

賃金の支払の確保等に関する法律 Act on Ensuring Wage Payment

(昭和五十一年五月二十七日法律第三十四号)

(Act No. 34 of May 27, 1976)

第一章 総則

Chapter I General Provisions

(目的)

(Purpose)

第一条 この法律は、景気の変動、産業構造の変化その他の事情により企業経営が安定を欠くに至った場合及び労働者が事業を退職する場合における賃金の支払等の適正化を図るため、貯蓄金の保全措置及び事業活動に著しい支障を生じたことにより賃金の支払を受けることが困難となつた労働者に対する保護措置その他賃金の支払の確保に関する措置を講じ、もつて労働者の生活の安定に資することを目的とする。

Article 1 The purpose of this Act is to take preservative measures for savings, protective measures for workers who are unlikely to receive their wages due to significant difficulties in business activities, and other measures to secure the payment of wages, in order to ensure the proper payment of wages in cases where business management becomes unstable due to fluctuations in the economy, changes in industry structure, or any other circumstances, and in cases where workers separate from employment, thereby contributing to securing the livelihood of workers.

(定義)

(Definitions)

第二条 この法律において「賃金」とは、労働基準法（昭和二十二年法律第四十九号）第十一条に規定する賃金をいう。

Article 2 (1) The term "wage" as used in this Act means wages as prescribed in Article 11 of the Labor Standards Act (Act No. 49 of 1947).

2 この法律において「労働者」とは、労働基準法第九条に規定する労働者（同居の親族のみを使用する事業又は事務所に使用される者及び家事使用人を除く。）をいう。

(2) The term "worker" as used in this Act means workers as prescribed in Article 9 of the Labor Standards Act (excluding those employed by a business or offices which only employ relatives living together and household employees).

第二章 貯蓄金及び賃金に係る保全措置等

Chapter II Preservative Measures for Savings and Wages

(貯蓄金の保全措置)

(Preservative Measures for Savings)

第三条 事業主（国及び地方公共団体を除く。以下同じ。）は、労働者の貯蓄金をその委託を受けて管理する場合において、貯蓄金の管理が労働者の預金の受入れであるときは、厚生労働省令で定める場合を除き、毎年三月三十一日における受入預金額（当該事業主が受け入れている預金の額をいう。以下この条において同じ。）について、同日後一年間を通ずる貯蓄金の保全措置（労働者ごとの同日における受入預金額につき、その払戻しに係る債務を銀行その他の金融機関において保証することを約する契約の締結その他の当該受入預金額の払戻しの確保に関する措置で厚生労働省令で定めるものをいう。）を講じなければならない。

Article 3 In the event that an employer (excluding the national government and local governments; the same applies hereinafter) manages the savings of workers entrusted to the employer, if the management of savings covers the acceptance of deposits from the workers, the employer must, with regard to the amount of deposit accepted (meaning the amount of deposits accepted by such employer; hereinafter the same applies in this Article) as of March 31 of each year, take measures for preserving savings for one year as of this day (meaning measures to secure a refund of the amount of deposit accepted from each of the workers as of the day specified by Order of the Ministry of Health, Labour and Welfare, such as the concluding of a contract under which a financial institution, such as a bank, guarantees the obligation to refund that amount of accepted deposits), except in cases specified by Order of the Ministry of Health, Labour and Welfare.

(貯蓄金の保全措置に係る命令)

(Order Pertaining to Preservative Measures for Savings)

第四条 労働基準監督署長は、前条の規定に違反して事業主が貯蓄金の保全措置を講じていないときは、厚生労働省令で定めるところにより、当該事業主に対して、期限を指定して、その是正を命ずることができる。

Article 4 In cases where an employer fails to take measures for preserving savings in violation of the provisions of the preceding Article, the director of a labor standards office may order the employer to rectify this failure by designating a time limit as provided for by Order of the Ministry of Health, Labour and Welfare.

