# Act on Improvement of Personnel Management and Conversion of Employment Status for Part-Time Workers and Fixed-Term Workers

((Act No. 76 of 1993))

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#### **Chapter I General Provisions**

(Purpose)

Article 1 The purpose of this Act is to enable part-time/fixed term workers to effectively exercise their abilities in ways such as ensuring that their treatment is equalized with the treatment of workers with standard employment statuses, by taking measures and other actions such as ensuring proper working conditions for part-time/fixed term workers, improving personnel management for these workers, furthering their conversion into workers with standard employment statuses, and helping them develop and improve their vocational abilities; and thereby increasing their welfare as well as contributing to social and economic development; in view of the fact that changes in Japan's social and economic circumstances, including the advancing low birthrate and aging population and changes in employment structures, are increasing the importance of the role that part-time/fixed term workers play. (Definitions)

- Article 2 (1) The term "part-time worker" as used in this Act means a worker whose prescribed weekly working hours are shorter than those of a worker with a standard employment status who is employed by the same employer (or are shorter than those of a worker with a standard employment status who is engaged in the same kind of work as the worker in question, if the worker employed by the relevant employer is engaged in the same kind of work as a worker with a standard employment status who is employed by that employer, except in a case specified by Order of the Ministry of Health, Labour and Welfare).
- (2) The term "fixed-term worker" as used in this Act means a worker who has entered into a fixed-term labor contract with an employer.
- (3) The term "part-time/fixed term worker" as used in this Act means (a) parttime worker or a fixed-term worker.

(Fundamental Principles)

Article 2-2 It is a fundamental principle to ensure that there are opportunities for part-time/fixed term workers and persons seeking to become part-time/fixed term workers to work according to their motivation and abilities while maintaining their work-life balance, and to make considerations to enrich their working lives.

(Responsibilities of Employers and Employers' Organizations)

- Article 3 (1) An employer is to endeavor to ensure that the treatment of the parttime/fixed term workers it employs is equalized with the treatment of workers with standard employment statuses and to thereby endeavor to enable its parttime/fixed term workers to effectively exercise their abilities, by taking measures and other actions relevant to ensuring proper working conditions, implementing educational training, providing full benefits packages, and improving other aspects of its personnel management and to furthering these workers' conversion into workers with standard employment statuses (meaning hiring part-time/fixed term workers as workers with standard employment statuses at the places of business where they are employed; the same applies hereinafter) (hereinafter referred to as "improvement of personnel management and conversion of employment status"), in consideration of things such as actual employment situations.
- (2) An employers' organization is to endeavor to provide the necessary advice, cooperation, and other assistance in connection with the improvement of personnel management and conversion of employment status for parttime/fixed term workers employed by member employers of the association.

(Responsibilities of the National and Local Governments)

- Article 4 (1) In addition to giving employers and other relevant persons the necessary guidance, assistance, and the like regarding the improvement of personnel management and conversion of employment status for part-time/fixed term workers in keeping with their actual circumstances and while respecting their self-initiated efforts; and as well as undertaking the public relations and other educational activities needed to remove the various factors preventing part-time/fixed term workers from exercising their abilities effectively; the national government is to endeavor to comprehensively and effectively further the necessary initiatives to prompt the improvement of personnel management and conversion of employment status for part-time/fixed term workers and to otherwise increase their welfare, including helping these workers develop and improve their vocational abilities and achieve other such aims.
- (2) In combination with the initiatives of the national government that are set forth in the preceding paragraph, a local government is to endeavor to further the necessary initiatives to enhance the welfare of part-time/fixed term workers.

