

Act on Promotion of Women's Participation and Advancement in the Workplace (Tentative translation)

(Act No. 64 of September 4, 2015)

Table of Contents

- Chapter I General Provisions (Articles 1 to 4)
- Chapter II Basic Policy (Article 5 and Article 6)
- Chapter III Employers Action Plan, etc.
 - Section 1 Employers Action Plan Formulation Guidelines (Article 7)
 - Section 2 General Employers Action Plan (Articles 8 to 14)
 - Section 3 Specified Employers Action Plans (Article 15)
 - Section 4 Publication of Information that Contributes to Women's Career Choices (Article 16 and Article 17)
- Chapter IV Support Measure for the Promotion of Women's Participation and Advancement in the Workplace (Articles 18 to 25)
- Chapter V Miscellaneous Provisions (Articles 26 to 28)
- Chapter VI Penal Provisions (Articles 29 to 34)
- Supplementary Provisions

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is, in consideration of the increasing importance in recent years that women who participate in the workplace of their own volition or who intend to do so become successful in their participation in the workplace and fully demonstrate their personality and capabilities (hereinafter referred to as "Women's Participation and Advancement in the Workplace"), to focus on the promotion of Women's Participation and Advancement in the Workplace swiftly and intensively and thereby realize an affluent and dynamic society in which the human rights of both men and women are respected and that can respond to changes in various socioeconomic situations including the rapid progression of the lower birthrate and the aging of the population, and the diversification of the demands from the people of Japan, pursuant to the basic principles of the Basic Act for Gender-Equal Society (Act No. 78 of 1999), by establishing the fundamental principles pertaining to the promotion of Women's Participation and Advancement in the Workplace and clarifying the responsibilities of the national government and local governments and employers, and formulating a

Basic Policy and Employers Action Plan and stipulating support measures for the promotion of Women's Participation and Advancement in the Workplace.

(Fundamental Principles)

Article 2 (1) The promotion of Women's Participation and Advancement in the Workplace shall be conducted for the purpose of enabling women to fully demonstrate their personalities and capabilities, based on the actual conditions of gender disparities related to participation and advancement in the workplace, through the active provision of opportunities for recruitment, education and training, promotion, type of occupation, change in employment status, and other opportunities related to participation in the workplace, and the use of such opportunities for women who participate in working lives of their own volition, or who intend to do so, and in consideration of the effects of workplace practices reflecting a stereotyped division of roles on the basis of gender, etc., on women's advancement in the workplace.

(2) The promotion of Women's Participation and Advancement in the Workplace shall be conducted for the purpose of enabling a balance between smooth and continuous working and family lives of men and women by establishing a necessary environment for men and women who are members of families, regardless of their gender, to smoothly perform their roles as household members with regard to taking care of children, caring for other family members, and other activities in their home lives through mutual cooperation and with social support, in consideration of the influence on working lives of the fact that many women who participate in working lives are compelled to leave work due to marriage, pregnancy, giving birth, child rearing, caring for other people and other reasons relating to home lives.

(3) When conducting the promotion of Women's Participation and Advancement in the Workplace, it shall be kept in mind that a person's own volition should be respected concerning a balance between working and family lives of women.

(Responsibilities of the National Government and Local Governments)

Article 3 The national and local governments must formulate and implement necessary measures for the promotion of Women's Participation and Advancement in the Workplace pursuant to the fundamental principles of the promotion of Women's Participation and Advancement in the Workplace (referred to as the "Basic Policy" in the following Article and Article 5, paragraph (1)) prescribed in the preceding Article.

(Responsibilities of Employers)

Article 4 Employers must, pursuant to the fundamental principles, endeavor to implement themselves the active provision of opportunities regarding working

lives for women workers whom they employ or intend to employ, the establishment of an employment environment that contributes to both the working and family lives of the workers to be employed, and other initiatives for the promotion of Women's Participation and Advancement in the Workplace, and to cooperate with the measures for the promotion of Women's Participation and Advancement in the Workplace implemented by the national or local governments.

Chapter II Basic Policy, etc.

