

# 雇用保険法

## Employment Insurance Act

(昭和四十九年十二月二十八日法律第百十六号)  
(Act No. 116 of December 28, 1974)

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## 第一章 総則

### Chapter I General Provisions

(目的)

(Purpose)

第一条 雇用保険は、労働者が失業した場合及び労働者について雇用の継続が困難となる事由が生じた場合に必要な給付を行うほか、労働者が自ら職業に関する教育訓練を受けた場合に必要な給付を行うことにより、労働者の生活及び雇用の安定を図るとともに、求職活動を容易にする等その就職を促進し、あわせて、労働者の職業の安定に資するため、失業の予防、雇用状態の是正及び雇用機会の増大、労働者の能力の開発及び向上その他労働者の福祉の増進を図ることを目的とする。

Article 1 The purpose of the employment insurance is to stabilize the standard of living and employment of workers by providing necessary benefits for workers who are unemployed, who are having trouble continuing employment, or who are receiving job-related educational training, and to facilitate their job-seeking activities, as well as to prevent unemployment, rectify the employment situation, increase employment opportunities, develop and improve the capacity of workers, and promote their welfare, so as to contribute to their employment security.

(管掌)

(Administration)

第二条 雇用保険は、政府が管掌する。

Article 2 (1) The employment insurance is administered by the government.

2 雇用保険の事務の一部は、政令で定めるところにより、都道府県知事が行うこととすることができる。

(2) Part of the administration of the employment insurance may be delegated to prefectural governors as specified by Cabinet Order.

(雇用保険事業)

(Employment Insurance Services)

第三条 雇用保険は、第一条の目的を達成するため、失業等給付を行うほか、雇用安定事業及び能力開発事業を行うことができる。

Article 3 In order to achieve the purposes referred to in Article 1, the employment insurance, in addition to granting benefits for unemployment, etc. may implement employment stabilization programs and human resources development programs.

(定義)

(Definitions)

第四条 この法律において「被保険者」とは、適用事業に雇用される労働者であつて、第六条各号に掲げる者以外のものをいう。

Article 4 (1) The term "insured person" as used in this Act means a worker who is employed in a covered undertaking other than the person listed in each item of Article 6.

2 この法律において「離職」とは、被保険者について、事業主との雇用関係が終了することをいう。

(2) The term "separation from service" as used in this Act means the termination of the employment relationship between an insured person and the employer.

3 この法律において「失業」とは、被保険者が離職し、労働の意思及び能力を有するにもかかわらず、職業に就くことができない状態にあることをいう。

(3) The term "unemployment" as used in this Act means the conditions under which an insured person is separated from service and is unable to find employment in spite of having the will and ability to work.

4 この法律において「賃金」とは、賃金、給料、手当、賞与その他名称のいかんを問わず、労働の対償として事業主が労働者に支払うもの（通貨以外のもので支払われるものであつて、厚生労働省令で定める範囲外のものを除く。）をいう。

(4) The term "wage" as used in this Act means the wage, salary, allowance, bonus and all other payments to the worker from the employer as remuneration for labor under whatever name the remuneration is known (excluding wages that are paid in anything other than currency and are outside the scope specified by

Order of the Ministry of Health, Labour and Welfare).

5 賃金のうち通貨以外のもので支払われるものの評価に関して必要な事項は、厚生労働省令で定める。

(5) Necessary matters pertaining to the evaluation of the wages paid to a worker other than in currency are specified by Order of the Ministry of Health, Labour and Welfare.

## 第二章 適用事業等

### Chapter II Covered Undertakings

(適用事業)

(Covered Undertakings)

第五条 この法律においては、労働者が雇用される事業を適用事業とする。

Article 5 (1) In this Act, undertakings in which a worker is employed are to be covered undertakings.

2 適用事業についての保険関係の成立及び消滅については、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。以下「徴収法」という。）の定めるところによる。

(2) The formation and expiration of the insurance relationship for the covered undertakings are as prescribed by the Act on the Collection, etc. of Insurance Premiums of Labor Insurance (Act No. 84 of 1969, hereinafter referred to as the "Premiums Collection Act").

(適用除外)

(Exclusions from Application)

第六条 次の各号に掲げる者については、この法律は、適用しない。

Article 6 This Act does not apply to those persons listed in the following items:

一 六十五歳に達した日以後に雇用される者（同一の事業主の適用事業に同日の前日から引き続いて六十五歳に達した日以後の日において雇用されている者及びこの法律を適用することとした場合において第三十八条第一項に規定する短期雇用特例被保険者又は第四十三条第一項に規定する日雇労働被保険者に該当することとなる者を除く。）

(i) persons who are employed on or after the day on which they reached 65 years of age (excluding those who have been continuously employed in a covered undertaking by the same employer from the day before the day on which they reached 65 years of age, and where this Act is applied, those who are to fall under specially insured persons in short-term employment prescribed in Article 38, paragraph (1) or insured day workers prescribed in Article 43, paragraph (1));

一 の二 短時間労働者（一週間の所定労働時間が、同一の適用事業に雇用される通常の労働者の一週間の所定労働時間に比し短く、かつ、厚生労働大臣の定める時間数

未満である者をいう。第十三条第一項第一号において同じ。)であつて、第三十八条第一項各号に掲げる者に該当するもの(この法律を適用することとした場合において第四十三条第一項に規定する日雇労働被保険者に該当することとなる者を除く。)

(i)-2 part-time workers (meaning those whose prescribed weekly working hours are shorter than the prescribed weekly working hours of ordinary workers employed in the same covered undertaking and fewer than the number of hours specified by the Minister of Health, Labour and Welfare; the same applies in Article 13, paragraph (1), item (i)) who fall under those persons listed each item of Article 38, paragraph (1) (excluding, where this Act is applied, those who fall under insured day workers prescribed in Article 43, paragraph (1));

一の三 第四十二条に規定する日雇労働者であつて、第四十三条第一項各号のいずれにも該当しないもの(厚生労働省令で定めるところにより公共職業安定所長の認可を受けた者を除く。)

(i)-3 day workers prescribed in Article 42 who do not fall under any of the items of Article 43, paragraph (1) (excluding those who have obtained approval from the chief of the Public Employment Security Office, as prescribed by Order of the Ministry of Health, Labour and Welfare);

二 四箇月以内の期間を予定して行われる季節的事業に雇用される者

(ii) persons who are employed in a seasonal undertaking scheduled for a period not exceeding four months;

三 船員保険法(昭和十四年法律第七十三号)第十七条の規定による船員保険の被保険者

(iii) insured persons under mariners insurance pursuant to the provisions of Article 17 of the Mariners Insurance Act (Act No. 73 of 1939);

四 国、都道府県、市町村その他これらに準ずるものの事業に雇用される者のうち、離職した場合に、他の法令、条例、規則等に基づいて支給を受けるべき諸給与の内容が、求職者給付及び就職促進給付の内容を超えると認められる者であつて、厚生労働省令で定めるもの

(iv) persons who are employed by the national, prefectural or municipal governments or in the undertakings of equivalent bodies and in the case of separation from service, who are found to be able to receive payment, based on other laws and regulations, ordinances and rules, etc., of benefits that exceed the level of job applicant benefits and employment promotion benefits and who are specified by Order of the Ministry of Health, Labour and Welfare.

(被保険者に関する届出)

(Notification concerning Insured Persons)

第七条 事業主(徴収法第八条第一項又は第二項の規定により元請負人が事業主とされ

る場合にあつては、当該事業に係る労働者のうち元請負人が雇用する労働者以外の労働者については、当該労働者を雇用する下請負人。以下同じ。）は、厚生労働省令で定めるところにより、その雇用する労働者に関し、当該事業主の行う適用事業（同条第一項又は第二項の規定により数次の請負によつて行われる事業が一の事業とみなされる場合にあつては、当該事業に係る労働者のうち元請負人が雇用する労働者以外の労働者については、当該請負に係るそれぞれの事業。以下同じ。）に係る被保険者となつたこと、当該事業主の行う適用事業に係る被保険者でなくなつたことその他厚生労働省令で定める事項を厚生労働大臣に届け出なければならない。当該事業主から徴収法第三十三条第一項の委託を受けて同項に規定する労働保険事務の一部として前段の届出に関する事務を処理する同条第三項に規定する労働保険事務組合（以下「労働保険事務組合」という。）についても、同様とする。

Article 7 Pursuant to Order of the Ministry of Health, Labour and Welfare, an employer (where the original contractor is regarded as the employer pursuant to the provisions of Article 8, paragraph (1) or paragraph (2) of the Premiums Collection Act, with regard to those workers engaged in the undertaking other than those employed by the original contractor, the sub-contractor who employs the workers; the same applies hereinafter) must notify the Minister of Health, Labour and Welfare of the fact that workers they employ have become insured persons or ceased to be insured persons, with regard to a covered undertaking (where a series of undertakings carried out by means of successive contracts is regarded as a single undertaking pursuant to the provisions of Article 8, paragraph (1) or paragraph (2) with regard to those workers engaged in the undertaking other than those employed by the original contractor, each undertaking pertaining to the successive contracts; the same applies hereinafter) carried out by the employer, and of other matters specified by Order of the Ministry of Health, Labour and Welfare. The same applies to a labor insurance affairs association prescribed in Article 33, paragraph (3) of the Premiums Collection Act that manages affairs related to the notifications referred to in the first sentence of this Article entrusted by the employer, pursuant to Article 33, paragraph (1) of the Premiums Collection Act, as part of the labor insurance-related affairs prescribed in the same paragraph (hereinafter referred to as a "labor insurance affairs association").

(確認の請求)

(Demand for Confirmation)

第八条 被保険者又は被保険者であつた者は、いつでも、次条の規定による確認を請求することができる。

Article 8 A person who is or was an insured person may at any time demand confirmation under the provisions of the following Article.

(確認)

(Confirmation)

第九条 厚生労働大臣は、第七条の規定による届出若しくは前条の規定による請求により、又は職権で、労働者が被保険者となつたこと又は被保険者でなくなつたことの確認を行うものとする。

Article 9 (1) Confirmation of the fact that workers have become insured persons or the fact that workers have ceased to be insured persons is to be made by the Minister of Health, Labour and Welfare based on a notification under the provisions of Article 7 or a demand under the provisions of the preceding Article, or on the Minister's authority.

2 前項の確認については、行政手続法（平成五年法律第八十八号）第三章（第十二条及び第十四条を除く。）の規定は、適用しない。

(2) With regard to the confirmation referred to in the preceding paragraph, the provisions of Chapter III (excluding Articles 12 and 14) of the Administrative Procedure Act (Act No. 88 of 1993) do not apply.

### 第三章 失業等給付

#### Chapter III Benefits for Unemployment

##### 第一節 通則

##### Section 1 General Rules

(失業等給付)

(Benefits for Unemployment)

第十条 失業等給付は、求職者給付、就職促進給付、教育訓練給付及び雇用継続給付とする。

Article 10 (1) Benefits for unemployment, etc. are to consist of job applicant benefits, employment promotion benefits, educational training benefits and continuous employment benefits.

2 求職者給付は、次のとおりとする。

(2) The job applicant benefits are to consist of the following:

一 基本手当

(i) basic allowance;

二 技能習得手当

(ii) skill acquisition allowance;

三 寄宿手当

(iii) lodging allowance; and

四 傷病手当

(iv) injury and disease allowance.

3 前項の規定にかかわらず、第三十七条の二第一項に規定する高年齢継続被保険者に係る求職者給付は、高年齢求職者給付金とし、第三十八条第一項に規定する短期雇用特例被保険者に係る求職者給付は、特例一時金とし、第四十三条第一項に規定する日雇労働被保険者に係る求職者給付は、日雇労働求職者給付金とする。

(3) Notwithstanding the provisions of the preceding paragraph, the job applicant benefits for the continuously insured elderly prescribed in Article 37-2, paragraph (1) are to be the job applicant benefits for the elderly, the job applicant benefits for specially insured persons in short-term employment prescribed in Article 38, paragraph (1), are to be a special lump sum payment, and the job applicant benefits for the insured day workers prescribed in Article 43, paragraph (1) are to be the job applicant benefits for day workers.

4 就職促進給付は、次のとおりとする。

(4) The employment promotion benefits are to consist of the following:

一 就業促進手当

(i) employment promotion allowance;

二 移転費

(ii) relocation expenses; and

三 広域求職活動費

(iii) wide area job-seeking activity expenses.

5 教育訓練給付は、教育訓練給付金とする。

(5) The educational training benefits are to be payment for the educational training benefits.

6 雇用継続給付は、次のとおりとする。

(6) The continuous employment benefits are to consist of the following:

一 高年齢雇用継続基本給付金及び高年齢再就職給付金（第六節第一款において「高年齢雇用継続給付」という。）

(i) basic continuous employment benefits for the elderly and re-employment benefits for the elderly (hereinafter referred to as "continuous employment benefits for the elderly" in Section 6, Subsection 1);

二 育児休業基本給付金及び育児休業者職場復帰給付金（第六節第二款において「育児休業給付」という。）

(ii) basic childcare leave benefits and re-engagement benefits for persons taking childcare leave (hereinafter referred to as "childcare leave benefits" in Subsection 2 of Section 6); and

三 介護休業給付金

(iii) nursing care leave benefits.

(就職への努力)

(Efforts to Find Employment)

第十条の二 求職者給付の支給を受ける者は、必要に応じ職業能力の開発及び向上を図りつつ、誠実かつ熱心に求職活動を行うことにより、職業に就くように努めなければならない。

Article 10-2 A person who receives payment of job applicant benefits must endeavor to find employment by carrying out job-seeking activities sincerely and earnestly, while endeavoring to develop and improve their vocational



ability as necessary.

(未支給の失業等給付)

**(Unpaid Benefits for Unemployment)**

第十条の三 失業等給付の支給を受けることができる者が死亡した場合において、その者に支給されるべき失業等給付でまだ支給されていないものがあるときは、その者の配偶者（婚姻の届出をしていないが、事実上婚姻関係と同様の事情にあつた者を含む。）、子、父母、孫、祖父母又は兄弟姉妹であつて、その者の死亡の当時その者と生計を同じくしていたものは、自己の名で、その未支給の失業等給付の支給を請求することができる。

Article 10-3 (1) When a person able to receive payment of the benefits for unemployment, etc. has died and part of the benefits remains unpaid, the person's spouse (including a person in a de facto marital relationship with the person, where the marriage has not been registered), children, parents, grandchildren, grandparents and brothers or sisters, who had shared a livelihood with the person at the time of that person's death, may demand payment of the unpaid part of the benefits for unemployment, etc. in their own names.

2 前項の規定による未支給の失業等給付の支給を受けるべき者の順位は、同項に規定する順序による。

(2) The order of priority in which persons should receive the unpaid part of the benefits for unemployment, etc. pursuant to the provisions of the preceding paragraph, is to be the order as prescribed in the same paragraph.

3 第一項の規定による未支給の失業等給付の支給を受けるべき同順位者が二人以上あるときは、その一人のした請求は、全員のためその全額につきしたものとみなし、その一人に対してした支給は、全員に対してしたものとみなす。

(3) If there are two or more persons of the same rank in the order of priority to receive the unpaid part of the benefits for unemployment, etc. pursuant to the provisions of paragraph (1), a demand made by any one of them is deemed to have been made on behalf of all of them for the total amount claimable, and payment made to one of them is be deemed to have been made to all of them.

(返還命令等)

**(Order to Return Benefits)**

第十条の四 偽りその他不正の行為により失業等給付の支給を受けた者がある場合には、政府は、その者に対して、支給した失業等給付の全部又は一部を返還することを命ずることができる。また、厚生労働大臣の定める基準により、当該偽りその他不正の行為により支給を受けた失業等給付の額の二倍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 10-4 (1) In the case where a person has received payment of the benefits for unemployment, etc. by deception or other wrongful acts, the government

may order the person to return the whole or a part of the benefits for unemployment, etc. paid, and may, in accordance with the standards specified by the Minister of Health, Labour and Welfare, order the person to pay the amount not exceeding an amount equivalent to twice the benefits that were received through deception or other wrongful acts.

- 2 前項の場合において、事業主、職業紹介事業者等（職業安定法（昭和二十二年法律第四十一号）第四条第七項に規定する職業紹介事業者又は業として同条第四項に規定する職業指導（職業に就こうとする者の適性、職業経験その他の実情に応じて行うものに限る。）を行う者（公共職業安定所その他の職業安定機関を除く。）をいう。以下同じ。）又は指定教育訓練実施者（第六十条の二第一項に規定する厚生労働大臣が指定する教育訓練を行う者をいう。以下同じ。）が偽りの届出、報告又は証明をしたためその失業等給付が支給されたものであるときは、政府は、その事業主、職業紹介事業者等又は指定教育訓練実施者に対し、その失業等給付の支給を受けた者と連帯して、前項の規定による失業等給付の返還又は納付を命ぜられた金額の納付をすることを命ずることができる。

- (2) In the case referred to in the preceding paragraph, if benefits for unemployment, etc. were paid due to a false notification, report or certification by the employer, employment placement service provider, etc. (meaning an employment placement provider prescribed in Article 4, paragraph (7) of the Employment Security Act (Act No. 141 of 1947) or a person who conducts vocational guidance (limited to guidance conducted in accordance with the aptitude, vocational experiences, and other actual circumstances of a person seeking employment) prescribed in paragraph (4) of the same Article in the course of trade (excluding Public Employment Security Offices and other employment security agencies; the same applies hereinafter), or a practitioner of specified educational training (meaning a person who conducts educational training specified by the Minister of Health, Labour and Welfare under Article 60-2, paragraph (1); the same applies hereinafter), the government may order the employer, employment placement service provider, or practitioner of specified educational training to return the benefits for unemployment, etc., or pay an amount of money, as prescribed in the preceding paragraph, jointly and severally with the person who received payment of the benefits for unemployment, etc..

- 3 徴収法第二十六条及び第四十一条第二項の規定は、前二項の規定により返還又は納付を命ぜられた金額の納付を怠った場合に準用する。

- (3) The provisions of Article 26 and Article 41, paragraph (2) of the Premiums Collection Act apply mutatis mutandis to cases where the person concerned has failed to pay an amount of money ordered to be returned or paid pursuant to the provisions of the preceding two paragraphs.

(受給権の保護)

(Protection of the Right to Receive Benefits)

第十一条 失業等給付を受ける権利は、譲り渡し、担保に供し、又は差し押えることができない。

Article 11 The right to receive benefits for unemployment, etc. may not be transferred nor offered as a security nor be subject to attachment.

(公課の禁止)

(Prohibition of Public Charges)

第十二条 租税その他の公課は、失業等給付として支給を受けた金銭を標準として課することができない。

Article 12 Taxes and other public charges may not be imposed based on the money received as payment for benefits for unemployment, etc.

**第二節 一般被保険者の求職者給付**

**Section 2 Job Applicant Benefits for Generally Insured Persons**

**第一款 基本手当**

**Subsection 1 Basic Allowance**

(基本手当の受給資格)

(Recipient Qualification for Basic Allowance)

第十三条 基本手当は、被保険者が失業した場合において、離職の日以前一年間（次の各号に掲げる被保険者については、当該各号に定める日数を一年に加算した期間（その期間が四年を超えるときは、四年間）。第十七条第一項において「算定対象期間」という。）に、次条の規定による被保険者期間が通算して六箇月以上であつたときに、この款の定めるところにより、支給する。

Article 13 (1) The basic allowance is to be paid pursuant to the provisions of this Subsection, where an insured person who becomes unemployed has been insured for a total period of six months or more during the one-year period preceding the day of separation from service, pursuant to the provisions of the following Article (for insured persons listed in the following items, during the period of one year added to the number of days specified in the respective items (where the aggregate period exceeds four years, four years); referred to as the "period for calculation" in Article 17, paragraph (1)):

一 離職の日以前一年間に短時間労働者である被保険者（以下「短時間労働被保険者」という。）であつた期間がある被保険者 当該短時間労働被保険者となつた日（その日が当該離職の日以前一年間がないときは、当該離職の日の一年前の日の翌日）から当該短時間労働被保険者でなくなつた日の前日までの日数

(i) insured persons who have at one time been part-time workers (hereinafter referred to as "part-time insured persons") for a period during the one-year period preceding the day of separation from service: the number of days from the day on which the person became a part-time insured worker (when that

day is not within the one-year period preceding the day of separation from service, from the day after the day one year preceding the day of separation) to the day before the day on which the person ceased to be a part-time insured worker; and

二 離職の日以前一年間（前号に掲げる被保険者にあつては、同号に定める日数を一年に加算した期間）に疾病、負傷その他厚生労働省令で定める理由により引き続き三十日以上賃金の支払を受けることができなかつた被保険者 当該理由により賃金の支払を受けることができなかつた日数（同号に掲げる被保険者にあつては、その日数に同号に定める日数を加えた日数）

(ii) insured persons who were continuously unable to receive payment of their wages for 30 days or more due to disease or injury or for any other reason specified by Order of the Ministry of Health, Labour and Welfare during the one-year period preceding the day of separation from service (for insured persons listed in the preceding item, for the period of one year added to the number of days specified in the same item): the number of days for which the persons were unable to receive payment of their wages for the reason (for insured persons listed in the preceding item, the number of days pursuant to this item added to the number of days specified in the preceding item).

2 被保険者が短時間労働被保険者に該当するかどうかの確認は、厚生労働大臣が行う。

(2) Confirmation as to whether an insured person falls under a part-time insured worker is to be made by the Minister of Health, Labour and Welfare.

（被保険者期間）

(Insured Period)

第十四条 被保険者期間は、被保険者であつた期間のうち、当該被保険者でなくなつた日又は各月においてその日に応当し、かつ、当該被保険者であつた期間内にある日（その日に応当する日がない月においては、その月の末日。以下この項において「喪失応当日」という。）の各前日から各前月の喪失応当日までさかのぼつた各期間（賃金の支払の基礎となつた日数が十四日以上であるものに限る。）を一箇月として計算し、その他の期間は、被保険者期間に算入しない。ただし、当該被保険者となつた日からその日後における最初の喪失応当日の前日までの期間の日数が十五日以上であり、かつ、当該期間内における賃金の支払の基礎となつた日数が十四日以上であるときは、当該期間を二分の一箇月の被保険者期間として計算する。

Article 14 (1) Each period (limited to the periods with 14 or more days as basis of the period wages were paid) within the overall insured period when the person was an insured person, counted backwards from the day on which the person ceased to be an insured person or from the day before each day that corresponds to that day in each month and is within the overall insured period (for months that do not have a day corresponding to that day, the last day of the month; hereinafter referred to as the "substitute corresponding day" in this paragraph), to the substitute corresponding day in each previous month is

calculated as a full month, and other periods are not to be included in the overall insured period; provided, however, that when the number of days in the period from the day on which the person became an insured person, to the day before the first substitute corresponding day thereafter, is 15 days or more and the number of days in the period based on which wages were paid is 14 days or more, the period is calculated as an insured period of half a month.

2 被保険者であつた期間が短時間労働被保険者であつた期間である場合における前項の規定の適用については、同項中「十四日」とあるのは「十一日」と、「一箇月として」とあるのは「二分の一箇月として」と、「二分の一箇月」とあるのは「四分の一箇月」とする。

(2) With regard to the application of the provisions of the preceding paragraph in the case where the insured period is a period in which the person was a part-time insured worker, the terms "14 days", "a full month" and "half a month" in the same paragraph are deemed to be replaced with "11 days", "half a month" and "a quarter of a month", respectively.

