- (i) name, and name of the representative;
- (ii) name and address of the place of business.

(Report on the Task of Dispatching General Workers)

Article 24-7 A Silver Human Resources Center that intends to carry out a general worker dispatching undertaking pursuant to the provisions of Article 42, paragraph (5) of the Act must notify the Director of the Governing Prefectural Labor Bureau thereof.

(Matters Specified by Ordinance of the Ministry of Health, Labour and Welfare Provided for in Article 8, Paragraph (2) of the Worker Dispatching Act as Applied by Replacing Certain Terms Pursuant to Article 42, Paragraph (6) of the Act)

Article 24-8 The matters to be specified by Ordinance of the Ministry of Health, Labour and Welfare, as provided for in Article 8, paragraph (2) of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (Act No. 88 of 1985; hereinafter referred to as the "Worker Dispatching Act") as applied by replacing certain terms pursuant to Article 42, paragraph (6) of the Act are as follows:

- (i) name, and name of the representative;
- (ii) name and address of the place of business.

(Special Application of the Ordinance for Enforcement of the Worker Dispatching Act)

Article 24-9 (1) Notwithstanding the provisions of Article 1-2, paragraph (1) of the 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 1986; hereinafter referred to as the "Ordinance for Enforcement of the Worker Dispatching Act"), the written notice provided for in Article 5, paragraph (2) of the Worker Dispatching Act as applied by replacing certain terms pursuant to

Article 42, paragraph (6) of the Act is to be made using the form specified by the Director-General of the Employment Security Bureau.

- (2) Notwithstanding the provisions of Article 1-2, paragraph (3) of the Ordinance for Enforcement of the Worker Dispatching Act, the operation plans to be attached by a Silver Human Resources Center pursuant to the provisions of Article 5, paragraph (3) of the Worker Dispatching Act are to be made using the form specified by the Director-General of the Employment Security Bureau.
- (3) Notwithstanding the provisions of Article 8, paragraph (1) of the Ordinance for Enforcement of the Worker Dispatching Act, a Silver Human Resources Center that intends to submit a notification under the provisions of Article 11, paragraph (1) of the Worker Dispatching Act must submit a written notice to the Director of the Governing Prefectural Labor Bureau, using the form specified by the Director-General of the Employment Security Bureau and within 30 days from the day following the day on which the fact pertaining to said changes occurred, in the case of submitting a notification of changes listed in Article 5, paragraph (2), item (iv) of the Worker Dispatching Act; and within 10 days from the day following the day on which the fact pertaining to said changes occurred, in the case of submitting a notification of changes other than those listed in the same item.
- (4) Notwithstanding the provisions of Article 10 of the Ordinance for Enforcement of the Worker Dispatching Act, a Silver Human Resources Center that intends to submit a notification under the provisions of Article 13, paragraph (1) of the Worker Dispatching Act must submit a written notice to the Director of the Governing Prefectural Labor Bureau, using the form specified by the Director-General of the Employment Security Bureau, within 10 days from the day following the day of the discontinuance of said general worker dispatching undertaking.
- (5) Notwithstanding the provisions of Article 17, paragraph (2) of the Ordinance for Enforcement of the Worker Dispatching Act, an operating report and settlements of accounts to be submitted by a Silver Human Resources Center pursuant to the provisions of Article 23, paragraph (1) of the Worker Dispatching Act are to be submitted using the respective forms specified by the Director-General of the Employment Security Bureau.
- (6) With regard to the application of the provisions of the Ordinance for Enforcement of the Worker Dispatching Act that are listed in the left-hand column of the table below and that pertaining to the general worker dispatching undertaking under the provisions of Article 42, paragraph (5) of the Act, the terms or phrases listed in the middle column of the table below that appear in these provisions are deemed to be replaced with the corresponding terms or phrases listed in the right-hand column of the table, and the provisions of Article 1-2, paragraph (2), item (i), (f) and Article 4 of the

Ordinance for Enforcement of the Worker Dispatching Act do not apply.

