

# 外国人の技能実習の適正な実施及び技能実習生の保護 に関する法律施行令

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

(平成二十九年四月七日政令第百三十六号)  
(Cabinet Order No. 136 of April 7, 2017)

内閣は、外国人の技能実習の適正な実施及び技能実習生の保護に関する法律（平成二十八年法律第八十九号）第十条第二号、第三十一条第一項、第三十七条第一項第四号並びに第百四条第一項、第三項及び第四項の規定に基づき、この政令を制定する。

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).

(法第十条第二号の出入国又は労働に関する法律の規定であつて政令で定めるもの)  
(Provisions of Laws Specified by Cabinet Order relating the Immigration or  
Labor, as Provided for in Article 10, Item (ii) of the Act)

第一条 外国人の技能実習の適正な実施及び技能実習生の保護に関する法律（以下「法」という。）第十条第二号の出入国又は労働に関する法律の規定であつて政令で定めるものは、次のとおりとする。

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:

一 労働基準法（昭和二十二年法律第四十九号）第百十七条（船員職業安定法（昭和二十三年法律第百三十号）第八十九条第一項又は労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律（昭和六十年法律第八十八号。以下「労働者派遣法」という。）第四十四条第一項の規定により適用される場合を含む。）、第百十八条第一項（労働基準法第六条及び第五十六条の規定に係る部分に限る。）、第百十九条（第一号（同法第十六条、第十七条、第十八条第一項及び第三十七条の規定に係る部分に限る。）に係る部分に限る。）及び第百二十条（第一号（同法第十八条第七項及び第二十三条から第二十七条までの規定に係る部分に限る。）に係る部分に限る。）の規定並びにこれらの規定に係る同法第百二十一条の規定

(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;

二 船員法（昭和二十二年法律第百号）第二百九条（同法第八十五条第一項の規定に係る部分に限る。） 第三百十条（同法第三十三条、第三十四条第一項、第三十五条、第四十五条及び第六十六条（同法第八十八条の二の二第四項及び第五項並びに第八十八条の三第四項において準用する場合を含む。）の規定に係る部分に限る。）及び第三百十一条（第一号（同法第五十三条第一項及び第二項、第五十四条、第五十六条並びに第五十八条第一項の規定に係る部分に限る。）及び第三号に係る部分に限る。）の規定並びにこれらの規定に係る同法第一百三十五条第一項の規定（これらの規定が船員職業安定法第九十二条第一項の規定により適用される場合を含む。）

(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);

三 職業安定法（昭和二十二年法律第百四十一号）第六十三条、第六十四条、第六十五条（第一号を除く。）及び第六十六条の規定並びにこれらの規定に係る同法第六十七条の規定

(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;
- 四 船員職業安定法第百十一条から第百十五条までの規定
- (iv) the provisions of Articles 111 through 115 of the Mariners' Employment Security Act;
- 五 出入国管理及び難民認定法（昭和二十六年政令第三百十九号）第七十一条の三、第七十一条の四、第七十三条の二、第七十三条の四から第七十四条の六の三まで、第七十四条の八及び第七十六条の二の規定
- (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);
- 六 最低賃金法（昭和三十四年法律第百三十七号）第四十条の規定及び同条の規定に係る同法第四十二条の規定
- (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;
- 七 労働施策の総合的な推進並びに労働者の雇用の安定及び職業生活の充実等に関する法律（昭和三十九年法律第百三十二号）第四十条第一項（第二号に係る部分に限る。）の規定及び当該規定に係る同条第二項の規定
- (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;
- 八 建設労働者の雇用の改善等に関する法律（昭和五十一年法律第三十三号）第四十九条、第五十条及び第五十一条（第二号及び第三号を除く。）の規定並びにこれらの規定に係る同法第五十二条の規定
- (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;
- 九 賃金の支払の確保等に関する法律（昭和五十一年法律第三十四号）第十八条の規定及び同条の規定に係る同法第二十条の規定
- (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;
- 十 労働者派遣法第五十八条から第六十二条までの規定
- (x) the provisions of Articles 58 through 62 of the Temporary Staffing Act;
- 十一 港湾労働法（昭和六十三年法律第四十号）第四十八条、第四十九条（第一号を除く。）及び第五十一条（第二号及び第三号に係る部分に限る。）の規定並びにこれらの規定に係る同法第五十二条の規定
- (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;

十二 中小企業における労働力の確保及び良好な雇用の機会の創出のための雇用管理の改善の促進に関する法律（平成三年法律第五十七号）第十九条、第二十条及び第二十一条（第三号を除く。）の規定並びにこれらの規定に係る同法第二十二条の規定

(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;

十三 育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律（平成三年法律第七十六号）第六十二条から第六十五条までの規定

(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);

十四 林業労働力の確保の促進に関する法律（平成八年法律第四十五号）第三十二条、第三十三条及び第三十四条（第三号を除く。）の規定並びにこれらの規定に係る同法第三十五条の規定

(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

十五 労働者派遣法第四十四条第四項の規定により適用される労働基準法第百十八条、第百十九条及び第百二十一条の規定、船員職業安定法第八十九条第七項の規定により適用される船員法第百二十九条から第百三十一条までの規定並びに労働者派遣法第四十五条第七項の規定により適用される労働安全衛生法（昭和四十七年法律第五十七号）第百十九条及び第百二十二条の規定

(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.