3 前二項の規定により被保険者期間を計算する場合において、次の各号に掲げる期間は、前二項に規定する被保険者であつた期間に含めない。

(3) The periods listed in each of the following items are not to be included when calculating the period in which the person was an insured person prescribed in the preceding two paragraphs, pursuant to the provisions of the preceding two paragraphs:

一 最後に被保険者となつた日前に、当該被保険者が受給資格（前条第一項の規定により基本手当の支給を受けることができる資格をいう。次節から第四節までを除き、以下同じ。）、第三十七条の三第二項に規定する高年齢受給資格又は第三十九条第二項に規定する特例受給資格を取得したことがある場合には、当該受給資格、高年齢受給資格又は特例受給資格に係る離職の日以前における被保険者であつた期間

(i) in the case where the person had obtained recipient qualification (meaning qualification for receiving the basic allowance pursuant to the provisions of paragraph (1) of the preceding Article; hereinafter the same applies, except for the following Section to Section 4), the recipient qualification for the elderly prescribed in Article 37-3, paragraph (2), or the special recipient qualification prescribed in Article 39, paragraph (2), before the day on which the person last became an insured person, the period during which the person was an insured person preceding the day of separation from service pertaining to the recipient qualification, recipient qualification for the elderly, or special recipient qualification; and

二 第九条の規定による被保険者となつたことの確認があつた日の二年前の日以前における被保険者であつた期間

(ii) the period when the person was an insured person before the day two years preceding the day on which it was confirmed that the person had become an insured person pursuant to the provisions of Article 9.

(失業の認定)

(Recognition of Unemployment)

第十五条 基本手当は、受給資格を有する者（次節から第四節までを除き、以下「受給資格者」という。）が失業している日（失業していることについての認定を受けた日に限る。以下この款において同じ。）について支給する。

Article 15 (1) The basic allowance is be paid for the days on which a person who has recipient qualifications (hereinafter referred to as a "qualified recipient" except for the following Section to Section 4) is unemployed (limited to those days for which the recognition of their unemployment has been obtained; hereinafter the same applies in this Subsection).

2 前項の失業していることについての認定（以下この款において「失業の認定」という。）を受けようとする受給資格者は、離職後、厚生労働省令で定めるところにより、公共職業安定所に出頭し、求職の申込みをしなければならない。

(2) A qualified recipient who seeks to obtain the recognition of unemployment set forth in the preceding paragraph (hereinafter referred to as the "recognition of unemployment" in this Subsection) must, after separation from service, make an appearance at the Public Employment Security Office and apply for employment as prescribed by Order of the Ministry of Health, Labour and Welfare.

3 失業の認定は、求職の申込みを受けた公共職業安定所において、受給資格者が離職後最初に出頭した日から起算して四週間に一回ずつ直前の二十八日の各日について行うものとする。ただし、厚生労働大臣は、公共職業安定所長の指示した公共職業訓練等（国、都道府県及び市町村並びに独立行政法人雇用・能力開発機構が設置する公共職業能力開発施設の行う職業訓練（職業能力開発総合大学校の行うものを含む。）その他法令の規定に基づき失業者に対して作業環境に適応することを容易にさせ、又は就職に必要な知識及び技能を習得させるために行われる訓練又は講習であつて、政令で定めるものをいう。以下同じ。）を受ける受給資格者その他厚生労働省令で定める受給資格者に係る失業の認定について別段の定めをすることができる。

(3) The recognition of unemployment is to be given by the Public Employment Security Office to which a qualified recipient has applied for employment, once every four weeks calculated from the day on which the person first made an appearance after separation from service, with regard to each day of the immediately preceding 28 days; provided, however, that the Minister of Health, Labour and Welfare may specify differently with regard to the recognition of unemployment for qualified recipients who take public vocational training, etc. designated by the chief of the Public Employment Security Office (meaning vocational training (including training conducted by the Polytechnic University) conducted by Public Human Resources Development Centers established by the State, prefectures or municipalities or the Employment and Human Resources Development Organization of Japan and other training or

courses given pursuant to the provisions of laws and regulations, for assisting unemployed persons in adapting to the working environment or for having them acquire the knowledge and skills necessary for obtaining employment and that are specified by Cabinet Order; the same applies hereinafter) and for other qualified recipients specified by Order of the Ministry of Health, Labour and Welfare.

4 受給資格者は、次の各号のいずれかに該当するときは、前二項の規定にかかわらず、厚生労働省令で定めるところにより、公共職業安定所に出頭することができなかつた理由を記載した証明書を提出することによつて、失業の認定を受けることができる。

(4) Notwithstanding the provisions of the preceding two paragraphs, if a qualified recipient falls under any of the following items, the recipient may obtain the recognition of unemployment by submitting a certificate in which the reason that they were unable to make an appearance at the Public Employment Security Office is stated, as prescribed by Order of the Ministry of Health, Labour and Welfare:

一 疾病又は負傷のために公共職業安定所に出頭することができなかつた場合において、その期間が継続して十五日未満であるとき。

(i) when the recipient was unable to make an appearance at the Public Employment Security Office due to disease or injury and the period thereof has been less than 15 consecutive days;

二 公共職業安定所の紹介に応じて求人者に面接するために公共職業安定所に出頭することができなかつたとき。

(ii) when the recipient was unable to make an appearance at the Public Employment Security Office on account of undergoing an interview with a job offerer to whom they were referred to by the Public Employment Security Office;

三 公共職業安定所長の指示した公共職業訓練等を受けるために公共職業安定所に出頭することができなかつたとき。

(iii) when the recipient was unable to make an appearance at the Public Employment Security Office on account of receiving public vocational training, etc., designated by the Chief of the Public Employment Security Office; or

四 天災その他やむを得ない理由のために公共職業安定所に出頭することができなかつたとき。

(iv) when the recipient was unable to make an appearance at the Public Employment Security Office on account of a natural disaster or other unavoidable reasons.

5 失業の認定は、厚生労働省令で定めるところにより、受給資格者が求人者に面接したこと、公共職業安定所その他の職業安定機関若しくは職業紹介事業者等から職業を紹介され、又は職業指導を受けたことその他求職活動を行つたことを確認して行うものとする。

(5) The recognition of unemployment is to be given by confirming that the qualified recipient has carried out job-seeking activities, such as undergoing an interview with a job offerer, having been referred to employment by or having received vocational guidance from the Public Employment Security Office and other employment security agencies or employment placement service providers, etc., as prescribed by Order of the Ministry of Health, Labour and Welfare.

(基本手当の日額)

(Daily Amount of the Basic Allowance)

第十六条 基本手当の日額は、賃金日額に百分の五十（二千百四十円以上四千二百十円未満の賃金日額（その額が第十八条の規定により変更されたときは、その変更された額）については百分の八十、四千二百十円以上一万二千二百二十円以下の賃金日額（その額が同条の規定により変更されたときは、その変更された額）については百分の八十から百分の五十までの範囲で、賃金日額の遡増に応じ、遡減するように厚生労働省令で定める率）を乗じて得た金額とする。

Article 16 (1) The daily amount of the basic allowance is to be an amount obtained by multiplying the daily amount of wages by 50 percent (for daily amount of wages of more than 2,140 yen and less than 4,210 yen (when the amount has been changed pursuant to the provisions of Article 18, the changed amount), 80 percent; and for daily amount of wages of more than 4,210 yen and less than 12,220 yen (when the amount has been changed pursuant to the provisions of Article 18, the changed amount), the percentage specified by Order of the Ministry of Health, Labour and Welfare, gradually decreasing within the range of 80 percent to 50 percent, in accordance with the increase in the daily amount of wages).

2 受給資格に係る離職の日において六十歳以上六十五歳未満である受給資格者に対する前項の規定の適用については、同項中「百分の五十」とあるのは「百分の四十五」と、「四千二百十円以上一万二千二百二十円以下」とあるのは「四千二百十円以上一万九百五十円以下」とする。

(2) With regard to the application of the provisions of the preceding paragraph to qualified recipients who are 60 years old or older and under 65 years old on the day of separation from service pertaining to their recipient qualification, the term "50 percent" in the same paragraph is deemed to be replaced with "45 percent" and the phrase "more than 4,210 yen and less than 12,220 yen" is deemed to be replaced with "more than 4,210 yen and less than 10,950 yen."

(賃金日額)

(Daily Amount of Wages)

第十七条 賃金日額は、算定対象期間において第十四条（第一項ただし書（同条第二項において読み替えて適用する場合を含む。）を除く。）の規定により被保険者期間と



して計算された最後の六箇月間（当該最後の六箇月間に同条第二項において読み替えて適用する同条第一項の規定により二分の一箇月として計算された被保険者期間が含まれるときは、当該二分の一箇月として計算された被保険者期間を一箇月として計算された被保険者期間とした場合における最後の六箇月間）に支払われた賃金（臨時に支払われる賃金及び三箇月を超える期間ごとに支払われる賃金を除く。次項及び第六節において同じ。）の総額を百八十で除して得た額とする。

**Article 17 (1)** The daily amount of wages is to be the amount obtained by dividing by 180 the total amount of wages (excluding wages paid temporarily and wages paid for each period exceeding three months; the same applies in the following paragraph and Section 6) paid during the last six months in the period for calculation that have been counted as the insured period under the provisions of Article 14 (excluding the proviso of paragraph (1) (including cases where that proviso is applied pursuant to paragraph (2) of the same Article, following deemed replacement of terms)) (where the last six months include an insured period counted as half a month under the provisions of Article 14, paragraph (1) as applied pursuant to paragraph (2) of that Article, following the deemed replacement of terms, the last six months counted as the insured period when the half a month is deemed to be one month in calculating the insured period).

2 前項の規定による額が次の各号に掲げる額に満たないときは、賃金日額（受給資格に係る離職の日において短時間労働被保険者であつた受給資格者に係るものを除く。）は、同項の規定にかかわらず、当該各号に掲げる額とする。

**(2)** In the case where the amount calculated under the provisions of the preceding paragraph is less than the amount listed in each of the following items, the daily amount of wages (excluding those related to qualified recipients who were part-time insured workers on the day of separation from service pertaining to their recipient qualification) is to be the amount listed in the respective items, notwithstanding the provisions of the preceding paragraph:

一 賃金が、労働した日若しくは時間によつて算定され、又は出来高払制その他の請負制によつて定められている場合には、前項に規定する最後の六箇月間に支払われた賃金の総額を当該最後の六箇月間に労働した日数で除して得た額の百分の七十に相当する額

**(i)** in the case where wages are calculated by the days or hours worked, or are determined on a piece-rate or other contract systems, the amount equivalent to 70 percent of the amount obtained by dividing the total amount of wages paid during the last six months prescribed in the preceding paragraph by the number of days worked during the last six months; and

二 賃金の一部が、月、週その他一定の期間によつて定められている場合には、その部分の総額をその期間の総日数（賃金の一部が月によつて定められている場合には、一箇月を三十日として計算する。）で除して得た額と前号に掲げる額との合算額

**(ii)** in the case where a portion of wages is fixed by the month, the week or any

other set period, the total of the amount obtained by dividing the total sum of the portion by the number of days in that period (where a portion of wages is fixed by the month, a month is regarded as 30 days for the calculation) and the amount listed in the preceding item.

3 前二項の規定により賃金日額を算定することが困難であるとき、又はこれらの規定により算定した額を賃金日額とすることが適当でないとき、厚生労働大臣が定めるところにより算定した額を賃金日額とする。

(3) When it is difficult to calculate the daily amount of wages pursuant to the provisions of the preceding two paragraphs or when it is found inappropriate to consider the amount calculated pursuant to the provisions of the preceding two paragraphs to be the daily amount of wages, the amount calculated as specified by the Minister of Health, Labour and Welfare is to be the daily amount of wages.

4 前三項の規定にかかわらず、これらの規定により算定した賃金日額が、第一号に掲げる額を下るときはその額を、第二号に掲げる額を超えるときはその額を、それぞれ賃金日額とする。

(4) Notwithstanding the provisions of the preceding three paragraphs, in the case where the daily amount of wages calculated under these provisions is less than the amount listed in item (i), the amount listed therein, and in the case where such daily amount of wages exceeds the amount listed in item (ii), the amount listed therein, is to be the daily amount of wages, respectively:

一 二千四百円（その額が次条の規定により変更されたときは、その変更された額）

(i) the amount of 2,140 yen (when the amount has been changed pursuant to the provisions of the following Article, the changed amount);

二 次のイからニまでに掲げる受給資格者の区分に応じ、当該イからニまでに定める額（これらの額が次条の規定により変更されたときは、それぞれその変更された額）

(ii) the amounts specified in the following sub-items (a) through (d) in accordance with the classification of qualified recipients listed in those sub-items (a) through (d) (when these amounts have been changed pursuant to the provisions of the following Article, the changed amounts, respectively):

イ 受給資格に係る離職の日において六十歳以上六十五歳未満である受給資格者  
一万五千五百八十円

(a) a qualified recipient who is 60 years old or older and under 65 years old on the day of separation from service pertaining to recipient qualification:  
15,580 yen;

ロ 受給資格に係る離職の日において四十五歳以上六十歳未満である受給資格者  
一万六千八十円

(b) a qualified recipient who is 45 years old or older and under 60 years old on the day of separation from service pertaining to recipient qualification:

16,080 yen;

ハ 受給資格に係る離職の日において三十歳以上四十五歳未満である受給資格者  
一万四千六百二十円

(c) a qualified recipient who is 30 years old or older and under 45 years old  
on the day of separation from service pertaining to recipient qualification:  
14,620 yen; and

ニ 受給資格に係る離職の日において三十歳未満である受給資格者 一万三千百六十円

(d) a qualified recipient who is under 30 years old on the day of separation  
from service pertaining to recipient qualification: 13,160 yen.

(基本手当の日額の算定に用いる賃金日額の範囲等の自動的変更)

(Automatic Changing of the Scope of the Daily Amount of Wages used in  
Calculating the Daily Amount of the Basic Allowance)

第十八条 厚生労働大臣は、年度（四月一日から翌年の三月三十一日までをいう。以下同じ。）の平均給与額（厚生労働省において作成する毎月勤労統計における労働者の平均定期給与額を基礎として厚生労働省令で定めるところにより算定した労働者一人当たりの給与の平均額をいう。以下同じ。）が平成十三年四月一日から始まる年度（この条の規定により自動変更対象額が変更されたときは、直近の当該変更がされた年度の前年度）の平均給与額を超え、又は下るに至った場合においては、その上昇し、又は低下した比率に応じて、その翌年度の八月一日以後の自動変更対象額を変更しなければならない。

Article 18 (1) When the average earnings (meaning the average amount earned per worker calculated as prescribed by Order of the Ministry of Health, Labour and Welfare, based on the average regular earnings for workers indicated in the Monthly Labor Statistics compiled by the Ministry of Health, Labour and Welfare, the same applies hereinafter) for a fiscal year (meaning April 1 to March 31 of the following year, the same applies hereinafter) have either exceeded or fallen below the average earnings for the fiscal year starting on April 1, 2001 (when the amount subject to automatic changing has been changed pursuant to the provisions of this Article, the fiscal year preceding the fiscal year when the latest change was implemented), the Minister of Health, Labour and Welfare must change the daily amount of wages subject to automatic changing applicable from August 1 of the following fiscal year in accordance with the percentage of the increase or decrease.

2 前項の規定により変更された自動変更対象額に五円未満の端数があるときは、これを切り捨て、五円以上十円未満の端数があるときは、これを十円に切り上げるものとする。

(2) If there is a fractional amount of one to four yen in the amount subject to automatic changing which was changed pursuant to the provisions of the preceding paragraph, the amount is to be rounded down to the nearest ten yen,

and a fractional amount of five to nine yen is to be rounded up to the nearest ten yen.

3 前二項の「自動変更対象額」とは、第十六条第一項（同条第二項において読み替えて適用する場合を含む。）の規定による基本手当の日額の算定に当たつて、百分の八十を乗ずる賃金日額の範囲となる同条第一項に規定する二千百四十円以上四千二百十円未満の額及び百分の八十から百分の五十までの範囲の率を乗ずる賃金日額の範囲となる同項に規定する四千二百十円以上一万二千二百二十円以下の額並びに前条第四項各号に掲げる額をいう。

(3) "The amount subject to automatic changing" referred to in the preceding two paragraphs means the amounts used in calculating the daily amount of the basic allowance pursuant to the provisions of Article 16, paragraph (1) (including as applied pursuant to paragraph (2) of the same Article, following the deemed replacement of terms), being the daily wage in the scope of 2,140 yen to less than 4,210 yen, which is multiplied by 80 percent pursuant to the provisions of paragraph (1) of the same Article and the daily wage in the scope of 4,210 yen to less than 12,220 yen, which is multiplied by a rate from 80 percent to 50 percent pursuant to the provisions of the same paragraph and the amounts listed in each item of paragraph (4) of the preceding Article.

(基本手当の減額)

(Reduction of the Amount of the Basic Allowance)

第十九条 受給資格者が、失業の認定に係る期間中に自己の労働によつて収入を得た場合には、その収入の基礎となつた日数（以下この項において「基礎日数」という。）分の基本手当の支給については、次に定めるところによる。

Article 19 (1) If a qualified recipient has earned an income through labor during a period for which the recipient has obtained the recognition of unemployment, payment of the basic allowance for the number of days on which the income have been based (hereinafter referred to as the "number of basis days" in this paragraph) is as specified by the following provisions:

一 その収入の一日分に相当する額（収入の総額を基礎日数で除して得た額をいう。）から千三百八十八円（その額が次項の規定により変更されたときは、その変更された額。同項において「控除額」という。）を控除した額と基本手当の日額との合計額（次号において「合計額」という。）が賃金日額の百分の八十に相当する額を超えないとき。基本手当の日額に基礎日数を乗じて得た額を支給する。

(i) when the total of the amount obtained by deducting 1,388 yen (when the amount has been revised pursuant to the provisions of the following paragraph, the revised amount; hereinafter referred to as the "amount of deduction" in this paragraph), from the amount equivalent to the amount of income for one day (meaning the amount obtained by dividing the total income by the number of basis days) and adding the daily amount of the basic allowance (referred to as "the total" in the following item) does not

exceed an amount equivalent to 80 percent of the daily amount of wages: the amount obtained by multiplying the daily amount of the basic allowance by the number of basis days is to be paid;

二 合計額が賃金日額の百分の八十に相当する額を超えるとき（次号に該当する場合を除く。）。当該超える額（次号において「超過額」という。）を基本手当の日額から控除した残りの額に基礎日数を乗じて得た額を支給する。

(ii) when the total amount exceeds an amount equivalent to 80 percent of the daily amount of wages (excluding cases falling under the following item): the amount obtained by multiplying the remainder after deducting the excess amount (referred to as "the excess" in the following item) from the daily amount of the basic allowance by the number of basis days is to be paid; and

三 超過額が基本手当の日額以上であるとき。基礎日数分の基本手当を支給しない。

(iii) when the excess is more than the daily amount of the basic allowance: the basic allowance for the number of basis days is not to be paid.

2 厚生労働大臣は、年度の平均給与額が平成十三年四月一日から始まる年度（この項の規定により控除額が変更されたときは、直近の当該変更がされた年度の前年度）の平均給与額を超え、又は下るに至つた場合においては、その上昇し、又は低下した比率を基準として、その翌年度の八月一日以後の控除額を変更しなければならない。

(2) When the average earnings for the fiscal year have exceeded or fallen below the average earnings for the fiscal year starting on April 1, 2001 (when the amount of deduction has been changed pursuant to the provisions of this paragraph, the fiscal year preceding the fiscal year when the latest change was implemented), the Minister of Health, Labour and Welfare must change the amount of deduction applicable from August 1 of the following fiscal year in accordance with the percentage of the increase or decrease.

3 受給資格者は、失業の認定を受けた期間中に自己の労働によつて収入を得たときは、厚生労働省令で定めるところにより、その収入の額その他の事項を公共職業安定所長に届け出なければならない。

(3) When a qualified recipient has earned an income through labor during a period for which the recipient has obtained the recognition of unemployment, they must submit a notification on the amount of income and other matters to the chief of the Public Employment Security Office, as prescribed by Order of the Ministry of Health, Labour and Welfare.

（支給の期間及び日数）

(Benefit Period and the Duration of Benefits)

第二十条 基本手当は、この法律に別段の定めがある場合を除き、次の各号に掲げる受給資格者の区分に応じ、当該各号に定める期間（当該期間内に妊娠、出産、育児その他厚生労働省令で定める理由により引き続き三十日以上職業に就くことができない者が、厚生労働省令で定めるところにより公共職業安定所長にその旨を申し出た場合には、当該理由により職業に就くことができない日数を加算するものとし、その加算さ

れた期間が四年を超えるときは、四年とする。)内の失業している日について、第二十二條第一項に規定する所定給付日数に相当する日数分を限度として支給する。

**Article 20 (1)** The basic allowance is paid, unless otherwise specified in this Act, in accordance with the classification of qualified recipients listed in the following items, for the days of unemployment within the period prescribed in each of those items (where a qualified recipient, who is unable to work for a continuous period of 30 days or more within the period due to pregnancy, childbirth or childcare or for other reasons specified by Order of the Ministry of Health, Labour and Welfare, has notified to that effect to the chief of the Public Employment Security Office as prescribed by Order of the Ministry of Health, Labour and Welfare, the number of days for which the person is unable to work due to those reasons are to be added to the period and where the total period after that addition exceeds four years, the prescribed period is to be four years), within the limit of the number of days equivalent to the prescribed duration of benefits provided for in Article 22, paragraph (1):

一 次号及び第三号に掲げる受給資格者以外の受給資格者 当該基本手当の受給資格に係る離職の日 (以下この款において「基準日」という。)の翌日から起算して一年

(i) qualified recipients other than those listed in the following item and item (iii): one year calculated from the day after the day of separation from service pertaining to the recipient qualification for the basic allowance (hereinafter referred to as "the basis day" in this Subsection);

二 基準日において第二十二條第二項第一号に該当する受給資格者 基準日の翌日から起算して一年に六十日を加えた期間

(ii) qualified recipients who fall under Article 22, paragraph (2), item (i) on the basis day: a period of 60 days added to one year calculated from the day after the basis day; and

三 基準日において第二十三條第一項第二号イに該当する同條第二項に規定する特定受給資格者 基準日の翌日から起算して一年に三十日を加えた期間

(iii) specific qualified recipients prescribed in Article 23, paragraph (2) who fall under Article 23, paragraph (1), item (ii), (a) on the basis day: a period of 30 days added to one year calculated from the day after the basis day.

2 受給資格者であつて、当該受給資格に係る離職が定年 (厚生労働省令で定める年齢以上の定年に限る。)に達したことその他厚生労働省令で定める理由によるものであるものが、当該離職後一定の期間第十五條第二項の規定による求職の申込みをしないことを希望する場合において、厚生労働省令で定めるところにより公共職業安定所長にその旨を申し出たときは、前項中「次の各号に掲げる受給資格者の区分に応じ、当該各号に定める期間」とあるのは「次の各号に掲げる受給資格者の区分に応じ、当該各号に定める期間と、次項に規定する求職の申込みをしないことを希望する一定の期間 (一年を限度とする。)に相当する期間を合算した期間 (当該求職の申込みをしないことを希望する一定の期間内に第十五條第二項の規定による求職の申込みをしたと

きは、当該各号に定める期間に当該基本手当の受給資格に係る離職の日（以下この款において「基準日」という。）の翌日から当該求職の申込みをした日の前日までの期間に相当する期間を加算した期間）」と、「当該期間内」とあるのは「当該合算した期間内」と、同項第一号中「当該基本手当の受給資格に係る離職の日（以下この款において「基準日」という。））」とあるのは「基準日」とする。

(2) When a qualified recipient whose separation from service pertaining to the recipient qualification is due to reaching retirement age (limited to the retirement age equal to or exceeding the age specified by Order of the Ministry of Health, Labour and Welfare) or for any other reasons specified by Order of the Ministry of Health, Labour and Welfare, does not wish to apply for employment as prescribed in Article 15, paragraph (2) during a certain period after the separation from service, and notifies to this effect to the chief of the Public Employment Security Office as prescribed by Order of the Ministry of Health, Labour and Welfare, the phrases "in accordance with the classification of qualified recipient listed in the following items...within the period prescribed in each of those items" and "within the period" in the preceding paragraph are deemed to be replaced, respectively, with "within the total of the period prescribed in each of the items and the period equivalent to a certain period (limited to one year) during which the recipient does not wish to apply for employment as prescribed in the following paragraph (where the recipient has applied for employment as prescribed in Article 15, paragraph (2) during the certain period in which they do not wish to apply for employment, the total of the period prescribed in each of those items and a period equivalent to the period from the day after the day of separation from service pertaining to recipient qualification for the basic allowance (hereinafter referred to as "the basis day" in this Subsection) until the day before the application for employment is made" and "within the total period"; and the phrase "the day of separation from service pertaining to recipient qualification for the basic allowance (hereinafter referred to as "the basis day" in this Subsection)" in item (i) of the same paragraph is be deemed to be replaced with "the basis day."

