

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

(Ministry of Labour Order No. 34 of November 19, 1993)

Pursuant to the provisions of Articles 2 and 9 of the Act on Improvement of Personnel Management and Conversion of Employment Status for Part-Time Workers (Act No. 76 of 1993), the Regulation for Enforcement of the Act on Improvement of Personnel Management and Conversion of Employment Status for Part-Time Workers is established as follows.

(The Cases Specified by Order of the Ministry of Health, Labour and Welfare That Are Referred to in Article 2, Paragraph (1) of the Act)

Article 1 The cases specified by Order of the Ministry of Health, Labour and Welfare that are referred to in Article 2, paragraph (1) of the Act on Improvement of Personnel Management and Conversion of Employment Status for Part-Time Workers and Fixed-Term Workers (Act No. 76 of 1993; hereinafter referred to as "the Act") are those in which workers with standard employment statuses employed by an employer are engaged in two or more kinds of work, and other workers employed by that employer engage in one of those kinds of work that involves a significantly larger number of the other workers than the number of those workers with standard employment statuses engaged in the same kind of work (except the kind of work for which the prescribed weekly working hours of workers with standard employment statuses engaged in the work are longer than the prescribed weekly working hours of any of the other workers with standard employment statuses engaged in other kinds of work).

(Particulars to Make Explicit and Means of Making Them Explicit as Referred to in Article 6, Paragraph (1) of the Act)

Article 2 (1) The particulars of the working conditions that an employer must make explicit to part-time/fixed-term workers which are specified by Order of the Ministry of Health, Labour and Welfare as referred to in Article 6, paragraph (1) of the Act are:

- (i) whether or not there are raises;
- (ii) whether or not there is severance pay;
- (iii) whether or not there are bonuses; and
- (iv) the consultation desk for particulars related to the improvement of

personnel management and conversion of employment status for part-time/fixed-term workers.

- (2) An employer must not indicate a working condition that it is required to make explicit to a part-time/fixed-term worker pursuant to the provisions of Article 6, paragraph (1) of the Act to be something that differs from the truth.
- (3) The means specified by Order of the Ministry of Health, Labour and Welfare that is referred to in Article 6, paragraph (1) of the Act is whichever of the following means of making explicit the particulars set forth in the items of paragraph (1) the part-time/fixed-term worker has requested, if applicable:
 - (i) a means that involves using a facsimile transmission to transmit the relevant particulars; or
 - (ii) a means that involves sending an email or any other telecommunication that is used to communicate information to a specified recipient (meaning a telecommunication as provided in Article 2, item (i) of the Telecommunications Business Act (Act No. 86 of 1984); referred to as an "email or other such telecommunication" hereinafter in this item) (but only one that allows the part-time/fixed-term worker to create a paper document by outputting what is recorded in the email or other such telecommunication).
- (4) An explicit indication of the specified particulars provided for in Article 6, paragraph (1) of the Act (in this paragraph referred to as the "specified particulars") that has been made by the means referred to in item (i) of the preceding paragraph is deemed to reach the relevant part-time/fixed-term worker when it is received by a facsimile machine that is used by the part-time/fixed-term worker; an explicit indication of specified particulars that has been made by the means referred to in item (ii) of the preceding paragraph is deemed to reach the part-time/fixed-term worker when it is received by a telecommunications terminal or other such device that is used by the part-time/fixed-term worker.

(Wages Specified by Order of the Ministry of Health, Labour and Welfare That Are Referred to in Article 10 of the Act)

Article 3 The wages specified by Order of the Ministry of Health, Labour and Welfare that are referred to in Article 10 of the Act are commutation allowances, family allowances, housing allowances, family separation allowances, child education allowances, and other wages that are paid (other than wages paid that are closely linked to the worker's job description (meaning a job description as provided in Article 8 of the Act)), regardless of what they are called.

(The Cases Specified by Order of the Ministry of Health, Labour and Welfare That Are Referred to in Article 11, Paragraph (1) of the Act)

Article 4 The cases specified by Order of the Ministry of Health, Labour and Welfare that are referred to in Article 11, paragraph (1) of the Act are those in which a part-time/fixed-term worker whose job description is the same as that of a worker with a standard employment status employed by the same employer (but not a part-time/fixed term worker equivalent to a worker with a standard employment status as provided in Article 9 of the Act) already has the abilities needed for the job in question.

(Workplace Facilities Specified by Order of the Ministry of Health, Labour and Welfare That Are Referred to in Article 12 of the Act)

Article 5 The workplace facilities specified by Order of the Ministry of Health, Labour and Welfare that are referred to in Article 12 of the Act are:

- (i) food-service facilities;
- (ii) break rooms; and
- (iii) locker rooms.

(The Number Specified by Order of the Ministry of Health, Labour and Welfare That Is Referred to in Article 17 of the Act)

Article 6 The number specified by Order of the Ministry of Health, Labour and Welfare that is referred to in Article 17 of the Act is 10 persons.