(退職手当の保全措置)

(Preservative Measures for Retirement Allowances)

第五条 事業主（中小企業退職金共済法（昭和三十四年法律第百六十号）第二条第三項に規定する退職金共済契約を締結した事業主その他の厚生労働省令で定める事業主を除く。）は、労働契約又は労働協約、就業規則その他これらに準ずるものにおいて労働者に退職手当を支払うことを明らかにしたときは、当該退職手当の支払に充てるべ

き額として厚生労働省令で定める額について、第三条の厚生労働省令で定める措置に準ずる措置を講ずるように努めなければならない。

Article 5 In cases where an employer (excluding those specified by Order of the Ministry of Health, Labour and Welfare, such as those who have concluded a mutual aid contract for retirement allowance prescribed in paragraph (3) of Article 2 of the Small and Medium Sized Enterprise Retirement Allowance Cooperative Act (Act No. 160 of 1959)) has made it clear that the employer will provide retirement allowance to workers in a labor contract, in a collective agreement, in the rules of employment, or other equivalent, the employer must endeavor to take measures equivalent to the measures specified by Order of the Ministry of Health, Labour and Welfare as set forth in Article 3 with regard to the amount specified by Order of the Ministry of Health, Labour and Welfare as the amount to be allocated for the payment of the retirement allowance.

(退職労働者の賃金に係る遅延利息)

(Interest on Delayed Payment of Wages for Workers Separated from Employment)

第六条 事業主は、その事業を退職した労働者に係る賃金（退職手当を除く。以下この条において同じ。）の全部又は一部をその退職の日（退職の日後に支払期日が到来する賃金にあつては、当該支払期日。以下この条において同じ。）までに支払わなかった場合には、当該労働者に対し、当該退職の日の翌日からその支払をする日までの期間について、その日数に応じ、当該退職の日の経過後まだ支払われていない賃金の額に年十四・六パーセントを超えない範囲内で政令で定める率を乗じて得た金額を遅延利息として支払わなければならない。

Article 6 (1) In cases where an employer fails to pay all or part of the wages (excluding retirement allowance hereinafter the same applies in this Article) of a worker by the worker's date of separation from employment (for wages whose payment date comes after the date of separation from employment, such payment date; hereinafter the same applies in this Article), the employer must pay the worker interest on the delayed payment at the rate specified by Cabinet Order up to an annual rate of 14.6 percent of the amount of the unpaid wages due after the date of separation from employment for the number of days from the day following the relevant worker's date of separation from employment until the actual payment date.

2 前項の規定は、賃金の支払の遅滞が天災地変その他のやむを得ない事由で厚生労働省令で定めるものによるものである場合には、その事由の存する期間について適用しない。

(2) In cases where payment of wages is delayed by any of the unavoidable circumstances specified by Order of the Ministry of Health, Labour and Welfare, such as natural disasters, the provisions of the preceding paragraph do not apply to the period during which such circumstances exist.

第三章 未払賃金の立替払事業

Chapter III Payment of Unpaid Wages on Behalf of Employers as a Government Service

(未払賃金の立替払)

(Payment of Unpaid Wages on Behalf of Employers)

第七条 政府は、労働者災害補償保険の適用事業に該当する事業（労働保険の保険料の徴収等に関する法律（昭和四十四年法律第八十四号）第八条の規定の適用を受ける事業にあつては、同条の規定の適用がないものとした場合における事業をいう。以下この条において同じ。）の事業主（厚生労働省令で定める期間以上の期間にわたつて当該事業を行つていたものに限る。）が破産手続開始の決定を受け、その他政令で定める事由に該当することとなつた場合において、当該事業に従事する労働者で政令で定める期間内に当該事業を退職したものに係る未払賃金（支払期日の経過後まだ支払われていない賃金をいう。以下この条及び次条において同じ。）があるときは、民法（明治二十九年法律第八十九号）第四百七十四条第一項ただし書及び第二項の規定にかかわらず、当該労働者（厚生労働省令で定める者にあつては、厚生労働省令で定めるところにより、未払賃金の額その他の事項について労働基準監督署長の確認を受けた者に限る。）の請求に基づき、当該未払賃金に係る債務のうち政令で定める範囲内のものを当該事業主に代わつて弁済するものとする。

