

# **Enforcement Regulation of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers**

(Order of the Ministry of Labour No. 20 of April 17, 1986)

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## **Chapter I Measures for Securing the Proper Operation of Worker Dispatching Undertakings**

### **Section 1 Scope of the Designated Work**

(Places Specified by Order of the Ministry of Health, Labour and Welfare Referred to in Article 2, Paragraph (1) of the Order)

Article 1 (1) The places specified by Order of the Ministry of Health, Labour and Welfare referred to in Article 2, paragraph (1) of the Order for Enforcement of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (Cabinet Order No. 95 of 1986; hereinafter referred to as the "Order") are the places listed as follows:

- (i) hospitals, etc., at which prefectures have found that it is necessary, after going through the consultation process referred to in Article 30-12, paragraph (1) of the Medical Care Act (Act No. 205 of 1948), as one of the necessary measures referred to in the same paragraph, to have a dispatched worker engage in work listed in Article 2, paragraph (1), item (i) of the Order, under arrangements for worker dispatching services carried out in the course of trade, for the purpose of securing medical care in the region (meaning hospitals, etc. prescribed in the same item; the same applies in the following item) and which are specified by the Minister of Health, Labour and Welfare; and
  - (ii) homes of patients related to the hospitals, etc. listed in the preceding item.
- (2) The places specified by Order of the Ministry of Health, Labour and Welfare referred to in Article 2, paragraph (1), item (i) of the Order are as follows:
- (i) clinics established in support facilities for persons with disabilities prescribed in Article 5, paragraph (12) of the Services and Supports for Persons with Disabilities Act (Act No. 123 of 2005);
  - (ii) clinics established in relief facilities prescribed in Article 38, paragraph (1), item (i) of the Public Assistance Act (Act No. 144 of 1950);
  - (iii) clinics established in rehabilitation facilities prescribed in Article 38, paragraph (1), item (ii) of the Public Assistance Act;
  - (iv) clinics established in rehabilitation centers prescribed in Article 12, paragraph (1), item (vii) of the Act on the Japan Labour Health and Welfare Organization, Independent Administrative Agency (Act No. 171 of 2002);
  - (v) clinics established in nursing homes for the elderly prescribed in Article 20-4 of the Act on Social Welfare for the Elderly (Act No. 133 of 1963);
  - (vi) clinics established in special nursing homes for the elderly prescribed in Article 20-5 of the Act on Social Welfare for the Elderly;
  - (vii) clinics established in facilities for nursing services prescribed in Article 39 of the Atomic Bomb Survivors' Assistance Act (Act No. 117 of 1994).

## **Section 2 License for Worker Dispatching Undertakings**

### **Subsection 1 General Worker Dispatching Undertakings**

(Procedures for Applying for a License)

- Article 1-2 (1) The written application under Article 5, paragraph (2) of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as the "Act") is to be in the form of a written application for a license for general worker dispatching undertakings (Form No. 1).
- (2) The documents specified by Order of the Ministry of Health, Labour and Welfare referred to in Article 5, paragraph (3) of the Act are as follows:

- (i) when 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 of the officers (in the case of a foreign national, the foreign registration certificate; the same applies hereinafter) and their resumes;
    - (d) when an officer is a minor and has not obtained a license for the operation of general worker dispatching undertakings, a copy of the resident record and a resume of the officer's statutory agent;
    - (e) rules concerning the proper management of personal information and preservation of confidentiality (hereinafter referred to as "rules for the proper management of personal information") for each place of business where the general worker dispatching undertakings are carried out;
    - (f) a balance sheet and profit and loss statement for a recent business year;
    - (g) documents certifying the details of the assets concerning the general worker dispatching undertakings and matters related to their rights;
    - (h) a copy of the resident record and resume of the responsible person for the worker dispatching undertakings appointed for each place of business where the general worker dispatching undertakings are carried out;
  - (ii) if the applicant is an individual, the following documents:
    - (a) a copy of the resident record and resume;
    - (b) if the applicant is a minor and has not obtained a license for the operation of general worker dispatching undertakings, a copy of the resident record and resume of the applicant's statutory agent;
    - (c) documents listed in sub-items (e), (g) and (h) of the preceding item.
- (3) The business plan to be attached pursuant to the provisions of Article 5, paragraph (3) of the Act is to be in the form of a business plan of general worker dispatching undertakings (Form No. 3).
- (4) When a business operator of specified dispatching undertakings prescribed in Article 2, item (vi) of the Act (hereinafter referred to as "business operator of specified dispatching undertakings") applies for a license for general worker dispatching undertakings pursuant to the provisions of Article 5, paragraph (1) of the Act, documents listed in paragraph (2), item (i), sub-items (a) through (c) are not required in the case of a corporation, and documents listed in paragraph (2), item (ii), sub-item (a) are not required in the case of an individual.

(The Case Specified by Order of the Ministry of Health, Labour and Welfare under Article 7, Paragraph (1), Item (i) of the Act)

Article 1-3 The case specified by Order of the Ministry of Health, Labour and Welfare under Article 7, paragraph (1), item (i) of the Act is to be the case

where 30 percent or more of all dispatched workers employed by a dispatching business operator who conducts the services are 60 years of age or over (limited to those who were employed after retiring from a place of business of another business operator due to the mandatory retirement age of over 60).

(Permit)

Article 2 The permit under Article 8, paragraph (1) of the Act is to be in the form of a permit for general worker dispatching undertakings (Form No. 4; hereinafter simply referred to as "permit").

(Reissuance of Permit)

Article 3 A person who seeks to have their permit reissued pursuant to the provisions of Article 8, paragraph (3) of the Act must submit a written application for the reissuance of a permit (Form No. 5) to the Minister of Health, Labour and Welfare.

(Return of Permit)

Article 4 (1) A person who has been issued permits, when they come to fall under any of the following items, must return the permits pertaining to all places of business for carrying out the general worker dispatching undertakings in the case of falling under item (i) or item (ii), and the permit discovered or restored in the case of falling under item (iii) to the Minister of Health, Labour and Welfare, within ten days from the day following the day on which the fact occurred:

- (i) when the license was revoked;
- (ii) when the validity period of the license expired;
- (iii) in the case of having received the reissuance of the permit, when the lost permit was discovered or restored.

(2) When a person who has been issued permits has come to fall under any of the cases listed in the following items, the person listed in each of those items must return the permits pertaining to all places of business for carrying out the general worker dispatching undertakings to the Minister of Health, Labour and Welfare, within ten days from the day following the day on which the fact occurred:

- (i) when the person has died: a cohabiting relative or a statutory agent;
- (ii) when the corporation has disappeared through a merger: a representative person of the corporation surviving the merger or established through the merger.

(Application Procedures for Renewal of the Validity Period of the License)

Article 5 (1) A person who seeks to obtain the renewal of the validity period of

the license pursuant to the provisions of Article 10, paragraph (2) of the Act must submit a written application for the renewal of the validity period of the license for general worker dispatching undertakings (Form No. 1) to the Minister of Health, Labour and Welfare, 30 days prior to the expiration date of the validity period of the license.

- (2) The documents specified by Order of the Ministry of Health, Labour and Welfare under Article 5, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 10, paragraph (5) of the Act are as follows:
  - (i) where an applicant is a corporation, the documents listed in Article 1-2, paragraph (2), item (i), sub-items (a), (b), (d), (e), (f) and (g); or
  - (ii) where an applicant is an individual, the documents listed in Article 1-2, paragraph (2), item (i), sub-items (e) and (g).
- (3) The business plan to be attached pursuant to the provisions of Article 5, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 10, paragraph (5) of the Act is to be in the form of the written business plan for general worker dispatching undertakings (Form No. 3).
- (4) The renewal of the validity period of the license pursuant to the provisions of Article 10, paragraph (2) of the Act is to be made by issuing a new permit in exchange for the permit currently held by the person seeking the renewal.

Articles 6 and 7 Deleted

(Notification of Changes)

- Article 8 (1) A person who seeks to make a notification pursuant to the provisions of Article 11 of the Act must submit a written notification of changes to general worker dispatching undertakings (Form No. 5) to the Minister of Health, Labour and Welfare in the case of making a notification of changes to the matters listed in Article 5, paragraph (2), item (iv), of the Act, within 30 days from the day following the day on which the fact pertaining to the changes occurred and in the case of making a notification of changes other than those listed in the same item, within ten days from the day following the day on which the fact pertaining to the changes occurred. The person must submit a notification of changes to general worker dispatching undertakings and written application for renewal of the permit (Form No. 5) to the Minister of Health, Labour and Welfare, in the case the matters on the notification of changes fall under those stated on the permit.
- (2) In the case of making a notification of changes related to the establishment of new places of business among notifications under the provisions of Article 11, paragraph (1) of the Act, the written notification of changes to general worker dispatching undertakings referred to in the preceding paragraph must be accompanied by documents related to the new places of business listed in

Article 1-2, paragraph (2), item (i), sub-items (e), (g) and (h) in the case of a corporation, and documents related to the new places of business listed in item (ii), sub-item (c) of the same paragraph in the case of an individual (excluding documents certifying the details of assets concerning the general worker dispatching undertakings); provided, however, that when a business operator of general dispatching undertakings prescribed in Article 2, item (vi) of the Act (hereinafter referred to as a "business operator of general dispatching undertakings") has continued to appoint a responsible person for the dispatching undertakings for another place of business where general worker dispatching undertakings have been conducted as the responsible person for the dispatching undertakings of the new place of business, the person's resume is not required out of the documents listed in Article 1-2, paragraph (2), item (i), sub-item (h) in the case of a corporation, and the person's resume is not required out of the documents listed in item (ii), sub-item (c) of the same paragraph in the case of an individual (when there are no changes to the address of the responsible person appointed, a copy of the person's resident record and resume are not required; hereinafter the same applies in this Article).