(Basic Policy)

Article 5 (1) The Government shall establish the Basic Policy on the Promotion of Women's Participation and Advancement in the Workplace (hereinafter referred to as the "Basic Policy"), in order to comprehensively and integrally implement measures for the promotion of Women's Participation and Advancement in the Workplace, pursuant to the Basic Policy.

(2) The Basic Policy shall prescribe those matters set forth in the following.

(i) A basic direction for promoting Women's Participation and Advancement in the Workplace.

(ii) Basic matters concerning the initiatives to be taken by employers for the promotion of Women's Participation and Advancement in the Workplace.

(iii) Matters concerning the measures for the promotion of Women's Participation and Advancement in the Workplace set forth in the following.

(a) Matters concerning support measures for the promotion of Women's Participation and Advancement in the Workplace.

(b) Matters concerning the establishment of a necessary environment to achieve a balance between working and family lives.

(c) Other important matters concerning the promotion of Women's Participation and Advancement in the Workplace.

(iv) Matters necessary for the promotion of Women's Participation and Advancement in the Workplace other than those listed in the preceding three items.

(3) The Prime Minister shall prepare a draft of the Basic Policy and call for a Cabinet decision.

(4) The Prime Minister must, when a Cabinet decision is made pursuant to the provisions of the preceding paragraph, disclose the Basic Policy to the public without delay.

(5) The provisions under the preceding two paragraphs shall apply mutatis mutandis when altering the Basic Policy.

(Prefectural Promotion Plan)

Article 6 (1) Taking into consideration the Basic Plan, the prefectures shall endeavor to establish plans with regard to the measures for the promotion of Women's Participation and Advancement in the Workplace within the relevant prefectural areas (hereinafter referred to as the "Prefectural Promotion Plan" in this Article).

(2) Taking into consideration the Basic Plan (when the Prefectural Promotion Plan has been established, both the Basic Plan and the Prefectural Promotion Plan), the municipalities shall endeavor to establish plans with regard to the measures for the promotion of Women's Participation and Advancement in the Workplace within the relevant municipal areas (referred to as the "Municipal Promotion Plan" in the succeeding paragraph).

(3) When a prefecture or a municipality has established or modified its Prefectural Promotion Plan or its Municipal Promotion Plan, the prefecture or municipality shall publicize this without delay.

Chapter III Employers Action Plan

Section 1 Employers Action Plan Formulation Guidelines

Article 7 (1) The Prime Minister, Minister of Health, Labour and Welfare, and Minister for Internal Affairs and Communications shall establish guidelines (hereinafter referred to as the "Employers Action Plan Formulation Guidelines") on the formulation of the General Employers Action Plan prescribed in paragraph (1) of the succeeding Article and the Specified Employers Action Plans prescribed in Article 15, paragraph (1) (collectively referred to as the "Employers Action Plan" in the succeeding paragraph), in order to enable employers to comprehensively and effectively implement the initiatives concerning the promotion of Women's Participation and Advancement in the Workplace in light of the Basic Policy.

(2) The Employers Action Plan Formulation Guidelines shall stipulate matters to be a guide for the Employers Action Plan with regard to the following.

(i) Basic matters concerning the formulation of the Employers Action Plan.

(ii) Matters concerning the contents of the measures for the promotion of Women's Participation and Advancement in the Workplace.

(iii) Other important matters concerning the promotion of Women's Participation and Advancement in the Workplace.

(3) When the Prime Minister, Minister of Health, Labour and Welfare, and Minister for Internal Affairs and Communications establish or modify the Employers Action Plan Formulation Guidelines, the Prime Minister, Minister of Health, Labour and Welfare, and Minister for Internal Affairs and Communications must publicize this without delay.

Section 2 General Employers Action Plan

(Formulation of the General Employers Action Plan)

Article 8 (1) Employers other than the national government and local governments (hereinafter referred to as "general employers") with over 300 regularly employed workers shall, in light of the Employers Action Plan Formulation Guidelines, establish the General Employers Action Plan and notify the Minister of Health, Labour and Welfare pursuant to the provisions of the Ordinance of the Ministry of Health, Labour and Welfare. When this has been modified, the same shall apply.

