

短時間労働者及び有期雇用労働者の雇用管理の改善等に関する法律

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

(平成五年法律第七十六号)

((Act No. 76 of 1993))

目次

Table of Contents

第一章 総則（第一条—第四条）

Chapter I General Provisions (Articles 1 through 4)

第二章 短時間・有期雇用労働者対策基本方針（第五条）

Chapter II Basic Policy on Measures for Part-Time/Fixed-Term Workers
(Article 5)

第三章 短時間・有期雇用労働者の雇用管理の改善等に関する措置等

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

第一節 雇用管理の改善等に関する措置（第六条—第十八条）

Section 1 Measures Relevant to the Improvement of Personnel Management
and Conversion of Employment Status (Articles 6 through 18)

第二節 事業主等に対する国の援助等（第十九条—第二十一条）

Section 2 State Assistance to Employers and Others; Related Matters
(Articles 19 through 21)

第四章 紛争の解決

Chapter IV Resolution of Disputes

第一節 紛争の解決の援助等（第二十二条—第二十四条）

Section 1 Assistance in Resolution of Disputes; Related Matters (Articles 22
through 24)

第二節 調停（第二十五条—第二十七条）

Section 2 Conciliation (Articles 25 through 27)

第五章 雑則（第二十八条—第三十一条）

Chapter V Miscellaneous Provisions (Articles 28 through 31)

附 則

Supplementary Provisions

第一章 総則

Chapter I General Provisions

(目的)

(Purpose)

第一条 この法律は、我が国における少子高齢化の進展、就業構造の変化等の社会経済情勢の変化に伴い、短時間・有期雇用労働者の果たす役割の重要性が増大していることに鑑み、短時間・有期雇用労働者について、その適正な労働条件の確保、雇用管理の改善、通常の労働者への転換の推進、職業能力の開発及び向上等に関する措置等を講ずることにより、通常の労働者との均衡のとれた待遇の確保等を図ることを通じて短時間・有期雇用労働者がその有する能力を有効に発揮することができるようにし、もってその福祉の増進を図り、あわせて経済及び社会の発展に寄与することを目的とする。

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.

(定義)

(Definitions)

第二条 この法律において「短時間労働者」とは、一週間の所定労働時間が同一の事業主に雇用される通常の労働者（当該事業主に雇用される通常の労働者と同種の業務に従事する当該事業主に雇用される労働者にあつては、厚生労働省令で定める場合を除き、当該労働者と同種の業務に従事する当該通常の労働者）の一週間の所定労働時間に比し短い労働者をいう。

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 この法律において「有期雇用労働者」とは、事業主と期間の定めのある労働契約を締結している労働者をいう。

(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 この法律において「短時間・有期雇用労働者」とは、短時間労働者及び有期雇用労働者をいう。

(3) The term "part-time/fixed term worker" as used in this Act means (a) part-time worker or a fixed-term worker.

(基本的理念)

(Fundamental Principles)

第二条の二 短時間・有期雇用労働者及び短時間・有期雇用労働者になろうとする者は、生活との調和を保ちつつその意欲及び能力に応じて就業することができる機会が確保され、職業生活の充実が図られるように配慮されるものとする。

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.

(事業主等の責務)

(Responsibilities of Employers and Employers' Organizations)

第三条 事業主は、その雇用する短時間・有期雇用労働者について、その就業の実態等を考慮して、適正な労働条件の確保、教育訓練の実施、福利厚生の実施その他の雇用管理の改善及び通常の労働者への転換（短時間・有期雇用労働者が雇用される事業所において通常の労働者として雇い入れられることをいう。以下同じ。）の推進（以下「雇用管理の改善等」という。）に関する措置等を講ずることにより、通常の労働者との均衡のとれた待遇の確保等を図り、当該短時間・有期雇用労働者がその有する能力を有効に発揮することができるように努めるものとする。

Article 3 (1) An employer is to endeavor to ensure that the treatment of the part-time/fixed term workers it employs is equalized with the treatment of workers with standard employment statuses and to thereby endeavor to enable its part-time/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 事業主の団体は、その構成員である事業主の雇用する短時間・有期雇用労働者の雇用管理の改善等に関し、必要な助言、協力その他の援助を行うように努めるものとする。

(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 part-time/fixed term workers employed by member employers of the association.

