

Order for Enforcement of the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees

(Cabinet Order No. 136 of April 7, 2017)

The Cabinet hereby enacts this Cabinet Order pursuant to the provisions of Article 10, item (ii), Article 31, paragraph (1), Article 37, paragraph (1), item (iv) and Article 104, paragraph (1), paragraph (3) and paragraph (4) of the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees (Act No. 89 of 2016).

(Provisions of Laws Specified by Cabinet Order relating the Immigration or Labor, as Provided for in Article 10, Item (ii) of the Act)

Article 1 The provisions of laws specified by Cabinet Order related to immigration or labor as provided for in Article 10, item (ii) of the Act on Proper Technical Intern Training and Protection of Technical Intern Trainees (hereinafter referred to as "Act") are as follows:

(i) the provisions of Article 117 of the Labor Standards Act (Act No. 49 of 1947) (including as applied pursuant to the provisions of Article 89, paragraph (1) of the Mariners Employment Security Act (Act No. 130 of 1948) or Article 44, paragraph (1) of the Act for Ensuring the Proper Operation of Staffing Services and Protecting Staffing-Agency Workers (Act No. 88 of 1985; hereinafter referred to as the "Temporary Staffing Act")), Article 118, paragraph (1) of the Labor Standards Act (limited to the parts related to the provisions of Article 6 and Article 56 of the same Act), Article 119 of the Labor Standards Act (limited to the part related to item (i) (limited to the parts related to Article 16, Article 17, Article 18, paragraph (1) and Article 37 of the same Act)) and Article 120 of the Labor Standards Act (limited to the part related to item (i) (limited to the parts related to the provisions of Article 18, paragraph (7) and Articles 23 through 27 of the same Act)), and the provisions of Article 121 of the Labor Standards Act related to the aforementioned provisions;

(ii) the provisions of Article 129 of the Mariners Act (Act No. 100 of 1947) (limited to the part related to the provisions of Article 85, paragraph (1) of the same Act), Article 130 the Mariners Act (limited to the parts related to the provisions of Article 33, Article 34, paragraph (1), Article 35, Article 45 and Article 66 of the same Act (including as applied mutatis mutandis pursuant to the provisions of Article 88-2-2, paragraph (4) and paragraph (5) and Article 88-3, paragraph (4) of the same Act)) and Article 131 of the

- Mariners Act (limited to the parts related to item (i) (limited to the parts related to the provisions of Article 53, paragraph (1) and paragraph (2), Article 54, Article 56 and Article 58, paragraph (1) of the same Act) and item (iii)), and the provisions of Article 135, paragraph (1) of the Mariners Act related to the aforementioned provisions (including as applied pursuant to the provisions of Article 92, paragraph (1) of the Mariners' Employment Security Act);
- (iii) the provisions of Article 63, Article 64, Article 65 (excluding item (i)) and Article 66 of the Employment Security Act (Act No. 141 of 1947), and the provisions of Article 67 of the same Act related to those provisions;
 - (iv) the provisions of Articles 111 through 115 of the Mariners' Employment Security Act;
 - (v) the provisions of Article 71-3, Article 71-4, Article 73-2, Article 73-4 through to Article 74-6-3, Article 74-8 and Article 76-2 of the Act on Immigration Control and Refugee Status (Cabinet Order No. 319 of 1951);
 - (vi) the provisions of Article 40 of the Minimum Wage Act (Act No. 137 of 1959) and the provisions of Article 42 of the same Act pertaining to the provisions of the same Article;
 - (vii) the provisions of Article 40, paragraph (1) (limited to the parts related to item (ii)) of the Act Relating to Comprehensive Promotion of the Labor Policies and Improvement of the Employment Security and Working Life of Workers (Act No. 132 of 1966)) and the provisions of paragraph (2) of the same Article related to those provisions;
 - (viii) the provisions of Article 49, Article 50 and Article 51 of the Act on the Improvement of Employment of Construction Workers (Act No. 33 of 1976) (excluding item (ii) and item (iii)) and the provisions of Article 52 of the same Act related to those provisions;
 - (ix) the provisions of Article 18 of the Act on Ensuring Wage Payment (Act No. 34 of 1976) and the provisions of Article 20 of the same Act related to the provisions of the same Article;
 - (x) the provisions of Articles 58 through 62 of the Temporary Staffing Act;
 - (xi) the provisions of Article 48, Article 49 (excluding item (i)) and Article 51 (limited to the parts related to item (ii) and item (iii)) of the Port Labor Act (Act No. 40 of 1988) and the provisions of Article 52 of the same Act related to those provisions;
 - (xii) the provisions of Article 19, Article 20 and Article 21 (excluding item (iii)) of the Act on the Promotion of Improvement of Employment Management in Small and Medium-sized Enterprises for Securing Manpower and Creating Quality Jobs (Act No. 57 of 1991) and the provisions of Article 22 of the same Act pertaining to those provisions;
 - (xiii) the provisions of Articles 62 through 65 or the Act on Childcare Leave,

- Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members (Act No. 76 of 1991);
- (xiv) the provisions of Article 32, Article 33 and Article 34 (excluding item (iii)) of the Act Concerning the Security of Forestry Work Force (Act No. 45 of 1996) and the provisions of Article 35 of the same Act related to those provisions; and
- (xv) the provisions of Article 118, Article 119 and Article 121 of the Labor Standards Act as applied pursuant to the provisions of Article 44, paragraph (4) of the Temporary Staffing Act, the provisions of Articles 129 through 131 of the Mariners Act as applied pursuant to the provisions of Article 89, paragraph (7) of the Mariners' Employment Security Act, and the provisions of Article 119 and Article 122 of the Industrial Safety and Health Act (Act No. 57 of 1972) as applied pursuant to the provisions of Article 45, paragraph (7) of the Temporary Staffing Act.