(2) The General Employers Action Plan shall prescribe the following matters.

(i) Plan period.

(ii) Goals to be achieved by implementing measures for the promotion of Women's Participation and Advancement in the Workplace.

(iii) Contents of the initiatives for the promotion of Women's Participation and Advancement in the Workplace planned to be implemented and their implementation period.

(3) General employers prescribed in paragraph (1) shall, when intending to establish or modify the General Employers Action Plan, understand the percentage of women workers in the total employed workers, gender difference in the number of years of continuous employment, circumstances of the working hours, ratio of women workers in the workers in managerial positions, and other situations related to Women's Participation and Advancement in the Workplace in their businesses, analyze circumstances to be improved for the promotion of Women's Participation and Advancement in the Workplace, and then establish the Action Plan considering the results of the analysis, pursuant to the provisions of the Ordinance of the Ministry of Health, Labor and Welfare.

In such a case, the goals set forth in item (ii) of the preceding paragraph shall be quantitatively prescribed using data including the ratio of women workers in the total workers to be employed, the reduction of gender difference in the number of years of continuous employment, working hours, and ratio of women workers among the workers in managerial positions.

(4) General employers prescribed in paragraph (1) shall, when establishing or modifying the General Employers Action Plan, take measures to widely disseminate those matters among the workers pursuant to the provisions of the Ordinance of the Ministry of Health, Labor and Welfare.

(5) General employers prescribed in paragraph (1) must, when establishing or modifying the General Employers Action Plan, publicize those matters pursuant to the provisions of the Ordinance of the Ministry of Health, Labor and Welfare.

(6) General employers prescribed in paragraph (1) shall implement measures

based on the General Employers Action Plan and endeavor to achieve the goals prescribed in the General Employers Action Plan.

- (7) General employers with less than 300 regularly employed workers shall endeavor to establish the General Employers Action Plan pursuant to the Employers Action Plan Formulation Guidelines and notify the Minister of Health, Labour and Welfare. When this has been modified, the same shall apply.
- (8) The provision of paragraph (3) and the provisions of paragraphs (4) to (6) shall apply mutatis mutandis to cases in which general employers prescribed in the preceding paragraph intend to establish or modify the General Employers Action Plan, and cases in which general employers prescribed in the preceding paragraph established or modified the General Employers Action Plan, respectively.

(Recognition of General Employers that Conform with Standards)

Article 9 Based on applications from general employers who notified the Minister of Health, Labour and Welfare pursuant to the provision of the preceding Article, paragraph (1) or paragraph (7), the Minister of Health, Labour and Welfare may recognize these general employers for having an implementation status of their initiatives for the promotion of Women's Participation and Advancement in the Workplace that is good and conforms with other standards specified by the Ordinance of the Ministry of Health, Labor and Welfare.

(Displays which Indicate Recognized General Employers)

- Article 10 (1) General employers who receive the recognition set forth in the preceding Article (referred to as the "recognized general employers" in the following Article and Article 20, paragraph (1)) may add an indicator for the recognition specified by the Minister of Health, Labour and Welfare to goods, items for the provision of services, advertisements of goods or services or documents used for transactions, or communication and other goods and services specified by the Ordinance of the Ministry of Health, Labor and Welfare (referred to as the "goods, etc.," in the following paragraph).
- (2) No person shall add an indicator of the recognition prescribed in the preceding paragraph or any other misleading indicators to the goods, etc., except in cases provided for in the preceding paragraph.

(Rescinding the Recognition)

Article 11 The Minister of Health, Labour and Welfare may rescind the recognition if a recognized general employer falls under any of the following items.

- (i) Cases when it is confirmed that a recognized general employer no longer conforms with the standards prescribed in Article 9.
- (ii) Cases involving violations of this Act or Orders pursuant to this Act.
- (iii) Cases in which recognition under Article 9 has been achieved by improper means.