(国及び地方公共団体の責務)

(Responsibilities of the National and Local Governments)

第四条 国は、短時間・有期雇用労働者の雇用管理の改善等について事業主その他の関係者の自主的な努力を尊重しつつその実情に応じてこれらの者に対し必要な指導、援助等を行うとともに、短時間・有期雇用労働者の能力の有効な発揮を妨げている諸要因の解消を図るために必要な広報その他の啓発活動を行うほか、その職業能力の開発及び向上等を図る等、短時間・有期雇用労働者の雇用管理の改善等の促進その他その福祉の増進を図るために必要な施策を総合的かつ効果的に推進するように努めるものとする。

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 地方公共団体は、前項の国の施策と相まって、短時間・有期雇用労働者の福祉の増進を図るために必要な施策を推進するように努めるものとする。

(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.

第二章 短時間・有期雇用労働者対策基本方針

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

第五条 厚生労働大臣は、短時間・有期雇用労働者の福祉の増進を図るため、短時間・有期雇用労働者の雇用管理の改善等の促進、職業能力の開発及び向上等に関する施策の基本となるべき方針（以下この条において「短時間・有期雇用労働者対策基本方針」という。）を定めるものとする。

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 part-time/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 短時間・有期雇用労働者対策基本方針に定める事項は、次のとおりとする。

(2) The particulars prescribed in the Basic Policy on Measures for Part-Time/Fixed-Term Workers are as follows:

一 短時間・有期雇用労働者の職業生活の動向に関する事項

(i) particulars connected with trends in the working lives of part-time/fixed term workers;

二 短時間・有期雇用労働者の雇用管理の改善等を促進し、並びにその職業能力の開発及び向上を図るために講じようとする施策の基本となるべき事項

(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

三 前二号に掲げるもののほか、短時間・有期雇用労働者の福祉の増進を図るために講じようとする施策の基本となるべき事項

(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 短時間・有期雇用労働者対策基本方針は、短時間・有期雇用労働者の労働条件、意識及び就業の実態等を考慮して定められなければならない。

(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 厚生労働大臣は、短時間・有期雇用労働者対策基本方針を定めるに当たっては、あらかじめ、労働政策審議会の意見を聴かななければならない。

(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 厚生労働大臣は、短時間・有期雇用労働者対策基本方針を定めたときは、遅滞なく、これを公表しなければならない。

(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 前二項の規定は、短時間・有期雇用労働者対策基本方針の変更について準用する。

(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.

第三章 短時間・有期雇用労働者の雇用管理の改善等に関する措置等

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

第一節 雇用管理の改善等に関する措置

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

(労働条件に関する文書の交付等)

(Delivering Documents and Using Other Prescribed Means to Clarify Working Conditions)

第六条 事業主は、短時間・有期雇用労働者を雇い入れたときは、速やかに、当該短時間・有期雇用労働者に対して、労働条件に関する事項のうち労働基準法（昭和二十二年法律第四十九号）第十五条第一項に規定する厚生労働省令で定める事項以外のもの（次項及び第十四条第一項において「特定事項」という。）を文書の交付その他厚生労働省令で定める方法（次項において「文書の交付等」という。）により明示しなければならない。

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 事業主は、前項の規定に基づき特定事項を明示するときは、労働条件に関する事項のうち特定事項及び労働基準法第十五条第一項に規定する厚生労働省令で定める事項以外のものについても、文書の交付等により明示するように努めるものとする。

(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.

(就業規則の作成の手続)

(Procedure for Preparation of Rules of Employment)

第七条 事業主は、短時間労働者に係る事項について就業規則を作成し、又は変更しようとするときは、当該事業所において雇用する短時間労働者の過半数を代表すると認められるものの意見を聴くように努めるものとする。

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 前項の規定は、事業主が有期雇用労働者に係る事項について就業規則を作成し、又は変更しようとする場合について準用する。この場合において、「短時間労働者」とあるのは、「有期雇用労働者」と読み替えるものとする。

(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 "part-time worker" is deemed to be replaced with "fixed-term worker".