(3) In the case of making a notification of changes other than those related to the establishment of new places of business among notifications under the provisions of Article 11, paragraph (1) of the Act, the written notification of changes to general worker dispatching undertakings or the written notification of changes to general worker dispatching undertakings and the written application for renewal of the permit referred to in paragraph (1) are to be accompanied by documents related to the changed matters out of the documents prescribed in Article 1-2, paragraph (2) (in the case of making a notification of changes related to the abolition of places of business, the permit for the abolished places of business).

(4) In the case where there are changes to the name of the responsible person for the dispatching undertakings among the matters listed in Article 5, paragraph (2), item (iv) of the Act, when the business operator of general dispatching undertakings has continued to appoint a responsible person for the dispatching undertakings of another place of business where general worker dispatching undertakings have been conducted as the responsible person for the dispatching undertakings of the place of business related to the changes, the person's resume is not required out of the documents listed in Article 1-2, paragraph (2), item (i), sub-item (h) in the case of a corporation, and the person's resume is not required out of the documents listed in item (ii), sub-item (c) of the same paragraph in the case of an individual.

(Issuance of Permit in the Cases When Notification of Changes Related to

Establishment of New Places of Business Has Been Made)

Article 9 The permit under the provisions of Article 11, paragraph (3) of the Act is to be issued for each newly established place of business.

(Notification of Discontinuance of Business)

Article 10 A person who seeks to make the notification pursuant to the provisions of Article 13, paragraph (1) of the Act must submit a written notification of discontinuance of the general worker dispatching undertakings (Form No. 8) to the Minister of Health, Labour and Welfare, along with the permit related to all of the places of business carrying out general worker dispatching undertakings, within ten days from the day following the day of the discontinuance of the general worker dispatching undertakings.

**Subsection 2 Specified Worker Dispatching Undertakings**

(Procedures for Submitting a Written Notification)

Article 11 (1) The written notification under Article 16, paragraph (1) of the Act is to be in the form of a written notification of specified worker dispatching undertakings (Form No. 9).

(2) The documents specified by Order of the Ministry of Health, Labour and Welfare under Article 16, paragraph (2) of the Act are as follows:

(i) when the notifier is a corporation, the following documents:

(a) documents listed in Article 1-2, paragraph (2), item (i), sub-items (a) through (c);

(b) when an officer is a minor and has not obtained a license for the operation of specified worker dispatching undertakings, a copy of the resident record and resume of the statutory agent;

(c) rules for the proper management of personal information for each place of business carrying out specified worker dispatching undertakings;

(d) documents certifying the matters related to the rights of the place of business carrying out specified worker dispatching undertakings;

(e) a copy of the resident record and resume of a responsible person for the dispatching undertakings appointed for each place of business carrying out specified worker dispatching undertakings;

(ii) when a notifier is an individual, the following documents:

(a) documents listed in Article 1-2, paragraph (2), item (ii), sub-item (a);

(b) when the notifier is a minor and has not obtained a license for the operation of specified worker dispatching undertakings, a copy of the resident record and resume of the statutory agent;

(c) documents listed in sub-items (c), (d) and (e) of the preceding item.

(3) The business plan to be attached pursuant to the provisions of Article 16,

paragraph (2) of the Act is to be in the form of a business plan of a specified worker dispatching undertakings (Form No. 3).

- (4) When a business operator of general dispatching undertakings or a person who has filed an application for a license of general worker dispatching undertakings under Article 5, paragraph (1) of the Act seeks to make a notification of specified worker dispatching undertakings pursuant to Article 16, paragraph (1) of the Act, documents listed in paragraph (2), item (i), sub-item (a) are not required in the case of a corporation and documents listed in item (ii), sub-item (a) of the same paragraph are not required in the case of an individual.
- (5) In the case where the notifier has been conducting general worker dispatching undertakings, when the notifier seeks to continue to appoint a responsible person for the dispatching undertakings of another place of business where general worker dispatching undertakings have been conducted as the responsible person for the dispatching undertakings of the place of business related to the notification, the resume is not required out of the documents listed in paragraph (2), item (i), sub-item (e) in the case of a corporation, and the resume is not required out of the documents listed in item (ii), sub-item (e) of the same paragraph in the case of an individual (when there are no changes to the address of the responsible person for the dispatching undertakings to be appointed, a copy of their resident record and resume are not required; hereinafter the same applies in this paragraph).

(Matters Specified by Order of the Ministry of Health, Labour and Welfare under Article 18 of the Act)

Article 12 The matters specified by Order of the Ministry of Health, Labour and Welfare under Article 18 of the Act are as follows:

- (i) the name, and in the case of a corporation, the name of the representative;
- (ii) the name and location of the place of business.

Article 13 Deleted

(Notification of Changes)

Article 14 (1) A person who seeks to make a notification pursuant to the provisions of Article 19 of the Act must submit a written notification of changes to specified worker dispatching undertakings (Form No. 10) to the Minister of Health, Labour and Welfare, along with documents related to the changed matters out of the documents prescribed in Article 11, paragraph (2) within 30 days from the day following the day on which the fact pertaining to the changes occurred in the case of making a notification of changes listed in Article 5, paragraph (2), item (iv) of the Act, and within ten days from the day

following the day on which the fact pertaining to the changes occurred in the case of making a notification of changes other than those listed in the same item; provided, however, that in making the notification under Article 11, paragraph (1) of the Act with regard to the changes, if documents related to the changed matters out of the documents listed in Article 1-2, paragraph (2), item (i), sub-items (a) through (c) are attached in the case of a corporation, or documents related to the changed matters out of the documents listed in item (ii), sub-item (a) of the same paragraph are attached in the case of an individual, the notification of changes is not required.

(2) The documents specified by Order of the Ministry of Health, Labour and Welfare under Article 19, paragraph (1) of the Act are the documents related to the new places of business listed in Article 11, paragraph (2), item (i), sub-items (c), (d) and (e) in the case of a corporation, and the documents related to the places of business listed in item (ii), sub-item (c) of the same paragraph in the case of an individual; provided, however, that when the business operator of specified dispatching undertaking has continued to appoint a responsible person for the dispatching undertakings of another place of business where general worker dispatching undertakings or specified worker dispatching undertakings have been conducted as the responsible person for the dispatching undertakings of the new places of business, the resume is not required out of the documents listed in item (i), sub-item (e) of the same paragraph in the case of a corporation, and the resume is not required out of the documents listed in item (ii), sub-item (c) of the same paragraph in the case of an individual (when there are no changes to the address of the appointed responsible person for the dispatching undertakings, a copy of the person's resident record and resume are not required; hereinafter the same applies in this Article).

(3) In the case where there are changes to the name of the responsible person for the dispatching undertakings among the matters listed in Article 5, paragraph (2), item (iv) of the Act, when the business operator of specified dispatching undertakings has continued to appoint a responsible person for the dispatching undertakings of another place of business where general worker dispatching undertakings or specified worker dispatching undertakings have been conducted as the responsible person for the dispatching undertakings of the place of business related to the changes, the resume is not required out of the documents listed in Article 11, paragraph (2), item (i), sub-item (e) in the case of a corporation, and the resume is not required out of the documents listed in item (ii), sub-item (c) of the same paragraph in the case of an individual.

(Notification of Discontinuance of Business)

Article 15 A person who seeks to make a notification pursuant to the provisions

of Article 20 of the Act must submit a written notification of discontinuance of the specified worker dispatching undertakings (Form No. 8) to the Minister of Health, Labour and Welfare, within ten days from the day following the date of the discontinuance of the specified worker dispatching undertakings.

Article 16 Deleted

### **Section 3 Auxiliary Provisions**

(Business Reports and Settlements of Accounts)

Article 17 (1) A business operator of dispatching undertakings prescribed in Article 23, paragraph (1) of the Act (hereinafter simply referred to as "dispatching business operator"), within three months after the end of each business year, must prepare a business report for the undertakings and statement of accounts for each place of business carrying out the worker dispatching undertakings and submit them to the Minister of Health, Labour and Welfare; provided, however, that when the dispatching business operator has submitted a balance sheet and profit and loss statement for the business year, the statement of accounts is not required.

(2) The business reports and statements of accounts to be submitted pursuant to the provisions of Article 23, paragraph (1) of the Act are to be in the form of a business report for worker dispatching undertakings (Form No. 11) and the form of statement of accounts for worker dispatching undertakings (Form No. 12), respectively.

(Notification of Overseas Worker Dispatching Undertakings)

Article 18 When a dispatching business operator seeks to carry out overseas worker dispatching undertakings pursuant to the provisions of Article 23, paragraph (3) of the Act (hereinafter simply referred to as an "overseas dispatching"), the business operator must submit a written notification of overseas dispatching (Form No. 13) along with a copy of documents under the provisions of Article 23 to the Minister of Health, Labour and Welfare.

(Route for Submitting Documents)

Article 19 The documents to be submitted to the Minister of Health, Labour and Welfare under the provisions of Chapter II or this Chapter of the Act are to be submitted through the Prefectural Labour Director who has jurisdiction over the location of the main office of a dispatching business operator; provided, however, that the documents related to matters other than those prescribed in Article 5, paragraph (2), items (i) and (ii) of the Act, out of the documents (including permits) to be submitted to the Minister of Health, Labour and

Welfare pursuant to the provisions of Article 8, paragraph (3), Article 11, paragraph (1) or paragraph (4), Article 19, paragraph (1), or Article 4, paragraph (1), of the Act, may be submitted through the Prefectural Labour Director who has jurisdiction over the location of the place of business.