(Special Provisions on the Commissioning of Recruitment)

Article 12 (1) When a small and medium-sized enterprise employer (a general employer with less than 300 regularly employed workers, the same shall apply hereinafter in this paragraph and the following paragraph), that is a member of an approved employers organization for small and medium-sized enterprises, commissions the recruitment of necessary workers for the implementation of initiatives related to the promotion of Women's Participation and Advancement in the Workplace through the approved employers organization, when that organization intends to engage in said recruitment, the provisions of Article 36, paragraph (1) and (3) of the Employment Security Act (Act No. 141 of 1947) shall not apply to the small and medium-sized enterprise employer that is a member of the organization.

(2) In this Article and the following Article, an "approved employers organization for small and medium-sized enterprises" refers to, among a business cooperative, federation of cooperatives, or other cooperative or federation thereof established under special acts, or a federation specified by the Ordinance of the Ministry of Health, Labor and Welfare or a general association comprising small and medium-sized enterprise employers as its direct or indirect members (limited to those falling under the requirement prescribed by the Ordinance of the Ministry of Health, Labor and Welfare), an organization that provides consultations and assistance to small and medium-sized enterprise employers that are members of said organization pertaining to securing human resources for the implementation of initiatives related to the promotion of Women's Participation and Advancement in the Workplace, and which is recognized by the Minister of Health, Labour and Welfare in that the organization conforms with the standards required for appropriate implementation of said consultation and assistance specified by the Ordinance of the Ministry of Health, Labor and Welfare, based on an application from the organization.

(3) The Minister of Health, Labour and Welfare may rescind the recognition provided in the same paragraph if it is confirmed that an approved employers organization for small and medium-sized enterprises no longer conforms with the standards prescribed in the preceding paragraph.

(4) An approved employers organization for small and medium-sized enterprises, when intending to engage in the recruitment prescribed in paragraph (1), shall

notify the Minister of Health, Labour and Welfare of the recruitment period, the number of persons to be recruited, the recruitment area, and other matters related to the recruitment of workers specified by the Ordinance of the Ministry of Health, Labor and Welfare.

- (5) The provision of Article 37, paragraph (2) of the Employment Security Act shall apply mutatis mutandis to cases in which notification under the preceding paragraph has been received; the provisions of Article 5-3, paragraphs (1) and (4), Article 5-4, Article 39, Article 41, paragraph (2), Article 42, paragraph (1), Article 42-2, Article 48-3, paragraph (1), Article 48-4, Article 50, paragraphs (1) and (2), and Article 51 of the same Act shall apply mutatis mutandis to persons who engage in the recruitment of workers upon submitting the notification prescribed in the preceding paragraph; the provision of Article 40 of the same Act shall apply mutatis mutandis to giving compensation to persons who engage in the recruitment of workers upon submitting the notification prescribed in the same paragraph; and the provisions of Article 50, paragraphs (3) and (4) shall apply mutatis mutandis to cases in which the authority prescribed by the same Article, paragraph (2), as applied mutatis mutandis pursuant to this paragraph, is exercised.

In this case, the phrase "persons who intend to conduct the labor recruitment" in Article 37, paragraph (2) of the same Act shall be deemed to be replaced with "persons who intend to engage in the recruitment of workers upon submitting a notification as prescribed in Article 12, paragraph (4) of the Act on Promotion of Women's Participation and Advancement in the Workplace," and the phrase "order the abolition of the businesses of the labor recruitment concerned or [...] a set period" shall be deemed to be replaced with "a set period."

- (6) With regard to the application of the provisions of Article 36, paragraph (2) and Article 42-3 of the Employment Security Act, the phrase "in the preceding paragraph" in Article 36, paragraph (2) of the same Act shall refer to "an act in which a person who intends to have a person other than his/her employee engage in the recruitment of workers attempts to give it to a person other than said employee," and the phrase "a commissioned recruiter prescribed in Article 39" shall refer to "a person who engages in the recruitment of workers upon submitting a notification as prescribed in Article 12, paragraph (4) of the Act on Promotion of Women's Participation and Advancement in the Workplace (Act No. 64 of 2015)."
- (7) The Minister of Health, Labour and Welfare may request the approved employers organization for small and medium-sized enterprises to submit a report on the implementation status of the consultation and support prescribed in paragraph (2).