#### Chapter II Basic Policy on Measures for Part-Time/Fixed-Term Workers

- Article 5 (1) In order to enhance the welfare of part-time/fixed term workers, the Minister of Health, Labour and Welfare is to establish the policy that is to serve as the basis for initiatives in actions such as prompting the improvement of personnel management and conversion of employment status for parttime/fixed term workers and helping develop and improve their vocational abilities (referred to as the "Basic Policy on Measures for Part-Time/Fixed-Term Workers" hereinafter in this Article).
- (2) The particulars prescribed in the Basic Policy on Measures for Part-Time/Fixed-Term Workers are as follows:
  - (i) particulars connected with trends in the working lives of part-time/fixed term workers;
  - (ii) the particulars that are to serve as the basis for initiatives to be taken to prompt the improvement of personnel management and conversion of employment status for part-time/fixed term workers and to help develop and improve their vocational abilities; and
  - (iii) the particulars that are to serve as the basis for measures to be taken to enhance the welfare of part-time/fixed term workers, beyond as set forth in the preceding two items.
- (3) The Basic Policy on Measures for Part-Time/Fixed-Term Workers must be formulated with due consideration to things such as the working conditions,

sense of consciousness, and employment situations of part-time/fixed term workers.

- (4) In formulating the Basic Policy on Measures for Part-Time/Fixed-Term Workers, the Minister of Health, Labour and Welfare must hear opinions from the Labour Policy Council in advance.
- (5) The Minister of Health, Labour and Welfare must publicize the Basic Policy on Measures for Part-Time/Fixed-Term Workers without delay after formulating it.
- (6) The provisions of the preceding two paragraphs apply mutatis mutandis to amendments to the Basic Policy on Measures for Part-Time/Fixed-Term Workers.

# Chapter III Measures and Other Actions Relevant to the Improvement of Personnel Management and Conversion of Employment Status for Part-Time/Fixed-Term Workers

Section 1 Measures Relevant to the Improvement of Personnel Management and Conversion of Employment Status

- (Delivering Documents and Using Other Prescribed Means to Clarify Working Conditions)
- Article 6 (1) Having hired a part-time/fixed term worker, the employer must promptly make explicit to that part-time/fixed term worker the particulars of the working conditions that are specified by Order of the Ministry of Health, Labour and Welfare other than those specified by Order of the Ministry of Health, Labour and Welfare that are provided in Article 15, paragraph (1) of the Labour Standards Act (Act No. 49 of 1947) (referred to as "specified particulars" in the following paragraph and Article 14, paragraph (1)) by delivering documents or using a means specified by Order of the Ministry of Health, Labour and Welfare (referred to as "delivering documents or using other prescribed means" in the following paragraph).
- (2) When an employer makes the specified particulars explicit pursuant to the provisions of the preceding paragraph, it is to endeavor to also make explicit the particulars of working conditions other than those specified particulars and the particulars specified by Order of the Ministry of Health, Labour and Welfare as provided in Article 15, paragraph (1) of the Labour Standards Act, by delivering documents or using other prescribed means.

(Procedure for Preparation of Rules of Employment)

Article 7 (1) When an employer seeks to prepare or amend the rules of employment with regard to particulars that concern part-time workers, it is to endeavor to hear opinions from a person who is found to represent a majority of the part-time workers it employs at that place of business.

(2) The provisions of the preceding paragraph apply mutatis mutandis when an employer seeks to prepare or amend the rules of employment with regard to particulars that concern fixed-term workers. In such a case, the term "parttime worker" is deemed to be replaced with "fixed-term worker".

#### (Prohibition of Unreasonable Treatment)

Article 8 An employer must not create differences between the base pay, bonuses, and other treatment of the part-time/fixed term workers it employs and its corresponding treatment of its workers with standard employment statuses that are found to be unreasonable in consideration of the circumstances, including the substance of the duties of those part-time/fixed term workers and workers with standard employment statuses and the level of responsibility associated with those duties (hereinafter referred to as the "job description") and the scope of changes in their job descriptions and assignment, that are found to be appropriate in light of the nature of the treatment and the purpose of treating workers in that way.

(Prohibition of Differential Treatment of Part-Time/Fixed-Term Workers Equivalent to Workers with Standard Employment Statuses)

Article 9 An employer must not subject a part-time/fixed term worker whose job description is the same as that of a worker with a standard employment status (referred to as a "part-time/fixed term worker with the same job description" in Article 11, paragraph (1)) and whose job description and assignment, throughout the entire period until the end of the employment relationship with that employer, are likely to be changed within the same scope as the job description and assignment of such a worker with a standard employment status in light of customary practices at the place of business in question and other circumstances (referred to as a "part-time/fixed term worker equivalent to a worker with a standard employment status" in the following Article and the aforementioned paragraph) to differential treatment in terms of base pay, bonuses, or other such treatment, on the grounds that the worker is a part-time/fixed term worker.