3 前二項の場合において、第一項の受給資格（以下この項において「前の受給資格」という。）を有する者が、前二項の規定による期間内に新たに受給資格、第三十七条の三第二項に規定する高年齢受給資格又は第三十九条第二項に規定する特例受給資格を取得したときは、その取得した日以後においては、前の受給資格に基づく基本手当は、支給しない。

(3) In the case referred to in the preceding two paragraphs, when a person who has the recipient qualification referred to in paragraph (1) (hereinafter referred to as "previous recipient qualification" in this paragraph) has newly obtained a recipient qualification, a recipient qualification for the elderly prescribed in Article 37-3, paragraph (2), or a special recipient qualification prescribed in Article 39, paragraph (2) during the period under the provisions

of the preceding two paragraphs, the basic allowance based on the previous recipient qualification will not be paid from the date of obtaining the new qualification.

(待期)

(Waiting Period)

第二十一条 基本手当は、受給資格者が当該基本手当の受給資格に係る離職後最初に公共職業安定所に求職の申込みをした日以後において、失業している日（疾病又は負傷のため職業に就くことができない日を含む。）が通算して七日に満たない間は、支給しない。

Article 21 The basic allowance is not paid if a qualified recipient has been unemployed for a period of less than seven days in total (including days on which the recipient is unable to work on account of disease or injury) from the day of the first application for employment to the Public Employment Security Office after separation from service pertaining to the recipient qualification for the basic allowance.

(所定給付日数)

(Prescribed Duration of Benefits)

第二十二条 一の受給資格に基づき基本手当を支給する日数（以下「所定給付日数」という。）は、次の各号に掲げる受給資格者の区分に応じ、当該各号に定める日数とする。

Article 22 (1) The number of days for which the basic allowance is payable based on single recipient qualification (hereinafter referred to as the "prescribed duration of benefits") is to be the number of days specified in each of the following items in accordance with the classification of qualified recipients listed in the respective items:

一 算定基礎期間が二十年以上である受給資格者 百五十日

(i) qualified recipients with a basic period for calculation of 20 years or more: 150 days;

二 算定基礎期間が十年以上二十年未満である受給資格者 百二十日

(ii) qualified recipients with a basic period for calculation of 10 years or more and less than 20 years: 120 days; and

三 算定基礎期間が十年未満である受給資格者 九十日

(iii) qualified recipients with a basic period for calculation of less than 10 years: 90 days.

2 前項の受給資格者で厚生労働省令で定める理由により就職が困難なものに係る所定給付日数は、同項の規定にかかわらず、その算定基礎期間が一年以上の受給資格者にあつては次の各号に掲げる当該受給資格者の区分に応じ当該各号に定める日数とし、その算定基礎期間が一年未満の受給資格者にあつては百五十日とする。

(2) Notwithstanding the provisions of the preceding paragraph, the prescribed



duration of benefits for qualified recipients set forth in the preceding paragraph who have difficulty in finding employment for reasons specified by Order of the Ministry of Health, Labour and Welfare is to be the number of days specified in the following items in accordance with the classification of qualified recipients listed in those items for those with a basic period for calculation equal to or exceeding one year, and 150 days for those with a basic period for calculation of less than one year:

一 基準日において四十五歳以上六十五歳未満である受給資格者 三百六十日

(i) qualified recipients who are 45 years old or older and under 65 years old on the basis day: 360 days; and

二 基準日において四十五歳未満である受給資格者 三百日

(ii) qualified recipients who are under 45 years old on the basis day: 300 days.

3 前二項の算定基礎期間は、これらの規定の受給資格者が基準日まで引き続いて同一の事業主の適用事業に被保険者として雇用された期間（当該雇用された期間に係る被保険者となつた日前に被保険者であつたことがある者については、当該雇用された期間と当該被保険者であつた期間を通算した期間）とする。ただし、当該期間に次の各号に掲げる期間が含まれているときは、当該各号に掲げる期間に該当するすべての期間を除いて算定した期間とする。

(3) The basic period for calculation referred to in the preceding two paragraphs is to be the period in which a qualified recipient specified in those provisions has been employed as an insured person in a covered undertaking by the same employer continuously until the basis day (for a person who had at one time been an insured person before the person became an insured person pertaining to the employment period, the total of that employment period and the period for which they were the insured person); provided, however, that in the case where the period includes periods listed in the following items, the period is to be that calculated by excluding all the periods falling under the periods listed in those respective items:

一 当該雇用された期間又は当該被保険者であつた期間に係る被保険者となつた日の直前の被保険者でなくなつた日が当該被保険者となつた日以前一年の期間内になくときは、当該直前の被保険者でなくなつた日以前の被保険者であつた期間

(i) when the employment period or the day on which a person most recently ceased to be an insured person immediately preceding the day on which the person became an insured person pertaining to the insured period, is not within the one-year period preceding the day on which the person became an insured person, the insured period preceding that immediately preceding the day on which the person most recently ceased to be an insured person; and

二 当該雇用された期間に係る被保険者となつた日前に基本手当又は特例一時金の支給を受けたことがある者については、これらの給付の受給資格又は第三十九条第二項に規定する特例受給資格に係る離職の日以前の被保険者であつた期間

(ii) for those who had received the basic allowance or a special lump sum

payment before the day on which they became insured persons pertaining to the employment period, the period during which they were insured persons before the day of their separation from service pertaining to the recipient qualification for these benefits or to the special recipient qualification prescribed in Article 39, paragraph (2).

- 4 一の被保険者であつた期間に関し、被保険者となつた日が第九条の規定による被保険者となつたことの確認があつた日の二年前の日より前であるときは、当該確認があつた日の二年前の日に当該被保険者となつたものとみなして、前項の規定による算定を行うものとする。

(4) With regard to a single insured period, if the day on which a person became an insured person was before the day two years preceding the day on which confirmation of the person's status as an insured person was made pursuant to the provisions of Article 9, the calculations under the preceding paragraph are to be carried out by deeming that the person has become an insured person on the day two years preceding the day of the confirmation.

第二十三条 特定受給資格者（前条第三項に規定する算定基礎期間（以下この条において単に「算定基礎期間」という。）が一年（第三号から第五号までに掲げる特定受給資格者にあつては、五年）以上のものに限る。）に係る所定給付日数は、前条第一項の規定にかかわらず、次の各号に掲げる当該特定受給資格者の区分に応じ、当該各号に定める日数とする。

Article 23 (1) Notwithstanding the provisions of paragraph (1) of the preceding Article, the prescribed duration of benefits for specific qualified recipients (limited to those with the basic period for calculation prescribed in paragraph (3) of the preceding Article (hereinafter simply referred to as "basic period for calculation" in this Article) for one year or more (or for five years for the specific qualified recipients listed in items (iii) through (v)) is to be the number of days specified in the following items, in accordance with the classification of the specific qualified recipients listed in those items:

一 基準日において六十歳以上六十五歳未満である特定受給資格者 次のイからニまでに掲げる算定基礎期間の区分に応じ、当該イからニまでに定める日数

(i) specific qualified recipients who are 60 years old or older and under 65 years old on the basis day: the number of days specified in the following sub-items (a) through (d), in accordance with the classification of the basic periods for calculation listed in those sub-items (a) through (d):

イ 二十年以上 二百四十日

(a) twenty years or more: 240 days;

ロ 十年以上二十年未満 二百十日

(b) ten years or more and less than twenty years: 210 days;

ハ 五年以上十年未満 百八十日

(c) five years or more and less than ten years: 180 days; and

- ニ 一年以上五年未満 百五十日  
 (d) one year or more and less than five years: 150 days;
- 二 基準日において四十五歳以上六十歳未満である特定受給資格者 次のイからニまでに掲げる算定基礎期間の区分に応じ、当該イからニまでに定める日数  
 (ii) specific qualified recipients who are 45 years old or older and under 60 years old on the basis day: the number of days specified in the following sub-items (a) through (d), in accordance with the classification of the basic periods for calculation listed in those sub-items (a) through (d):
- イ 二十年以上 三百三十日  
 (a) twenty years or more: 330 days;
- ロ 十年以上二十年未満 二百七十日  
 (b) ten years or more and less than twenty years: 270 days;
- ハ 五年以上十年未満 二百四十日  
 (c) five years or more and less than ten years: 240 days; and
- ニ 一年以上五年未満 百八十日  
 (d) one year or more and less than five years: 180 days.
- 三 基準日において三十五歳以上四十五歳未満である特定受給資格者 次のイからハまでに掲げる算定基礎期間の区分に応じ、当該イからハまでに定める日数  
 (iii) specific qualified recipients who are 35 years old or older and under 45 years old on the basis day: the number of days specified in the following sub-items (a) through (c), in accordance with the classification of the basic periods for calculation listed in those sub-items (a) through (c):
- イ 二十年以上 二百七十日  
 (a) twenty years or more: 270 days;
- ロ 十年以上二十年未満 二百四十日  
 (b) ten years or more and less than twenty years: 240 days; and
- ハ 五年以上十年未満 百八十日  
 (c) five years or more and less than ten years: 180 days.
- 四 基準日において三十歳以上三十五歳未満である特定受給資格者 次のイからハまでに掲げる算定基礎期間の区分に応じ、当該イからハまでに定める日数  
 (iv) specific qualified recipients who are 30 years old or older and under 35 years old on the basis day: the number of days specified in the following sub-items (a) through (c), in accordance with the classification of the basic periods for calculation listed in those sub-items (a) through (c):
- イ 二十年以上 二百四十日  
 (a) twenty years or more: 240 days;
- ロ 十年以上二十年未満 二百十日  
 (b) ten years or more and less than twenty years: 210 days; and
- ハ 五年以上十年未満 百八十日  
 (c) five years or more and less than ten years: 180 days.
- 五 基準日において三十歳未満である特定受給資格者 次のイ又はロに掲げる算定基

礎期間の区分に応じ、当該イ又はロに定める日数

(v) specific qualified recipients who are under 30 years old on the basis day: the number of days specified in the following sub-item (a) or (b), in accordance with the classification of the basic periods for calculation listed in those sub-item (a) or (b):

イ 十年以上 百八十日

(a) ten years or more: 180 days; and

ロ 五年以上十年未満 百二十日

(b) five years or more and less than ten years: 120 days.

2 前項の特定受給資格者とは、次の各号のいずれかに該当する受給資格者（前条第二項に規定する受給資格者を除く。）をいう。

(2) The specific qualified recipients set forth in the preceding paragraph are qualified recipients who fall under either of the following items (excluding qualified recipients prescribed in paragraph (2) of the preceding Article):

一 当該基本手当の受給資格に係る離職が、その者を雇用していた事業主の事業について発生した倒産（破産手続開始、再生手続開始、更生手続開始又は特別清算開始の申立てその他厚生労働省令で定める事由に該当する事態をいう。第五十七条第二項第一号において同じ。）又は当該事業主の適用事業の縮小若しくは廃止に伴うものである者として厚生労働省令で定めるもの

(i) persons whose separation from service pertaining to recipient qualification for the basic allowance has been designated by Order of the Ministry of Health, Labour and Welfare as having accompanied the insolvency (meaning the commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, commencement of reorganization proceedings, an application for the commencement of special liquidation or other situations falling under reasons specified by Order of the Ministry of Health, Labour and Welfare; the same applies in Article 57, paragraph (2), item (i) that occurred with regard to the undertaking by an employer who has been employing the persons, or the downsizing or discontinuance of a covered undertaking by the employer;

二 前号に定めるもののほか、解雇（自己の責めに帰すべき重大な理由によるものを除く。第五十七条第二項第二号において同じ。）その他の厚生労働省令で定める理由により離職した者

(ii) beyond what is set forth in the preceding item, persons who have been dismissed (excluding those who have been dismissed for serious grounds attributable to themselves; the same applies in Article 57, paragraph (2), item (ii)) or separated from service for other reasons specified by Order of the Ministry of Health, Labour and Welfare.

(訓練延長給付)

(Extended Training Benefits)

第二十四条 受給資格者が公共職業安定所長の指示した公共職業訓練等（その期間が政令で定める期間を超えるものを除く。以下この条、第三十六条第一項及び第二項並びに第四十一条第一項において同じ。）を受ける場合には、当該公共職業訓練等を受ける期間（その者が当該公共職業訓練等を受けるため待期している期間（政令で定める期間に限る。）を含む。）内の失業している日について、所定給付日数（当該受給資格者が第二十条第一項及び第二項の規定による期間内に基本手当の支給を受けた日数が所定給付日数に満たない場合には、その支給を受けた日数。第三十三条第三項を除き、以下この節において同じ。）を超えてその者に基本手当を支給することができる。

Article 24 (1) When a qualified recipient takes public vocational training, etc. as directed by the Chief of the Public Employment Security Office (excluding the training, etc. that exceeds the duration specified by Cabinet Order; hereinafter the same applies in this Article, Article 36, paragraphs (1) and (2), and Article 41, paragraph (1)), the basic allowance may be paid to the person for a period in excess of the prescribed duration of benefits (if the number of days for which the qualified recipient has received payment of the basic allowance within the period under Article 20, paragraphs (1) and (2) is less than the prescribed duration of benefits, the number of days for which the recipient has received payment of the basic allowance; hereinafter the same applies in this Section, except for Article 33, paragraph (3)), with regard to days when the person is unemployed during the duration of the public vocational training, etc. (including period of time that the person spends waiting in order to receive the public vocational training, etc. (limited to the period specified by Cabinet Order)).

2 公共職業安定所長が、その指示した公共職業訓練等を受ける受給資格者（その者が当該公共職業訓練等を受け終わる日における基本手当の支給残日数（当該公共職業訓練等を受け終わる日の翌日から第四項の規定の適用がないものとした場合における受給期間（当該期間内の失業している日について基本手当の支給を受けることができる期間をいう。以下同じ。）の最後の日までの間に基本手当の支給を受けることができる日数をいう。以下この項及び第四項において同じ。）が政令で定める日数に満たないものに限る。）で、政令で定める基準に照らして当該公共職業訓練等を受け終わってもなお就職が相当程度に困難な者であると認めたものについては、同項の規定による期間内の失業している日について、所定給付日数を超えてその者に基本手当を支給することができる。この場合において、所定給付日数を超えて基本手当を支給する日数は、前段に規定する政令で定める日数から支給残日数を差し引いた日数を限度とするものとする。

(2) When the chief of the Public Employment Security Office finds, in light of criteria specified by Cabinet Order, that a qualified recipient receiving public vocational training, etc. they directed to undergo (limited to qualified recipients for whom the remaining number of basic allowance benefit days as on the day of completion of the public vocational training, etc. (meaning the number of days for which the basic allowance is payable within the period from

the day after the day of completion of the course of public vocational training, etc. to the last day of the benefit period (meaning the period for which the basic allowance is payable for days they are unemployed within the period; the same applies hereinafter) in the case where the provisions of paragraph (4) are considered not to apply; hereinafter the same applies in this paragraph and paragraph (4) is less than the number of days specified by Cabinet Order), is a person who has considerable difficulty in finding employment even after completion of the public vocational training, etc., the basic allowance may be paid to that person in excess of the prescribed duration of benefits with regard to the days they are unemployed within the period prescribed in paragraph (4). In this case, the number of days for which the basic allowance is payable in excess of the prescribed duration of benefits is limited to the number of days obtained by deducting the remaining number of benefit days from the number of days specified by Cabinet Order as prescribed in the first sentence of this paragraph.

3 第一項の規定による基本手当の支給を受ける受給資格者が第二十条第一項及び第二項の規定による期間を超えて公共職業安定所長の指示した公共職業訓練等を受けるときは、その者の受給期間は、これらの規定にかかわらず、当該公共職業訓練等を受け終わる日までの間とする。

(3) When a qualified recipient who receives payment of the basic allowance pursuant to the provisions of paragraph (1) takes public vocational training, etc. as directed by the chief of the Public Employment Security Office in excess of the duration of benefits prescribed in Article 20, paragraphs (1) and (2), that person's benefit period is to be the period until the day of completion of the public vocational training, etc., notwithstanding these provisions.

4 第二項の規定による基本手当の支給を受ける受給資格者の受給期間は、第二十条第一項及び第二項の規定にかかわらず、これらの規定による期間に第二項前段に規定する政令で定める日数から支給残日数を差し引いた日数を加えた期間（同条第一項及び第二項の規定による期間を超えて公共職業安定所長の指示した公共職業訓練等を受ける者で、当該公共職業訓練等を受け終わる日について第一項の規定による基本手当の支給を受けることができるものにあつては、同日から起算して第二項前段に規定する政令で定める日数を経過した日までの間）とする。

(4) Notwithstanding the provisions of Article 20, paragraphs (1) and (2), the benefit period for a qualified recipient who receives payment of the basic allowance under the provisions of paragraph (2) is to be the period obtained by adding to the period specified in these provisions the number of days obtained by deducting the remaining number of benefit days from the number of days specified by Cabinet Order as prescribed in the first sentence of paragraph (2) of this Article (for persons who take public vocational training, etc. as directed by the chief of the Public Employment Security Office in excess of the duration of benefits prescribed in paragraphs (1) and (2) of the same Article and who are

qualified to receive payment of the basic allowance pursuant to the provisions of paragraph (1), with regard to the day of completion of the public vocational training, etc., the period from that day until the day on which the number of days specified by Cabinet Order as prescribed in the first sentence of paragraph (2) have elapsed).

(広域延長給付)

**(Wide Area Extended Benefits)**

第二十五条 厚生労働大臣は、その地域における雇用に関する状況等から判断して、その地域内に居住する求職者がその地域において職業に就くことが困難であると認める地域について、求職者が他の地域において職業に就くことを促進するための計画を作成し、関係都道府県労働局長及び公共職業安定所長に、当該計画に基づく広範囲の地域にわたる職業紹介活動（以下この条において「広域職業紹介活動」という。）を行わせた場合において、当該広域職業紹介活動に係る地域について、政令で定める基準に照らして必要があると認めるときは、その指定する期間内に限り、公共職業安定所長が当該地域に係る当該広域職業紹介活動により職業のあつせんを受けることが適当であると認定する受給資格者について、第四項の規定による期間内の失業している日について、所定給付日数を超えて基本手当を支給する措置を決定することができる。この場合において、所定給付日数を超えて基本手当を支給する日数は、政令で定める日数を限度とするものとする。

Article 25 (1) When the Minister of Health, Labour and Welfare finds that it is difficult for job applicants residing in a certain area to find employment in the area, based on employment and other conditions in the area, has formulated plans to promote the employment of the job applicants in other areas and has had the relevant Prefectural Labor Director and the chief of the Public Employment Security Offices carry out employment placement activities over a wide area based on these plans (hereinafter referred to as "wide area employment placement activities" in this Article), and also finds it necessary in light of the standards specified by Cabinet Order for the area covered by the wide area employment placement activities, the Minister may make a decision on the measures for paying the basic allowance to qualified recipients whom the chief of the Public Employment Security Office certifies to be appropriate to be referred to employment through wide area employment placement activities for the area, in excess of the prescribed duration of benefits, with regard to the days the applicants are unemployed within the period prescribed in paragraph (4), but limited to the period designated by the Minister. In this case, the number of days for which the basic allowance is payable in excess of the prescribed duration of benefits is to be limited to the number of benefit days specified by Cabinet Order.

2 前項の措置に基づく基本手当の支給（以下「広域延長給付」という。）を受けることができる者が厚生労働大臣の指定する地域に住所又は居所を変更した場合には、引

き続き当該措置に基づき基本手当を支給することができる。

- (2) When a person who is qualified to receive payment of the basic allowance based on the measures set forth in the preceding paragraph (hereinafter referred to as the "wide area extended benefits") has changed their domicile or residence to a place within the area designated by the Minister of Health, Labour and Welfare, the basic allowance may continue to be paid based on the measures.
- 3 公共職業安定所長は、受給資格者が広域職業紹介活動により職業のあつせんを受けることが適当であるかどうかを認定するときは、厚生労働大臣の定める基準によらなければならない。
- (3) In certifying whether or not a qualified recipient is appropriate for referral to employment through wide area employment placement activities, the certification of the chief of the Public Employment Security Office must conform to the standards specified by the Minister of Health, Labour and Welfare.
- 4 広域延長給付を受ける受給資格者の受給期間は、第二十条第一項及び第二項の規定にかかわらず、これらの規定による期間に第一項後段に規定する政令で定める日数を加えた期間とする。
- (4) Notwithstanding the provisions of Article 20, paragraphs (1) and (2), the benefit period for a qualified recipient who is to receive payment of the wide area extended benefits is to be the period obtained by adding the number of days specified by Cabinet Order as prescribed in the second sentence of paragraph (1) to the period specified in these provisions.

第二十六条 前条第一項の措置が決定された日以後に他の地域から当該措置に係る地域に移転した受給資格者であつて、その移転について特別の理由がないと認められるものには、当該措置に基づく基本手当は、支給しない。

Article 26 (1) The basic allowance based on the measures referred to in paragraph (1) of the preceding Article is not paid to a qualified recipient who, on or after the day on which the decision on the measures was made, has relocated from another area to the area covered by the measures and has been found to have no special reason for the relocation.

2 前項に規定する特別の理由があるかどうかの認定は、公共職業安定所長が厚生労働大臣の定める基準に従つてするものとする。

(2) In certifying whether or not there is any special reason prescribed in the preceding paragraph, the certification is to be made by the chief of the Public Employment Security Office in accordance with the standards specified by the Minister of Health, Labour and Welfare.

(全国延長給付)

(National Extended Benefits)



第二十七条 厚生労働大臣は、失業の状況が全国的に著しく悪化し、政令で定める基準に該当するに至った場合において、受給資格者の就職状況からみて必要があると認めるときは、その指定する期間内に限り、第三項の規定による期間内の失業している日について、所定給付日数を超えて受給資格者に基本手当を支給する措置を決定することができる。この場合において、所定給付日数を超えて基本手当を支給する日数は、政令で定める日数を限度とするものとする。

Article 27 (1) The Minister of Health, Labour and Welfare may, when there has been a severe nationwide worsening of unemployment situation reaching the standards specified by Cabinet Order, and the Minister finds it necessary from the perspective of employment prospects for qualified recipients, make a decision on measures to pay the basic allowance to qualified recipients in excess of the prescribed duration of benefits, for a limited period designated by the Minister, with regard to the days the recipients are unemployed within the period prescribed in paragraph (3). In this case, the number of days for which the basic allowance is payable in excess of the prescribed duration of benefits is to be limited to the number of days specified by Cabinet Order.

2 厚生労働大臣は、前項の措置を決定した後において、政令で定める基準に照らして必要があると認めるときは、同項の規定により指定した期間（その期間がこの項の規定により延長されたときは、その延長された期間）を延長することができる。

(2) The Minister of Health, Labour and Welfare, when finding it necessary in light of the standards specified by Cabinet Order after having made a decision on the measures referred to in the preceding paragraph, may extend the period designated under the provisions of the preceding paragraph (when the period has been extended under the provisions of this paragraph, that extended period).

