

Enforcement Regulation of the Employment Security Act

(Order of the Ministry of Labour No. 12 of December 29, 1947)

The Enforcement Regulation of the Employment Security Act is enacted as follows.

(Definition of Employment Security Organization)

Article 1 The term "employment security organization" as used in this Order means an organization of all employment security bodies such as the Employment Security Bureau of the Ministry of Health, Labour and Welfare (hereinafter referred to as "Employment Security Bureau"), the Prefectural Labor Bureaus and the public employment security offices.

(Matters concerning Article 2 of the Act)

Article 2 A public employment security office must endeavor to develop employment opportunities for as many kinds of occupations as possible, and to provide job seekers with as much information on appropriate employment opportunities as possible, and if there is no job seeker who is more appropriate, introduce any kind of job the person may choose.

(Matters concerning Article 3 of the Act)

- Article 3 (1) A public employment security office must not discriminate any user of their services by reason of race, nationality, creed, sex, social status, family origin, previous profession, membership in a labor union, etc. in the course of operating their services such as the acceptance of application, interview, guidance, and employment placement, etc.
- (2) Employment security organizations must provide all job seekers with as many employment opportunities as possible suitable to the ability of each such job seeker, while keeping in close touch with the employers and give guidance to those employers to establish the working conditions of their employees solely based on the performance of the work.
- (3) The provisions of Article 3 of the Employment Security Act (Act No. 141 of 1947; hereinafter referred to as "the Act") do not preclude the employers from selecting the employees at their discretion unless otherwise provided for in the collective agreement, nor preclude the public employment security offices from introducing job seekers to the employers according to the ability and capability of the job seekers.

(Matters concerning Article 4 of the Act)

Article 4 (1) A person supplying workers and has such workers engage in labor under the directions and orders of another person (excluding the persons engaged in the labor dispatching businesses provided under Article 2, item (iii) of the Act for Securing the Proper Operation of Worker Dispatching and Improved Working Conditions for Dispatched Workers (Act No. 88 of 1985; hereinafter referred to as "Worker Dispatching Act")) is deemed as a person engaged in the labor supply businesses provided under Article 4, paragraph (6) of the Act, even if the form of contract is a service contract, except where all particulars listed in each of the following items are applicable.

- (i) the person assumes all responsibilities and liabilities, both financially and legally as an employer, for the completion of the work;
 - (ii) the person gives directions to and provides supervision of the workers engaged in the work;
 - (iii) the person undertakes all obligations prescribed by any law as the employer to the workers engaged in the work; and
 - (iv) the work performed is not merely to provide physical labor, but to use the machinery, equipment or devices (excluding simple tools necessary in the course of business) or any material necessary for the work, provided by the person, or provide planning or other work requiring specialized skill or experience.
- (2) Even if all matters listed in each item of the preceding paragraph are applicable (except when conducting the worker dispatching businesses provided under Article 2, item (iii) of the Worker Dispatching Act), the person may not be released or exempted from being deemed as a person operating the businesses of labor supply provided by Article 4, paragraph (6) of the Act where such situation has been made intentionally to disguise the violation of Article 44 of the Act, and the true purpose of the businesses is to supply labor.
- (3) A person supplying workers provided under paragraph (1) may be an employer, individual, association, corporation or others, regardless of its name or form.
- (4) A person receiving the supply of workers and has such workers engage in the labor under its directions and orders as provided by paragraph (1) may be an individual, association, corporation, governmental organization or others, regardless of its name or form.
- (5) The entity provided for by Order of the Ministry of Health, Labour and Welfare as provided under Article 4, paragraph (8) of the Act is as follows:
- (i) the employee organization provided under Article 108-2, paragraph (1) of the National Public Service Act (Act No. 120 of 1947) (including as applied mutatis mutandis pursuant to item (i) of the Act on Temporary Measures concerning Court Officials (Act No. 299 of 1951)), the employee organization

provided under Article 52, paragraph (1) of the Local Public Service Act (Act No. 261 of 1950) or the union of the national Diet staff members provided under Article 18-2, paragraph (1) of the Diet Officers Act (Act No. 85 of 1947); and

- (ii) organizations provided in the preceding item or an association (including an organization equivalent to an association) mainly consisting of the labor unions falling under the provisions of Article 2 and Article 5, paragraph (2) of the Labor Union Act (Act No. 174 of 1949), whose main purpose is to maintain and improve the working conditions and other economic status of workers on a voluntary basis, and which falls under any of the following sub-items:
 - (a) an association organized within the area of a single prefecture; or
 - (b) an association other than those provided by (a) satisfying the standards determined by the Director-General of the Employment Security Bureau of the Ministry of Health, Labour and Welfare (hereinafter referred to as "Director-General of the Employment Security Bureau").

(Matters concerning Article 5-3 of the Act)

Article 4-2 (1) The matters specified by Order of the Ministry of Health, Labour and Welfare as provided under Article 5-3, paragraph (3) of the Act are as follows:

- (i) the matters concerning the content of the duties the workers should engaged in;
 - (ii) the matters concerning the term of the labor contract;
 - (iii) the matters concerning the workplace;
 - (iv) the matters concerning the starting time and the ending time of the work hours, requirement of work exceeding the normal working hours, and the break time and holidays;
 - (v) the matters concerning the amount of the wages (excluding the extraordinary salary, bonus and other payments provided under each item of Article 8 of the Enforcement Regulation of the Labor Standards Act (Order of the Ministry of Health and Welfare No. 23 of 1947)); and
 - (vi) the matters concerning the application of the health insurance under the National Health Insurance Act (Act No. 70 of 1922), the employees' welfare pension under the Employees' Welfare Pension Insurance Act (Act No. 115 of 1954), the industrial accident compensation insurance under the Industrial Accident Compensation Insurance Act (Act No. 50 of 1947) and the employment insurance under the Employment Insurance Act (Act No. 116 of 1974).
- (2) The method specified by Order of the Ministry of Health, Labour and Welfare as provided under Article 5-3, paragraph (3) of the Act is either of the following

methods, both of which clearly indicate the matters listed in each item of the preceding paragraph (hereinafter referred to as "indication matters" in this paragraph and the following paragraph); provided, however, that this does not apply to the case where such method cannot be followed in advance due to the emergency nature of the implementation of employment placement, and the indication matters are clearly indicated in advance in a method other than the following methods:

- (i) method of delivery of written document;
 - (ii) method of using an electronic data processing system (meaning the electronic data processing system connecting the computer related to the use by the document deliverer (meaning the person who is to deliver the written document under the circumstances where the indication matters are clearly indicated in the method provided in the preceding item; hereinafter the same applies in this item) and the computer related to the use by the document receiver (meaning the person who is to receive the written document under the circumstances where the indication matters are clearly indicated in the method provided in the preceding item; hereinafter the same applies in this item and the following paragraph) through electric telecommunication line), under the circumstances where the document receiver desired to receive the document in a method under which the document is transmitted through the electric telecommunication line connecting the computer used by the document deliverer and the computer used by the document receiver, and the document is recorded in a file installed in the computer used by the document receiver (limited to the method under which the document receiver may produce a hard copy of the document by outputting the document recorded in the file).
- (3) The indication of the indication matters made pursuant to the method listed in item (ii) of the preceding paragraph is deemed to be received by the document receiver at the time when the document is recorded in the file installed in the computer used by the document receiver.
 - (4) If a job offerer receives an introduction of a job seeker from a public employment security office, the job offerer is to promptly notify the public employment security office of whether or not it has employed the job seeker and the reason of rejection if it does not employ the job seeker.

(Matters concerning Article 5-5 of the Act)

Article 4-3 (1) Offers for posting job offerings filed in the public employment security offices are to be accepted, in principle, by the public employment security office with jurisdiction over the location of the place of business of the job offerer (if there are two or more public employment security offices, the public employment security office handling the affairs pursuant to the

provision of Article 792 of the Rules on Organization of the Ministry of Health, Labour and Welfare (Order of the Ministry of Health, Labour and Welfare No. 1 of 2001)).

- (2) If it is inconvenient for the job offerer to file the offer at the public employment security office set forth in the preceding paragraph, the offer for posting a job offering may be filed at the public employment security office handling the affairs pursuant to the provision of Article 792 of the Rules on Organization of the Ministry of Health, Labour and Welfare which is the most convenient for the job offerer.
- (3) If a public employment security office or an employment placement business provider rejects the acceptance of the offer for posting a job offering in accordance with the provisions of the proviso of Article 5-5 of the Act, it must explain the reason thereof to the job offerer.

(Matters concerning Article 5-6 of the Act)

Article 4-4 If a public employment security office rejects the acceptance of the offer for registering as a job seeker in accordance with the proviso of Article 5-6, paragraph (1) of the Act, it must explain the reason thereof to the job seeker.

Article 5 Deleted

(Matters concerning Article 8 of the Act)

Article 6 The location, jurisdictional district, and the size of the facilities of the public employment security offices are to be mainly subject to the following standards:

- (i) the establishment of a public employment security office is not necessary in village areas where there are a few industries, and labor can be self-supplied, or urban areas where there is only one kind of industry, or there are a few factories or other workplaces;
- (ii) the establishment of a public employment security office is necessary in the industrialized urban area where there are many factories and workplaces;
- (iii) upon deciding the establishment and the jurisdictional district of a public employment security office, in addition to the standards provided in the preceding two items, sufficient consideration is required in respect of not only the local necessities but also the relationship with other local areas or with the whole nation, so that the national labor force can be optimized to the fullest extent, such as establishing the public employment security office as necessary even in the area where there are a few factories or other workplaces, which is the source of labor supply to other areas, or the area where there are factories or other workplaces but such workplaces that are not possible to secure appropriate workers residing within commuting

- distance;
- (iv) branch offices are to be established in the area where branch office is necessary for operational reason of the public employment security offices;
 - (v) the public employment security offices are to be established on a permanent or temporary basis for day laborers, as necessary;
 - (vi) a temporary public employment security office is to be established for seasonal workers or otherwise whenever there is a special necessity;
 - (vii) a public employment security office is to be established in a location convenient for many employers and workers who use the office;
 - (viii) a public employment security office is to be established in such numbers and with such equipment as to provide sufficient services to the job offerers, job seekers and others who use the office; and
 - (ix) a public employment security office is to be equipped with facilities that are easy for the users to enter and exit, and are capable of securing their confidential information.

Article 7 Deleted

Article 8 Deleted

(Matters concerning Article 13 of the Act)

Article 9 (1) Pursuant to the provisions of Article 13 of the Act, the Prefectural Labor Bureaus and the public employment security offices must submit necessary reports to the Director-General of the Employment Security Bureau by following the procedures and in the forms provided thereby.

- (2) The reports set forth in the preceding paragraph are to be mainly on the matters listed in each of the following items:
- (i) matters concerning personnel affairs, expenses, work volume, facilities, etc.;
 - (ii) matters concerning the number of the job offerers, job seekers, and those who have obtained jobs on a monthly basis;
 - (iii) matters concerning the status of handling the vocational guidance and other special duties on a monthly basis;
 - (iv) matters concerning the progress of various duties;
 - (v) matters concerning the progress of the providing sufficient number of workers based on special plans; and
 - (vi) other matters found to be necessary.