(Wages)

Article 10 An employer must endeavor to decide the wages (other than the commutation allowances and other such wages specified by Order of the Ministry of Health, Labour and Welfare) of the part-time/fixed term workers it employs (other than part-time/fixed term workers equivalent to workers with standard employment statuses; the same applies in paragraph (2) of the following Article and Article 12) while making considerations for equilibrium

between them and workers with standard employment statuses, and in consideration of their job descriptions, job performance, motivations, abilities, experience, and other particulars of their actual employment situations.

(Educational Training)

- Article 11 (1) Unless a part-time/fixed term worker with the same job description (other than a part-time/fixed term worker equivalent to a worker with a standard employment status; the same applies hereinafter in this paragraph) already has the abilities needed for the job in question and with the exception of any other case specified by Order of the Ministry of Health, Labour and Welfare, an employer must also implement the educational training for its part-time/fixed term workers with the same job description that it implements for its workers with standard employment statuses to give them the abilities they need for the job duties in which they are engaged.
- (2) Beyond as prescribed in the preceding paragraph, an employer is to endeavor to provide educational training to the part-time/fixed term workers it employs while making considerations for equalization between part-time/fixed term workers and workers with standard employment statuses, in keeping with their job descriptions, job performance, motivations, abilities, and experience, and other particulars of their actual employment situations.

## (Workplace Facilities)

Article 12 An employer must also give the part-time/fixed term workers it employs the opportunity to use workplace facilities that it gives its workers with standard employment statuses the opportunity to use and that are specified by Order of the Ministry of Health, Labour and Welfare as contributing to the maintenance of workers' health or to their smooth performance of their work.

(Conversion into Workers with Standard Employment Status)

- Article 13 An employer must take one of the measures set forth in the following items for the part-time/fixed term workers it employs, in order to further their conversion into workers with standard employment status:
  - (i) if it is looking to hire someone as a worker with a standard employment status, it is to take measures to make known to part-time/fixed term workers employed at the place of business for which it is hiring the substance of the work in which the new hire would engage, the wages, the working hours, and other particulars connected with the hiring, in ways such as posting this information at the place of business for which it is hiring;
  - (ii) if it is looking to newly assign someone to a position as a worker with a standard employment status, it is to take measures to provide part-

time/fixed term workers it employs at the place of business subject to the assignment with an opportunity to apply for the assignment; or

- (iii) it is to establish examination systems targeting certain qualified parttime/fixed term workers with the purpose of converting them into workers with standard employment status and take other such measures to further the conversion of these workers into workers with standard employment status.
- (Explaining the Substance of Measures That the Employer Takes and Other Information)
- Article 14 (1) When hiring a part-time/fixed term worker, an employer must promptly explain to that part-time/fixed term worker the substance of the measures it has decided to take for the things that it is required to take measures for pursuant to the provisions of Article 8 through the preceding Article (excluding the things specified by Order of the Ministry of Health, Labour and Welfare as provided in Article 15, paragraph (1) of the Labour Standards Act, and the specified particulars).
- (2) At the request of a part-time/fixed term worker employed thereby, an employer must explain to that part-time/fixed term worker the substance of any difference in treatment between the part-time/fixed term worker and workers with standard employment statuses, the grounds for that difference, and the things considered when making decisions concerning the things that it is required to take measures for pursuant to the provisions of Article 6 through the preceding Article.
- (3) An employer must not dismiss a part-time/fixed term worker or otherwise subject such a worker to disadvantageous treatment by reason of that worker having made a request as provided in the preceding paragraph.

(Guidelines)

- Article 15 (1) The Minister of Health, Labour and Welfare is to establish the necessary guidelines regarding the appropriate and effective implementation of the measures set forth in Article 6 through the preceding Article and the other measures and other actions relevant to the improvement of personnel management and conversion of employment status that employers are to take which are referred to in Article 3, paragraph (1) (referred to as "guidelines" hereinafter in this Section).
- (2) The provisions of Article 5, paragraphs (3) through (5) of apply mutatis mutandis to the formulation of guidelines, and the provisions of paragraphs (4) and (5) of that Article apply mutatis mutandis to the revision of guidelines.