Article 1-2, paragraph (2), item (i), (g)	the details of assets concerning the general worker dispatching undertaking and the	concerning the office that carries out
Article 1-2, paragraph (4)	When (omission) applies for a license for a general worker dispatching undertaking under the provisions of Article 5, paragraph (1) of the Act,	when submitting a written notice provided for in Article 5, paragraph (2) of the Act as applied by replacing certain terms pursuant to Article 42, paragraph (6) of the Act on Stabilization of Employment of Elderly Persons
Article 8, paragraph (2)	the written notice of changes to a general worker dispatching undertaking referred to in the preceding paragraph	the written notice using the form specified by the Director-General of the Employment Security Bureau as provided for in Article 24-9, paragraph (3) of the Ordinance for Enforcement of the Act on Stabilization of Employment of Elderly Persons
Article 8, paragraph (3)	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)	the written notice using the form specified by the Director-General of the Employment Security Bureau as provided for in Article 24-9, paragraph (3) of the Ordinance for Enforcement of the Act on Stabilization of Employment of Elderly Persons
	must be accompanied by (omission) (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)	must be accompanied by

(Submission of the Operation Plan)

Article 25 (1) An operation plan and a budget for income and expenditure provided for in the first sentence of Article 43, paragraph (1) of the Act must be submitted before the start of every fiscal year (in the fiscal year of the day on which the person has been designated, after the designation and without delay).

- (2) When a Silver Human Resources Center changes an operational plan or a budget for income and expenditure pursuant to the provisions of the second sentence of Article 43, paragraph (1) of the Act, the Silver Human Resources Center must submit a document that contains the matters that have been changed and the reasons for said change(s) to the prefectural governor without delay.
- (3) An operating report and settlements of accounts provided for in Article 43, paragraph (2) of the Act must be submitted within three months after the end of each fiscal year.

Section 2 Silver Human Resources Center Association

(Criteria Specified by Ordinance of the Ministry of Health, Labour and Welfare
Provided for in Article 44, Paragraph (1) of the Act)

Article 26 The criteria specified by Ordinance of the Ministry of Health, Labour and Welfare, as provided for in Article 44, paragraph (1) of the Act, are that an area of a municipality to be designated by the prefectural governor as the area concerned with the designation provided for in Article 44, paragraph (1) of the Act related to the Silver Human Resources Center Association (hereinafter referred to as the "Silver Human Resources Center Association") provided for in Article 41, paragraph (1) of the Act (referred to as the "Area Concerned with the Designation of the Association" in paragraph (1), item (iv) of the following Article) satisfies the following requirements:

- (i) said area of a municipality is close to the area concerned with the designation provided for in Article 41, paragraph (1) of the Act related to the Silver Human Resources Centers that is a member of the person that seeks to receive designation under the provisions of Article 44, paragraph (1) of the Act, or there is a considerable number of mandatory retirees and other elderly retirees in said area of a municipality or two or more neighboring areas of municipalities;
- (ii) when the operations provided for in Article 42, paragraph (1) of the Act as applied *mutatis mutandis* pursuant to Article 45 of the Act is carried out by the Silver Human Resources Center Association in said area of a municipality, said operations are expected to be carried out in a more efficient manner compared to the cases where the operations provided for in Article 42, paragraph (1) of the Act are carried out by the Silver Human Resources Center in said area of a municipality, in light of the situation, etc. of employment opportunities for temporary short-term work and other light activities.

(Application for Designation)

Article 27 (1) A person that seeks to receive designation under the provisions of Article 44, paragraph (1) of the Act must submit a written application that contains the following matters to the prefectural governor:

- (i) name and address;
- (ii) name of the representative;
- (iii) location of the place of business;
- (iv) areas that are requested to be included in the Area Concerned with the Designation of the Association.

(2) The following documents must be attached to the written application provided for in the preceding paragraph:

- (i) articles of incorporation and certificate of registered matters;
- (ii) the total amount of assets, their type, and a document certifying these items;
- (iii) a basic plan for the operations provided for in Article 42, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 45 of the Act;
- (iv) a document that contains the names and brief biographical outlines of officers;
- (v) a document that contains the name and address of the Silver Human Resources Centers containing its members.

(Notification of Addition of Members of Silver Human Resources Center Association)

Article 28 When the Silver Human Resources Center Association intends to submit a notification under the provisions of Article 44, paragraph (2) of the Act, the Silver Human Resources Center Association must submit a document that contains the name and address of the Silver Human Resources Center that has become its member to the prefectural governor.

(Request on Change of Designated Areas of Silver Human Resources Center Association)

Article 29 When the Silver Human Resources Center Association intends to make a request under the provisions of Article 44, paragraph (4) of the Act, the Silver Human Resources Center Association must submit to the prefectural governor a written request that identifies the areas that are being requested to be included in the designated areas of the association, as provided for in the proviso to Article 41, paragraph (1) of the Act, upon a change, by attaching therewith the documents provided for in Article 27, paragraph (2), item (iii) concerning the designated areas of the association after said change.

(Special Application of the Ordinance for Enforcement of the Worker Dispatching Act)

Article 29-2 With regard to the application of the provisions of Article 29, item (i) of the Ordinance for Enforcement of the Worker Dispatching Act that pertains to a general worker dispatching undertaking under the provisions of Article 42, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 45 of the Act, the phrase "appoint from among the workers employed by it" in the same item is deemed to be replaced with "appoint."