(Matters concerning Article 14 of the Act)

Article 10 (1) The Director-General of the Employment Security Bureau must formulate the nation-wide plan, implementation guidelines, procedures and forms concerning the analysis of labor market, and the Prefectural Labor

Bureaus and the public employment security offices must prepare and submit the report on labor market based on them to the Director-General of the Employment Security Bureau.

- (2) The Director-General of the Employment Security Bureau is to define the technical terms concerning the demand and supply of labor, and endeavor to disseminate them.

(Matters concerning Article 15 of the Act)

Article 11 The standard job titles, job descriptions and occupational classification tables are to be prepared, for all kinds of occupation, by the Director-General of the Employment Security Bureau, through hearing opinions of employers, workers and persons with relevant knowledge and experience of occupations, to enable them to be commonly and widely used by the public employment security offices, various facilities, employment placement business providers, the persons conducting solicitation of workers, and the labor supply service providers.

(Matters concerning Article 17 of the Act)

Article 12 (1) A public employment security office must endeavor to introduce a job seeker, at the request of the job seeker, to a job offerer located in an area normally not commutable if either of the following items is applicable:

- (i) the introduction offers the best employment opportunity for the job seeker;
or

- (ii) the introduction offers the opportunity for the job offerer who is unable to secure appropriate job seekers in its area, to employ the best job seeker.

- (2) A public employment security office must instruct the job offerer to employ a worker within the normally commutable area when the job offerer is able to find an appropriate worker.

- (3) If a job offerer does not follow the instructions of the public employment security office set forth in the preceding paragraph and attempts to employ a worker in an area normally not commutable, the public employment security office is not to provide support to such job offerer unless otherwise specially directed by the Director-General of the Employment Security Bureau.

- (4) If a public employment security office seeks to provide support to a job offerer who is planning to employ a worker from an area normally not commutable, the public employment security office must make sure that the wages and other working conditions at the place of business of the job offerer are not in violation of any law or regulation, and that the working conditions are not inferior to the general levels in the normally commutable area.

- (5) The public employment security office, when it finds it necessary, must provide necessary advice and support on relocation and other matters to a

person who has obtained a job through the employment placement business of the public employment security office until they start work.

(Matters concerning Article 18 of the Act)

Article 13 The development of job offerings and job applications by the public employment security offices must be conducted systematically in accordance with the situations of the demand and supply of labor for each occupation, age and area.

(Matters concerning Article 20 of the Act)

Article 14 (1) The director of the Prefectural Labor Bureau must keep close contact with the local labor relations commission at all times and require that the local labor relations commission notify the relevant public employment security office if either of the following items is applicable:

- (i) in the case where a situation of strike or lockout has arisen or has been settled; or
 - (ii) in the case where a labor dispute that has a high risk of developing into a strike or lockout and for which the introduction of a job seeker to the place of business may hinder the proper settlement has arisen or has been settled.
- (2) The job offerer, when a labor dispute has arisen or has been settled at its place of business, must notify the relevant public employment security office to that effect.
- (3) The procedures for introducing a job seeker to a place of business undergoing a labor dispute are separately determined by the Director-General of the Employment Security Bureau.

(Matters concerning Article 21 of the Act)

Article 15 The Director-General of the Employment Security Bureau is to determine the procedures and forms of the employment placement businesses conducted by the public employment security offices.

(Matters concerning Article 22 of the Act)

- Article 16 (1) The vocational guidance conducted by the public employment security office is to be provided to the job seekers as a set of processes for providing the vocational knowledge, selecting the occupations, assisting in finding a job, and providing guidance after employment.
- (2) The vocational guidance conducted by the public employment security office must provide advice and support for those who receive the vocational guidance to enable them to self-evaluate their own abilities and capacities in comparison to various conditions of occupations and employment opportunities. In particular, the vocational guidance conducted for persons with physical or

mental disability must provide advice and support, with special dedication and placement techniques, to enable those persons to obtain a job that they are interested in and suitable to their physical and mental ability and skills.

- (3) The public employment security office must prepare necessary reference materials so that those who receive the vocational guidance can voluntarily inspect them.
- (4) The public employment security office must provide those who have obtained a job by receiving the vocational guidance with guidance after employment as necessary, to facilitate the person's adjustment to the occupation; provided, however, that if there is any problem concerning the working conditions in providing the guidance after employment, the public employment security office must request the relevant labor standards inspection office to take appropriate measures.
- (5) If a person who received the vocational guidance has not selected an appropriate occupation, the public employment security office must provide such person with vocational guidance again, at the request of the person.
- (6) If it is necessary to provide special vocational guidance for juveniles, the Director-General of the Employment Security Bureau may designate a public employment security office and direct the office to establish a department dedicated to the matters concerning the special vocational guidance for juveniles.
- (7) If it is necessary to provide special vocational guidance for persons with a physical or mental disability, the Director-General of the Employment Security Bureau may designate a public employment security office and direct the office to establish a department dedicated to the matters concerning the special vocational guidance for persons with a physical or mental disability, or entrust the research and study concerning the special vocational guidance for persons with a physical or mental disability to a public interest corporation whose purpose is to provide rehabilitation and support to persons with a physical or mental disability.
- (8) A public employment security office must cooperate with the educational institutions and the institutions related to social welfare for the employment of juveniles and persons with physical or mental disability.

(Matters concerning Article 25 of the Act)

Article 17 The Director-General of the Employment Security Bureau is to determine the procedures and forms of the vocational guidance conducted by the public employment security offices.

(Matters concerning Article 27 of the Act)

Article 17-2 (1) The chief of a public employment security office, when they seek

to entrust a part of their duties to a school principal pursuant to the provisions of Article 27, paragraph (1) of the Act, must give written notice to the school principal. The procedures and forms of the notice are as determined by the Director-General of the Employment Security Bureau.

- (2) A public employment security office must notify the school principal sharing a part of the duties of the public employment security office pursuant to the provisions of Article 27, paragraph (1) of the Act (hereinafter referred to as "duty sharing school principal") of job offerings accepted by the public employment security office which are found appropriate to be handled by the school.
- (3) The duty sharing school principal must promptly notify the public employment security office that shared a part of its duties of the job offering accepted by the school.
- (4) The duty sharing school principal must promptly notify the public employment security office that shared a part of its duties of the job offering or job application which is difficult for the school to provide assistance by following the procedures and forms determined by the Director-General of the Employment Security Bureau.
- (5) A public employment security office, when it has received the notice of the job offering or job application set forth in the preceding paragraph, must endeavor to provide assistance by promptly developing necessary job offerings or job applications.
- (6) The duty sharing school principal, when they do not accept a job offering or job application pursuant to the provisions of Article 27, paragraph (3) of the Act, must explain the reason for non-acceptance of the offer to the job offerer or job seeker who filed the offer and give instruction to file the job offering with the public employment security office to the job offerer.
- (7) The duty sharing school principal must use the job offering form and the job application form provided by the public employment security office and other necessary forms created pursuant to the standards determined based on laws and this Order.
- (8) The cases which the chief of the public employment security office may suspend the duties it has had the duty sharing school principal to share pursuant to the provisions of Article 27, paragraph (7) of the Act are to be limited to the cases in which the duty sharing school principal does not follow the recommendation given to them in advance to rectify the violated matters, and it is found inappropriate to have the duty sharing school principal share a part of the duties of the public employment security office.
- (9) The chief of the public employment security office, when they seek to cease the duties it has had the duty sharing school principal to undertake or to suspend the principle from conducting the duties, must give written notice to

that duty sharing school principal. The same applies if the chief of the public employment security office seeks to have the duty sharing school principal, at the request of the principal, to suspend the duties it has had the principal to undertake. The procedures and forms of the notice are as determined by the Director-General of the Employment Security Bureau.

(Matters concerning Article 28 of the Act)

Article 17-3 (1) The public employment security office, when it has accepted a job offering suitable for students, must provide the information to any school within its jurisdictional district that it deems appropriate.

(2) A public employment security office is to request cooperation of the schools within its jurisdictional district concerning the implementation of the matters listed in the following items:

- (i) to report to the public employment security office the result of the research concerning the preference on employment of the students who are to graduate from the schools;
- (ii) to forward to the public employment security office the job applications of the students who desire to obtain a job through the employment placement services of the public employment security office; and
- (iii) to provide the public employment security office with the information concerning the vocational guidance provided to the students who are to graduate from the school, and any other information necessary for assisting the employment of the students.

(Matters concerning Article 30 of the Act)

Article 18 (1) The written application provided under Article 30, paragraph (2) of the Act is to be subject to the form of the application for the permit of fee-charging employment placement business (Form No. 1).

(2) The matters specified by Order of the Ministry of Health, Labour and Welfare as provided by Article 30, paragraph (2), item (v) of the Act are the type and content of the services if other services are conducted, and, if an organization that acts as an agent for the job offering or job applications filed in any area other than the area governed by the Act (hereinafter referred to as "agent organization") is used, then the name, address and the content of the services of the agent organization.

(3) The documents specified by Order of the Ministry of Health, Labour and Welfare as provided under Article 30, paragraph (3) of the Act are as follows:

- (i) if the applicant is a corporation, the following documents:
 - (a) articles of incorporation or articles of endowment;
 - (b) certificate of registered information;
 - (c) a copy of the resident record (or foreign resident registration card in case

- of a foreign national; the same applies hereinafter) and the resume of the officers;
- (d) a copy of the resident record and the resume of the statutory agent of the officer if the officer is a minor and has not obtained the business license for operating the employment placement business;
- (e) the balance sheet and the profit and loss statement for recent business years;
- (f) the details of the assets related to the employment placement business and the documents certifying their relations of rights;
- (g) the rules concerning the proper management of personal information and the security of confidential information adopted at each place of business operating the fee-charging employment business (hereinafter simply referred to as "at each place of business" in this Article);
- (h) the rules concerning the business operation at each place of business
- (i) a copy of the resident record and the resume of the responsible person appointed at each place of business;
- (j) the document stating the outline of the facilities at each place of business;
- (k) the document concerning the other country involved in the employment placement business if overseas employment placement services are to be provided;
- (l) the document concerning the agent organization if overseas employment placement services are to be provided, and an agent organization is to be used;
- (ii) if the applicant is an individual, the following documents:
 - (a) a copy of the resident certificate and the resume of the individual;
 - (b) a copy of the resident record and the resume of the statutory agent of the applicant if the applicant is a minor and has not obtained the business license for operating the employment placement business; and
 - (c) the documents listed in sub-items (e) through (l) of the preceding item.
- (4) The business plan to be attached pursuant to the provision of Article 30, paragraph (3) of the Act is to be subject to the form of the business plan for fee-charging employment placement business (Form No. 2).
- (5) If a person who has received the license provided under Article 33, paragraph (1) of the Act files an application for the license provided under Article 30, paragraph (1) of the Act, the applicant is not required to attach the documents prescribed in paragraph (3), item (i), sub-items (a) through (d) in the case of a corporation, and the documents prescribed in the same paragraph, item (ii), sub-items (a) and (b) in the case of an individual.
- (6) If a person who has received the permit provided under Article 33, paragraph (1) of the Act files an application for the permit provided under Article 30, paragraph (1) of the Act, and the person continues to appoint the responsible

person for employment placement at the place of business operating the free of charge employment placement business as the responsible person for employment placement at the place of business pertaining to the application, the attachment of a resume (or a copy of the resident record and the resume, if no change has been made to the address of the appointed responsible person; hereinafter the same applies in this paragraph) among the documents prescribed in paragraph (3), item (i), sub-item (i) in the case of a corporation, or the resume among the documents prescribed in item (ii), sub-item (ii) of the same paragraph, in the case of an individual, is not required.

