労働基準法施行規則

Ordinance for Enforcement of the Labor Standards Act

（昭和二十二年八月三十日厚生省令第二十三号）

(Order of the Ministry of Health and Welfare No. 23 of August 30, 1947)

第一条　削除

Article 1 Deleted.

（賃金の総額に算入すべきもの）

(Matters to Be Included in the Total Amount of Wages)

第二条　労働基準法（昭和二十二年法律第四十九号。以下「法」という。）第十二条第五項の規定により、賃金の総額に算入すべきものは、法第二十四条第一項ただし書の規定による法令又は労働協約の別段の定めに基づいて支払われる通貨以外のものとする。

Article 2 (1) Matters to be included in the total amount of wages pursuant to the provision of paragraph (5) of Article 12 of the Labor Standards Act (Act No. 49 of 1947; hereinafter referred to as "the Act") shall be those other than currency paid according to laws and regulations or collective agreement made under the proviso of paragraph (1) of Article 24 of the Act.

２　前項の通貨以外のものの評価額は、法令に別段の定がある場合の外、労働協約に定めなければならない。

(2) The appraised value of any of those other than currency set forth in the preceding paragraph shall be prescribed in a collective agreement except in case laws and regulations stipulate otherwise.

３　前項の規定により労働協約に定められた評価額が不適当と認められる場合又は前項の評価額が法令若しくは労働協約に定められていない場合においては、都道府県労働局長は、第一項の通貨以外のものの評価額を定めることができる。

(3) When an appraised value prescribed in a collective agreement pursuant to the provision of the preceding paragraph is judged inappropriate, or an appraised value is not set forth in laws and regulations or collective agreement, the directors of the Prefectural Labor Offices may fix the appraised value of those other than currency.

（平均賃金）

(Average Wages)

第三条　試の使用期間中に平均賃金を算定すべき事由が発生した場合においては、法第十二条第三項の規定にかかわらず、その期間中の日数及びその期間中の賃金は、同条第一項及び第二項の期間並びに賃金の総額に算入する。

Article 3 When some cause necessitating calculation of one's average wages occurs in his or her probationary period, the number of days and the wages during the period shall be respectively included in the period and the wages designated in the provision of paragraphs (1) and (2) of Article 12 of the Act notwithstanding the provision of paragraph (3) of the same Article.

第四条　法第十二条第三項第一号から第四号までの期間が平均賃金を算定すべき事由の発生した日以前三箇月以上にわたる場合又は雇入れの日に平均賃金を算定すべき事由の発生した場合の平均賃金は、都道府県労働局長の定めるところによる。

Article 4 In the event that the periods stipulated in items (i) to (iv) inclusive of paragraph (3) of Article 12 of the Act are three months or more preceding the day on which there arises a need for calculation of a worker's average wage, or in the event there arises a need for calculation of a worker's average wage on the day that the worker is taken into employment, the average wage of the worker shall be stipulated by the directors of the Prefectural Labor Offices.

（労働条件）

(Working Conditions)

第五条　使用者が法第十五条第一項前段の規定により労働者に対して明示しなければならない労働条件は、次に掲げるものとする。ただし、第四号の二から第十一号までに掲げる事項については、使用者がこれらに関する定めをしない場合においては、この限りでない。

Article 5 (1) The working conditions which the employer shall clearly indicate to the worker pursuant to the provision of the first sentence of paragraph (1) of Article 15 of the Act shall be as follows; provided, however, that this shall not apply to matters listed in items (iv-ii) to (xi) inclusive if the employer makes no such rules:

一　労働契約の期間に関する事項

(i) Matters concerning term of labor contract

一の二　就業の場所及び従事すべき業務に関する事項

(i)-2 Matters concerning workplace and work engaged in

二　始業及び終業の時刻、所定労働時間を超える労働の有無、休憩時間、休日、休暇並びに労働者を二組以上に分けて就業させる場合における就業時転換に関する事項

(ii) Matters concerning starting hour and closing hour, presence of labor to be done exceeding prescribed working hours, rest period, days off, leave, and the change in shifts (in case workers work in two or more shifts)

三　賃金（退職手当及び第五号に規定する賃金を除く。以下この号において同じ。）の決定、計算及び支払の方法、賃金の締切り及び支払の時期並びに昇給に関する事項

(iii) Matters concerning methods of determination, calculation, and payment of wages (except retirement allowances and those wages falling under item (v); hereinafter the same shall apply in this item), the dates for closing account for wages and for payment of wages, and increase in wages

四　退職に関する事項（解雇の事由を含む。）

(iv) Matters concerning retirement (including grounds for dismissal)

四の二　退職手当の定めが適用される労働者の範囲、退職手当の決定、計算及び支払の方法並びに退職手当の支払の時期に関する事項

(iv)-2 Matters concerning the scope of workers covered, methods of determination of retirement allowances, calculation and payment of retirement allowances, and the dates for payment of retirement allowances

五　臨時に支払われる賃金（退職手当を除く。）、賞与及び第八条各号に掲げる賃金並びに最低賃金額に関する事項

(v) Matters concerning special wages (except retirement allowances), bonuses, those wages listed in each item of Article 8, and minimum wages

六　労働者に負担させるべき食費、作業用品その他に関する事項

(vi) Matters concerning expenses of food, supplies for work, and the like to be borne by workers

七　安全及び衛生に関する事項

(vii) Matters concerning safety and health

八　職業訓練に関する事項

(viii) Matters concerning vocational training

九　災害補償及び業務外の傷病扶助に関する事項

(ix) Matters concerning accident compensation and support for injury and disease incurred off duty

十　表彰及び制裁に関する事項

(x) Matters concerning commendation and sanction

十一　休職に関する事項

(xi) Matters concerning administrative leave

２　法第十五条第一項後段の厚生労働省令で定める事項は、前項第一号から第四号までに掲げる事項（昇給に関する事項を除く。）とする。

(2) The matters prescribed by Ordinance of the Ministry of Health, Labour and Welfare referred to in the provision of the second sentence of paragraph (1) of Article 15 of the Act shall be the matters listed in items (i) to (iv) inclusive of the preceding paragraph (except the matters concerning increase in wages).

３　法第十五条第一項後段の厚生労働省令で定める方法は、労働者に対する前項に規定する事項が明らかとなる書面の交付とする。

(3) The method prescribed by Ordinance of the Ministry of Health, Labour and Welfare referred to in the second sentence of paragraph (1) of Article 15 of the Act shall be to give a worker a document where the matters prescribed in the preceding paragraph are clearly described.

（貯蓄金の管理に関する協定に定めるべき事項）

(Matters to Be Prescribed in Agreement for the Administration of Workers' Savings)

第五条の二　使用者は、労働者の貯蓄金をその委託を受けて管理しようとする場合において、貯蓄金の管理が労働者の預金の受入れであるときは、法第十八条第二項の協定には、次の各号に掲げる事項を定めなければならない。

Article 5-2 When an employer intends to take charge of workers savings entrusted to the employer by workers, and in the event that the savings kept in custody constitute a deposit accepted, the employer shall fix, in an agreement concluded pursuant to the provision of paragraph (2) of Article 18 of the Act, the following matters:

一　預金者の範囲

(i) Scope of depositors

二　預金者一人当たりの預金額の限度

(ii) Limit of deposit per depositor

三　預金の利率及び利子の計算方法

(iii) Method of calculating interest rates and interest

四　預金の受入れ及び払いもどしの手続

(iv) Procedures in accepting and paying out deposits

五　預金の保全の方法

(v) Method of preserving deposits

（届出）

(Notification)

第六条　法第十八条第二項の規定による届出は、様式第一号により、当該事業場の所在地を管轄する労働基準監督署長（以下「所轄労働基準監督署長」という。）にしなければならない。

Article 6 A notification pursuant to the provision of paragraph (2) of Article 18 of the Act shall be submitted, according to Form No.1, to the director of the labor standards office which has jurisdiction over the location of the said workplace (hereinafter referred to as "the director of the labor standards office concerned")

（過半数代表者）

(A Representative of the Majority)

第六条の二　法第十八条第二項、法第二十四条第一項ただし書、法第三十二条の二第一項、法第三十二条の三、法第三十二条の四第一項及び第二項、法第三十二条の五第一項、法第三十四条第二項ただし書、法第三十六条第一項、第三項及び第四項、法第三十八条の二第二項、法第三十八条の三第一項、法第三十八条の四第二項第一号、法第三十九条第五項及び第六項ただし書並びに法第九十条第一項に規定する労働者の過半数を代表する者（以下この条において「過半数代表者」という。）は、次の各号のいずれにも該当する者とする。

Article 6-2 (1) The person representing a majority of the workers (hereinafter referred to as "a representative of the majority" in this Article) prescribed in paragraph (2) of Article 18, the proviso of paragraph (1) of Article 24, paragraph (1) of Article 32-2, Article 32-3, paragraphs (1) and (2) of Article 32-4, paragraph (1) of Article 32-5, the proviso of paragraph (2) of Article 34, paragraphs (1), (3), and (4) of Article 36, paragraph (2) of Article 38-2, paragraph (1) of Article 38-3, item (i) of paragraph (2) of Article 38-4, paragraph (5) and the proviso of paragraph (6) of Article 39, and paragraph (1) of Article 90 of the Act shall fall under all the following items:

一　法第四十一条第二号に規定する監督又は管理の地位にある者でないこと。

(i) A person who is not in the position of supervision or management prescribed in item (ii) of Article 41 of the Act

二　法に規定する協定等をする者を選出することを明らかにして実施される投票、挙手等の方法による手続により選出された者であること。

(ii) A person who has been chosen according to the procedures such as vote and a show of hands after being clearly informed that a person who concludes agreements provided by the Act shall be chosen

２　前項第一号に該当する者がいない事業場にあつては、法第十八条第二項、法第二十四条第一項ただし書、法第三十九条第五項及び第六項ただし書並びに法第九十条第一項に規定する労働者の過半数を代表する者は、前項第二号に該当する者とする。

(2) When there is no person who falls under item (i) of the preceding paragraph in a workplace, the person representing a majority of the workers prescribed in paragraph (2) of Article 18, the proviso of paragraph (1) of Article 24, paragraph (5) and the proviso of paragraph (6) of Article 39, and paragraph (1) of Article 90 of the Act shall be deemed to fall under item (ii) of the preceding paragraph.

３　使用者は、労働者が過半数代表者であること若しくは過半数代表者になろうとしたこと又は過半数代表者として正当な行為をしたことを理由として不利益な取扱いをしないようにしなければならない。

(3) An employer shall not treat a worker disadvantageously on the grounds that he or she is a representative of the majority, attempted to become a representative of the majority, or acted justifiably as a representative of the majority.

（命令）

(Order)

第六条の三　法第十八条第六項の規定による命令は、様式第一号の三による文書で所轄労働基準監督署長がこれを行う。

Article 6-3 An order pursuant to the provision of paragraph (6) of Article 18 of the Act shall be issued in writing, according to Form No.1-3, by the director of the labor standards office concerned.

（様式）

(Form)

第七条　法第十九条第二項の規定による認定又は法第二十条第一項但書前段の場合に同条第三項の規定により準用する法第十九条第二項の規定による認定は様式第二号により、法第二十条第一項但書後段の場合に同条第三項の規定により準用する法第十九条第二項の規定による認定は様式第三号により、所轄労働基準監督署長から受けなければならない。

Article 7 An approval pursuant to the provision of paragraph (2) of Article l9 of the Act or an approval set forth in the provision of paragraph (2) of Article 19 of the Act applied mutatis mutandis pursuant to the provision of paragraph (3) of Article 20 of the Act in case of the first half of the proviso of paragraph (1) of Article 20 of the Act shall be obtained according to Form No. 2, and a recognition set forth in the provision of paragraph (2) of Article 19 of the Act applied mutatis mutandis pursuant to the provision of paragraph (3) of Article 20 of the Act in case of the second half of the proviso of paragraph (1) of Article 20 of the Act from the director of the labor standards office concerned shall be obtained according to Form No. 3.

（賃金の支払方法）

(Methods of Wage Payment)

第七条の二　使用者は、労働者の同意を得た場合には、賃金の支払について次の方法によることができる。

Article 7-2 (1) With the worker's consent, an employer may pay a worker's wage by any of the following methods:

一　当該労働者が指定する銀行その他の金融機関に対する当該労働者の預金又は貯金への振込み

(i) By transfer into the worker's account at a bank or other financial institution designated by the worker.

二　当該労働者が指定する証券会社に対する当該労働者の預り金（次の要件を満たすものに限る。）への払込み

(ii) By transfer into a worker's account at a securities company designated by the worker, provided such account shall satisfy all of the following requirements.

イ　当該預り金により投資信託及び投資法人に関する法律（昭和二十六年法律第百九十八号）第二条第四項の証券投資信託（以下この号において「証券投資信託」という。）の受益証券以外のものを購入しないこと。

(a) The deposit in the account shall not be used to purchase anything other than beneficiary certificates for securities investment trusts (hereinafter referred to in this item as "securities investment trusts"), as such term is used under paragraph (4) of Article 2 of the Act on Investment Trusts and Investment Juridical Persons (Act No. 198 of 1951).

ロ　当該預り金により購入する受益証券に係る投資信託及び投資法人に関する法律第二十五条第一項の投資信託約款に次の事項が記載されていること。

(b) The investment trust contract (as such term is used under paragraph (1) of Article 25 of the Act on Investment Trusts and Investment Juridical Persons) pertaining to the beneficiary certificates purchased with the deposit in the account shall include the following matters:

（１）　信託財産の運用の対象は、次に掲げる有価証券（（２）及び（４）において「有価証券」という。）、預金、手形、指定金銭信託及びコールローンに限られること。

1. That the trust properties shall be invested solely in the following securities (hereinafter referred to in 2. and 4. as "securities"), savings, negotiable instruments, specified money in trust and call loans.

（ｉ）　証券取引法（昭和二十三年法律第二十五号。以下「証取法」という。）第二条第一項第一号　に掲げる有価証券

i. Securities specified under item (i) of paragraph (1) of Article 2 of the Securities and Exchange Act (Act No. 25 of 1948; hereinafter referred to as "Securities and Exchange Act")

（ｉｉ）　証取法第二条第一項第二号に掲げる有価証券

ii. Securities specified under item (ii) of paragraph (1) of Article 2 of the Securities and Exchange Act

（ｉｉｉ）　証取法第二条第一項第三号に掲げる有価証券

iii. Securities specified under item (iii) of paragraph (1) of Article 2 of the Securities and Exchange Act

（ｉｖ）　証取法第二条第一項第三号の二に掲げる有価証券（資産流動化計画に新優先出資の引受権のみを譲渡することができる旨の定めがない場合における新優先出資引受権付特定社債券を除く。）

iv. Securities specified under item (iii-ii) of paragraph (1) of Article 2 of the Securities and Exchange Act (except specified bonds with subscription rights for new preferred equity investments that do not provide for the transfer of the subscription rights for new preferred equity investments independently from the bonds in the asset securitization plan)

（ｖ）　証取法第二条第一項第四号に掲げる有価証券（新株予約権付社債券を除く。）

v. Securities specified under item (iv) of paragraph (1) of Article 2 of the Securities and Exchange Act (except bonds with share option)

（ｖｉ）　証取法第二条第一項第八号に掲げる有価証券

vi. Securities specified under item (viii) of paragraph (1) of Article 2 of the Securities and Exchange Act

（ｖｉｉ）　証取法第二条第一項第九号に掲げる有価証券（（ｉ）から（ｖｉ）までに掲げる証券又は証書の性質を有するものに限る。）

vii. Securities specified under item (ix) of paragraph (1) of Article 2 of the Securities and Exchange Act (limited to those which have the same nature as any of the securities or certificate listed in i. to vi. inclusive above)

（ｖｉｉｉ）　証取法第二条第一項第十号に掲げる有価証券

viii. Securities specified under item (x) of paragraph (1) of Article 2 of the Securities and Exchange Act

（ｉｘ）　証取法第二条第一項第十一号に掲げる有価証券

ix. Securities specified under item (xi) of paragraph (1) of Article 2 of the Securities and Exchange Act

（ｘ）　証取法第二条第二項の規定により有価証券とみなされる権利（（ｉ）から（ｖｉｉｉ）までに掲げる有価証券に表示されるべき権利並びに証取法第二条第二項第一号及び第二号に掲げる権利に限る。）

x. Any right that shall be deemed as securities pursuant to Article 2 Paragraph (2) of the Securities and Exchange Act (limited to rights that shall be indicated in one of the securities listed in i. to viii. inclusive above, and the rights that are specified in items (i) and (ii) of paragraph (2) of Article 2 of the Securities and Exchange Act)

（２）　信託財産の運用の対象となる有価証券、預金、手形、指定金銭信託及びコールローン（以下この号において「有価証券等」という。）は、償還又は満期までの期間（以下この号において「残存期間」という。）が一年を超えないものであつて、一以上の指定格付機関（企業内容等の開示に関する内閣府令（昭和四十八年大蔵省令第五号）第一条第十三号の二に規定する指定格付機関をいう。以下この号において同じ。）から同令第九条の四第四項第一号ホに規定する特定格付（以下この号において「特定格付」という。）のうち第三位以上の特定格付が付与された長期有価証券（発行から償還までの期間が一年以上の有価証券をいう。以下この号において同じ。）若しくは特定格付のうち第二位以上の特定格付が付与された短期有価証券（発行から償還までの期間が一年未満の有価証券をいう。以下この号において同じ。）又は証券投資信託の委託会社がこれらの特定格付が付与された有価証券と同等以上に安全に運用できる対象と認めたものであること。

2. With regard to securities, savings, negotiable instruments, specified money in trust, and call loans which are objects of investment of trust property (hereinafter referred to as "securities, etc." in this item), the time period left to reach redemption or maturity (hereinafter referred to as "the remaining period" in this item) shall not exceed one year, and they shall be long-term investment securities (securities with one year or more period from the issue to the redemption; hereinafter the same shall apply in this item) with the third or higher grade of the designated rating prescribed in item (i)-v of paragraph (4) of Article 9-4 of the Cabinet Office Ordinance concerning Disclosure of Corporate Affairs, etc. (Ordinance of the Ministry of Finance No. 5 of 1973) (hereinafter referred to as "the designated rating" in this item) given by one or more specified rating organizations (the organizations prescribed in item (xiii-ii) of Article 1 of the said Ordinance; hereinafter the same shall apply in this item), short-term investment securities (securities with less-than-one year period from the issue to the redemption; hereinafter in this item the same shall apply) with the second or higher of the specific rating given by the organizations, or the equivalent which securities investment trust management companies consider to be able to invest in as safely as or more safely than the said securities with the said grade of the specific rating.

（３）　信託財産に組み入れる有価証券等の平均残存期間（一の有価証券等の残存期間に当該有価証券等の組入れ額を乗じて得た合計額を、当該有価証券等の組入れ額の合計額で除した期間をいう。）が九十日を超えないこと。

3. The average remaining period of securities, etc. included in trust property (the period that is calculated by dividing the total amount determined by multiplying the remaining period of each of securities, etc. by each amount of the securities, etc. included in trust property into the total amount of the said securities, etc. included) shall not exceed 90 days.

（４）　信託財産の総額のうちに、一の法人その他の団体（以下この号において「法人等」という。）が発行し、又は取り扱う有価証券等（国債証券、政府保証債及び返済までの期間（貸付けを行う当該証券投資信託の受託者である会社が休業している日を除く。）が五日以内のコールローン（以下この号において「特定コールローン」という。）を除く。）であつて、二以上の指定格付機関から特定格付のうち第二位以上の特定格付が付与された長期有価証券及び特定格付のうち第一位の特定格付が付与された短期有価証券並びに証券投資信託の委託会社がこれらの特定格付が付与された有価証券と同等以上に安全に運用できる対象と認めたもの（以下この号において「適格有価証券等」という。）の当該信託財産の総額の計算の基礎となつた価額の占める割合が、百分の五以下であること。

4. Of the total asset value of the trust property, any securities, etc. (except national government bonds, government guaranteed bonds, and call loans with five or less days (except closed days of companies entrusted with the said securities investment trust that give loans) left to become due; hereinafter referred to as "the specific call loans" in this item) issued or dealt with by any one juridical person or other organ (hereinafter referred to as "juridical person, etc." in this item) that are long-term investment securities with the second or higher grade of the specific rating given by two or more designated rating organizations, short-term investment securities with the first grade of the specific rating given by two or more designated rating organizations, or the equivalent which securities investment trust management companies consider to be able to invest in as safely as or more safely than the said securities with the said grade of the specific rating (hereinafter referred to as "the qualified securities, etc.") shall account for 5 percent or less of the values that form the basis of calculation of the total asset value of the trust property.

（５）　信託財産の総額のうちに有価証券等（国債証券、政府保証債、特定コールローン及び適格有価証券等を除く。以下この号において同じ。）の当該信託財産の総額の計算の基礎となつた価額の占める割合が、百分の五以下であること。

5. Of the total asset value of trust property, the value of securities, etc. (except national government bonds, government guaranteed bonds, specific call loans, and qualified securities, etc.; hereinafter the same shall apply in this item), that is the basis of the calculation of the said total net assets value, shall account for 5 percent or less.

（６）　信託財産の総額のうちに一の法人等が発行し、又は取り扱う有価証券等の当該信託財産の総額の計算の基礎となつた価額の占める割合が、百分の一以下であること。

6. Of the total asset value of the trust property, the value of securities, etc. issued or dealt with by one juridical person, etc. that is the basis of the calculation of the said total asset value, shall account for 1 percent or less.

（７）　信託財産の総額のうちに一の法人等が取り扱う特定コールローンの当該信託財産の総額の計算の基礎となつた価額の占める割合が、百分の二十五以下であること。

7. Of the total asset value of the trust property, the value of the specific call loans dealt with by one juridical person, etc, that is the basis of the calculation of the said total asset value, shall account for 25 percent or less.

ハ　当該預り金に係る投資約款（労働者と証券会社の間の預り金の取扱い及び受益証券の購入等に関する約款をいう。）に次の事項が記載されていること。

(c) An investment contract (a contract pertaining to dealing of a deposit and purchase, etc. of beneficiary certificates conducted between a worker and a securities company) shall include the following items.

（１）　当該預り金への払込みが一円単位でできること。

1. Payment may be made into the account in a unit of one yen.

（２）　預り金及び証券投資信託の受益権に相当する金額の払戻しが、その申出があつた日に、一円単位でできること。

2. Refund of a deposit and the equivalent amount to the beneficiary right of the security investment trust may be made in a unit of one yen on a day of the request.

２　使用者は、労働者の同意を得た場合には、退職手当の支払について前項に規定する方法によるほか、次の方法によることができる。

(2) An employer may pay, with the consent of a worker, retirement allowances by any of the methods set forth in the following items as well as in the preceding paragraph:

一　銀行その他の金融機関によつて振り出された当該銀行その他の金融機関を支払人とする小切手を当該労働者に交付すること。

(i) To deliver the worker a check which has been issued by a bank or some other financial institution and ought to be paid by itself.

二　銀行その他の金融機関が支払保証をした小切手を当該労働者に交付すること。

(ii) To deliver the worker a check guaranteed by a bank or some other financial institution.

三　郵便為替を当該労働者に交付すること。

(iii) To deliver the worker a postal money order.

３　地方公務員に関して法第二十四条第一項の規定が適用される場合における前項の規定の適用については、同項第一号中「小切手」とあるのは、「小切手又は地方公共団体によつて振り出された小切手」とする。

(3) With regard to the application of the provision of the preceding paragraph, when the provision of paragraph (1) of Article 24 of the Act applies to local public officers, "a check" referred to in item (i) of the preceding paragraph shall be replaced with "a check or a check issued by the local public entity concerned".