（監理団体の許可の有効期間）

（Period of Validity of Supervising Organization Licenses）

第二条 法第三十一条第一項の政令で定める期間は、次の各号に掲げる場合の区分に応

じ、当該各号に定める期間とする。

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:

一 一般監理事業（法第二十三条第一項第一号に規定する一般監理事業をいう。以下この条において同じ。）に係る監理許可（法第二条第十項に規定する監理許可をいう。次号において同じ。）を受けた場合（第三号及び第四号に規定する場合を除く。） 五年

(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;

二 特定監理事業（法第二十三条第一項第二号に規定する特定監理事業をいう。以下この条において同じ。）に係る監理許可を受けた場合（第五号及び第六号に規定する場合を除く。） 三年

(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;

三 法第三十一条第二項の規定により一般監理事業に係る許可の有効期間（同項に規定する許可の有効期間をいう。以下この条において同じ。）の更新を受けた場合であって、当該更新に際し、従前の一般監理事業に係る許可の有効期間において一般監理事業の実施に関し優れた能力及び実績を有するものとして主務省令で定める基準に適合すると認められたとき 七年

(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;

四 法第三十一条第二項の規定により一般監理事業に係る許可の有効期間の更新を受けた場合であって、前号に掲げる場合以外するとき 五年

(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;

五 法第三十一条第二項の規定により特定監理事業に係る許可の有効期間の更新を受けた場合であって、当該更新に際し、従前の特定監理事業に係る許可の有効期間において特定監理事業の実施に関し優れた能力及び実績を有するものとして主務省令で定める基準に適合すると認められたとき 五年

(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

六 法第三十一条第二項の規定により特定監理事業に係る許可の有効期間の更新を受けた場合であって、前号に掲げる場合以外のとき 三年

(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.

(法第三十七条第一項第四号の出入国又は労働に関する法律の規定であって政令で定めるもの)

(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)

第三条 法第三十七条第一項第四号の出入国又は労働に関する法律の規定であって政令で定めるものは、次のとおりとする。

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:

一 職業安定法の規定（法第二十七条第二項の規定により適用される場合を含む。）

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

二 船員職業安定法の規定

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

三 出入国管理及び難民認定法の規定

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

四 労働者派遣法（第三章第四節の規定を除く。）の規定

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

(国土交通大臣への権限の委任)

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

第四条 法第百四条第一項に規定する報告徴収等の権限のうち、船員（船員法第一条に規定する船員をいう。）である技能実習生（法第二条第一項に規定する技能実習生をいう。）に係るものは、国土交通大臣に委任する。ただし、主務大臣が自らその権限を行使することを妨げない。

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.

(地方運輸局長等への権限の委任)

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

第五条 国土交通大臣は、法第百四条第一項の規定により委任された権限を、団体監理型技能実習関係者（法第三十五条第一項に規定する団体監理型技能実習関係者をいう。）に係る事業所その他団体監理型技能実習（法第二条第四項に規定する団体監理型技能実習をいう。）に関係のある場所（次項において「団体監理型技能実習関係者の事務所等」という。）の所在地を管轄する地方運輸局長（運輸監理部長を含む。次項において同じ。）に委任する。ただし、国土交通大臣が自らその権限を行使することを妨げない。

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 法第百四条第三項の規定により地方運輸局長に委任された権限は、団体監理型技能実習関係者の事務所等の所在地を管轄する運輸支局長又は地方運輸局、運輸監理部若しくは運輸支局の事務所の長に委任する。ただし、地方運輸局長が自らその権限を行使することを妨げない。

(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.

(出入国在留管理庁長官への権限の委任)

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

第六条 次に掲げる法務大臣の権限は、出入国在留管理庁長官に委任する。ただし、法務大臣が自らその権限を行使することを妨げない。

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:

一 法第十三条第一項に規定する権限

(i) the authority prescribed in Article 13, paragraph (1) of the Act;

二 法第三十五条第一項に規定する権限

(ii) the authority prescribed in Article 35, paragraph (1) of the Act;

三 法第三十六条第一項に規定する権限

(iii) the authority prescribed in Article 36, paragraph (1) of the Act; and

四 法第三十七条第三項に規定する権限

(iv) the authority prescribed in Article 37, paragraph (3) of the Act.