Article 13 Public Employment Security Offices shall provide, to approved employers organizations for small and medium-sized enterprises engaged in recruitment of workers after giving the notification pursuant to the provision of the preceding Article, paragraph (4), employment information and results of occupational surveys and research, and, based on these, provide guidance on the contents or methods of the recruitment, thereby achieving effective and appropriate implementation of the recruitment.

(State Assistance for General Employers)

Article 14 The State shall endeavor to provide consultation services and other assistance to general employers who intend to formulate the General Employers Action Plan pursuant to the provision of Article 8, paragraph (1) or paragraph (8), or who have submitted a notification pursuant to these provisions, in order to facilitate smooth implementation of the formulation of the General Employers Action Plan, dissemination of the Action Plan to employees or publication, or measures based on the General Employers Action Plan.

Section 3 Specified Employers Action Plan

Article 15 (1) The national government and local government organizations, and the head or other officials of these organizations specified by Cabinet Order (hereinafter referred to as the "Specified Employers") shall establish a Specified Employers Action Plan (refers to a plan concerning measures for the promotion of Women's Participation and Advancement in the Workplace implemented by specified employers; hereinafter the same shall apply in this Article) in light of the Employers Action Plan Formulation Guidelines pursuant to the provisions of the Cabinet Order.

(2) The Specified Employers Action Plan shall prescribe the following matters.

(i) Plan period.

(ii) Goals to be achieved by implementing measures for the promotion of Women's Participation and Advancement in the Workplace.

(iii) Contents of the initiatives for the promotion of Women's Participation and Advancement in the Workplace planned to be implemented and their implementation period.

(3) Specified employers, when intending to provide or amend the Specified Employers Action Plan, shall establish or modify the General Employers Action Plan, understand the percentage of women workers in the total employed workers, gender difference in the number of years of continuous employment, circumstances of the working hours, ratio of female personnel in the workers in managerial positions, and other circumstances related to Women's

Participation and Advancement in the Workplace in their administrative affairs and businesses, analyze circumstances to be improved for the promotion of Women's Participation and Advancement in the Workplace, and then establish the Action Plan considering the results of the analysis, pursuant to the provisions of a Cabinet Office Order.

In such cases, the goals set forth in item (ii) of the preceding paragraph shall be quantitatively prescribed using data including the ratio of women personnel in the total workers to be employed, the reduction of gender difference in the number of years of continuous employment, working hours, and the ratio of women workers among the workers in managerial positions.

- (4) When a specified employer establishes or modifies the Specified Employers Action Plan, the specified employer shall take measures to widely disseminate those matters among its employees without delay.
- (5) When a specified employer establishes or modifies the Specified Employers Action Plan, the specified employer must publicize this without delay.
- (6) A specified employer must, at least once every year, publicize the implementation status of measures based on the Specified Employers Action Plan.
- (7) A specified employer shall implement measures based on the Specified Employers Action Plan and endeavor to achieve the goals prescribed in the Specified Employers Action Plan.

Section 4 Publication of Information that Contributes to Women's Career Choices

(Publication of Information that Contributes to Women's Career Choices by General Employers)

Article 16 (1) General employers prescribed in Article 8, paragraph (1) must regularly publicize information regarding Women's Participation and Advancement in the Workplace in their business to contribute to the career choices of women who participate in working lives or who intend to do so, pursuant to the provisions of the Ordinance of the Ministry of Health, Labour and Welfare.

- (2) General employers prescribed in Article 8, paragraph (7) shall endeavor to regularly publicize information regarding Women's Participation and Advancement in the Workplace in their business to contribute to the career choices of women who participate in working lives or who intend to do so, pursuant to the provisions of the Ordinance of the Ministry of Health, Labour and Welfare.

(Publication of Information that Contributes to Women's Career Choices by

Specified Employers)

Article 17 Specified Employers must regularly publicize information regarding Women's Participation and Advancement in the Workplace in their administrative affairs and businesses to contribute to the career choices of women who participate in working lives or who intend to do so, pursuant to the provisions of a Cabinet Office Order.