（臨時に支払う賃金、賞与に準ずるもの）

(Equivalents to Special Wages or Bonus)

第八条　法第二十四条第二項但書の規定による臨時に支払われる賃金、賞与に準ずるものは次に掲げるものとする。

Article 8 Those equivalent to special wages or bonus set forth in the proviso of paragraph (2) of Article 24 of the Act shall be listed as follows:

一　一箇月を超える期間の出勤成績によつて支給される精勤手当

(i) Good attendance allowance paid on the basis of the good results of attendance for a period exceeding one month

二　一箇月を超える一定期間の継続勤務に対して支給される勤続手当

(ii) Long-service allowance paid for a fixed period exceeding one month of continuous service

三　一箇月を超える期間にわたる事由によつて算定される奨励加給又は能率手当

(iii) Encouragement or efficiency allowance paid by some reason for a period exceeding one month

（非常時払）

(Emergency Payment)

第九条　法第二十五条に規定する非常の場合は、次に掲げるものとする。

Article 9 Those emergencies set forth in the provision of Article 25 of the Act shall be listed as follows:

一　労働者の収入によつて生計を維持する者が出産し、疾病にかかり、又は災害をうけた場合

(i) When one who makes a living from a worker's income gives birth to a child, suffers from illness, or meets disaster

二　労働者又はその収入によつて生計を維持する者が結婚し、又は死亡した場合

(ii) When a worker himself or herself or one who makes a living from his or her income marries or dies

三　労働者又はその収入によつて生計を維持する者がやむを得ない事由により一週間以上にわたつて帰郷する場合

(iii) When a worker himself or herself or one who makes a living from his or her income is forced to return home for a week or more for an unavoidable reason

第十条及び第十一条　削除

Articles 10 and 11 Deleted.

（労働時間、休日の周知）

(Dissemination of Working Hours and Days Off)

第十二条　常時十人に満たない労働者を使用する使用者は、法第三十二条の二第一項又は法第三十五条第二項による定めをした場合（法第三十二条の二第一項の協定（法第三十八条の四第五項に規定する同条第一項の委員会（以下「労使委員会」という。）の決議（以下「労使委員会の決議」という。）及び労働時間の短縮の促進に関する臨時措置法（平成四年法律第九十号。以下「時短促進法」という。）第七条に規定する労働時間短縮推進委員会の決議（以下「労働時間短縮推進委員会の決議」という。）を含む。）による定めをした場合を除く。）には、これを労働者に周知させるものとする。

Article 12 When an employer who regularly employs less than 10 workers adopts such rules that are referred to in paragraph (1) of Article 32-2 or paragraph (2) of Article 35 of the Act, the employer shall make such rules known to the workers, except in the case where such rules are adopted by a written agreement referred to in paragraph (1) of Article 32-2 of the Act (including any resolution set forth in paragraph (5) of Article 38-4 of the Act (such resolution shall hereinafter be referred to as a "resolution of a labor-management committee") of a committee referred to in paragraph (1) of the same Article (such committee shall hereinafter be referred to as a "labor-management committee") or resolution of a working hours reduction task force committee (such resolution shall hereinafter be referred to as a "resolution of a working hours reduction task force committee") set forth in Article 7 of the Act on Temporary Measures concerning the Promotion of Shorter Working Hours (Act No. 90 of 1992; hereinafter referred to as the "Shorter Working Hours Promotion Act").

（変形労働時間制・変形休日制の起算日）

(Initial Date of Reckoning for a Variable Working Hours or Days Off System)

第十二条の二　使用者は、法第三十二条の二から第三十二条の四までの規定により労働者に労働させる場合には、就業規則その他これに準ずるもの又は書面による協定（労使委員会の決議及び労働時間短縮推進委員会の決議を含む。）において、法第三十二条の二から第三十二条の四までにおいて規定する期間の起算日を明らかにするものとする。

Article 12-2 (1) When an employer causes his or her workers to work under the conditions pursuant to any of the provisions of Articles 32-2 to 32-4 inclusive of the Act, the employer shall clearly indicate the starting date of the period set forth in Articles 32-2 to 32-4 of the Act in the rules of employment or its equivalent or in a written agreement (including any resolution by a labor-management committee or a resolution by a working hours reduction task force committee).

２　使用者は、法第三十五条第二項の規定により労働者に休日を与える場合には、就業規則その他これに準ずるものにおいて、四日以上の休日を与えることとする四週間の起算日を明らかにするものとする。

(2) When an employer gives his or her workers holidays pursuant to the provision of paragraph (2) of Article 35 of the Act, the employer shall clearly indicate, in the rules of employment or some other equivalent, the initial date of reckoning for a four-week period in which the employer provides four or more days off.

（一箇月単位の変形労働時間制の届出等）

(Notification, etc. of the One-Month Variable Working Hours System)

第十二条の二の二　法第三十二条の二第一項の協定（労働協約による場合を除き、労使委員会の決議及び労働時間短縮推進委員会の決議を含む。）には、有効期間の定めをするものとする。

Article 12-2-2 (1) The written agreement (including resolutions by a labor-management or resolutions by a working hours reduction task force committee, except in case of a collective agreement) referred to in paragraph (1) of Article 32-2 of the Act shall set the valid period of the agreement.

２　法第三十二条の二第二項の規定による届出は、様式第三号の二により、所轄労働基準監督署長にしなければならない。

(2) A notification pursuant to the provision of paragraph (2) of Article 32-2 of the Act shall be submitted according to Form No. 3-2 to the director of the labor standards office concerned.

（フレックスタイム制の労使協定で定める事項）

(Matters to Be Prescribed in a Labor-Management Agreement on a Flextime System)

第十二条の三　法第三十二条の三第四号の厚生労働省令で定める事項は、次に掲げるものとする。

Article 12-3 Matters prescribed by Ordinance of the Ministry of Health, Labour and Welfare referred to in item (iv) of Article 32-3 of the Act shall be listed as follows:

一　標準となる一日の労働時間

(i) Standard daily working hours

二　労働者が労働しなければならない時間帯を定める場合には、その時間帯の開始及び終了の時刻

(ii) When a time period when workers have to work is fixed, from and to what time they have to do so shall be specified

三　労働者がその選択により労働することができる時間帯に制限を設ける場合には、その時間帯の開始及び終了の時刻

(iii) When a time period when workers may choose to work or not is limited, from and to what time they may do so shall be specified

（一年単位の変形労働時間制における労働時間の限度等）

(Limit, etc. to Working Hours under the One-Year Variable Working Hours System)

第十二条の四　法第三十二条の四第一項の協定（労働協約による場合を除き、労使委員会の決議及び労働時間短縮推進委員会の決議を含む。）において定める同項第五号の厚生労働省令で定める事項は、有効期間の定めとする。

Article 12-4 (1) Matters prescribed by Ordinance of the Ministry of Health, Labour and Welfare pursuant to item (v) of paragraph (1) of Article 32-4 of the Act which shall be fixed by a written agreement pursuant to the provisions of paragraph (1) of Article 32-4 of the Act (including resolutions by a labor-management or resolutions by a working hours reduction task force committee, except when fixed by a collective agreement) shall be a stipulation for the valid period of the agreement.

２　使用者は、法第三十二条の四第二項の規定による定めは、書面により行わなければならない。

(2) Stipulations made pursuit to the provisions of paragraph (2) of Article 32-4 of the Act shall be set down in writing by the employer.

３　法第三十二条の四第三項の厚生労働省令で定める労働日数の限度は、同条第一項第二号の対象期間（以下この条において「対象期間」という。）が三箇月を超える場合は対象期間について一年当たり二百八十日とする。ただし、対象期間が三箇月を超える場合において、当該対象期間の初日の前一年以内の日を含む三箇月を超える期間を対象期間として定める法第三十二条の四第一項の協定（労使委員会の決議及び労働時間短縮推進委員会の決議を含む。）（複数ある場合においては直近の協定（労使委員会の決議及び労働時間短縮推進委員会の決議を含む。）。以下この項において「旧協定」という。）があつた場合において、一日の労働時間のうち最も長いものが旧協定の定める一日の労働時間のうち最も長いもの若しくは九時間のいずれか長い時間を超え、又は一週間の労働時間のうち最も長いものが旧協定の定める一週間の労働時間のうち最も長いもの若しくは四十八時間のいずれか長い時間を超えるときは、旧協定の定める対象期間について一年当たりの労働日数から一日を減じた日数又は二百八十日のいずれか少ない日数とする。

(3) When the applicable period referred to in item (ii) of paragraph (1) of Article 32-4 of the Act (hereinafter referred to as "the applicable period" in this Article) exceeds three months, annual working days stipulated by Ordinance of the Ministry of Health, Labour and Welfare referred to in paragraph (3) of Article 32-4 of the Act shall be limited to 280 days in the applicable period. However, in case where the applicable period exceeds three months and there had been the other agreement (including resolutions by a labor-management or resolutions by a working hours reduction task force committee) (if there had been more than one agreement, an agreement just before the new agreement shall be applicable; hereinafter referred to in this paragraph as "the former agreement") under the provisions of paragraph (1) of Article 32-4 of the Act with its applicable period exceeding three months and containing one year or less whose last day is followed by the first day of the applicable period, yearly working days shall be shorter one, either days determined by subtracting one day from the yearly working days in the applicable period stipulated under the former agreement or 280 days, if the daily limited working hours exceed longer one, either the daily limited working hours stipulated under the former agreement or nine hours, or the weekly limited working hours exceed longer one, either the weekly limited working hours stipulated under the former agreement or 48 hours.

４　法第三十二条の四第三項の厚生労働省令で定める一日の労働時間の限度は十時間とし、一週間の労働時間の限度は五十二時間とする。この場合において、対象期間が三箇月を超えるときは、次の各号のいずれにも適合しなければならない。

(4) Daily working hours and weekly working hours stipulated by Ordinance of the Ministry of Health, Labour and Welfare referred to in paragraph (3) of Article 32-4 of the Act shall be limited to 10 hours and 52 hours respectively. When the applicable period exceeds three months, both of the following items shall be conformed.

一　対象期間において、その労働時間が四十八時間を超える週が連続する場合の週数が三以下であること。

(i) In the applicable period, the number of consecutive weeks in which weekly working hours exceed 48 hours shall be three or less.

二　対象期間をその初日から三箇月ごとに区分した各期間（三箇月未満の期間を生じたときは、当該期間）において、その労働時間が四十八時間を超える週の初日の数が三以下であること。

(ii) In each period determined by dividing the applicable period by every three months from the first day of the applicable period (if there is a period of less than three months, it shall be regarded as one period), the number of first days of weeks in which weekly working hours exceed 48 hours shall be three or less.

５　法第三十二条の四第三項の厚生労働省令で定める対象期間における連続して労働させる日数の限度は六日とし、同条第一項の協定（労使委員会の決議及び労働時間短縮推進委員会の決議を含む。）で特定期間として定められた期間における連続して労働させる日数の限度は一週間に一日の休日が確保できる日数とする。

(5) The number of consecutive days on which an employer may have workers work in the applicable period pursuant to Ordinance of the Ministry of Health, Labour and Welfare referred to in paragraph (3) of Article 32-4 of the Act shall be limited to six days; and the number of consecutive days on which an employer may have workers work in the specified period set forth under the written agreement referred to in paragraph (1) of the Article (including resolutions adopted by a labor-management committee and resolutions adopted by a working hours reduction task force committee) shall be limited to the number of days that shall enable workers to have one day off per week.

６　法第三十二条の四第四項において準用する法第三十二条の二第二項の規定による届出は、様式第四号により、所轄労働基準監督署長にしなければならない。

(6) A notification pursuant to the provision of paragraph (2) of Article 32-2 of the Act applied mutatis mutandis pursuant to the provision of paragraph (4) of Article 32-4 of the Act shall be submitted according to Form No. 4 to the director of the labor standards office concerned.

（一週間単位の非定型的変形労働時間制の対象事業等）

(Business Categories, etc. in Which the Atypical Adjustable Working Hours System for a Week May Be Adopted)

第十二条の五　法第三十二条の五第一項の厚生労働省令で定める事業は、小売業、旅館、料理店及び飲食店の事業とする。

Article 12-5 (1) Businesses prescribed by Ordinance of the Ministry of Health, Labour and Welfare referred to in the provision of paragraph (1) of Article 32-5 of the Act shall be retail businesses, hotels, restaurants, and eating and drinking places.

２　法第三十二条の五第一項の厚生労働省令で定める数は、三十人とする。

(2) The number prescribed by Ordinance of the Ministry of Health, Labour and Welfare referred to in the provision of paragraph (1) of Article 32-5 of the Act shall be 30 persons.

３　法第三十二条の五第二項の規定による一週間の各日の労働時間の通知は、少なくとも、当該一週間の開始する前に、書面により行わなければならない。ただし、緊急でやむを得ない事由がある場合には、使用者は、あらかじめ通知した労働時間を変更しようとする日の前日までに書面により当該労働者に通知することにより、当該あらかじめ通知した労働時間を変更することができる。

(3) A notice of working hours for each day of a week pursuant to the provision of paragraph (2) of Article 32-5 of the Act shall be given the workers concerned in writing at least before the first day of the week. When there is some emergency and unavoidable reason, however, the employer may change the working hours noticed in advance by notifying them in writing by the day prior to the date on which the employer intends to change working hours.

４　法第三十二条の五第三項において準用する法第三十二条の二第二項の規定による届出は、様式第五号により、所轄労働基準監督署長にしなければならない。

(4) A notification pursuant to the provision of paragraph (2) of Article 32-2 of the Act applied mutatis mutandis pursuant to the provision of paragraph (3) of Article 32-5 of the Act shall be submitted according to Form No. 5 to the director of the labor standards office concerned.

５　使用者は、法第三十二条の五の規定により労働者に労働させる場合において、一週間の各日の労働時間を定めるに当たつては、労働者の意思を尊重するよう努めなければならない。

(5) When an employer has workers work pursuant to the provision of Article 32-5, the employer shall endeavor to respect the workers' intention when fixing working hours for each day of a week.

（育児を行う者等に対する配慮）

(Careful Consideration for Those Who Need Take Care of Children, etc.)

第十二条の六　使用者は、法第三十二条の二、第三十二条の四又は第三十二条の五の規定により労働者に労働させる場合には、育児を行う者、老人等の介護を行う者、職業訓練又は教育を受ける者その他特別の配慮を要する者については、これらの者が育児等に必要な時間を確保できるような配慮をしなければならない。

Article 12-6 When an employer has workers work pursuant to the provision of Article 32-2, 32-4 or 32-5 of the Act, the employer shall give careful consideration to those who need to take care of children, those who need to take care of elderly persons, those who receive vocational training or education, and others who need special consideration so that they may secure their necessary time for child care, etc.

（労働時間、休日の特例）

(Exceptions to the Rules for Working Hours and Days Off)

第十三条　法第三十三条第一項本文の規定による許可は、所轄労働基準監督署長から受け、同条同項但書の規定による届出は、所轄労働基準監督署長にしなければならない。

Article 13 (1) The permission pursuit to the provision of the main clause of paragraph (1) of Article 33 of the Act shall be obtained from the director of the labor standards office concerned, and a notification pursuit to the proviso of the same paragraph of the same Article shall be submitted to the director of the labor standards office concerned.

２　前項の許可又は届出は、様式第六号によるものとする。

(2) The permission or the notification set forth in the preceding paragraph shall be made pursuit to Form No. 6.

第十四条　法第三十三条第二項の規定による命令は、様式第七号による文書で所轄労働基準監督署長がこれを行う。

Article 14 The order set forth in the provision of paragraph (2) of Article 33 of the Act shall be issued in writing according to Form No.7 by the director of the labor standards office concerned.

（一斉休憩の特例の協定）

(Agreement on Exceptions to the Rules for Simultaneous Rest Periods)

第十五条　使用者は、法第三十四条第二項ただし書の協定をする場合には、一斉に休憩を与えない労働者の範囲及び当該労働者に対する休憩の与え方について、協定しなければならない。

Article 15 (1) When an employer makes an agreement pursuant to the proviso of paragraph (2) of Article 34 of the Act, he or she shall clarify in the agreement the scope of workers whom the employer do not provide simultaneous rest periods and to the method of providing rest periods to the said workers.

２　前項の規定は、労使委員会の決議及び労働時間短縮推進委員会の決議について準用する。

(2) The provision set forth in the preceding paragraph shall apply mutatis mutandis to any resolution by a labor-management committee or resolution by a working hours reduction task force committee.

（時間外・休日労働の協定）

(Agreement on Overtime Work and Work on Days Off)

第十六条　使用者は、法第三十六条第一項の協定をする場合には、時間外又は休日の労働をさせる必要のある具体的事由、業務の種類、労働者の数並びに一日及び一日を超える一定の期間についての延長することができる時間又は労働させることができる休日について、協定しなければならない。

Article 16 (1) When an employer makes an agreement pursuant to the provision of paragraph (1) of Article 36 of the Act, he or she shall clarify in the agreement specific reasons why workers are required to work overtime or on days off, type of jobs in which such workers are to be engaged, the number of such workers, hours for which such workers may work overtime in a day and a fixed period exceeding a day, and days off on which such workers may work.

２　前項の協定（労働協約による場合を除く。）には、有効期間の定めをするものとする。

(2) In an agreement concluded pursuant to the provision set forth in the preceding paragraph (except collective agreements), the valid period shall be prescribed.

３　前二項の規定は、労使委員会の決議及び労働時間短縮推進委員会の決議について準用する。

(3) The two preceding paragraphs shall apply mutatis mutandis to any resolution of a labor-management committee or resolution of a working hours reduction task force committee.

（時間外・休日労働の届出）

(Notification of Overtime Work or Work on Days Off)

第十七条　法第三十六条第一項の規定による届出は、様式第九号（第二十四条の二第四項の規定により法第三十八条の二第二項の協定の内容を法第三十六条第一項の規定による届出に付記して届け出る場合にあつては様式第九号の二、労使委員会の決議を届け出る場合にあつては様式第九号の三、労働時間短縮推進委員会の決議を届け出る場合にあつては様式第九号の四）により、所轄労働基準監督署長にしなければならない。

Article 17 (1) The notification provided in paragraph (1) of Article 36 of the Act shall be made to the director of the labor standards office concerned on Form No. 9 (or Form No. 9-2, in the case of a submission provided in paragraph (4) of Article 24-2 of a copy of the agreement described under paragraph (2) of Article 38-2 of the Act, or Form No.9-3, in the case of a submission of a resolution of the labor-management committee, or Form No.9-4, in the case of a submission of a resolution of the working hours reduction task force committee).

２　法第三十六条第一項に規定する協定（労使委員会の決議及び労働時間短縮推進委員会の決議を含む。以下この項において同じ。）を更新しようとするときは、使用者は、その旨の協定を所轄労働基準監督署長に届け出ることによつて、前項の届出にかえることができる。

(2) When an agreement provided in paragraph (1) of Article 36 of the Act (including any resolution of a labor-management committee or resolution of a working hours reduction task force committee (hereinafter the same shall apply in this paragraph)) is to be renewed, an employer may satisfy the notification requirement provided in the preceding paragraph by submitting a copy of the agreement regarding such renewal to the director of the labor standards office concerned.

（労働時間延長の制限業務）

(Work with Restrictions on Overtime)

第十八条　法第三十六条第一項ただし書の規定による労働時間の延長が二時間を超えてはならない業務は、次のものとする。

Article 18 Work for which overtime is restricted to two hours pursuant to the proviso of paragraph (1) of Article 36 of the Act shall be listed as follows:

一　多量の高熱物体を取り扱う業務及び著しく暑熱な場所における業務

(i) Work for which workers handle a large quantity of intensely heated materials, and work in an extremely hot place

二　多量の低温物体を取り扱う業務及び著しく寒冷な場所における業務

(ii) Work for which workers handle a large quantity of cold materials, and work in an extremely cold place

三　ラジウム放射線、エックス線その他の有害放射線にさらされる業務

(iii) Work for which workers are exposed to radium rays, X-rays, or some other injurious radioactive rays

四　土石、獣毛等のじんあい又は粉末を著しく飛散する場所における業務

(iv) Work in a place where a large quantity of dust or powder of earth, rocks, fur, or some other equivalent is scattered

五　異常気圧下における業務

(v) Work under unusual atmospheric pressure

六　削岩機、鋲打機等の使用によつて身体に著しい振動を与える業務

(vi) Work for which workers receive an extreme vibration by operating a rock drill, riveter, or some other equivalent

七　重量物の取扱い等重激なる業務

(vii) Hard work such as those for which workers handle heavy materials

八　ボイラー製造等強烈な騒音を発する場所における業務

(viii) Work such as boiler-manufacturing engaged in an extremely noisy place

九　鉛、水銀、クロム、砒素、黄りん、弗素、塩素、塩酸、硝酸、亜硫酸、硫酸、一酸化炭素、二硫化炭素、青酸、ベンゼン、アニリン、その他これに準ずる有害物の粉じん、蒸気又はガスを発散する場所における業務

(ix) Work in a place where particulate, vapor or gas of lead, mercury, chrome, arsenic, phosphorus, fluorine, chlorine, hydrochloric acid, nitric acid, sulphur dioxide, sulphuric acid, carbon monoxide, carbon disulphide, hydrocyanic, benzene, aniline, or some other injurious material is generated

十　前各号のほか、厚生労働大臣の指定する業務

(x) Work designated by the Minister of Health, Labour and Welfare other than those listed in the preceding items

（割増賃金の基礎となる賃金の計算）

(Calculation of the Amount of Wages Which Provides the Basis for Premium Wages)

第十九条　法第三十七条第一項の規定による通常の労働時間又は通常の労働日の賃金の計算額は、次の各号の金額に法第三十三条若しくは法第三十六条第一項の規定によつて延長した労働時間数若しくは休日の労働時間数又は午後十時から午前五時（厚生労働大臣が必要であると認める場合には、その定める地域又は期間については午後十一時から午前六時）までの労働時間数を乗じた金額とする。

Article 19 (1) The amount of wages for standard working hours or days pursuant to the provision of paragraph (1) of Article 37 of the Act shall be calculated by multiplying the amount fixed in any of the following items by the number of overtime hours pursuant to the provision of Article 33 or paragraph (1) of Article 36 of the Act, that of working hours on rest days, or that of working hours during the period between 10 p.m. and 5 a.m. (or the period between 11 p.m. and 6 a.m., when the Minister of Health, Labour and Welfare finds it necessary, in areas or during periods that are specified by the Minister):

一　時間によつて定められた賃金については、その金額

(i) When wages are determined on an hourly basis, the basis shall be the amount of hourly wages

二　日によつて定められた賃金については、その金額を一日の所定労働時間数（日によつて所定労働時間数が異る場合には、一週間における一日平均所定労働時間数）で除した金額

(ii) When wages are determined on a daily basis, the basis shall be obtained by dividing the amount of daily wages by the number of the prescribed working hours in a day (when the number of prescribed working hours varies daily, it is the average prescribed daily working hours for a week)

三　週によつて定められた賃金については、その金額を週における所定労働時間数（週によつて所定労働時間数が異る場合には、四週間における一週平均所定労働時間数）で除した金額

(iii) When wages are determined on a weekly basis, the basis shall be obtained by dividing the amount of weekly wages by the number of the prescribed working hours in a week (when the number of prescribed working hours varies weekly, it is the average prescribed weekly working hours for four weeks)

四　月によつて定められた賃金については、その金額を月における所定労働時間数（月によつて所定労働時間数が異る場合には、一年間における一月平均所定労働時間数）で除した金額

(iv) When wages are determined on a monthly basis, the basis shall be obtained by dividing the amount of monthly wages by the number of the prescribed working hours in a month (when the number of prescribed working hours varies monthly, it is the average prescribed monthly working hours for a year)

五　月、週以外の一定の期間によつて定められた賃金については、前各号に準じて算定した金額

(v) When wages are determined in accordance with a certain period other than a month or a week, the basis shall be the amount calculated in the same manner as any of the preceding items

六　出来高払制その他の請負制によつて定められた賃金については、その賃金算定期間（賃金締切日がある場合には、賃金締切期間、以下同じ）において出来高払制その他の請負制によつて計算された賃金の総額を当該賃金算定期間における、総労働時間数で除した金額

(vi) When wages are determined at piece rates or on some other contract basis, the basis shall be obtained by dividing the total amount of wages calculated accordingly (when the closing day for wage calculation is fixed, it is the period up to the date; hereinafter the same shall apply) by the total number of working hours during the period subject to the wage calculation

七　労働者の受ける賃金が前各号の二以上の賃金よりなる場合には、その部分について各号によつてそれぞれ算定した金額の合計額

(vii) When wages consist of two or more referred to in the preceding items, the basis shall be the total of those amounts each of which is calculated according to the items concerned

２　休日手当その他前項各号に含まれない賃金は、前項の計算においては、これを月によつて定められた賃金とみなす。

(2) Those wages such as holiday allowances or some other equivalents which fall under none of the preceding items shall be deemed as those determined on a monthly basis in case of the calculation in any of the preceding items.