- (7) The amount specified by Order of the Ministry of Health, Labour and Welfare as provided under Article 30, paragraph (6) of the Act is 50,000 yen (if there are two or more places of business operating the fee-charging employment placement business, the amount obtained by subtracting one from the number of the places of business, then multiplying the sum by 18,000 yen, and adding 50,000 yen).
- (8) The fees set forth in the preceding paragraph must be paid with a revenue stamp corresponding to the amount of the fees, affixed to the application form provided under paragraph (1).
- (9) The fees set forth in the preceding paragraph are not refundable after the payment is made.

Article 19 Deleted

(Matters concerning Article 32-3 of the Act)

- Article 20 (1) The type, amount, and the fee collection procedures specified by Order of the Ministry of Health, Labour and Welfare as provided under Article 32-3, paragraph (1), item (i) of the Act are as provided by the Appended Table.
- (2) The cases specified by Order of the Ministry of Health, Labour and Welfare as provided under Article 32-3, paragraph (2) of the Act are the cases which a fee equivalent to or less than ten-point-five hundredths ($10.5/100$) (or ten-point-two hundredths ($10.2/100$) in the case of a tax-exempt business entity) of the wages paid during the six-month period after employment is collected from the job seeker who had been introduced to an occupation of entertainer (who provides entertainment such as music, theatrical entertainment or other performance arts in broadcasting programs (including commercial broadcasting), movies, vaudevilles, theaters, etc.) or models (who appears at fashion shows or other events or serves as a material for a creation of photographs, etc. used for newspapers, magazines, etc. for demonstrating commercial goods, or who serves as a material for creation of paintings, sculptures or other works of art), or job seekers who had been introduced to an occupation of technologist (who engages in researches and studies by applying

advanced scientific and specialized knowledge and means, or the planning, management, instruction, etc. of technical matters for production or other business activities), management executive (who has advanced expert knowledge and experience for the management of a company or other associations and conducts management duties for managing a company or other associations) or skilled engineer (who has the skill of a person having passed the technical skill test provided under Article 44, paragraph (1) of the Human Resources Development Promotion Act (Act No. 64 of 1969) for the special grade or the first grade or any corresponding skill, and conducts duties using such skills for production or other business activities) (limited to the persons whose wages for the jobs obtained through the introduction exceed the amount specified by the Minister of Health, Labour and Welfare).

- (3) The method specified by Order of the Ministry of Health, Labour and Welfare as prescribed by Article 32-3, paragraph (3) of the Act is to be the method for which the amount of fees for the services and the person to bear the fees are specified for each type of the services related to the employment placement services.
- (4) A fee-charging employment placement business provider, when it collects fees based on the schedule of fees as provided under Article 32-3, paragraph (1), item (ii) of the Act, and the fees are for those to be appropriated to the class II special enrollment insurance premiums provided under Article 10, paragraph (2), item (iii) of the Act on the Collection, etc. of Insurance Premiums of Labor Insurance (Act No. 84 of 1969) (hereinafter referred to as "class II special enrollment insurance premiums" in this paragraph and the Appended Table) for the persons who engage in the work provided under Article 46-18, item (v) of the Enforcement Regulation of the Workers' Accident Compensation Insurance Act (Order of the Ministry of Labour No. 22 of 1955) among the persons who obtained jobs through the introduction, must provide in the schedule of fees the fact that the fees for the appropriation to the class II special enrollment insurance premiums are to be collected and the amount of the fees. In this case, the amount of the fees must be the amount equivalent to or less than the seven-point-five thousandths ($7.5/1000$) of the wages paid to the persons engaged in the work.
- (5) A person who seeks to file a notice of the schedule of fees provided under Article 32-3, paragraph (1), item (ii) of the Act must file a written notification of the schedule of fees to the Minister of Health, Labour and Welfare by using the written fee notification form for notification procedure (Form No. 3).
- (6) A person who seeks to make a change in the schedule of fees notified pursuant to the provision of the preceding paragraph must notify the change to the Minister of Health, Labour and Welfare by using the written fee change notification form for notification procedures (Form No. 3).

- (7) The Minister of Health, Labour and Welfare, in ordering the person who seeks to become a fee-charging employment placement business provider or the charged employment placement business provider to make changes in the schedule of fees pursuant to the provision of Article 32-3, paragraph (4) of the Act, is to give notice to the person or business provider using the written notice of fee change order for notification procedures (Form No. 4).
- (8) The management method of the fees to be appropriated to the class II special enrollment insurance premiums provided under paragraph (4) and the Appended Table, and other matters necessary for the fees are to be specified by the Director-General of the Employment Security Bureau.

(Matters concerning Article 32-4 of the Act)

Article 21 (1) The permit provided under Article 32-4, paragraph (1) of the Act is to follow the form of the permit for fee-charging employment placement business (Form No. 5; hereinafter referred to as "permit of fee-charging business").

- (2) A person who seeks reissuance of the permit of fee-charging business pursuant to the provisions of Article 32-4, paragraph (3) of the Act must submit a written application for reissuance of the permit of fee-charging employment placement business (Form No. 6) to the Minister of Health, Labour and Welfare.
- (3) A person who has been issued the permit of fee-charging business, when they come to fall under any of the cases listed in the following items, must return to the Minister of Health, Labour and Welfare, the permit of fee-charging business in respect of all places of business operating the fee-charging employment placement business in the case of item (i) or item (ii), or the permit of fee-charging business found or restored in the case of item (iii), within 10 days from the day following the date of occurrence of the fact.
- (i) if the permission is revoked;
 - (ii) if the validity period of the permit has expired;
 - (iii) if the permit of fee-charging business that was lost is found or restored after the reissuance of the permit of fee-charging business;
- (4) if a person who has been issued the permit of fee-charging business comes to fall under the cases listed in either of the following items, the person provided under the item must return to the Minister of Health, Labour and Welfare the permit of fee-charging businesses in respect of all places of business operating the fee-charging employment placement business within 10 days from the day following the date of occurrence of the fact:
- (i) if the person dies: the cohabiting relative or the statutory agent; or
 - (ii) if the corporation disappears due to merger: the representative person of the surviving corporation or of the corporation established as a result of the

merger.

(Matters concerning Article 32-6 of the Act)

- Article 22 (1) A person who applies for renewal of the validity period of the permit pursuant to the provision of Article 32-6, paragraph (2) of the Act must submit to the Minister of Health, Labour and Welfare the written application for renewal of the validity period of the permit of fee-charging employment placement business (Form No. 1) at least 30 days prior to the expiration of the validity period of the current permit.
- (2) The amount specified by Order of the Ministry of Health, Labour and Welfare as provided under Article 32-6, paragraph (4) of the Act is the amount obtained by multiplying 18,000 yen by the number of the places of business operating the fee-charging employment placement business.
- (3) The matters specified by Order of the Ministry of Health, Labour and Welfare as provided under Article 30, paragraph (2), item (v) of the Act, as applied *mutatis mutandis* pursuant to Article 32-6, paragraph (6) of the Act, are the matters prescribed by Article 18, paragraph (2).
- (4) The documents specified by Order of the Ministry of Health, Labour and Welfare as provided under Article 30, paragraph (3) of the Act, as applied *mutatis mutandis* pursuant to Article 32-6, paragraph (6) of the Act, are as listed in the following sub-items:
- (i) the documents provided by Article 18, paragraph 3, item (i), sub-items (a), (b), (d), (e) and (f) if the applicant is a corporation (limited to the cases where there is any change in the document in respect of the documents listed in (a), (b) and (d) of the same item);
- (ii) the documents provided under Article 18, paragraph (3), item (i), sub-items (e) and (f), and item (ii), sub-item (b) if the applicant is an individual (limited to the case where there is a change in the document in respect of the document listed in sub-item (b) of the same item).
- (5) The business plan to be attached pursuant to the provisions of Article 30, paragraph (3) of the Act, as applied *mutatis mutandis* pursuant to Article 32-6, paragraph (6) of the Act, is to follow the form of the business plan for fee-charging employment placement business (Form No. 2).
- (6) The renewal of the validity period of the permit provided under Article 32-6, paragraph (2) of the Act is to be conducted by the issuance of the new permit of fee-charging business in exchange of the permit of fee-charging business currently held by the person who seeks to be issued the renewal of the permit.

(Matters concerning Article 32-7 of the Act)

- Article 23 (1) The matters specified by Order of the Ministry of Health, Labour and Welfare as provided under Article 32-7, paragraph (1) of the Act are the

name, address and the content of business of the agent organization in the case where the fee-charging employment placement business provider has discontinued to use the agent organization.

- (2) A person who seeks to file the application provided under Article 32-7, paragraph (1) of the Act must submit to the Minister of Health, Labour and Welfare the written notification of change in fee-charging employment placement businesses (Form No. 6) if the matter pertaining to the notification is not the matter stated in the permit of fee-charging business, or the written notification of change in fee-charging employment placement business and written application for rewriting the permit of fee-charging employment placement business (Form No. 6) if the matter pertaining to the notification is the matter stated in the permit of fee-charging business, within 30 days from the day following the date of occurrence of the fact pertaining to the change in the case of a notification of a change in the matters prescribed in Article 30, paragraph (2), item (iv) of the Act, or within 10 days from the day following the date of occurrence of the fact pertaining to the change in the case of a notification of a change in matters other than those listed in the same item.
- (3) Among the notifications provided under Article 32-7, paragraph (1) of the Act, in the case of a notification of change pertaining to the establishment of a new place of business, the written notification of change in fee-charging employment placement business provided under paragraph (2) must be attached by the documents provided under Article 18, paragraph (3), item (i), subitems (g), (h), (i) and (j) pertaining to the establishment of a new place of business; provided, however, that if the fee-charging employment placement business provider continues to appoint the responsible person of a fee-charging employment placement business or free of charge employment placement business as the responsible person of the new place of business, the attachment of a resume (a copy of the resident record and the resume if no change has been made in the address of the appointed responsible person; hereinafter the same applies in this Article), out of the documents provided under Article 18, paragraph (3), item (i), sub-item (i), is not required.
- (4) Among the written notifications provided under Article 32-7, paragraph (1) of the Act, in the case of a notification other than those for a change pertaining to the establishment of a new place of business, the written notification of change in fee-charging employment placement business, or the written notification of change in fee-charging employment placement business and the written application for rewriting the permit of fee-charging employment placement business provided under paragraph (2) must be attached by the document pertaining to the changed matter (the permit of fee-charging business pertaining to the discontinued place of business in the case of a written notification of change for abolition of a place of business), among the

documents provided under Article 18, paragraph (3).

- (5) Among the matters prescribed by Article 30, paragraph (2), item (iv) of the Act, in the case of a change in the name of the responsible person for placement of business, the attachment of the resume out of the documents prescribed by Article 18, paragraph (3), item (i), sub-item (i) in case of a corporation, or the resume out of the documents prescribed by item (ii), sub-item (ii) of the same paragraph in the case of an individual is not required if the fee-charging employment placement business provider continues to appoint the responsible person of other place of business operating the fee-charging employment placement business or free of charge employment placement business as the responsible person of the place of business pertaining to the change.
- (6) Issuance of the permit provided under Article 32-7, paragraph (3) of the Act is to be made for each place of business newly established.