Chapter IV Support Measures for the Promotion of Women's Participation and Advancement in the Workplace

(Vocational Guidance and Other Measures)

Article 18 (1) The national government shall endeavor to provide vocational guidance, employment placement, vocational training, support for start-ups, and other necessary measures to promote Women's Participation and Advancement in the Workplace.

(2) Local governments shall, in combination with the measures prescribed in the preceding paragraph, respond to consultation requests from women who participate in working lives or who intend to do so, and from their families and other relevant persons, and endeavor to introduce relevant organizations, provide other relevant information and advice, and take other necessary measures to promote Women's Participation and Advancement in the Workplace.

(3) Local governments may entrust part of the administrative affairs pertaining to the tasks prescribed in the preceding paragraph to a third party that conforms with the criteria set forth by Cabinet Office Order as having the capability to properly carry out said administrative affairs.

(4) A person who engages in or has engaged in the administrative affairs relating to the entrustment prescribed in the preceding paragraph, shall not divulge any secrets obtained in the course of said administrative affairs without a legitimate reason.

(Financial Measures, Etc.)

Article 19 The national government shall endeavor to take financial measures and other measures necessary to support measures by local governments for the promotion of Women's Participation and Advancement in the Workplace.

(Increasing Opportunities for Receipt of Orders from the National Government, Etc.)

Article 20 (1) The national government shall, while paying attention to the proper use of budget, increase the opportunities for receipt of orders for recognized general employers with good conditions related to Women's

Participation and Advancement in the Workplace or other general employers with good implementation status of measures for the promotion of Women's Participation and Advancement in the Workplace (referred to as the "recognized general employers" in the following paragraph) and implement other necessary measures, concerning the services by the national government or corporation (The Okinawa Development Finance Corporation and other corporations established through a special law that are specified by Cabinet Order) or procurement of equity, to contribute to the promotion of Women's Participation and Advancement in the Workplace.

(2) Local governments shall endeavor to increase the opportunities for receipt of orders for recognized general employers and implement other necessary measures pursuant to national measures.

(Enlightenment Activities)

Article 21 The national government and local governments shall conduct the necessary public awareness activities to increase public interest and understanding, and gain cooperation from the public with regard to the promotion of Women's Participation and Advancement in the Workplace.

(Collection of information, compile and provide)

Article 22 The national government shall collect, compile and provide information regarding the situation of Women's Participation and Advancement in the Workplace and such efforts both in Japan and abroad, to contribute to the promotion of Women's Participation and Advancement in the Workplace.

(Councils)

Article 23 (1) The national government and local governments that conduct administrative affairs and services related to the promotion of Women's Participation and Advancement in the Workplace within the areas of the local governments (hereinafter referred to as the "relevant organizations" in this Article) may organize a council composed of the relevant organizations (hereinafter referred to as the "Council") to ensure effective and smooth implementation of the measures regarding the promotion of Women's Participation and Advancement in the Workplace within said areas, by making use of the cases related to the measures taken by the national government pursuant to the provisions of Article 18, paragraph (1) and the measures taken by a local government pursuant to the same Article, paragraph (2), and other information useful for the promotion of Women's Participation and Advancement in the Workplace.

(2) The relevant organizations that organize the Council shall, in the case where

the administrative affairs under the provision of Article 18, paragraph (3) are entrusted to other parties within the areas of said relevant organizations, add the entrusted parties as members of the Council.

- (3) The relevant organizations forming the Council may, when deemed necessary, add the following parties to the Council as members.
- (i) General employers organizations or their allied organizations.
 - (ii) Academic experts.
 - (iii) Other parties deemed necessary by the relevant organizations.
- (4) The Council shall, through mutual communication between the relevant organizations and the members specified by the preceding two paragraphs (hereinafter referred to as the "relevant organizations, etc." in this Article), share useful information for the promotion of Women's Participation and Advancement in the Workplace and work on the development of closer collaboration among the relevant organizations, and deliberate the measures concerning the promotion of Women's Participation and Advancement in the Workplace that suit the actual situation of each area.
- (5) When the Council has been organized, relevant local governments must publicize this pursuant to the provision of Cabinet Office Order.