（深夜業の割増賃金）

(Premium Wages for Midnight Work)

第二十条　法第三十三条又は法第三十六条第一項の規定によつて延長した労働時間が午後十時から午前五時（厚生労働大臣が必要であると認める場合は、その定める地域又は期間については午後十一時から午前六時）までの間に及ぶ場合においては、使用者はその時間の労働については、前条第一項各号の金額にその労働時間数を乗じた金額の五割以上の率で計算した割増賃金を支払わなければならない。

Article 20 (1) When working hours extended pursuant to the provisions of Article 33 or paragraph (1) of Article 36 of the Act fall between 10 p.m. and 5 a.m. (or the period between 11 p.m. and 6 a.m. when the Minister of Health, Labour and Welfare finds it necessary, in areas or during periods that are specified by the Minister), the employer shall pay premium wages for work during such hours at a rate no lower than 50 percent over the amount calculated by multiplying the amount stipulated in items of paragraph (1) of the preceding Article by the number of working hours.

２　法第三十三条又は法第三十六条第一項の規定による休日の労働時間が午後十時から午前五時（厚生労働大臣が必要であると認める場合は、その定める地域又は期間については午後十一時から午前六時）までの間に及ぶ場合においては、使用者はその時間の労働については、前条第一項各号の金額にその労働時間数を乗じた金額の六割以上の率で計算した割増賃金を支払わなければならない。

(2) When working hours on days off pursuant to the provisions of Article 33 or paragraph (1) of Article 36 of the Act fall between 10 p.m. and 5 a.m. on a rest day (or the period between 11 p.m. and 6 a.m. when the Minister of Health, Labour and Welfare finds it necessary, in areas or during periods that are specified by the Minister), the employer shall pay premium wages for work during such hours at a rate no lower than 60 percent over the amount calculated by multiplying the amount stipulated in items of paragraph (1) of the preceding Article by the number of working hours.

（割増賃金の基礎となる賃金に算入しない賃金）

(Wages Not Included in the Wage Calculation Basis for Premium Wages)

第二十一条　法第三十七条第四項の規定によつて、家族手当及び通勤手当のほか、次に掲げる賃金は、同条第一項及び第三項の割増賃金の基礎となる賃金には算入しない。

Article 21 Pursuant to the provision of paragraph (4) of Article 37 of the Act, family allowances, commutation allowances, and other elements of wages listed in the following items shall not be included in the wage calculation basis for premium wages set forth in paragraphs (1) and (3) of the same Article:

一　別居手当

(i) Separation allowance

二　子女教育手当

(ii) Child education allowance

三　住宅手当

(iii) Housing allowance

四　臨時に支払われた賃金

(iv) Special wages

五　一箇月を超える期間ごとに支払われる賃金

(v) Wages paid at regular intervals of a period exceeding one month

第二十二条　削除

Article 22 Deleted.

（宿直又は日直勤務）

(Night or Day Duty)

第二十三条　使用者は、宿直又は日直の勤務で断続的な業務について、様式第十号によつて、所轄労働基準監督署長の許可を受けた場合は、これに従事する労働者を、法第三十二条の規定にかかわらず、使用することができる。

Article 23 When an employer has obtained the approval from the director of the labor standards office concerned according to Form No. 10 pertaining to intermittent work to be done as night- or day-duty, he or she may employ such workers as are engaged in the work, notwithstanding the provision of Article 32 of the Act.

（入出坑による労働時間）

(Working Hours Calculation for Belowground Labor)

第二十四条　使用者が一団として入坑及び出坑する労働者に関し、その入坑開始から入坑終了までの時間について様式第十一号によつて所轄労働基準監督署長の許可を受けた場合には、法第三十八条第二項の規定の適用については、入坑終了から出坑終了までの時間を、その団に属する労働者の労働時間とみなす。

Article 24 When an employer has obtained the permission from the director of the labor standards office concerned according to Form No. 11 pertaining to the time between beginning and end of belowground labor groups to enter a pit, the time period between the end of entry into and the end of leaving from a pit of a belowground labor group shall be deemed as working hours of workers belonging to the group for the purpose of the provision of paragraph (2) of Article 38 of the Act.

（事業場外労働の時間計算）

(Working Hours Calculation for Labor outside Workplace)

第二十四条の二　法第三十八条の二第一項の規定は、法第四章の労働時間に関する規定の適用に係る労働時間の算定について適用する。

Article 24-2 (1) The provision of paragraph (1) of Article 38-2 of the Act shall apply to the calculation of such working hours as are set forth in the provisions of Chapter 4 of the Act pertaining to working hours.

２　法第三十八条の二第二項の協定（労働協約による場合を除き、労使委員会の決議及び労働時間短縮推進委員会の決議を含む。）には、有効期間の定めをするものとする。

(2) The valid period of an agreement concluded pursuant to the provisions of paragraph (2) of Article 38-2 of the Act (including resolutions by a labor-management and resolutions by a working hours reduction task force committee except when fixed by a collective agreement) shall be fixed.

３　法第三十八条の二第三項の規定による届出は、様式第十二号により、所轄労働基準監督署長にしなければならない。ただし、同条第二項の協定で定める時間が法第三十二条又は第四十条に規定する労働時間以下である場合には、当該協定を届け出ることを要しない。

(3) A notification pursuant to the provision of paragraph (3) of Article 38-2 of the Act shall be given to the director of the labor standards office concerned according to Form No. 12. However, when the working hours determined in an agreement concluded pursuant to paragraph (2) of the same Article do not exceed the level prescribed in the provision of Article 32 or 40 of the Act, such a notification may not be required.

４　使用者は、法第三十八条の二第二項の協定の内容を法第三十六条第一項の規定による届出（労使委員会の決議の届出及び労働時間短縮推進委員会の決議の届出を除く。）に付記して所轄労働基準監督署長に届け出ることによつて、前項の届出に代えることができる。

(4) An employer may give notification to the director of the labor standards office concerned of the contents of an agreement concluded pursuant to the provisions of paragraph (2) of Article 38-2 of the Act by including the said contents with the notification pursuant to the provisions of paragraph (1) of Article 36 of the Act (except notification pertaining to resolutions by a labor-management and resolutions by a working hours reduction task force committee) instead of giving the notification referred to in the preceding paragraph.

（専門業務型裁量労働制の時間計算）

(Calculation of Time under the Discretionary Labor System for Professional Work)

第二十四条の二の二　法第三十八条の三第一項の規定は、法第四章の労働時間に関する規定の適用に係る労働時間の算定について適用する。

Article 24-2-2 (1) The provisions under paragraph (1) of Article 38-3 of the Act shall apply to the calculation of working hours under Chapter 4 of the Act pertaining to application of the regulations concerning working hours.

２　法第三十八条の三第一項第一号の厚生労働省令で定める業務は、次のとおりとする。

(2) The business categories prescribed in Ordinance of the Ministry of Health, Labour and Welfare pursuant to item (i) of paragraph (1) of Article 38-3 of the Act shall be listed as follows:

一　新商品若しくは新技術の研究開発又は人文科学若しくは自然科学に関する研究の業務

(i) Research and development of new goods or new technologies; or research in the human or natural sciences

二　情報処理システム（電子計算機を使用して行う情報処理を目的として複数の要素が組み合わされた体系であつてプログラムの設計の基本となるものをいう。）の分析又は設計の業務

(ii) Analysis or design of information processing systems (the term, information processing systems, shall mean any architecture that combines multiple elements for information processing using computers, and the basis for program design)

三　新聞若しくは出版の事業における記事の取材若しくは編集の業務又は放送法（昭和二十五年法律第百三十二号）第二条第四号に規定する放送番組若しくは有線ラジオ放送業務の運用の規正に関する法律（昭和二十六年法律第百三十五号）第二条に規定する有線ラジオ放送若しくは有線テレビジョン放送法（昭和四十七年法律第百十四号）第二条第一項に規定する有線テレビジョン放送の放送番組（以下「放送番組」と総称する。）の制作のための取材若しくは編集の業務

(iii) Coverage or editing of articles at a newspaper or other publication business; coverage or editing for the purpose of producing broadcast programs as prescribed in item (iv) of Article 2 of the Broadcast Act (Act No. 132 of 1950), wire radio broadcast as prescribed in Article 2 of the Act concerning the Regulation of the Operation of Wire Radio Broadcasting Business (Act No. 135 of 1951), or cable television broadcast programs as prescribed in paragraph (1) of Article 2 of the Cable Television Broadcasting Act (Act No. 114 of 1972) (hereinafter all such broadcast shall be collectively referred to as "broadcast programs")

四　衣服、室内装飾、工業製品、広告等の新たなデザインの考案の業務

(iv) Work to develop new designs for apparel, interior decoration, industrial products, advertisements, etc.

五　放送番組、映画等の制作の事業におけるプロデューサー又はディレクターの業務

(v) Work of a producer or director at a business that produces broadcast programs, motion pictures, etc.

六　前各号のほか、厚生労働大臣の指定する業務

(vi) Any other work designated by the Minister of Health, Labour and Welfare other than those listed in the preceding items

３　法第三十八条の三第一項第六号の厚生労働省令で定める事項は、次に掲げるものとする。

(3) The matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare pursuant to item (vi) of paragraph (1) of Article 38-3 of the Act shall be listed as follows:

一　法第三十八条の三第一項に規定する協定（労働協約による場合を除き、労使委員会の決議及び労働時間短縮推進委員会の決議を含む。）の有効期間の定め

(i) The valid period of the agreement set forth in paragraph (1) of Article 38-3 of the Act (except the case where such agreement is made by collective agreement, but including the case where such agreement is made by resolution of a labor-management committee and a working hours reduction task force committee)

二　使用者は、次に掲げる事項に関する労働者ごとの記録を前号の有効期間中及び当該有効期間の満了後三年間保存すること。

(ii) An employer shall preserve separate records on the following matters for each worker during the valid period and for three years after the expiration of the said period.

イ　法第三十八条の三第一項第四号に規定する労働者の労働時間の状況並びに当該労働者の健康及び福祉を確保するための措置として講じた措置

(a) The working hours of and the measures taken to ensure the health and welfare of the worker pursuant to item (iv) of paragraph (1) of Article 38-3 of the Act

ロ　法第三十八条の三第一項第五号に規定する労働者からの苦情の処理に関する措置として講じた措置

(b) The measures taken to cope with any complaint of the worker pursuant to item (v) of paragraph (1) of Article 38-3 of the Act

４　法第三十八条の三第二項において準用する法第三十八条の二第三項の規定による届出は、様式第十三号により、所轄労働基準監督署長にしなければならない。

(4) A notification pursuant to item (iii) of Article 38-2 of the Act to be applied mutatis mutandis pursuant to item (ii) of Article 38-3 of the Act shall be made on Form No. 13 to the director of the labor standards office concerned.

（企画業務型裁量労働制の決議で定める事項等）

(Matters to Be Determined by Resolution under the Discretionary Working System for Management-related Work)

第二十四条の二の三　法第三十八条の四第一項の規定による届出は、様式第十三号の二により、所轄労働基準監督署長にしなければならない。

Article 24-2-3 (1) A notification pursuant to paragraph (1) of Article 38-4 of the Act shall be made on Form No. 13-2 to the director of the labor standards office concerned.

２　法第三十八条の四第一項の規定は、法第四章の労働時間に関する規定の適用に係る労働時間の算定について適用する。

(2) The provisions under paragraph (1) of Article 38-4 of the Act shall apply to the calculation of working hours under Chapter 4 of the Act pertaining to application of the regulations concerning working hours.

３　法第三十八条の四第一項第七号の厚生労働省令で定める事項は、次に掲げるものとする。

(3) The matters set forth in Ordinance of the Ministry of Health, Labour and Welfare pursuant to item (vii) of paragraph (1) of Article 38-4 of the Act shall be listed as follows.

一　法第三十八条の四第一項に規定する決議の有効期間の定め

(i) The valid period of the resolution set forth in paragraph (1) of Article 38-4 of the Act

二　使用者は、次に掲げる事項に関する労働者ごとの記録を前号の有効期間中及び当該有効期間の満了後三年間保存すること。

(ii) An employer shall preserve separate records on the following matters for each worker during the valid period and for three years after the expiration of the said period.

イ　法第三十八条の四第一項第四号に規定する労働者の労働時間の状況並びに当該労働者の健康及び福祉を確保するための措置として講じた措置

(a) The working hours of and the measures taken to ensure the health and welfare of the worker pursuant to item (iv) of paragraph (1) of Article 38-4 of the Act

ロ　法第三十八条の四第一項第五号に規定する労働者からの苦情の処理に関する措置として講じた措置

(b) The measures taken to cope with any complaint of the worker pursuant to item (5) of paragraph (1) of Article 38-4 of the Act

ハ　法第三十八条の四第一項第六号の同意

(c) The consent pursuant to item (vi) of paragraph (1) of Article 38-4 of the Act

（労使委員会の委員の指名等）

(Designation of Members of the Labor-Management Committee, etc.)

第二十四条の二の四　法第三十八条の四第二項第一号の規定による指名は、法第四十一条第二号に規定する監督又は管理の地位にある者以外の者について行わなければならない。

Article 24-2-4 (1) The designation pursuant to item (i) of paragraph (2) of Article 38-4 of the Act shall be made to persons other than those in a supervisory or managerial position set forth in item (ii) of Article 41 of the Act.

２　法第三十八条の四第二項第二号の規定による議事録の作成及び保存については、使用者は、労使委員会の開催の都度その議事録を作成して、これをその開催の日（法第三十八条の四第一項に規定する決議及び労使委員会の決議並びに第二十五条の二に規定する労使委員会における委員の五分の四以上の多数による議決による決議が行われた会議の議事録にあつては、当該決議に係る書面の完結の日（第五十六条第五号の完結の日をいう。））から起算して三年間保存しなければならない。

(2) With respect to the preparation and preservation of minutes pursuit to item (ii) of paragraph (2) of Article 38-4 of the Act, an employer shall prepare minutes of each meeting of the labor-management committee and preserve such minutes for three years after the date of such meeting (or, in the case of the minutes of a meeting where a resolution provided under paragraph (1) of Article 38-4 of the Act, a resolution of the labor-management committee and a resolution by 80% or more of the labor-management committee members pursuant to Article 25-2 are adopted, the date of completion (as provided for in item (v) of Article 56) of the documentation in relation to such resolution).

３　法第三十八条の四第二項第二号の規定による議事録の周知については、使用者は、労使委員会の議事録を、次に掲げるいずれかの方法によつて、当該事業場の労働者に周知させなければならない。

(3) With respect to the requirement to make the minutes known to workers pursuant to item (ii) of paragraph (2) of Article 38-4 of the Act, an employer shall make the minutes of a labor-management committee known to the workers at the workplace by any of the following means.

一　常時各作業場の見やすい場所へ掲示し、又は備え付けること。

(i) To post or maintain a copy of such minutes at an easily viewable location at each workplace at all times

二　書面を労働者に交付すること。

(ii) To deliver written copies of such minutes to the workers

三　磁気テープ、磁気ディスクその他これらに準ずる物に記録し、かつ、各作業場に労働者が当該記録の内容を常時確認できる機器を設置すること。

(iii) To record such minutes on magnetic tape, magnetic disk or other equivalent, and provide appliances at each workplace such that the workers may check the content of the records at all times

４　法第三十八条の四第二項第三号の厚生労働省令で定める要件は、労使委員会の招集、定足数、議事その他労使委員会の運営について必要な事項に関する規程が定められていることとする。

(4) The requirement set forth in Ordinance of the Ministry of Health, Labour and Welfare pursuant to item (iii) of paragraph (2) of Article 38-4 of the Act shall be that regulations shall be established with respect to the convocation of labor-management committee meetings, the quorum, the agenda and other matters necessary for the operation of the labor-management committee.

５　使用者は、前項の規程の作成又は変更については、労使委員会の同意を得なければならない。

(5) An employer shall obtain the consent of the labor-management committee in order to establish or amend the regulations referred to set forth in the preceding paragraph.

６　使用者は、労働者が労使委員会の委員であること若しくは労使委員会の委員になろうとしたこと又は労使委員会の委員として正当な行為をしたことを理由として不利益な取扱いをしないようにしなければならない。

(6) An employer shall not treat a worker disadvantageously on the grounds that he or she is a member of the labor-management committee or attempted to become a member of the committee, or acted justifiably as a member of the committee.

（報告）

(Report)

第二十四条の二の五　法第三十八条の四第四項の規定による報告は、同条第一項に規定する決議が行われた日から起算して六箇月以内に一回、及びその後一年以内ごとに一回、様式第十三号の四により、所轄労働基準監督署長にしなければならない。

Article 24-2-5 (1) A report pursuant to paragraph (4) of Article 38-4 of the Act shall be made on Form No. 13-4 to the director of the labor standards office concerned once within six months from the day following the date when a resolution is adopted pursuant to paragraph (1) of the same Article and once every year or less thereafter.

２　法第三十八条の四第四項の規定による報告は、同条第一項第四号に規定する労働者の労働時間の状況並びに当該労働者の健康及び福祉を確保するための措置の実施状況について行うものとする。

(2) A report pursuant to paragraph (4) of Article 38-4 of the Act shall be made with respect to the working hours of and the status of implementation of the measures taken to ensure the health and welfare of the worker pursuant to item (iv) of paragraph (1) of Article 38-4 of the Act.

（所定労働日数が少ない労働者に対する年次有給休暇の比例付与）

(Annual Paid Leave Proportionally Given to Workers Whose Prescribed Working Days Are Less)

第二十四条の三　法第三十九条第三項の厚生労働省令で定める時間は、三十時間とする。

Article 24-3 (1) The hours prescribed by Ordinance of the Ministry of Health, Labour and Welfare pursuant to paragraph (3) of Article 39 of the Act shall be 30 hours.

２　法第三十九条第三項の通常の労働者の一週間の所定労働日数として厚生労働省令で定める日数は、五・二日とする。

(2) The number of days stipulated by Ordinance of the Ministry of Health, Labour and Welfare as the prescribed working days per week for ordinary workers under paragraph (3) of Article 39 of the Act shall be 5.2 days.

３　法第三十九条第三項の通常の労働者の一週間の所定労働日数として厚生労働省令で定める日数と当該労働者の一週間の所定労働日数又は一週間当たりの平均所定労働日数との比率を考慮して厚生労働省令で定める日数は、同項第一号に掲げる労働者にあっては次の表の上欄の週所定労働日数の区分に応じ、同項第二号に掲げる労働者にあつては同表の中欄の一年間の所定労働日数の区分に応じて、それぞれ同表の下欄に雇入れの日から起算した継続勤務期間の区分ごとに定める日数とする。

(3) The number of days of annual paid leave prescribed by Ordinance of the Ministry of Health, Labour and Welfare with due consideration for the ratio of each worker's prescribed number of working days or average number of the prescribed working days per week to the number of days prescribed by Ordinance of the Ministry of Health, Labour and Welfare as the prescribed working days in a week for ordinary workers, under paragraph (3) of Article 39 of the Act, given to him or her according to his or her prescribed weekly working days listed (in the left columns) in the following table in case he or she falls under item (i) of the same paragraph or according to his or her prescribed yearly working days listed (in the middle columns) in the following table in case he or she falls under item (ii) of the same paragraph, shall be the number of days listed (in the right columns) in the following table according to his or her continuous service years counting from the employment day.

|  |  |  |  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- | --- | --- | --- |
| 週所定労働日数Prescribed weekly working days | 一年間の所定労働日数Prescribed annual working days | 雇入れの日から起算した継続勤務期間Continuous service terms counting from the employment day |  |  |  |  |  |  |
|  |  | 六箇月0.5 years | 一年六箇月1.5 years | 二年六箇月2.5 years | 三年六箇月3.5 years | 四年六箇月4.5 years | 五年六箇月5.5 years | 六年六箇月以上6.5 years or more |
| 四日4 days | 百六十九日から二百十六日まで169 to 216 days | 七日7 days | 八日8 days | 九日9 days | 十日10 days | 十二日12 days | 十三日13days | 十五日15 days |
| 三日3 days | 百二十一日から百六十八日まで121 to 168 days | 五日5 days | 六日6 days | 六日6 days | 八日8 days | 九日9 days | 十日10 days | 十一日11 days |
| 二日2 days | 七十三日から百二十日まで73 to 120 days | 三日3 days | 四日4 days | 四日4 days | 五日5 days | 六日6 days | 六日6 days | 七日7 days |
| 一日1 day | 四十八日から七十二日まで48 to 72 days | 一日1 day | 二日2 days | 二日2 days | 二日2 days | 三日3 days | 三日3 days | 三日3 days |

４　法第三十九条第三項第一号の厚生労働省令で定める日数は、四日とする。

(4) The number of days prescribed by Ordinance of the Ministry of Health, Labour and Welfare pursuant to item (i) of paragraph (3) of Article 39 of the Act shall be 4 days.

５　法第三十九条第三項第二号の厚生労働省令で定める日数は、二百十六日とする。

(5) The number of days prescribed by Ordinance of the Ministry of Health, Labour and Welfare pursuant to item (ii) of paragraph (3) of Article 39 of the Act shall be 216 days.

（有給休暇の期間に支払われる賃金の算定）

(Calculation of Wages to Be Paid During the Period of Paid Leave)

第二十五条　法第三十九条第六項の規定による所定労働時間労働した場合に支払われる通常の賃金は、次の各号に定める方法によつて算定した金額とする。

Article 25 The amount of wages normally paid for the prescribed working hours pursuant to the provision of paragraph (6) of Article 39 of the Act shall be calculated according to the methods prescribed in any of the following items:

一　時間によつて定められた賃金については、その金額にその日の所定労働時間数を乗じた金額

(i) When wages are determined on an hourly basis, they shall be calculated by multiplying the amount of hourly wages by the number of the prescribed working hours of the day

二　日によつて定められた賃金については、その金額

(ii) When wages are determined on a daily basis, they shall be the amount of daily wages

三　週によつて定められた賃金については、その金額をその週の所定労働日数で除した金額

(iii) When wages are determined on a weekly basis, they shall be calculated by dividing the amount of weekly wages by the number of the prescribed working days of the week

四　月によつて定められた賃金については、その金額をその月の所定労働日数で除した金額

(iv) When wages are determined on a monthly basis, they shall be calculated by dividing the amount of monthly wages by the number of the prescribed working days of the month

五　月、週以外の一定の期間によつて定められた賃金については、前各号に準じて算定した金額

(v) When wages are determined in accordance with a certain period other than a month or a week, they shall be calculated in the same manner as any of the preceding items

六　出来高払制その他の請負制によつて定められた賃金については、その賃金算定期間（当該期間に出来高払制その他の請負制によつて計算された賃金がない場合においては、当該期間前において出来高払制その他の請負制によつて計算された賃金が支払われた最後の賃金算定期間。以下同じ。）において出来高払制その他の請負制によつて計算された賃金の総額を当該賃金算定期間における総労働時間数で除した金額に、当該賃金算定期間における一日平均所定労働時間数を乗じた金額

(vi) When wages are determined at piece rates or on some other contract basis, they shall be calculated by multiplying the total amount for the wage calculation period concerned (when there exist no wages whose amount is calculated at a piece rate or on some other contract basis in the wage calculation period concerned, the amount of wages paid last time for the wage calculation period shall be adopted. Hereinafter the same shall apply.) divided by the total number of working hours in the wage calculation period concerned by the average daily prescribed working hours during the period subject to the wage calculation

七　労働者の受ける賃金が前各号の二以上の賃金よりなる場合には、その部分について各号によつてそれぞれ算定した金額の合計額

(vii) When wages consist of two or more referred to in the preceding items, they shall be the total of those amounts each of which is calculated according to the item concerned

（労働時間の特例）

(Special Provision on Working Hours)

第二十五条の二　使用者は、法別表第一第八号、第十号（映画の製作の事業を除く。）、第十三号及び第十四号に掲げる事業のうち常時十人未満の労働者を使用するものについては、法第三十二条の規定にかかわらず、一週間について四十四時間、一日について八時間まで労働させることができる。

Article 25-2 (1) An employer who usually employs less than 10 workers in a business stipulated in items (viii), (x) (except businesses producing motion pictures), (xiii), and (xiv) of appended table 1 of the Act may have a worker work up to 44 hours in a week and up to 8 hours in a day, notwithstanding the provisions of Article 32 of the Act.