(不合理な待遇の禁止)

(Prohibition of Unreasonable Treatment)

第八条 事業主は、その雇用する短時間・有期雇用労働者の基本給、賞与その他の待遇のそれぞれについて、当該待遇に対応する通常の労働者の待遇との間において、当該短時間・有期雇用労働者及び通常の労働者の業務の内容及び当該業務に伴う責任の程度（以下「職務の内容」という。）、当該職務の内容及び配置の変更の範囲その他の事情のうち、当該待遇の性質及び当該待遇を行う目的に照らして適切と認められるものを考慮して、不合理と認められる相違を設けてはならない。

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.

(通常の労働者と同視すべき短時間・有期雇用労働者に対する差別的取扱いの禁止)

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

第九条 事業主は、職務の内容が通常の労働者との同一の短時間・有期雇用労働者（第十一条第一項において「職務内容同一短時間・有期雇用労働者」という。）であって、当該事業所における慣行その他の事情からみて、当該事業主との雇用関係が終了するまでの全期間において、その職務の内容及び配置が当該通常の労働者の職務の内容及び配置の変更の範囲と同一の範囲で変更されることが見込まれるもの（次条及び同項において「通常の労働者と同視すべき短時間・有期雇用労働者」という。）については、短時間・有期雇用労働者であることを理由として、基本給、賞与その他の待遇のそれぞれについて、差別的取扱いをしてはならない。

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.

(賃金)

(Wages)

第十条 事業主は、通常の労働者との均衡を考慮しつつ、その雇用する短時間・有期雇用労働者（通常の労働者と同視すべき短時間・有期雇用労働者を除く。次条第二項及び第十二条において同じ。）の職務の内容、職務の成果、意欲、能力又は経験その他の就業の実態に関する事項を勘案し、その賃金（通勤手当その他の厚生労働省令で定めるものを除く。）を決定するように努めるものとする。

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.

(教育訓練)

(Educational Training)

第十一条 事業主は、通常の労働者に対して実施する教育訓練であって、当該通常の労働者が従事する職務の遂行に必要な能力を付与するためのものについては、職務内容同一短時間・有期雇用労働者（通常の労働者と同視すべき短時間・有期雇用労働者を除く。以下この項において同じ。）が既に当該職務に必要な能力を有している場合その他の厚生労働省令で定める場合を除き、職務内容同一短時間・有期雇用労働者に対しても、これを実施しなければならない。

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 事業主は、前項に定めるもののほか、通常の労働者との均衡を考慮しつつ、その雇用する短時間・有期雇用労働者の職務の内容、職務の成果、意欲、能力及び経験その他の就業の実態に関する事項に応じ、当該短時間・有期雇用労働者に対して教育訓練を実施するように努めるものとする。

(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.

(福利厚生施設)

(Workplace Facilities)

第十二条 事業主は、通常の労働者に対して利用の機会を与える福利厚生施設であって、健康の保持又は業務の円滑な遂行に資するものとして厚生労働省令で定めるものについては、その雇用する短時間・有期雇用労働者に対しても、利用の機会を与えなければならない。

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.

(通常の労働者への転換)

(Conversion into Workers with Standard Employment Status)

第十三条 事業主は、通常の労働者への転換を推進するため、その雇用する短時間・有期雇用労働者について、次の各号のいずれかの措置を講じなければならない。

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:

一 通常の労働者の募集を行う場合において、当該募集に係る事業所に掲示すること等により、その者が従事すべき業務の内容、賃金、労働時間その他の当該募集に係る事項を当該事業所において雇用する短時間・有期雇用労働者に周知すること。

(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;

二 通常の労働者の配置を新たに行う場合において、当該配置の希望を申し出る機会を当該配置に係る事業所において雇用する短時間・有期雇用労働者に対して与えること。

(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

三 一定の資格を有する短時間・有期雇用労働者を対象とした通常の労働者への転換のための試験制度を設けることその他の通常の労働者への転換を推進するための措置を講ずること。

(iii) it is to establish examination systems targeting certain qualified part-time/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.