(Application Mutatis Mutandis)

Article 30 The provisions of Articles 24-3 to 25 apply mutatis mutandis to the Silver Human Resources Center Association. In this case, the term "Article 41, paragraph (4) of the Act" in Article 24-3 is deemed to be replaced with "Article 41, paragraph (4) of the Act as applied mutatis mutandis pursuant to Article 45 of the Act"; the term "Article 42, paragraph (2) of the Act" in Article 24-4, paragraphs (1) and (5) and Article 24-5, paragraph (1) is deemed to be replaced with "Article 42, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 45 of the Act"; the term "Article 42, paragraph (5) of the Act" in Article 24-7 and Article 24-9, paragraph (6) is deemed to be replaced with "Article 42, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 45 of the Act"; the term "Article 42, paragraph (6) of the Act" in Article 24-8 and Article 24-9, paragraph (1) is deemed to be replaced with "Article 42, paragraph (6) of the Act as applied mutatis mutandis pursuant to Article 45 of the Act"; the term "Article 42, paragraph (6)" in Article 1-2, paragraph (4) under the table of Article 24-9, paragraph (6) is deemed to be replaced with "Article 42, paragraph (6) as applied mutatis mutandis pursuant to Article 45"; the term "Article 24-9, paragraph (3)" in Article 8, paragraph (2) and Article 8, paragraph (3) under the same table is deemed to be replaced with "Article 24-9, paragraph (3) of the same Ordinance as applied mutatis mutandis pursuant to Article 30"; the term "the first sentence of Article 43, paragraph (1) of the Act" in Article 25, paragraph (1) is deemed to be replaced with "the first sentence of Article 43, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 45 of the Act"; the term "the second sentence of Article 43, paragraph (1) of the Act" in paragraph (2) of the same Article is deemed to be replaced with "the second sentence of Article 43, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 45 of the Act"; and the term "Article 43, paragraph (2) of the Act" in paragraph (3) of the same Article is deemed to be replaced with "Article 43, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 45 of the Act."

Section 3 National Silver Human Resources Center Association

(Criteria for Designation)

Article 31 The criteria for designation under the provisions of Article 46 of the Act are as follows:

- (i) the plan for the implementation of operations that covers personnel, operational procedures, and other matters are appropriate, and that the person is found to have sufficient financial and technical basis in order to carry out the plan in a reliable manner;
- (ii) that, in addition to the provisions of the preceding item, the person is found to be capable of carrying out the operations in a proper and reliable manner and is contributing to the enhanced welfare of Elderly Persons.

Article 31-2 The provisions of Article 24-2 apply mutatis mutandis to those who seek to receive designation under the provisions of Article 46 of the Act, and the provisions of Article 24-3 and Article 25 apply mutatis mutandis to the National Silver Human Resources Center Association provided for in Article 47 of the Act. In this case, the phrase "Article 41, paragraph (1) of the Act" in Article 24-2, paragraph (1) is deemed to be replaced with the phrase "Article 46 of the Act"; the phrase "the prefectural governor" is deemed to be replaced with the phrase "the Minister of Health, Labour and Welfare"; the phrase "Article 42, paragraph (1) of the Act" in paragraphs (2), item (iii) of the same Article is deemed to be replaced with the phrase "Article 47 of the Act"; the phrase "Article 41, paragraph (4) of the Act" in Article 24-3 is deemed to be replaced with the phrase "Article 41, paragraph (4) of the Act as applied mutatis mutandis pursuant to Article 48 of the Act"; the phrase "the prefectural governor" is deemed to be replaced with the phrase "the Minister of Health, Labour and Welfare"; the phrase "the first sentence of Article 43, paragraph (1) of the Act" in Article 25, paragraph (1) is deemed to be replaced with the phrase "the first sentence of Article 43, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 48 of the Act"; the phrase "the second sentence of Article 43, paragraph (1) of the Act" in paragraph (2) of the same Article is deemed to be replaced with the phrase "the second sentence of Article 43, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 48 of the Act"; the phrase "the prefectural governor" is deemed to be replaced with the phrase "the Minister of Health, Labour and Welfare"; and the phrase "Article 43, paragraph (2) of the Act" in paragraph (3) of the same Article is deemed to be replaced with the phrase "Article 43, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 48 of the Act."