２　使用者は、当該事業場に、労働者の過半数で組織する労働組合がある場合においてはその労働組合、労働者の過半数で組織する労働組合がない場合においては労働者の過半数を代表する者との書面による協定（労使委員会における委員の五分の四以上の多数による決議及び労働時間等設定改善法第七条第一項の労働時間短縮推進委員会における委員の五分の四以上の多数による決議を含む。以下この条において同じ。）により、又は就業規則その他これに準ずるものにより、一箇月以内の期間を平均し一週間当たりの労働時間が四十四時間を超えない定めをした場合においては、前項に規定する事業については同項の規定にかかわらず、その定めにより、特定された週において四十四時間又は特定された日において八時間を超えて、労働させることができる。

(2) With regard to the business prescribed in the preceding paragraph, when an employer has stipulated that the average weekly working hours in a period not exceeding one month shall not exceed 44 hours in a written agreement either with a labor union organized by a majority of the workers at the workplace concerned where such a labor union exists or with a person representing a majority of the workers at a workplace where no such labor union exists (including resolutions unanimously adopted by a labor-management, and resolutions unanimously adopted by all the members of a working hours reduction task force committee referred to in the provisions of Article 7 of the Shorter Working Hours Promotion Act; hereinafter the same shall apply in this Article), the rules of employment, or the equivalent, the employer may have a worker work in excess of 44 hours in a specified week or in excess of 8 hours in a specified day in accordance with the stipulation, notwithstanding the provisions of Article 32 of the Act.

３　使用者は、就業規則その他これに準ずるものにより、その労働者に係る始業及び終業の時刻をその労働者の決定にゆだねることとした労働者については、当該事業場の労働者の過半数で組織する労働組合がある場合においてはその労働組合、労働者の過半数で組織する労働組合がない場合においては労働者の過半数を代表する者との書面による協定により、次に掲げる事項を定めたときは、その協定で第二号の清算期間として定められた期間を平均し一週間当たりの労働時間が四十四時間を超えない範囲内において、第一項に規定する事業については同項の規定にかかわらず、一週間において四十四時間又は一日において八時間を超えて、労働させることができる。

(3) With regard to workers in the business referred to in paragraph (1) who have been given the right to decide the starting and finishing time of work pursuant to the rules of employment or the equivalent, when an employer has stipulated the following items in a written agreement either with the labor union organized by a majority of the workers at the workplace concerned where such a labor union exists or with a person representing a majority of the workers at a workplace where no such labor union exists, notwithstanding the provisions of the paragraph (1), the employer may have a worker work in excess of 44 hours in a week or in excess of 8 hours in a day, provided the average working hours per week for the period prescribed in the said agreement as the settlement period stipulated in item (ii) below do not exceed 44 hours:

一　この項の規定による労働時間により労働させることとされる労働者の範囲

(i) The scope of workers who may work under the working hour provisions of this paragraph

二　清算期間（その期間を平均し一週間当たりの労働時間が四十四時間を超えない範囲内において労働させる期間をいい、一箇月以内の期間に限るものとする。次号において同じ。）

(ii) Settlement period (limited to a period not exceeding one month during which the average working hours per week do not exceed 44 hours; the same shall apply in the following item)

三　清算期間における総労働時間

(iii) Total working hours for the settlement period

四　標準となる一日の労働時間

(iv) Standard daily working hours

五　労働者が労働しなければならない時間帯を定める場合には、その時間帯の開始及び終了の時刻

(v) If a time period when workers have to work is fixed, from and to what time they have to do so shall be specified

六　労働者がその選択により労働することができる時間帯に制限を設ける場合には、その時間帯の開始及び終了の時刻

(vi) If a time period when workers may choose to work or not is limited, from and to what time they may do so shall be specified

４　第一項に規定する事業については、法第三十二条の四又は第三十二条の五の規定により労働者に労働させる場合には、前三項の規定は適用しない。

(4) When an employer makes workers work pursuant to the provision of Article 32-4 or 32-5 of the Act, the provisions of the three preceding paragraphs do not apply to those businesses set forth in paragraph (1).

第二十五条の三　第六条の二第一項の規定は前条第二項及び第三項に規定する労働者の過半数を代表する者について、第六条の二第三項の規定は前条第二項及び第三項の使用者について、第十二条及び第十二条の二第一項の規定は前条第二項及び第三項による定めについて、第十二条の二の二第一項の規定は前条第二項の協定について、第十二条の六の規定は前条第二項の使用者について準用する。

Article 25-3 (1) The provisions of paragraph (1) of Article 6-2 shall be applied mutatis mutandis to the person representing a majority of the workers prescribed in paragraphs (2) and (3) of the preceding Article; the provisions of paragraph (3) of Article 6-2 shall be applied mutatis mutandis to the employer prescribed in paragraphs (2) and (3) of the preceding Article; the provisions of Article 12 and paragraph (1) of Article 12-2 shall be applied mutatis mutandis to the stipulation prescribed in paragraphs (2) and (3) of the preceding Article; the provisions of paragraph (1) of Article 12-2-2 shall be applied mutatis mutandis to the written agreement prescribed in paragraph (2) of the preceding Article; and the provisions of Article 12-6 shall be applied mutatis mutandis to the employer prescribed in paragraph (2) of the preceding Article.

２　使用者は、様式第三号の二により、前条第二項の協定を所轄労働基準監督署長に届け出るものとする。

(2) An employer shall submit the written agreement referred to in paragraph (2) of the preceding Article according to Form No. 3-2 to the director of the labor standards office concerned.

（列車等乗務員の予備勤務者の労働時間）

(Working Hours of Reserve Crew Members of A Train, etc.)

第二十六条　使用者は、法別表第一第四号に掲げる事業において列車、気動車又は電車に乗務する労働者で予備の勤務に就くものについては、一箇月以内の一定の期間を平均し一週間当たりの労働時間が四十時間を超えない限りにおいて、法第三十二条の二第一項　の規定にかかわらず、一週間について四十時間、一日について八時間を超えて労働させることができる。

Article 26 With regard to those workers who work on board of a train, diesel railcar, or electric railcar as reserve crew members, an employer who runs any of those businesses designated in item (iv) of appended table 1 of the Act may make them work for a period exceeding 40 hours a week or a period exceeding 8 hours a day, notwithstanding the provision of paragraph (1) of Article 32-2 of the Act, unless the average weekly working hours for a fixed period of one month or less exceed 40 hours.

第二十七条から第三十条まで　削除

Articles 27 to 30 Deleted.

（休憩時間の適用除外）

(Exemption from the Rules concerning Rest Periods)

第三十一条　法別表第一第四号、第八号、第九号、第十号、第十一号、第十三号及び第十四号に掲げる事業並びに官公署の事業（同表に掲げる事業を除く。）については、法第三十四条第二項の規定は、適用しない。

Article 31 The provision of paragraph (2) of Article 34 of the Act shall not apply to those businesses designated in any of items (iv),(viii),(ix),(x),(xi), (xiii), and (xiv) of appended table 1 of the Act and businesses of public agencies (except the businesses designated in appended table 1).

（乗務員等の休憩時間）

(Rest Periods of Crew Members, etc.)

第三十二条　使用者は、法別表第一第四号に掲げる事業又は郵便若しくは信書便の事業に使用される労働者のうち列車、気動車、電車、自動車、船舶又は航空機に乗務する機関手、運転手、操縦士、車掌、列車掛、荷扱手、列車手、給仕、暖冷房乗務員及び電源乗務員（以下単に「乗務員」という。）で長距離にわたり継続して乗務するもの並びに同表第十一号に掲げる事業に使用される労働者で屋内勤務者三十人未満の郵便局において郵便、電信又は電話の業務に従事するものについては、法第三十四条の規定にかかわらず、休憩時間を与えないことができる。

Article 32 (1) With regard to those engineers of a train, diesel railcar, electric railcar, automobile, ship or aircraft, drivers, pilots, conductors, train masters, baggagemen, trainmen, stewards, air conditioning engineers and power supply officers (hereinafter referred to as "crew members") who continuously work on board over a long distance for the businesses designated in item (iv) of appended table 1 of the Act, or those workers who are employed for the postal, mail delivery, telegraphic, or telephone businesses a post office having less than 30 indoor workers for the enterprises designated in item (xi) of the same table, an employer may give them no rest periods notwithstanding the provision of Article 34 of the Act.

２　使用者は、乗務員で前項の規定に該当しないものについては、その者の従事する業務の性質上、休憩時間を与えることができないと認められる場合において、その勤務中における停車時間、折返しによる待合せ時間その他の時間の合計が法第三十四条第一項に規定する休憩時間に相当するときは、同条の規定にかかわらず、休憩時間を与えないことができる。

(2) With regard to those crew members who do not fall under the provision of the preceding paragraph, an employer may give them no rest periods when the employer finds it impossible to give them no recess from the viewpoint of the nature of their work, notwithstanding the provision of Article 34 of the Act, if the total of stoppage time, waiting time for turning back and some other equivalent while on duty is equal to the rest period set forth in paragraph (1) of Article 34 of the Act.

（休憩時間自由利用の適用除外）

(Exemptions from the Rule concerning Free-Use-of-Rest-Period)

第三十三条　法第三十四条第三項の規定は、左の各号の一に該当する労働者については適用しない。

Article 33 (1) The provision of paragraph (3) of Article 34 of the Act shall not apply to those workers who fall under any of the following items:

一　警察官、消防吏員、常勤の消防団員及び児童自立支援施設に勤務する職員で児童と起居をともにする者

(i) Police officials, fire fighting officials, full-time firefighters, and workers of institutions to support resocialization of minors who live together with consigned children

二　乳児院、児童養護施設、知的障害児施設、盲ろうあ児施設及び肢体不自由児施設に勤務する職員で児童と起居をともにする者

(ii) Workers of an infant home, home for dependent, neglected, and abused children, facility for children with intellectual disabilities, home for blind, deaf, and dumb children, and home for limb or body disabled children who live together with consigned children

２　前項第二号に掲げる労働者を使用する使用者は、その員数、収容する児童数及び勤務の態様について、様式第十三号の五によつて、予め所轄労働基準監督署長の許可を受けなければならない。

(2) An employer who employs those workers falling under item (ii) of the preceding paragraph shall obtain, in advance, the permission of the director of the labor standards office concerned for the number of workers, the number of consigned children and the working mode, according to Form No. 13-5.

（適用除外の許可）

(Permission for Exemption from the Application)

第三十四条　法第四十一条第三号の規定による許可は、従事する労働の態様及び員数について、様式第十四号によつて、所轄労働基準監督署長より、これを受けなければならない。

Article 34 A permission pursuant to the provision of item (iii) of Article 41 of the Act shall be obtained from the director of the labor standards office concerned for the working mode and the number of workers according to Form No. 14.

第三十四条の二　法第六十条第三項第二号の厚生労働省令で定める時間は、四十八時間とする。

Article 34-2 The working hours set forth in Ordinance of the Ministry of Health, Labour and Welfare pursuant to item (ii) of paragraph (3) of Article 60 of the Act shall be 48 hours.

（訓練生の労働契約の期間）

(Period of Labor Contract for Trainees)

第三十四条の二の二　法第七十一条の規定による許可を受けた使用者が行う職業訓練を受ける労働者（以下「訓練生」という。）に係る労働契約の期間は、当該訓練生が受ける職業訓練の訓練課程に応じ職業能力開発促進法施行規則（昭和四十四年労働省令第二十四号）第十条第一項第四号、第十二条第一項第三号又は第十四条第一項第三号の訓練期間（同規則第二十一条又は職業訓練法施行規則の一部を改正する省令（昭和五十三年労働省令第三十七号。以下「昭和五十三年改正訓練規則」という。）附則第二条第二項の規定により訓練期間を短縮する場合においてはその短縮した期間を控除した期間とする。）の範囲内で定めることができる。この場合、当該事業場において定められた訓練期間を超えてはならない。

Article 34-2-2 The period of a labor contract pertaining to a worker who receives vocational training (hereinafter referred to as "trainee") from an employer who has obtained the permission pursuant to the provision of Article 71 of the Act may be determined according to the level of the vocational training course the trainee receives, within the period stipulated by item (iv) of paragraph (1) of Article 10, item (iii) of paragraph (1) of Article 12, or item (iii) of paragraph (1) of Article 14 of Ordinance for Enforcement of the Vocational Ability Development and Promotion Act (Ordinance of the Ministry of Labor No. 24 of 1969) (in the case where the training period is reduced under the provision of Article 21 of the same Ordinance or paragraph (2) of Article 2 of the supplementary provisions of Ordinance of the Ministry of Labor for Making a Partial Revision of the Ordinance for Enforcement of the Vocational Training Act (Ordinance of the Ministry of Labor No. 37 of 1978; hereinafter referred to as "the 1978 Revised Training Rules"), the reduced period shall be deducted). In this case, the training period prescribed by the workplace shall not be exceeded.

（訓練生を危険な業務に就業させることができる場合）

(Cases Where an Employer May Have Trainees Engage in Dangerous Work)

第三十四条の三　使用者は、訓練生に技能を習得させるために必要がある場合においては、満十八才に満たない訓練生を法第六十二条の危険有害業務に就かせ、又は満十六才以上の男性である訓練生を坑内労働に就かせることができる。

Article 34-3 (1) When an employer finds it necessary so as to make trainees learn skills, the employer may make trainees under 18 years of age engage in some dangerous and injurious work designated in Article 62 of the Act or have trainees of 16 years of age or more engage in belowground labor.

２　使用者は、前項の規定により訓練生を危険有害業務又は坑内労働に就かせる場合においては、危害を防止するために必要な措置を講じなければならない。

(2) When an employer have trainees engage in some dangerous and injurious work or belowground labor set forth in the provision of the preceding paragraph, the employer shall take necessary preventive measures against danger.

３　第一項の危険有害業務及び坑内労働の範囲並びに前項の規定により使用者が講ずべき措置の基準は、別表第一に定めるところによる。

(3) Dangerous and injurious work or belowground labor set forth in paragraph (1), and the preventive measures to be taken by an employer pursuant to the provision of the preceding paragraph shall be shown in appended table 1.

（訓練生の使用許可）

(Permission for Employing Trainees)

第三十四条の四　法第七十一条の規定による許可は、様式第十四号の二の職業訓練に関する特例許可申請書により、当該事業場の所在地を管轄する都道府県労働局長から受けなければならない。

Article 34-4 The permission pursuant to the provision of Article 71 of the Act shall be obtained according to Form No. 14-2 (written application for the permission to be exempted from the rules) by the directors of the Prefectural Labor Offices having jurisdiction over the location of a workplace.

（訓練生の使用許可等の通知）

(Notice of Permission, etc. for Employing Trainees)

第三十四条の五　都道府県労働局長は、前条の申請について許可をしたとき、若しくは許可をしないとき、又は許可を取り消したときは、その旨を都道府県知事に通知しなければならない。

Article 34-5 When the director of a Prefectural Labor Office has given or not, or rescinded permission to an application pursuant to the provision of the preceding Article, he or she shall give notice to the effect to the prefectural governor concerned.

（業務上の疾病の範囲）

(Scope of Illness in the Course of Employment)

第三十五条　法第七十五条第二項の規定による業務上の疾病は、別表第一の二に掲げる疾病とする。

Article 35 The scope of illness in the course of employment pursuant to the provision of paragraph (2) of Article 75 of the Act shall be shown in appended table 1-2.

（業務上の疾病及び療養の範囲）

(Scopes of Illness in the Course of Employment and of Medical Treatment)

第三十六条　法第七十五条第二項の規定による療養の範囲は、次に掲げるものにして、療養上相当と認められるものとする。

Article 36 The scope of medical treatment pursuant to the provision of paragraph (2) of Article 75 of the Act shall be those which are found necessary for medical care among those listed as follows:

一　診察

(i) Medical examination

二　薬剤又は治療材料の支給

(ii) Provision of medicine or some other treatment material

三　処置、手術その他の治療

(iii) Medical measure, operation, or some other remedy

四　居宅における療養上の管理及びその療養に伴う世話その他の看護

(iv) Caretaking for recuperation at home and relevant help and other nursing care

五　病院又は診療所への入院及びその療養に伴う世話その他の看護

(v) Hospitalization for medical treatment and relevant help and other nursing care in hospitals or clinics

六　移送

(vi) Transportation

（診断）

(Diagnosis)

第三十七条　労働者が就業中又は事業場若しくは事業の附属建設物内で負傷し、疾病にかゝり又は死亡した場合には、使用者は、遅滞なく医師に診断させなければならない。

Article 37 When a worker is injured, gets ill, or dies on the job or in the workplace, or in auxiliary buildings of the business, the employer shall make a medical doctor diagnose the worker without delay.

（休業補償を行わなくてもよい場合）

(Case Where an Employer May Make No Compensation for Absence from Work)

第三十七条の二　使用者は、労働者が次の各号のいずれかに該当する場合においては、休業補償を行わなくてもよい。

Article 37-2 When a worker falls under any of the following items, his or her employer may make no compensation for absence from work:

一　懲役、禁錮若しくは拘留の刑の執行のため若しくは死刑の言渡しを受けて刑事施設（少年法（昭和二十三年法律第百六十八号）第五十六条第三項の規定により少年院において刑を執行する場合における当該少年院を含む。）に拘置されている場合、労役場留置の言渡しを受けて労役場に留置されている場合又は監置の裁判の執行のため監置場に留置されている場合

(i) When a worker is detained in a penal institution (including a juvenile training school in the event of an execution of a sentence in the juvenile training school pursuant to the provision of paragraph (3) of Article 56 of the Juvenile Act (Act No.168 of 1948)) due to the execution of a sentence of imprisonment with or without work, or misdemeanor detention or after having received a death penalty; when a worker is detained in a detention in workhouse in lieu of payment of fine after having received a sentence of detention in workhouse; or when a worker is detained in a detention room for being tried

二　少年法第二十四条の規定による保護処分として少年院若しくは児童自立支援施設に送致され、収容されている場合又は売春防止法（昭和三十一年法律第百十八号）第十七条　の規定による補導処分として婦人補導院に収容されている場合

(ii) When a worker is referred to and detained in a juvenile training school or institutions to support resocialization of minors for protective measure pursuant to the provision of Article 24 of the Juvenile Act; or when a worker is detained in a women's reformatory for punishment pursuant to the provision of Article 17 of the Anti-Prostitution Act (Act No. 118 of 1956)

（休業補償）

(Compensation for Absence from Work)

第三十八条　労働者が業務上負傷し又は疾病にかかつたため、所定労働時間の一部分のみ労働した場合においては、使用者は、平均賃金と当該労働に対して支払われる賃金との差額の百分の六十の額を休業補償として支払わなければならない。

Article 38 When a worker only works for part of the prescribed working hours because he or she has been injured or gotten ill on the job, the employer shall pay, as a compensation for absence from work, 60 percent of the difference between his or her average wages and those paid for the hours for which he or she has worked.

（休業補償の額の改訂の場合の労働者数）

(Number of Workers Which Is Treated as the Standard When the Amount of Compensation for Absence from Work Is Adjusted)

第三十八条の二　法第七十六条第二項の常時百人未満の労働者を使用する事業場は、毎年四月一日から翌年三月三十一日までの間においては、当該四月一日前一年間に使用した延労働者数を当該一年間の所定労働日数で除した労働者数が百人未満である事業場とする。

Article 38-2 Those workplaces which usually employ less than 100 workers pursuant to paragraph (2) of Article 76 of the Act shall be defined as those whose figure obtained by dividing the aggregate number of workers who have been employed from April 1 to March 31 each year by the number of the prescribed working days for the year concerned is less than 100.

（通常賃金の算定）

(Calculation of Ordinary Wages)

第三十八条の三　法第七十六条第二項の規定による同一の事業場における同種の労働者に対して所定労働時間労働した場合に支払われる通常の賃金は、第二十五条に規定する方法に準じて算定した金額とする。

Article 38-3 The ordinary wages paid to workers engaged in the same type of work in the same workplace for the prescribed working hours pursuant to the provision of paragraph (2) of Article 76 of the Act shall be calculated in the same manner as the method set forth in the provision of Article 25.

（休業補償の額の改訂）

(Adjustment of the Amount of Compensation for Absence from Work)

第三十八条の四　常時百人以上の労働者を使用する事業場において業務上負傷し、又は疾病にかかつた労働者と同一職種の同一条件の労働者がいない場合における当該労働者の休業補償の額の改訂は、当該事業場の全労働者に対して所定労働時間労働した場合に支払われる通常の賃金の四半期ごとの平均給与額が上昇し又は低下した場合に行うものとする。

Article 38-4 If there exists no worker whose job and working conditions are the same as those of a worker who has been injured or gotten ill on the job in a workplace which usually employs 100 workers or more, the amount of the compensation for absence from work paid to the worker shall be adjusted when the quarterly average of the ordinary wages paid to all the workers in a workplace for the prescribed working hours is increased or decreased.

（改訂後の休業補償の額の改訂）

(Adjustment of the Amount of Compensation for Absence from Work Which Has Been Once Adjusted)

第三十八条の五　法第七十六条第二項後段の規定による改訂後の休業補償の額の改訂は、改訂の基礎となつた四半期の平均給与額を基礎として行うものとする。

Article 38-5 Adjustment of a once adjusted amount of compensation for absence from work pursuant to the provision of the second sentence of paragraph (2) of Article 76 of the Act shall be made on the basis of the quarterly average compensation which has been used as a basis.

（平均給与額の比率の算出方式）

(Method of Calculating the Ratio of the Average Compensation Amount)

第三十八条の六　法第七十六条第二項及び第三項の規定により、四半期ごとに平均給与額の上昇し又は低下した比率を算出する場合において、その率に百分の一に満たない端数があるときは、その端数は切り捨てるものとする。

Article 38-6 When the increasing or decreasing rate of quarterly average compensation is calculated pursuant to the provisions of paragraphs (2) and (3) of Article 76 of the Act, any fraction less than 1 percent of the rate shall be truncated.

（休業補償の額の改訂の率）

(Adjusted Rate of the Amount of Compensation for Absence from Work)

第三十八条の七　常時百人未満の労働者を使用する事業場における休業補償については、厚生労働省において作成する毎月勤労統計（以下「毎月勤労統計」という。）における各産業の毎月きまつて支給する給与の四半期ごとの平均給与額のその四半期の前における四半期ごとの平均給与額に対する比率に基づき、当該休業補償の額の算定にあたり平均賃金の百分の六十（当該事業場が当該休業補償について常時百人以上の労働者を使用するものとしてその額の改訂をしたことがあるものである場合にあつては、当該改訂に係る休業補償の額）に乗ずべき率を告示するものとする。

Article 38-7 As for compensation for absence from work made in a workplace which usually employs less than 100 workers, the rate by which 60 percent of the amount of average wages is multiplied (when a workplace has adjusted the amount of compensation for absence from work like that which usually employs 100 workers or more, the adjusted amount shall be adopted) shall be fixed by public notice in the Official Gazette on the basis of the ratio of the average wages during a quarter of monthly regular wage in each industry under the Monthly Labor Survey complied by the Ministry of Health, Labour and Welfare (hereinafter referred to as "Monthly Labor Survey") to those during the preceding quarter for calculating the amount of compensation for absence from work.

第三十八条の八　常時百人未満の労働者を使用する事業場の属する産業が毎月勤労統計に掲げる産業分類にない場合における休業補償の額の算定については、平均賃金の百分の六十（当該事業場が、当該休業補償について、常時百人以上の労働者を使用するものとしてその額の改訂をしたことがあるものである場合又は毎月勤労統計によりその額の改訂をしたことがあるものである場合にあつては、当該改訂に係る休業補償の額）に告示で定める率を乗ずるものとする。

Article 38-8 (1) When the industry to which a workplace usually employing less than 100 workers belongs is not included in the industry classification listed in the Monthly Labor Survey, the amount of compensation for absence from work shall be calculated by multiplying 60 percent of the amount of average wages (when a workplace has adjusted the amount of compensation for absence from work like that which usually employs 100 workers or more, or according to Monthly Labor Survey, the adjusted amount shall be adopted.) by the rate prescribed by public notice.

２　日日雇い入れられる者の休業補償の額の算定については、平均賃金の百分の六十に告示で定める率を乗ずるものとする。

(2) With regard to workers hired on a daily basis, an amount of compensation for absence from work shall be calculated by multiplying 60 percent of the amount of average wages by the rate prescribed by public notice.

（告示の方法）

(Method of Public Notice)

第三十八条の九　前二条の告示は、四半期ごとに行うものとする。

Article 38-9 A public notice pursuant to the provision of the preceding two Articles shall be given every quarter.