(Development of a Consultation System)

Article 16 An employer must develop the necessary system to respond appropriately in handling requests for consultation from part-time/fixed term workers it employs regarding things that concern the improvement of personnel management and conversion of employment status for parttime/fixed term workers.

(Part-Time/Fixed-Term Employment Manager)

Article 17 An employer, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, is to endeavor to appoint a part-time/fixed-term employment manager for each place of business at which it employs at least the number of part-time/fixed term workers specified by Order of the Ministry of Health, Labour and Welfare at all times, in order have that manager manage the things specified in the guidelines and other things that concern the improvement of personnel management and conversion of employment status for part-time/fixed term workers.

(Collection of Reports; Advice, Guidance, and Recommendations; Related Matters)

- Article 18 (1) On finding it to be necessary to do so in order to ensure improvement of personnel management and conversion of employment status for part-time/fixed term workers, the Minister of Health, Labour and Welfare may ask an employer that employs part-time/fixed term workers to make a report, and may provide such an employer with advice or guidance or issue a recommendation thereto.
- (2) If the Minister of Health, Labour and Welfare issues a recommendation pursuant to the provisions of the preceding paragraph to an employer that has violated the provisions of Article 6, paragraph (1); Article 9; Article 11, paragraph (1); Articles 12 through 14; or Article 16, but the employer to which the recommendation is issued fails to follow it, the Minister may make this fact public.
- (3) The authority of the Minister of Health, Labour and Welfare prescribed in the preceding two paragraphs may be partially delegated to the director of the relevant prefectural labour bureau pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

#### Section 2 State Assistance to Employers and Others; Related Matters

(Assistance to Employers and Others)

Article 19 In order to prompt the improvement of personnel management and conversion of employment status for part-time/fixed term workers and otherwise enhance their welfare, the national government may provide employers employing part-time/fixed term workers, employers' organizations, and other relevant persons with consultation, advice, and other necessary assistance with regard to things that concern the improvement of personnel management and conversion of employment status for part-time/fixed term workers.

(Implementation of Vocational Training; Related Matters)

Article 20 In order to prompt part-time/fixed term workers and persons seeking to become part-time/fixed term workers to develop and improve their vocational abilities, the national government, prefectural governments, and the Japan Organization for Employment of the Elderly, Persons with Disabilities and Job Seekers are to endeavor to carry out educational activities targeting parttime/fixed term workers, persons seeking to become part-time/fixed term workers, and other relevant persons concerning the development and improvement of their vocational abilities, and are to also give special consideration to the implementation of vocational training.

(Enrichment of Employment Placement and Other Such Measures) Article 21 The national government is to endeavor to take the necessary measures, including providing job information, giving vocational guidance, and enriching employment placement, in order to make it easy for persons seeking to become part-time/fixed term workers to choose an occupation that is suited to things such as their aptitudes, abilities, experience, and skill levels and to adapt to those occupations.

# Chapter IV Resolution of Disputes Section 1 Assistance in Resolution of Disputes; Related Matters

(Self-Initiated Resolution of Grievances)

Article 22 If an employer has had a grievance raised by a part-time/fixed term worker with regard to any of the things prescribed in Article 6, paragraph (1); Article 8; Article 9; Article 11, paragraph (1); or Articles 12 through 14, the employer is to endeavor to achieve a self-initiated resolution by entrusting the handling of that grievance to the grievance body (meaning the body that is meant to handle the grievances of the workers at the relevant place of business, and that is composed of persons representing the employer and persons representing the workers at that place of business) or in other ways.

(Special Provisions on Promoting the Resolution of Disputes) Article 23 The provisions of Article 4, Article 5, and Articles 12 through 19 of the Act on Promoting the Resolution of Individual Labor-Related Disputes (Act No. 112 of 2001) do not apply to a dispute between a part-time/fixed term worker and the employer thereof with regard to the things set forth in the preceding Article; the provisions of the following Article through Article 27 apply to this.