(Period of Validity of Supervising Organization Licenses)

Article 2 The period specified by Cabinet Order in Article 31, paragraph (1) of the Act is the period specified in each of the following items in accordance with the categories of the cases listed in each of the following items:

- (i) cases of obtaining the license to supervise (meaning the license to supervise prescribed in Article 2, paragraph (10) of the Act; the same applies in the following item) for the general supervising business (meaning the "general supervising business" prescribed in Article 23, paragraph (1), item (i) of the Act; hereinafter the same applies in this Article) (the relevant case excludes the cases specified in item (iii) and item (iv)): 5 years;
- (ii) cases of obtaining the license to supervise for the specified supervising business (meaning the specified supervising business prescribed in Article 23, paragraph (1), item (ii) of the Act; hereinafter the same applies in this Article) (the relevant case excludes the cases specified in item (v) and item (vi)): 3 years;
- (iii) if the supervising organization obtains permission to renew the period of validity of the license for general supervising business (meaning the period of validity of the license prescribed in the same paragraph; hereinafter the same applies in this Article) pursuant to the provisions of Article 31, paragraph (2) of the Act, and at the time of the renewal, that organization is found to have conformed to the standards specified by the order of the competent ministries as having demonstrated excellent ability and achievements in conducting the general supervising business during the period of validity of the previous license for general supervising business: 7 years;
- (iv) if the supervising organization obtains permission to renew the period of

validity of the license for general supervising business pursuant to the provisions of Article 31, paragraph (2) of the Act, and the relevant case does not fall under the cases listed in the preceding item: 5 years;

(v) if the supervising organization obtains permission to renew the period of validity of the license for specified supervising business pursuant to the provisions of Article 31, paragraph (2) of the Act, and at the time of the renewal, that organization is found to have conformed to the standards specified by order of the competent ministry as having demonstrated excellent ability and achievements in conducting the specified supervising business during the period of validity of the previous license for specified supervising business: 5 years; and

(vi) if the supervising organization obtains permission to renew the period of validity of the license for specified supervising business pursuant to the provisions of Article 31, paragraph (2) of the Act, and the relevant case does not fall under the case listed in the preceding item: 3 years.

(Provisions of Laws Specified by Cabinet Order Relating to Immigration or Labor as Provided for in Article 37, paragraph (1), Item (iv) of the Act)

Article 3 The provisions of laws specified by Cabinet Order relating to immigration or labor as provided for in Article 37, paragraph (1), item (iv) of the Act are as follows:

(i) the provisions of the Employment Security Act (including as applied pursuant to the provisions of Article 27, paragraph (2) of the Act);

(ii) the provisions of the Mariners' Employment Security Act;

(iii) the provisions of the Immigration Control and Refugee Recognition Act; and

(iv) the provisions of the Temporary Staffing Act (excluding the provisions of Chapter III, Section 4).

(Delegation of Authority to the Minister of Land, Infrastructure, Transport and Tourism)

Article 4 The authority for collection of reports, etc. prescribed in Article 104, paragraph (1) of the Act relating to a technical intern trainee (meaning the technical intern trainees prescribed in Article 2, paragraph (1) of the Act) who is a mariner (meaning the mariner prescribed in Article 1 of the Mariners Act) is delegated to the Minister of Land, Infrastructure, Transport and Tourism; provided, however, that this does not preclude the competent ministers from exercising that authority on their own.

(Delegation of Authority to the Director of the District Transport Bureau)

Article 5 (1) The Minister of Land, Infrastructure, Transport and Tourism

delegates the authority which has been delegated to the Minister pursuant to the provisions of Article 104, paragraph (1) of the Act, to the director of the district transport bureau (including the director of the transport supervision department; the same applies in the following paragraph) which has jurisdiction over the place of business or other place which is related to the supervising-organization-type technical intern training (meaning the supervising-organization-type technical intern training prescribed in Article 2, paragraph (4) of the Act) relevant to a person related to supervising-organization-type technical intern training (meaning a person related to supervising-organization-type technical intern training prescribed in Article 35, paragraph (1) of the Act) (that business office or place is referred to as the "business office, etc. of a person related to supervising-organization-type technical intern training" in the following paragraph); provided, however, that this does not preclude the Minister of Land, Infrastructure, Transport and Tourism from exercising such authority on their own.

(2) The authority which has been delegated to the director of the district transport bureau pursuant to the provisions of Article 104, paragraph (3) of the Act is delegated to the director of the transport bureau branch, or to the head of the district transport bureau, transport supervision department, or the office of the transport bureau branch, which has jurisdiction over the business office, etc. of a person relating to supervising-organization-type technical intern training; provided, however, that this does not preclude the director of the district transport bureau from exercising that authority on their own.

(Delegation of Authority to the Commissioner of the Immigration Services Agency)

Article 6 The authority of the Minister of Justice listed below is delegated to the Commissioner of the Immigration Services Agency; provided, however, that this does not preclude the Minister of Justice from exercising that authority on their own:

- (i) the authority prescribed in Article 13, paragraph (1) of the Act;
- (ii) the authority prescribed in Article 35, paragraph (1) of the Act;
- (iii) the authority prescribed in Article 36, paragraph (1) of the Act; and
- (iv) the authority prescribed in Article 37, paragraph (3) of the Act.