(The Number of Copies of Documents to be Submitted)

Article 20 In submitting documents (excluding permits) to the Minister of Health, Labour and Welfare under the provisions of Chapter II or this Chapter of the Act, the original copy together with two copies thereof (one copy, in the case of documents prescribed in Article 1-2, paragraph (2), Article 5, paragraph (2), Article 8, paragraph (2) or paragraph (3), Article 11, paragraph (2) or Article 14) must be submitted.

## **Chapter II Measures for Securing Improved Working Conditions for Dispatched Workers**

### **Section 1 Worker Dispatch Contract**

(Methods to Stipulate Matters under a Worker Dispatch Contract)

- Article 21 (1) When there is only one combination of the content of the matters listed in the items of Article 26, paragraph (1) of the Act, the matters must be stipulated by specifying the number of dispatched workers for the combination, and when there are two or more combinations, the matters must be stipulated by specifying the details of each of the combinations and the number of dispatched workers for each combination, pursuant to the provisions of the same paragraph.
- (2) When the content of the work under Article 26, paragraph (1), item (i) of the Act contains the work listed in the items of Article 4 of the Order, the relevant item numbers are to be attached.
- (3) When concluding a worker dispatch contract, the parties to the worker dispatch contract must state on a document the matters prescribed in the provisions of Article 26, paragraph (1) of the Act.
- (4) When concluding a worker dispatch contract, a person who receives provision of worker dispatching services from a dispatching business operator must state the content clarified under the provisions of Article 26, paragraph (4) of the Act, along with the matters on the document referred to in the preceding paragraph.

(Matters Specified by Order of the Ministry of Health, Labour and Welfare Referred to in Article 26, Paragraph (1), Item (x) of the Act)

- Article 22 The matters specified by Order of the Ministry of Health, Labour and Welfare under Article 26, paragraph (1), item (x) of the Act are as follows:
- (i) the matters concerning the responsible person for the dispatching

- undertakings and the responsible person for the client;
- (ii) in the case where a person receiving provision of worker dispatching services has specified that the person may have workers perform the dispatch work prescribed in Article 26, paragraph (1), item (ii) of the Act (hereinafter simply referred to as "dispatch work") on days other than the days on which the dispatch work is to be performed under item (iv) of the same paragraph or that the person may extend the hours from the start time to the end time of the dispatch work prescribed in item (v) of the same paragraph, the extra days on which the person may have workers perform the dispatch work or the number of hours by which the person may extend the dispatch work;
  - (iii) in the case where a dispatching business operator has specified that a person who is or will be a client prescribed in Article 31 of the Act (hereinafter simply referred to as "client") that the person will provide dispatched workers with the right to use facilities such as clinics and food service facilities which workers employed by the person who is or will be a client are currently using on a regular basis, the right to use facilities or equipment for recreational purposes, the lending of uniforms and other advantages for promoting dispatched workers' welfare, the details of the advantages and the means of providing them.

(Matters to be Stated in Writing Pertaining to the Contract)

Article 22-2 The document prescribed in Article 21, paragraph (3) must state the matters prescribed in the same paragraph and paragraph (4) of the same Article and the matters prescribed in the following items, in accordance with the category listed in each item:

- (i) in the case of employment placement dispatching: the fact that if the client does not wish to accept an employment placement or does not employ a person who has been introduced, the reason thereof is to be clearly indicated to the dispatching business operator, at their request, by way of delivery of document, transmission by facsimile or transmission by e-mail (hereinafter referred to as "delivery of document, etc.");
- (ii) in the case of worker dispatching carried out for the work referred to in Article 40-2, paragraph (1), item (ii), sub-item (a) of the Act: the fact that the work falls under sub-item (a) of the same item;
- (iii) in the case of worker dispatching undertakings carried out for the work referred to in Article 40-2, paragraph (1), item (ii), sub-item (b) of the Act: matters listed in the following sub-items (a) through (c);
  - (a) the fact that the work falls under Article 40-2, paragraph (1), item (ii), sub-item (b) of the Act;
  - (b) the number of working days per month on which the work is performed at

- the client's place of business;
- (c) the number of working days per month prescribed for ordinary workers employed by the client;
- (iv) in the case of worker dispatching carried out for the work referred to in Article 40-2, paragraph (1), item (iii) of the Act: matters listed in the following sub-items (a) and (b):
  - (a) the name and work of a worker who takes absence from work under the provisions of Article 65, paragraph (1) or (2) of the Labor Standards Act (Act No. 49 of 1947) (hereinafter referred to as "maternity leave before and after childbirth"), childcare leave prescribed in Article 2, item (i) of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members (Act No. 76 of 1991; hereinafter referred to as the "Child Care and Caregiver Leave Act") (hereinafter such leave is referred to as "childcare leave"), or absence from work in the case prescribed in Article 33;
  - (b) the date of the start and the scheduled end of maternity leave before and after childbirth, childcare leave or absence from work in the case prescribed in Article 33 taken by the worker referred to in sub-item (a);
- (v) in the case of worker dispatching undertakings carried out for the work referred to in Article 40-2, paragraph (1), item (iv) of the Act: matters listed in the following sub-items (a) and (b):
  - (a) the name and work of a worker who takes caregiver leave prescribed in Article 2, item (ii) of the Childcare and Caregiver Leave Act (hereinafter referred to as "caregiver leave") or absence from work prescribed in Article 33-2;
  - (b) the date of the start and the scheduled end of caregiver leave or absence from work prescribed in Article 33-2 taken by the worker referred to in sub-item (a);

(Methods to Stipulate Matters under Worker Dispatch Contract for Overseas Worker Dispatching)

Article 23 When concluding a worker dispatch contract for overseas dispatching, a dispatching business operator must state in writing the matters prescribed under the provisions of Article 26, paragraph (3) of the Act and provide delivery of document, etc. to the person who receives provision of services pertaining to the overseas dispatching.

(Measures Specified by Order of the Ministry of Health, Labour and Welfare under Article 26, Paragraph (3), Item (iii) of the Act)

Article 24 The measures specified by Order of the Ministry of Health, Labour and Welfare under Article 26, paragraph (3), item (iii) of the Act are as follows:

- (i) notice of the first day on which receiving provision of worker dispatching services will be in conflict with the provisions of Article 40-2, paragraph (1) of the Act as prescribed under Article 26, paragraph (5) of the Act;
- (ii) measures concerning worker dispatch contract under Article 39 of the Act;
- (iii) notice of the content of the complaint and handling of the complaint under Article 40, paragraph (1) of the Act;
- (iv) measures concerning matters related to the employment of dispatched workers prescribed in Articles 40-3 through 40-5 of the Act;
- (v) provision of medical treatment in the case of illness or injury and other assistance necessary for promoting the welfare of dispatched workers;
- (vi) beyond what is set forth in the preceding items, necessary measures for the appropriate and smooth performance of dispatch work.

(Methods of Making a Notice of the First Day on which Receiving Worker Dispatching Services will be in Conflict with the Provisions of Article 40-2, Paragraph (1) as Prescribed in Article 26, Paragraph (5) of the Act)

Article 24-2 When concluding a worker dispatch contract, a notice is to be made in advance with regard to the first day on which receiving provision of worker dispatching services will be in conflict with the provisions of Article 40-2, paragraph (1) as prescribed in Article 26, paragraph (5) of the Act, by way of delivery of document, etc. concerning matters to be notified under the provisions of Article 26, paragraph (5) of the Act.

## **Section 2 Measures to Be Taken by Dispatching Business Operators**

(Methods for Clarifying Working Conditions)

Article 25 (1) The matters to be clarified under the provisions of Article 34, paragraphs (1) and (2) of the Act must be clarified by any of the following means; provided, however, that this does not apply to the case of clarifying working conditions under the provisions of paragraph (1) of the same Article, where the matters cannot be clarified in advance by any of the following means because the worker dispatching is urgently needed and the matters have been clarified in advance by means other than the following means:

- (i) by delivery of document;
- (ii) either of the following means by which the dispatched worker wishes to have the matters indicated:
  - (a) transmission by facsimile; or
  - (b) transmission by e-mail.
- (2) In the case referred to in the proviso of the preceding paragraph which falls under any of the following items, the relevant matters must be clearly indicated to the dispatched worker by any of the means listed in the items of

the preceding paragraph, without delay after the commencement of the worker dispatching undertakings:

- (i) when a request has been made by the dispatched worker; or
- (ii) when the period of the worker dispatching exceeds one week in the case other than that referred to in the preceding item.

#### Article 26 Deleted

(Means of Making a Notice to the Client)

Article 27 (1) When there is only one combination of the content of matters listed in the items of Article 26, paragraph (1) of the Act, the names of the dispatched workers pertaining to the combination and the matters listed in the items of the following Article are to be notified, and when there are two or more combinations, the names of the dispatched workers for each of the combinations and the matters listed in the items of the following Article are to be notified, pursuant to the provisions of Article 35 of the Act.