Article 7 In the event that an employer covered by industrial accident compensation insurance (for businesses subject to the provisions of Article 8 of the Act on the Collection, etc. of Insurance Premiums of Labor Insurance (Act No. 84 of 1969), meaning businesses in cases where the provisions thereof do not apply; hereinafter the same applies in this Article) (limited to employers who have been conducting such business for not less than the period specified by Order of the Ministry of Health, Labour and Welfare) receives a ruling on the commencement of bankruptcy proceedings or otherwise falls under any of the cases specified by Cabinet Order, if there are any unpaid Wages (meaning wages still unpaid after the payment date; hereinafter the same applies in this Article and the following Article) of workers engaged in such business who retired within the period specified by Cabinet Order, the government is to pay debts pertaining to the unpaid wages within the scope specified by Cabinet Order on behalf of the employer at the request of the workers (for those specified by Order of the Ministry of Health, Labour and Welfare, limited to those who have received confirmation from the director of a labor standards office with regard to matters such as the amount of unpaid wages as provided for by Order of the Ministry of Health, Labour and Welfare), notwithstanding the provisions of the provision of paragraph (1) and paragraph (2) of Article 474 of the Civil Code (Act No. 89 of 1896).

(返還等)

(Refunds)

第八条 偽りその他不正の行為により前条の規定による未払賃金に係る債務の弁済を受けた者がある場合には、政府は、その者に対し、弁済を受けた金額の全部又は一部を返還することを命ずることができ、また、当該偽りその他不正の行為により弁済を受けた金額に相当する額以下の金額を納付することを命ずることができる。

Article 8 (1) In cases where a person has received the payment of debts pertaining to unpaid wages by an act of deception or other wrongful acts pursuant to the provisions of the preceding Article, the government may order the person to refund all or part of the received payment and to pay an amount not more than that received by an act of deception or other wrongful acts.

2 前項の場合において、事業主が偽りの報告又は証明をしたため当該未払賃金に係る債務が弁済されたものであるときは、政府は、その事業主に対し、当該未払賃金に係る債務の弁済を受けた者と連帯して、同項の規定による返還又は納付を命ぜられた金額の納付を命ずることができる。

(2) In the case referred to in the preceding paragraph, if the payment of such debts pertaining to unpaid wages is attributable to a false report or proof by the employer, the government may order the employer to pay the amount ordered to be refunded or paid pursuant to the provisions of the same paragraph jointly and severally with the person who received the payment of debts pertaining to unpaid wages.

3 労働保険の保険料の徴収等に関する法律第二十七条及び第四十一条の規定は、前二項の規定により返還又は納付を命ぜられた金額について準用する。

(3) The provisions of Articles 27 and 41 of the Act on the Collection, etc. of Insurance Premiums of Labor Insurance apply mutatis mutandis to amounts ordered to be refunded or paid pursuant to the provisions of the preceding two paragraphs.

4 政府は、第一項又は第二項の規定により返還又は納付を命ぜられた金額の返還又は納付に係る事務の実施に関して必要な限度において、厚生労働省令で定めるところにより、第一項の規定に該当する者（同項の規定に該当すると認められる者を含む。）又は事業主に対し、未払賃金の額、賃金の支払状況その他の事項についての報告又は文書の提出を命ずることができる。

(4) Within the limit necessary for the performance of affairs pertaining to the refund or payment of amounts ordered to be refunded or paid pursuant to the provisions of paragraph (1) or (2), the government may order those persons who fall under the provisions of paragraph (1) (including those considered to fall under the provisions thereof) or employers to submit a report or document on matters such as the amount of unpaid wages and the payment status of wages as provided for by Order of the Ministry of Health, Labour and Welfare.

(労働者災害補償保険法との関係)

(Relationship with the Industrial Accident Compensation Insurance Act)

第九条 この章に規定する事業は、労働者災害補償保険法（昭和二十二年法律第五十号）第二十九条第一項第三号に掲げる事業として行う。

Article 9 The service provided in this Chapter is conducted as the service set forth in item (iii) of paragraph (1) of Article 29 of the Industrial Accident Compensation Insurance Act (Act No. 50 of 1947).

第四章 雑則

Chapter IV Miscellaneous Provisions

(労働基準監督署長及び労働基準監督官)

(Directors of Labor Standards Offices and Labor Standards Inspectors)

第十条 労働基準監督署長及び労働基準監督官は、厚生労働省令で定めるところにより、この法律の施行に関する事務をつかさどる。

Article 10 Directors of labor standards offices and labor standards inspectors take charge of affairs related to the enforcement of this Act as provided for by Order of the Ministry of Health, Labour and Welfare.