(事業主が講ずる措置の内容等の説明)

(Explaining the Substance of Measures That the Employer Takes and Other Information)

第十四条 事業主は、短時間・有期雇用労働者を雇い入れたときは、速やかに、第八条から前条までの規定により措置を講ずべきこととされている事項（労働基準法第十五条第一項に規定する厚生労働省令で定める事項及び特定事項を除く。）に関し講ずることとしている措置の内容について、当該短時間・有期雇用労働者に説明しなければならない。

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 事業主は、その雇用する短時間・有期雇用労働者から求めがあったときは、当該短時間・有期雇用労働者と通常の労働者との間の待遇の相違の内容及び理由並びに第六条から前条までの規定により措置を講ずべきこととされている事項に関する決定をするに当たって考慮した事項について、当該短時間・有期雇用労働者に説明しなければならない。

(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 事業主は、短時間・有期雇用労働者が前項の求めをしたことを理由として、当該短時間・有期雇用労働者に対して解雇その他不利益な取扱いをしてはならない。

(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.

(指針)

(Guidelines)

第十五条 厚生労働大臣は、第六条から前条までに定める措置その他の第三条第一項の事業主が講ずべき雇用管理の改善等に関する措置等に関し、その適切かつ有効な実施を図るために必要な指針（以下この節において「指針」という。）を定めるものとする。

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 第五条第三項から第五項までの規定は指針の策定について、同条第四項及び第五項の規定は指針の変更について、それぞれ準用する。

(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.

(相談のための体制の整備)

(Development of a Consultation System)

第十六条 事業主は、短時間・有期雇用労働者の雇用管理の改善等に関する事項に関し、その雇用する短時間・有期雇用労働者からの相談に応じ、適切に対応するために必要な体制を整備しなければならない。

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 part-time/fixed term workers.

(短時間・有期雇用管理者)

(Part-Time/Fixed-Term Employment Manager)

第十七条 事業主は、常時厚生労働省令で定める数以上の短時間・有期雇用労働者を雇用する事業所ごとに、厚生労働省令で定めるところにより、指針に定める事項その他の短時間・有期雇用労働者の雇用管理の改善等に関する事項を管理させるため、短時間・有期雇用管理者を選任するように努めるものとする。

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.

(報告の徴収並びに助言、指導及び勧告等)

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

第十八条 厚生労働大臣は、短時間・有期雇用労働者の雇用管理の改善等を図るため必要があると認めるときは、短時間・有期雇用労働者を雇用する事業主に対して、報告を求め、又は助言、指導若しくは勧告をすることができる。

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 厚生労働大臣は、第六条第一項、第九条、第十一条第一項、第十二条から第十四条

まで及び第十六条の規定に違反している事業主に対し、前項の規定による勧告をした場合において、その勧告を受けた者がこれに従わなかったときは、その旨を公表することができる。

(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 前二項に定める厚生労働大臣の権限は、厚生労働省令で定めるところにより、その一部を都道府県労働局長に委任することができる。

(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.

第二節 事業主等に対する国の援助等

Section 2 State Assistance to Employers and Others; Related Matters

(事業主等に対する援助)

(Assistance to Employers and Others)

第十九条 国は、短時間・有期雇用労働者の雇用管理の改善等の促進その他その福祉の増進を図るため、短時間・有期雇用労働者を雇用する事業主、事業主の団体その他の関係者に対して、短時間・有期雇用労働者の雇用管理の改善等に関する事項についての相談及び助言その他の必要な援助を行うことができる。

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.

(職業訓練の実施等)

(Implementation of Vocational Training; Related Matters)

第二十条 国、都道府県及び独立行政法人高齢・障害・求職者雇用支援機構は、短時間・有期雇用労働者及び短時間・有期雇用労働者になろうとする者がその職業能力の開発及び向上を図ることを促進するため、短時間・有期雇用労働者、短時間・有期雇用労働者になろうとする者その他関係者に対して職業能力の開発及び向上に関する啓発活動を行うように努めるとともに、職業訓練の実施について特別の配慮をするもの

とする。

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 part-time/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.

(職業紹介の充実等)

(Enrichment of Employment Placement and Other Such Measures)

第二十一条 国は、短時間・有期雇用労働者になろうとする者がその適性、能力、経験、技能の程度等にふさわしい職業を選択し、及び職業に適応することを容易にするため、雇用情報の提供、職業指導及び職業紹介の充実等必要な措置を講ずるように努めるものとする。

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.