3 第一項の措置に基づく基本手当の支給（以下「全国延長給付」という。）を受ける受給資格者の受給期間は、第二十条第一項及び第二項の規定にかかわらず、これらの規定による期間に第一項後段に規定する政令で定める日数を加えた期間とする。

(3) Notwithstanding the provisions of Article 20, paragraphs (1) and (2), the benefit period for a qualified recipient who is qualified to receive payment of the basic allowance based on the measures referred to in paragraph (1) (hereinafter referred to as the "national extended benefits") is to be the period obtained by adding the number of days specified by Cabinet Order as prescribed in the second sentence of paragraph (1) to the period specified in these provisions.

（延長給付に関する調整）

(Adjustment Concerning Extended Benefits)

第二十八条 広域延長給付を受けている受給資格者については、当該広域延長給付が終わった後でなければ全国延長給付及び訓練延長給付（第二十四条第一項又は第二項の規定による基本手当の支給をいう。以下同じ。）は行わず、全国延長給付を受けてい

る受給資格者については、当該全国延長給付が終わった後でなければ訓練延長給付は行わない。

Article 28 (1) With regard to qualified recipients receiving the wide area extended benefits, unless payment of the wide area extended benefits has ended, the national extended benefits and the training extended benefits (meaning payment of the basic allowance under the provisions of Article 24, paragraph (1) or paragraph (2); the same applies hereinafter) are not paid; with regard to qualified recipients receiving the national extended benefits, unless payment of the national extended benefits has ended, the training extended benefits are not paid.

2 訓練延長給付を受けている受給資格者について広域延長給付又は全国延長給付が行われることとなつたときは、これらの延長給付が行われる間は、その者について訓練延長給付は行わず、全国延長給付を受けている受給資格者について広域延長給付が行われることとなつたときは、広域延長給付が行われる間は、その者について全国延長給付は行わない。

(2) If it has been decided that the wide area extended benefits or the national extended benefits is to be paid to a qualified recipient receiving the training extended benefits, the training extended benefits are not be paid to the person when such extended benefits are being paid; if it has been decided that the wide area extended benefits are to be paid to a qualified recipient receiving the national extended benefits, the national extended benefits are not paid to the person when the wide area extended benefits are being paid.

3 前二項に規定するもののほか、第一項に規定する各延長給付を順次受ける受給資格者に係る基本手当を支給する日数、受給期間その他これらの延長給付についての調整に関して必要な事項は、政令で定める。

(3) Beyond what is set forth in the preceding two paragraphs, the number of days for which the basic allowance is payable, the benefit period, and other matters necessary for the adjustment of extended benefits for qualified recipients who consecutively receive payment of various kinds of extended benefits prescribed in paragraph (1), are specified by Cabinet Order.

(給付日数を延長した場合の給付制限)

**(Restriction on Benefits When the Duration of Benefits Has Been Extended)**

第二十九条 訓練延長給付（第二十四条第二項の規定による基本手当の支給に限る。第三十二条第一項において同じ。）、広域延長給付又は全国延長給付を受けている受給資格者が、正当な理由がなく、公共職業安定所の紹介する職業に就くこと、公共職業安定所長の指示した公共職業訓練等を受けること又は厚生労働大臣の定める基準に従って公共職業安定所が行うその者の再就職を促進するために必要な職業指導を受けることを拒んだときは、その拒んだ日以後基本手当を支給しない。ただし、その者が新たに受給資格を取得したときは、この限りでない。

Article 29 (1) If a qualified recipient receiving the training extended benefits

(limited to payment of the basic allowance under the provisions of Article 24, paragraph (2); the same applies in Article 32, paragraph (1)), the wide area extended benefits, or the national extended benefits has refused, without legitimate grounds, to take up the employment which has been referred to by the Public Employment Security Office, to take a course of public vocational training, etc., as directed by the chief of the Public Employment Security Office, or to receive the vocational guidance necessary for facilitating re-employment given by the Public Employment Security Office in accordance with the standards specified by the Minister of Health, Labour and Welfare, the basic allowance is not to be paid as from the date of the refusal; provided, however, that this does not apply when the person has newly obtained recipient qualification.

2 前項に規定する正当な理由があるかどうかの認定は、公共職業安定所長が厚生労働大臣の定める基準に従つてするものとする。

(2) The chief of the Public Employment Security Office is to certify whether or not there are legitimate grounds prescribed in the preceding paragraph in accordance with the standards specified by the Minister of Health, Labour and Welfare.

(支給方法及び支給期日)

(Method and Date of Payment)

第三十条 基本手当は、厚生労働省令で定めるところにより、四週間に一回、失業の認定を受けた日分を支給するものとする。ただし、厚生労働大臣は、公共職業安定所長の指示した公共職業訓練等を受ける受給資格者その他厚生労働省令で定める受給資格者に係る基本手当の支給について別段の定めをすることができる。

Article 30 (1) The basic allowance is to be paid once every four weeks, with regard to the days for which the recognition of unemployment has been given, as prescribed by Order of the Ministry of Health, Labour and Welfare; provided, however, that the Minister of Health, Labour and Welfare may specify differently for the payment of the basic allowance to qualified recipients who take a course of public vocational training, etc., as directed by the chief of the Public Employment Security Office and to other qualified recipients as specified by Order of the Ministry of Health, Labour and Welfare.

2 公共職業安定所長は、各受給資格者について基本手当を支給すべき日を定め、その者に通知するものとする。

(2) The chief of the Public Employment Security Office is to specify the date to pay the basic allowance to each qualified recipient and inform the recipient thereof.

(未支給の基本手当の請求手続)

(Procedures for Demanding Unpaid Basic Allowance)

第三十一条 第十条の三第一項の規定により、受給資格者が死亡したため失業の認定を受けることができなかつた期間に係る基本手当の支給を請求する者は、厚生労働省令で定めるところにより、当該受給資格者について失業の認定を受けなければならない。

Article 31 (1) A person, who demands under the provisions of Article 10-3, paragraph (1) for payment of the basic allowance for a period for which the recognition of unemployment could not be obtained due to the death of the qualified recipient, must obtain the recognition of unemployment for the qualified recipient pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

2 前項の受給資格者が第十九条第一項の規定に該当する場合には、第十条の三第一項の規定による未支給の基本手当の支給を受けるべき者は、厚生労働省令で定めるところにより、第十九条第一項の収入の額その他の事項を公共職業安定所長に届け出なければならない。

(2) If a qualified recipient set forth in the preceding paragraph falls under the provisions of Article 19, paragraph (1), the person who is to be paid the unpaid part of the basic allowance pursuant to the provisions of Article 10-3, paragraph (1) must, as prescribed by Order of the Ministry of Health, Labour and Welfare, notify the amount of income referred to in Article 19, paragraph (1) and other matters to the chief of the Public Employment Security Office.

(給付制限)

(Restriction on Benefits)

第三十二条 受給資格者（訓練延長給付、広域延長給付又は全国延長給付を受けている者を除く。以下この条において同じ。）が、公共職業安定所の紹介する職業に就くこと又は公共職業安定所長の指示した公共職業訓練等を受けることを拒んだときは、その拒んだ日から起算して一箇月間は、基本手当を支給しない。ただし、次の各号のいずれかに該当するときは、この限りでない。

Article 32 (1) If a qualified recipient (excluding one who is receiving the training extended benefits, wide area extended benefits, or national extended benefits; hereinafter the same applies in this Article) has refused to take up the employment which has been referred to by the Public Employment Security Office or to take a course of public vocational training, etc., as directed by the chief of the Public Employment Security Office, the basic allowance is not to be paid for one month as from the date of the refusal; provided, however, that this does not apply to the case where the person falls under any of the following items:

一 紹介された職業又は公共職業訓練等を受けることを指示された職種が、受給資格者の能力からみて不適當であると認められるとき。

(i) when it is found that the occupation to which the qualified recipient has been referred, or the type of occupation for which they have been directed to take public vocational training, etc. is not appropriate in light of their

abilities;

二 就職するため、又は公共職業訓練等を受けるため、現在の住所又は居所を変更することを要する場合において、その変更が困難であると認められるとき。

(ii) when a change to the current domicile or residence would be required in order to take up the employment or take public vocational training, etc., and it is found that the change would be difficult;

三 就職先の賃金が、同一地域における同種の業務及び同程度の技能に係る一般の賃金水準に比べて、不当に低いとき。

(iii) when the wage offered by the employer is unjustifiably low in comparison to the general wage level of work for the same degree of skill in the same kind of business in the same area;

四 職業安定法第二十条（第二項ただし書を除く。）の規定に該当する事業所に紹介されたとき。

(iv) when the recipient has been referred to a place of business that falls under the provisions of Article 20 (excluding the proviso of paragraph (2)) of the Employment Security Act; or

五 その他正当な理由があるとき。

(v) when there is any other legitimate grounds.

2 受給資格者が、正当な理由がなく、厚生労働大臣の定める基準に従つて公共職業安定所が行うその者の再就職を促進するために必要な職業指導を受けることを拒んだときは、その拒んだ日から起算して一箇月を超えない範囲内において公共職業安定所長の定める期間は、基本手当を支給しない。

(2) If a qualified recipient has refused, without legitimate grounds, to receive vocational guidance necessary for facilitating re-employment given by the Public Employment Security Office in accordance with the standards specified by the Minister of Health, Labour and Welfare, the basic allowance is not paid during the period specified by the chief of the Public Employment Security Office within a limit not exceeding one month calculated from the day of the refusal.

3 受給資格者についての第一項各号のいずれかに該当するかどうかの認定及び前項に規定する正当な理由があるかどうかの認定は、公共職業安定所長が厚生労働大臣の定める基準に従つてするものとする。

(3) The chief of the Public Employment Security Office is to certify whether a qualified recipient falls under any of the items of paragraph (1) and whether any legitimate grounds prescribed in the preceding paragraph exists, in accordance with the standards specified by the Minister of Health, Labour and Welfare.

第三十三条 被保険者が自己の責めに帰すべき重大な理由によつて解雇され、又は正当な理由がなく自己の都合によつて退職した場合には、第二十一条の規定による期間の満了後一箇月以上三箇月以内の間で公共職業安定所長の定める期間は、基本手当を支

給しない。ただし、公共職業安定所長の指示した公共職業訓練等を受ける期間及び当該公共職業訓練等を受け終わった日後の期間については、この限りでない。

Article 33 (1) If an insured person has been dismissed due to serious grounds attributable to themselves or has resigned voluntarily without legitimate grounds, the basic allowance is not to be paid for a period specified by the chief of the Public Employment Security Office of one month or more and less than three months, following the expiration of the period prescribed in Article 21; provided, however, that this does not apply to a period during which the person takes public vocational training, etc. as directed by the chief of the Public Employment Security Office, nor to a period after the day of completion of the public vocational training, etc.

2 受給資格者が前項の場合に該当するかどうかの認定は、公共職業安定所長が厚生労働大臣の定める基準に従つてするものとする。

(2) The chief of the Public Employment Security Office is to certify whether or not a qualified recipient falls under any of the cases set forth in the preceding paragraph, in accordance with the standards specified by the Minister of Health, Labour and Welfare.

3 基本手当の受給資格に係る離職について第一項の規定により基本手当を支給しないこととされる場合において、当該基本手当を支給しないこととされる期間に七日を超え三十日以下の範囲内で厚生労働省令で定める日数及び当該受給資格に係る所定給付日数に相当する日数を加えた期間が一年（当該基本手当の受給資格に係る離職の日において第二十二条第二項第一号に該当する受給資格者にあつては、一年に六十日を加えた期間）を超えるときは、当該受給資格者の受給期間は、第二十条第一項及び第二項の規定にかかわらず、これらの規定による期間に当該超える期間を加えた期間とする。

(3) When the basic allowance is not payable under the provisions of paragraph (1) with regard to the separation from service pertaining to recipient qualification for the basic allowance and the period obtained by adding to the period in which the basic allowance is not payable the number of days specified by Order of the Ministry of Health, Labour and Welfare in the range of more than 7 days and less than 30 days and the number of days equivalent to the prescribed duration of benefits pertaining to the recipient qualification exceeds one year (a period obtained by adding 60 days to one year for a qualified recipient who falls under Article 22, paragraph (2), item (i) on the day of separation from service pertaining to recipient qualification for the basic allowance), notwithstanding the provisions of Article 20, paragraphs (1) and (2), the benefit period for the qualified recipient is to be the period obtained by adding to the period prescribed in these provisions the period in excess of one year.

4 前項の規定に該当する受給資格者については、第二十四条第一項中「第二十条第一項及び第二項」とあるのは、「第三十三条第三項」とする。

(4) With regard to qualified recipients falling under the provisions of the

preceding paragraph, the term "Article 20, paragraphs (1) and (2)" in Article 24, paragraph (1) is deemed to be replaced with "Article 33, paragraph (1)."

5 第三項の規定に該当する受給資格者が広域延長給付、全国延長給付又は訓練延長給付を受ける場合におけるその者の受給期間についての調整に関して必要な事項は、厚生労働省令で定める。

(5) When a qualified recipient falling under the provisions of paragraph (3) receives payment of the wide area extended benefits, national extended benefits, or training extended benefits, the necessary matters concerning adjustments of the benefit period for the person are specified by Order of the Ministry of Health, Labour and Welfare.

第三十四条 偽りその他不正の行為により求職者給付又は就職促進給付の支給を受け、又は受けようとした者には、これらの給付の支給を受け、又は受けようとした日以後、基本手当を支給しない。ただし、やむを得ない理由がある場合には、基本手当の全部又は一部を支給することができる。

Article 34 (1) The basic allowance is not paid to a person who has received or attempted to receive payment of the job applicant benefits or employment promotion benefits by deception or other wrongful acts, as from the day on which the person received or attempted to receive payment of those benefits; provided, however, that if there are unavoidable circumstances, the whole or a part of the basic allowance may be paid.

2 前項に規定する者が同項に規定する日以後新たに受給資格を取得した場合には、同項の規定にかかわらず、その新たに取得した受給資格に基づく基本手当を支給する。

(2) If a person prescribed in the preceding paragraph has newly obtained recipient qualification after the day prescribed in the same paragraph, the basic allowance based on the newly obtained qualification is to be paid, notwithstanding the provisions of the preceding paragraph.

3 受給資格者が第一項の規定により基本手当を支給されないこととされたため、当該受給資格に基づき基本手当の支給を受けることができる日数の全部について基本手当の支給を受けることができなくなつた場合においても、第二十二条第三項の規定の適用については、当該受給資格に基づく基本手当の支給があつたものとみなす。

(3) Even if a qualified recipient has, because of having had payment of the basic allowance withheld under the provisions of paragraph (1), become unable to receive payment of the basic allowance for the entire number of benefit days for which the recipient would otherwise have been qualified to receive payment of the basic allowance based on the recipient qualification, with regard to the application of the provisions of Article 22, paragraph (3), it is deemed that the payment of the basic allowance based on the recipient qualification has been made.

4 受給資格者が第一項の規定により基本手当を支給されないこととされたため、同項に規定する日以後当該受給資格に基づき基本手当の支給を受けることができる日数の

全部又は一部について基本手当の支給を受けることができなくなつたときは、第三十七条第四項の規定の適用については、その支給を受けることができないこととされた日数分の基本手当の支給があつたものとみなす。

- (4) If a qualified recipient has, because of having had payment of the basic allowance withheld under the provisions of paragraph (1), become unable to receive payment of the basic allowance, as from the day prescribed in the same paragraph, for the whole or a part of the number of benefit days for which the recipient would otherwise have been qualified to receive payment of the basic allowance based on the recipient qualification, with respect to the application of the provisions of Article 37, paragraph (4), it is deemed that the payment of the basic allowance for the number of benefit days for which it has been decided that the basic allowance is not payable has been made.

(短時間労働被保険者以外の被保険者が引き続き短時間労働被保険者となつた場合等の特例)

(Special Provisions for Cases Where Insured Persons Other than Part-time Insured Workers Have Become Part-time Insured Workers without Interruption)

第三十五条 被保険者が同一の事業主の適用事業に引き続き雇用された期間に次に掲げる事由が生じた場合におけるこの款（第十五条第二項及び第三項、第二十条第二項、第二十一条、第二十三条並びに第三十三条を除く。）並びに第五十六条の二第三項第一号及び第五十七条第一項（受給資格に係る離職に限る。）の規定の適用については、当該被保険者は、当該事由の生じた日の前日に離職したものとみなす。

Article 35 (1) In the case where the following grounds have arisen during a period in which an insured person was continuously employed in a covered undertaking by the same employer, with regard to the application of the provisions of this Subsection (excluding Article 15, paragraphs (2) and (3), Article 20, paragraph (2), Article 21, Article 23, and Article 33), and Article 56-2, paragraph (3), item (i) and Article 57, paragraph (1) (limited to separation from service pertaining to the recipient qualification), it is deemed that the insured person has been separated from service on the day before the day on which the grounds have arisen:

一 短時間労働被保険者以外の被保険者が、短時間労働被保険者となつたこと。

(i) an insured person other than a part-time insured worker has become a part-time insured worker; or

二 短時間労働被保険者が、短時間労働被保険者以外の被保険者となつたこと。

(ii) a part-time insured worker has become an insured person other than a part-time insured worker.

- 2 前項に規定する場合における第十四条の規定の適用については、当該被保険者は、同項各号に掲げる事由の生じた日に被保険者でなくなり、かつ、同日に新たに被保険者となつたものとみなす。



- (2) With regard to the application of the provisions of Article 14 in cases prescribed in the preceding paragraph, it is deemed that the insured person has ceased to be an insured person on the day on which the grounds listed in each item of the preceding paragraph have arisen and has newly become an insured person on the same day.
- 3 第一項に規定する場合における第二十条第一項の規定の適用については、同項中「当該各号に定める期間（当該期間内）」とあるのは、「当該各号に定める期間と当該離職の日の翌日から引き続いて当該同一の事業主の適用事業に被保険者として雇用された最後の日までの期間に相当する期間（その期間が三年を超えるときは、三年とする。）とを合算した期間（当該合算した期間内）」とする。
- (3) With regard to the application of the provisions of Article 20, paragraph (1) in the cases prescribed in paragraph (1), the phrase "the period prescribed in each of the items (... within the period)" in Article 20, paragraph (1) is deemed to be replaced with "the total period obtained by adding the period prescribed in each of the items to the period equivalent to the period from the day after the day of separation from service until the last day of the period in which the person was continuously employed as an insured person in a covered undertaking by the same employer (when that period exceeds three years, three years) (... within the total period)."
- 4 第一項に規定する場合における第二十四条第一項、第三項及び第四項、第二十五条第四項、第二十七条第三項並びに第三十三条第三項及び第四項の規定の適用については、これらの規定中「第二十条第一項」とあるのは「第二十条第一項（第三十五条第三項において読み替えて適用する場合を含む。）」と、第二十四条第四項中「同条第一項」とあるのは「第二十条第一項（第三十五条第三項において読み替えて適用する場合を含む。）」と、第三十三条第四項中「第二十四条第一項」とあるのは「第三十五条第四項において読み替えて適用する第二十四条第一項」と、「第三十三条第三項」とあるのは「第三十三条第三項（第三十五条第四項において読み替えて適用する場合を含む。）」とする。
- (4) With regard to the application of the provisions of Article 24, paragraphs (1), (3) and (4), Article 25, paragraph (4), Article 27, paragraph (3), and Article 33, paragraphs (3) and (4) in cases prescribed in paragraph (1), the term "Article 20, paragraph (1)" in these provisions is deemed to be replaced with "Article 20, paragraph (1) (including as applied pursuant to Article 35, paragraph (3) following the deemed replacement of terms)", the term "paragraph (1) of the same Article" in Article 24, paragraph (4) is deemed to be replaced with "Article 20, paragraph (1) (including as applied pursuant to Article 35, paragraph (3) following the deemed replacement of terms)", the term "Article 24, paragraph (1)" in Article 33, paragraph (4) is deemed to be replaced with "Article 24, paragraph (1) as applied pursuant to Article 35, paragraph (4) following the deemed replacement of terms" and the term "Article 33, paragraph (3)" is deemed to be replaced with "Article 33, paragraph (3)

(including as applied pursuant to Article 35, paragraph (4) following the deemed replacement of terms)."

## 第二款 技能習得手当及び寄宿手当

### Subsection 2 Skill Acquisition Allowance and Lodging Allowance

(技能習得手当及び寄宿手当)

(Skill Acquisition Allowance and Lodging Allowance)

第三十六条 技能習得手当は、受給資格者が公共職業安定所長の指示した公共職業訓練等を受ける場合に、その公共職業訓練等を受ける期間について支給する。

Article 36 (1) When a qualified recipient takes a course of public vocational training, etc., as directed by the chief of the Public Employment Security Office, skill acquisition allowance is paid for the period of the course.

2 寄宿手当は、受給資格者が、公共職業安定所長の指示した公共職業訓練等を受けるため、その者により生計を維持されている同居の親族（婚姻の届出をしていないが、事実上その者と婚姻関係と同様の事情にある者を含む。第五十八条第二項において同じ。）と別居して寄宿する場合に、その寄宿する期間について支給する。

(2) When a qualified recipient takes up lodging separately from cohabiting relatives whom the recipient is supporting financially (including a person with whom a marriage is not registered but with whom the recipient is in a de facto marital relationship; the same applies in Article 58, paragraph (2)) in order to take public vocational training, etc. as directed by the chief of the Public Employment Security Office, lodging allowance is paid for the period of lodging.

3 第三十二条第一項若しくは第二項又は第三十三条第一項の規定により基本手当を支給しないこととされる期間については、技能習得手当及び寄宿手当を支給しない。

(3) The skill acquisition allowance and the lodging allowance are not paid for the period for which the basic allowance is not to be paid pursuant to the provisions of Article 32, paragraphs (1) and (2) or Article 33, paragraph (1).

4 技能習得手当及び寄宿手当の支給要件及び額は、厚生労働省令で定める。

(4) The requirements for payment and the amount of the skill acquisition allowance and of the lodging allowance are specified by Order of the Ministry of Health, Labour and Welfare.

5 第三十四条第一項及び第二項の規定は、技能習得手当及び寄宿手当について準用する。

(5) The provisions of Article 34, paragraphs (1) and (2) apply mutatis mutandis to the skill acquisition allowance and the lodging allowance.

## 第三款 傷病手当

### Subsection 3 Injury and Disease Allowance

(傷病手当)

(Injury and Disease Allowance)

第三十七条 傷病手当は、受給資格者が、離職後公共職業安定所に出頭し、求職の申込みをした後において、疾病又は負傷のために職業に就くことができない場合に、第二十条第一項（第三十五条第三項において読み替えて適用する場合を含む。第五十六条の二第一項第一号及び第三項第一号、第五十七条第一項及び第二項並びに第七十八条において同じ。）及び第二項の規定による期間（第三十三条第三項（第三十五条第四項において読み替えて適用する場合を含む。以下この項、第五十六条の二第一項第一号及び第三項第一号並びに第五十七条第一項及び第二項において同じ。）の規定に該当する者については第三十三条第三項の規定による期間とし、第五十七条第一項の規定に該当する者については同項の規定による期間とする。）内の当該疾病又は負傷のために基本手当の支給を受けることができない日（疾病又は負傷のために基本手当の支給を受けることができないことについての認定を受けた日に限る。）について、第四項の規定による日数に相当する日数分を限度として支給する。

Article 37 (1) If a qualified recipient becomes unable to work due to disease or injury after making an appearance and applying for employment at the Public Employment Security Office following separation from service, injury and disease allowance is to be paid, within the limit of the number of days equivalent to the number of days prescribed in paragraph (4), with regard to the days within the period prescribed in Article 20, paragraph (1) (including as applied pursuant to Article 35, paragraph (3) following the deemed replacement of terms; the same applies in Article 56-2, paragraphs (1), item (i), paragraph (3), item (i), Article 57, paragraphs (1) and (2), and Article 78) and Article 20, paragraph (2) (for those falling under the provisions of Article 33, paragraph (3) (including as applied pursuant to Article 35, paragraph (4) following the deemed replacement of terms; hereinafter the same applies in this paragraph, Article 56-2, paragraph (1), item (i) and paragraph (3), item (i), and Article 57, paragraphs (1) and (2)), the period prescribed in Article 33, paragraph (3), and for those falling under the provisions of Article 57, paragraph (1) the period prescribed in the paragraph), during which payment of the basic allowance could not be received due to disease or injury (limited to those days with regard to which recognition of the fact that the recipient cannot receive payment of the basic allowance for disease or injury has been obtained).