第十一条 労働基準監督官は、この法律の規定に違反する罪について、刑事訴訟法（昭和二十三年法律第百三十一号）の規定による司法警察員の職務を行う。

Article 11 Labor standards inspectors perform the duties of judicial police personnel under the Code of Criminal Procedure (Act No. 131 of 1948) with regard to offenses of violating the provisions of this Act.

(報告等)

(Reports)

第十二条 都道府県労働局長、労働基準監督署長又は労働基準監督官は、別に定めるものを除くほか、この法律を施行するため必要があると認めるときは、厚生労働省令で定めるところにより、事業主、労働者その他の関係者に対し、必要な事項を報告させ、又は出頭を命ずることができる。

Article 12 Except as otherwise provided for by this Act, when finding it necessary for the enforcement of this Act, the directors of prefectural labor bureaus, directors of labor standards offices, or labor standards inspectors may order the relevant persons, such as employers and workers, to report the necessary matters or make an appearance as provided for by Order of the Ministry of Health, Labour and Welfare.

(資料の提供等)

(Provision of Materials)

第十二条の二 都道府県労働局長、労働基準監督署長又は労働基準監督官は、この法律の施行に関し、関係行政機関又は公私の団体に対し、資料の提供その他必要な協力を

求めることができる。

Article 12-2 (1) Directors of prefectural labor bureaus, directors of labor standards offices, or labor standards inspectors may request the relevant administrative organs or public or private organizations to submit materials and give any other necessary cooperation in connection with the enforcement of this Act.

2 前項の規定による協力を求められた関係行政機関又は公私の団体は、できるだけその求めに応じなければならない。

(2) The relevant administrative organs or public or private organizations requested to cooperate pursuant to the provisions of the preceding paragraph must meet requests to the fullest extent possible.

(立入検査)

(On-Site Inspections)

第十三条 労働基準監督官は、この法律を施行するため必要があると認めるときは、事業場に立ち入り、関係者に質問し、又は帳簿、書類その他の物件を検査することができる。

Article 13 (1) Labor standards inspectors may enter workplaces to question the relevant persons or inspect items, such as books and documents, when it is found necessary for the enforcement of this Act.

2 労働基準監督署長は、第七条の確認をするため必要があると認めるときは、その職員に同条の事業主の事業場に立ち入り、関係者に質問させ、又は帳簿、書類その他の物件の検査をさせることができる。

(2) The directors of labor standards offices may have their officials enter the workplaces of the employers set forth in Article 7 to question the relevant persons or inspect items, such as account books and documents, when it is found necessary for the confirmation set forth in the same Article.

3 前二項の場合において、労働基準監督官及び前項の職員は、その身分を示す証票を携帯し、関係者に提示しなければならない。

(3) In the cases referred to in the preceding two paragraphs, the labor standards inspectors and officials set forth in the preceding paragraph must carry and present to the relevant persons their identification.

4 第一項及び第二項の規定による立入検査の権限は、犯罪捜査のために認められたものと解釈してはならない。

(4) The authority to conduct on-site inspections pursuant to the provisions of paragraphs (1) and (2) must not be construed as being granted for criminal investigation purposes.

(労働者の申告)

(Reports by Workers)

第十四条 労働者は、事業主にこの法律又はこれに基づく命令の規定に違反する事実が

あるときは、その事実を都道府県労働局長、労働基準監督署長又は労働基準監督官に申告して是正のため適当な措置をとるよう求めることができる。

Article 14 (1) A worker may report any violation by the employer of the provisions of this Act or orders given based on it to the Director of a Prefectural Labor Bureau, the director of a labor standards office, or a labor standards inspector and request that appropriate measures are taken for rectification.

2 事業主は、前項の申告をしたことを理由として、労働者に対し、解雇その他不利益な取扱いをしてはならない。

(2) An employer must not dismiss or otherwise treat disadvantageously workers on the basis of a report referred to in the preceding paragraph.

(厚生労働省令への委任)

(Delegation to Order of the Ministry of Health, Labour and Welfare)

第十五条 この法律に定めるもののほか、第七条の請求の手續その他この法律の施行に關して必要な事項は、厚生労働省令で定める。

Article 15 In addition to what is provided for in this Act, the procedures for the request set forth in Article 7 and other matters necessary for the enforcement of this Act are prescribed by Order of the Ministry of Health, Labour and Welfare.