(Matters concerning Article 32-8 of the Act)

Article 24 A person who seeks to make a notification provided under Article 32-8, paragraph (1) of the Act must submit to the Minister of Health, Labour and Welfare the written notification of abolition of the fee-charging employment placement business (Form No. 7), with the permit of fee-charging business for all places of business operating the fee-charging employment placement business attached thereto, within 10 days from the abolition of the fee-charging employment placement business.

Article 24-2 Deleted

(Matters concerning Article 32-11 of the Act)

Article 24-3 The work specified by Order of the Ministry of Health, Labour and Welfare as equivalent to the port and harbor transportation business provided under Article 2, item (ii) of the Port Labor Act (Act No. 40 of 1988) performed at a port other than those listed in Article 2, item (i), as provided by Article 32-11, paragraph (1) of the Act, is to be the work pertaining to the acts listed in the following sub-items performed in accordance with the demand of other persons at a port other than those provided by Article 2, item (i) of the Port Labor Act, and which is provided under Article 2, paragraph (4) of the Port and Harbor Transportation Business Act (Act No. 161 of 1951) (referred to as the "specified port" in item (iii)).

- (i) an act falling under any item of Article 2, paragraph (1), items (ii) through (v) of the Port and Harbor Transportation Business Act;
- (ii) an act provided under Article 2, item (i) and item (ii) of the Order for Enforcement of the Port Labor Act (Cabinet Order No. 335 of 1988);

- (iii) the carrying of cargo transported by ship or barge, or by making a raft into a warehouse (excluding the warehouses for regularly handling only the cargo other than those pertaining to the transportation by ship or barge, or by making a raft; hereinafter referred to as "specified port warehouse" in this Article) inside the area designated by the Minister of Health, Labour and Welfare within approximately 500 meters (or 1,000 meters in case of Mizushima Port or 1,500 meters in case of Kagoshima Port) from the coast of the water of the specified port (excluding the carrying-in of the cargo carried out of the storage shed or other cargo sorting area, performed by a person other than those operating the business related to port transportation provided by Article 2, paragraph (3) of the Port and Harbor Transportation Business Act which pertains to the acts listed in item (i) of the same paragraph or the services provided by Article 3, items (i) through (iv) of the same Act, or the warehousing business provided by Article 2, paragraph (2) of the Warehousing Business Act (Act No. 121 of 1956) which pertains to the specified port warehouse (hereinafter referred to as "specified port transportation-related business provider" in this Article)), carrying of cargo to be transported by ship or barge, or by making a raft out of the specified port warehouse (excluding the carrying-out of the cargo to be carried into the storing shed or other cargo sorting area, performed by a person other than the specified port transportation-related business provider), or sorting out of the cargo at the specified port warehouse; provided, however, that in case of a refrigerated warehouse, the carrying of cargo into the refrigerated room from the cargo sorting area attached to the warehouse, the carrying of cargo out of the refrigerated room to the cargo sorting area attached to the warehouse, and the cargo sorting businesses conducted in the refrigerated room are excluded;
- (iv) the carrying of the cargo transported by road transport vehicles provided under Article 2, paragraph (1) of the Road Transport Vehicle Act (Act No. 185 of 1951) or by rail (including streetcars) (hereinafter referred to as "vehicles" in this item) in the specified port warehouse, the storing shed, or other cargo sorting area (excluding the carrying-in of the cargo performed by any person other than the specified port transportation business providers), carrying of the cargo to be transported by vehicles out of the specified port warehouse, the storing shed, or other cargo sorting area (excluding the carrying-out of the cargo performed by any person other than the specified port transportation business providers); provided, however, that in the case of a refrigerated warehouse, the carrying of the cargo into the refrigerated room from the cargo sorting area attached to the warehouse and the carrying of the cargo out of the refrigerated room to the cargo sorting area attached to the warehouse are excluded.

(Matters concerning Article 32-12 of the Act)

- Article 24-4 (1) A person who seeks to file a notification pursuant to the provisions of Article 32-12, paragraph (1) of the Act must submit to the Minister of Health, Labour and Welfare the written notification of scope of occupations handled, etc. by fee-charging employment placement business (Form No. 6).
- (2) The Minister of Health, Labour and Welfare is to rewrite the permit of fee-charging business based on the content of the written notification set forth in the preceding paragraph, and issue the rewritten permit of fee-charging business in exchange of the permit of fee-charging business currently owned by the notifying person pertaining to the place of business for which the scope of occupations handled, etc. has been fixed or changed.
- (3) The Minister of Health, Labour and Welfare, in ordering the person who seeks to operate a fee-charging employment placement business or a fee-charging employment placement business provider to make changes in the scope of occupations handled, etc., pursuant to the provisions of Article 32-12, paragraph (3) of the Act, is to give notice to the person or business provider using the written notice of order to change the scope of occupations handled, etc. (Form No. 6-2).

(Matters concerning Article 32-13 of the Act)

- Article 24-5 (1) The matters specified by Order of the Ministry of Health, Labour and Welfare as provided under Article 32-13 of the Act are the matters concerning the handling of the information of job offerers (limited to the information pertaining to the employment placement) and the personal information of the job seekers.
- (2) The explicit statement provided under Article 32-13 of the Act must be made promptly after the acceptance of the job offering or job application in either of the following methods; provided, however, that this does not apply to the case where the methods cannot be taken in advance due to the urgent necessity of implementing the employment placement, and the matters that should be explicitly stated (hereinafter referred to as "explicit matters" in this paragraph and the following paragraph) are explicitly stated in advance in a method other than the following methods:
- (i) method of delivery of a written document; or
 - (ii) method of using electronic data processing system (meaning the electronic data processing system connecting the computer related to the use by the document deliverer (meaning the person who is to deliver the written document under the circumstances where the explicit matters are explicitly stated in the method provided in the preceding item; hereinafter the same

applies in this item) and the computer related to the use by the document receiver (meaning the person who is to receive the written document under the circumstances where the explicit matters are explicitly stated in the method provided in the preceding item; hereinafter the same applies in this item and the following paragraph) through electric telecommunication lines), under the circumstances where the document receiver desires to receive the document in a method in which the document is transmitted through the electric telecommunication line connecting the computer used by the document deliverer and the computer used by the document receiver, and the document is recorded in a file installed in the computer used by the document receiver (limited to the method in which the document receiver may produce a hard copy of the document by outputting the document recorded in the file).

- (3) The explicit statement of the explicit matters made pursuant to the method listed in item (ii) of the preceding paragraph is deemed to be received by the document receiver at the time when the document is recorded in the file installed in the computer used by the document receiver.
- (4) The fee-charging employment placement business provider must post a notice of the schedule of fees and other rules concerning the operation of the business, in a place convenient for inspection by the general public within their place of business.

(Matters concerning Article 32-14 of the Act)

Article 24-6 The appointment of a responsible person provided under Article 32-14 of the Act must be made pursuant to the following items, from among the persons having the competency to perform the duties properly:

- (i) for each place of business of the fee-charging employment placement business provider (hereinafter simply referred to as "place of business" in this Article), to appoint a responsible person dedicated to each place of business, from among the workers it employs; provided, however, that this does not preclude the fee-charging employment placement business provider (its officer in the case of a corporation) from becoming the responsible person for employment placement; and
- (ii) to appoint one or more persons if the place of business has 50 workers or less engaged in the duties related to employment placement, or two or more if the place of business has more than 50 and less than 100 workers, or if the place of business has 100 or more workers, add one for each 50 workers exceeding 50 workers engaged in the duties related to employment placement to the two.

(Matters concerning Article 32-15 of the Act)

Article 24-7 (1) The books and documents specified by Order of the Ministry of Health, Labour and Welfare as provided under Article 32-15 of the Act are the management ledger of job offerings and job applications and the management ledger of fees.

(2) The entry into and keeping of the books and documents set forth in the preceding paragraph are to be conducted as determined by the Director-General of the Employment Security Bureau.

(Matters concerning Article 32-16 of the Act)

Article 24-8 (1) The fee-charging employment placement business provider must prepare, prior to April 30 of each year, the business reports pertaining to the fee-charging employment placement business for each place of business operating the business for the period commencing on April 1 of the preceding year and ending on March 31 of the current year, and submit the reports to the Minister of Health, Labour and Welfare.

(2) The business reports to be submitted pursuant to the provisions of Article 32-16 of the Act are to follow the form of the business report for fee-charging employment placement business (Form No. 8).

(Matters concerning Article 33 of the Act)

Article 25 (1) The provisions of Article 18, paragraphs (1) through (6), Article 21, Article 22, paragraphs (1) and (6), Article 23, Article 24 and Articles 24-4 through 24-8 apply mutatis mutandis to the free of charge employment placement business operated under the permit provided under Article 33, paragraph (1) of the Act and a person who has received the permit provided by the same paragraph. In this case, the term "Article 30, paragraph (2)" in Article 18, paragraph (1) is deemed to be replaced with "Article 30, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 33, paragraph (4)", the phrase "written application for permit of fee-charging employment placement business (Form No. 1)" with "written application for permit of free of charge employment placement business (Form No. 1)", the term "Article 30, paragraph (2), item (v)" in Article 18, paragraph (2) with "Article 30, paragraph (2), item (v) of the Act as applied mutatis mutandis pursuant to Article 33, paragraph (4)", the term "Article 30, paragraph (3)" in Article 18, paragraph (3) with "Article 30, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 33, paragraph (4)", the term "Article 30, paragraph (3)" in Article 18, paragraph (4) with "Article 30, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 33, paragraph (4)", the phrase "business plan for fee-charging employment placement business (Form No. 2)" with "business plan for free of charge employment placement business (Form No. 2)", the term "Article 33, paragraph (1)" in Article 18, paragraph (5)

with "Article 30, paragraph (1)", the term "Article 30, paragraph (1)" with "Article 33, paragraph (1)", the term "Article 33, paragraph (1)" in Article 18, paragraph (6) with "Article 30, paragraph (1)", the term "Article 30, paragraph (1)" with "Article 33, paragraph (1)", the phrase "free of charge employment placement business" with "fee-charging employment placement business", the term "Article 32-4, paragraph (1)" in Article 21, paragraph (1) with "Article 32-4, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 33, paragraph (4)", the term "permit of fee-charging employment placement business (Form No. 5; hereinafter referred to as "permit of fee-charging business")" with "permit of free of charge employment placement business (Form No. 5; hereinafter referred to as "permit of free of charge business")", the term "Article 32-4, paragraph (3)" in Article 21, paragraph (2) with "Article 32-4, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 33, paragraph (4)", the term "permit of fee-charging business" with "permit of free of charge business", the term "written application for reissuance of the permit of fee-charging employment placement business (Form No. 6)" with "written application for reissuance of the permit of free of charge employment placement business (Form No. 6)", the term "permit of fee-charging business" in Article 21, paragraphs (3) and (4) with "permit of free of charge business", the term "Article 32-6, paragraph (2)" in Article 22, paragraph (1) with "Article 32-6, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 33, paragraph (4)", the term "written application for renewal of the validity period of permit of fee-charging employment placement business (Form No. 1)" with "written application for renewal of the validity period of permit of free of charge employment placement business (Form No. 1)", the term "Article 32-6, paragraph (2)" in Article 22, paragraph (6) with "Article 32-6, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 33, paragraph (4)", the phrase "permit of fee-charging business" with "permit of free of charge business", the term "Article 32-7, paragraph (1)" in Article 23, paragraph (1) with "Article 32-7, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 33, paragraph (4)", the term "Article 32-7, paragraph (1)" in Article 23, paragraph (2) with "Article 32-7, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 33, paragraph (4)", the term "Article 30, paragraph (2), item (iv)" with "Article 30, paragraph (2), item (iv) of the Act as applied mutatis mutandis pursuant to Article 33, paragraph (4)", the term "permit of fee-charging business" with "permit of free of charge business", the term "written notification of change in fee-charging employment placement business (Form No. 6)" with "written notification of change in free of charge employment placement Businesses (Form No. 6)", the term "written notification of change in fee-charging employment placement business and application for rewriting the permit of fee-charging employment placement