(Confidentiality Obligation)

Article 24 Persons who engage in or have engaged in the administrative affairs of the Council must not divulge any secrets obtained in the course of the administrative affairs of the Council without a legitimate reason.

(Matters Determined by the Council)

Article 25 In addition to the matters prescribed in the preceding two Articles, matters necessary for the organization and operation of the Council shall be determined by the Council.

Chapter V Miscellaneous Provisions

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

Article 26 The Minister of Health, Labor and Welfare may, when deemed necessary with regard to the enforcement of this Act, request reports of general employers or give general employers advice, guidance, or recommendations.

(Delegation of Authority)

Article 27 Part of the authority of the Minister of Health, Labour and Welfare specified in Article 8 to Article 12 and the preceding Article may be delegated to the Prefectural Labor Director, pursuant to the provisions of an Ordinance

of the Ministry of Health, Labour and Welfare.

(Delegation to Cabinet Order)

Article 28 In addition to the matters prescribed in Article 28 of this Act, any other matters necessary for the enforcement of this Act shall be specified by Cabinet Order.

Chapter VI Penal Provisions

Article 29 Persons who have engaged in the recruitment of workers in violation of a business suspension order pursuant to the provision of Article 41, paragraph (2) of the Employment Security Act, as applied mutatis mutandis pursuant to Article 12, paragraph (5), shall be punished by imprisonment with required labor for not more than one year or a fine of not more than one million yen.

Article 30 Persons who fall under any of the following items shall be punished by imprisonment with required labor for not more than one year or a fine of not more than 500,000 yen.

- (i) Persons who have violated the provision of Article 18, paragraph (4).
- (ii) Persons who have violated the provision of Article 24.

Article 31 Persons who fall under any of the following items shall be punished by a fine of not more than 300,000 yen.

- (i) Persons who have engaged in the recruitment of workers without submitting a notification under the provision of Article 12, paragraph (4).
- (ii) Persons who have failed to comply with the provision of Article 37, paragraph (2) of the Employment Security Act, as applied mutatis mutandis pursuant to Article 12, paragraph (5).
- (iii) Persons who have violated the provision of Article 39 or Article 40 of the Employment Security Act, as applied mutatis mutandis pursuant to Article 12, paragraph (5).

Article 32 Persons who fall under any of the following items shall be punished by a fine of not more than 300,000 yen.

- (i) Persons who have violated the provision of Article 24, paragraph (2).
- (ii) Persons who have failed to make a report under the provision of Article 50, paragraph (1) of the Employment Security Act, as applied mutatis mutandis pursuant to Article 12, paragraph (5), or have made a false report.
- (iii) Persons who have refused, obstructed or evaded an entry or inspection under the provisions of Article 50, paragraph (2) of the Employment Security

Act, as applied mutatis mutandis pursuant to Article 12, paragraph (5), or have failed to answer a question under said provisions or made a false statement.

- (iv) Persons who have divulged any secrets in violation of the provisions of Article 50, paragraph (1) of the Employment Security Act, as applied mutatis mutandis pursuant to Article 12, paragraph (5).

(Act No. 14 of 2017, Partial Amendment)

Article 33 When a representative of a juridical person or an agent, employee or any other worker of a juridical person or an individual has committed an act in violation of Article 29, Article 31, or the preceding Article with respect to the business of said juridical person or individual, not only the offender shall be punished, but also said juridical person or individual shall be punished by the fine prescribed in the respective Articles.

Article 34 Persons who fail to make a report or make a false report pursuant to the provision of Article 26 shall be punished by a fine of not more than 200,000 yen.

Supplementary Provisions

(Effective Date)

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

(Lapse of This Act)

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

(2) With regard to any secrets learnt by persons who engaged in the administrative affairs concerning the entrustment prescribed in Article 18, paragraph (3), concerning said administrative affairs, the provision of the same article, paragraph (4) (including penal provisions pertaining to the same paragraph) shall remain in force after the date prescribed in the same paragraph, notwithstanding the provision of the preceding paragraph.

(3) With regard to any secrets learnt by persons who engaged in the administrative affairs of the Council, concerning said administrative affairs, the provision of Article 24 (including penal provisions pertaining to the same Article) shall remain in force after the date prescribed in the same paragraph, notwithstanding the provision of paragraph (1).