- (2) The notice under the provisions of Article 35 of the Act must be made in advance, when carrying out worker dispatching undertakings, by means of delivery of document, etc. concerning the matters to be notified under the same Article; provided, however, that this does not apply to the case where delivery of document, etc. cannot be provided in advance because the worker dispatching is urgently needed and the matters to be notified have been made in advance by means other than delivery of document, etc.:
- (3) In the case referred to in the proviso of the preceding paragraph and where the term of the worker dispatching exceeds two weeks (limited to the case where there are two or more combinations of the content of matters listed in the items of Article 26, paragraph (1) of the Act), delivery of document, etc. concerning the matters must be provided, without delay after the commencement of the worker dispatching undertakings.
- (4) The notice under the provisions of Article 35-2, paragraph (2) of the Act for the notice to a client must be made by means of delivery of document, etc. concerning the matters to be notified under the same paragraph and for the notice to a dispatched worker must be made by notifying the matters to be notified under the same paragraph by any of the following means:
  - (i) by delivery of document;
  - (ii) either of the following means by which the dispatched worker wishes to have the matters notified:
    - (a) transmission by facsimile; or
    - (b) transmission by e-mail.

(Matters Specified by Order of the Ministry of Health, Labour and Welfare

under Article 35, Item (ii) of the Act)

Article 27-2 (1) The matters specified by Order of the Ministry of Health, Labour and Welfare under Article 35, item (ii) of the Act are to be whether the document listed in the following items has been submitted to the relevant administrative organ under the Ministerial Order listed in those respective items regarding dispatched workers under worker dispatching undertakings:

- (i) written notification of acquisition of the health insurance qualification prescribed in Article 24, paragraph (1) of the Enforcement Regulation of the Health Insurance Act (Order of the Ministry of Home Affairs No. 36 of 1926);
  - (ii) written notification of acquisition of the welfare pension insurance qualification prescribed in Article 15 of the Enforcement Regulation of the Employees' Welfare Pension Insurance Act (Order of the Ministry of Health and Welfare No. 37 of 1954);
  - (iii) written notification of acquisition of the employment insurance qualification prescribed in Article 6 of the Enforcement Regulation of the Employment Insurance Act (Order of the Ministry of Labour No. 3 of 1975).
- (2) When a dispatching business operator notifies a client that the document listed in the items of the preceding paragraph pursuant to the provisions of the preceding paragraph has not been submitted, the business operator must state concrete reasons for not submitting the document.

(Matters Specified by Order of the Ministry of Health, Labour and Welfare under Article 35, Item (iii) of the Act)

Article 28 The matters specified by Order of the Ministry of Health, Labour and Welfare under Article 35, item (iii) of the Act are as follows:

- (i) the sex of a dispatched worker (when a dispatched worker is 45 years of age or over, that fact and the sex of the worker; and when a dispatched worker is under 18 years of age, the age and the sex of the worker);
- (ii) when the content of the matters related to dispatched workers listed in Article 26, paragraph (1), item (iv), (v) or (x) of the Act are different from the content of the respective matters for combinations related to the dispatched workers specified under the worker dispatch contract pursuant to the provisions of the same paragraph, the different contents.

(Appointment of a Responsible Person for the Dispatching Undertakings)

Article 29 The appointment of a responsible person for the dispatching undertakings under the provisions of Article 36 of the Act must be made as follows:

- (i) to appoint a dedicated responsible person for the dispatching undertakings for each place of business of a dispatching business operator (hereinafter simply referred to as "place of business" in this Article) from among workers

the dispatching business operator employs; provided, however, that this does not preclude the dispatching business operator (in the case of a corporation, its officer) from becoming a responsible person for the dispatching undertakings;

- (ii) when the number of dispatched workers working for the place of business is 100 or less, one or more responsible persons are to be appointed; when the number is over 100 but under 200, two or more responsible persons are to be appointed; and when the number exceeds 200, the number of responsible persons to be appointed is to be more than one added to two for each 100 dispatched workers exceeding 100;
- (iii) with regard to a place of business which carries out worker dispatching undertakings for the business of manufacturing products prescribed in paragraph (4) of the Supplementary Provisions of the Act (hereinafter referred to as "manufacturing business"); when the number of dispatched workers engaged in manufacturing business is 100 or less, one or more out of the responsible persons for the dispatching undertakings are to be exclusively in charge of the dispatched workers; when the number is over 100 but under 200, two or more responsible persons are to be exclusively in charge of the dispatched workers; and when the number exceeds 200, the number of responsible persons to be exclusively in charge of the dispatched workers is to be more than one added to two for each 100 dispatched workers exceeding 100 (hereinafter the responsible person is referred to as "responsible person for the dispatching undertakings exclusively in charge of manufacturing business"); provided, however, that one of the responsible persons for the dispatching undertakings exclusively in charge of manufacturing business may also be in charge of dispatched workers who are not engaged in manufacturing business.

#### (Preparation of and Entry into Management Ledger of Dispatching Undertakings)

- Article 30 (1) A management ledger of dispatching undertakings under the provisions of Article 37, paragraph (1) of the Act must be prepared for each place of business of a dispatching business operator.
- (2) The entry into a management ledger of dispatching undertakings under the provisions of Article 37, paragraph (1) of the Act must be made in carrying out worker dispatching undertakings.
  - (3) Beyond what is set forth in the preceding paragraph, in the case where a notice under the provisions of Article 42, paragraph (3) of the Act is made and the matters related to the notice fall under the matters listed in the items of Article 37, paragraph (1) of the Act, if the content of the matters related to the notice differ from the entry referred to in the preceding paragraph, the content

of the matters related to the notice must be entered each time the notice is made.

(Matters Specified by Order of the Ministry of Health, Labour and Welfare under Article 37, Paragraph (1), Item (viii) of the Act)

Article 31 The matters specified by Order of the Ministry of Health, Labour and Welfare under Article 37, paragraph (1), item (viii) of the Act are as follows:

- (i) the name of the dispatched worker;
- (ii) the name of the place of business;
- (iii) the matters concerning the responsible person for the dispatching undertakings and the responsible person for the client;
- (iv) when dispatching workers for the work under Article 40-2, paragraph (1), item (i) of the Act, the item number to be attached pursuant to the provisions of Article 21, paragraph (2);
- (v) when dispatching workers for the work under Article 40-2, paragraph (1), item (ii), sub-item (a) of the Act, the matters prescribed in Article 22-2, item (ii);
- (vi) when dispatching workers for the work under Article 40-2, paragraph (1), item (ii), sub-item (b) of the Act, the matters prescribed in Article 22-2, item (iii);
- (vii) when dispatching workers for the work under Article 40-2, paragraph (1), item (iii) of the Act, the matters prescribed in Article 22-2, item (iv);
- (viii) when dispatching workers for the work under Article 40-2, paragraph (1), item (iv) of the Act, the matters referred to in item (v) of Article 22-2; and
- (ix) the content of notice prescribed under the provisions of Article 27-2.

(Initial Date for Calculating the Retention Period)

Article 32 The initial date for the computation of the period for retaining a management ledger of dispatching undertakings under the provisions of Article 37, paragraph (2) of the Act is to be the termination date of the worker dispatching undertakings.

### **Section 3 Measures to Be Taken by Clients**

(Matters Specified by Order of the Ministry of Health, Labour and Welfare under Article 40-2, Paragraph (1), Item (iii) of the Act)

Article 33 The case specified by Order of the Ministry of Health, Labour and Welfare under Article 40-2, paragraph (1), item (iii) of the Act are to be the absence from work for maternal protection or care of children that precedes that under Article 65, paragraph (1) of the Labor Standards Act or that follows the absence from work under paragraph (2) of the same Article or childcare

leave.

(Absence from Work Specified by Order of the Ministry of Health, Labour and Welfare under Article 40-2, Paragraph (1), Item (iv) of the Act)

Article 33-2 The absence from work specified by Order of the Ministry of Health, Labour and Welfare under Article 40-2, paragraph (1), item (iv) of the Act is to be the absence from work following nursing care leave which is taken for nursing care of family members prescribed in Article 2, item (iv) of the Childcare and Caregiver Leave Act.

(Matters Concerning the Period for Receiving the Provision of Worker Dispatching Services)

Article 33-3 In prescribing the period for receiving provision of worker dispatching services under the provisions of Article 40-2, paragraph (3) of the Act, the following matters must be stated in a document which is to be retained for three years from the termination date of the worker dispatching undertakings:

- (i) the name of the labor union comprised of a majority of the workers prescribed in Article 40-2, paragraph (4) of the Act (hereinafter referred to as "majority union" in this Article and the following Article) or the person who represents the majority of the workers (hereinafter referred to as the "representative of the majority" in this Article and the following Article) whose opinions have been heard;
- (ii) the matters that have been notified to the majority union or the representative of the majority and the date the notice pursuant to the provisions of paragraph (4) of the following Article was made;
- (iii) the date on which opinions were heard from the majority union or the representative of the majority and the content of the opinions;
- (iv) if a client has heard the opinions and changed the period for receiving the provision of worker dispatching services or changed the period to be changed under paragraph (4), item (ii) of the following Article, the changed period.

Article 33-4 (1) The representative of the majority is to be a person who falls under all of the following items:

- (i) the person is not in a supervisory or management position prescribed in Article 41, item (ii) of the Labor Standards Act; and
- (ii) the person has been selected through procedures by means such as voting or a show of hands after clarifying the intention to select a person whose opinions are to be heard pursuant to the provisions of Article 40-2, paragraph (4) of the Act.

(2) At a place of business where there are no persons falling under item (i) of the

preceding paragraph, the representative of the majority is to be a person falling under item (ii) of the preceding paragraph.