(Assistance in Resolution of Disputes)

- Article 24 (1) Having been asked for assistance in the resolution of a dispute as prescribed in the preceding Article by one or both of the parties to that dispute, the director of a prefectural labour bureau may provide the necessary advice or guidance to the parties to the dispute or issue the necessary recommendations thereto.
- (2) An employer must not dismiss a part-time/fixed term worker or otherwise subject such a worker to disadvantageous treatment by reason of that worker having asked for the assistance set forth in the preceding paragraph.

## Section 2 Conciliation

(Delegation of Conciliation)

- Article 25 (1) On finding that it is necessary to do so in order to resolve a dispute as provided in Article 23 when one or both parties to the dispute have filed an application for conciliation, the director of a prefectural labour bureau is to have the dispute coordinating committee set forth in Article 6, paragraph (1) of the Act on Promoting the Resolution of Individual Labor-Related Disputes conduct the conciliation.
- (2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis if a part-time/fixed term worker files an application as referred to in the preceding paragraph.

(Conciliation)

Article 26 The provisions of Article 19; Article 20, paragraph (1); and Articles 21 through 26 of the Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment (Act No. 113 of 1972) apply mutatis mutandis to the procedure of conciliation set forth in paragraph (1) of the preceding Article. In such a case, the phrase "paragraph (1) of the preceding Article" in Article 19, paragraph (1) of that Act is deemed to be replaced with "Article 25, paragraph (1) of the Act on Improvement of Personnel Management and Conversion of Employment Status for Part-Time Workers and Fixed-Term Workers"; the term "relevant parties" in Article 20, paragraph (1) of that Act is deemed to be replaced with "relevant parties or workers employed at the same place of business as the relevant parties, and other witnesses"; and the phrase "Article 18, paragraph (1)" in Article 25, paragraph (1) of that Act is deemed to be replaced with "Article 25, paragraph (1) of the Act on Improvement of Personnel Management and Conversion of Employment Status for Part-Time Workers and Fixed-Term Workers".

(Delegation to Order of the Ministry of Health, Labour and Welfare) Article 27 Beyond as provided in this Section, Order of the Ministry of Health, Labour and Welfare provides for the necessary particulars in connection with conciliation proceedings.

# **Chapter V Miscellaneous Provisions**

(Research on Improvement of Personnel Management and Conversion of Employment Status; Related Matters)

Article 28 In order to enable part-time/fixed term workers to exercise their abilities effectively, the Minister of Health, Labour and Welfare is to endeavor to conduct research and studies and to prepare data with regard to measures relevant to the improvement of personnel management and conversion of employment status that are tailored to expansions in the scope of parttime/fixed term workers' occupational fields, and with regard to other necessary particulars involved in the improvement of personnel management and conversion of employment status for part-time/fixed term workers.

(Exemptions)

Article 29 This Act does not apply to national public officers, local public officers, and mariners provided for in Article 6, paragraph (1) of the Mariners Employment Security Act (Act No. 130 of 1948).

(Civil Fines)

- Article 30 A person failing to give a report under the provisions of Article 18, paragraph (1) or giving a false report is subject to a civil fine of not more than 200,000 yen.
- Article 31 A person violating the provisions of Article 6, paragraph (1) is subject to a civil fine of not more than 100,000 yen.

# Supplementary Provisions [Extract]

(Effective Date)

Article 1 This Act comes into effect as of the date specified by Cabinet Order within a period not exceeding six months from the day of promulgation; provided, however, that the provisions of Chapter IV and the provisions of Articles 33 through 35, as well as the provisions of Article 3 of the Supplementary Provisions and Article 4 of the Supplementary Provisions (but only the provisions amending item (iii) of Article 4 of the Act for Establishment of the Ministry of Labour (Act No. 162 of 1949) and the amending provisions that add an item after item (iv) of Article 5 of that Act), come into effect as of April 1, 1994.