Chapter VI Support by the National Government

(Persons Specified by Ordinance of the Ministry of Health, Labour and Welfare)

Provided for in Article 49, Paragraph (1) of the Act)

Article 32 The persons specified by Ordinance of the Ministry of Health, Labour and Welfare as provided for in Article 49, paragraph (1) of the Act if the Japan Organization for Employment of the Elderly, Persons with Disabilities and Job Seekers provided for in paragraph (2) of the same Article carries out the operations provided for in each item of paragraph (1) in the same Article are to be of middle-aged and elderly unemployed persons, etc. provided for in Article 2, paragraph (2), item (ii) of the Act who are under 55 years of age.

Chapter VII Miscellaneous Provisions

(Reporting the Employment Conditions of Elderly Persons)

Article 33 (1) An employer must report the mandatory retirement age, the status of the continuous employment system, and other employment conditions of Elderly Persons by June 1 of each year to the Minister of Health, Labour and Welfare via the Chief of the Public Employment Security Office governing the location of the principal place of business (or, if there are two or more such Public Employment Security Offices, the Public Employment Security Office handling the processes pursuant to the provisions of Article 792 of the Rules on Organization of the Ministry of Health, Labour and Welfare; hereinafter, referred to as the "Governing Public Employment Security Office") by submitting a report on the employment conditions of Elderly Persons (Form No. 2) by the 15th day of the following month.

(2) When the Minister of Health, Labour and Welfare requests that an employer submits a report on necessary matters concerning the conditions provided for in Article 52, paragraph (1) of the Act, pursuant to the provisions of paragraph (2) of the same Article, the Minister of Health, Labour and Welfare is to notify the employer in writing of the matters on which it is to report.

(Delegation of Authority)

Article 34 (1) The following authorities of the Minister of Health, Labour and Welfare are delegated to the directors of the Prefectural Labor Bureau, pursuant to the provisions of Article 54, paragraph (1) of the Act; provided, however, that it does not prevent the Minister of Health, Labour and Welfare from personally exercising the authorities listed in items (i) to (iii) and item (vii):

- (i) the authority of the Minister of Health, Labour and Welfare provided for in Article 10 of the Act;
- (ii) the authority of the Minister of Health, Labour and Welfare provided for in Article 17-2 of the Act;
- (iii) the authority of the Minister of Health, Labour and Welfare provided for in

- Article 18-2, paragraph (2) of the Act;
- (iv) the authority of the Minister of Health, Labour and Welfare provided for in Article 42, paragraph (2) of the Act (including cases where it is applied mutatis mutandis pursuant to Article 45 of the Act);
 - (v) the authority of the Minister of Health, Labour and Welfare provided for in Article 42, paragraph (5) of the Act (including cases where it is applied mutatis mutandis pursuant to Article 45 of the Act);
 - (vi) the authority of the Minister of Health, Labour and Welfare provided for in Article 5, paragraph (2) of the Worker Dispatching Act, as applied by replacing certain terms pursuant to Article 42, paragraph (6) of the Act, as well as Article 11, paragraph (1); Article 13, paragraph (1); and Article 23, paragraph (1) of the Worker Dispatching Act, as applied pursuant to Article 42, paragraph (6) of the Act;
 - (vii) the authority of the Minister of Health, Labour and Welfare provided for in Article 52, paragraph (2) of the Act.
- (2) The authorities listed in items (i) to (iii) and item (vii) of the preceding paragraph are delegated to the Chief of the Governing Public Employment Security Office, pursuant to the provisions of Article 54, paragraph (2) of the Act; provided, however, that it does not prevent the directors of the Prefectural Labor Bureau from personally exercising the authorities listed in items (i) to (iii) of the preceding paragraph.

Supplementary Provisions [Ordinance of the Ministry of Health, Labour and Welfare No. 114 of August 10, 2012]

(Effective Date)

Article 1 This Ordinance of the Ministry comes into effect from the day that the Act to Partially Revise the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers comes into effect (October 1, 2012).

(Transitional Measures Concerning Forms)

- Article 2 (1) An application form, etc. submitted or delivered before this Ordinance of the Ministry comes into effect in a format provided for in the provisions of the respective Ordinances of the Ministry before the revision is deemed to be an application form, etc. in a corresponding format provided for in the corresponding provisions of the respective Ordinances of the Ministry after said revision.
- (2) An existing application form, etc. before this Ordinance of the Ministry comes into effect in a format provided for in the provisions of the respective Ordinances of the Ministry before the revision may be used with the necessary

revisions until otherwise provided for by law.

**Supplementary Provisions [Ordinance of the Ministry of Health, Labour
and Welfare No. 154 of November 9, 2012]**

This Ordinance of the Ministry comes into effect as of April 1, 2013.