- (3) A client must not treat a worker in any disadvantageous manner on the grounds that the worker is the representative of the majority, has attempted to become a representative of the majority, or has performed a justifiable act as the representative of the majority.
- (4) When opinions of the majority union or the representative of the majority are to be heard pursuant to the provisions of Article 40-2, paragraph (4) of the Act, the following matters must be notified in writing to the majority union or the representative of the majority:
  - (i) work for which the provision of worker dispatching services is to be received;
  - (ii) when newly prescribing the period for receiving provision of worker dispatching services, the period and the scheduled time to start receiving the provision of worker dispatching services, and when changing the period for receiving provision of worker dispatching services, the period to be changed.
- (5) A notice pursuant to the provisions of Article 40-2, paragraph (5) of the Act is to be made by means of delivery of document, etc. concerning matters to be notified under the provisions of the same paragraph.

(Appointment of a Responsible Person for the Client)

Article 34 The appointment of a responsible person for the client under the provisions of Article 41 of the Act must be made as follows:

- (i) to appoint a dedicated responsible person for the client for each place of business or any other place for dispatch work (hereinafter referred to as "place of business, etc." in this Article and the following Article) from among workers the client employs; provided, however, that this does not preclude the client (in the case of a corporation, its officer) from becoming a responsible person for the client;
- (ii) when the number of dispatched workers whom the client causes to work under its directions and orders at a place of business, etc. is 100 or less, one or more responsible persons are to be appointed; when the number is more than 100 but less than 200, two or more responsible persons are to be appointed; and when the number exceeds 200, the number of responsible persons to be appointed is to be more than one added for each 100 dispatched workers exceeding 100 to two; provided, however, that when the total number of the dispatched workers and the workers employed by the client at the place of business, etc. is less than five, or when the period of the worker dispatching undertakings does not exceed one day, it is not necessary to appoint a responsible person for the client;
- (iii) with regard to a place of business, etc. where more than 50 dispatched workers are engaged in manufacturing business, when the number of

dispatched workers engaged in manufacturing business is more than 50 but less than 100, one or more out of the responsible persons for the client at the place of business, etc., when the number is more than 100 but less than 200, two or more responsible persons, and when the number exceeds 200, the number of responsible persons is to be more than one added for each 100 dispatched workers exceeding 100 to two, for persons to be exclusively in charge of the dispatched workers (hereinafter referred to as "responsible person for the client exclusively in charge of manufacturing business"); provided, however, that one of the responsible persons for the client exclusively in charge of manufacturing business may also be in charge of dispatched workers who are not engaged in manufacturing business, and when it is required that the same responsible person for the client to be in charge of both dispatched workers caused to be engaged in manufacturing business and those caused to be engaged in other work incidental to manufacturing business (hereinafter referred to as "work incidental to manufacturing business") in order to ensure the safety and sanitation of the dispatched workers caused to be engaged in work incidental to manufacturing business, one responsible person for the client may also be in charge of dispatched workers caused to be engaged in work incidental to manufacturing business, limited to the scope of the total number of both types of dispatched workers that the person is to be in charge of does not exceed 100.

(Preparation of and Entry into Client's Management Ledger)

- Article 35 (1) A client's management ledger under the provisions of Article 42, paragraph (1) of the Act is to be prepared for each place of business, etc.
- (2) The entry into the client's management ledger under the provisions of Article 42, paragraph (1) of the Act must be made in receiving provision of worker dispatching services.
- (3) Notwithstanding the provisions of the preceding two paragraphs, in the case where the total number of dispatched workers whom the client causes to work under its directions and orders at the place of business, etc. and the workers employed by the client at the place of business, etc. is less than five, or when the period of the worker dispatching does not exceed one day, the preparation of and entry into the client's management ledger is not required.

(Matters Specified by Order of the Ministry of Health, Labour and Welfare under Article 42, Paragraph (1), Item (vii) of the Act)

Article 36 The matters specified by Order of the Ministry of Health, Labour and Welfare under Article 42, paragraph (1), item (vii) of the Act are as follows:

- (i) the name of the dispatched worker;

- (ii) the name of the place of business of the dispatching business operator;
- (iii) the location of the place of business of the dispatching business operator;
- (iv) the matters concerning the responsible person for the dispatching undertakings and the responsible person for the client;
- (v) when dispatching workers for the work under Article 40-2, paragraph (1), item (i) of the Act, the item number to be attached pursuant to the provisions of Article 21, paragraph (2);
- (vi) when dispatching workers for the work under Article 40-2, paragraph (1), item (ii), sub-item (a) of the Act, the matters prescribed in Article 22-2, item (ii);
- (vii) when dispatching workers for the work under Article 40-2, paragraph (1), item (ii), sub-item (b) of the Act, the matters prescribed in Article 22-2, item (iii);
- (viii) when dispatching workers for the work under Article 40-2, paragraph (1), item (iii) of the Act, the matters prescribed in Article 22-2, item (iv);
- (ix) when dispatching workers for the work under Article 40-2, paragraph (1), item (iv) of the Act, the matters prescribed in Article 22-2, item (v); and
- (x) the content of the notice under the provisions of Article 27-2.

(Initial Date for Calculating the Retention Period)

Article 37 The initial date for the computation of the period for retaining a client's management ledger under the provisions of Article 42, paragraph (2) of the Act is to be the termination date of the worker dispatching undertakings.

(Notice to Dispatching Business Operators)

Article 38 (1) The notice to a dispatching business operator under the provisions of Article 42, paragraph (3) of the Act must be made by means of delivery of document, etc., with regard to the matters for each dispatched worker listed in paragraph (1), items (ii) and (iii) of the same Article and Article 36, item (i), once or more times each month by specifying a certain date.

(2) Notwithstanding the provisions of the preceding paragraph, when there is a request from a dispatching business operator, the matters prescribed in the preceding paragraph must be notified, without delay, by means of delivery of document, etc.

#### **Section 4 Special Provisions for Application of the Labor Standards Act and Related Acts**

(Replacement of Terms when Applying the Enforcement Regulation of the Labor Standards Act)

Article 39 With regard to the application of the provisions of the Enforcement

Regulation of the Labor Standards Act (Order of the Ministry of Health and Welfare No. 23 of 1947), under the provisions of Article 44 of the Act to dispatch work of a worker under dispatching as prescribed pursuant to paragraph (1) of the same Article (hereinafter simply referred to as "worker under dispatching"), the phrase "the provisions of Article 33 of the Act or Article 36, paragraph (1) of the Act" in Article 19 of the same Order is deemed to be replaced with "the provisions of Article 33 of the Act or Article 36, paragraph (1) of the Act as applied pursuant to the provisions of Article 44, paragraph (2) of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as the "Worker Dispatching Act")"; the phrase "the provisions of Article 33 of the Act or Article 36, paragraph (1) of the Act" in Article 20 of the same Order is deemed to be replaced with "the provisions of Article 33 of the Act or Article 36, paragraph (1) of the Act as applied pursuant to the provisions of Article 44, paragraph (2) of the Worker Dispatching Act"; and the term "an employer" in Article 24 of the same Order is deemed to be replaced with "a person who is, pursuant to the provisions of Article 44, paragraph (2) of the Worker Dispatching Act, deemed to be an employer prescribed in Article 10 of the Act for the business of the client prescribed in Article 44, paragraph (1) of the Worker Dispatching Act."

(Matters Specified by Order of the Ministry of Health, Labour and Welfare under Article 45 of the Act)

Article 40 (1) The medical examinations under the provisions of the second sentence of Article 66, paragraph (2) of the Industrial Safety and Health Act (Act No. 57 of 1972) which are specified by Order of the Ministry of Health, Labour and Welfare under Article 45, paragraph (1) of the Act are medical examinations conducted by a business operator of the dispatching undertakings prescribed in Article 44, paragraph (3) of the Act (hereinafter simply referred to as the "dispatching undertakings") for workers under dispatching pursuant to the provisions of the second sentence of Article 66, paragraph (2) of the Industrial Safety and Health Act.

(2) The health care under Article 13, paragraph (1) of the Industrial Safety and Health Act and other matters specified by Order of the Ministry of Health, Labour and Welfare prescribed in Article 45, paragraph (1) of the Act specified by Order of the Ministry of Health, Labour and Welfare concerning workers under dispatching are to be the following matters which require expert knowledge on medical science:

(i) the matters concerning the implementation of medical examinations under the provisions of Article 66, paragraph (1) of the Industrial Safety and Health Act (including medical examinations under the preceding paragraph)

- and measures for maintaining the health of workers based on the examination results, among the matters listed in Article 14, paragraph (1), item (i) of the Regulation on Industrial Safety and Health (Order of the Ministry of Labour No. 32 of 1972);
- (ii) the matters listed in Article 14, paragraph (1), item (v) of the Regulation on Industrial Safety and Health;
- (iii) the matters concerning education on health under the provisions of Article 59, paragraphs (1) and (2) of the Industrial Safety and Health Act, among the matters listed in Article 14, paragraph (1), item (vi) of the Regulation on Industrial Safety and Health.
- (3) The matters concerning workers under dispatching specified by Order of the Ministry of Health, Labour and Welfare prescribed in Article 45, paragraph (1) of the Act among the matters under the items of Article 18, paragraph (1) of the Industrial Safety and Health Act are as follows:
- (i) the matters concerning those that pertain to those listed in item (i) of the preceding paragraph, among the matters listed in Article 18, paragraph (1), item (i) of the Industrial Safety and Health Act;
- (ii) the matters listed in Article 18, paragraph (1), item (ii) of the Industrial Safety and Health Act;
- (iii) the following matters among the matters listed in Article 18, paragraph (1), item (iv) of the Industrial Safety and Health Act:
- (a) the matters concerning those that pertain to medical examinations prescribed in item (i) of the preceding paragraph, among the matters listed in Article 22, item (i) of the Regulation on Industrial Safety and Health;
- (b) the matters concerning those that pertain to education on health prescribed in item (iii) of the preceding paragraph, among the matters listed in Article 22, item (iv) of the Regulation on Industrial Safety and Health;
- (c) the matters concerning those that pertain to the results of medical examinations prescribed in item (i) of the preceding paragraph, among the matters listed in Article 22, item (vii) of the Regulation on Industrial Safety and Health;
- (d) the matters listed in Article 22, item (viii) of the Regulation on Industrial Safety and Health.
- (4) The matters under Article 45, paragraph (2) of the Act specified by Order of the Ministry of Health, Labour and Welfare concerning workers under dispatching, among the matters on the health care and other matters specified by Order of the Ministry of Health, Labour and Welfare under Article 13, paragraph (1) of the Industrial Safety and Health Act are to be the matters listed in the items of paragraph (2) which require expert knowledge on medical science.