(Appointment of Part-Time/Fixed-Term Employment Managers)

Article 7 An employer is to appoint a person who will manage the things provided for in Article 17 of the Act from among persons who are found to have the knowledge and experience needed to manage them, as the part-time/fixed-term employment manager.

(Delegation of Authority)

Article 8 Except as concerns matters that the Minister of Health, Labour and Welfare finds to be of national importance, the director of the prefectural labour bureau that has jurisdiction over the locality of an employer's place of business is to exercise the authority of the Minister of Health, Labour and Welfare as provided in Article 18, paragraph (1) of the Act.

(Mutatis Mutandis Application)

Article 9 The provisions of Articles 3 through 12 of the Regulation for Enforcement of the Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment (Ministry of Labor Order No. 2 of 1986) apply mutatis mutandis to conciliation proceedings as referred to in Article 25, paragraph (1) of the Act. In such a case, the phrase "Article 18, paragraph (1) of the Act" in Article 3, paragraph (1) of that Order 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 (hereinafter referred to as the 'Part-Time/Fixed-Term Workers Act')"; the phrase "conciliation meeting for equal opportunity" in that paragraph, and Article 4 (including the heading), Article 5 (including the heading), and Article 8, paragraph (1) of that Order is deemed to be replaced with "conciliation meeting for balanced treatment"; the phrases "Article 18, paragraph (1) of the Act" and "workplace" in Article 6 of that Order are deemed to be respectively replaced with "Article 25, paragraph (1) of the Part-Time/Fixed-Term Workers Act" and "place of business"; the phrase "Article 20, paragraph (1) of the Act" in Article 8, paragraph (1) and (3) of that Order is deemed to be replaced with "Article 20, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 26 of the Part-Time/Fixed-Term Workers Act"; the phrase "Article 20, paragraph (1) of the Act" in that paragraph is deemed to be replaced with "in that paragraph"; the phrase "relevant parties" in Article 9 of that Order is deemed to be replaced with "relevant parties or workers employed at the same place of business as the relevant parties, and other witnesses"; the phrases "Article 4, paragraph (1) and (2)" and "Article 8" in Article 10, paragraph (1) of that Order are deemed to be respectively replaced with "Article 4, paragraph (1) and (2) as applied mutatis mutandis pursuant to Article 9 of the Regulation for Enforcement of the Act on Improvement of Personnel Management and Conversion of Employment Status for Part-Time Workers and Fixed-Term Workers" and "Article 8 as applied mutatis mutandis pursuant to Article 9 of that Order"; the phrase "Article 21 of the Act" in Article 11, paragraph (1) of that Order is deemed to be replaced with "Article 21 of the Act as applied mutatis mutandis pursuant to Article 26 of the Part-Time/Fixed-Term Workers Act"; and the terms "workers" and "workplace" in the appended form of that Order are deemed to be respectively replaced with "part-time/fixed-term workers" and "place of business".

Supplementary Provisions [Order of the Ministry of Health, Labour and Welfare No. 153 of December 28, 2018] [Extract]

(Effective Date)

Article 1 This Ministerial Order comes into effect as of April 1, 2020; provided, however, that the provisions of Articles 13 through 19 come into effect on the date of promulgation.

(Transitional Measures for Applying the Regulation for Enforcement of the Act on Improvement of Personnel Management and Conversion of Employment

(Status for Part-Time Workers and Fixed-Term Workers)

Article 2 During the period up to March 31, 2021, the provisions of Articles 1 through 4 and Article 7 of the Regulation for Enforcement of the Act on Improvement of Personnel Management and Conversion of Employment Status for Part-Time Workers and Fixed-Term Workers as amended by the provisions of Article 2, the provisions of Article 4 of the Regulation for Enforcement of the Act to Advance Measures to Support Next-Generation Child-Rearing as amended by the provisions of Article 8, and the provisions of Article 19, paragraph (1) of the Ministerial Order on the Plan of Action for General Employers based on the Act on the Promotion of Female Participation and Career Advancement in the Workplace as amended by Article 10, do not apply to small- and medium-sized employers (meaning small- and medium-sized employers as defined in Article 3, paragraph (1) of the Supplementary Provisions of the Rearrangement Act; the same applies in Article 4). In such cases, the provisions of Articles 1 through 4 and Article 7 of the Regulation for Enforcement of the Act on Improvement of Personnel Management and Conversion of Employment Status for Part-Time Workers prior to their amendment by the provisions of Article 2, the provisions of Article 4 of the Regulation for Enforcement of the Act to Advance Measures to Support Next-Generation Child-Rearing prior to their amendment by the provisions of Article 8, and the provisions of Article 19, paragraph (1) of the Ministerial Order on the Plan of Action for General Employers based on the Act on the Promotion of Female Participation and Career Advancement in the Workplace prior to their amendment by Article 10, remain in force.

(Transitional Measures for Penal Provisions)

Article 6 Prior laws continue to govern the applicability of penal provisions to actions that a person takes before this Ministerial Order's entry into effect.