business (Form No. 6)" with "written notification of change in free of charge employment placement business and written application for rewriting the permit of free of charge employment placement business (Form No. 6)", the term "Article 32-7, paragraph (1)" in Article 23, paragraph (3) with "Article 32-7, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 33, paragraph (4)", the term "paragraph (2)" with "Article 23, paragraph (2) as applied mutatis mutandis pursuant to Article 25, paragraph (1)", the term "written notification of change in fee-charging employment placement business" with "written notification of change in free of charge employment placement business", the term "fee-charging employment placement business or free of charge employment placement business" with "free of charge employment placement business or fee-charging employment placement business", the term "Article 32-7, paragraph (1)" in Article 23, paragraph (4) with "Article 32-7, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 33, paragraph (4)", the term "paragraph (2)" with "Article 23, paragraph (2) as applied mutatis mutandis pursuant to Article 25, paragraph (1)", the term "written notification of change in fee-charging employment placement business" with "written notification of change in free of charge employment placement business", the term "written notification of change in fee-charging employment placement business and written application for rewriting the permit of fee-charging employment placement business" with "written notification of change in free of charge employment placement business and written application for rewriting the permit of free of charge employment placement business", the term "permit of fee-charging business" with "permit of free of charge business", the term "Article 30, paragraph (2), item (iv)" in Article 23, paragraph (5) with "Article 30, paragraph (2), item (iv) of the Act as applied mutatis mutandis pursuant to Article 33, paragraph (4)", the term "fee-charging employment placement business or free of charge employment placement business" with "free of charge employment placement business or fee-charging employment placement business", the term "Article 32-7, paragraph (3)" in Article 23, paragraph (6) with "Article 32-7, paragraph (3) as applied mutatis mutandis pursuant to Article 33, paragraph (4)", the term "Article 32-8, paragraph (1)" in Article 24 with "Article 32-8, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 33, paragraph (4)", the term "permit of fee-charging business" with "permit of free of charge business", the term "written notification of abolition of fee-charging employment placement business (Form No. 7)" with "written notification of abolition of free of charge employment placement business (Form No. 7)", the term "Article 32-12, paragraph (1)" in Article 24-4, paragraph (1) with "Article 32-12, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 33, paragraph (4)", the term

"written notification of scope of occupations handled, etc. for fee-charging employment placement business (Form No. 6)" with "written notification of scope of occupations handled, etc. for free of charge employment placement business (Form No. 6)", the term "permit of fee-charging business" in Article 24-4, paragraph (2) with "permit of free of charge business", the term "Article 32-12, paragraph (3)" in Article 24-4, paragraph (3) with "Article 32-12, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 33, paragraph (4)", the term "Article 32-13" in Article 24-5, paragraphs (1) and (2) with "Article 32-13 of the Act as applied mutatis mutandis pursuant to Article 33, paragraph (4)", the term "schedule of fees and other rules concerning the operation of the business" in Article 24-5, paragraph (4) with "rules concerning the operation of the business", the term "Article 32-14" in Article 24-6 with "Article 32-14 of the Act as applied mutatis mutandis pursuant to Article 33, paragraph (4)", the term "Article 32-15" in Article 24-7, paragraph (1) with "Article 32-15 of the Act as applied mutatis mutandis pursuant to Article 33, paragraph (4)", the term "management ledger of job offerings and job applications and the management ledger of fees" with "management ledger of fees", the term "Article 32-16" in Article 24-8, paragraph (2) with "Article 32-16 of the Act as applied mutatis mutandis pursuant to Article 33, paragraph (4)", and the term "business report on fee-charging employment placement business (Form No. 8)" with "business report on free of charge employment placement business (Form No. 8)."

- (2) The provisions of Article 22, paragraphs (3) through (5) apply mutatis mutandis to the renewal of the validity period of the permit provided under Article 33, paragraph (1) of the Act. In this case, the term "Article 30, paragraph (2), item (v) of the Act as applied mutatis mutandis pursuant to Article 32-6, paragraph (6)" in Article 22, paragraph (3) is deemed to be replaced with "Article 30, paragraph (2), item (v) of the Act as applied mutatis mutandis pursuant to Article 33, paragraph (5)", the term "Article 30, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 32-6, paragraph (6)" in Article 22, paragraph (4) with "Article 30, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 33, paragraph (5)", the term "Article 30, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 32-6, paragraph (6)" in Article 22, paragraph (5) with "Article 30, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 33, paragraph (5)", and the term "business plan for fee-charging employment placement business (Form No. 2)" with "business plan for free of charge employment placement business (Form No. 2)."

(Matters concerning Article 33-2 of the Act)

Article 25-2 (1) The persons specified by Order of the Ministry of Health, Labour

and Welfare as provided under Article 33-2, paragraph (1) of the Act are as follows:

- (i) if the head of a school (limited to universities) operates free of charge employment placement business, the persons undergoing or having completed clinical training provided under Article 16-2, paragraph (1) of the Medical Practitioners' Act (Act No. 201 of 1948) at the hospital attached to the school; and
 - (ii) if the head of a school or specialized training college operates free of charge employment placement business, the persons undergoing or having completed educational training deemed as vocational training provided by public human resources development facilities as provided by Article 15-6, paragraph (3) of the Human Resources Development Promotion Act at the school or specialized training college.
- (2) The head of the facilities listed in each item of Article 33-2, paragraph (1) of the Act (hereinafter simply referred to as "head of the facilities") seeking to operate free of charge employment placement business pursuant to the items of the same paragraph must notify the Minister of Health, Labour and Welfare of the fact pursuant to the procedures and forms determined by the Director-General of the Employment Security Bureau.
- (3) Upon submission of the notification set forth in the preceding paragraph, the rules concerning the operation of the business must be attached.
- (4) A person who seeks to make the notification provided by Article 32-8, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 33-2, paragraph (7) of the Act must make the notification in writing to the Minister of Health, Labour and Welfare within 10 days from the date of abolition of the free of charge employment placement business in whole or in part.
- (5) The head of the facilities operating free of charge employment placement business pursuant to the provisions of Article 33-2, paragraph 1 of the Act must prepare a business report by following the procedures and forms determined by the Director-General of the Employment Security Bureau and submit the report to the Minister of Health, Labour and Welfare.
- (6) The provisions of Article 24-5, paragraphs (1) through (3) and Article 24-7 apply mutatis mutandis to the free of charge employment placement business operated by the head of the facilities listed in either item of Article 33-2, paragraph (1) of the Act pursuant to the same paragraph and to the head of the facilities operating the employment placement business provided under the same Article. In this case, the term "Article 32-13" in Article 24-5, paragraph (1) is deemed to be replaced with "Article 32-13 of the Act as applied mutatis mutandis pursuant to Article 33-2, paragraph (7)", the term "information of job offerers (limited to the information pertaining to the employment placement) and the personal information of the job seekers" with "personal information of

the job seekers", the term "Article 32-13" in Article 24-5, paragraph (2) with "Article 32-13 of the Act as applied mutatis mutandis pursuant to Article 33-2, paragraph (7)", the term "delivery of a written document" with "delivery of a written document, etc.", the term "Article 32-15" in Article 24-7, paragraph (1) with "Article 32-15 of the Act as applied mutatis mutandis pursuant to Article 33-2, paragraph (7)", and the term "management ledger of job offerings and job applications and management ledger of fees" with "management ledger of job offerings and job applications."

(Matters concerning Article 33-3 of the Act)

Article 25-3 (1) The corporations specified by Order of the Ministry of Health, Labour and Welfare as provided under Article 33-3, paragraph (1) of the Act are the corporations listed in the following items, whose number of the direct or indirect members is equivalent to or exceeds the number determined by the Minister of Health, Labour and Welfare:

- (i) agricultural cooperatives established pursuant to the provisions of the Agricultural Co-operatives Act (Act No. 132 of 1947);
 - (ii) fishery cooperatives or fishery processing industry cooperatives established pursuant to the provisions of the Fishery Cooperative Act (Act No. 242 of 1948);
 - (iii) business cooperatives or federations of small business associations established pursuant to the provisions of the Small and Medium-Sized Enterprise Cooperatives Act (Act No. 181 of 1949);
 - (iv) chambers of commerce and industry established pursuant to the provisions of the Chambers of Commerce and Industry Act (Act No. 143 of 1953);
 - (v) commercial and industrial partnerships established pursuant to the provisions of the Act on the Organization of Small and Medium-Sized Enterprise Association (Act No. 185 of 1957);
 - (vi) commerce and industry association established pursuant to the provisions of the Commerce and Industry Association Act (Act No. 89 of 1960);
 - (vii) forestry cooperatives established pursuant to the provisions of the Forestry Cooperative Act (Act No. 36 of 1978); or
 - (viii) any other association determined by the Minister of Health, Labour and Welfare as equivalent to those provided under each preceding item.
- (2) The provisions of Article 18, paragraphs (1), (2), and (4), Article 23, paragraphs (1) through (5), Article 24, Article 24-4, paragraphs (1) and (3), and Articles 24-5 through 24-8 apply mutatis mutandis to the free of charge employment placement business operated subject to the notification provided under Article 33-3, paragraph (1) of the Act and to the corporation having submitted the notification pursuant to the same paragraph. In this case, each term listed in the center column of the following Appended Table for the

provisions stated in the left-hand column is deemed to be replaced with each term listed in the right-hand column, respectively.