#### Supplementary Provisions [Act No. 71 of July 6, 2018] [Extract]

(Effective Date)

- Article 1 This Act comes into effect as of April 1, 2019; provided, however, that the provisions specified in the following items come into effect on the dates set forth in those items:
  - (ii) the provisions of Article 5 (other than the provisions amending Articles 44 through 46 of the Worker Dispatching Act); the provisions of Articles 7 and 8; the provisions of Article 6; Article 7, paragraph (1); Article 8, paragraph (1); and Articles 9, 11, 13, and 17 of the Supplementary Provisions; the provisions of Article 18 of the Supplementary Provisions (other than the provisions forth in the preceding item), the provisions of Article 19 of the Supplementary Provisions set forth in the preceding item); the provisions set forth in the provisions of Article 20 of the Supplementary Provisions of Articles 21, 23, and 26 of the Supplementary Provisions; and the provisions of Article 28 of the Supplementary Provisions (excluding the provisions specified in the preceding item): April 1, 2020

(Transitional Measures for Applying the Part-Time and Fixed-Term Employment Act)

Article 11 (1) Until March 31, 2021, the provisions of Article 2, paragraph (1);
Article 3; Section 1 of Chapter III (other than Article 15 and Article 18,
paragraph (3)); and Chapter IV (other than Articles 26 and 27) of the Act on
Improvement of Personnel Management and Conversion of Employment Status for Part-Time Workers and Fixed-Term Workers (referred to as the "Part-Time and Fixed-Term Employment Act" in this Article), as amended by the
provisions of Article 7, do not apply to small- and medium-sized employers.
This being the case, the provisions of Articles 2 and 3, Section 1 of Chapter III (other than Article 15 and Article 18, paragraph (3)), and Chapter IV (other than Articles 26 and 27) of the Act on Improvement of Personnel Management and Conversion of Employment Status for Part-Time Workers as before its amendment by the provisions of Article 7, and the provisions of Article 20 of the Labor Contracts Act as before its amendment by the provisions of Article 8, remain in force.

- (2) Notwithstanding the provisions of Article 23 of the Part-Time and Fixed-Term Employment Act, prior laws continue to govern a dispute under mediation as referred to in Article 5, paragraph (1) of the Act on Promoting the Resolution of Individual Labor-Related Disputes that is pending before the dispute coordinating committee at the time of the entry into effect of the provisions set forth in Article 1, item (ii) of the Supplementary Provisions and that constitutes a dispute as provided in Article 23 of the Part-Time and Fixed-Term Employment Act (but only a dispute to which an employer other than a small- and medium-sized employer is party).
- (3) Notwithstanding the provisions of Article 23 of the Part-Time and Fixed-Term Employment Act, prior laws continue to govern a dispute regarding which an application has been filed prior to April 1, 2021, which is under mediation as referred to in Article 5, paragraph (1) of the Act on Promoting the Resolution of Individual Labor-Related Disputes and is pending before the dispute coordinating committee as of April 1, 2021 (but only one constituting a dispute as provided in Article 23 of the Part-Time and Fixed-Term Employment Act to which a small- and medium-sized employer is party).

(Review)

Article 12 (1)

(3) Beyond as provided in the preceding two paragraphs, approximately five years after this Act enters into effect, the government is to review the provisions of each of the relevant Acts following their amendment by this Act (referred to as "each amended Act" hereinafter in this paragraph) in consideration of things such as the enforcement status of each amended Act, from the standpoint of achieving work/life balance, improving working conditions, ensuring equalized treatment among workers with different forms of employment and employment formats, and otherwise enriching workers' working lives through actions such as prompting dialogues between workers and employers; and, on finding that there is a need to do so, it is to take the required measures based on the results of its review.

(Transitional Measures for Penal Provisions)

Article 29 Prior laws continue to govern the applicability of penal provisions to actions that a person takes before this Act comes into effect (or before the provisions set forth in Article 1, item (iii) of the Supplementary Provisions come into effect) and to actions that a person takes after this Act comes into effect in a situation that prior laws are to continue to govern pursuant to the provisions of these Supplementary Provisions or if prior provisions are to remain in force pursuant to the provisions of these Supplementary Provisions. (Delegation to Cabinet Order)

Article 30 Beyond what is prescribed in these Supplementary Provisions, Cabinet Order provides for the transitional measures that are necessary in line with the entry into effect of this Act (including transitional measures for penal provisions).