(船員に関する特例)

(Special Provisions for Mariners)

第十六条 船員法（昭和二十二年法律第百号）の適用を受ける船員に関しては、この法律に規定する都道府県労働局長若しくは労働基準監督署長又は労働基準監督官の権限に属する事項は、地方運輸局長（運輸監理部長を含む。）又は船員労務官が行うものとし、この法律（第七条、第八条第四項及び前条の規定を除く。）中「厚生労働省令」とあるのは「国土交通省令」と、第七条中「厚生労働省令で定める者」とあるのは「厚生労働省令・国土交通省令で定める者」と、「厚生労働省令で定めるところにより」とあるのは「厚生労働省令・国土交通省令で定めるところにより」と、前条中「厚生労働省令」とあるのは「国土交通省令（前章に規定する事項については、厚生労働省令）」とする。

Article 16 With regard to mariners subject to the Mariners Act (Act No. 100 of 1947), all matters under the authority of directors of prefectural labor bureaus or directors of labor standards offices, or labor standards inspectors prescribed in this Act are to be performed by directors of district transport bureaus (including the director of the transport supervision department) or officers in charge of the labor affairs of mariners, and the term "Order of the Ministry of Health, Labour and Welfare" in this Act (excluding the provisions of Article 7, paragraph (4) of Article 8, and the preceding Article) is deemed to be replaced with "Order of the Ministry of Land, Infrastructure, Transport and Tourism;"

the terms "those specified by Order of the Ministry of Health, Labour and Welfare" and "as provided for by Order of the Ministry of Health, Labour and Welfare" in Article 7 are deemed to be replaced with "those specified by Order of the Ministry of Health, Labour and Welfare and Order of the Ministry of Land, Infrastructure, Transport and Tourism" and "as provided for by Order of the Ministry of Health, Labour and Welfare and Order of the Ministry of Land, Infrastructure, Transport and Tourism", respectively; and the term "Order of the Ministry of Health, Labour and Welfare" in the preceding Article is deemed to be replaced with "Order of the Ministry of Land, Infrastructure, Transport and Tourism (or Order of the Ministry of Health, Labour and Welfare for the matters prescribed in the preceding Chapter)."

第五章 罰則

Chapter V Penal Provisions

第十七条 事業主が第十四条第二項の規定に違反したときは、六月以下の懲役又は十万円以下の罰金に処する。

Article 17 An employer who violates the provisions of paragraph (2) of Article 14 is punished by imprisonment with work for not more than six months or a fine of not more than 100,000 yen.

第十八条 事業主が第四条の規定による命令に違反したときは、三十万円以下の罰金に処する。

Article 18 An employer who violates an order issued pursuant to the provisions of Article 4 is punished by a fine of not more than 300,000 yen.

第十九条 次の各号のいずれかに該当する者は、十万円以下の罰金に処する。

Article 19 A person who falls under any of the following items is punished by a fine of not more than 100,000 yen:

一 第八条第四項の規定による報告をせず、若しくは虚偽の報告をし、又は文書を提出せず、若しくは虚偽の記載をした文書を提出した者

(i) a person who fails to submit a report or submits a false report, or fails to submit a document or submits a false document, pursuant to the provisions of paragraph (4) of Article 8;

二 第十二条の規定による報告をせず、若しくは虚偽の報告をし、又は出頭しなかつた者

(ii) a person who fails to give a report or gives a false report, or fails to make an appearance, pursuant to the provisions of Article 12;

三 第十三条第一項又は第二項の規定による立入り若しくは検査を拒み、妨げ、若しくは忌避し、又は質問に対して陳述をせず、若しくは虚偽の陳述をした者

(iii) a person who refuses, prevents, or evades entry or an inspection, or fails to

give an answer or gives a false answer to a question, pursuant to the provisions of paragraph (1) or (2) of Article 13.

第二十条 法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関して、第十七条から前条までの違反行為をしたときは、行為者を罰するほか、その法人又は人に対しても、各本条の罰金刑を科する。

Article 20 If the representative of a juridical person, or an agent, employee, or other Worker of a corporation or individual, commits any of the violations set forth in Articles 17 through the preceding Article with regard to the business of the corporation or individual, not only the offender but also the corporation or individual is punished by the fine prescribed in the respective Articles.