Article 18, paragraph (1)	Written application prescribed by Article 30, paragraph (2) of the Act	Written notification prescribed by Article 30, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 33-3, paragraph (2) of the Act
	Written application for permit of fee-charging employment placement business (Form No. 1)	Written notification of free of charge employment placement business by special corporations (Form No. 1-2)
Article 18, paragraph (2)	Article 30, paragraph (2), item (v) of the Act	Article 30, paragraph (2), item (v) of the Act as applied mutatis mutandis pursuant to Article 33-3, paragraph (2) of the Act
	Type and content of the business if other businesses are operated	Number and scope of the direct or indirect members of the corporation that are job offerers (hereinafter referred to as the "members" in this paragraph), or of the members of the corporation that are job seekers or the persons employed by those members
Article 18, paragraph (4)	Article 30, paragraph (3) of the Act	Article 30, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 33-3, paragraph (2) of the Act
	Business plan for fee-charging employment placement business (Form No. 2)	Business plan of free of charge employment placement business by special corporations (Form No. 2)
Article 23, paragraph (1)	Article 32-7, paragraph (1) of the Act	Article 32-7, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 33-3, paragraph (2) of the Act
Article 23, paragraph (2)	Article 32-7, paragraph (1) of the Act	Article 32-7, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 33-3, paragraph (2) of the Act

	Article 30, paragraph (2), item (iv) of the Act	Article 30, paragraph (2), item (iv) of the Act as applied mutatis mutandis pursuant to Article 33-3, paragraph (2) of the Act
	Written notification of change in fee-charging employment placement business (Form No. 6) if the matter pertaining to the notification is not the matter to be stated in the permit of fee-charging business, or the written notification of change in fee-charging employment placement business and written application for rewriting the permit of fee-charging employment placement business (Form No. 6) if the matter pertaining to the notification is the matter to be stated in the permit of fee-charging business	Written notification of change in free of charge employment placement business by special corporations (Form No. 6)
Article 23, paragraph (3)	Article 32-7, paragraph (1) of the Act	Article 32-7, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 33-3, paragraph (2) of the Act
	Written notification of change in fee-charging employment placement business prescribed by paragraph (2)	Written notification of change in free of charge employment placement business by special corporations prescribed by Article 23, paragraph (2) as applied mutatis mutandis pursuant to Article 25-3, paragraph 2
	Article 18, paragraph (3), item (i), sub-item (g), (h), (i) and (j)	Article 25-3, paragraph (3), items (v) through (viii)
	Fee-charging employment placement business or free of charge employment placement business	Free of charge employment placement business or fee-charging employment placement business
	Article 18, paragraph (3), item (i), (i)	Article 25-3, paragraph (3), item (vii)
Article 23, paragraph (4)	Article 32-7, paragraph (1) of the Act	Article 32-7, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 33-3, paragraph (2) of the Act

	Written notification of change in fee-charging employment placement business or the written notification of change in fee-charging employment placement business and written application for rewriting the permit of fee-charging employment placement business prescribed by paragraph (2)	Written notification of change in free of charge employment placement business by special corporations prescribed by Article 23, paragraph (2) as applied mutatis mutandis pursuant to Article 25-3, paragraph (2)
	Article 18, paragraph (3)	Article 25-3, paragraph (3)
	Documents pertaining to the changed matter (permit of fee-charging business for the discontinued place of business in the case of a notification of change for discontinuation of a place of business)	Documents pertaining to the changed matter
Article 23, Paragraph 5	Article 30, paragraph 2, item (iv) of the Act	Article 30, paragraph (2), item (iv) of the Act as applied mutatis mutandis pursuant to Article 33-3, paragraph 2 of the Act
	Fee-charging employment placement business or free of charge employment placement business	Free of charge employment placement business or fee-charging employment placement business
	Resume among the documents prescribed by Article 18, paragraph (3), item (i), sub-item (i) in the case of a corporation, and resume among the documents prescribed by item (ii), sub-item (c) of the same paragraph in the case of an individual	Resume among the documents prescribed by Article 25-3, paragraph (3), item (vii)
Article 24	Article 32-8, paragraph (1) of the Act	Article 32-8, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 33-3, paragraph (2) of the Act
	Written notification of discontinuation of fee-charging employment placement business (Form No. 7), with the permit of fee-charging business for all places of business operating the fee-charging employment placement business attached	Written notification of discontinuation of free of charge employment placement business by special corporations (Form No. 7)

Article 24-4, paragraph (1)	Article 32-12, paragraph (1) of the Act	Article 32-12, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 33-3, paragraph (2) of the Act
	Written notification of scope of occupations handled, etc. for fee-charging employment placement business (Form No. 6)	Written notification of scope of occupations handled, etc. for free of charge employment placement business by special corporations (Form No. 6)
Article 24-4, paragraph (3)	Article 32-12, paragraph (3) of the Act	Article 32-12, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 33-3, paragraph (2) of the Act
Article 24-5, paragraphs (1) and (2)	Article 32-13 of the Act	Article 32-13 of the Act as applied mutatis mutandis pursuant to Article 33-3, paragraph (2) of the Act
Article 24-5, paragraph (4)	Schedule of fees and other rules concerning the operation of the business	Rules concerning the operation of the business
Article 24-6	Article 32-14 of the Act	Article 32-14 of the Act as applied mutatis mutandis pursuant to Article 33-3, paragraph (2) of the Act
Article 24-7, paragraph (1)	Article 32-15 of the Act	Article 32-15 of the Act as applied mutatis mutandis pursuant to Article 33-3, paragraph (2) of the Act
	Management ledger of job offerings and job applications and management ledger of fees	Management ledger of job offerings and job applications
Article 24-8, paragraph (2)	Article 32-16 of the Act	Article 32-16 of the Act as applied mutatis mutandis pursuant to Article 33-3, paragraph (2) of the Act
	Business report on fee-charging employment placement business (Form No. 8)	Business report on free of charge employment placement business by special corporations (Form No. 8-2)

(3) The documents specified by Order of the Ministry of Health, Labour and Welfare as provided under Article 30, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 33-3, paragraph (2) of the Act are as follows:

(i) the articles of incorporation or the articles of endowment;

- (ii) the certificate of registered information;
 - (iii) a copy of the resident record (or the foreign resident registration card in the case of a foreign national; the same applies hereinafter) and the resume of the officers;
 - (iv) a copy of the resident record and the resume of the statutory agent of the officer if the officer is a minor and has not obtained the business permit for operating the employment placement business;
 - (v) the rules concerning the proper management of personal information and the security of confidential information adopted at each place of business operating the free of charge employment placement business (hereinafter simply referred to as "at each place of business" in this Article and the following Article);
 - (vi) the rules concerning the operation of the business at each place of business;
 - (vii) a copy of the resident record and the resume of the responsible person for employment placement appointed at each place of business;
 - (viii) the documents stating the outline of the facilities at each place of business;
 - (ix) the documents concerning the other country of the employment placement business if overseas employment placement business is to be provided; and
 - (x) the documents concerning the agent organization if overseas employment placement businesses are to be provided, and an agent organization is to be used.
- (4) The matters specified by Order of the Ministry of Health, Labour and Welfare as provided under Article 32-4, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 33-3, paragraph (2) of the Act are as follows:
- (i) the name of the corporation and the name of the representative; and
 - (ii) the name and the address of the place of business.

(Matters concerning Article 33-4 of the Act)

Article 25-4 (1) The provisions of Article 18, paragraphs (1), (2), and (4), Article 23, paragraphs (1) through (5), Article 24, Article 24-4, paragraphs (1) and (3), and Article 24-5 through Article 24-8 apply mutatis mutandis to the free of charge employment placement business operated subject to the notification provided under Article 33-4, paragraph (1) of the Act and to the local public entity having submitted the notification pursuant to the same paragraph. In this case, each term listed in the center column of the following Appended Table for the provisions listed in the left-hand column is deemed to be replaced with each term listed in the right-hand column, respectively.

Article 18, paragraph (1)	Written application prescribed by Article 30, paragraph (2) of the Act	Written notification prescribed by Article 30, paragraph (2) of the Act as applied mutatis mutandis pursuant to Article 33-4, paragraph (2) of the Act
	Written application for permit of fee-charging employment placement business (Form No. 1)	Written notification of free of charge employment placement business by local public entities (Form No. 1-3)
Article 18, paragraph (2)	Article 30, paragraph (2), item (v) of the Act	Article 30, paragraph (2), item (v) of the Act as applied mutatis mutandis pursuant to Article 33-4, paragraph (2) of the Act
	Type and content of the business if other businesses are operated	Content of the measures pertaining to the duties incidental to the free employment placement business
Article 18, paragraph (4)	Article 30, paragraph (3) of the Act	Article 30, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 33-4, paragraph (2) of the Act
	Business plan for fee-charging employment placement business (Form No. 2)	Business plan for free of charge employment placement business by local public entities (Form No. 2)
Article 23, paragraph (1)	Article 32-7, paragraph (1) of the Act	Article 32-7, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 33-4, paragraph (2) of the Act
Article 23, paragraph (2)	Article 32-7, paragraph (1) of the Act	Article 32-7, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 33-4, paragraph (2) of the Act
	Article 30, paragraph (2), item (iv) of the Act	Article 30, paragraph (2), item (iv) of the Act as applied mutatis mutandis pursuant to Article 33-4, paragraph (2) of the Act

	Written notification of change in fee-charging employment placement business (Form No. 6) if the matter pertaining to the notification is not the matter to be stated in the permit of fee-charging business, or written notification of change in fee-charging employment placement business and written application for rewriting permit of fee-charging employment placement business (Form No. 6) if the matter pertaining to the notification is the matter to be stated in the permit of fee-charging business	Written notification of change in free of charge employment placement business by local public entities (Form No. 6)
Article 23, paragraph (3)	Article 32-7, paragraph (1) of the Act	Article 32-7, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 33-4, paragraph (2) of the Act
	Written notification of change in fee-charging employment placement business prescribed by paragraph (2)	Written notification of change in free of charge employment placement business by local public entities prescribed by Article 23, paragraph (2) as applied mutatis mutandis pursuant to Article 25-4, paragraph (1)
	Article 18, paragraph (3), item (i), sub-items (g), (h), (i) and (j)	Article 25-4, paragraph (2), items (i) through (iv)
	Fee-charging employment placement business or free of charge employment placement business	Free of charge employment placement business or fee-charging employment placement business
	Article 18, paragraph (3), item (i), sub-item (i)	Article 25-4, paragraph (2), item (iii)
Article 23, paragraph (4)	Article 32-7, paragraph (1) of the Act	Article 32-7, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 33-4, paragraph (2) of the Act

	Written notification of change in fee-charging employment placement business or written notification of change in fee-charging employment placement business and written application for rewriting the permit of fee-charging employment placement business prescribed by paragraph (2)	Written notification of change in free of charge employment placement business by local public entities prescribed by Article 23, paragraph (2) as applied mutatis mutandis pursuant to Article 25-4, paragraph (1)
	Article 18, paragraph (3)	Article 25-4, paragraph (2)
	Documents pertaining to the changed matter (permit of fee-charging business for the discontinued place of business in the case of written notification of change for the discontinuation of a place of business)	Documents pertaining to the changed matter
Article 23, paragraph (5)	Article 30, paragraph (2), item (iv) of the Act	Article 30, paragraph (2), item (iv) of the Act as applied mutatis mutandis pursuant to Article 33-4, paragraph (2) of the Act
	Fee-charging employment placement business or free of charge employment placement business	Free of charge employment placement business or fee-charging employment placement business
	Resume among the documents prescribed by Article 18, paragraph (3), item (i), sub-item (i) in the case of a corporation, or resume among the documents prescribed by item (ii), sub-item (c) of the same paragraph in the case of an individual	Resume among the documents prescribed by Article 25-4, paragraph (2), item (iii)
Article 24	Article 32-8, paragraph (1) of the Act	Article 32-8, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 33-4, paragraph (2) of the Act