2 前項の認定は、厚生労働省令で定めるところにより、公共職業安定所長が行う。

(2) The certification set forth in the preceding paragraph is given by the chief of the Public Employment Security Office, as prescribed by Order of the Ministry of Health, Labour and Welfare.

3 傷病手当の日額は、第十六条の規定による基本手当の日額に相当する額とする。

(3) The daily amount of the injury and disease allowance is the amount equivalent to the daily amount of the basic allowance under the provisions of Article 16.

- 4 傷病手当を支給する日数は、第一項の認定を受けた受給資格者の所定給付日数から当該受給資格に基づき既に基本手当を支給した日数を差し引いた日数とする。
- (4) The number of days for which the injury and disease allowance is payable is the number of days obtained by deducting from the prescribed duration of benefits for the qualified recipient that have obtained the recognition referred to in paragraph (1), the number of days for which the basic allowance has already been paid to the qualified recipient based on the recipient qualification.
- 5 第三十二条第一項若しくは第二項又は第三十三条第一項の規定により基本手当を支給しないこととされる期間については、傷病手当を支給しない。
- (5) The injury and disease allowance is not paid for a period for which the basic allowance is not to be paid pursuant to the provisions of Article 32, paragraph (1) or (2) or Article 33, paragraph (1).
- 6 傷病手当を支給したときは、この法律の規定（第十条の四及び第三十四条の規定を除く。）の適用については、当該傷病手当を支給した日数に相当する日数分の基本手当を支給したものとみなす。
- (6) When the injury and disease allowance has been paid, with regard to the application of the provisions of this Act (excluding the provisions of Article 10-4 and Article 34), the basic allowance is deemed to have been paid for the number of days equivalent to the number of days for which the injury and disease allowance was paid.
- 7 傷病手当は、厚生労働省令で定めるところにより、第一項の認定を受けた日分を、当該職業に就くことができない理由がやんだ後最初に基本手当を支給すべき日（当該職業に就くことができない理由がやんだ後において基本手当を支給すべき日がない場合には、公共職業安定所長の定める日）に支給する。ただし、厚生労働大臣は、必要があると認めるときは、傷病手当の支給について別段の定めをすることができる。
- (7) The injury and disease allowance is paid, as prescribed by Order of the Ministry of Health, Labour and Welfare, for the days which the certification referred to in paragraph (1) has been obtained, on the day on which payment of the basic allowance is due for the first time after the grounds that the person cannot take up the employment have ceased to exist (if there is no day on which payment of the basic allowance is due after the grounds that the person cannot take up the employment has ceased to exist, the day designated by the Chief of the Public Employment Security Office); provided, however, that the Minister of Health, Labour and Welfare, when they find it necessary, may specify differently for the payment of the injury and disease allowance.
- 8 第一項の認定を受けた受給資格者が、当該認定を受けた日について、健康保険法（大正十一年法律第七十号）第九十九条の規定による傷病手当金、労働基準法（昭和二十二年法律第四十九号）第七十六条の規定による休業補償、労働者災害補償保険法（昭和二十二年法律第五十号）の規定による休業補償給付又は休業給付その他これらに相当する給付であつて法令（法令の規定に基づく条例又は規約を含む。）により行われるもののうち政令で定めるものの支給を受けることができる場合には、傷病手当

は、支給しない。

(8) The injury and disease allowance is not paid when a qualified recipient who has obtained the recognition referred to in paragraph (1), with regard to the days for which the certification was obtained, is able to receive payment of the injury and disease allowance prescribed in Article 99 of the Health Insurance Act (Act No. 70 of 1922), the compensation for absence from work prescribed in Article 76 of the Labor Standards Act (Act No. 49 of 1947), the temporary absence from work compensation benefits or the temporary absence from work benefits prescribed in the Industrial Accident Compensation Insurance Act (Act No. 50 of 1947), or other benefits equivalent thereto that are specified by Cabinet Order from among the benefits provided pursuant to laws and regulations (including ordinances or rules based on the provisions of laws and regulations).

9 第十九条、第二十一条、第三十一条並びに第三十四条第一項及び第二項の規定は、傷病手当について準用する。この場合において、第十九条第一項及び第三項並びに第三十一条第一項中「失業の認定」とあるのは、「第三十七条第一項の認定」と読み替えるものとする。

(9) The provisions of Article 19, Article 21, Article 31 and Article 34, paragraphs (1) and (2) apply mutatis mutandis to the injury and disease allowance. In this case, the term "certification of unemployment" in Article 19, paragraphs (1) and (3) and Article 31, paragraph (1) is deemed to be replaced with "certification referred to in Article 37, paragraph (1)."

## 第二節の二 高年齢継続被保険者の求職者給付

### Section 2-2 Job Applicant Benefits for Continuously Insured Elderly Persons

(高年齢継続被保険者)

(Continuously Insured Elderly Persons)

第三十七条の二 被保険者であつて、同一の事業主の適用事業に六十五歳に達した日の前日から引き続いて六十五歳に達した日以後の日において雇用されているもの（第三十八条第一項に規定する短期雇用特例被保険者及び第四十三条第一項に規定する日雇労働被保険者を除く。以下「高年齢継続被保険者」という。）が失業した場合には、この節の定めるところにより、高年齢求職者給付金を支給する。

Article 37-2 (1) The job applicant benefits for the elderly are paid, pursuant to the provisions of this Section, if an insured person who has been continuously employed in a covered undertaking by the same employer from the day before the person reached 65 years of age to the day after they reached 65 years of age (excluding specially insured persons in short-term employment prescribed in Article 38, paragraph (1) and insured day workers prescribed in Article 43, paragraph (1); hereinafter referred to as "continuously insured elderly

persons"), has become unemployed.

2 高年齢継続被保険者に関しては、前節（第十三条第二項及び第十四条を除く。）、次節及び第四節の規定は、適用しない。

(2) The provisions of the preceding Section (excluding Article 13, paragraph (2) and Article 14), the following Section and Section 4 do not apply to continuously insured elderly persons.

(高年齢受給資格)

(Recipient Qualification for the Elderly)

第三十七条の三 高年齢求職者給付金は、高年齢継続被保険者が失業した場合において、離職の日以前一年間（次の各号に掲げる高年齢継続被保険者である被保険者については、当該各号に定める日数を一年に加算した期間（その期間が四年を超えるときは、四年間））に、第十四条の規定による被保険者期間が通算して六箇月以上であつたときに、次条に定めるところにより、支給する。

Article 37-3 (1) The job applicant benefits for the elderly are paid, pursuant to the provisions of the following Article, when a continuously insured elderly person becomes unemployed and the total insured period under Article 14 during the one-year period preceding the day of separation from service (for continuously insured elderly persons prescribed in each of the following items, the period obtained by adding the number of days prescribed in each item to one year (if the period exceeds four years, four years)) is six months or more:

一 離職の日以前一年間に短時間労働被保険者であつた期間がある高年齢継続被保険者 当該短時間労働被保険者となつた日（その日が当該離職の日以前一年間になくときは、当該離職の日の一年前の日の翌日）から当該短時間労働被保険者でなくなつた日の前日までの日数

(i) continuously insured elderly person who had at one time been a part-time insured worker for a period during the one-year period preceding the day of separation from service: the number of days from the day on which the person became a part-time insured worker (when that day is not within the one-year period preceding the day of separation from service, the day following the day one year before the day of the separation from service) until the day before the day on which the person ceased to be a part-time insured worker; or

二 離職の日以前一年間（前号に掲げる高年齢継続被保険者である被保険者にあつては、同号に定める日数を一年に加算した期間）に疾病、負傷その他厚生労働省令で定める理由により引き続き三十日以上賃金の支払を受けることができなかつた高年齢継続被保険者 当該理由により賃金の支払を受けることができなかつた日数（同号に掲げる高年齢継続被保険者である被保険者にあつては、その日数に同号に定める日数を加えた日数）

(ii) continuously insured elderly person who was continuously unable to receive payment of wages for 30 days or more due to disease, injury or other reasons

specified by Order of the Ministry of Health, Labour and Welfare during the one-year period preceding the day of separation from service (for an insured person who is a continuously insured elderly person listed in the preceding item, the period obtained by adding the number of days prescribed in the same item to one year): the number of days for which the person was unable to receive payment of wages for the reason (for an insured person who is a continuously insured elderly person listed in the preceding item, the number of days obtained by adding the number of days prescribed in the same item to that number of days).

2 前項の規定により高年齢求職者給付金の支給を受けることができる資格（以下「高年齢受給資格」という。）を有する者（以下「高年齢受給資格者」という。）が次条第四項の規定による期間内に高年齢求職者給付金の支給を受けることなく就職した後再び失業した場合（新たに第三十九条第二項に規定する特例受給資格を取得した場合を除く。）において、当該期間内に公共職業安定所に出頭し、求職の申込みをした上、次条第四項の認定を受けたときは、その者は、当該高年齢受給資格に基づく高年齢求職者給付金の支給を受けることができる。

(2) If a person who is qualified to receive payment of the job applicant benefits for the elderly pursuant to the provisions of the preceding paragraph (hereinafter referred to as "recipient qualification for the elderly") (hereinafter the person is referred to as "elderly qualified recipient"), has taken up employment without receiving the job applicant benefits for the elderly during the period prescribed in paragraph (4) of the following Article and thereafter became unemployed again (excluding the case where the person has newly obtained a special recipient qualification prescribed in Article 39, paragraph (2)), when the person has obtained the certification referred to in paragraph (4) of the following Article after making an appearance at the Public Employment Security Office and applying for employment during the period, the person may receive payment of the job applicant benefits for the elderly based on the recipient qualification for the elderly.

（高年齢求職者給付金）

(Job Applicant Benefits for the Elderly)

第三十七条の四 高年齢求職者給付金の額は、高年齢受給資格者を第十五条第一項に規定する受給資格者とみなして第十六条から第十八条まで（第十七条第四項第二号を除く。）の規定を適用した場合にその者に支給されることとなる基本手当の日額に、次の各号に掲げる算定基礎期間の区分に応じ、当該各号に定める日数（第四項の認定があつた日から同項の規定による期間の最後の日までの日数が当該各号に定める日数に満たない場合には、当該認定のあつた日から当該最後の日までの日数に相当する日数）を乗じて得た額とする。

Article 37-4 (1) The amount of the job applicant benefits for the elderly is to be the amount obtained by multiplying the daily amount of the basic allowance to

be paid when the provisions of Articles 16 through 18 (excluding Article 17, paragraph (4), item (ii)) are applied to qualified recipients by deeming elderly qualified recipients as qualified recipients prescribed in Article 15, paragraph (1) by the number of days prescribed in the following items in accordance with the classification of the basic periods for calculation listed in each item (where the number of days from the day on which the certification referred to in paragraph (4) was obtained until the final day of the period prescribed in the same paragraph is less than the number of days prescribed in the each item, the number of days equivalent to the number of days from the day on which the certification was obtained until the final day):

一 一年以上 五十日

(i) one year or more: 50 days; and

二 一年未満 三十日

(ii) less than one year: 30 days.

2 前項の規定にかかわらず、同項の規定により算定した高年齢受給資格者の賃金日額が第十七条第四項第二号ニに掲げる額（その額が第十八条の規定により変更されたときは、その変更された額。）を超えるときは、その額を賃金日額とする。

(2) Notwithstanding the provisions of the preceding paragraph, if the daily amount of wages for elderly qualified recipients calculated pursuant to the provisions of the same paragraph exceeds the amount listed in Article 17, paragraph (4), item (ii), (d) (where the amount has been changed pursuant to the provisions of Article 18, the changed amount), this amount is to be the daily amount of wages.

3 第一項の算定基礎期間は、当該高年齢受給資格者を第十五条第一項に規定する受給資格者と、当該高年齢受給資格に係る離職の日を第二十条第一項第一号に規定する基準日とみなして第二十二条第三項及び第四項の規定を適用した場合に算定されることとなる期間に相当する期間とする。この場合において、同条第三項に規定する基準日まで引き続いて同一の事業主の適用事業に雇用された期間のうち六十五歳に達した日以後の期間については、当該期間に十分の十を限度として厚生労働省令で定める率を乗じて得た期間をもつて当該期間とする。

(3) The basic period for calculation referred to in paragraph (1) is to be the period equivalent to the period calculated when the elderly qualified recipients are deemed to be qualified recipients prescribed in Article 15, paragraph (1) and the day of separation from service pertaining to the recipient qualification for the elderly is deemed to be the basis day prescribed in Article 20, paragraph (1), item (i), and the provisions of Article 22, paragraphs (3) and (4) are applied. In this case, for the period after the period on or after the day on which the person reached 65 years of age during the period of continuous employment in a covered undertaking by the same employer until the basis day prescribed in paragraph (3) of the same Article, that period is to be the period obtained by multiplying the period by a rate specified by Order of the Ministry of Health,



Labour and Welfare, within the limit of 100 percent.

4 高年齢求職者給付金の支給を受けようとする高年齢受給資格者は、離職の日の翌日から起算して一年を経過する日までに、厚生労働省令で定めるところにより、公共職業安定所に出頭し、求職の申込みをした上、失業していることについての認定を受けなければならない。

(4) An elderly qualified recipient seeking to receive payment of the job applicant benefits for the elderly must make an appearance at the Public Employment Security Office, by the day on which one year has elapsed from the day following the day of separation from service, apply for employment, and then obtain the certification of unemployment, as prescribed by Order of the Ministry of Health, Labour and Welfare.

5 第二十一条、第三十一条第一項、第三十二条、第三十三条第一項及び第二項並びに第三十四条第一項の規定は、高年齢求職者給付金について準用する。この場合において、これらの規定中「受給資格者」とあるのは「高年齢受給資格者」と、「受給資格」とあるのは「高年齢受給資格」と、第三十一条第一項中「失業の認定を受けることができなかつた期間」とあるのは「第三十七条の四第四項の認定を受けることができなかつた場合における当該高年齢受給資格者」と、「失業の認定を受けなければならない」とあるのは「同項の認定を受けなければならない」と、第三十三条第一項中「第二十一条の規定による期間」とあるのは「第三十七条の四第五項において準用する第二十一条の規定による期間」と読み替えるものとする。

(5) The provisions of Article 21, Article 31, paragraph (1), Article 32, Article 33, paragraphs (1) and (2), and Article 34, paragraph (1) apply mutatis mutandis with regard to the job applicant benefits for the elderly. In this case, the term "qualified recipients" and "recipient qualification" in these provisions are deemed to be replaced, respectively, with "elderly qualified recipients" and "recipient qualification for the elderly"; the terms "a period for which the recognition of unemployment could not be obtained" and "obtain the recognition of unemployment" in Article 31, paragraph (1) are deemed to be replaced, respectively, with "elderly qualified recipients when the certification referred to in Article 37-4, paragraph (4) could not be obtained" and "obtain the certification referred to in the same paragraph"; and the term "the period prescribed in Article 21" in Article 33, paragraph (1) is deemed to be replaced with "the period prescribed in Article 21 as applied mutatis mutandis pursuant to Article 37-4, paragraph (5)."

(短時間労働被保険者以外の高年齢継続被保険者が引き続き短時間労働被保険者である高年齢継続被保険者となつた場合等の特例)

(Special Provisions for the Cases where Continuously Insured Elderly Persons Other than Part-time Insured Workers Have Become Continuously Insured Elderly Part-time Workers without Interruption)

第三十七条の五 高年齢継続被保険者が同一の事業主の適用事業に引き続き雇用された

期間（六十五歳に達した日後の期間に限る。）に次に掲げる事由が生じた場合における第十四条、第三十七条の三第一項及び前条（第四項を除く。）の規定の適用については、当該高年齢継続被保険者は、当該事由の生じた日の前日に離職したものとみなす。

Article 37-5 (1) With regard to the application of the provisions of Article 14, Article 37-3, paragraph (1), and the preceding Article (excluding paragraph (4)), when the following grounds have arisen during the period in which a continuously insured elderly person was continuously employed in a covered undertaking by the same employer (limited to the period following the day on which the elderly person reached 65 years of age), it is deemed that the continuously insured elderly person has been separated from service on the day before the grounds have arisen:

一 短時間労働被保険者以外の高年齢継続被保険者が、短時間労働被保険者である高年齢継続被保険者となつたこと。

(i) when a continuously insured elderly person other than a part-time insured worker has become a continuously insured elderly part-time worker; or

二 短時間労働被保険者である高年齢継続被保険者が、短時間労働被保険者以外の高年齢継続被保険者となつたこと。

(ii) when a continuously insured elderly part-time worker has become a continuously insured elderly person other than a part-time insured worker.

2 前項に規定する場合における第十四条の規定の適用については、当該高年齢継続被保険者は、同項各号に掲げる事由の生じた日に被保険者でなくなり、かつ、同日に新たに被保険者となつたものとみなす。

(2) With regard to the application of the provisions of Article 14 in the case prescribed in the preceding paragraph, the continuously insured elderly person is deemed to have ceased to be an insured person on the day on which the grounds listed in the items of the same paragraph have arisen, and to have newly become an insured person on the same day.

3 第一項に規定する場合における前条第五項の規定の適用については、同項中「第三十一条第一項中」とあるのは、「第二十一条中「離職」とあるのは「離職（第三十七条の五第一項の規定により離職したものとみなされる場合を除く。）」と、第三十一条第一項中」とする。

(3) With regard to the application of the provisions of paragraph (5) of the preceding Article in the case prescribed in paragraph (1), the term "in Article 31, paragraph (1)" in the same paragraph is deemed to be replaced with "the term 'separation from service' in Article 21 is deemed to be replaced with 'separation from service (excluding the case where a person is deemed to have been separated from service pursuant to the provisions of Article 37-5, paragraph (1))'; in Article 31, paragraph (1)."

4 高年齢継続被保険者が六十五歳に達した日以前の期間に第三十五条第一項各号に掲げる事由が生じていた場合における第十四条及び前条の規定の適用に関し必要な事項

は、厚生労働省令で定める。

- (4) Necessary matters concerning the application of the provisions of Article 14 and the preceding Article when the grounds listed in the items of Article 35, paragraph (1) have arisen during the period before a continuously insured elderly person reached 65 years of age are specified by Order of the Ministry of Health, Labour and Welfare.

### 第三節 短期雇用特例被保険者の求職者給付

#### Section 3 Job Applicant Benefits for Specially Insured Persons in Short-Term Employment

(短期雇用特例被保険者)

(Specially Insured Persons in Short-Term Employment)

第三十八条 被保険者であつて、次の各号のいずれかに該当するもの（第四十三条第一項に規定する日雇労働被保険者を除く。以下「短期雇用特例被保険者」という。）が失業した場合には、この節の定めるところにより、特例一時金を支給する。

Article 38 (1) If an insured person who falls under any of the following items (excluding insured day workers prescribed in Article 43, paragraph (1); hereinafter referred to as "specially insured person in short-term employment") has become unemployed, a special lump sum payment is to be made, pursuant to the provisions of this Section:

一 季節的に雇用される者（次号に掲げる者を除く。）

(i) persons employed seasonally (excluding those listed in the following item);

or

二 短期の雇用（同一の事業主に引き続き被保険者として雇用される期間が一年未満である雇用をいう。）に就くことを常態とする者

(ii) persons who are normally engaged in short-term employment (meaning employment where the term for which those persons are employed continuously by the same employer as insured persons is less than one year).

2 被保険者が前項各号に掲げる者に該当するかどうかの確認は、厚生労働大臣が行う。

(2) The confirmation as to whether or not an insured person falls under any of the items of the preceding paragraph is made by the Minister of Health, Labour and Welfare.

3 短期雇用特例被保険者に関しては、第二節（第十三条第二項及び第十四条（第三十五条第二項の規定により適用する場合を含む。）を除く。）、前節及び次節の規定は、適用しない。

(3) The provisions of Section 2 (excluding Article 13, paragraph (2) and Article 14 (including as applied pursuant to Article 35, paragraph (2))), the preceding Section and, the following Section do not apply to specially insured persons in short-term employment.

(特例受給資格)

**(Special Recipient Qualification)**

第三十九条 特例一時金は、短期雇用特例被保険者が失業した場合において、離職の日以前一年間（次の各号に掲げる短期雇用特例被保険者である被保険者については、当該各号に定める日数を一年に加算した期間（その期間が四年を超えるときは、四年間））に、第十四条の規定による被保険者期間が通算して六箇月以上であつたときに、次条に定めるところにより、支給する。

Article 39 (1) A special lump sum payment is made pursuant to the provisions of the following Article, when a specially insured person in short-term employment has become unemployed and the person's total insured period under Article 14 during the one-year period preceding the day of separation from service has been six months or more (for insured persons who are specially insured persons in short-term employment listed in the following items, the period obtained by adding the number of days prescribed in each item to one year (when the total period exceeds four years, four years)):

一 離職の日以前一年間（最後に被保険者となつた日から当該離職の日までの期間を除く。）に短時間労働被保険者であつた期間がある短期雇用特例被保険者 当該短時間労働被保険者となつた日（その日が当該離職の日以前一年間がないときは、当該離職の日の一年前の日の翌日）から当該短時間労働被保険者でなくなつた日の前日までの日数

(i) specially insured person in short-term employment who had at one time been a part-time insured worker for a period during the one-year period preceding the day of separation from service (excluding the period from the day on which the person most recently became an insured person until the day of the separation from service): the number of days from the day on which the person became the part-time insured worker (where that day is not within the one-year period preceding the day of the separation from service, the day following the day one year before the day of the separation from service), until the day before the day on which the person ceased to be the part-time insured worker; or

二 離職の日以前一年間（前号に掲げる短期雇用特例被保険者である被保険者にあつては、同号に定める日数を一年に加算した期間）に疾病、負傷その他厚生労働省令で定める理由により引き続き三十日以上賃金の支払を受けることができなかつた短期雇用特例被保険者 当該理由により賃金の支払を受けることができなかつた日数（同号に掲げる短期雇用特例被保険者である被保険者にあつては、その日数に同号に定める日数を加えた日数）

(ii) specially insured person in short-term employment who was continuously unable to receive payment of wages for 30 days or more due to disease, injury or other reasons specified by Order of the Ministry of Health, Labour and Welfare during the one-year period preceding the day of separation from service (for an insured person who is a specially insured person in short-term

employment listed in the preceding item, the period obtained by adding the number of days prescribed in the same item to one year): the number of days for which the person was unable to receive payment of wages due to the reason (for an insured person who is a specially insured person in short-term employment listed in the preceding item, the number of days obtained by adding the number of days prescribed in the same item to that number of days).

