

# 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施行規則

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

(平成五年十一月十九日労働省令第三十四号)

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

短時間労働者の雇用管理の改善等に関する法律（平成五年法律第七十六号）第二条及び第九条の規定に基づき、短時間労働者の雇用管理の改善等に関する法律施行規則を次のように定める。

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.

(法第二条第一項の厚生労働省令で定める場合)

(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)

第一条 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（平成五年法律第七十六号。以下「法」という。）第二条第一項の厚生労働省令で定める場合は、同一の事業主に雇用される通常の労働者の従事する業務が二以上あり、かつ、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労働者の数が当該通常の労働者の数に比し著しく多い業務（当該業務に従事する通常の労働者の一週間の所定労働時間が他の業務に従事する通常の労働者の一週間の所定労働時間のいずれよりも長い場合に係る業務を除く。）に当該事業主に雇用される労働者が従事する場合とする。

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).

(法第六条第一項の明示事項及び明示の方法)

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

第二条 法第六条第一項の厚生労働省令で定める短時間・有期雇用労働者に対して明示しなければならない労働条件に関する事項は、次に掲げるものとする。

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:

一 昇給の有無

(i) whether or not there are raises;

二 退職手当の有無

(ii) whether or not there is severance pay;

三 賞与の有無

(iii) whether or not there are bonuses; and

四 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係る相談窓口

(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 事業主は、法第六条第一項の規定により短時間・有期雇用労働者に対して明示しなければならない労働条件を事実と異なるものとしてはならない。

(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 法第六条第一項の厚生労働省令で定める方法は、第一項各号に掲げる事項が明らかとなる次のいずれかの方法によることを当該短時間・有期雇用労働者が希望した場合における当該方法とする。

(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:

一 ファクシミリを利用してする送信の方法

(i) a means that involves using a facsimile transmission to transmit the relevant particulars; or

二 電子メールその他のその受信をする者を特定して情報を伝達するために用いられる電気通信（電気通信事業法（昭和五十九年法律第八十六号）第二条第一号に規定

する電気通信をいう。以下この号において「電子メール等」という。)の送信の方法(当該短時間・有期雇用労働者が当該電子メール等の記録を出力することにより書面を作成することができるものに限る。)

(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 前項第一号の方法により行われた法第六条第一項に規定する特定事項(以下この項において「特定事項」という。)の明示は、当該短時間・有期雇用労働者の使用に係るファクシミリ装置により受信した時に、前項第二号の方法により行われた特定事項の明示は、当該短時間・有期雇用労働者の使用に係る通信端末機器等により受信した時に、それぞれ当該短時間・有期雇用労働者に到達したものとみなす。

(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.

(法第十条の厚生労働省令で定める賃金)

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

第三条 法第十条の厚生労働省令で定める賃金は、通勤手当、家族手当、住宅手当、別居手当、子女教育手当その他名称の如何を問わず支払われる賃金(職務の内容(法第八条に規定する職務の内容をいう。)に密接に関連して支払われるものを除く。)とする。

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.

(法第十一条第一項の厚生労働省令で定める場合)

**(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)**

第四条 法第十一条第一項の厚生労働省令で定める場合は、職務の内容が当該事業主に雇用される通常の労働者との同一の短時間・有期雇用労働者（法第九条に規定する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。）が既に当該職務に必要な能力を有している場合とする。

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.

(法第十二条の厚生労働省令で定める福利厚生施設)

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

第五条 法第十二条の厚生労働省令で定める福利厚生施設は、次に掲げるものとする。

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:

一 給食施設

(i) food-service facilities;

二 休憩室

(ii) break rooms; and

三 更衣室

(iii) locker rooms.

(法第十七条の厚生労働省令で定める数)

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

第六条 法第十七条の厚生労働省令で定める数は、十人とする。

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.

(短時間・有期雇用管理者の選任)

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

第七条 事業主は、法第十七条に定める事項を管理するために必要な知識及び経験を有していると認められる者のうちから当該事項を管理する者を短時間・有期雇用管理者として選任するものとする。

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.

(権限の委任)

(Delegation of Authority)

第八条 法第十八条第一項に規定する厚生労働大臣の権限は、厚生労働大臣が全国的に重要であると認めた事案に係るものを除き、事業主の事業所の所在地を管轄する都道府県労働局長が行うものとする。

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.

(準用)

(Mutatis Mutandis Application)

第九条 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施行規則(昭和六十一年労働省令第二号)第三条から第十二条までの規定は、法第二十五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、同令第三条第一項中「法第十八条第一項」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(以下「短時間・有期雇用労働者法」という。)第二十五条第一項」と、同項並びに同令第四条(見出しを含む。)、第五条(見出しを含む。)及び第八条第一項中「機会均等調停会議」とあるのは「均衡待遇調停会議」と、同令第六条中「法第十八条第一項」とあるのは「短時間・有期雇用労働者法第二十五条第一項」と、「事業場」とあるのは「事業所」と、同令第八条第一項及び第三項中「法第二十条第一項又は第二項」とあるのは「短時間・有期雇用労働者法第二十六条において準用する法第二十条第一項」と、同項中「法第二十条第一項の」とあるのは「同項の」と、同令第九条中「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、同令第十条第一項中「第四条第一項及び第二項」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施行規則第九条において準用する第四条第一項及び第二項」と、「第八条」とあるのは「同令第九条において準用する第八条」と、同令第十一条第一項中「法第二十一条」とあるのは「短時間・有期雇用労働者法第二十六条において準用する法第二十一条」と、同令別記様式中「労働者」とあるのは「短時間・有期雇用労働者」と、「事業場」とあるのは「事業所」と読み替えるものとする。

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".

附 則 〔平成三十年十二月二十八日厚生労働省令第百五十三号〕 〔抄〕  
**Supplementary Provisions [Order of the Ministry of Health, Labour and  
Welfare No. 153 of December 28, 2018] [Extract]**

(施行期日)

(Effective Date)

第一条 この省令は、平成三十二年四月一日から施行する。ただし、第十三条から第十九条までの規定は公布の日から施行する。

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.

(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施行規則の適用に関する経過措置)

(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)

第二条 中小事業主（整備法附則第三条第一項に規定する中小事業主をいう。第四条において同じ。）については、平成三十三年三月三十一日までの間、第二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施行規則第一条から第四条まで及び第七条、第八条の規定による改正後の次世代育成支援対策推進法施行規則第四条並びに第十条による改正後の女性の職業生活における活躍の推進に関する法律に基づく一般事業主行動計画等に関する省令第十九条第一項の規定は、適用しない。この場合において、第二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施行規則第一条から第四条まで及び第七条、第八条の規定による改正前の次世代育成支援対策推進法施行規則第四条並びに第十条による改正前の女性の職業生活における活躍の推進に関する法律に基づく一般事業主行動計画等に関する省令第十九条第一項の規定は、なおその効力を有する。

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.

(罰則に関する経過措置)

(Transitional Measures for Penal Provisions)

第六条 この省令の施行の日前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 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.