	Written notification of discontinuation of fee-charging employment placement business (Form No. 7), with the permit of fee-charging business for all places of business operating the fee-charging employment placement business attached	Written notification of discontinuation of free of charge employment placement business by local public entities (Form No. 7)
Article 24-4, paragraph (1)	Article 32-12, paragraph (1) of the Act	Article 32-12, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 33-4, paragraph (2) of the Act
	Written notification of scope of occupations handled, etc. for fee-charging employment placement business (Form No. 6)	Written notification of scope of occupations handled, etc. for free of charge employment placement business by local public entities (Form No. 6)
Article 24-4, paragraph (3)	Article 32-12, paragraph (3) of the Act	Article 32-12, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 33-4, paragraph (2) of the Act
Article 24-5, paragraphs (1) and (2)	Article 32-13 of the Act	Article 32-13 of the Act as applied mutatis mutandis pursuant to Article 33-4, paragraph (2) of the Act
Article 24-5, paragraph (4)	Schedule of fees and other rules concerning the operation of the business	Rules concerning the operation of the business
Article 24-6	Article 32-14 of the Act	Article 32-14 of the Act as applied mutatis mutandis pursuant to Article 33-4, paragraph (2) of the Act
Article 24-7, paragraph (1)	Article 32-15 of the Act	Article 32-15 of the Act as applied mutatis mutandis pursuant to Article 33-4, paragraph (2) of the Act
	Management ledger of job offerings and job applications and management ledger of fees	Management ledger of job offerings and job applications

Article 24-8, paragraph (2)	Article 32-16 of the Act	Article 32-16 of the Act as applied mutatis mutandis pursuant to Article 33-4, paragraph (2) of the Act
	Business report on fee-charging employment placement business (Form No. 8)	Business report on free of charge employment placement business by local public entities (Form No. 8-3)

(2) The documents specified by Order of the Ministry of Health, Labour and Welfare as provided under Article 30, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 33-4, paragraph (2) of the Act are as follows:

- (i) the rules concerning the proper management of personal information and the security of confidential information adopted at each place of business;
- (ii) the rules concerning the operation of the business at each place of business;
- (iii) a copy of the resident record and the resume of the responsible person for employment placement appointed at each place of business;
- (iv) the documents stating the outline of the facilities at each place of business;
- (v) the documents concerning the other country of the employment placement business if overseas employment placement business is to be provided; and
- (vi) the documents concerning the agent organization if overseas employment placement business is to be provided, and an agent organization is to be used.

(Matters concerning Article 33-7 of the Act)

Article 26 The instructions, advice and recommendations provided by the Minister of Health, Labour and Welfare pursuant to the provisions of Article 33-7 of the Act are to be in writing.

Article 27 Deleted

(Matters concerning Article 36 of the Act)

Article 28 (1) The application for the permit provided under Article 36, paragraph (1) of the Act or the notification provided under paragraph (3) of the same Article must be filed separately for the solicitation covering the areas within the prefecture in which the place of business pertaining to the solicitation (hereinafter referred to as "solicitation place of business") is located, the solicitation covering the areas outside those areas (hereinafter referred to as "solicitation outside the prefecture" in this paragraph) that falls under the provisions of Article 37, paragraph (1), item (vi), sub-item (b), and the

solicitation outside the prefecture that does not fall under the provisions of sub-item (b) of the same item, respectively.

- (2) The procedures and forms of the written application for the permit provided under Article 36, paragraph (1) of the Act or for the approval provided under paragraph (2) of the same Article, or the notification provided under paragraph (3) of the same Article are as determined by the Director-General of the Employment Security Bureau.
- (3) A person who solicits workers by obtaining the permit provided under Article 36, paragraph (1) of the Act or by making the notification provided under paragraph (3) of the same Article must prepare a report on the solicitation of workers each fiscal year pursuant to the forms determined by the Director-General of the Employment Security Bureau and submit the report to the director of the Prefectural Labor Bureau with which the application for the permit provided under Article 36, paragraph (1) of the Act or the notification provided under paragraph 3 of the same Article was filed prior to the end of April of the fiscal year following the applicable fiscal year (if the solicitation of workers finishes prior to the closing of the applicable fiscal year, prior to the end of the month following the month to which the finishing date belongs).

Article 29 Deleted

(Matters concerning Article 37 of the Act)

- Article 30 (1) The restrictions on solicitation made by the chief of the public employment security office pursuant to the provisions of Article 37, paragraph (1) of the Act are to be in writing.
- (2) The restrictions or the instructions on solicitation are to be made or given, in general, for facilitating the implementation of the urgent policies for the nation or for precluding the solicitation that unjustly harm the general labor standards in the solicitation area or the employment area.
 - (3) The instructions concerning recruitment are to be given with the written reason thereof attached by the Minister of Health, Labour and Welfare or the director of the Prefectural Labor Bureau.
 - (4) Beyond what is provided for in the preceding three paragraphs, the measures and procedures concerning the restrictions on solicitation (limited to those made by the chief of the public employment security office) and the instructions are to be determined by the Director-General of the Employment Security Bureau.

Article 30-2 Deleted

(Matters concerning Article 42 of the Act)

Article 30-3 The method provided by Order of the Ministry of Health, Labour and Welfare as provided under Article 42 of the Act is the method taken by connecting the automatic public transmission server provided under Article 2, paragraph (1), item (ix)-5, sub-item (a) of the Copyright Act (Act No. 48 of 1970) or other computers with electric telecommunication lines.

(Matters concerning Article 42-2 of the Act)

Article 30-4 The persons specified by Order of the Ministry of Health, Labour and Welfare as provided under Article 20, paragraph (1) as applied mutatis mutandis pursuant to Article 42-2 of the Act are as follows:

- (i) a person who solicits workers themselves;
- (ii) a person who has their employee engage in the solicitation of workers, and the employee falls under an officer, a worker in a supervisory position, or a person representing the interests of the employer provided under Article 2, item (i) of the Labor Union Act.

(Matters concerning Article 43 of the Act)

Article 31 A person who solicits workers by obtaining the permit provided under Article 36, paragraph (1) of the Act or by making the notification provided under paragraph (3) of the same Article must pay the costs necessary for the job applicant to return home, and take other necessary measures if the job applicant returns home due to grounds falling under either of the following items:

- (i) if the content of the employment contract is different from the terms and conditions indicated for solicitation; or
- (ii) if the applicant is not employed due to the circumstances of the person soliciting workers by obtaining the permit or making the notification.

(Matters concerning Article 45 of the Act)

Article 32 (1) A labor union, etc. that seeks to operate a labor supply business must file an application for the permit to the Minister of Health, Labour and Welfare by following the procedures and forms determined by the Director-General of the Employment Security Bureau.

- (2) The Minister of Health, Labour and Welfare determines whether to grant the permit after confirming through the related labor relations commission that the labor union, etc. applying for the permit conforms with the provisions of Article 2 and Article 5, paragraph (2) or the provisions of Article 25, paragraph (5), item (i) or item (ii) of the Labor Union Act.
- (3) The validity period of the permit for operating the labor supply business is five years.
- (4) A person who seeks to continue operating the labor supply business

pertaining to the permit after the expiration of the validity period of the permit set forth in the preceding paragraph (the renewed term of the permit if the applicable validity period of the permit has been renewed pursuant to the provisions of this paragraph) must obtain the renewal of the validity period of the permit.

- (5) The provisions of paragraphs (1) and (2) apply mutatis mutandis to the renewal of the validity period of the permit set forth in the preceding paragraph.
- (6) The labor supply business provider, if they discontinue the labor supply business, must make a notification to the director of the Prefectural Labor Bureau with jurisdiction over the location of their main office of the fact within 10 days from the date of abolition of the labor supply business.
- (7) A labor union, etc. that operates the labor supply business, with respect to the labor supply business, must keep the books and documents pursuant to the procedures and forms determined by the Minister of Health, Labour and Welfare, prepare a business report and submit it to the Minister of Health, Labour and Welfare through the director of the Prefectural Labor Bureau with jurisdiction over the location of the main office.

(Matters concerning Article 50 of the Act)

- Article 33 (1) The Minister of Health, Labour and Welfare, in having the persons providing employment placement business, or conducting solicitation of workers or labor supply business to report any necessary matter pursuant to the provisions of Article 50, paragraph (1) of the Act, is to give written notice of the matters to be reported and the reason for making the report.
- (2) The identification card provided by Article 50, paragraph (3) of the Act is to be subject to the form of the certificate of on-site inspection of employment placement business, etc. (Form No. 9).

(Matters concerning Article 51 and Article 51-2 of the Act)

- Article 33-2 The person specified by Order of the Ministry of Health, Labour and Welfare as provided under Article 51, paragraph (2) and Article 51-2 of the Act is to be an employer that is a corporation.

(Matters concerning Article 53-2 of the Act)

- Article 34 The Minister of Health, Labour and Welfare is to endeavor to understand the trend of the employment of foreign workers, by taking such measures as requiring the employers to submit the materials pertaining to the employment-related situations of the foreign workers employed by them, so that proper and smooth adjustment, etc. of the demand and supply of the labor force may be facilitated.

(Matters concerning Article 54 of the Act)

Article 35 (1) The Minister of Health, Labour and Welfare is to endeavor to understand the trend of the employment of workers so that instructions for improving the method of the employment of workers may be properly and effectively implemented.

(2) A person who seeks to employ persons who are to graduate from schools (excluding elementary schools and kindergartens), specialized training colleges, or the facilities or polytechnic colleges listed in each item of Article 15-6, paragraph (1) of the Human Resources Development Promotion Act (hereinafter collectively referred to as "facilities" in this Article) (hereinafter referred to as "new school graduates" in this paragraph) is to give notice of the fact to the public employment security office or the head of the facilities (limited to the duty sharing school principal and the person operating the employment placement business by giving the notice pursuant to the provisions of Article 33-2, paragraph (1) of the Act; the same applies in paragraph (4)) in advance if either of the following items is applicable:

- (i) if the solicitation of the new school graduates is to be discontinued or the number to be solicited is to be reduced (limited to the cases determined by the Minister of Health, Labour and Welfare if the number of to be solicited for the new school graduates specified by the Minister of Health, Labour and Welfare is to be reduced.);
- (ii) if the commitment or notification made that a new school graduate would be employed and the wages would be paid after the graduation is canceled or revoked after the commitment or notification is made and prior to the scheduled commencement date of the employment of the new school graduate (hereinafter referred to as "employment offering period" in the following item); or
- (iii) if the period providing tentative employment offer to a new school graduate is to be extended.

(3) The chief of the public employment security office must report to the Minister of Health, Labour and Welfare through the director of the Prefectural Labor Bureau the content of the notice set forth in the preceding paragraph or the notice provided under the following paragraph.

(4) The head of the facilities is to notify the public employment security office of the content of the notice if it receives a notice provided under paragraph (2).

(5) The instructions to factories, workplaces, etc. prescribed by Article 54 of the Act are to be provided by the employment security organizations based on the plan and the specific assistance guidelines determined by the Director-General of the Employment Security Bureau.

(6) The employment security organization, in providing the instructions set forth

in the preceding paragraph, must not intervene in any labor dispute or become involved in the content of collective agreements.

Article 36 Deleted

(Matters concerning Article 60 of the Act)

Article 37 (1) Among the authorities of the Minister of Health, Labour and Welfare provided by the Act, the authority listed in each of the following items is to be delegated to the director of the Prefectural Labor Bureau specified in each item; provided, however, that the delegation does not preclude the Minister of Health, Labour and Welfare from exercising their own authorities.