- (5) The matters concerning workers under dispatching specified by Order of the Ministry of Health, Labour and Welfare under Article 45, paragraph (2) of the Act among the matters prescribed in the items of Article 18, paragraph (1) of the Industrial Safety and Health Act are to be those listed in the items of paragraph (3).
- (6) A person deemed to be a business operator employing workers under dispatching prescribed in Article 45, paragraph (10) of the Act must prepare a copy of the document stating the results of medical examinations referred to in the same paragraph, by using Form No. 5 of the Regulation on Industrial Safety and Health, Form No. 3 of the Regulation on Prevention of Organic Solvent Poisoning (Order of the Ministry of Labour No. 36 of 1972), Form No. 2 of the Regulation on Prevention of Lead Poisoning (Order of the Ministry of Labour No. 37 of 1972), Form No. 2 of the Regulation on Prevention of Tetraalkyl Lead Poisoning (Order of the Ministry of Labour No. 38 of 1972), Form No. 2 of the Regulation on Prevention of Hazards due to Specified Chemical Substances (Order of the Ministry of Labour No. 39 of 1972), Form No. 1 of the Regulation on Safety and Health of Work under High Pressure (Order of the Ministry of Labour No. 40 of 1972), Form No. 1 of the Regulation on Prevention of Ionizing Radiation Hazards (Order of the Ministry of Labour No. 41 of 1972) or Form No. 2 of the Regulation on Prevention of Asbestos Hazards (Order of the Ministry of Health, Labour and Welfare No. 21 of 2005), respectively, in accordance with the types of medical examinations that the worker under dispatching received.
- (7) A business operator of dispatching undertakings must retain the document under Article 45, paragraph (10) of the Act which they have received pursuant to the provisions of the same paragraph for five years (in the case of the document prepared using Form No. 2 of the Regulation on Prevention of Hazards due to Specified Chemical Substances (limited to those that pertain to the work prescribed in Article 40, paragraph (2) of the same Order) or Form No. 1 of the Regulation on Prevention of Ionizing Radiation Hazards (excluding the case where the document is delivered to the organization under Article 57 of the same Order under the provisions of the proviso of the same Article), for 30 years; and in the case of the written matters prepared using Form No. 2 of the Regulation on Prevention of Asbestos Hazards, for 40 years from the day on which said worker ceased to be engaged regularly in the work).
- (8) A person deemed to be a business operator employing workers under dispatching prescribed in Article 45, paragraph (10) of the Act must prepare a copy of the written notice under paragraph (14) of the same Article stating the opinion of a physician or dentist under the same paragraph, by using Form No. 5 of the Regulation on Industrial Safety and Health, Form No. 3 of the Regulation on Prevention of Organic Solvent Poisoning, Form No. 2 of the

Regulation on Prevention of Lead Poisoning, Form No. 2 of the Regulation on Prevention of Tetraalkyl Lead Poisoning, Form No. 2 of the Regulation on Prevention of Hazards due to Specified Chemical Substances, Form No. 1 of the Regulation on Safety and Health of Work under High Pressure, Form No. 1 of the Regulation on Prevention of Ionizing Radiation Hazards or Form No. 2 of the Regulation on Prevention of Asbestos Hazards, respectively, in accordance with the types of medical examinations that the worker under dispatching received and send the copy to the business operator of the dispatching undertakings referred to in the same paragraph.

(Replacement of Terms when Applying the Regulation on Industrial Safety and Health)

Article 41 (1) When applying the provisions of the Regulation on Industrial Safety and Health, pursuant to the provisions of Article 45 of the Act, to a business of the client prescribed in Article 44, paragraph (1) of the Act (hereinafter simply referred to as "business of the client"), the technical replacement of terms of the same Order pursuant to the provisions of Article 45, paragraph (17) of the Act is as follows:

Provisions of the Regulation on Industrial Safety and Health related to Replacement of Terms	Terms Deemed to be Replaced	Terms to be Used as Replacement
Article 12	A business operator	A person deemed to be a business operator who is to appoint a health manager pursuant to the provisions of Article 45, paragraph (1) of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as the "Worker Dispatching Act")
	Article 7, paragraph (1), item (vi)	Article 7, paragraph (1), item (vi) as applied pursuant to the provisions of paragraph 4 of Article 41 of the Enforcement Regulation of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as the "Enforcement Regulation of the Worker Dispatching Act")

	the work under the items of Article 10, paragraph (1) of the Act	safety and health management at the client's place of business prescribed in Article 45, paragraph (1) of the Worker Dispatching Act
Article 14, paragraph (3)	the matters listed in the items of paragraph (1)	the matters listed in the items of paragraph (1) (with regard to a worker under dispatching prescribed in Article 44, paragraph (1) of the Worker Dispatching Act (hereinafter simply referred to as "worker under dispatching"), the matters other than those listed in the items of Article 40, paragraph (2) of the Enforcement Regulation of the Worker Dispatching Act among the matters listed in the items of paragraph (1))
Article 14, paragraph (5)	A business operator	A person deemed to be a business operator who is to conduct medical examinations by dentists pursuant to the provisions of Article 45, paragraph (3) of the Worker Dispatching Act
	workers	workers (including workers under dispatching)
	the matters listed in the items of paragraph (1)	the matters listed in the items of paragraph (1) (with regard to a worker under dispatching, the matters other than those listed in the items of Article 40, paragraph (2) of the Enforcement Regulation of the Worker Dispatching Act among the matters listed in the items of paragraph (1))
Article 14, paragraph (6)	workers	workers (including workers under dispatching)
	a business operator	a person deemed to be a business operator who is to conduct medical examinations by dentists pursuant to the provisions of Article 45, paragraph (3) of the Worker Dispatching Act
Article 15, paragraph (2)	A business operator	A person deemed to be a business operator who is to appoint an industrial physician pursuant to the provisions of Article 45, paragraph (3) of the Worker Dispatching Act
	the matters prescribed in paragraph (1) of the preceding Article	the matters prescribed in paragraph (1) of the preceding Article (with regard to a worker under dispatching, the matters other than those listed in the items of Article 40, paragraph (2) of the Enforcement Regulation of the Worker Dispatching Act among the matters listed in the items of paragraph (1))
Article 15-2, paragraph (2)	A business operator	A person deemed to be a business operator pursuant to the provisions of Article 45, paragraph (1) of the Worker Dispatching Act

	health care, etc. for workers	health care, etc. for workers (with regard to a worker under dispatching, health care, etc. for workers which must be conducted by an industrial physician pursuant to the provisions of Article 45, paragraph (1) of the Worker Dispatching Act)
Article 35, paragraph (1)	A business operator	A person deemed to be a business operator pursuant to the provisions of Article 45, paragraph (1) of the Worker Dispatching Act
	or the worker	or the worker (including the worker under dispatching)
	workers for the place of business	workers for the place of business (including workers under dispatching)
Article 35, paragraph (2)	A business operator	A person deemed to be a business operator pursuant to the provisions of Article 45, paragraph (1) of the Worker Dispatching Act
	workers	workers (including workers under dispatching)

(2) When applying the provisions of the Regulation on Industrial Safety and Health to dispatching undertakings in which workers employed at the place of business are dispatched for dispatch work in the business of the client, the technical replacement of terms for the provisions of the same Order pursuant to the provisions of Article 45, paragraph (17) of the Act is as follows:

Provisions of the Regulation on Industrial Safety and Health related to Replacement of Terms	Terms Deemed to be Replaced	Terms to be Used as Replacement
Article 12	A business operator	A person who carries out dispatching undertakings prescribed in Article 44, paragraph (3) of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as the "Worker Dispatching Act") (hereinafter the undertakings are simply referred to as "dispatching undertakings")

	the work under the items of Article 10, paragraph (1) of the Act	safety and health management in worker dispatching undertakings prescribed in Article 45, paragraph (2) of the Worker Dispatching Act
Article 14, paragraph (3)	the matters listed in the items of paragraph (1)	the matters listed in the items of paragraph (1) (with regard to a worker under dispatching prescribed in Article 44, paragraph (1) of the Worker Dispatching Act (hereinafter simply referred to as "worker under dispatching"), the matters listed in the items of Article 40, paragraph (2) of the Enforcement Regulation of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as the "Enforcement Regulation of the Worker Dispatching Act"))
Article 15, paragraph (2)	the matters prescribed in paragraph (1) of the preceding Article	the matters prescribed in paragraph (1) of the preceding Article (with regard to a worker under dispatching, the matters listed in the items of Article 40, paragraph (2) of the Enforcement Regulation of the Worker Dispatching Act)
Article 15-2, paragraph (2)	health care, etc. for workers	health care, etc. for workers (with regard to a worker under dispatching, health care, etc. for workers which must be conducted by an industrial physician pursuant to the provisions of Article 45, paragraph (2) of the Worker Dispatching Act)