第四章 紛争の解決

Chapter IV Resolution of Disputes

第一節 紛争の解決の援助等

Section 1 Assistance in Resolution of Disputes; Related Matters

(苦情の自主的解決)

(Self-Initiated Resolution of Grievances)

第二十二条 事業主は、第六条第一項、第八条、第九条、第十一条第一項及び第十二条から第十四条までに定める事項に関し、短時間・有期雇用労働者から苦情の申出を受けたときは、苦情処理機関（事業主を代表する者及び当該事業所の労働者を代表する者を構成員とする当該事業所の労働者の苦情を処理するための機関をいう。）に対し当該苦情の処理を委ねる等その自主的な解決を図るように努めるものとする。

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.

(紛争の解決の促進に関する特例)

(Special Provisions on Promoting the Resolution of Disputes)

第二十三条 前条の事項についての短時間・有期雇用労働者と事業主との間の紛争については、個別労働関係紛争の解決の促進に関する法律（平成十三年法律第百十二号）第四条、第五条及び第十二条から第十九条までの規定は適用せず、次条から第二十七条までに定めるところによる。

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.

(紛争の解決の援助)

(Assistance in Resolution of Disputes)

第二十四条 都道府県労働局長は、前条に規定する紛争に関し、当該紛争の当事者の双方又は一方からその解決につき援助を求められた場合には、当該紛争の当事者に対し、必要な助言、指導又は勧告をすることができる。

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 事業主は、短時間・有期雇用労働者が前項の援助を求めたことを理由として、当該短時間・有期雇用労働者に対して解雇その他不利益な取扱いをしてはならない。

(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.

第二節 調停

Section 2 Conciliation

(調停の委任)

(Delegation of Conciliation)

第二十五条 都道府県労働局長は、第二十三条に規定する紛争について、当該紛争の当事者の双方又は一方から調停の申請があった場合において当該紛争の解決のために必要があると認めるときは、個別労働関係紛争の解決の促進に関する法律第六条第一項の紛争調整委員会に調停を行わせるものとする。

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 前条第二項の規定は、短時間・有期雇用労働者が前項の申請をした場合について準用する。

(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.

(調停)

(Conciliation)

第二十六条 雇用の分野における男女の均等な機会及び待遇の確保等に関する法律（昭和四十七年法律第百十三号）第十九条、第二十条第一項及び第二十一条から第二十六条までの規定は、前条第一項の調停の手續について準用する。この場合において、同法第十九条第一項中「前条第一項」とあるのは「短時間労働者及び有期雇用労働者の雇用管理の改善等に関する法律第二十五条第一項」と、同法第二十条第一項中「関係当事者」とあるのは「関係当事者又は関係当事者と同一の事業所に雇用される労働者その他の参考人」と、同法第二十五条第一項中「第十八条第一項」とあるのは「短時間労働者及び有期雇用労働者の雇用管理の改善等に関する法律第二十五条第一項」と読み替えるものとする。

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".

(厚生労働省令への委任)

(Delegation to Order of the Ministry of Health, Labour and Welfare)

第二十七条 この節に定めるもののほか、調停の手續に関し必要な事項は、厚生労働省令で定める。

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.

第五章 雑則

Chapter V Miscellaneous Provisions

(雇用管理の改善等の研究等)

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

第二十八条 厚生労働大臣は、短時間・有期雇用労働者がその有する能力を有効に発揮することができるようにするため短時間・有期雇用労働者のその職域の拡大に応じた雇用管理の改善等に関する措置その他短時間・有期雇用労働者の雇用管理の改善等に関し必要な事項について、調査、研究及び資料の整備に努めるものとする。

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 part-time/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.

(適用除外)

(Exemptions)

第二十九条 この法律は、国家公務員及び地方公務員並びに船員職業安定法（昭和二十三年法律第百三十号）第六条第一項に規定する船員については、適用しない。

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).

(過料)

(Civil Fines)

第三十条 第十八条第一項の規定による報告をせず、又は虚偽の報告をした者は、二十万円以下の過料に処する。

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.