- (i) the authority concerning the order to change the schedule of fees pursuant to the provisions of Article 32-3, paragraph (4) of the Act: the director of the Prefectural Labor Bureau with jurisdiction over the location of the main office of the person operating the employment placement business and the place of business operating the employment placement business;
- (ii) the authority concerning the acceptance of the notification as provided under Article 32-8, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to Article 33, paragraph (4), Article 33-3, paragraph (2), and Article 33-4, paragraph (2) of the Act): the director of the Prefectural Labor Bureau with jurisdiction over the location of the main office of the person operating the employment placement business;
- (iii) the authority concerning the suspension of all or part of the employment placement business pursuant to the provisions of Article 32-9, paragraph (2) of the Act (including as applied mutatis mutandis pursuant to Article 33, paragraph (4), Article 33-3, paragraph (2), and Article 33-4, paragraph (2) of the Act): the director of the Prefectural Labor Bureau with jurisdiction over the location of the main office of the person operating the employment placement business and the place of business operating the employment placement business;
- (iv) the authority concerning the order to change the scope of the handled occupations, etc. pursuant to the provisions of Article 32-12, paragraph (3) of the Act (including as applied mutatis mutandis pursuant to Article 33, paragraph (4), Article 33-3, paragraph (2), and Article 33-4, paragraph (2) of the Act): the director of the Prefectural Labor Bureau with jurisdiction over the location of the main office of the person operating the employment placement business and the place of business operating the employment placement business;
- (v) the authority concerning the acceptance of the notification as provided under Article 33-2, paragraph (1) of the Act pertaining to the free of charge employment placement business provided by the same paragraph or as

- provided under Article 32-8, paragraph (1) of the Act as applied mutatis mutandis pursuant to paragraph (7) of the same Article, and the suspension of the business pursuant to the provisions of Article 32-9, paragraph (2) of the Act: the director of the Prefectural Labor Bureau with jurisdiction over the location of the main office of the facilities listed in each item of Article 33-2, paragraph (1) of the Act;
- (vi) the authority concerning the permit provided under Article 36, paragraph (1) of the Act which pertains to the solicitations listed as follows, the permit provided under paragraph (2) of the same Article which pertains to the solicitations, the acceptance of the notification provided under paragraph (3) of the same Article which pertains to the solicitations, the instructions provided under Article 37, paragraph (2) of the Act given upon the grant of the permit, the rescission of the permit and the suspension of solicitation business pertaining to the license as provided under Article 41, paragraph (1) of the Act, and the abolition and suspension of the solicitation business pertaining to the notification provided under paragraph (2) of the same Article: the director of the Prefectural Labor Bureau with jurisdiction over the location of the soliciting office:
- (a) solicitation targeting the area within the prefecture in which the soliciting office is located;
 - (b) solicitation targeting the area outside the prefecture in which the soliciting office is located (excluding the area designated by the Minister of Health, Labour and Welfare by taking into account the status of the demand and supply of the labor force in the area) (excluding the solicitation conducted by a business owner belonging to the type of business designated by the Minister of Health, Labour and Welfare by taking into account the status of the demand and supply of labor force in the type of business), in which the number of workers solicited in the area is less than 100 (30 if the number of workers solicited in the area within one prefecture is more than 30);
- (vii) the authority concerning the instructions and advice provided under Article 48-2 of the Act: the director of the Prefectural Labor Bureau with jurisdiction over the location of the main office of the facilities if the matter pertains to the free of charge employment placement business provided under Article 33-2, paragraph 1; the director of the Prefectural Labor Bureau with jurisdiction over the location of the main office of the person operating the employment placement business or the labor supply business and the place of business operating the business if the matter pertains to the employment placement business or labor supply business other than the free of charge employment placement businesses provided under Article 33-2, paragraph (1); and the director of the Prefectural Labor Bureau with

- jurisdiction over the location of the soliciting office if the matter pertains to the solicitation of workers (hereinafter referred to as "director of the Prefectural Labor Bureau with jurisdiction" in this paragraph.);
- (viii) the authority concerning the order provided under Article 48-3 of the Act: the director of the Prefectural Labor Bureau with jurisdiction; and
- (ix) the authority concerning the collection of the report provided under Article 50, paragraph (1) of the Act and the on-site inspection provided under paragraph (2) of the same Article: the authority concerning the director of the Prefectural Labor Bureau with jurisdiction.
- (2) The notice provided under Article 33-2, paragraph (8) of the Act is to be given by the director of the Prefectural Labor Bureau specified by item (v) of the preceding paragraph.
- (3) The authorities of the Minister of Health, Labour and Welfare provided under Article 48-2, Article 48-3, and Article 50 of the Act which pertain to the free of charge employment placement business provided under Article 33-2, paragraph (1) are to be exercised by the chief of public employment security offices; provided, however, this does not preclude the Minister of Health, Labour and Welfare from exercising their own authorities.

(Matters concerning Article 61 of the Act)

Article 38 (1) The documents to be submitted to the Minister of Health, Labour and Welfare pursuant to the provisions of Chapters 3 through 3-3 of the Act and this Order are to be submitted through the director of the Prefectural Labor Bureau with jurisdiction over the location of the main office or the soliciting office of the person operating the employment placement business or the labor supply business (the chief of the public employment security office with jurisdiction over the location of the main office of the facilities (if there are two or more public employment security offices, the public employment security offices handling the administrative affairs pursuant to the provisions of Article 792 of the Rules on Organization of the Ministry of Health, Labour and Welfare) in the case of the employment placement business operated by making the notification pursuant to the provisions of Article 33-2, paragraph (1) of the Act); provided, however, that the documents to be submitted to the Minister of Health, Labour and Welfare (including the permit of fee-charging business and the permit of free of charge business) pursuant to the provisions of Article 32-4, paragraph (3) of the Act (including as applied mutatis mutandis pursuant to Article 33, paragraph (4) of the Act), Article 32-7, paragraph (1) or paragraph (4) of the Act (including as applied mutatis mutandis pursuant to Article 33, paragraph (4), Article 33-3, paragraph (2), or Article 33-4, paragraph (2) of the Act), or Article 21, paragraph (3) (including as applied mutatis mutandis pursuant to Article 25), which pertain to any matter other

than those provided by Article 30, paragraph (2), items (i) and (ii) of the Act (including as applied mutatis mutandis pursuant to Article 33, paragraph (4), Article 33-3, paragraph (2), or Article 33-4, paragraph (2) of the Act) may be submitted through the director of the Prefectural Labor Bureau with jurisdiction over the location of the place of business.

- (2) The documents to be submitted pursuant to the provisions of Chapters 3 through 3-3 of the Act and this Order (excluding the permit of fee-charging business and the permit of free of charge business) must be submitted with two copies (one copy in the case of the documents provided under Article 18, paragraph (3) (including as applied mutatis mutandis pursuant to Article 25, paragraph (1)), Article 22, paragraph (4) (including as applied mutatis mutandis pursuant to Article 25, paragraph (2)) and Article 23, paragraph (4) (including as applied mutatis mutandis pursuant to Article 25, paragraph (1)) thereof attached to the original copy.

Supplementary Provisions [Extract]

- (1) This Order comes into effect as of the date on which the Employment Security Act comes into effect.
- (2) The Enforcement Regulation of the Employment Placement Act, the Rules on Free of Charge Employment Placement Business, the Rules on Commercial Employment Placement Business, the Rules on Labor Supply Businesses and the Rules on Solicitation of Workers are to be abolished.
- (4) Until otherwise provided by law, the cases specified by Order of the Ministry of Health, Labour and Welfare as provided by Article 32-3, paragraph (2) of the Act, in addition to the cases provided under Article 20, paragraph (2), are to be the cases for which the fee of 670 yen (650 yen in the case of tax exempt businesses) for accepting the job application is collected upon accepting the job application of a job seeker for occupations pertaining to entertainers, housekeepers (a person who provides general housekeeping services (limited to those provided at a house of an individual, dormitories or other equivalent facilities)), care-giving or nursing-assisting businesses for patients, invalids, etc. (limited to those provided at a hospital or other equivalent facilities), food servers (a person who provides table-coordinating, food-serving or waiting services, etc. following proper manners at a hotel, restaurant, hall, etc. serving foods (including services necessary for organizing and storing the tools such as the tableware associated with the services)), cooks (a person having the expertise and skills on cooking, nutrition and sanitation who provides cooking services) set forth in the same paragraph, models or mannequins provided under the same paragraph (a person having the expertise and advertising skills on the goods and provides advertising services such as the explanation,

demonstration, etc. of various goods to stimulate customer spending at stores or at exhibitions (including the sales services entailed with the services)); provided, however, the amount is to be equivalent to the fees for three cases per month if the number of the job applications accepted from the same job seeker exceeds three for one month.

Supplementary Provisions [Extract Order of Ministry of Health, Labour and Welfare No. 154 of September 30, 2005] [Extract]

(Effective Date)

Article 1 This Order comes into effect as of October 1, 2005.

(Transitional Measure for Partial Amendment of the Enforcement Regulation of the Employment Security Act)

Article 3 The written application form currently existing upon enforcement of this Order which follows the form provided by the Enforcement Regulation of the Employment Security Act prior to the revision by this Order may be used after making necessary revisions, until otherwise provided for by law.

Appended Table (Re: Article 20)

Type	Maximum Amount of Fees	Collection Method
Acceptance Fees	Amount of 670 yen (650 yen in the case of tax exempt businesses) for each case if the application for the job is accepted	The fee is collected from the job offerer on and after the date the application for job offerings has been accepted.

<p>Placement Fees</p>	<p>(i) the amount equivalent to ten-point-five hundredths (10.5/100) (ten-point-two hundredths (10.2/100) in the case of tax-exempt businesses) of the wages paid (excluding the cases listed in the following item and in item (iii))</p> <p>(ii) the amount equivalent to ten-point-five hundredths (10.5/100) (ten-point-two hundredths (10.2/100) in the case of tax-exempt businesses) of the wages pertaining to the employment of a period of six months in cases where the employment by the same person is to be continued for more than six months (excluding the case specified in the following item)</p>	<p>The fee is collected from the job offerer or the employer concerned on and after the date of payment of the wages that are the basis of the collection of wages (upon the acceptance of an application for a job offering or for a job filed by the person currently or previously employed by the employer concerned if the fee is collected by committing to the person paying the fee that the necessary settlement measures for the fee in the case the employment relationship is not established or the necessary settlement measures for the fee to be charged on and after the establishment of the employment relationship are to be taken).</p>
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	(iii) the amount equivalent to ten-point-five hundredths (10.5/100) (ten-point-two hundredths (10.2/100) in the case of tax-exempt businesses) of the wages pertaining to the employment of a period of six months, or fourteen-point-two hundredths (14.2/100) (thirteen-point-seven hundredths (13.7/100) in the case of tax-exempt businesses) of the amount obtained by deducting from the wages the extra wages paid and the wages paid for each period exceeding three months, whichever is larger, in cases where the employment by the same person continued for more than six months under an employment contract without a fixed term	
Fees that should be appropriated to the class II special enrollment insurance premiums	The amount equivalent to seven-point-five thousandths (7.5/1000) of the wages paid	The fee is collected from the job offerer on and after the date of payment of the wages that are the basis of the collection of wages.

Remarks

- (i) the term "employer concerned" as used in this Table means the employer or the former employer of the job seeker who seeks to assist the re-employment of the job seeker;
- (ii) the term "fee" as used in this Table means the sum total of the fee collected from the job offerer and the fee collected from the employer concerned;
- (iii) the term "tax-exempt businesses" as used in this Table means persons to whom the provisions of the main clause of Article 9, paragraph (1) of the Consumption Tax Act (Act No. 108 of 1988) are applicable.

Forms No. 1 through 9

Omitted