（特別の場合の休業補償の額の改訂）

(Adjustment of the Amount of Compensation for Absence from Work in Special Cases)

第三十八条の十　休業補償の額の改訂について、第三十八条の四、第三十八条の五、第三十八条の七及び第三十八条の八の規定により難い場合は、厚生労働大臣の定めるところによるものとする。

Article 38-10 When it is difficult to adjust the amount of compensation for absence from work pursuant to the provisions of Articles 38-4, 38-5, 38-7 and 38-8, it shall be adjusted by the Minister of Health, Labour and Welfare.

（療養補償等の回数）

(Number of Medical Compensation, etc.)

第三十九条　療養補償及び休業補償は、毎月一回以上、これを行わなければならない。

Article 39 Payments for medical compensation and compensation for absence from work shall be made once or more per month.

（身体障害の等級）

(Grades of the Physically Disabled)

第四十条　障害補償を行うべき身体障害の等級は、別表第二による。

Article 40 (1) The grades of physically disabled persons eligible for compensation for disabilities shall be listed in appended table 2.

２　別表第二に掲げる身体障害が二以上ある場合は、重い身体障害の該当する等級による。

(2) When a worker suffers from two or more physical disabilities among those listed in appended table 2, his or her disability grade shall be the one for the most serious disability.

３　次に掲げる場合には、前二項の規定による等級を次の通り繰上げる。但し、その障害補償の金額は、各ゝの身体障害の該当する等級による障害補償の金額を合算した額を超えてはならない。

(3) In any of the following cases, a physical disability grade determined pursuant to the preceding paragraphs shall be raised as follows. However, the amount of a disability compensation for a raised grade shall not exceed the total amount of all disability compensations for the grades concerned:

一　第十三級以上に該当する身体障害が二以上ある場合　一級

(i) When a worker suffers from two or more physical disabilities corresponding to Grade 13 or above: Grade 1

二　第八級以上に該当する身体障害が二以上ある場合　二級

(ii) When a worker suffers from two or more physical disabilities corresponding to Grade 8 or above: Grade 2

三　第五級以上に該当する身体障害が二以上ある場合　三級

(iii) When a worker suffers from two or more physical disabilities corresponding to Grade 5 or above: Grade 3

４　別表第二に掲げるもの以外の身体障害がある者については、その障害程度に応じ、別表第二に掲げる身体障害に準じて、障害補償を行わなければならない。

(4) With regard to a worker who suffers from some physical disabilities other than any of those listed in appended table 2, disability compensation shall be made according to the degree of the disability, and in the same manner as disabilities listed in appended table 2.

５　既に身体障害がある者が、負傷又は疾病によつて同一部位について障害の程度を加重した場合には、その加重された障害の該当する障害補償の金額より、既にあつた障害の該当する障害補償の金額を差し引いた金額の障害補償を行わなければならない。

(5) When a physically disabled worker has aggravated his or her existing disability due to an injury or illness, the difference between the amount of compensation corresponding to the existing disability grade and that corresponding to the worsened one shall be paid.

（過失についての認定）

(Recognition of Negligence)

第四十一条　法第七十八条の規定による認定は、様式第十五号により、所轄労働基準監督署長から受けなければならない。この場合においては、使用者は、同条に規定する重大な過失があつた事実を証明する書面をあわせて提出しなければならない。

Article 41 The recognition pursuant to the provision of Article 78 of the Act shall be obtained according to Form No. 15 by the director of the labor standards office concerned. In this case, the employer shall submit a written document at the same time to prove the fact that there has been gross negligence prescribed in the provision of the same Article.

（遺族補償を受ける者）

(Persons Receiving Compensation for Bereaved Family)

第四十二条　遺族補償を受けるべき者は、労働者の配偶者（婚姻の届出をしなくとも事実上婚姻と同様の関係にある者を含む。以下同じ。）とする。

Article 42 (1) The person who should be given compensation for bereaved family shall be the spouse of a worker (including the person who has de facto marital relations with him or her even without a marriage notification; hereinafter the same rule shall apply).

２　配偶者がない場合には、遺族補償を受けるべき者は、労働者の子、父母、孫及び祖父母で、労働者の死亡当時その収入によつて生計を維持していた者又は労働者の死亡当時これと生計を一にしていた者とし、その順位は、前段に掲げる順序による。この場合において、父母については、養父母を先にし実父母を後にする。

(2) When a worker has no spouse, the persons who should be given compensation for bereaved family shall be his or her children, parents, grandchildren, and grandparents, in this priority order, who made a living from the worker's income, or who lived on common living expenses at the time when the worker died. As for parents, adoptive parents shall have priority over blood parents.

（遺族補償の受給者及び順位）

(Beneficiaries of Compensation for Bereaved Family and Their Order)

第四十三条　前条の規定に該当する者がない場合においては、遺族補償を受けるべき者は、労働者の子、父母、孫及び祖父母で前条第二項の規定に該当しないもの並びに労働者の兄弟姉妹とし、その順位は、子、父母、孫、祖父母、兄弟姉妹の順序により、兄弟姉妹については、労働者の死亡当時その収入によつて生計を維持していた者又は労働者の死亡当時その者と生計を一にしていた者を先にする。

Article 43 (1) When a worker has no one who falls under the provision of the preceding Article, the person who should be given compensation for bereaved family shall be his or her children, parents, grandchildren, and grandparents who do not fall under the provision of paragraph (2) of the preceding Article, and his or her brothers and sisters, in this priority order. As for brothers and sisters, those who made a living from the worker's income, or who lived on common living expenses at the time when the worker died shall have priority.

２　労働者が遺言又は使用者に対してした予告で前項に規定する者のうち特定の者を指定した場合においては、前項の規定にかかわらず、遺族補償を受けるべき者は、その指定した者とする。

(2) When a worker has designated a specific person among those who fall under the provision set forth in the preceding paragraph in his or her will or an advance notice to his or her employer, the person who should be given compensation for survivor shall be the designated one notwithstanding the provision set forth in the preceding paragraph.

（遺族補償受給の等分）

(Equally Dividing of Compensation for Bereaved Family)

第四十四条　遺族補償を受けるべき同順位の者が二人以上ある場合には、遺族補償は、その人数によつて等分するものとする。

Article 44 When there are two or more persons of the same priority rank who should be given compensation for bereaved family, the compensation shall be equally divided by the number of the persons.

（遺族補償受給権の消滅）

(Extinction of the Right to Receive Compensation for Bereaved Family)

第四十五条　遺族補償を受けるべきであつた者が死亡した場合には、その者にかかる遺族補償を受ける権利は、消滅する。

Article 45 (1) When the person who should be given compensation for bereaved family has died, his or her right to receive it shall cease to exist.

２　前項の場合には、使用者は、前三条の規定による順位の者よりその死亡者を除いて、遺族補償を行わなければならない。

(2) In the cases referred to set forth in the preceding paragraph, an employer shall give compensation for bereaved family to persons other than the one who has died after excluding the dead from the priority order under the provisions of any of the three preceding Articles.

（分割補償の一時払い）

(Lump-Sum Payment of Installment Compensation)

第四十六条　使用者は、法第八十二条の規定によつて分割補償を開始した後、補償を受けるべき者の同意を得た場合には、別表第三によつて残余の補償金額を一時に支払うことができる。

Article 46 After the commencement of the payment of compensation in installments pursuant to the provision of Article 82 of the Act, an employer may pay the residual amount of the compensation in a lump sum, according to appended table 3, with the consent of the person who should be given the compensation.

（補償の支払い）

(Payment of Compensation)

第四十七条　障害補償は、労働者の負傷又は疾病がなおつた後身体障害の等級が決定した日から七日以内にこれを行わなければならない。

Article 47 (1) Compensation for physical disabilities shall be made within seven days from the date when the disability grade has been determined after a worker had recovered from the injury or illness.

２　遺族補償及び葬祭料は、労働者の死亡後遺族補償及び葬祭料を受けるべき者が決定した日から七日以内にこれを行い又は支払わなければならない。

(2) Compensation for bereaved family and funeral rites expenses shall be paid within seven days from the date when persons eligible for the compensation and the expenses have been determined after a worker dies.

３　第二回以後の分割補償は、毎年、第一回の分割補償を行つた月に応当する月に行わなければならない。

(3) The second or later installments of compensation shall be paid every year in the month corresponding to the month when the first installment of compensation has been paid.

（事由の発生日）

(Date When a Cause Has Arisen)

第四十八条　災害補償を行う場合には、死傷の原因たる事故発生の日又は診断によつて疾病の発生が確定した日を、平均賃金を算定すべき事由の発生した日とする。

Article 48 When accident compensation is made, the date when the accident causing death or injury has occurred or the date which is confirmed by diagnosis as that of the outbreak of the illness shall be the date when a cause has arisen to calculate average wages.

（請負事業に関する例外規定適用事業）

(Businesses to Which the Exceptional Rules concerning Contract for Work Shall Apply)

第四十八条の二　法第八十七条第一項の厚生労働省令で定める事業は、法別表第一第三号に掲げる事業とする。

Article 48-2 The businesses set in forth in Ordinance of the Ministry of Health, Labour and Welfare pursuant to the provision of paragraph (1) of Article 87 of the Act shall be those businesses listed in item (iii) of appended table 1 of the Act.

（就業規則の届出）

(Notification of Rules of Employment)

第四十九条　使用者は、常時十人以上の労働者を使用するに至つた場合においては、遅滞なく、法第八十九条の規定による就業規則の届出を所轄労働基準監督署長にしなければならない。

Article 49 (1) When an employer has come to usually employ ten or more workers, the employer shall submit the rules of employment, pursuant to the provision of Article 89 of the Act, to the director of the labor standards office concerned without delay.

２　法第九十条第二項の規定により前項の届出に添付すべき意見を記した書面は、労働者を代表する者の署名又は記名押印のあるものでなければならない。

(2) A written document stating opinions to be attached to a notification set forth in the provision of the preceding paragraph, pursuant to the provision of paragraph (2) of Article 90 of the Act, shall have the signature or name and seal affixed by the representative of the workers.

（就業規則の変更命令）

(Order to Change Rules of Employment)

第五十条　法第九十二条第二項の規定による就業規則の変更命令は、様式第十七号による文書で所轄労働基準監督署長がこれを行う。

Article 50 The order to change rules of employment under the provision of paragraph (2) of Article 92 of the Act shall be given in writing according to Form No. 17 by the director of the labor standards office concerned.

（厚生労働省令で定める危険な事業等）

(Businesses Involving Dangerous Activities, etc. Set Forth in Ordinance of the Ministry of Health, Labour and Welfare)

第五十条の二　法第九十六条の二第一項の厚生労働省令で定める危険な事業又は衛生上有害な事業は、次に掲げる事業とする。

Article 50-2 Businesses involving dangerous activities or those involving activities harmful to health set forth in Ordinance of the Ministry of Health, Labour and Welfare pursuant to the provision of paragraph (1) of Article 96-2 of the Act shall be listed as follows:

一　使用する原動機の定格出力の合計が二・二キロワツト以上である法別表第一第一号から第三号までに掲げる事業

(i) Businesses falling under any of those designated by items (i) to (iii) inclusive of appended table 1 of the Act where the total rated output of motors to be used is 2.2 kw or more

二　次に掲げる業務に使用する原動機の定格出力の合計が一・五キロワツト以上である事業

(ii) Businesses where the total rated output of motors to be used is 1.5 kw or more for a job falling under any of those listed as follows

イ　プレス機械又はシヤーによる加工の業務

(a) Work of processing materials by presser or shear

ロ　金属の切削又は乾燥研まの業務

(b) Work of cutting or drying and grinding metals

ハ　木材の切削加工の業務

(c) Work of cutting and processing woods

ニ　製綿、打綿、麻のりゆう解、起毛又は反毛の業務

(d) Work of carding cotton, ginning cotton, hackling flax, raising nap or reclaiming wool

三　主として次に掲げる業務を行なう事業

(iii) Businesses where a job falling under any of the following items is chiefly done

イ　労働安全衛生規則（昭和四十七年労働省令第三十二号）別表第八に掲げる業務

(a) Work falling under any of those listed in appended table 8 of the Industrial Safety and Health Regulations (Ordinance of the Ministry of Labor, No. 32 in 1972)

ロ　労働安全衛生法施行令（昭和四十七年政令第三百十八号）第六条第三号に規定する機械集材装置又は運材索道の取扱いの業務

(b) Work of handling skyline logging cranes or logging cableways falling designated in item (iii) of Article 6 of the Order for Enforcement of the Industrial Safety and Health Act (Cabinet Order No. 318, 1972)

四　その他厚生労働大臣の指定するもの

(iv) Other types of work designated by Minister of Health, Labour and Welfare

第五十一条　削除

Article 51 Deleted.

（労働基準監督官の携帯すべき証票）

(Identification Card Which Labor Standards Inspectors Shall Carry)

第五十二条　法第百一条第二項の規定によつて、労働基準監督官の携帯すべき証票は、様式第十八号に定めるところによる。

Article 52 The Identification card which a labor standards inspector shall carry pursuant to the provision of paragraph (2) of Article 101 of the Act shall be made according to Form No. 18.

（法令等の周知方法）

(Methods of Making Laws and Regulations, etc. Public)

第五十二条の二　法第百六条第一項の厚生労働省令で定める方法は、次に掲げる方法とする。

Article 52-2 The methods set forth in Ordinance of the Ministry of Health, Labour and Welfare pursuant to paragraph (1) of Article 106 of the Act shall be listed as follows:

一　常時各作業場の見やすい場所へ掲示し、又は備え付けること。

(i) To post or maintain a copy of such laws and regulations, etc. at an easily viewable location at each workplace at all times

二　書面を労働者に交付すること。

(ii) To deliver written copies to the workers

三　磁気テープ、磁気ディスクその他これらに準ずる物に記録し、かつ、各作業場に労働者が当該記録の内容を常時確認できる機器を設置すること。

(iii) To record them on magnetic tape, magnetic disk or other equivalent, and provide appliances at each workplace such that the workers may check the content of the records at all times

（労働者名簿の記入事項）

(Matters to Be Entered into a Roster of Workers)

第五十三条　法第百七条第一項の労働者名簿（様式第十九号）に記入しなければならない事項は、同条同項に規定するもののほか、次に掲げるものとする。

Article 53 (1) Matters to be entered into a roster of workers (Form No. 19) pursuant to paragraph (1) of Article 107 of the Act shall be those listed as follows in addition to those provided by the same paragraph of the same Article:

一　性別

(i) Sex

二　住所

(ii) Present address

三　従事する業務の種類

(iii) Type of work engaged in

四　雇入の年月日

(iv) Date of hiring

五　退職の年月日及びその事由（退職の事由が解雇の場合にあつては、その理由を含む。）

(v) Date and reason of retirement (in the case where the cause of the retirement is dismissal, the reason shall be included.)

六　死亡の年月日及びその原因

(vi) Date and cause of death

２　常時三十人未満の労働者を使用する事業においては、前項第三号に掲げる事項を記入することを要しない。

(2) A workplace which usually employs less than 30 workers may not enter matters listed in item (iii) of the preceding paragraph.

（賃金台帳の記入事項）

(Matters to Be Entered into a Wage Ledger)

第五十四条　使用者は、法第百八条の規定によつて、次に掲げる事項を労働者各人別に賃金台帳に記入しなければならない。

Article 54 (1) An employer shall enter the following matters into the wage ledger for each worker under the provision of Article 108 of the Act:

一　氏名

(i) Name

二　性別

(ii) Sex

三　賃金計算期間

(iii) Wage calculation period

四　労働日数

(iv) Working days

五　労働時間数

(v) Working hours

六　法第三十三条若しくは法第三十六条第一項の規定によつて労働時間を延長し、若しくは休日に労働させた場合又は午後十時から午前五時（厚生労働大臣が必要であると認める場合には、その定める地域又は期間については午後十一時から午前六時）までの間に労働させた場合には、その延長時間数、休日労働時間数及び深夜労働時間数

(vi) When an employer makes a worker work overtime, or work on a day off pursuant to the provision of Article 33 or paragraph (1) of Article 36 of the Act, or during the period between 10 p.m. and 5 a.m. (or the period between 11 p.m. and 6 a.m. when the Minister of Health, Labour and Welfare finds it necessary, in areas or during periods that are specified by the Minister), the number of overtime hours, that of working hours on days off or that of night working hours

七　基本給、手当その他賃金の種類毎にその額

(vii) Respective amounts of basic wages, allowances, and other wages

八　法第二十四条第一項の規定によつて賃金の一部を控除した場合には、その額

(viii) When partial amount is deducted from wages pursuant to the provision of paragraph (1) of Article 24 of the Act, the said amount

２　前項第六号の労働時間数は当該事業場の就業規則において法の規定に異なる所定労働時間又は休日の定をした場合には、その就業規則に基いて算定する労働時間数を以てこれに代えることができる。

(2) When a workplace sets forth its prescribed working hours and days off in its rules of employment different from those stipulated under the provisions of the Act, each number under item (vi) of the preceding paragraph may be replaced by each number calculated according to the rules of employment.

３　第一項第七号の賃金の種類中に通貨以外のもので支払われる賃金がある場合には、その評価総額を記入しなければならない。

(3) When wages paid in some form other than currency are included in those referred to in item (vii) of paragraph (1), the total appraised amount of the wages shall be shown.

４　日々雇い入れられる者（一箇月を超えて引続き使用される者を除く。）については、第一項第三号は記入するを要しない。

(4) With regard to workers hired on a daily basis (except those who continue to be employed for a period exceeding one month), item (iii) of paragraph (1) shall not be required to be stated.

５　法第四十一条　各号の一に該当する労働者については第一項第五号及び第六号は、これを記入することを要しない。

(5) With regard to those workers falling under any of the items of Article 41 of the Act, items (v) and (vi) of paragraph (1) shall not be required to be stated.

（賃金台帳の様式）

(Form of Wage Ledger)

第五十五条　法第百八条の規定による賃金台帳は、常時使用される労働者（一箇月を超えて引続き使用される日々雇い入れられる者を含む。）については様式第二十号日々雇い入れられる者（一箇月を超えて引続き使用される者を除く。）については様式第二十一号によつて、これを調製しなければならない。

Article 55 A wage ledger pursuant to the provision of Article 108 of the Act shall be made for regular workers (including those hired on a daily basis who continue to be employed for a period exceeding one month) according to Form No. 20, and for daily workers according to Form No. 21.

（労働者名簿及び賃金台帳の合併調製）

(Combination and Preparation of the Roster of Workers and the Wage Ledger)

第五十五条の二　使用者は、第五十三条による労働者名簿及び第五十五条による賃金台帳をあわせて調製することができる。

Article 55-2 An employer may combine and prepare the roster of workers pursuant to Article 53 and the wage ledger pursuant to Article 55.

（記録保存期間の計算の起算日）

(Starting Date of a Preservation Period of Records)

第五十六条　法第百九条の規定による記録を保存すべき期間の計算についての起算日は次のとおりとする。

Article 56 The starting point of a preservation period of records under Article 109 of the Act shall be as follows:

一　労働者名簿については、労働者の死亡、退職又は解雇の日

(i) Date of the death, retirement, or dismissal of a worker for a roster of workers

二　賃金台帳については、最後の記入をした日

(ii) Date when the last entry has been made, for a wage ledger

三　雇入れ又は退職に関する書類については、労働者の退職又は死亡の日

(iii) Date of the retirement or death of a worker for documents concerning the hiring or retirement of a worker

四　災害補償に関する書類については、災害補償を終つた日

(iv) Date when accident compensation has been completed, for documents concerning accident compensation

五　賃金その他労働関係に関する重要な書類については、その完結の日

(v) Date when the employment contract of a worker has been terminated, for important documents concerning wages or other labor relationship

（報告事項）

(Matters to Be Reported)

第五十七条　使用者は、次の各号の一に該当する場合においては、遅滞なく、第一号については様式第二十三号の二により、第二号については労働安全衛生規則様式第二十二号により、第三号については労働安全衛生規則様式第二十三号により、それぞれの事実を所轄労働基準監督署長に報告しなければならない。

Article 57 (1) When an employer falls under any of the following items, the employer shall report each fact to the director of the labor standards office concerned without delay according to Form No. 23-2 for item (i), according to Form No. 22 of the Industrial Safety and Health Regulations for item (ii), and according to Form No. 23 of the Industrial Safety and Health Regulations for item (iii):

一　事業を開始した場合

(i) When an employer has commenced a business

二　事業の附属寄宿舎において火災若しくは爆発又は倒壊の事故が発生した場合

(ii) When a fire or an explosion has arisen in an auxiliary dormitory, or it has been collapsed

三　労働者が事業の附属寄宿舎内で負傷し、窒息し、又は急性中毒にかかり、死亡し又は休業した場合

(iii) When a worker has died or been absent from work due to an injury, suffocation or acute toxication in an auxiliary dormitory

２　前項第三号に掲げる場合において、休業の日数が四日に満たないときは、使用者は、同項の規定にかかわらず、労働安全衛生規則様式第二十四号により、一月から三月まで、四月から六月まで、七月から九月まで及び十月から十二月までの期間における当該事実を毎年各各の期間における最後の月の翌月末日までに、所轄労働基準監督署長に報告しなければならない。

(2) When the number of absences is less than four days in the case designated in item (iii) of the preceding paragraph, any employer shall report, according to Form No. 24 of the Industrial Safety and Health Regulations, to the director of the labor standards office concerned those facts having arisen from January to March, from April to June, from July to September, and from October to December, by the end of the month after the last month of each period every year notwithstanding the provision of the preceding paragraph.

３　法第十八条第二項の規定により届け出た協定に基づき労働者の預金の受入れをする使用者は、毎年、三月三十一日以前一年間における預金の管理の状況を、四月三十日までに、様式第二十四号により、所轄労働基準監督署長に報告しなければならない。

(3) An employer who accepts a worker's deposit based on an agreement submitted under the provisions of paragraph (2) of Article 18 of the Act shall report on the state of the savings management for the twelve month period ending on 31 March each year to the director of the labor standards office concerned according to Form No. 24.

第五十八条　行政官庁は、法第百四条の二第一項の規定により、使用者又は労働者に対し、必要な事項を報告させ、又は出頭を命ずるときは、次の事項を通知するものとする。

Article 58 An administrative government agency, when having an employer or worker submit a report on necessary matters or ordering them to appear to the premises of the agency pursuant to the provisions of paragraph (1) of Article 104-2 of the Act, shall give notice of the following items:

一　報告をさせ、又は出頭を命ずる理由

(i) Reasons for having the employer or worker submit a report or appear

二　出頭を命ずる場合には、聴取しようとする事項

(ii) Matters to be heard when ordering them to appear

（申請書等の提出部数）

(Number of Copies of Written Applications, etc. to Be Submitted)

第五十九条　法及びこれに基く命令に定める許可、認可、認定又は指定の申請書は、各々二通これを提出しなければならない。

Article 59 Applicants shall submit two copies each of written applications for permission, approval, recognition, or designation stipulated by the Act and orders pursuant to the Act.

（様式の任意性）

(Voluntariness of Form)

第五十九条の二　法及びこれに基く命令に定める許可、認可、認定若しくは指定の申請、届出、報告、労働者名簿又は賃金台帳に用いるべき様式（様式第二十四号を除く。）は、必要な事項の最少限度を記載すべきことを定めるものであつて、横書、縦書その他異なる様式を用いることを妨げるものではない。

Article 59-2 (1) The forms (except Form No. 24) of an application of permission, approval, recognition, or designation, a notification, a report, a roster of workers, or a wage ledger prescribed by the Act and orders pursuant to the Act show what should be written as a minimum, and shall not preclude the use of vertical or horizontal writing, or some other forms.

２　使用者は、法及びこれに基づく命令に定める許可若しくは認定の申請、届出又は報告に用いるべき様式に氏名を記載し、押印することに代えて、署名して行政官庁に提出することができる。

(2) An employer may submit an application of permission or recognition, a notification, or a report to the administrative government agency according to the Form prescribed by the Act and orders pursuant to the Act, writing his or her signature on it instead of printing the name and affixing a seal on it.

附　則　〔抄〕

Supplementary Provisions [Extract]

第六十条　この省令は昭和二十二年九月一日から、これを施行する。

Article 60 This Ordinance of the Ministry shall come into force as from September 1, 1947.