- 2 前項の規定により特例一時金の支給を受けることができる資格（以下「特例受給資格」という。）を有する者（以下「特例受給資格者」という。）が次条第三項の規定による期間内に特例一時金の支給を受けることなく就職した後再び失業した場合（新たに第十四条第三項第一号に規定する受給資格、高年齢受給資格又は特例受給資格を取得した場合を除く。）において、当該期間内に公共職業安定所に出頭し、求職の申込みをした上、次条第三項の認定を受けたときは、その者は、当該特例受給資格に基づく特例一時金の支給を受けることができる。

- (2) If a person who is qualified to receive the special lump sum payment pursuant to the provisions of the preceding paragraph (hereinafter referred to as "special recipient qualification") (hereinafter the person is referred to as "specially qualified recipient") has obtained employment without receiving the special lump sum payment within the period prescribed in paragraph (3) of the following Article and has subsequently become unemployed again (excluding the case where the person has newly obtained a recipient qualification prescribed in Article 14, paragraph (3), item (i), recipient qualification for the elderly, or special recipient qualification), when the person, within that period, has obtained the recognition referred to in paragraph (3) of the following Article after making an appearance at the Public Employment Security Office and applying for employment, the person is able to receive the special lump sum payment based on the special recipient qualification.

（特例一時金）

(Special Lump Sum Payment)

第四十条 特例一時金の額は、特例受給資格者を第十五条第一項に規定する受給資格者とみなして第十六条から第十八条までの規定を適用した場合にその者に支給されることとなる基本手当の日額の五十日分（第三項の認定があつた日から同項の規定による期間の最後の日までの日数が五十日に満たない場合には、その日数に相当する日数分）とする。

Article 40 (1) The amount of the special lump sum payment is to be an amount equivalent to the daily amount of the basic allowance that would be payable to a specially qualified recipient when the recipient is deemed as a qualified recipient prescribed in Article 15, paragraph (1) and the provisions of Articles 16 through 18 are applied to the recipient, multiplied by 50 days (when the number of days from the day on which the recognition referred to in paragraph

- (3) was made until the last day of the period under the same paragraph is less than 50 days, the number of days equivalent to that number of days).
- 2 前項に規定する場合における第十七条第四項の規定の適用については、同項第二号ニ中「三十歳未満」とあるのは「三十歳未満又は六十五歳以上」とする。
- (2) With regard to the application of the provisions of Article 17, paragraph (4) in the case prescribed in the preceding paragraph, the term "under 30 years old" in item (ii), (d) of the same paragraph is deemed to be replaced with "under 30 years old or 65 years old or older."
- 3 特例一時金の支給を受けようとする特例受給資格者は、離職の日の翌日から起算して六箇月を経過する日までに、厚生労働省令で定めるところにより、公共職業安定所に出頭し、求職の申込みをした上、失業していることについての認定を受けなければならない。
- (3) A specially qualified recipient who seeks to receive the special lump sum payment must, before the day on which six months have elapsed from the day following the day of separation from service and as prescribed by Order of the Ministry of Health, Labour and Welfare, obtain the certification of unemployment by making an appearance at the Public Employment Security Office and applying for employment.
- 4 第二十一条、第三十一条第一項、第三十二条、第三十三条第一項及び第二項並びに第三十四条第一項から第三項までの規定は、特例一時金について準用する。この場合において、第二十一条中「受給資格者」とあるのは「特例受給資格者」と、「受給資格」とあるのは「特例受給資格」と、第三十一条第一項中「受給資格者」とあるのは「特例受給資格者」と、「失業の認定を受けることができなかつた期間」とあるのは「第四十条第三項の認定を受けることができなかつた場合における当該特例受給資格者」と、「失業の認定を受けなければならない」とあるのは「同項の認定を受けなければならない」と、第三十二条中「受給資格者」とあるのは「特例受給資格者」と、第三十三条第一項中「支給しない。ただし公共職業安定所長の指示した公共職業訓練等を受ける期間及び当該公共職業訓練等を受け終わつた日後の期間については、この限りでない」とあるのは「支給しない」と、同条第二項中「受給資格者」とあるのは「特例受給資格者」と、第三十四条第二項中「受給資格」とあるのは「特例受給資格」と、同条第三項中「受給資格者」とあるのは「特例受給資格者」と、「受給資格」とあるのは「特例受給資格」とそれぞれ読み替えるものとする。
- (4) The provisions of Article 21, Article 31, paragraph (1), Article 32, Article 33, paragraphs (1) and (2), and Article 34, paragraphs (1) through (3) apply mutatis mutandis to the special lump sum payment. In this case, the terms "qualified recipient" and "recipient qualification" in Article 21 are deemed to be replaced, respectively, with "specially qualified recipient" and "special recipient qualification"; the terms "qualified recipient", "a period for which the certification of unemployment could not be obtained" and "obtain the certification of unemployment" in Article 31, paragraph (1) are deemed to be replaced, respectively, with "specially qualified recipient", "the specially

qualified recipients where the certification of unemployment referred to in Article 40, paragraph (3) could not be obtained" and "must obtain the recognition referred to in the same paragraph"; the term "qualified recipient" in Article 32 is deemed to be replaced with "specially qualified recipient"; the term "provided, however, that this does not apply to a period during which the recipient takes public vocational training, etc. as directed by the Chief of the Public Employment Security Office, nor to the period after the day of completion of the public vocational training, etc." in Article 33, paragraph (1) is deleted; the term "qualified recipient" in paragraph (2) of the same Article is deemed to be replaced with "specially qualified recipient"; the term "recipient qualification" in Article 34, paragraph (2) is deemed to be replaced with "special recipient qualification" and the terms "qualified recipient" and "recipient qualification" in paragraph (3) of the same Article are deemed to be replaced, respectively, with "specially qualified recipient" and "special recipient qualification".

(公共職業訓練等を受ける場合)

(Case of Taking a Course of Public Vocational Training)

第四十一条 特例受給資格者が、当該特例受給資格に基づく特例一時金の支給を受ける前に公共職業安定所長の指示した公共職業訓練等（その期間が政令で定める期間に達しないものを除く。）を受ける場合には、第十条第三項及び前三条の規定にかかわらず、特例一時金を支給しないものとし、その者を第十五条第一項に規定する受給資格者とみなして、当該公共職業訓練等を受け終わる日までの間に限り、第二節（第三十三条第一項ただし書の規定を除く。）に定めるところにより、求職者給付を支給する。

Article 41 (1) When a specially qualified recipient is to take a course of public vocational training, etc. (excluding one for a period which is shorter than that specified by Cabinet Order), as directed by the Chief of the Public Employment Security Office, before receiving the special lump sum payment based on the special recipient qualification, the special lump sum payment is not to be paid, notwithstanding the provisions of Article 10, paragraph (3) and the preceding three Articles, and the job applicant benefits are paid, pursuant to the provisions of Section 2 (excluding the provisions of the proviso of Article 33, paragraph (1)), by deeming the person as a qualified recipient prescribed in Article 15, paragraph (1), limited to the period until the day of completion of the course of public vocational training, etc.

2 前項の特例受給資格者は、当該特例受給資格に係る被保険者となつた日前に第二十九条第一項又は第三十四条第一項の規定により基本手当の支給を受けることができないこととされている場合においても、前項の規定により求職者給付の支給を受けることができる。

(2) A specially qualified recipient referred to in the preceding paragraph is able to receive payment of the job applicant benefits pursuant to the provisions of

the same paragraph, even if it is found that the person may not receive payment of the basic allowance pursuant to the provisions of Article 29, paragraph (1) or Article 34, paragraph (1) before the day on which the person became an insured person pertaining to the special recipient qualification.

#### 第四節 日雇労働被保険者の求職者給付

#### Section 4 Job Applicant Benefits for Insured Day Workers

(日雇労働者)

(Day Workers)

第四十二条 この節において日雇労働者とは、次の各号のいずれかに該当する労働者（前二月の各月において十八日以上同一の事業主の適用事業に雇用された者（次条第二項の認可を受けた者を除く。）を除く。）をいう。

Article 42 The term "day worker" as used in this Section means a worker who falls under any of the following items (excluding those who have been employed in a covered undertaking by the same employer for 18 days or more in each of the preceding two months (except those who have obtained the approval referred to in paragraph (2) of the following Article)):

一 日々雇用される者

(i) persons who are employed by the day; or

二 三十日以内の期間を定めて雇用される者

(ii) persons who are employed for a fixed period of employment of 30 days or less.

(日雇労働被保険者)

(Insured Day Workers)

第四十三条 被保険者である日雇労働者であつて、次の各号のいずれかに該当するもの及び第六条第一号の三の認可を受けたもの（以下「日雇労働被保険者」という。）が失業した場合には、この節の定めるところにより、日雇労働求職者給付金を支給する。

Article 43 (1) If a day worker who is an insured person that falls under any of the following items or that has obtained the approval referred to in Article 6, item (i)-3 (hereinafter referred to as "insured day worker ") has become unemployed, job applicant benefits for day workers are paid pursuant to the provisions of this Section:

一 特別区若しくは公共職業安定所の所在する市町村の区域（厚生労働大臣が指定する区域を除く。）又はこれらに隣接する市町村の全部又は一部の区域であつて、厚生労働大臣が指定するもの（以下この項において「適用区域」という。）に居住し、適用事業に雇用される者

(i) persons who reside in a special ward or an area of a municipality in which a Public Employment Security Office is located (excluding areas designated by the Minister of Health, Labour and Welfare) or in the entire area or parts of



neighboring municipalities designated by the Minister of Health, Labour and Welfare (hereinafter referred to as "covered area" in this paragraph) and are employed in a covered undertaking;

二 適用区域外の地域に居住し、適用区域内にある適用事業に雇用される者

(ii) persons who reside outside the covered area and are employed in a covered undertaking located inside the covered area; or

三 適用区域外の地域に居住し、適用区域外の地域にある適用事業であつて、日雇労働の労働市場の状況その他の事情に基づいて厚生労働大臣が指定したものに雇用される者

(iii) persons who reside outside the covered area and are employed in a covered undertaking located outside the covered area which has been designated by the Minister of Health, Labour and Welfare based on the situation in the day labor market and other circumstances.

2 日雇労働被保険者が前二月の各月において十八日以上同一の事業主の適用事業に雇用された場合において、厚生労働省令で定めるところにより公共職業安定所長の認可を受けたときは、その者は、引き続き、日雇労働被保険者となることができる。

(2) If an insured day worker was employed in a covered undertaking by the same employer for 18 days or more in each of the preceding two months, when the day worker has obtained an approval by the chief of the Public Employment Security Office as prescribed by Order of the Ministry of Health, Labour and Welfare, the day worker may continue to be an insured day worker.

3 前二月の各月において十八日以上同一の事業主の適用事業に雇用された日雇労働被保険者が前項の認可を受けなかつたため、日雇労働被保険者とされなくなつた最初の月に離職し、失業した場合には、その失業した月の間における日雇労働求職者給付金の支給については、その者を日雇労働被保険者とみなす。

(3) If an insured day worker who was employed in a covered undertaking by the same employer for 18 days or more in each of the preceding two months has been separated from service in the first month in which the worker ceased to be treated as an insured day worker due to not having received the approval referred to in the preceding paragraph and has become unemployed, the person is deemed to be an insured day worker with regard to the payment of job applicant benefits for day workers during the month in which they became unemployed.

4 日雇労働被保険者に関しては、第六条（第二号に限る。）及び第七条から第九条まで並びに前三節の規定は、適用しない。

(4) The provisions of Article 6 (limited to item (ii)), Articles 7 through 9 and the preceding three Sections do not apply to insured day workers.

（日雇労働被保険者手帳）

(Insured Day Worker's Benefits Book)

第四十四条 日雇労働被保険者は、厚生労働省令で定めるところにより、公共職業安定

所において、日雇労働被保険者手帳の交付を受けなければならない。

**Article 44** An insured day worker must, as prescribed by Order of the Ministry of Health, Labour and Welfare, receive issuance of the insured day worker's benefits book at the Public Employment Security Office.

(日雇労働求職者給付金の受給資格)

(Recipient Qualification for the Job Applicant Benefits for Day Workers)

第四十五条 日雇労働求職者給付金は、日雇労働被保険者が失業した場合において、その失業の日の属する月の前二月間に、その者について、徴収法第十条第二項第四号の印紙保険料（以下「印紙保険料」という。）が通算して二十六日分以上納付されているときに、第四十七条から第五十二条までに定めるところにより支給する。

**Article 45** If an insured day worker has become unemployed, and when the stamp premiums referred to in Article 10, paragraph (2), item (iv) of the Premiums Collection Act (hereinafter referred to as "stamp premiums") are paid to the person for 26 days or more in total during the period of two months before the month containing the date of unemployment, the job applicant benefits for day workers are to be paid pursuant to the provisions of Articles 47 through 52.

第四十六条 前条の規定により日雇労働求職者給付金の支給を受けることができる者が第十五条第一項に規定する受給資格者である場合において、その者が、基本手当の支給を受けたときはその支給の対象となつた日については日雇労働求職者給付金を支給せず、日雇労働求職者給付金の支給を受けたときはその支給の対象となつた日については基本手当を支給しない。

**Article 46** If a person who is able to receive payment of the job applicant benefits for day workers pursuant to the provisions of the preceding Article is a qualified recipient prescribed in Article 15, paragraph (1), the job applicant benefits for day workers are not paid for the days which the person has received payment of the basic allowance, and the basic allowance are not paid for the days which they have received payment of the job applicant benefits for day workers.

(日雇労働被保険者に係る失業の認定)

(Certification of Unemployment of an Insured Day Worker)

第四十七条 日雇労働求職者給付金は、日雇労働被保険者が失業している日（失業していることについての認定を受けた日に限る。第五十四条第一号において同じ。）について支給する。

**Article 47** (1) The job applicant benefits for day workers are paid for the days on which an insured day worker is unemployed (limited to those days for which the certification of unemployment has been obtained; the same applies in Article 54, item (i)).

2 前項の失業していることについての認定（以下この節において「失業の認定」という。）を受けようとする者は、厚生労働省令で定めるところにより、公共職業安定所に出頭し、求職の申込みをしなければならない。

(2) A person who seeks to obtain the certification of unemployment referred to in the preceding paragraph (hereinafter referred to as the "recognition of unemployment" in this Section) must make an appearance at the Public Employment Security Office and apply for employment, as prescribed by Order of the Ministry of Health, Labour and Welfare.

3 厚生労働大臣は、必要があると認めるときは、前項の規定にかかわらず、日雇労働被保険者に係る失業の認定について別段の定めをすることができる。

(3) The Minister of Health, Labour and Welfare, when they find it necessary, may specify differently for the certification of unemployment of insured day workers, notwithstanding the provisions of the preceding paragraph.

（日雇労働求職者給付金の日額）

(Daily Amount of Job Applicant Benefits for Day Workers)

第四十八条 日雇労働求職者給付金の日額は、次の各号に掲げる区分に応じ、当該各号に定める額とする。

Article 48 The daily amount of the job applicant benefits for day workers is to be the amount prescribed in the following items, in accordance with the classification listed in each item:

一 前二月間に納付された印紙保険料のうち、徴収法第二十二条第一項第一号に掲げる額（その額が同条第二項又は第四項の規定により変更されたときは、その変更された額）の印紙保険料（以下「第一級印紙保険料」という。）が二十四日分以上であるとき。 七千五百円（その額が次条第一項の規定により変更されたときは、その変更された額）

(i) stamp premiums of the amount listed in Article 22, paragraph (1), item (i) of the Premiums Collection Act (hereinafter referred to as "first class stamp premiums") (if the amount has been changed pursuant to the provisions of paragraph (2) or (4) of the same Article, the changed amount) out of the stamp premiums paid during the preceding two months are for 24 days or more: 7,500 yen (if this amount has been changed pursuant to the provisions of paragraph (1) of the following Article, the changed amount);

二 次のいずれかに該当するとき。 六千二百円（その額が次条第一項の規定により変更されたときは、その変更された額）

(ii) amount falling under either of the following sub-items: 6,200 yen (if this amount has been changed pursuant to the provisions of paragraph (1) of the following Article, the changed amount):

イ 前二月間に納付された印紙保険料のうち、第一級印紙保険料及び徴収法第二十二条第一項第二号に掲げる額（その額が同条第二項又は第四項の規定により変更されたときは、その変更された額）の印紙保険料（以下「第二級印紙保険料」と

いう。)が二十四日分以上であるとき(前号に該当するときを除く。)

(a) when the first class stamp premiums and the stamp premiums of the amount listed in Article 22, paragraph (1), item (ii) of the Premiums Collection Act (hereinafter referred to as "second class stamp premiums") (if the amount has been changed pursuant to the provisions of paragraph (2) or (4) of the same Article, the changed amount) out of the stamp premiums paid during the preceding two months are for 24 days or more (excluding cases falling under the preceding item); or

ロ 前二月間に納付された印紙保険料のうち、第一級印紙保険料及び第二級印紙保険料が二十四日分未満である場合において、第一級印紙保険料の納付額と第二級印紙保険料の納付額との合計額に、徴収法第二十二条第一項第三号に掲げる額(その額が同条第二項又は第四項の規定により変更されたときは、その変更された額)の印紙保険料(以下「第三級印紙保険料」という。)の納付額のうち二十四日から第一級印紙保険料及び第二級印紙保険料の納付日数を差し引いた日数に相当する日数分の額を加算した額を二十四で除して得た額が第二級印紙保険料の日額以上であるとき。

(b) when, out of the stamp premiums paid during the preceding two months, the first class stamp premiums and the second class stamp premiums are for less than 24 days, and the amount obtained by dividing by 24 the total of the first class stamp premiums amount paid and the second class stamp premiums paid adding the amount paid for the number of days equivalent to the number of days after deducting from 24 days, the number of days for which first class stamp premiums and second class stamp premiums were paid, of the stamp premiums listed in item (iii) of paragraph (1) of Article 22 of the Premiums Collection Act (hereinafter referred to as the "third class stamp premiums") (if the amount has been changed pursuant to the provisions of paragraph (2) or (4) of the same Article, the changed amount), is not less than the daily amount of second class stamp premiums.

三 前二号のいずれにも該当しないとき。 四千百円(その額が次条第一項の規定により変更されたときは、その変更された額)

(iii) when the case does not fall under either of the preceding two items: 4,100 yen (if this amount has been changed pursuant to the provisions of paragraph (1) of the following Article, the changed amount).

(日雇労働求職者給付金の日額等の自動的変更)

(Automatic Changing of the Daily Amounts of Job Applicant Benefits for Day Workers)

第四十九条 厚生労働大臣は、平均定期給与額(第十八条第一項の平均定期給与額をいう。以下この項において同じ。)が、平成六年九月の平均定期給与額(この項の規定により日雇労働求職者給付金の日額等が変更されたときは直近の当該変更の基礎となった平均定期給与額)の百分の百二十を超え、又は百分の八十三を下るに至った場合

において、その状態が継続すると認めるときは、その平均定期給与額の上昇し、又は低下した比率を基準として、日雇労働求職者給付金の日額等を変更しなければならない。

Article 49 (1) When the average regular earnings (meaning the average regular earnings referred to in Article 18, paragraph (1); hereinafter the same applies in this paragraph) have either exceeded 120 percent or fallen below 83 percent of the average regular earnings for September 1994 (the average regular earnings which were the basis of the most recent revision where the daily amounts, etc. of the job applicant benefits for day workers have been changed based on the provisions of this paragraph), and when the situation is found to be likely to persist, the Minister of Health, Labour and Welfare must change the daily amounts, etc. of the job applicant benefits for day workers, in accordance with the percentage of increase or decrease of the average regular earnings.

2 前項の「日雇労働求職者給付金の日額等」とは、前条第一号に定める額の日雇労働求職者給付金（次項及び第五十四条において「第一級給付金」という。）の日額、前条第二号に定める額の日雇労働求職者給付金（次項及び第五十四条において「第二級給付金」という。）の日額及び前条第三号に定める額の日雇労働求職者給付金（次項及び第五十四条において「第三級給付金」という。）の日額並びに徴収法第二十二条第一項に規定する印紙保険料の額の区分に係る賃金の日額のうち第一級印紙保険料と第二級印紙保険料との区分に係る賃金の日額（その額が前項の規定により変更されたときは、その変更された額。次項において「一級・二級印紙保険料区分日額」という。）及び第二級印紙保険料と第三級印紙保険料との区分に係る賃金の日額（その額が前項の規定により変更されたときは、その変更された額。次項において「二級・三級印紙保険料区分日額」という。）をいう。

(2) The "daily amounts, etc. of the job applicant benefits for day workers" referred to in the preceding paragraph means the daily amount of wages pertaining to the classification of the first class stamp premiums and the second class stamp premiums (if the amounts have been changed pursuant to the provisions of the preceding paragraph, the changed amounts; referred to as "daily amounts of wages pertaining to the first and second class stamp premium classification" in the following paragraph) and the daily amount of wages pertaining to the classification of the second class stamp premiums and the third class stamp premiums (if the amounts have been changed pursuant to the provisions of the preceding paragraph, the changed amounts; referred to as "daily amounts of wages pertaining to the second and third class stamp premium classification" in the following paragraph), out of the daily amount of the job applicant benefits for day workers prescribed in item (i) of the preceding Article (referred to as "first class benefits" in the following paragraph and Article 54), the daily amount of the job applicant benefits for day workers prescribed in item (ii) of the preceding Article (referred to as

"second class benefits" in the following paragraph and Article 54), the daily amount of the job applicant benefits for day workers prescribed in item (iii) of the preceding Article (referred to as "third class benefits" in the following paragraph and Article 54) and the daily amounts of wages pertaining to the classification of the amounts of stamp premiums prescribed in Article 22, paragraph (1) of the Premium Collection Act.

- 3 徴収法第二十二条第五項の規定により同条第二項に規定する第一級保険料日額、第二級保険料日額及び第三級保険料日額の変更があつた場合には、厚生労働大臣は、その変更のあつた日から一年を経過した日の前日（その日前に当該変更に関して国会の議決があつた場合には、その議決のあつた日の前日）までの間は、第一項の規定による第一級給付金の日額、第二級給付金の日額及び第三級給付金の日額並びに一級・二級印紙保険料区分日額及び二級・三級印紙保険料区分日額の変更を行うことができない。

- (3) When the daily amounts of the first class premiums, the second class premiums, and the third class premiums prescribed in Article 22, paragraph (2) of the Premiums Collection Act have been changed pursuant to the provisions of paragraph (5) of the same Article, the Minister of Health, Labour and Welfare may not change the daily amounts of the first class benefits, the second class benefits, and the third class benefits nor of the daily amounts of wages pertaining to the first and second class stamp premium classification or of wages pertaining to the second and third class stamp premium classification pursuant to the provisions of paragraph (1), during the period from the date of the change until the day before the day on which one year has elapsed from the date of the change (if there has been a Diet decision with regard to the change before that day, the day before the day of the decision).

(日雇労働求職者給付金の支給日数等)

(Duration of the Job Applicant Benefits for Day Workers)

- 第五十条 日雇労働求職者給付金は、日雇労働被保険者が失業した日の属する月における失業の認定を受けた日について、その月の前二月間に、その者について納付されている印紙保険料が通算して二十八日分以下であるときは、通算して十三日分を限度として支給し、その者について納付されている印紙保険料が通算して二十八日分を超えているときは、通算して、二十八日分を超える四日分ごとに一日を十三日に加えて得た日数分を限度として支給する。ただし、その月において通算して十七日分を超えては支給しない。

- Article 50 (1) The job applicant benefits for day workers are paid, for the days in the month containing the day on which an insured day worker became unemployed, for which the certification of unemployment was obtained, within the limit of 13 benefit days in total, when stamp premiums have been paid for the insured day worker for less than 28 days in total during the two-month period before the month containing the day of unemployment, and within the

limit of the number of benefit days obtained by adding one day to the 13 days for every four days in excess of the 28 days, when stamp premiums have been paid for the insured day worker for more than 28 days in total; provided, however, that the job applicant benefits for day workers are not to be paid for more than 17 days in total for that month.