(3) Beyond what is set forth in the preceding two paragraphs, when applying the provisions of the Regulation on Industrial Safety and Health pursuant to the provisions of Article 45 of the Act, the technical replacement of terms for the provisions of the same Order pursuant to the provisions of Article 45, paragraph (17) of the Act is as follows:

Provisions of the Regulation on Industrial Safety and Health for related to Replacement of Terms	Terms Deemed to be Replaced	Terms to be Used as Replacement
Article 6, paragraph (2)	A business operator	A business operator (including a person deemed to be a business operator who is to appoint a safety manager pursuant to the provisions of Article 45, paragraph (3) of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as the "Worker Dispatching Act"))
Article 11, paragraph (2)	A business operator	A business operator (including a person deemed to be a business operator who is to appoint a health manager pursuant to the provisions of Article 45, paragraph (1) of the Worker Dispatching Act)
Article 12-4	A business operator	A business operator (including a person deemed to be a business operator who is to appoint a safety and health promoter or a health promoter pursuant to the provisions of Article 45, paragraph (1) of the Worker Dispatching Act)
Article 14, paragraph (4)	A business operator	A business operator (including a person deemed to be a business operator who is to appoint an industrial physician pursuant to the provisions of Article 45, paragraph (1) of the Worker Dispatching Act)
Article 17 and Article 18	A business operator	A business operator (including a person deemed to be a business operator who is to appoint an operation chief pursuant to the provisions of Article 45, paragraph (3) of the Worker Dispatching Act)
Article 18-5	A business operator	A business operator (including a person deemed to be a business operator who is to appoint a principal safety and health supervisor pursuant to the provisions of Article 45, paragraph (3) of the Worker Dispatching Act)
	workers	workers (including workers under dispatching prescribed in Article 44, paragraph (1) of the Worker Dispatching Act (hereinafter simply referred to as "worker under dispatching"))

Article 23, paragraph (1)	A business operator	A business operator (including a person deemed to be a business operator who employs a worker under dispatching pursuant to the provisions of Article 45, paragraph (1) or (3) of the Worker Dispatching Act)
Article 23, paragraph (3)	A business operator	A business operator (including a person deemed to be a business operator who employs a worker under dispatching pursuant to the provisions of Article 45, paragraph (1) or (3) of the Worker Dispatching Act)
	workers	workers (including workers under dispatching)
Article 23-2	A business operator	A business operator (including a person deemed to be a business operator who employs a worker under dispatching pursuant to the provisions of Article 45, paragraph (1) or (3) of the Worker Dispatching Act)
Article 24-8	A business operator	A business operator (including a person deemed to be a business operator who is to appoint a person in charge of the technical matters on relief work pursuant to the provisions of Article 45, paragraph (3) of the Worker Dispatching Act)
Article 40-3, paragraph (1)	A business operator	A business operator (including a person deemed to be a business operator who employs a worker under dispatching pursuant to the provisions of Article 45, paragraph (3) of the Worker Dispatching Act)
Article 42, paragraph (1)	A business operator	A business operator (including a person who carries out the business of the client prescribed in Article 44, paragraph (1) of the Worker Dispatching Act; the same applies in the following paragraph)
	workers (	workers (including workers under dispatching;
Article 48	when employing the worker	when employing the worker (with regard to a worker under dispatching, when the provision of worker dispatching services prescribed in Article 2, item (i) of the Worker Dispatching Act commenced for the worker under dispatching)
Article 99	The Act and orders issued thereunder	The Act and orders issued thereunder (including the case as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act)
Article 100	the Act	the Act (including the case as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act)
Article 667	a worker whom they employ	a worker whom they employ (including a person deemed to be a worker whom they employ pursuant to the provisions of Article 45, paragraph (3) of the Worker Dispatching Act)

Article 671 and Article 677	workers	workers (including workers under dispatching)
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- (4) With regard to the application of the provisions of Article 7, paragraph (1), items (iv) through (vi), Article 12-2, and Article 13, paragraph (1), items (ii) and (iii) of the Regulation on Industrial Safety and Health to a workplace of the business of a client where a worker is dispatched for the dispatch work performed at the workplace, the workplace of the business of the client is also be deemed to be the workplace where the worker under dispatching is employed.
- (5) With regard to the application of the provisions of Article 4, paragraph (1), item (iv) of the Regulation on Industrial Safety and Health to a workplace of the business of a client where a worker is dispatched for the dispatch work performed at the workplace, the workplace of the business of the client is deemed to be the workplace where the worker under dispatching is employed.
- (6) With regard to the application of the provisions of Article 4, paragraph (1), item (iv) of the Regulation on Industrial Safety and Health to a workplace of dispatching undertakings where a worker employed for the workplace is dispatched for dispatch work for the business of the client, the workplace of the dispatching undertakings is deemed to be a workplace where the worker under dispatching is not employed.

(Sending of Reports on Worker's Death, Illness or Injuries of Workers under Dispatching)

Article 42 A person carrying out the business of a client, when the person has submitted a report under Article 97, paragraph (1) of the Regulation on Industrial Safety and Health concerning a worker under dispatching to the head of the relevant Labor Standards Supervision Office pursuant to the provisions of the same paragraph, must send a copy of the report, without delay, to the business operator of the dispatching undertakings who is employing the worker under dispatching.

(Replacement of Terms when Applying the Regulation on Safety of Boilers and Pressure Vessels)

Article 43 (1) When applying the provisions of the Regulation on Safety of Boilers and Pressure Vessels (Order of the Ministry of Labour No. 33 of 1972) pursuant to the provisions of Article 45 of the Act, the technical replacement of terms of the same Order pursuant to the provisions of Article 45, paragraph (17) of the Act is as follows:

Provisions of the Regulation on Safety of Boilers and Pressure Vessels related to Replacement of Terms	Terms Deemed to be Replaced	Terms to be Used as Replacement
Article 23, paragraph (1)	Article 42 of the Regulation on Industrial Safety and Health	Article 42 of the Regulation on Industrial Safety and Health (including the case as applied pursuant to the provisions of Article 41, paragraph (3) of the Enforcement Regulation of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as the "Enforcement Regulation of the Worker Dispatching Act"))
Article 44, paragraph (1), Article 48, Article 79, and Article 83	a business operator	a business operator (including a person who carries out a business of the client prescribed in Article 44, paragraph (1) of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers)
Article 125, item (i)	Articles 36 through 54	Articles 36 through 54 (for the provisions of Article 44, paragraph (1) and Article 48, including the case as applied pursuant to the provisions of Article 43, paragraph (1) of the Enforcement Regulation of the Worker Dispatching Act)
Article 125, items (i) through (iii)	Articles 71 through 85	Articles 71 through 85 (for the provisions of Article 79 and Article 83, including the case as applied pursuant to the provisions of Article 43, paragraph (1) of the Enforcement Regulation of the Worker Dispatching Act)
Article 125, item (iv)	Articles 71 through 83	Articles 71 to 83 (for the provisions of Article 79 and Article 83, including the case as applied pursuant to the provisions of Article 43, paragraph (1) of the Enforcement Regulation of the Worker Dispatching Act)

(2) When applying the provisions of the Regulation on Prevention of Organic Solvent Poisoning, the Regulation on Prevention of Lead Poisoning, the Regulation on Prevention of Tetraalkyl Lead Poisoning and the Regulation on Safety and Health of Work under High Pressure pursuant to the provisions of Article 45 of the Act, with regard to the technical replacement of terms of these Orders under the provisions of paragraph (17) of the same Article, the term

"when employing them" in Article 29, paragraph (2) of the Regulation on Prevention of Organic Solvent Poisoning, Article 53, paragraph (1) of the Regulation on Prevention of Lead Poisoning, Article 22 of the Regulation on Prevention of Tetraalkyl Lead Poisoning, and Article 38, paragraph (1) of the Regulation on Safety and Health of Work under High Pressure is be deemed to be replaced with "when employing them (with regard to a worker under dispatching prescribed in Article 44, paragraph (1) of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers, when the provision of worker dispatching services prescribed in Article 2, item (i) of the same Act commenced for the worker under dispatching)."

- (3) When applying the provisions of the Regulation on Prevention of Hazards due to Specified Chemical Substances, the Regulation on Prevention of Ionizing Radiation Hazards, and the Regulation on Prevention of Asbestos Hazards pursuant to the provisions of Article 45 of the Act, with regard to the technical replacement of terms of these Orders under the provisions of paragraph (16) of the same Article, the term "when employing them" in Article 39, paragraph (1) of the Regulation on Prevention of Hazards due to Specified Chemical Substances, Article 56, paragraph (1) of the Regulation on Prevention of Ionizing Radiation Hazards, Article 40, paragraph (1) of the Regulation on Prevention of Asbestos Hazards is deemed to be replaced with "when employing them (with regard to a worker under dispatching prescribed in Article 44, paragraph (1) of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers, when the provision of worker dispatching services prescribed in Article 2, item (i) of the same Act commenced for the worker under dispatching)"; and the phrase "a business operator and workers whom they employ" in Article 62 of the Regulation on Prevention of Ionizing Radiation Hazards is deemed to be replaced with "a business operator (including a person deemed to be a business operator who employs a worker under dispatching pursuant to the provisions of Article 45, paragraph (3) of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers) and workers whom they employ (including persons deemed to be workers whom they employ pursuant to the provisions of Article 45, paragraph (3) of the same Act)."