第六十五条　積雪の度が著しく高い地域として厚生労働大臣が指定する地域に所在する事業場において、冬期に当該地域における事業活動の縮小を余儀なくされる事業として厚生労働大臣が指定する事業に従事する労働者であつて、屋外で作業を行う必要がある業務であつて業務の性質上冬期に労働者が従事することが困難であるものとして厚生労働大臣が指定する業務に従事するものについては、第十二条の四第四項の規定にかかわらず、当分の間、法第三十二条の四第三項の厚生労働省令で定める一日の労働時間の限度は十時間とし、一週間の労働時間の限度は五十二時間とする。

Article 65 With regard to a worker who engages in a workplace located in a place designated by the Minister of Health, Labour and Welfare as a region requiring curtailment of the activities in winter and work designated by the Minister of Health, Labour and Welfare as work requiring outdoor performance and causing the worker difficulties to engage in winter because of its nature in a workplace located in a region designated by the Minister of Health, Labour and Welfare as a region with significantly high snow accumulation, daily working hours and weekly working hours set forth in Ordinance of the Ministry of Health, Labour and Welfare pursuant to paragraph (3) of Article 32-4 of the Act shall be limited to 10 hours and 52 hours respectively for the time being, notwithstanding the provisions of paragraph (4) of Article 12-4.

第六十六条　一般乗用旅客自動車運送事業（道路運送法（昭和二十六年法律第百八十三号）第三条第一号ハの一般乗用旅客自動車運送事業をいう。以下この条において同じ。）における四輪以上の自動車（一般乗用旅客自動車運送事業の用に供せられる自動車であつて、当該自動車による運送の引受けが営業所のみにおいて行われるものを除く。）の運転の業務に従事する労働者であつて、次の各号のいずれにも該当する業務に従事するものについての法第三十二条の四第三項の厚生労働省令で定める一日の労働時間の限度は、第十二条の四第四項の規定にかかわらず、当分の間、十六時間とする。

Article 66 With regard to a worker who engages in work to drive a four- or more-wheeled automobile (that is used in a general passenger automobile carrier business - the business referred to in item (i)-(c) of Article 3 of the Road Transportation Act (Act No. 183 of 1951); hereinafter the same shall apply in this Article - except a case where the automobile is used when requests for carrier service are accepted only at a business office of a carrier company) in a general passenger automobile carrier business and engages in work falling under both of the following items, daily working hours set forth in Ordinance of the Ministry of Health, Labour and Welfare pursuant to paragraph (3) of Article 32-4 of the Act shall be limited to 16 hours for the time being, notwithstanding the provisions of paragraph (4) of Article 12-4.

一　当該業務に従事する労働者の労働時間（法第三十三条又は第三十六条第一項の規定により使用者が労働時間を延長した場合においては当該労働時間を、休日に労働させた場合においては当該休日に労働させた時間を含む。以下この号において同じ。）の終了から次の労働時間の開始までの期間が継続して二十時間以上ある業務であること。

(i) Work with an interval of 20 hours or more between the ending time of the working hours and the starting time of the next working hours (including extended working hours in the event that an employer has extended working hours of a worker and working hours for days off in the event that an employer has had a worker work on days off pursuant to the provisions of Article 33 and paragraph (1) of Article 36 of the Act; hereinafter the same shall apply in this item)

二　始業及び終業の時刻が同一の日に属しない業務であること。

(ii) Work whose starting time and ending time are not on the same day

第六十六条の二　第二十四条の二の五第一項の規定の適用については、当分の間、同条同項中「六箇月以内に一回、及びその後一年以内ごとに一回」とあるのは「六箇月以内ごとに一回」とする。

Article 66-2 When applying the provision of paragraph (1) of Article 24-2-5, the term therein that reads "once within six month and once every year or less thereafter" shall for the time being be "once every six months or less".

第六十七条　法第百三十三条の厚生労働省令で定める者は、次のとおりとする。

Article 67 (1) Persons set forth in Ordinance of the Ministry of Health, Labour and Welfare pursuant to Article 133 of the Act shall be the following:

一　小学校就学の始期に達するまでの子を養育する労働者

(i) Workers who take care of children who have not attained the school age

二　負傷、疾病又は身体上若しくは精神上の障害により、二週間以上の期間にわたり常時介護を必要とする状態にある次に掲げるいずれかの者を介護する労働者

(ii) Workers who take care of any of the following persons who always needs nursing care for two weeks or more because of his or her injury, illness, or physical or mental disability

イ　配偶者、父母若しくは子又は配偶者の父母

(a) Spouse, parents or children, or spouse's parents

ロ　当該労働者が同居し、かつ、扶養している祖父母、兄弟姉妹又は孫

(b) Grandparents, siblings, or grandchildren whom the said workers live with and support

２　法第百三十三条の命令で定める期間は、平成十一年四月一日から平成十四年三月三十一日までの間とする。

(2) The period set forth in Ordinance of the Ministry of Health, Labour and Welfare pursuant to the order set forth in Article 133 of the Act shall be from April 1, 1999 to March 31, 2002.

別表第一（第三十四条の三関係）

Appended Table 1 (Re: Article 34-3)

一　訓練生を就かせることができる危険有害業務及び坑内労働の範囲は、当該訓練生が受ける職業訓練の訓練過程に応じ職業能力開発促進法施行規則第十条第一項第二号若しくは第十二条第一項第二号又は昭和五十三年改正訓練規則附則第二条第一項に規定する専修訓練過程の普通職業訓練に関する基準において例によるものとされる昭和五十三年改正訓練規則による改正前の職業訓練法施行規則第三条第一号の教科のうちの実技に係る実習を行うために必要な業務であつて、次の表の中欄に掲げるものとする。

(i) The scope of dangerous and injurious work, and belowground labor to which trainees may be assigned shall be listed in the middle columns of the following table in accordance with the training course to which they belong: those necessary to carry out the exercises comprising the practical training for the subjects set forth in item (i) of Article 3 of the Ordinance for Enforcement of the Vocational Training Act prior to they were revised by the 1978 revised Training Rules, which are applied in the standards on the basic training of the training courses set forth in item (ii), paragraph (1) of Article 10 or item (ii), paragraph (1) of Article 12 of the Ordinance for Enforcement of the Vocational Ability Development and Promotion Act or paragraph (1) of Article 2 of the supplementary provisions of the 1978 revised Training Rules.

二　使用者が講ずべき措置の基準は、次のとおりとする。

(ii) The following shall be the standards on the measures to be taken by employers:

１　一般的措置の基準

(a) Standards on general measures

（イ）　職業訓練指導員をして、訓練生に対し、当該作業中その作業に関する危害防止のために必要な指示をさせること。

1. Employers shall have vocational training instructors provide trainees with the necessary instructions to prevent danger during the work.