- 2 日雇労働求職者給付金は、各週（日曜日から土曜日までの七日をいう。）につき日雇労働被保険者が職業に就かなかつた最初の日については、支給しない。
- (2) The job applicant benefits for day workers are not paid for the first day in each week (meaning the seven day period from Sunday to Saturday) on which the insured day worker did not take up employment.

（日雇労働求職者給付金の支給方法等）

(Method of Payment for the Job Applicant Benefits for Day Workers)

第五十一条 日雇労働求職者給付金は、公共職業安定所において、失業の認定を行つた日に支給するものとする。

Article 51 (1) The job applicant benefits for day workers are to be paid at the Public Employment Security Office on the day on which the certification of unemployment is given.

- 2 厚生労働大臣は、必要があると認めるときは、前項の規定にかかわらず、日雇労働求職者給付金の支給について別段の定めをすることができる。

(2) The Minister of Health, Labour and Welfare, when they find it necessary, may specify differently for the payment of the job applicant benefits for day workers, notwithstanding the provisions of the preceding paragraph.

- 3 第三十一条第一項の規定は、日雇労働求職者給付金について準用する。この場合において、同項中「支給資格者」とあるのは「日雇労働求職者給付金の支給を受けることができる者」と、「失業の認定」とあるのは「第四十七条第二項の失業の認定」と読み替えるものとする。

(3) The provisions of Article 31, paragraph (1) apply mutatis mutandis to the job applicant benefits for day workers. In this case, the terms "qualified recipient" and "certification of unemployment" in the same paragraph are deemed to be replaced, respectively, with "person able to receive payment of the job applicant benefits for day workers" and "certification of unemployment referred to in Article 47, paragraph (2)."

（給付制限）

(Restriction on Benefits)

第五十二条 日雇労働求職者給付金の支給を受けることができる者が公共職業安定所の紹介する業務に就くことを拒んだときは、その拒んだ日から起算して七日間は、日雇労働求職者給付金を支給しない。ただし、次の各号のいずれかに該当するときは、この限りでない。

Article 52 (1) If a day worker who is able to receive payment of the job applicant

benefits for day workers has refused to take up the employment referred by the Public Employment Security Office, the job applicant benefits for day workers are not paid for seven days counting from the day on which the worker refused to take up the employment; provided, however, that this does not apply if the worker falls under any of the following items:

一 紹介された業務が、その者の能力からみて不相当であると認められるとき。

(i) when it is found that the employment referred is not appropriate in the light of the person's abilities;

二 紹介された業務に対する賃金が、同一地域における同種の業務及び同程度の技能に係る一般の賃金水準に比べて、不当に低いとき。

(ii) when the wage for the employment referred is unjustifiably low in comparison to the general wage level for work for the same degree of skill in the same kind of business in the same locality;

三 職業安定法第二十条（第二項ただし書を除く。）の規定に該当する事業所に紹介されたとき。

(iii) when the person was referred to a place of business that falls under the provisions of Article 20 (excluding the proviso of paragraph (2)) of the Employment Security Act; or

四 その他正当な理由があるとき。

(iv) when there are other legitimate grounds.

2 日雇労働求職者給付金の支給を受けることができる者についての前項各号のいずれかに該当するかどうかの認定は、公共職業安定所長が厚生労働大臣の定める基準に従ってするものとする。

(2) The certification on whether or not a person who is able to receive payment of the job applicant benefits for day workers falls under any of the items of the preceding paragraph is to be made by the chief of the Public Employment Security Office in accordance with the standards specified by the Minister of Health, Labour and Welfare.

3 日雇労働求職者給付金の支給を受けることができる者が、偽りその他不正の行為により求職者給付又は就職促進給付の支給を受け、又は受けようとしたときは、その支給を受け、又は受けようとした月及びその月の翌月から三箇月間は、日雇労働求職者給付金を支給しない。ただし、やむを得ない理由がある場合には、日雇労働求職者給付金の全部又は一部を支給することができる。

(3) If a person who is able to receive payment of the job applicant benefits for day workers has received or attempted to receive payment of the job applicant benefits or employment promotion benefits by deception or other wrongful acts, the job applicant benefits for day workers are not paid to the person for the month for which they received or attempted to receive payment of the job applicant benefits or the employment promotion benefits, and for the period of three months from the month following that month; provided, however, that if there are unavoidable reasons, the whole or a part of the job applicant benefits



for day workers may be paid.

(日雇労働求職者給付金の特例)

(Special Provisions Concerning the Job Applicant Benefits for Day Workers)

第五十三条 日雇労働被保険者が失業した場合において、次の各号のいずれにも該当するときは、その者は、公共職業安定所長に申し出て、次条に定める日雇労働求職者給付金の支給を受けることができる。

Article 53 (1) If an insured day worker has become unemployed and the worker falls under all of the following items, they may notify to that effect to the chief of the Public Employment Security Office and receive payment of the job applicant benefits for day workers prescribed in the following Article:

一 継続する六月間に当該日雇労働被保険者について印紙保険料が各月十一日分以上、かつ、通算して七十八日分以上納付されていること。

(i) stamp premiums have been paid to the insured day worker for 11 days or more in each month and for 78 days or more in total during six consecutive months;

二 前号に規定する継続する六月間（以下「基礎期間」という。）のうち後の五月間に第四十五条の規定による日雇労働求職者給付金の支給を受けていないこと。

(ii) the person has not received payment of the job applicant benefits for day workers under the provisions of Article 45 during the last five months out of the six consecutive months referred to in the preceding item (hereinafter referred to as the "basis period"); and

三 基礎期間の最後の月の翌月以後二月間（申出をした日が当該二月の期間内にあるときは、同日までの間）に第四十五条の規定による日雇労働求職者給付金の支給を受けていないこと。

(iii) the person has not received payment of the job applicant benefits for day workers under the provisions of Article 45 during the period of two months from the month following the last month of the basis period (when the date the notification was made falls within the two month period, the period up to that date).

2 前項の申出は、基礎期間の最後の月の翌月以後四月の期間内に行わなければならない。

(2) The notification referred to in the preceding paragraph must be made within the period of four months from the month following the last month of the basis period.

第五十四条 前条第一項の申出をした者に係る日雇労働求職者給付金の支給については、第四十八条及び第五十条第一項の規定にかかわらず、次の各号に定めるところによる。

Article 54 The payment of the job applicant benefits for day workers to a person who has made the notification referred to in paragraph (1) of the preceding Article is to be as prescribed in the following items, notwithstanding the

provisions of Article 48 and Article 50, paragraph (1):

一 日雇労働求職者給付金の支給を受けることができる期間及び日数は、基礎期間の最後の月の翌月以後四月の期間内の失業している日について、通算して六十日分を限度とする。

(i) the period during which and the number of days for which the job applicant benefits for day workers may be received are limited to 60 days in total, with regard to days of unemployment within the period of four months from the month following the last month of the basis period;

二 日雇労働求職者給付金の日額は、次のイからハまでに掲げる区分に応じ、当該イからハまでに定める額とする。

(ii) the daily amount of the job applicant benefits for day workers is to be the amount prescribed, respectively, in sub-items (a) through (c), in accordance with the classification listed in those sub-items (a) through (c):

イ 基礎期間に納付された印紙保険料のうち、第一級印紙保険料が七十二日分以上であるとき。 第一級給付金の日額

(a) when the first class stamp premiums out of the stamp premiums paid during the basis period have been paid for 72 days or more: the daily amount of the first class benefits;

ロ 次のいずれかに該当するとき。 第二級給付金の日額

(b) when the case falls under either of the following: the daily amount of the second class benefits:

(1) 基礎期間に納付された印紙保険料のうち、第一級印紙保険料及び第二級印紙保険料が七十二日分以上であるとき（イに該当するときを除く。）。

1. when the first class stamp premiums and the second class stamp premiums out of the stamp premiums paid during the basis period have been paid for 72 days or more (excluding cases falling under (a));

(2) 基礎期間に納付された印紙保険料のうち、第一級印紙保険料及び第二級印紙保険料が七十二日分未満である場合において、第一級印紙保険料の納付額と第二級印紙保険料の納付額との合計額に、第三級印紙保険料の納付額のうち七十二日から第一級印紙保険料及び第二級印紙保険料の納付日数を差し引いた日数に相当する日数分の額を加算した額を七十二で除して得た額が第二級印紙保険料の日額以上であるとき。

2. when, out of the stamp premiums paid in the basis period, the first class stamp premiums and second class stamp premiums have been paid for less than 72 days and the amount obtained by dividing by 72 the total of the first class stamp premiums paid and the second class stamp premiums paid adding the amount of the third class stamp premiums paid for the number of days equivalent to the number of days after deducting from the 72 days, the number of days for which the first class stamp premiums and second class stamp premiums were paid, is not less than the daily amount of the second class stamp premiums.

ハ イ又はロに該当しないとき 第三級給付金の日額

(c) when the case does not fall under (a) or (b): the daily amount of the third class benefits.

第五十五条 基礎期間の最後の月の翌月以後二月の期間内に第五十三条第一項の申出をした者については、当該二月を経過する日までは、第四十五条の規定による日雇労働求職者給付金は、支給しない。

Article 55 (1) With regard to a person who has made the notification referred to in Article 53, paragraph (1) within the period of two months following the last month of the basis period, the job applicant benefits for day workers under the provisions of Article 45 are not paid until the day on which the two months have elapsed.

2 第五十三条第一項の申出をした者が、基礎期間の最後の月の翌月から起算して第三月目又は第四月目に当たる月において、第四十五条の規定による日雇労働求職者給付金の支給を受けたときは当該日雇労働求職者給付金の支給の対象となつた日については前条の規定による日雇労働求職者給付金を支給せず、同条の規定による日雇労働求職者給付金の支給を受けたときは当該日雇労働求職者給付金の支給の対象となつた日については第四十五条の規定による日雇労働求職者給付金を支給しない。

(2) If a person who has made the notification referred to in Article 53, paragraph (1) has received payment of the job applicant benefits for day workers under the provisions of Article 45 in the third or fourth month from the month following the last month of the basis period, the job applicant benefits for day workers under the provisions of the preceding Article are not paid for the days for which the job applicant benefits for day workers were paid; and when the person has received payment of the job applicant benefits for day workers under the provisions of the preceding Article, the job applicant benefits for day workers under the provisions of Article 45 are not paid for the days for which the job applicant benefits for day workers were paid.

3 前条の規定による日雇労働求職者給付金の支給を受けた者がその支給を受けた後に第五十三条第一項の申出をする場合における同項第二号の規定の適用については、その者は、第四十五条の規定による日雇労働求職者給付金の支給を受けたものとみなす。

(3) With regard to the application of the provisions of Article 53, paragraph (1), item (ii) in the case where a person who, after having received payment of the job applicant benefits for day workers under the provisions of the preceding Article, makes the notification referred to in Article 53, paragraph (1), it is deemed that the person has received payment of the job applicant benefits for day workers under the provisions of Article 45.

4 第四十六条、第四十七条、第五十条第二項、第五十一条及び第五十二条の規定は、前条の規定による日雇労働求職者給付金について準用する。

(4) The provisions of Article 46, Article 47, Article 50, paragraph (2), Articles 51, and Article 52 apply mutatis mutandis to the job applicant benefits for day

workers under the provisions of the preceding Article.

(日雇労働被保険者であつた者に係る被保険者期間等の特例)

(Special Provisions Concerning the Insured Period with Regard to a Person Who Was an Insured Day Worker)

第五十六条 日雇労働被保険者が二月の各月において十八日以上同一の事業主の適用事業に雇用され、その翌月以後において離職した場合には、その二月を第十四条の規定による被保険者期間の二箇月として計算することができる。ただし、その者が第四十三条第二項又は第三項の規定の適用を受けた者である場合には、この限りでない。

Article 56 (1) If an insured day worker had been employed in a covered undertaking by the same employer for 18 days or more in each of two months and was separated from service in or after the following month, the two months may be calculated as two months of the insured period under the provisions of Article 14; provided, however, that this does not apply when the provisions of Article 43, paragraph (2) or (3) have been applied to the worker.

2 前項の規定により同項に規定する二月を被保険者期間として計算することによつて第十四条第三項第一号に規定する受給資格、高年齢受給資格又は特例受給資格を取得した者について、第十七条に規定する賃金日額を算定する場合には、その二月の各月において納付された印紙保険料の額を厚生労働省令で定める率で除して得た額をそれぞれその各月に支払われた賃金額とみなす。

(2) In calculating the daily amount of wages prescribed in Article 17 for a person who has obtained recipient qualification, recipient qualification for the elderly, or special recipient qualification prescribed in Article 14, paragraph (3), item (i) by calculating the two months prescribed in the preceding paragraph as the insured period pursuant to the provisions of the same paragraph, the amount obtained by dividing the amount of the stamp premiums paid in each of those two months by the rate specified by Order of the Ministry of Health, Labour and Welfare is deemed to be the amount of wages paid each month.

3 第一項の規定は、第二十二條第三項の規定による算定基礎期間の算定について準用する。この場合において、「その二月を第十四条の規定による被保険者期間の二箇月として」とあるのは、「当該雇用された期間を第二十二條第三項に規定する基準日まで引き続いて同一の事業主の適用事業に被保険者として雇用された期間に該当するものとして」と読み替えるものとする。

(3) The provisions of paragraph (1) apply mutatis mutandis to the calculation of the basis period for calculation under the provisions of Article 22, paragraph (3). In this case, the term "the two months may be calculated as two months of the insured period under the provisions of Article 14" is deemed to be replaced with "the period employed may be calculated as a period falling under the period in which the person was employed as an insured person in a covered undertaking by the same employer continuously until the basis day prescribed in Article 22, paragraph (3)."

## 第五節 就職促進給付

### Section 5 Employment Promotion Benefits

(就業促進手当)

(Employment Promotion Allowance)

第五十六条の二 就業促進手当は、次の各号のいずれかに該当する者に対して、公共職業安定所長が厚生労働省令で定める基準に従つて必要があると認めたときに、支給する。

Article 56-2 (1) Employment promotion allowance is paid to a person who falls under any of the following items when the Chief of the Public Employment Security Office finds it necessary in accordance with the standards specified by Order of the Ministry of Health, Labour and Welfare:

一 次のイ又はロのいずれかに該当する受給資格者であつて、その職業に就いた日の前日における基本手当の支給残日数（当該職業に就かなかつたこととした場合における同日の翌日から当該受給資格に係る第二十条第一項及び第二項の規定による期間（第三十三条第三項の規定に該当する受給資格者については同項の規定による期間とし、次条第一項の規定に該当する受給資格者については同項の規定による期間とする。）の最後の日までの間に基本手当の支給を受けることができることとなる日数をいう。以下同じ。）が当該受給資格に基づく所定給付日数の三分の一以上かつ四十五日以上であるもの

(i) a qualified recipient falling under the following (a) or (b) for whom the remaining number of payment days for the basic allowance on the day before the day on which the recipient took up the employment (meaning the number of days for which the basic allowance would have been payable to the person, assuming they had not taken up the employment, during the period between the day after the day on which they took up the employment and the final day of the period prescribed in Article 20, paragraphs (1) and (2) pertaining to the recipient qualification (for qualified recipients falling under the provisions of Article 33, paragraph (3), the period under the provisions of the same paragraph, and for qualified recipients falling under the provisions of paragraph (1) of the following Article, the period under the provisions of the same paragraph); the same applies hereinafter) is one-third or more of the prescribed duration of benefits based on said recipient qualification and 45 days or more:

イ 職業に就いた者であつて、ロに該当しないものであること。

(a) persons who have taken up employment and do not fall under (b); or

ロ 厚生労働省令で定める安定した職業に就いた者であること。

(b) persons who have taken up stable employment specified by Order of the Ministry of Health, Labour and Welfare;

二 厚生労働省令で定める安定した職業に就いた受給資格者（当該職業に就いた日の

前日における基本手当の支給残日数が当該受給資格に基づく所定給付日数の三分の一未満又は四十五日未満である者に限る。）、特例受給資格者（特例一時金の支給を受けた者であつて、当該特例受給資格に係る離職の日の翌日から起算して六箇月を経過していないものを含む。以下同じ。）又は日雇受給資格者（第四十五条又は第五十四条の規定による日雇労働求職者給付金の支給を受けることができる者をいう。以下同じ。）であつて、身体障害者その他の就職が困難な者として厚生労働省令で定めるもの

(ii) a qualified recipient (limited to a person for whom the remaining number of payment days for the basic allowance on the day before the day on which the person took up the employment is less than one-third of the prescribed duration of benefits based on the recipient qualification or less than 45 days), specially qualified recipient (including a person who has received the special lump sum payment and for whom six months calculated from the day after the day of separation from service pertaining to the special recipient qualification concerned have not elapsed; the same applies hereinafter), or qualified day worker recipient (meaning a person who is able to receive payment of the job applicant benefits for day workers pursuant to the provisions of Article 45 or Article 54; the same applies hereinafter), who has taken up stable employment specified by Order of the Ministry of Health, Labour and Welfare and who is designated as a physically disabled person or any other person who has difficulty finding employment by Order of the Ministry of Health, Labour and Welfare.

2 受給資格者、特例受給資格者又は日雇受給資格者（第五十八条及び第五十九条第一項において「受給資格者等」という。）が、前項第一号ロ又は同項第二号に規定する安定した職業に就いた日前厚生労働省令で定める期間内の就職について就業促進手当（前項第一号イに該当する者に係るものを除く。以下この項において同じ。）の支給を受けたことがあるときは、前項の規定にかかわらず、就業促進手当は、支給しない。

(2) If a qualified recipient, specially qualified recipient, or qualified day worker recipient (referred to as a "qualified recipient, etc." in Article 58 and Article 59, paragraph (1)) has received payment of an employment promotion allowance (excluding the allowance pertaining to persons falling under item (i), (a) of the preceding paragraph; hereinafter the same applies in this paragraph) with regard to the employment during the period specified by Order of the Ministry of Health, Labour and Welfare before the day on which the person took up the stable employment prescribed in item (i), (b) or item (ii) of the preceding paragraph, the employment promotion allowance is not paid, notwithstanding the provisions of the preceding paragraph.

3 就業促進手当の額は、次の各号に掲げる者の区分に応じ、当該各号に定める額とする。

(3) The amount of the employment promotion allowance is to be the amount prescribed respectively in the following items, in accordance with the

classification of persons listed in each item:

一 第一項第一号イに該当する者 現に職業に就いている日（当該職業に就かなかつたこととした場合における同日から当該就業促進手当に係る基本手当の受給資格に係る第二十条第一項及び第二項の規定による期間（第三十三条第三項の規定に該当する受給資格者については同項の規定による期間とし、次条第一項の規定に該当する受給資格者については同項の規定による期間とする。）の最後の日までの間に基本手当の支給を受けることができることとなる日があるときに限る。）について、第十六条の規定による基本手当の日額（その金額が同条第一項（同条第二項において読み替えて適用する場合を含む。）に規定する一万二千二百二十円（その額が第十八条の規定により変更されたときは、その変更された額）に百分の五十（受給資格に係る離職の日において六十歳以上六十五歳未満である受給資格者にあつては、百分の四十五）を乗じて得た金額を超えるときは、当該金額。以下この条において「基本手当日額」という。）に十分の三を乗じて得た額

(i) persons who fall under paragraph (1), item (i), (a): with regard to days during which they are actually employed (limited to the case where there are any days on which the basic allowance would have been payable, assuming they had not taken up the employment, during the period between the day on which they took up the employment and the final day of the period prescribed in Article 20, paragraphs (1) and (2) pertaining to the recipient qualification for the basic allowance pertaining to the employment promotion allowance (for qualified recipients who fall under the provisions of Article 33, paragraph (3) the period under the provisions of the same paragraph and for qualified recipients who fall under the provisions of paragraph (1) of the following Article, the period under the provisions of the same paragraph), the amount obtained by multiplying the daily amount of the basic allowance under the provisions of Article 16 (when the amount exceeds the amount obtained by multiplying 12,220 yen (when the amount has been changed pursuant to the provisions of Article 18, the changed amount) prescribed in Article 16, paragraph (1) (including as applied pursuant to paragraph (2) of the same Article, following the deemed replacement of terms) by 50 percent (for qualified recipients who are 60 years old or older and under 65 years old on the day of separation from service pertaining to their recipient qualification, 45 percent), that amount; hereinafter referred to as the "daily amount of the basic allowance" in this Article) by 0.3;

二 第一項第一号ロに該当する者 基本手当日額に支給残日数に相当する日数に十分の三を乗じて得た数を乗じて得た額

(ii) persons who fall under paragraph (1), item (i), (b): the amount obtained by multiplying the daily amount of the basic allowance by the number obtained by multiplying the number of days equivalent to the remaining number of payment days by 0.3;

三 第一項第二号に該当する者 次のイからハまでに掲げる者の区分に応じ、当該イ

からハまでに定める額に三十を乗じて得た額を限度として厚生労働省令で定める額  
(iii) persons who fall under paragraph (1), item (ii): the amount specified by Order of the Ministry of Health, Labour and Welfare in accordance with the classification of persons listed in the following sub-items (a) through (c), within the limit of the amount obtained by multiplying the amount prescribed in the sub-items (a) through (c) by 30:

イ 受給資格者 基本手当日額

(a) qualified recipients: the daily amount of the basic allowance;

ロ 特例受給資格者 その者を基本手当の受給資格者とみなして第十六条から第十八条までの規定を適用した場合にその者に支給されることとなる基本手当の日額（その金額がその者を基本手当の受給資格者とみなして適用される第十六条第一項（同条第二項において読み替えて適用する場合を含む。）に規定する一万二千二百二十円（その額が第十八条の規定により変更されたときは、その変更された額）に百分の五十（特例受給資格に係る離職の日において六十歳以上六十五歳未満である特例受給資格者にあつては、百分の四十五）を乗じて得た金額を超えるときは、当該金額）

(b) specially qualified recipients: the daily amount of the basic allowance to be paid to the persons when the provisions of Articles 16 through 18 are applied by deeming them as qualified recipients of the basic allowance (when the amount exceeds the amount obtained by multiplying 12,220 yen (when the amount has been changed pursuant to the provisions of Article 18, the changed amount) prescribed in Article 16, paragraph (1) (including as applied pursuant to paragraph (2) of the same Article, following the deemed replacement of terms) which is applied by deeming the persons as qualified recipients of the basic allowance, by 50 percent (for qualified recipients who are 60 years old or older and under 65 years old on the day of separation from service pertaining to their special recipient qualifications, 45 percent), that amount);

ハ 日雇受給資格者 第四十八条又は第五十四条第二号の規定による日雇労働求職者給付金の日額

(c) qualified day worker recipients: the daily amount of the job applicant benefits for day workers under the provisions of Article 48 or Article 54, item (ii).

4 第一項第一号イに該当する者に係る就業促進手当を支給したときは、この法律の規定（第十条の四及び第三十四条の規定を除く。次項において同じ。）の適用については、当該就業促進手当を支給した日数に相当する日数分の基本手当を支給したものとみなす。

(4) When the employment promotion allowance pertaining to persons who fall under paragraph (1), item (i), (a) has been paid, with regard to the application of the provisions of this Act (excluding the provisions of Article 10-4 and Article 34; the same applies in the following paragraph), the basic allowance is



deemed to have been paid for the number of days equivalent to the number of days for which the employment promotion allowance was paid.

- 5 第一項第一号ロに該当する者に係る就業促進手当を支給したときは、この法律の規定の適用については、当該就業促進手当の額を基本手当日額で除して得た日数に相当する日数分の基本手当を支給したものとみなす。

(5) When the employment promotion allowance pertaining to persons who fall under paragraph (1), item (i), (b) has been paid, with regard to the application of the provisions of this Act, the basic allowance is deemed to have been paid for the number of days equivalent to the number of days obtained by dividing the amount of the employment promotion allowance by the daily amount of the basic allowance.