(Matters Specified by Order of the Ministry of Health, Labour and Welfare under Article 46 of the Act)

- Article 44 (1) A person deemed to be a business operator employing a worker under dispatching prescribed in Article 46, paragraph (1) of the Act (simply referred to as "worker under dispatching" in paragraph (3) of the following

Article) must prepare a copy of the document stating the results of pneumoconiosis examinations under Article 46, paragraph (7) of the Act, pursuant to the provisions of paragraph (1) of the same Article, by using Form No. 3 of the Enforcement Regulation of the Pneumoconiosis Act (Order of the Ministry of Labour No. 6 of 1960).

(2) The person referred to in the preceding paragraph must prepare a document stating the content of the notice under Article 46, paragraph (7) of the Act by preparing a copy of the written notice of decision of the classification for supervision of pneumoconiosis under Article 16 of the Enforcement Regulation of the Pneumoconiosis Act.

(3) A person carrying out worker dispatching undertakings must retain the document under Article 46, paragraph (7) of the Act which the person has received under the provisions of the same paragraph for seven years in the case of document stating the results of pneumoconiosis examinations and for three years in the case of document stating the content of the notice.

(Replacement of Terms in Applying the Enforcement Regulation of the Pneumoconiosis Act)

Article 45 (1) When applying the provisions of the Enforcement Regulation of the Pneumoconiosis Act pursuant to the provisions of Article 46 (excluding paragraph (6)) of the Act, the technical replacement of terms for the provisions of the same Order pursuant to the provisions of Article 46, paragraph (14) of the Act is as follows:

Provisions of the Enforcement Regulation of the Pneumoconiosis Act related to Replacement of Terms	Terms Deemed to be Replaced	Terms to be Used as Replacement

Article 18	while they are being employed	while they are being employed (with regard to workers under dispatching prescribed in Article 46, paragraph (1) of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter simply referred to as "workers under dispatching"), while they are being dispatched for dispatch work prescribed in Article 26, paragraph (1), item (ii) of the same Act for a business of the client prescribed in Article 44, paragraph (1) of the same Act (hereinafter referred to as "business of the client"))
	those who separated from employment	those who separated from employment (with regard to workers under dispatching, including those for whom the provision of worker dispatching services prescribed in Article 2, item (i) of the Worker Dispatching Act has terminated)

- (2) When applying the provisions of the Enforcement Regulation of the Pneumoconiosis Act to a person deemed to be a business operator under Article 2, paragraph (1), item (v) of the Pneumoconiosis Act pursuant to the provisions of Article 46, paragraph (6) of the Act, with regard to the technical replacement of terms of the same Order pursuant to the provisions of paragraph (14) of the same Article, the term "Articles 7 through 9-2 of the Act" in Article 10, Article 14, and Article 22 of the same Order is deemed to be replaced with "Articles 8 through 9-2 of the Act."
- (3) In the case where the provisions of Article 18, paragraph (1) of the Pneumoconiosis Act are applied pursuant to the provisions of Article 6, paragraph (2) of the Order, the interested party under Article 19, paragraph (5) of the Pneumoconiosis Act concerning request for examination under Article 18, paragraph (1) of the same Act is to be a person listed in the following items for each person requesting examination listed in the respective items, notwithstanding the provisions of Article 25 of the Pneumoconiosis Act:
- (i) a worker under dispatching: a person carrying out business of the client who is deemed to be a business operator prescribed in Article 2, paragraph (1), item (v) of the Pneumoconiosis Act who employs the worker under dispatching pursuant to the provisions of Article 46, paragraph (1) of the Act (hereinafter referred to as "business operator" in this paragraph) and a person carrying out worker dispatching undertakings who employs the worker under dispatching;
  - (ii) a worker for whom a person carrying out dispatching undertaking is deemed to be a business operator pursuant to the provisions of Article 46, paragraph (6) of the Act: the person carrying out the worker dispatching

- undertakings;
- (iii) a worker who has once been engaged regularly in powdery dust work (meaning powdery dust work prescribed in Article 2, paragraph (1), item (iii) of the Pneumoconiosis Act; the same applies hereinafter) for business of the client and is not currently employed by a person carrying out dispatching undertakings: the person who used to carry out the worker dispatching undertakings;
  - (iv) a person carrying out business of a client who is deemed to be a business operator employing a worker under dispatching pursuant to the provisions of Article 46, paragraph (1) of the Act: the worker under dispatching and the person carrying out dispatching undertakings that employs the worker under dispatching;
  - (v) a person carrying out worker dispatching undertakings that employs a worker under dispatching: the worker under dispatching and the person carrying out the business of the client related to the worker under dispatching;
  - (vi) a person carrying out worker dispatching undertakings who is deemed to be a business operator with regard to a worker whom the person employs pursuant to the provisions of Article 46, paragraph (6) of the Act: the worker;
  - (vii) a person carrying out dispatching undertakings who dispatched a worker employed for the person's undertakings for dispatch work of the business of the client and caused the worker to engage regularly in powdery dust work and does not currently employ the worker: the person who used to be the worker;
  - (viii) a person other than those listed in the preceding items: a worker under dispatching or a person who used to be a worker under dispatching and a person carrying out dispatching undertakings who employs the worker under dispatching or a person who used to be a person carrying out dispatching undertakings (with regard to a worker under dispatching, including a person carrying out business of the client who is deemed to be a business operator employing the worker under dispatching pursuant to the provisions of Article 46, paragraph (1) of the Act).

(Replacement of Terms in Applying the Enforcement Regulation of the Act on Securing, of Equal Opportunity and Treatment between Men and Women in Employment)

Article 46 In applying the provisions of the Enforcement Regulation of the Act on Securing of Equal Opportunity and Treatment between Men and Women in Employment (Order of the Ministry of Labour No. 2 of 1986), pursuant to the provisions of Article 47-2 of the Act to a person who receives provision of worker dispatching services prescribed in the same Article, with regard to the

technical replacement of terms for the provisions of the same Order, the term "a business operator" in Article 2-3 of the same Order is deemed to be replaced with "a person deemed to be a business operator who employs dispatched workers pursuant to the provisions of Article 47-2 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (Act No. 88 of 1985)" and the term "women workers" in the same Article is deemed to be replaced with "women workers (including female dispatched workers whom a person receiving the provision of worker dispatching services causes to work under their directions and orders)."

### **Chapter III Miscellaneous Provisions**

(Reporting)

Article 47 When the Minister of Health, Labour and Welfare requests a business operator carrying out worker dispatching undertakings and a person receiving provision of worker dispatching services from the business operator to report necessary matters pursuant to the provisions of Article 50 of the Act, the Minister is to notify the matters to be reported and the reason for the report in writing.

(Certificate for On-Site Inspections)

Article 48 The certificate referred to in Article 51, paragraph (2) of the Act is to be in Form No. 14.

Articles 49 through 53 Deleted

(Method of Payment of Fees)

Article 54 (1) The fees under the provisions of Article 54 of the Act must be paid by attaching revenue stamps for the amount corresponding to the amount of the relevant fees to the written application.

(2) The fees referred to in the preceding paragraph once paid will not be refunded.

(Delegation of Authority)

Article 55 The following authorities of the Minister of Health, Labour and Welfare are delegated to the Prefectural Labour Director who has jurisdiction over the location of the main office of a person carrying out worker dispatching undertakings and the place of business where the undertakings are carried out; provided, however, that this does not prevent the Minister of Health, Labour and Welfare from exercising the authority:

- (i) order under the provisions of Article 14, paragraph (2) of the Act;
- (ii) order under the provisions of Article 21, paragraph (2) of the Act;

- (iii) guidance and advice under the provisions of Article 48, paragraph (1) of the Act and recommendation under the provisions of paragraph (2) of the same Article;
- (iv) order under the provisions of Article 49, paragraphs (1) and (2) of the Act;
- (v) recommendation under the provisions of Article 49-2, paragraphs (1) and (2) of the Act;
- (vi) collection of reports under the provisions of Article 50 of the Act;
- (vii) on-site inspection under the provisions of Article 51 of the Act.

### **Supplementary Provisions**

- (1) This Ministerial Order comes into effect as of the date on which the Act comes into effect (July 1, 1986).
- (2) What is specified by Order of the Ministry of Health, Labour and Welfare under Article 5, paragraph (2), item (iii) of the Act which is applied by the deemed replacement of terms pursuant to the provisions of paragraph (4) of the Supplementary Provisions of the Act is to be work other than the manufacturing business of a worker who takes maternity leave before and after childbirth, childcare leave or absence from work in the case prescribed in Article 33, or nursing care leave or absence from work prescribed in Article 33-2 for which worker dispatching undertakings are carried out.

### **Supplementary Provisions [Order of the Ministry of Health, Labour and Welfare No. 147 of August 2, 2006]**

(Effective Date)

Article 1 This Ministerial Order comes into effect as of the date on which the Cabinet Order on the Partial Revision of the Order for Enforcement of Industrial Safety and Health Act (September 1, 2006) comes into effect.

(Transitional Measures Concerning the Application of Penal Provisions)

Article 8 With regard to the application of penal provisions to acts committed prior to the date on which this Ministerial Order comes into effect and acts committed after the enforcement of this Ministerial Order in the case where the provisions then in force remain in force pursuant to the provisions of Article 4 of the Supplementary Provisions, prior laws continue to govern.

### **Supplementary Provisions [Order of the Ministry of Health, Labour and Welfare No. 183 of October 11, 2006]**

This Ministerial Order comes into effect as of April 1, 2007.

Forms No. 1 through 14 Omitted