第三十一条 第六条第一項の規定に違反した者は、十万円以下の過料に処する。
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.

附 則 [抄]

Supplementary Provisions [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して六月を超えない範囲内において政令で定める日から施行する。ただし、第四章の規定及び第三十三条から第三十五条までの規定並びに附則第三条の規定及び附則第四条の規定（労働省設置法（昭和二十四年法律第百六十二号）第四条第三号の改正規定及び同法第五条第四号の次に一号を加える改正規定に限る。）は、平成六年四月一日から施行する。

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.

附 則 [平成三十年七月六日法律第七十一号] [抄]

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

(施行期日)

(Effective Date)

第一条 この法律は、平成三十一年四月一日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

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:

二 第五条の規定（労働者派遣法第四十四条から第四十六条までの改正規定を除く。）並びに第七条及び第八条の規定並びに附則第六条、第七条第一項、第八条第一項、第九条、第十一条、第十三条及び第十七条の規定、附則第十八条（前号に掲げる規定を除く。）の規定、附則第十九条（前号に掲げる規定を除く。）の規定、附則第二十条（前号に掲げる規定を除く。）の規定、附則第二十一条、第二十三条及び第二十六条の規定並びに附則第二十八条（前号に掲げる規定を除く。）の規定
平成三十二年四月一日

(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 (other than the provisions set forth in the preceding item); the provisions of Article 20 of the Supplementary Provisions (other than the provisions set forth in the preceding item); the 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

(短時間・有期雇用労働法の適用に関する経過措置)

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

第十一条 中小事業主については、平成三十三年三月三十一日までの間、第七条の規定による改正後の短時間労働者及び有期雇用労働者の雇用管理の改善等に関する法律（以下この条において「短時間・有期雇用労働法」という。）第二条第一項、第三条、第三章第一節（第十五条及び第十八条第三項を除く。）及び第四章（第二十六条及び第二十七条を除く。）の規定は、適用しない。この場合において、第七条の規定による改正前の短時間労働者の雇用管理の改善等に関する法律第二条、第三条、第三章第一節（第十五条及び第十八条第三項を除く。）及び第四章（第二十六条及び第二十七条を除く。）の規定並びに第八条の規定による改正前の労働契約法第二十条の規定は、なおその効力を有する。

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 附則第一条第二号に掲げる規定の施行の際現に紛争調整委員会に係属している個別労働関係紛争の解決の促進に関する法律第五条第一項のあっせんに係る紛争であって、

短時間・有期雇用労働法第二十三条に規定する紛争に該当するもの（中小事業主以外の事業主が当事者であるものに限る。）については、同条の規定にかかわらず、なお従前の例による。

(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 平成三十三年四月一日前にされた申請に係る紛争であつて、同日において現に紛争調整委員会に係属している個別労働関係紛争の解決の促進に関する法律第五条第一項のあつせんに係るもの（短時間・有期雇用労働法第二十三条に規定する紛争に該当するものであつて、中小事業主が当事者であるものに限る。）については、短時間・有期雇用労働法第二十三条の規定にかかわらず、なお従前の例による。

(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).

(検討)

(Review)

第十二条

Article 12 (1)

3 政府は、前二項に定める事項のほか、この法律の施行後五年を目途として、この法律による改正後のそれぞれの法律（以下この項において「改正後の各法律」という。）の規定について、労働者と使用者の協議の促進等を通じて、仕事と生活の調和、労働条件の改善、雇用形態又は就業形態の異なる労働者の間の均衡のとれた待遇の確保その他の労働者の職業生活の充実を図る観点から、改正後の各法律の施行の状況等を勘案しつつ検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

(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.

(罰則に関する経過措置)

(Transitional Measures for Penal Provisions)

第二十九条 この法律（附則第一条第三号に掲げる規定にあつては、当該規定）の施行前にした行為並びにこの附則の規定によりなお従前の例によることとされる場合及びこの附則の規定によりなおその効力を有することとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

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.

(政令への委任)

(Delegation to Cabinet Order)

第三十条 この附則に規定するもののほか、この法律の施行に伴い必要な経過措置（罰則に関する経過措置を含む。）は、政令で定める。

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).