（ロ）　あらかじめ、当該業務に関し必要な安全作業法又は衛生作業法について、教育を施すこと。

2. They shall provide the trainees with prior education on safety or healthy working methods necessary for the work.

（ハ）　常時、作業環境の改善に留意すること。

3. They shall always give heed to improving the work environment.

（二）　常時、訓練生の健康状態に留意し、その向上に努めること。

4. They shall always pay attention to the trainees' condition of health and endeavor to improve it.

２　個別的措置の基準

(b) Standards on individual measures

次の表の中欄の業務についてそれぞれ下欄に掲げるものとすること。

|  |  |  |
| --- | --- | --- |
| 就業制限及び就業禁止の根拠規定Provision of restricting or banning work | 訓練生をつかせることができる危険有害業務及び坑内労働の範囲Scope of dangerous and injurious work, and belowground labor to which trainees may be assigned | 使用者が講ずべき個別的措置の基準Standards on individual measures to be taken by employers |
| 年少者労働基準規則（昭和二十九年労働省令第十三号）第八条第三号Item (iii) of Article 8 of the Regulations on Labor Standards for Minors (Ordinance of the Ministry of Labor No. 13, 1954) | クレーン、移動式クレーン又はデリツクの運転の業務Operation of cranes, mobile cranes, or derrick | 職業訓練開始後六月（訓練期間六月の訓練科に係る訓練生にあつては、五月）を経過するまでは作業につかせないこと。Trainees shall not be assigned to these types of work until passage of six months (five months in the case of trainees of training courses lasting for six months) after start of vocational training. |
| 年少者労働基準規則第八条第三号Item (iii) of Article 8 of the Regulations on Labor Standards for Minors | 揚貨装置の運転の業務Operation of cargo hoisting equipment | 職業訓練開始後六月（訓練期間六月の訓練科に係る訓練生にあつては、五月）を経過するまでは作業につかせないこと。Trainees shall not be assigned to these types of work until passage of six months (five months in the case of trainees of training courses lasting for six months) after start of vocational training. |
| 年少者労働基準規則第八条第十号Item (x) of Article 8 of the Regulations on Labor Standards for Minors | クレーン、移動式クレーン又はデリツクの玉掛けの業務Slinging related to cranes, mobile cranes, or derrick | 職業訓練開始後六月（訓練期間六月の訓練科に係る訓練生にあつては、三月）を経過するまでは作業につかせないこと。Trainees shall not be assigned to these types of work until passage of six months (three months in the case of trainees of training courses lasting for six months) after start of vocational training. |
| 年少者労働基準規則第八条第十号Item (x) of Article 8 of the Regulations on Labor Standards for Minors | 揚貨装置の玉掛けの業務Slinging related to cargo hoisting equipment | 職業訓練開始後六月（訓練期間六月の訓練科に係る訓練生にあつては、三月）を経過するまでは作業につかせないこと。Trainees shall not be assigned to this job until passage of six months (three months in the case of trainees of training courses lasting for six months) after start of vocational training. |
| 年少者労働基準規則第八条第七号Item (vii) of Article 8 of the Regulations on Labor Standards for Minors | 動力による巻上機、運搬機又は索道の運転の業務Operation of power driven hoisting devices, transporters, or ropeways | 職業訓練開始後六月（訓練期間六月の訓練科に係る訓練生にあつては、三月）を経過するまでは作業につかせないこと。Trainees shall not be assigned to this job until passage of six months (three months in the case of trainees of training courses lasting for six months) after start of vocational training. |
| 年少者労働基準規則第八条第八号Item (viii) of Article 8 of the Regulations on Labor Standards for Minors | 高圧（直流にあつては七百五十ボルトを、交流にあつては六百ボルトをこえ、七千ボルト以下である電圧をいう。以下同じ。）若しくは特別高圧（七千ボルトをこえる電圧をいう。以下同じ。）の充電電路若しくは当該充電電路の支持物の敷設、点検、修理若しくは操作の業務、低圧（直流にあつては七百五十ボルト以下、交流にあつては六百ボルト以下である電圧をいう。以下同じ。）の充電電路（対地電圧が五十ボルト以下であるもの及び電信用のもの、電話用のもの等であつて感電による危害を生ずるおそれがないものを除く。）の敷設若しくは修理の業務又は配電盤室、変電室等区画された場所に設置する低圧の電路（対地電圧が五十ボルト以下であるもの及び電信用のもの、電話用のもの等であつて感電による危害を生ずるおそれがないものを除く。）のうち充電部分が露出している開閉器の操作の業務Work to lay, inspect, repair, or operate high voltage (Voltages higher than 750 volts DC or 600-7,000 volts AC; hereinafter the same shall apply) or very high voltage (Voltages higher than 7,000 volts., hereinafter the same shall apply) charging circuits or their supporting structures, those to install or repair low voltage (Voltages 750 volts or lower DC or 600 volts or lower AC; hereinafter the same shall apply) charging circuits (Other than those involving ground voltage of under 50 volts, those for telegram, telephone, etc., involving no danger of harm due to electric shock.) or operation of switches of low voltage circuits (Other than those involving ground voltage of under 50 volts, those for telegram, involving no danger of harm due to electric shock.) installed in partitioned places such as distributing board rooms and transformer rooms whose charging terminals are exposed. | 上欄の業務のうち、高圧又は特別高圧に係るものにあつては職業訓練開始後一年（訓練期間一年の訓練科に係る訓練生にあつては八月、訓練期間七月又は六月の訓練科に係る訓練生にあつては五月）、低圧に係るものにあつては職業訓練開始後三月を経過するまでは作業につかせないこと。Trainees shall not be assigned to these types of work involving high voltage or very high voltage until passage of one year (eight months in the case of trainees of training courses lasting for one year or five months in the case of those of training courses lasting for seven or six months) after start of vocational training. They shall not be assigned to these operations involving low voltages until passage of three months after start of vocational training. |
| 年少者労働基準規則第八条第九号Item (ix) of Article 8 of the Regulations on Labor Standards for Minors | 運転中の原動機より中間軸までの動力伝動装置の掃除、注油、検査、修繕又は調帯の掛換の業務Work to clean, oil, inspect or repair the power driving gear, or replace the transmission belt connecting a motor in operation with the countershaft. | 職業訓練開始後六月を経過するまでは作業につかせないこと。Trainees shall not be assigned to these types of work until passage of six months after start of vocational training. |
| 年少者労働基準規則第八条第十三号Item (xiii) of Article 8 of the Regulations on Labor Standards for Minors | ゴム、エボナイト等粘性物質のロール練りの業務Work to roll rubber, ebonite, or other viscous substances. | 職業訓練開始後一年（訓練期間一年の訓練科に係る訓練生にあつては、八月）を経過するまでは作業につかせないこと。Trainees shall not be assigned to these types of work until passage of one year (eight months in the case of trainees of training courses lasting for one year) after start of vocational training. |
| 年少者労働基準規則第八条第十四号Item (xiv) of Article 8 of the Regulations on Labor Standards for Minors | 直径二十五センチメートル以上の丸のこ盤又は動輪の直径七十五センチメートル以上の帯のこ盤における木材の送給の業務Work to feed lumber to circular saw with disk 25 centimeters or more in diameter or band saw with driving wheel 75 centimeters or more in diameters. | 職業訓練開始後六月（訓練期間六月の訓練科に係る訓練生にあつては、五月）を経過するまでは作業につかせないこと。Trainees shall not be assigned to these types of work until passage of six months (five months in the case of trainees of training courses lasting for six months) after start of vocational training. |
| 年少者労働基準規則第八条第十五号Item (xv) of Article 8 of the Regulations on Labor Standards for Minors | 動力によつて運転する圧機の金型若しくは切断機の刃部の調整又は掃除の業務Work to adjust or clean the metal mold or the cutter blade of power-driven pressing machines. | 職業訓練開始後六月（訓練期間六月の訓練科に係る訓練生にあつては、五月）を経過するまでは作業につかせないこと。Trainees shall not be assigned to these types of work until passage of six months (five months in the case of trainees of training courses lasting for six months) after start of vocational training. |
| 年少者労働基準規則第八条第一号Item (i) of Article 8 of the Regulations on Labor Standards for Minors | ボイラの取扱の業務Work to operate boilers | 職業訓練開始後六月（訓練期間六月の訓練科に係る訓練生にあつては、五月）を経過するまでは作業につかせないこと。Trainees shall not be assigned to these types of work until passage of six months (five months in the case of trainees of training courses lasting for six months) after start of vocational training. |
| 年少者労働基準規則第八条第十八号Item (xviii) of Article 8 of the Regulations on Labor Standards for Minors | 蒸気又は圧縮空気による圧機又は鍛造機械を用いる金属加工の業務Work to process metals using steam or compressed air pressing machines or forging machines. | １　職業訓練開始後六月を経過するまでは作業につかせないこと。1. Trainees shall not be assigned to these jobs until passage of six months after start of vocational training. |
|  |  | ２　上欄の業務のうち、四分の一トン以上の鍛造機械を用いるものにあつては職業訓練開始後一年（訓練期間一年の訓練科に係る訓練生にあつては、九月）を経過するまでは作業につかせないこと。2. Trainees shall not be assigned to these types of work which use forging machines with capability of a quarter ton or more until passage of one year (nine months in the case of trainees of training courses lasting for one year) after start of vocational training. |
| 年少者労働基準規則第八条第十九号Item (xix) of Article 8 of the Regulations on Labor Standards for Minors | 動力による打抜機、切断機等を用いる厚さ八ミリメートル以上の鋼板加工の業務Work to process steel sheets 8 millimeters or more in thickness using power-driven punchers, cutters, etc. | 職業訓練開始後一年（訓練期間一年の訓練科に係る訓練生にあつては、九月）を経過するまでは作業につかせないこと。Trainees shall not be assigned to these types of work until passage of one year (nine months in the case of trainees of training courses lasting for one year) after start of vocational training. |
| 年少者労働基準規則第八条第二十一号Item (xxi) of Article 8 of the Regulations on Labor Standards for Minors | 木工用かんな盤又は単軸面取り盤の取扱いの業務Work to handle wood shaper or single-axle cornersharper. | 職業訓練開始後六月を経過するまでは作業につかせないこと。Trainees shall not be assigned to these types of work until passage of six months after start of vocational training. |
| 年少者労働基準規則第八条第二十二号Item (xxii) of Article 8 of the Regulations on Labor Standards for Minors | 岩石又は鉱物の破砕機に材料を送給する業務Work to supply materials to rock or mineral crushers. | 職業訓練開始後六月を経過するまでは作業につかせないこと。Trainees shall not be assigned to these types of work until passage of six months after start of vocational training. |
| 年少者労働基準規則第八条第二十四号Item (xxiv) of Article 8 of the Regulations on Labor Standards for Minors | 高さが五メートル以上の箇所で墜落により労働者が危害を受けるおそれがあるところにおける業務Operations at a place of a height of 5 meters or more which may harm workers due to fall. | １　上欄の業務のうち、装柱及び架線の作業については、職業訓練開始後一年（訓練期間一年の訓練科に係る訓練生にあつては、八月）を経過するまでは作業につかせないこと。1. Trainees shall not be assigned to these operations on poles and aerial lines until passage of one year (eight months in the case of trainees of training courses lasting for one year) after start of vocational training. |
|  |  | ２　上欄の業務のうち、前項以外の作業については、職業訓練開始後二年（訓練期間二年の訓練科に係る訓練生にあつては一年六月、訓練期間一年の訓練科に係る訓練生にあつては九月）を経過するまでは作業につかせないこと。2. Trainees shall not be assigned to these operations other than those covered by the preceding paragraph until passage of two years (one year and six months in the case of trainees of training courses lasting for two years or nine months in the case of. trainees of training courses lasting for one year) after start of vocational training. |
| 年少者労働基準規則第八条第二十五号Item (xxv) of Article 8 of the Regulations on Labor Standards for Minors | 足場の組立、解体又は変更の業務Work to erect, disassemble or alter scaffolding. | 職業訓練開始後二年（訓練期間二年の訓練科に係る訓練生にあつては一年六月、訓練期間一年の訓練科に係る訓練生にあつては九月）を経過するまでは作業につかせないこと。Trainees shall not be assigned to these types of work until passage of two years (one year and six months in the case of trainees of training courses lasting for two years or nine months in the case of trainees of training courses lasting for one year) after start of vocational training. |
| 年少者労働基準規則第八条第二十八号Item (xxviii) of Article 8 of the Regulations on Labor Standards for Minors | 火薬、爆薬又は火工品を製造し、又は取り扱う業務で爆発のおそれのあるものWork to manufacture or handle gunpowder explosives or articles processed with heat which involve the danger of explosion. |  |
| 年少者労働基準規則第八条第二十九号Item (xxix) of Article 8 of the Regulations on Labor Standards for Minors | 危険物（労働安全衛生法施行令別表第一に掲げる爆発性の物、発火性の物、酸化性の物、引火性の物又は可燃性のガスをいう。）を製造し、又は取り扱う業務で、爆発、発火又は引火のおそれのあるものOperations to manufacture or handle dangerous substances (explosive substances, combustible substances, acid substances, inflammable substances or combustible gases designated in appended. Table 1 of the Order for Enforcement of the Industrial Safety and Health Act) which involve the danger of explosion, combustion or ignition. |  |
| 年少者労働基準規則第八条第三十一号Item (xxxi) of Article 8 of the Regulations on Labor Standards for Minors | 圧縮ガス若しくは液化ガスの製造又はこれらを用いる業務Work to manufacture or use compressed or liquefied gas. | 職業訓練開始後六月を経過するまでは作業につかせないこと。Trainees shall not be assigned to these types of work until passage of six months after start of vocational training. |
| 年少者労働基準規則第八条第三十二号Item (xxxii) of Article 8 of the Regulations on Labor Standards for Minors | 水銀、ひ素、黄りん、ふつ化水素酸、塩酸、硝酸、青酸、苛性アルカリ、石炭酸その他これらに準ずる有害なものを取り扱う業務Operations to handle mercury, arsenic, phosphorus, hydrofluoric acid, chlorine, nitric acid, hydrocyanic acid, caustic alkali, carbolic acid, and other similar harmful substances. | １　当該業務に従事させる時間が二時間をこえる場合には、従事させる時間二時間ごとに十五分の休息時間を与え、当該業務に従事させる時間が二時間をこえて継続しないようにすること。1. Trainees who must engage in these types of work more than two hours shall be given a recess of 15 minutes every two hours and shall not continuously engage in these jobs for a period exceeding two hours. |
|  |  | ２　作業終了後身体の汚染された部分を十分に洗わせること。2. After completing the jobs, the trainees shall fully wash the contaminated parts of their body. |
|  |  | ３　作業に必要な最小限の量を与えること。3. The trainees shall be given the minimal quantity necessary for work. |
|  |  | ４　上欄の業務のうち、塩酸、硝酸、苛性アルカリ、硫酸、さく酸等腐蝕性の有害物又はふつ化水素酸、石炭酸、アンモニア、クロルベンゼン、ホルマリン等皮ふ刺戟性の有害物を取扱うものにあつては、噴射式洗眼器を備え付けること。4. These types of work which handle corrosive harmful substances such as chlorine, nitric acid, caustic alkali, sulphuric acid and acetic acid and harmful substances which stimulate the skin such as hydrofluoric acid, carbolic acid, ammonia, chlorobenzene, and formalin injection-type eye washers. |
|  |  | ５　前項の業務で、その業務につかせる労働者の身体、衣服等が当該有害物によつて継続的に汚染されるものにあつては、職業訓練開始後一年（訓練期間一年の訓練科に係る訓練生にあつては、八月）を経過するまでは作業につかせないこととし、当該業務に従事させる時間は一日について四時間をこえないこと。5. The trainees shall not be assigned to the types of work prescribed by the preceding paragraph in which their body, clothes, etc. are continuously contaminated by the harmful substances referred to until passage of one year (eight months in the case of trainees of training courses lasting for one year) after start of vocational training. They shall not engage in these types of work for a period exceeding four hours a day. |
|  |  | ６　第四項の業務で、第五項の業務以外のものにあつては、当該業務に従事させる時間は、一日について四時間をこえないこと。6. The trainees shall not engage in the types of work prescribed by paragraph 4 and those other than covered by paragraph 5 for a period exceeding four hours a day. |
|  |  | ７　上欄の業務のうち、第四項の有害物以外の有害物を取り扱うもので、その業務につかせる労働者の身体、衣服等が継続的に汚染されるものにあつては、当該業務に従事させる時間は、職業訓練開始後一年未満の訓練生については一日について二時間、それ以外の訓練生については一日について四時間をこえないこと。7. The t types of work referred to in the left column which handle harmful substances other than those mentioned in paragraph 4 and which continuously contaminate the workers' body, clothes, etc.: trainees shall not engage in these operations for a period exceeding two hours a day if they have been in training less than one year or four hours a day in the case of other trainees. |
| 年少者労働基準規則第八条第三十三号Item (xxxiii) of Article 8 of the Regulations on Labor Standards for Minors | 鉛、水銀、クローム、ひ素、黄りん、ふつ素、塩素、青酸、アニリンその他これらに準ずる有害なもののガス、蒸気又は粉じんを発散する場所における業務Work in places where gas, vapor or particulate of lead, mercury, chromium, arsenic, phosphorus, fluorine, chlorine, hydrocyanic acid, aniline of some other similar harmful substances are generated. | １　当該業務に従事させる時間が二時間をこえる場合には、従事させる時間二時間ごとに十五分の休息時間を与え、当該業務に従事させる時間が二時間をこえて継続しないようにすること。1. Trainees who must engage in these types of work for a period exceeding two hours shall be given a recess of 15 minutes every two hours and shall not continuously engage in these types of work for a period exceeding two hours. |
|  |  | ２　作業終了後身体の汚染された部分を十分に洗わせること。2. After completing the jobs, the trainees shall fully wash the contaminated parts of their body. |
|  |  | ３　上欄の業務のうち、一酸化炭素その他厚生労働大臣が別に定める有害物のガス、蒸気又は粉じんを発散する場所におけるものにあつては、ガス検知器具を備え付け、一月一回以上測定し、測定結果の記録を保存すること。3. These types of work in places where carbon monoxide or gas, vapor, or dust of harmful substances designated separately by the Minister of Health, Labour and Welfare are generated shall be provided with gas detectors. The detection shall be executed at least once a month and the record of results shall be preserved. |
|  |  | ４　上欄の業務のうち、クローム、黄りん、塩酸等腐蝕性の有害物又はふつ化水素酸、石炭酸等皮ふ刺戟性の有害物のガス、蒸気又は粉じんを発散する場所におけるものにあつては噴射式洗眼器を備え付けること。4. These types of work in places where gas, vapor, or dust of corrosive harmful substances such as chromium, phosphorus or chlorine or harmful substances which stimulate the skin such as hydrofluoric acid and carbolic acid are generated shall be provided with injection-type-eye washers. |
|  |  | ５　上欄の業務のうち、厚生労働大臣が別に定める有害性が高度な有害物のガス、蒸気又は粉じんを発散する場所におけるものにあつては、職業訓練開始後一年（訓練期間一年の訓練科に係る訓練生にあつては、八月）を経過するまでは作業につかせないこととし、当該業務に従事させる時間は、職業訓練開始後二年未満の訓練生については一日について二時間、それ以外の訓練生については一日について四時間をこえないこと。5. These types of work in places where gas, vapor, or dust of high level harmful substances designated separately by the Minister of Health, Labour and Welfare are generated: the trainees shall not engage in these types of work until passage of one year (eight months in the case of trainees of training courses lasting for one year) after start of vocational training. They shall not engage in these jobs for a period exceeding two hours a day if they have been in training less than two years or four hours a day in the case of other trainees. |
|  |  | ６　上欄の業務のうち、厚生労働大臣が別に定める有害性が中度な有害物のガス、蒸気又は粉じんを発散する場所におけるものにあつては、当該業務に従事させる時間は、職業訓練開始後一年未満の訓練生については一日について二時間、それ以外の訓練生については一日について四時間をこえないこと。6. These types of work in places where gas, vapor, or dust of medium level harmful substances designated separately the Minister of Health, Labour and Welfare are generated: the trainees shall not engage in these operations for a period exceeding two hours a day if they have been in training less than one year or four hours a day in the case of other trainees. |
|  |  | ７　上欄の業務のうち、厚生労働大臣が別に定める有害性が低度な有害物のガス、蒸気又は粉じんを発散する場所における業務にあつては、当該業務に従事させる時間は、一日について四時間をこえないこと。7. These types of work in places where gas, vapor or dust of low level harmful substances designated separately by the Minister of Health, Labour and Welfare are generated: the trainees shall not engage in these operations for a period exceeding four hours a day. |
| 年少者労働基準規則第八条第三十四号Item (xxxiv) of Article 8 of the Regulations on Labor Standards for Minors | 土石、獣毛等のじんあい又は粉末を著しく飛散する場所（坑内における遊離けい酸分を多量に含有する粉じんの著しく飛散する場所を除く。）における業務Work in places where a large quantities of particulate or powder of earth, rocks, fur or some other equivalent is scattered (except belowground places where a large quantity of particulate of high free silicic acid content). | １　当該業務に従事させる時間が二時間をこえる場合には、従事させる時間二時間ごとに十五分の休息時間を与え、当該業務に従事させる時間が二時間をこえて継続しないようにすること。1. Trainees who shall engage in these types of work for a period exceeding two hours shall be given a recess of 15 minutes every two hours and shall not engage for a continuous period exceeding two hours. |
|  |  | ２　上欄の業務のうち、坑内における作業にあつては、職業訓練開始後一年を経過するまでは作業につかせないこととし、当該業務に従事させる時間は、職業訓練開始後二年未満の訓練生については一日について二時間、それ以外の訓練生については一日について三時間をこえないこと。2. Trainees shall not be assigned to these types of work in belowground places until passage of one year after start of vocational training. They shall not engage in these operations for a period of two hours a day if they have been in training less than two years or three hours a day in the case of other trainees. |
|  |  | ３　上欄の業務のうち、じん肺法施行規則（昭和三十五年労働省令第六号）第一条に規定する粉じん作業に該当する作業であつて、前項に該当するもの以外のものにあつては、当該業務に従事させる時間は、職業訓練開始後一年未満の訓練生については一日について一時間、職業訓練開始後一年以上二年未満の訓練生については一日について二時間、それ以外の訓練生については一日について三時間をこえないこと。3. These types of work which are dust work prescribed by Article I of the Ordinance for Enforcement of the Pneumoconiosis Law (Ordinance No. 6 of the Ministry of Labour, 1960) and those other than prescribed by the preceding paragraph: trainees shall not engage in these operations for a period of one hour a day if they have been in training less than one year, two hours a day if they have been in training one year or more but less than two years, or three hours a day in the case of other trainees. |
|  |  | ４　上欄の業務のうち、前二項に該当するもの以外のものにあつては当該業務に従事させる時間は、職業訓練開始後一年未満の訓練生については一日について二時間、職業訓練開始後一年以上二年未満の訓練生については一日について三時間、それ以外の訓練生については一日について四時間をこえないこと。4. These types of work other than those prescribed by preceding two paragraphs trainees shall not engage in these operations for a period exceeding two hours a day if they have been in training less than one year, three hours a day if they have been in training one year or more but less than two years, or four hours a day in the case of other trainees. |
| 年少者労働基準規則第八条第三十五号Item (xxxv) of Article 8 of the Regulations on Labor Standards for Minors | 電離放射線（紫外線を除く。）以外の有害放射線にさらされる業務Work which exposes workers to harmful radiation other than ionizing radiation (except ultraviolet rays). | 職業訓練開始後六月を経過するまでは作業につかせないこととし、当該業務に従事させる時間は、職業訓練開始後一年未満の訓練生については一日について二時間、それ以外の訓練生については一日について四時間をこえないこと。Trainees shall not engage in these types of work until passage of six months after start of vocational training. They shall not engage in these operations for a period exceeding two hours a day if they have been in training less than one year, or four hours a day in the case of other trainees. |
| 年少者労働基準規則第八条第三十六号Item (xxxvi) of Article 8 of the Regulations on Labor Standards for Minors | 多量の高熱物体を取り扱う業務及び著しく暑熱な場所における業務Work to handle a large quantity of intensely heated material or those in extremely hot places. | １　上欄の業務のうち、著しく暑熱な場所における重激なものにあつては、当該業務に従事させる時間が一時間をこえる場合には、従事させる時間一時間ごとに十五分の休息時間を与え、当該業務に従事させる時間が一時間をこえて継続しないようにすること。1. These operations in extremely hot places and strenuous: trainees who shall engage in these types of work for a period exceeding one hour shall be given a recess of 15 minutes every hour and shall not engage for a continuous period exceeding one hour. |
|  |  | ２　上欄の業務のうち、前項に該当するもの以外のものにあつては、当該業務に従事させる時間が二時間をこえる場合には、従事させる時間二時間ごとに十五分の休息時間を与え、当該業務に従事させる時間が二時間をこえて継続しないようにすること。2. These types of work other than those prescribed by the preceding paragraph: trainees who shall engage in these types of work for a period exceeding two hours shall be given a recess of 15 minutes every two hours and shall not engage for a continuous period exceeding two hours. |
|  |  | ３　上欄の業務のうち、多量の高熱物体を取り扱うものにあつては、職業訓練開始後一年（訓練期間一年の訓練科に係る訓練生にあつては、八月）を経過するまでは作業につかせないこととし、当該業務に従事させる時間は、一日について四時間をこえないこと。3. Trainees shall not engage in these types of work to handle a large quantity of intensely heated materials until passage of one year (eight months in the case of trainees of training courses lasting for one year) after start of vocational training. They shall not engage in these types of work for a period exceeding four hours a day. |
|  |  | ４　上欄の業務のうち、著しく暑熱な場所におけるものにあつては、当該業務に従事させる時間は、職業訓練開始後一年未満の訓練生については一日について一時間、職業訓練開始後一年以上二年未満の訓練生については一日について二時間、それ以外の訓練生については一日について四時間をこえないこと。4. Trainees shall not engage in these types of work in extremely hot places for a period exceeding one hour a day if they have been in training less than one year, two hours a day if they have been in training one year or more but less than two years, or four hours a day in the case of other trainees. |
| 年少者労働基準規則第八条第三十七号Item (xxxvii) of Article 8 of the Regulations on Labor Standards for Minors | 多量の低温物体を取り扱う業務及び著しく寒冷な場所における業務Work to handle a large quantity of cold materials or those in extremely cold places. | １　上欄の業務のうち、冷凍室の内部におけるものにあつては、当該業務に従事させる時間は、一日について一時間をこえないこと。1. Trainees shall not engage in these types of work inside freezers for a period exceeding one hour a day. |
|  |  | ２　上欄の業務のうち、著しく寒冷な屋外におけるものにあつては、当該業務に従事させる時間は、職業訓練開始後一年未満の訓練生については一日について二時間、それ以外の訓練生については一日について四時間をこえないこと。2. Trainees shall not engage in these types of work in very cold outdoors or a period exceeding two hours a day if they have been in training less than one year, or four hours a day in the case of other trainees. |
|  |  | ３　上欄の業務のうち、多量の低温物体を取り扱うものにあつては、当該業務に従事させる時間は、一日について一時間をこえないこと。3. Trainees shall not engage in these types of work to handle a large quantity of cold materials for a period exceeding one hour a day. |
|  |  | ４　第二項に該当する業務にあつては、当該業務に従事させる時間が一時間をこえる場合には、適当な採暖設備を設け、従事させる時間一時間ごとに十分の採暖時間を与え、当該業務に従事させる時間が一時間をこえて継続しないようにすること。4. Trainees who shall engage in the jobs prescribed by paragraph 2 for a period exceeding one hour shall be given warming time of ten minutes every hour by setting up an appropriate warming facility and shall not engage for a continuous period exceeding an hour. |
| 年少者労働基準規則第八条第三十九号Item (xxxiv) of Article 8 of the Regulations on Labor Standards for Minors | さく岩機、びよう打機等の使用によつて身体に著しい振動を受ける業務Work which exposes the worker's body to extreme vibrations by operating a rock drill, rivetter or some other equivalent. | １　当該業務に従事させる時間が一時間をこえる場合には、従事させる時間一時間ごとに十分の休息時間を与え、当該業務に従事させる時間が一時間をこえて継続しないようにし、休息時間中は身体に著しい振動を受ける場所にとどまらせないこと。1. Trainees who shall engage in these types of work for a period exceeding one hour shall be given a recess of ten minutes every hour and shall not engage for a continuous period exceeding one hour. While in recess they shall not remain in places where their body is exposed to extreme vibrations. |
|  |  | ２　上欄の業務のうち、坑内におけるさく岩機又はびよう打機を使用するものにあつては、職業訓練開始後一年を経過するまでは作業につかせないこととし、当該業務に従事させる時間は、職業訓練開始後二年未満の訓練生については一日について二時間、それ以外の訓練生については一日について四時間をこえないこと。2. Trainees shall not be assigned to these types of work in belowground places operating rock drills or rivetters until passage of one year after start of vocational training. Trainees shall not engage in these types of work for a period exceeding two hours a day if they have been in training less than two years, or four hours a day in the case of other trainees. |
|  |  | ３　上欄の業務のうち、坑外におけるさく岩機又はびよう打機を使用するものにあつては、当該業務に従事させる時間は、職業訓練開始後一年未満の訓練生については一日について二時間、職業訓練開始後一年以上二年未満の訓練生については一日について三時間、それ以外の訓練生については一日について四時間をこえないこと。3. These types of work done outside belowground workplaces operating rock drills or rivetter; trainees shall not engage for a period exceeding two hours a day if they have been in training for less than one year, three hours a day if they have been in training one year or more but less than two years, or four hours a day in the case of other trainees. |
|  |  | ４　上欄の業務のうち、前二項に該当するもの以外のものにあつては、当該業務に従事させる時間は、一日について四時間をこえないこと。4. These types of work other than those prescribed by the preceding two paragraphs: the trainees shall not engage for a period exceeding four hours a day. |
| 年少者労働基準規則第八条第四十号Item (xl) of Article 8 of the Regulations on Labor Standards for Minors | ボイラを製造する場所等強烈な騒音を発する場所における業務Work in an extremely noisy place such as a place where boilers are manufactured. | １　当該業務に従事させる時間が一時間をこえる場合には、従事させる時間一時間ごとに十分の休息時間を与え、当該業務に従事させる時間が一時間をこえて継続しないようにし、休息時間中は強烈な騒音を発する場所にとどまらせないこと。1. Trainees who shall engage in these types of work for a period exceeding one hour shall be given a recess of ten minutes every hour and shall not engage for a continuous period exceeding one hour. While in recess they shall not remain in places where severe noise is produced. |
|  |  | ２　上欄の業務のうち、百フオーン以上の騒音にさらされるものにあつては、職業訓練開始後一年を経過するまでは作業につかせないこととし、当該業務に従事させる時間は、職業訓練開始後二年未満の訓練生については一日について二時間、それ以外の訓練生については一日について三時間をこえないこと。2. Trainees shall not be assigned to these types of work which expose them to noise 100 phons or more until passage of one year after start of vocational training. They shall not engage in these operations for a period exceeding two hours a day if they have been in training less than two years, or three hours a day in the case of other trainees. |
|  |  | ３　上欄の業務のうち、九十フオーン以上百フオーン未満の騒音にさらされるものにあつては、当該業務に従事させる時間は、一日について四時間をこえないこと。3. Trainees shall not engage in these types of work which expose them to noise of 90 phons or more but less than 100 phons for a period exceeding four hours a day. |
| 法第六十三条Article 63 of the Act | 石炭鉱山における坑内労働Belowground labor in coal mines. | １　職業訓練開始後一年を経過するまでは作業につかせないこと。1. Trainees shall not be assigned to these types of work until passage of one year after start of vocational training. |
|  |  | ２　訓練生の体格及び健康の状態がはじめて坑内作業につかせる際次の基準に適合していること。2. The trainees' physique and health conditions shall satisfy the following when they are first assigned to belowground labor. |
|  |  | （イ）　満十六歳の者については、身長百五十二センチメートル以上、体重四十八キログラム以上、胸囲七十九センチメートル以上及び肺活量三千二百立方センチメートル以上であること。(a) Those aged 16 shall have a height of 152 centimeters or more, weigh 48 kilograms or more, measure 79 centimeters or more around the chest and have a lung capacity of 3,200 cubic centimeters or more. |
|  |  | （ロ）　満十七歳の者については、身長百五十五センチメートル以上、体重五十一キログラム以上、胸囲八十一センチメートル以上及び肺活量三千四百三十立方センチメートル以上であること。(b) Those aged 17 shall have a height of 155 centimeters or more, weigh 51 kilograms or more, measure 81 centimeters or more around the chest and have a lung capacity of 3,430 cubic centimeters or more. |
|  |  | （ハ）　上部気道に異常がなく、かつ胸部Ｘ線検査の結果異常がないこと。(c) They may not have abnormalities in the upper respiratory organs or in the results of X-ray inspection of the chest. |
|  |  | ３　はじめて坑内作業につかせて後一年間は労働安全衛生規則第四十四条の規定による健康診断を年三回以上行うこと。3. During the first year after they start belowground labor they shall receive medical examination prescribed by Article 44 of the Industrial Safety and Health Regulations at least three times. |
|  |  | ４　出水、ガスの突出、自然発火、大規模の落ばん及び崩壊を伴う作業等特に危険な作業につかせないこと。4. They shall not engage in particularly dangerous types of work, such as those involving flood, gas ejection, spontaneous combustion, large-scale rock falling, and collapses. |
|  |  | ５　立杭又は四十度以上の斜杭の内部においては作業させないこと。5. They shall not engage in work inside vertical shafts or those having inclines of 40 degrees or more. |
|  |  | ６（イ）　満十六歳の者については、摂氏三十度をこえる場所では作業させないこととし、摂氏二十度をこえ摂氏二十五度以下の場所で作業させるときは作業時間の合計が一日につき三時間、摂氏二十五度をこえる場所で作業させるときは作業時間の合計が一日につき二時間をこえないこと。6(a) Those aged 16 shall not engage in work in places where the temperature exceeds 30 degree Celsius. When they must engage in work in places where the temperature exceeds 20 degree Celsius and reaches 25 degree Celsius the total working hour shall not exceed three hours a day and two hours a day when they engage in work in places where the temperature exceeds 25 degree Celsius. |
|  |  | （ロ）　満十七歳の者については、摂氏三十四度をこえる場所では作業させないこととし、摂氏二十四度をこえ摂氏二十九度以下の場所で作業させるときは作業時間の合計が一日につき三時間、摂氏二十九度をこえる場所で作業させるときは作業時間の合計が一日につき二時間をこえないこと。(b) Those aged 17 shall not engage in work in places where the temperature exceeds 34 degree Celsius. When they must engage in work in places where the temperature exceeds 24 degree Celsius and reaches 29 degree Celsius the total working hour shall not exceed three hours a day and two hours a day when they engage gage in operations in places where the temperature exceeds 29 degree Celsius. |

別表第一の二（第三十五条関係）

Appended Table 1-2 (Re: Article 35)

一　業務上の負傷に起因する疾病

(i) Illness resulting from injuries incurred in the course of duty

二　物理的因子による次に掲げる疾病

(ii) The following illness due to physical factors:

１　紫外線にさらされる業務による前眼部疾患又は皮膚疾患

(a) Illness in the anterior part of the eye or of the skin due to work exposed to ultraviolet rays

２　赤外線にさらされる業務による網膜火傷、白内障等の眼疾患又は皮膚疾患

(b) Eye illness such as retinal burns and cataract or skin illness due to work exposed to infrared rays

３　レーザー光線にさらされる業務による網膜火傷等の眼疾患又は皮膚疾患

(c) Eye illness such as retinal burns or skin illness due to work exposed to laser beams

４　マイクロ波にさらされる業務による白内障等の眼疾患

(d) Eye illness such as cataract due to work exposed to microwaves

５　電離放射線にさらされる業務による急性放射線症、皮膚潰瘍等の放射線皮膚障害、白内障等の放射線眼疾患、放射線肺炎、再生不良性貧血等の造血器障害、骨壊死その他の放射線障害

(e) The following illness due to work exposed to ionizing radiation: radio dermatitis such as acute radiation illness and ulceration, eye illness due to radiation such as cataract, radiation fibrosis of the lung, troubles of the blood dyscrasia such as aplastic anemia, bone necrosis, and other illness due to radiation

６　高圧室内作業又は潜水作業に係る業務による潜函病又は潜水病

(f) Caisson disease or diver's disease due to operations in high-pressure rooms or diving

７　気圧の低い場所における業務による高山病又は航空減圧症

(g) Mountain sickness or aircraft dysbarism due to work done in low- pressure places

８　暑熱な場所における業務による熱中症

(h) Heat stroke due to work done in hot places

９　高熱物体を取り扱う業務による熱傷

(i) Burns due to jobs to handle extremely heated materials

１０　寒冷な場所における業務又は低温物体を取り扱う業務による凍傷

(j) Frostbite due to jobs done in cold places or to handle cold materials

１１　著しい騒音を発する場所における業務による難聴等の耳の疾患

(k) Hearing disability such as deafness due to jobs done in noisy places

１２　超音波にさらされる業務による手指等の組織壊死

(l) Necrosis such as of finger tissues due to jobs exposed to supersonic waves

１３　１から１２までに掲げるもののほか、これらの疾病に付随する疾病その他物理的因子にさらされる業務に起因することの明らかな疾病

(m) In addition to the illness prescribed in (a) to (l) inclusive their annexed illness and other illness which clearly result from jobs exposed to physical factors

三　身体に過度の負担のかかる作業態様に起因する次に掲げる疾病

(iii) The following illness caused by a form of jobs which involve extreme physical tension:

１　重激な業務による筋肉、腱、骨若しくは関節の疾患又は内臓脱

(a) Muscle, tendon, bone, or joint illness or prolapse of internal organs due to strenuous jobs

２　重量物を取り扱う業務、腰部に過度の負担を与える不自然な作業姿勢により行う業務その他腰部に過度の負担のかかる業務による腰痛

(b) Low back pain due to jobs to handle heavy objects, those done in unnatural postures or others which involve excessive tension to low back

３　さく岩機、鋲打ち機、チェーンソー等の機械器具の使用により身体に振動を与える業務による手指、前腕等の末梢循環障害、末梢神経障害又は運動器障害

(c) Peripheral circulatory failure, peripheral nerve disorder, or motive organ disorder of fingers or forearm etc. due to jobs which vibrates the body due to use of equipment or machinery such as rock drills, rivetters, or chain saws

４　せん孔、印書、電話交換又は速記の業務、金銭登録機を使用する業務、引金付き工具を使用する業務その他上肢に過度の負担のかかる業務による手指の痙攣、手指、前腕等の腱、腱鞘若しくは腱周囲の炎症又は頸肩腕症候群

(d) Cramping of fingers, inflammation of tendons, sheath of tendons or four parts around tendons of fingers or forearms etc. or shoulder-arm-neck syndromes due to jobs such as jobs of punching, typing, telephone switchboard operation, or stenography, those to use cash registers, those to use tools having triggers, or others which involve excessive tension to the upper limbs

５　１から４までに掲げるもののほか、これらの疾病に付随する疾病その他身体に過度の負担のかかる作業態様の業務に起因することの明らかな疾病

(e) In addition to the illness listed in (a) to (d) inclusive their annexed illness and other illness which clearly result from jobs executed in ways which involve excessive tension to the body

四　化学物質等による次に掲げる疾病

(iv) The following illness due to chemical substances etc:

１　厚生労働大臣の指定する単体たる化学物質及び化合物（合金を含む。）にさらされる業務による疾病であつて、厚生労働大臣が定めるもの

(a) Illness designated by the Minister of Health, Labour and Welfare due to jobs exposed to simple chemical substances or compounds (including alloys) designated by the Minister of Health, Labour and Welfare

２　弗素樹脂、塩化ビニル樹脂、アクリル樹脂等の合成樹脂の熱分解生成物にさらされる業務による眼粘膜の炎症又は気道粘膜の炎症等の呼吸器疾患

(b) Inflammation of mucous membranes of the eyes or respiratory troubles such as inflammation of mucous membranes of the respiratory organs due to jobs exposed to pyrolytic products of synthetic resins such as of fluoric resin, vinyl chloride resin, or acrylic resin

３　すす、鉱物油、うるし、タール、セメント、アミン系の樹脂硬化剤等にさらされる業務による皮膚疾患

(c) Skin illness due to jobs exposed to resin hardeners manufactured from soot, mineral oil, lacquer, tar, cement, or amine or some other equivalent

４　蛋白分解酵素にさらされる業務による皮膚炎、結膜炎又は鼻炎、気管支喘息等の呼吸器疾患

(d) Skin illness, conjunctivities or respiratory illness such as rhinitis or asthma bronchiale due to jobs exposed to proteolytic enzymes

５　木材の粉じん、獣毛のじんあい等を飛散する場所における業務又は抗生物質等にさらされる業務によるアレルギー性の鼻炎、気管支喘息等の呼吸器疾患

(e) Respiratory illness such as allergic rhinitis or asthma bronchiale due to jobs done in places where particulate of lumber or fur or some other equivalent are scattered or those exposed to antibiotics or some other equivalent

６　落綿等の粉じんを飛散する場所における業務による呼吸器疾患

(f) Respiratory illness due to jobs done in places where particulate of cotton waste or some other equivalent are scattered

７　空気中の酸素濃度の低い場所における業務による酸素欠乏症

(g) Hypoxia due to jobs done in places with low oxygen content

８　１から７までに掲げるもののほか、これらの疾病に付随する疾病その他化学物質等にさらされる業務に起因することの明らかな疾病

(h) In addition to the illness listed in (a) to (g) inclusive their annexed illness and other illness which clearly result from jobs exposed to chemical substances

五　粉じんを飛散する場所における業務によるじん肺症又はじん肺法（昭和三十五年法律第三十号）に規定するじん肺と合併したじん肺法施行規則（昭和三十五年労働省令第六号）第一条各号に掲げる疾病

(v) Pneumoconiosis or illness listed in the items of Article 1 of the Ordinance for Enforcement of the Pneumoconiosis Act (Ordinance No. 6 of the Ministry of, Labor 1960) which are complication of pneumoconiosis prescribed by the Pneumoconiosis Act (Act No. 30, 1960) due to jobs done in places where particulate is scattered.