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

(Delegation to Cabinet Order)

Article 3 In addition to what is set forth in the preceding Article, from paragraphs 2 to 4, transitional measures necessary for the implementation of this Act shall be specified by Cabinet Order.

(Review)

Article 4 When three years have passed since this Act came into effect, the government shall conduct a review of the provisions of this Act by taking into account the state of implementation of this Act, and shall, when deemed necessary, take necessary measures based on the findings of the review.

(Partial Revision of the Act concerning Public Consultants on Social and Labor Insurance)

Article 5 The Act concerning Public Consultants on Social and Labor Insurance shall be partially revised as follows.

The following one item shall be added after item (xx-xxvi) in the appended table 1.

(xx)-27 Act on Promotion of Women's Participation and Advancement in the Workplace (Act No. 64 of 2015)

(Partial Revision of the Act for Establishment of the Cabinet Office)

Article 6 The Act for Establishment of the Cabinet Office shall be partially revised as follows.

The following provision shall be added to the table in Article 2, paragraph (1) of the Supplementary Provisions.

March 31, 2026. Concerning the formulation and promotion of the Basic Policy on the Promotion of Women's Participation and Advancement in the Workplace (referring to the provision in Article 5, paragraph (1) of the Act on Promotion of Women's Participation and Advancement in the Workplace (Act No. 64 of 2015)).

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

(Effective Date)

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

- (i) Amendment provisions to add one Article after Article 64 of the Employment Insurance Act in Article 1 and the provision of Article 35 of the Supplementary Provisions. Date of promulgation. (ii) and (iii) omitted.
- (ii) Amendment provisions of Article 10-4, paragraph (2), Article 58, paragraph (1), Article 60-2, paragraph (4), Article 76, paragraph 2-2 and Article 79-2 of the Employment Insurance Act, and amended provisions of Article 11-2, paragraph (1) of the Supplementary Provisions in Article 2, and the amendment provision of the same Article, paragraph (3) (limited to the part in which "50 out of 100" is amended to be "80 out of 100"); Provision of Article 4, and amendment provisions of Article 53, paragraphs (5) and (6), and Article 64 of the Child Care and Family Care Leave Act in Article 7 and the provisions from Articles 5 to 8 and Article 10 of the Supplementary Provisions; Amendment provisions of Article 10, paragraph (10), item (v) of the Act on National Public Officers' Retirement Allowance (Act No. 182 of 1953) in Article 13 of the Supplementary Provisions; Provisions of Article 14, paragraph (2) and Article 17 of the Supplementary Provisions, and the provision of Article 18 of the Supplementary Provisions (excluding the provisions listed in the following item); Amendment provisions of Article 38, paragraph (3) of the Act on Stabilization of Employment of Elderly Persons (Act No. 68 of 1971) (limited to the parts amended in "Article 4, paragraph (8)" and "Article 4, paragraph (9)") in Article 19 of the Supplementary Provisions; Amendment provisions of Article 4, paragraph (8) of the table in Article 30, paragraph (1), from Article 32-11 to Article 32-15, Article 32-16, paragraph (1) and Article 51, paragraph and Article 48-3 and Article 48-4, paragraph (1) of the Act on the Improvement of Employment of Construction Workers (Act No. 33 of 1976) in Article 20, of the Supplementary Provisions; Articles 21 and 22, and from Article 26 to 28 of the Supplementary Provisions and the provision of Article 32, and the provision of Article 33 of the Supplementary Provisions (excluding the provision listed in the following item): January 1, 2018

(Transitional Measures for the Penal Provisions)

Article 34 With regard to the application of penal provisions to acts committed before this Act (with regard to the provisions listed in item (iv), Article 4 of these Supplementary Provisions, those provisions shall be applicable) comes into effect, the provisions then in force shall remain applicable.

(Delegation of Other Transitional Measures to Cabinet Order)

Article 35 In addition to what is set forth in these Supplementary Provisions, transitional measures necessary for the implementation of this Act shall be specified by Cabinet Order.