六　細菌、ウイルス等の病原体による次に掲げる疾病

(vi) The following illness due to pathogens such as bacteria and viruses:

１　患者の診療若しくは看護の業務又は研究その他の目的で病原体を取り扱う業務による伝染性疾患

(a) Infectious diseases due to treating or nursing patients or jobs to handle pathogens for research and other purposes

２　動物若しくはその死体、獣毛、革その他動物性の物又はぼろ等の古物を取り扱う業務によるブルセラ症、炭疽病等の伝染性疾患

(b) Infectious diseases such as brucellosis and anthrax due to jobs to handle animals and their carcasses, fur, hide, other animal materials, or rags and other old cloth

３　湿潤地における業務によるワイル病等のレプトスピラ症

(c) Leptospirosis such as Weil disease due to jobs in damp places

４　屋外における業務による恙虫病

(d) Tsutsugamushi disease due to outdoor jobs

５　１から４までに掲げるもののほか、これらの疾病に付随する疾病その他細菌、ウイルス等の病原体にさらされる業務に起因することの明らかな疾病

(e) In addition to the illness listed in (a) to (d) inclusive their annexed illness and others which clearly result from jobs exposed to pathogens such as bacteria and viruses

七　がん原性物質若しくはがん原性因子又はがん原性工程における業務による次に掲げる疾病

(vii) The following illness due to carcinogen, carcinogenic agent, or jobs done in the carcinogenic processes:

１　ベンジジンにさらされる業務による尿路系腫瘍

(a) Tumor of urinary tract due to jobs exposed to benzidine

２　ベーターナフチルアミンにさらされる業務による尿路系腫瘍

(b) Tumor of urinary tract due to jobs exposed to betanaphthylamine

３　四―アミノジフェニルにさらされる業務による尿路系腫瘍

(c) Tumor of urinary tract due to jobs exposed to 4-aminodiphenyl

４　四―ニトロジフェニルにさらされる業務による尿路系腫瘍

(d) Tumor of urinary tract due to jobs exposed to 4-nitrodiphenyl

５　ビス（クロロメチル）エーテルにさらされる業務による肺がん

(e) Lung cancer due to jobs exposed to his (chloromethyl) ether

６　ベンゾトリクロライドにさらされる業務による肺がん

(f) Lung cancer due to jobs exposed to benzotrichloride

７　石綿にさらされる業務による肺がん又は中皮腫

(g) Lung cancer or methotelioma due to jobs exposed to asbestos

８　ベンゼンにさらされる業務による白血病

(h) Leukemia due to jobs exposed to benzene

９　塩化ビニルにさらされる業務による肝血管肉腫

(i) Angiosarcoma of liver due to jobs exposed to vinyl chloride

１０　電離放射線にさらされる業務による白血病、肺がん、皮膚がん、骨肉腫又は甲状腺がん

(j) Leukemia, lung cancer, skin cancer, osteosarcoma, or thyroid carcinoma due to jobs exposed to ionizing radiation

１１　オーラミンを製造する工程における業務による尿路系腫瘍

(k) Tumors of urinary tract due to jobs the auramine manufacturing process

１２　マゼンタを製造する工程における業務による尿路系腫瘍

(l) Tumors of urinary tract due to jobs in the magenta manufacturing process

１３　コークス又は発生炉ガスを製造する工程における業務による肺がん

(m) Lung cancer due to jobs in the coke or producer gas manufacturing process

１４　クロム酸塩又は重クロム酸塩を製造する工程における業務による肺がん又は上気道のがん

(n) Lung cancer or cancer in the upper respiratory organs due to jobs in the chromate or bichromate manufacturing process

１５　ニッケルの製錬又は精錬を行う工程における業務による肺がん又は上気道のがん

(o) Lung cancer or cancer in the upper respiratory organs due to jobs in the nickel smelting or refining process

１６　砒素を含有する鉱石を原料として金属の製錬若しくは精錬を行う工程又は無機砒素化合物を製造する工程における業務による肺がん又は皮膚がん

(p) Lung or skin cancer due to jobs in the processes to manufacture or refine metals using ores containing arsenic or those in inorganic arsenic compounds in manufacturing process

１７　すす、鉱物油、タール、ピッチ、アスファルト又はパラフィンにさらされる業務による皮膚がん

(q) Skin cancer due to jobs exposed to soot, mineral oil, tar, pitch, asphalt, or paraffin

１８　１から１７までに掲げるもののほか、これらの疾病に付随する疾病その他がん原性物質若しくはがん原性因子にさらされる業務又はがん原性工程における業務に起因することの明らかな疾病

(r) In addition to the illness listed in (a) to (q) inclusive their annexed illness and others which clearly result from jobs exposed to carcinogen, carcinogenic agent, or jobs done in the carcinogenic processes

八　前各号に掲げるもののほか、厚生労働大臣の指定する疾病

(viii) In addition to the illness listed in the preceding items those designated by the Minister of Health, Labour and Welfare.

九　その他業務に起因することの明らかな疾病

(ix) Other illness which clearly result from operations.

別表第二（第四十条関係）

Appended Table 2 (Re: Article 40)

|  |
| --- |
| 身体障害等級表Table of Disability Grades |
| 等級Disability Grade | 身体障害Physical Disability |
| 第一級Grade 1 | １　両眼が失明したもの(1) Those who are blind in both eyes. |
| （労働基準法第十二条の平均賃金の一三四〇日分）(1340 days of the average wage stipulated by Article 12 of the Labor Standards Act) | ２　咀嚼及び言語の機能を廃したもの(2) Those who have lost the functions of mastication and speech. |
|  | ３　神経系統の機能又は精神に著しい障害を残し常に介護を要するもの(3) Those who are left with serious impairment in the functions of the nervous system or in the psyche and require continuous nursing care. |
|  | ４　胸腹部臓器の機能に著しい障害を残し常に介護を要するもの(4) Those who are left with serious impairment in the functions of the thorax and abdominal organs and require continuous nursing care. |
|  | ５　削除(5) Deleted. |
|  | ６　両上肢を肘関節以上で失つたもの(6) Those who have lost both upper limbs above the elbow joint. |
|  | ７　両上肢の用を全廃したもの(7) Those who have completely lost the functions of both upper limbs. |
|  | ８　両下肢を膝関節以上で失つたもの(8) Those who have lost both lower limbs above the knee joint. |
|  | ９　両下肢の用を全廃したもの(9) Those who have completely lost the functions of both lower limbs. |
| 第二級Grade 2 | １　一眼が失明し他眼の視力が〇・〇二以下になつたもの(1) Those who are blind in one eye and whose vision has decreased to 0.02 or less in the other eye. |
| （労働基準法第十二条の平均賃金の一一九〇日分）(1190 days of the average wage stipulated by Article 12 of the Labor Standards Act) | ２　両眼の視力が〇・〇二以下になつたもの(2) Those whose vision in both eyes has decreased to 0.02 or less. |
|  | ２‐２　神経系統の機能又は精神に著しい障害を残し随時介護を要するもの(2-2) Those who are left with serious impairment in the functions of the nervous system or in the psyche and require occasional nursing care. |
|  | ２‐３　胸腹部臓器の機能に著しい障害を残し随時介護を要するもの(2-3) Those who are left with serious impairment in the functions of the thorax and abdominal organs and require occasional nursing care. |
|  | ３　両上肢を腕関節以上で失つたもの(3) Those who have lost both upper limbs above the wrist joint. |
|  | ４　両下肢を足関節以上で失つたもの(4) Those who have lost both lower limbs above the ankle joint. |
| 第三級Grade 3 | １　一眼が失明し他眼の視力が〇・〇六以下になつたもの(1) Those who are blind in one eye and whose vision has decreased to 0.06 or less in the other eye. |
| （労働基準法第十二条の平均賃金の一〇五〇日分）(1050 days of the average wage stipulated by Article 12 of the Labor Standards Act) | ２　咀嚼又は言語の機能を廃したもの(2) Those who have lost the functions of mastication or speech. |
|  | ３　神経系統の機能又は精神に著しい障害を残し終身労務に服することができないもの(3) Those who are left with serious impairment in the functions of the nervous system or in the psyche and will be unable to engage in labor for the rest of their lives. |
|  | ４　胸腹部臓器の機能に著しい障害を残し終身労務に服することができないもの(4) Those who are left with serious impairment in the functions of the thorax and abdominal organs and will be unable to engage in labor for the rest of their lives. |
|  | ５　十指を失つたもの(5) Those who have lost all the fingers of both hands. |
| 第四級Grade 4 | １　両眼の視力が〇・〇六以下になつたもの(1) Those whose vision in both eyes has decreased to 0.06 or less. |
| （労働基準法第十二条の平均賃金の九二〇日分）(920 days of the average wage stipulated by Article 12 of the Labor Standards Act) | ２　咀嚼及び言語の機能に著しい障害を残すもの(2) Those who are left with serious impairment in the functions of mastication and speech. |
|  | ３　両耳を全く聾したもの(3) Those who have completely lost the hearing in both ears. |
|  | ４　一上肢を肘関節以上で失つたもの(4) Those who have lost one upper limb above the elbow joint. |
|  | ５　一下肢を膝関節以上で失つたもの(5) Those who have lost one lower limb above the knee joint. |
|  | ６　十指の用を廃したもの(6) Those who have lost the use of all the fingers of both hands. |
|  | ７　両足をリスフラン関節以上で失つたもの(7) Those who have lost both feet above Lisfranc's joint. |
| 第五級Grade 5 | １　一眼が失明し他眼の視力が〇・一以下になつたもの(1) Those who are blind in one eye and whose vision has decreased to 0.1 or less in the other eye. |
| （労働基準法第十二条の平均賃金の七九〇日分）(790 days of the average wage stipulated by Article 12 of the Labor Standards Act) | １‐２　神経系統の機能又は精神に著しい障害を残し特に軽易な労務の外服することができないもの(1-2) Those who are left with serious impairment in the functions of the nervous system or in the psyche and will be unable to engage in any labor, excluding especially light labor. |
|  | １‐３　胸腹部臓器の機能に著しい障害を残し特に軽易な労務の外服することができないもの(1-3) Those who are left with serious impairment in the functions of the thorax and abdominal organs and will be unable to engage in any labor, excluding especially light labor. |
|  | ２　一上肢を腕関節以上で失つたもの(2) Those who have lost one upper limb above the wrist joint. |
|  | ３　一下肢を足関節以上で失つたもの(3) Those who have lost one lower limb above the ankle joint. |
|  | ４　一上肢の用を全廃したもの(4) Those who have completely lost the use of one upper limb. |
|  | ５　一下肢の用を全廃したもの(5) Those who have completely lost the use of one lower limb. |
|  | ６　十趾を失つたもの(6) Those who have lost all the toes of both feet. |
| 第六級Grade 6 | １　両眼の視力が〇・一以下になつたもの(1) Those whose vision in both eyes has decreased to 0.1 or less. |
| （労働基準法第十二条の平均賃金の六七〇日分）(670 days of the average wage stipulated by Article 12 of the Labor Standards Act) | ２　咀嚼又は言語の機能に著しい障害を残すもの(2) Those who are left with serious impairment in the functions of mastication or speech. |
|  | ３　両耳の聴力が耳に接しなければ大声を解することができない程度になつたもの(3) Those whose hearing in both ears has decreased to the extent that they cannot hear a loud voice unless it is next to their ears. |
|  | ３‐２　一耳を全く聾ろうし他耳の聴力が四十センチメートル以上の距離では尋常の話声を解することができない程度になつたもの(3-2) Those who have completely lost the hearing in one ear and whose hearing in the other ear has decreased to the extent that they cannot hear an ordinary voice at a distance of 40 cm or more with that ear. |
|  | ４　脊柱に著しい畸形又は運動障害を残すもの(4) Those who are left with a serious deformity or mobility impairment in the spinal column. |
|  | ５　一上肢の三大関節中の二関節の用を廃したもの(5) Those who have lost the use of two of the three major joints in one upper limb. |
|  | ６　一下肢の三大関節中の二関節の用を廃したもの(6) Those who have lost the use of two of the three major joints in one lower limb. |
|  | ７　一手の五指又は拇指を併せ四指を失つたもの(7) Those who have lost the five fingers of one hand or four fingers of one hand including the thumb. |
| 第七級Grade 7 | １　一眼が失明し他眼の視力が〇・六以下になつたもの(1) Those who are blind in one eye and whose vision has decreased to 0.6 or less in the other eye. |
| （労働基準法第十二条の平均賃金の五六〇日分）(560 days of the average wage stipulated by Article 12 of the Labor Standards Act) | ２　両耳の聴力が四十センチメートル以上の距離では尋常の話声を解することができない程度になつたもの(2) Those whose hearing in both ears has decreased to the extent that they cannot hear an ordinary voice at a distance of 40 cm or more. |
|  | ２‐２　一耳を全く聾ろうし他耳の聴力が一メートル以上の距離では尋常の話声を解することができない程度になつたもの(2-2) Those who have completely lost the hearing in one ear and whose hearing in the other ear has decreased to the extent that they cannot hear an ordinary voice at a distance of one meter or more with that ear. |
|  | ３　神経系統の機能又は精神に障害を残し軽易な労務の外服することができないもの(3) Those who are left with impairment in the functions of the nervous system or in the psyche and cannot engage in any labor, excluding light labor. |
|  | ４　削除(4) Deleted. |
|  | ５　胸腹部臓器の機能に障害を残し軽易な労務の外服することができないもの(5) Those who are left with impairment in the functions of the thorax and abdominal organs and cannot engage in any labor, excluding light labor. |
|  | ６　一手の拇指を併せ三指又は拇指以外の四指を失つたもの(6) Those who have lost the thumb and two fingers of one hand or four fingers, except the thumb, of one hand. |
|  | ７　一手の五指又は拇指を併せ四指の用を廃したもの(7) Those who have lost the use of five fingers of one hand or four fingers of one hand including the thumb. |
|  | ８　一足をリスフラン関節以上で失つたもの(8) Those who have lost one foot above Lisfranc's joint. |
|  | ９　一上肢に仮関節を残し著しい障害を残すもの(9) Those who are left with an artificial joint in one upper limb and serious mobility impairment. |
|  | １０　一下肢に仮関節を残し著しい障害を残すもの(10) Those who are left with an artificial joint in one lower limb and serious mobility impairment. |
|  | １１　十趾の用を廃したもの(11) Those who have lost the use of all the toes of both feet. |
|  | １２　女性の外貌ぼうに著しい醜状を残すもの(12) Those females left with extreme deformities in their external appearance. |
|  | １３　両側の睾丸を失つたもの(13) Those who have lost both testicles. |
| 第八級Grade 8 | １　一眼が失明し又は一眼の視力が〇・〇二以下になつたもの(1) Those who are blind in one eye or whose vision has decreased to 0.02 or less in one eye. |
| （労働基準法第十二条の平均賃金の四五〇日分）(450 days of the average wage stipulated by Article 12 of the Labor Standards Act) | ２　脊柱に運動障害を残すもの(2) Those who are left with mobility impairment in the spinal column. |
|  | ３　一手の拇指を併せ二指又は拇指以外の三指を失つたもの(3) Those who have lost the thumb and one finger of one hand or three fingers, except the thumb, of one hand. |
|  | ４　一手の拇指を併せ三指又は拇指以外の四指の用を廃したもの(4) Those who have lost the use of the thumb and two fingers of one hand or four fingers, except the thumb, of one hand. |
|  | ５　一下肢を五センチメートル以上短縮したもの(5) Those who have had one lower limb shortened by 5cm or more. |
|  | ６　一上肢の三大関節中の一関節の用を廃したもの(6) Those who have lost the use of one of the three major joints in one upper limb. |
|  | ７　一下肢の三大関節中の一関節の用を廃したもの(7) Those who have lost the use of one of the three major joints in one lower limb. |
|  | ８　一上肢に仮関節を残すもの(8) Those who are left with an artificial joint in one upper limb. |
|  | ９　一下肢に仮関節を残すもの(9) Those who are left with an artificial joint in one lower limb. |
|  | １０　一足の五趾を失つたもの(10) Those who have lost all the toes of one foot. |
|  | １１　脾臓又は一側の腎臓を失つたもの(11) Those who have lost the spleen or the kidney on one side. |
| 第九級Grade 9 | １　両眼の視力が〇・六以下になつたもの(1) Those whose vision in both eyes has decreased to 0.6 or less. |
| （労働基準法第十二条の平均賃金の三五〇日分）(350 days of the average wage stipulated by Article 12 of the Labor Standards Act) | ２　一眼の視力が〇・〇六以下になつたもの(2) Those whose vision in one eye has decreased to 0.06 or less. |
|  | ３　両眼に半盲症、視野狭窄又は視野変状を残すもの(3) Those who are left with hemianopsia, contraction of the field of vision or distortion of the field of vision in both eyes. |
|  | ４　両眼の眼瞼に著しい欠損を残すもの(4) Those who are left with serious damage to both eyelids. |
|  | ５　鼻を欠損しその機能に著しい障害を残すもの(5) Those who have lost their noses and are left with serious impairment in the functions of the nose. |
|  | ６　咀嚼及び言語の機能に障害を残すもの(6) Those who are left with impairment in the functions of mastication and speech. |
|  | ６‐２　両耳の聴力が一メートル以上の距離では尋常の話声を解することができない程度になつたもの(6-2) Those whose hearing in both ears has decreased to the extent that they cannot hear an ordinary voice at a distance of one meter or more. |
|  | ６‐３　一耳の聴力が耳に接しなければ大声を解することができない程度になり他耳の聴力が一メートル以上の距離では尋常の話声を解することが困難である程度になつたもの(6-3) Those whose hearing has decreased in one ear to the extent that they cannot hear a loud voice with that ear unless it is next to that ear and whose hearing in the other ear has decreased to the extent that they have difficulty in hearing an ordinary |
|  | ７　一耳を全く聾したもの(7) Those who have completely lost the hearing in one ear. |
|  | ７‐２　神経系統の機能又は精神に障害を残し服することができる労務が相当な程度に制限されるもの(7-2) Those who are left with impairment in the functions of the nervous system or in the psyche and for whom the labor in which they can engage is limited to a considerable extent. |
|  | ７‐３　胸腹部臓器の機能に障害を残し服することができる労務が相当な程度に制限されるもの(7-3) Those who are left with impairment in the functions of the thorax and abdominal organs and for whom the labor in which they can engage is limited to a considerable extent. |
|  | ８　一手の拇指又は拇指以外の二指を失つたもの(8) Those who have lost the thumb of one hand or two fingers, except the thumb, of one hand. |
|  | ９　一手の拇指を併せ二指又は拇指以外の三指の用を廃したもの(9) Those who have lost the use of two fingers of one hand including the thumb, or three fingers, except the thumbs, of one hand. |
|  | １０　一足の第一趾を併せ二趾以上を失つたもの(10) Those who have lost two toes or more of one foot including the large toe. |
|  | １１　一足の五趾の用を廃したもの(11) Those who have lost the use of all the toes of one foot. |
|  | １２　生殖器に著しい障害を残すもの(12) Those who are left with serious impairment in the genital organs. |

備考

Remarks

１　視力の測定は万国式試視力表による。屈折異常のあるものについては矯正視力について測定する。

(1) Vision shall be measured in accordance with international visual acuity measurement standards. The vision of those with some abnormality in refraction shall be measured in relation to corrected vision.

２　指を失つたものとは拇指は指関節、その他の指は第一指関節以上を失つたものをいう。

(2) "Those who have lost fingers" means "those who have lost, for the thumb, the part upward of the thumb joint, and for the other fingers, the parts upward of the first joint".

３　指の用を廃したものとは、指の末節の半分以上を失い又は掌指関節若しくは第一指関節（拇指にあつては指関節）に著しい運動障害を残すものをいう。

(3) "Those who have lost the use of the fingers" means "those who have lost half or more of the finger tip" or "those who are left with serious mobility impairment to the middle finger joints or the first finger joints (for the thumb, the thumb joint)".

４　趾を失つたものとはその全部を失つたものをいう。

(4) "Those who have lost the toes" means "those who have lost all the toes".

５　趾の用を廃したものとは第一趾は末節の半分以上、その他の趾は末関節以上を失つたもの又は蹠趾関節若しくは第一趾関節（第一趾にあつては趾関節）に著しい運動障害を残すものをいう。

(5) "Those who have lost the use of the toes" means "those who have lost, for the large toe, half or more of the tip of the toe, and for the other toes, the part above the toe tip joint", or "those who are left with serious mobility impairment in the middle toe joints or the first toe joints (for the large toe, the toe joint)"

別表第三（第四十六条関係）

Appended Table 3 (Re: Article 46)

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| 分割補償の残余額一時払表Table of Remainders of Difference concerning Payment of Compensation Installments |
| 種別Benefit Category | 区分Classification | 等級Disability Grade | 支払高Amount to Be Paid |  |  |  |  |
|  |  |  | 既に支払つた分割補償が一年分のときWhen payments of compensation installments have been already made for one year | 同上二年分のときWhen such payments have been made for two years | 同上三年分のときWhen such payments have been made for three years | 同上四年分のときWhen such payments have been made for four years | 同上五年分のときWhen such payments have been made for five years |
| 障害補償Compensation for Disabilities |  | 第一級Grade 1 | 一、一三二日分For 1132 days | 九一九日分For 919 days | 六九九日分For 699 days | 四七三日分For 473 days | 二四〇日分For 240 days |
|  |  | 第二級Grade 2 | 一、〇〇五日分For 1005 days | 八一五日分For 815 days | 六二一日分For 621 days | 四二〇日分For 420 days | 二一三日分For 213 days |
|  |  | 第三級Grade 3 | 八八七日分For 887 days | 七二〇日分For 720 days | 五四八日分For 548 days | 三七一日分For 371 days | 一八八日分For 188 days |
|  |  | 第四級Grade 4 | 七七四日分For 774 days | 六二八日分For 628 days | 四七八日分For 478 days | 三二三日分For 323 days | 一六四日分For 164 days |
|  |  | 第五級Grade 5 | 六七〇日分For 670 days | 五四四日分For 544 days | 四一四日分For 414 days | 二八〇日分For 280 days | 一四二日分For 142 days |
|  |  | 第六級Grade 6 | 五六六日分For 566 days | 四五九日分For 459 days | 三五〇日分For 350 days | 二三七日分For 237 days | 一二〇日分For 120 days |
|  |  | 第七級Grade 7 | 四七二日分For 472 days | 三八三日分For 383 days | 二九一日分For 291 days | 一九七日分For 197 days | 一〇〇日分For 100 days |
|  |  | 第八級Grade 8 | 三七七日分For 377 days | 三〇六日分For 306 days | 二三三日分For 233 days | 一五八日分For 158 days | 八〇日分For 80 days |
|  |  | 第九級Grade 9 | 二九七日分For 297 days | 二四一日分For 241 days | 一八四日分For 184 days | 一二四日分For 124 days | 六三日分For 63 days |
|  |  | 第一〇級Grade 10 | 二二六日分For 226 days | 一八四日分For 184 days | 一四〇日分For 140 days | 九五日分For 95 days | 四八日分For 48 days |
|  |  | 第一一級Grade 11 | 一七〇日分For 170 days | 一三八日分For 138 days | 一〇五日分For 105 days | 七一日分For 71 days | 三六日分For 36 days |
|  |  | 第一二級Grade 12 | 一一八日分For 118 days | 九六日分For 96 days | 七三日分For 73 days | 四九日分For 49 days | 二五日分For 25 days |
|  |  | 第一三級Grade 13 | 七五日分For 75 days | 六一日分For 61 days | 四七日分For 47 days | 三二日分For 32 days | 一六日分For 16 days |
|  |  | 第一四級Grade 14 | 四二日分For 42 days | 三四日分For 34 days | 二六日分For 26 days | 一八日分For 18 days | 九日分For 9 days |
| 遺族補償Compensation for Bereaved Family |  |  | 八四九日分For 849 days | 六八九日分For 689 days | 五二四日分For 524 days | 三五五日分For 355 days | 一八〇日分For 180 days |