(就業促進手当の支給を受けた場合の特例)

(Special Provisions for Cases where the Employment Promotion Allowance Has Been Paid)

第五十七条 特定就業促進手当受給者について、第一号に掲げる期間が第二号に掲げる期間を超えるときは、当該特定就業促進手当受給者の基本手当の受給期間は、第二十条第一項及び第二項並びに第三十三条第三項の規定にかかわらず、これらの規定による期間に当該超える期間を加えた期間とする。

Article 57 (1) Notwithstanding the provisions of Article 20, paragraphs (1) and (2), and Article 33, paragraph (3), when the period listed in item (i) exceeds the period listed in item (ii), with regard to specific recipients of the employment promotion allowance, the basic allowance benefit period for the specific recipients of the employment promotion allowance is to be the period adding the period under these provisions and the exceeding period:

一 就業促進手当（前条第一項第一号ロに該当する者に係るものに限る。以下この条において同じ。）に係る基本手当の受給資格に係る離職の日の翌日から再離職（当該就業促進手当の支給を受けた後の最初の離職（新たに受給資格、高年齢受給資格又は特例受給資格を取得した場合における当該受給資格、高年齢受給資格又は特例受給資格に係る離職を除く。）をいう。次項において同じ。）の日までの期間に次のイ及びロに掲げる日数を加えた期間

(i) the period adding the period between the day after the day of separation from service pertaining to the recipient qualification for the basic allowance pertaining to the employment promotion allowance (limited to the allowance pertaining to persons who fall under paragraph (1), item (i), (b) of the preceding Article; hereinafter the same applies in this Article) and the day of the second separation from service (meaning the first separation from employment after receiving payment of the employment promotion allowance; the same applies in the following paragraph (when the recipient qualification, recipient qualification for the elderly, or special recipient qualification has been newly obtained, excluding separation from service

pertaining to the recipient qualification, recipient qualification for the elderly, or special recipient qualification)) and the number of days listed in the following sub-items (a) and (b):

イ 二十日以下の範囲内で厚生労働省令で定める日数

(a) the number of days specified by Order of the Ministry of Health, Labour and Welfare within a limit of 20 days or less;

ロ 当該就業促進手当に係る職業に就いた日の前日における支給残日数から前条第五項の規定により基本手当を支給したものとみなされた日数を差し引いた日数

(b) the number of days obtained by deducting the number of days for which the basic allowance is deemed to have been paid pursuant to the provisions of paragraph (5) of the preceding Article from the remaining number of payment days on the day before the day on which the person took up the employment pertaining to the employment promotion allowance;

二 当該職業に就かなかつたこととした場合における当該受給資格に係る第二十条第一項及び第二項の規定による期間（第三十三条第三項の規定に該当する受給資格者については、同項の規定による期間）

(ii) the period prescribed in Article 20, paragraphs (1) and (2) pertaining to the recipient qualification, assuming the person had not taken up the employment (for qualified recipients who fall under the provisions of Article 33, paragraph (3), the period prescribed in the same paragraph).

2 前項の特定就業促進手当受給者とは、就業促進手当の支給を受けた者であつて、再離職の日が当該就業促進手当に係る基本手当の受給資格に係る第二十条第一項及び第二項の規定による期間（第三十三条第三項の規定に該当する受給資格者については、同項の規定による期間）内にあり、かつ、次の各号のいずれかに該当するものをいう。

(2) The specific recipients of the employment promotion allowance referred to in the preceding paragraph means persons who have received payment of the employment promotion allowance, whose second separation from service falls within the period prescribed in Article 20, paragraphs (1) and (2) pertaining to recipient qualification for the basic allowance pertaining to the employment promotion allowance (for qualified recipients who fall under the provisions of Article 33, paragraph (3), the period prescribed in the same paragraph) and who fall under any of the following items:

一 再離職が、その者を雇用していた事業主の事業について発生した倒産又は当該事業主の適用事業の縮小若しくは廃止に伴うものである者として厚生労働省令で定めるもの

(i) persons whose second separation from service has been prescribed by Order of the Ministry of Health, Labour and Welfare as having accompanied an insolvency that occurred with regard to the undertaking by the employer who had been employing the persons, or the downsizing or discontinuance of the covered undertaking by the employer;

二 前号に定めるもののほか、解雇その他の厚生労働省令で定める理由により離職し

た者

(ii) beyond what is provided for in the preceding item, persons who have been separated from service because of dismissal or other reasons specified by Order of the Ministry of Health, Labour and Welfare.

3 第一項の規定に該当する受給資格者については、第二十四条第一項中「第二十条第一項及び第二項」とあるのは、「第五十七条第一項」とする。

(3) With regard to qualified recipients who fall under the provisions of paragraph (1), the term "Article 20, paragraphs (1) and (2)" in Article 24, paragraph (1) is deemed to be replaced with "Article 57, paragraph (1)."

4 第三十三条第五項の規定は、第一項の規定に該当する受給資格者について準用する。

(4) The provisions of Article 33, paragraph (5) apply mutatis mutandis to qualified recipients who fall under paragraph (1).

(移転費)

(Relocation Expenses)

第五十八条 移転費は、受給資格者等が公共職業安定所の紹介した職業に就くため、又は公共職業安定所長の指示した公共職業訓練等を受けるため、その住所又は居所を変更する場合において、公共職業安定所長が厚生労働大臣の定める基準に従つて必要があると認めたとときに、支給する。

Article 58 (1) If a qualified recipient, etc., changes their domicile or residence to take up the employment referred by the Public Employment Security Office or to take a course of public vocational training, etc., as directed by the chief of the Public Employment Security Office, and the chief of the Public Employment Security Office finds it necessary in accordance with the standards specified by the Minister of Health, Labour and Welfare, relocation expenses are paid.

2 移転費の額は、受給資格者等及びその者により生計を維持されている同居の親族の移転に通常要する費用を考慮して、厚生労働省令で定める。

(2) The amount of the relocation expenses is specified by Order of the Ministry of Health, Labour and Welfare, taking into account the expenses normally required for relocation of a qualified recipient, etc., and cohabiting relatives who are supported by the recipient.

(広域求職活動費)

(Wide Area Job-Seeking Activity Expenses)

第五十九条 広域求職活動費は、受給資格者等が公共職業安定所の紹介により広範囲の地域にわたる求職活動をする場合において、公共職業安定所長が厚生労働大臣の定める基準に従つて必要があると認めたとときに、支給する。

Article 59 (1) When a qualified recipient, etc., engages in wide area job-seeking activities through referral by the Public Employment Security Office and the chief of the Public Employment Security Office finds it necessary in accordance

with the standards specified by the Minister of Health, Labour and Welfare, wide area job-seeking activity expenses are paid.

2 広域求職活動費の額は、前項の求職活動に通常要する費用を考慮して、厚生労働省令で定める。

(2) The amount of the wide area job-seeking activity expenses are specified by Order of the Ministry of Health, Labour and Welfare, taking into account the expenses normally required for the job-seeking activities referred to in the preceding paragraph.

(給付制限)

(Restriction on Benefits)

第六十条 偽りその他不正の行為により求職者給付又は就職促進給付の支給を受け、又は受けようとした者には、これらの給付の支給を受け、又は受けようとした日以後、就職促進給付を支給しない。ただし、やむを得ない理由がある場合には、就職促進給付の全部又は一部を支給することができる。

Article 60 (1) The employment promotion benefits are not paid to a person who has received or attempted to receive payment of the job applicant benefits or employment promotion benefits by deception or other wrongful acts, starting from the day on which the person received or attempted to receive payment of these benefits; provided, however, that if there are unavoidable reasons, the whole or a part of the employment promotion benefits may be paid.

2 前項に規定する者が同項に規定する日以後新たに受給資格又は特例受給資格を取得した場合には、同項の規定にかかわらず、その受給資格又は特例受給資格に基づく就職促進給付を支給する。

(2) If a person prescribed in the preceding paragraph has newly obtained recipient qualification or special recipient qualification on or after the day prescribed in the same paragraph, the employment promotion benefits based on the recipient qualification or special recipient qualification are paid, notwithstanding the provisions of the same paragraph.

3 第一項に規定する者であつて、第五十二条第三項（第五十五条第四項において準用する場合を含む。次項において同じ。）の規定により日雇労働求職者給付金の支給を受けることができない者とされたものが、その支給を受けることができない期間を経過した後において、日雇受給資格者である場合又は日雇受給資格者となつた場合には、第一項の規定にかかわらず、その日雇受給資格者たる資格に基づく就職促進給付を支給する。

(3) Where a person prescribed in paragraph (1) who has been disqualified from receiving payment of the job applicant benefits for day workers pursuant to the provisions of Article 52, paragraph (3) (including as applied mutatis mutandis pursuant to Article 55, paragraph (4); the same applies in the following paragraph), is or has become a qualified day worker recipient, after the expiration of the period of disqualification for the payment, the employment

promotion benefits are paid based on the qualification as a qualified day worker recipient, notwithstanding the provisions of paragraph (1).

4 第一項に規定する者（第五十二条第三項の規定により日雇労働求職者給付金の支給を受けることができない者とされている者を除く。）が新たに日雇受給資格者となつた場合には、第一項の規定にかかわらず、その日雇受給資格者たる資格に基づく就職促進給付を支給する。

(4) If a person prescribed in paragraph (1) (excluding a person who is considered to be disqualified from receiving payment of the job applicant benefits for day workers pursuant to the provisions of Article 52, paragraph (3)) has newly become a qualified day worker recipient, the employment promotion benefits based on the qualification as a qualified day worker recipient are paid to the person, notwithstanding the provisions of paragraph (1).

5 受給資格者が第一項の規定により就職促進給付を支給されないこととされたため、当該受給資格に基づく就業促進手当の全部又は一部の支給を受けることができなくなつたときは、第五十六条の二第四項及び第五項の規定の適用については、その全部又は一部の支給を受けることができないこととされた就業促進手当の支給があつたものとみなす。

(5) When a qualified recipient has become unable to receive payment of the whole or a part of the employment promotion allowance based on the recipient qualification, due to being denied payment of the employment promotion benefits pursuant to the provisions of paragraph (1), the whole or a part of the employment promotion allowance that the person was disqualified from receiving is deemed to have been paid, with regard to the application of the provisions of Article 56-2, paragraph (4).

## 第五節の二 教育訓練給付

### Section 5-2 Educational Training Benefits

(教育訓練給付金)

(Educational Training Benefits)

第六十条の二 教育訓練給付金は、次の各号のいずれかに該当する者が、厚生労働省令で定めるところにより、雇用の安定及び就職の促進を図るために必要な職業に関する教育訓練として厚生労働大臣が指定する教育訓練を受け、当該教育訓練を修了した場合（当該教育訓練を行つた指定教育訓練実施者によりその旨の証明がされた場合に限る。）において、支給要件期間が三年以上であるときに、支給する。

Article 60-2 (1) The educational training benefits are to be paid when persons falling under any of the following items, take and complete the educational training designated by the Minister of Health, Labour and Welfare as job-related educational training necessary for employment security and promotion of job placement as prescribed by Order of the Ministry of Health, Labour and Welfare (limited to the case where the fact has been certified by the

practitioner of specified educational training who conducted the educational training), and where the required period for payment exceeds three years:

一 当該教育訓練を開始した日（以下この条において「基準日」という。）に被保険者（高年齢継続被保険者、短期雇用特例被保険者及び日雇労働被保険者を除く。次号において「一般被保険者」という。）である者

(i) insured persons (excluding continuously insured elderly persons, specially insured persons in short-term employment, and insured day workers; referred to as "generally insured persons" in the following item) on the day of commencing the educational training (hereinafter referred to as "basis day" in this Article);

二 前号に掲げる者以外の者であつて、基準日が当該基準日の直前の一般被保険者でなくなつた日から厚生労働省令で定める期間内にあるもの

(ii) persons other than those listed in the previous item, whose basis day falls within the period specified by Order of the Ministry of Health, Labour and Welfare from the day on which they ceased to be generally insured persons immediately before the basis day.

2 前項の支給要件期間は、同項各号に掲げる者が基準日までの間に同一の事業主の適用事業に引き続いて被保険者（高年齢継続被保険者を除く。以下この項において同じ。）として雇用された期間（当該雇用された期間に係る被保険者となつた日前に被保険者であつたことがある者については、当該雇用された期間と当該被保険者であつた期間を通算した期間）とする。ただし、当該期間に次の各号に掲げる期間が含まれているときは、当該各号に掲げる期間に該当するすべての期間を除いて算定した期間とする。

(2) The required period for payment referred to in the preceding paragraph is to be the period, within the period before the basis day, during which a person listed in each item of that paragraph is employed continuously as an insured person (excluding continuously insured elderly persons, hereinafter the same applies in this paragraph) in a covered undertaking by the same employer (for persons who had at one time been insured before the day they became an insured person pertaining to the period of employment, the period is to be the aggregate of the period of employment and the period during which the person had been insured); provided, however, that when the periods listed in the following items are included in that period, the period is calculated excluding all periods falling under those listed in the items:

一 当該雇用された期間又は当該被保険者であつた期間に係る被保険者となつた日の直前の被保険者でなくなつた日が当該被保険者となつた日前一年の期間内にないときは、当該直前の被保険者でなくなつた日以前の被保険者であつた期間

(i) when the period of employment or the day on which the person had ceased to be an insured person immediately before the day they became an insured person pertaining to the period during which they had been insured is not within a one-year period prior to the day on which they had become insured,

the period is the period during which the person had been insured before the day on which they had ceased to be an insured person; or

二 当該基準日前に教育訓練給付金の支給を受けたことがあるときは、当該給付金に係る基準日前の被保険者であつた期間

(ii) when the educational training benefits have been received prior to the basis day, the period is the period during which the person was insured prior to the basis day pertaining to the benefits.

3 第二十二條第四項の規定は、前項の支給要件期間の算定について準用する。

(3) The provisions of Article 22, paragraph (4) apply mutatis mutandis to the calculations of the required period for payment referred to in the preceding paragraph.

4 教育訓練給付金の額は、第一項各号に掲げる者が同項に規定する教育訓練の受講のために支払つた費用（厚生労働省令で定める範囲内のものに限る。）の額（当該教育訓練の受講のために支払つた費用の額であることについて当該教育訓練を行つた指定教育訓練実施者により証明がされたものに限る。）に百分の二十以上百分の四十以下の範囲内において厚生労働省令で定める率を乗じて得た額（その額が厚生労働省令で定める額を超えるときは、その定める額）とする。

(4) The amount of the educational training benefits is to be an amount obtained by multiplying the amount of expenses which the persons listed in the items of paragraph (1) have paid for taking the educational training prescribed in the same paragraph (limited to expenses within the limit specified by Order of the Ministry of Health, Labour and Welfare) (limited to the amount which has been certified by the practitioner of specified educational training who conducted the educational training as the amount of expenses paid for taking the educational training) by a rate specified by Order of the Ministry of Health, Labour and Welfare, within the range of 20 percent to 40 percent (when the amount exceeds the amount specified by Order of the Ministry of Health, Labour and Welfare, the amount specified).

5 第一項及び前項の規定にかかわらず、同項の規定により教育訓練給付金の額として算定された額が厚生労働省令で定める額を超えないときは、教育訓練給付金は、支給しない。

(5) Notwithstanding the provisions of paragraph (1) and the preceding paragraph, when the amount calculated as the educational training benefits under the provisions of those paragraphs does not exceed the amount specified by Order of the Ministry of Health, Labour and Welfare, the educational training benefits are not paid.

(給付制限)

(Restriction on Benefits)

第六十條の三 偽りその他不正の行為により教育訓練給付金の支給を受け、又は受けようとした者には、当該給付金の支給を受け、又は受けようとした日以後、教育訓練給

付金を支給しない。ただし、やむを得ない理由がある場合には、教育訓練給付金の全部又は一部を支給することができる。

Article 60-3 (1) The educational training benefits are not paid to a person who has received or attempted to receive payment of the educational training benefits by deception or other wrongful acts, starting from the day on which the person received or attempted to receive payment of the benefits; provided, however, that if there are unavoidable reasons, the whole or a part of the educational training benefits may be paid.

2 前項の規定により教育訓練給付金の支給を受けることができない者とされたものが、同項に規定する日以後、新たに教育訓練給付金の支給を受けることができる者となつた場合には、同項の規定にかかわらず、教育訓練給付金を支給する。

(2) If a person who are unable to receive payment of the educational training benefits pursuant to the provisions of the preceding paragraph has newly become a person who is able to receive payment of the educational training benefits, the educational training benefits are paid, notwithstanding the provisions of the same paragraph.

3 第一項の規定により教育訓練給付金の支給を受けることができなくなつた場合においても、前条第二項の規定の適用については、当該給付金の支給があつたものとみなす。

(3) Even if a person has become unable to receive payment of the educational training benefits pursuant to the provisions of paragraph (1), with regard to the application of the provisions of paragraph (2) of the preceding Article, the benefits are deemed to have been paid.

## 第六節 雇用継続給付

### Section 6 Continuous Employment Benefits

#### 第一款 高年齢雇用継続給付

##### Subsection 1 Continuous Employment Benefits for the Elderly

(高年齢雇用継続基本給付金)

(Basic Continuous Employment Benefits for the Elderly)

第六十一条 高年齢雇用継続基本給付金は、被保険者（短期雇用特例被保険者及び日雇労働被保険者を除く。以下この款において同じ。）に対して支給対象月（当該被保険者が第一号に該当しなくなつたときは、同号に該当しなくなつた日の属する支給対象月以後の支給対象月）に支払われた賃金の額（支給対象月において非行、疾病その他の厚生労働省令で定める理由により支払を受けることができなかつた賃金がある場合には、その支払を受けたものとみなして算定した賃金の額。以下この項、第四項及び第五項各号（次条第三項において準用する場合を含む。）並びに同条第一項において同じ。）が、当該被保険者を受給資格者と、当該被保険者が六十歳に達した日（当該被保険者が第一号に該当しなくなつたときは、同号に該当しなくなつた日）を受給資格に係る離職の日とみなして第十七条（第三項を除く。）の規定を適用した場合に算



定されることとなる賃金日額に相当する額（以下この条において「みなし賃金日額」という。）に三十を乗じて得た額の百分の七十五に相当する額を下るに至った場合に、当該支給対象月について支給する。ただし、次の各号のいずれかに該当するときは、この限りでない。

Article 61 (1) The basic continuous employment benefits for the elderly are paid for the months subject to payment where the amount of wages paid (where there are wages, payment of which could not be received in the months subject to payment due to misconduct, disease or other reasons specified by Order of the Ministry of Health, Labour and Welfare, the amount calculated by deeming that those wages have been paid; hereinafter the same applies in this paragraph, the items of paragraphs (4) and (5) (including as applied mutatis mutandis pursuant to paragraph (3) of the following Article) and paragraph (1) of the same Article), to an insured person (excluding specially insured persons in short-term employment and insured day workers; hereinafter the same applies in this Subsection) in the month subject to payment (when the insured person has ceased to fall under item (i), the months subject to payment after the month subject to payment containing the day on which the person ceased to fall under the same item), has fallen below an amount equivalent to 75 percent of the amount obtained by multiplying by 30 the amount equivalent to the daily amount of wages calculated where the provisions of Article 17 (excluding paragraph (3)) are applied, deeming the insured person as a qualified recipient and the day on which the insured person reached 60 years of age (when the insured person has ceased to fall under item (i), the day on which the person ceased to fall under the same item) as the day of separation from service pertaining to the recipient qualification (hereinafter referred to as the "amount deemed to be the daily amount of wages" in this Article); provided, however, that this does not apply when the case falls under any of the following items:

一 当該被保険者を受給資格者と、当該被保険者が六十歳に達した日又は当該支給対象月においてその日に応当する日（その日に応当する日がない月においては、その月の末日。）を第二十条第一項第一号に規定する基準日とみなして第二十二条第三項及び第四項の規定を適用した場合に算定されることとなる期間に相当する期間が、五年に満たないとき。

(i) when the period equivalent to the period to be calculated when the provisions of Article 22, paragraphs (3) and (4) have been applied, deeming the insured person as a qualified recipient and the day on which the insured person reached 60 years of age or the day in the month subject to payment corresponding to that day (for a month which does not have a day corresponding to that day, the last day of that month) as the basis day prescribed in Article 20, paragraph (1), item (i) is less than five years;

二 当該支給対象月に支払われた賃金の額が、三十五万八百八十円（その額が第七項の規定により変更されたときは、その変更された額。以下この款において「支給限

度額」という。)以上であるとき。

(ii) when the amount of wages paid in the month subject to payment is 350,880 yen or more (when that amount has been changed pursuant to the provisions of paragraph (7), the changed amount; hereinafter referred to as the "payment amount limit" in this Subsection).

2 この条において「支給対象月」とは、被保険者が六十歳に達した日の属する月から六十五歳に達する日の属する月までの期間内にある月（その月の初日から末日まで引き続いて、被保険者であり、かつ、育児休業基本給付金又は介護休業給付金の支給を受けることができる休業をしなかつた月に限る。）をいう。

(2) The term "months subject to payment" as used in this Article means the months within the period from the month containing the day on which the insured person reached 60 years of age until the month containing the day on which they reach 65 years of age (limited to months in which the person was continuously insured from the first to the last day of the month and in which they did not take absence from work for which they could receive payment of the basic childcare leave benefits or nursing care leave benefits).

3 第一項の規定によりみなし賃金日額を算定する場合における第十七条第四項の規定の適用については、同項中「前三項の規定」とあるのは、「第一項及び第二項の規定」とする。

(3) When the deemed daily wage amount is calculated pursuant to the provisions of paragraph (1), with regard to the application of the provisions of Article 17, paragraph (4), the term "the provisions of the preceding three paragraphs" in the same paragraph is deemed to be replaced with "the provisions of paragraphs (1) and (2)."

4 第一項の規定によりみなし賃金日額を算定することができないとき若しくは困難であるとき、又は同項の規定により算定したみなし賃金日額を用いて同項の規定を適用することが適当でないと認められるときは、厚生労働大臣が定めるところにより算定した額をみなし賃金日額とする。この場合において、第十七条第四項の規定は、この項の規定により算定したみなし賃金日額について準用する。

(4) When it is not possible or it is difficult to calculate the deemed daily wage amount pursuant to the provisions of paragraph (1), or where it is found inappropriate to apply the provisions of the same paragraph using the deemed daily wage amount calculated pursuant to the provisions of the same paragraph, the deemed daily wage amount calculated as specified by the Minister of Health, Labour and Welfare. In this case, the provisions of Article 17, paragraph (4) apply mutatis mutandis to the deemed daily wage amount calculated pursuant to the provisions of this paragraph.

5 高年齢雇用継続基本給付金の額は、一支給対象月について、次の各号に掲げる区分に応じ、当該支給対象月に支払われた賃金の額に当該各号に定める率を乗じて得た額とする。ただし、その額に当該賃金の額を加えて得た額が支給限度額を超えるときは、支給限度額から当該賃金の額を減じて得た額とする。

- (5) The amount of the basic continuous employment benefits for the elderly for a single month subject to payment is the amount obtained, in accordance with the classification listed in the following items, by multiplying the amount of wages paid in the month subject to payment by the rates prescribed in the items; provided, however, that where the amount obtained by adding the amount of wages to that amount exceeds the payment amount limit, it is to be the amount obtained by deducting the amount of wages from the payment amount limit:
- 一 当該賃金の額が、みなし賃金日額に三十を乗じて得た額の百分の六十一に相当する額未満であるとき。 百分の十五
  - (i) when the amount of wages is less than the amount equivalent to 61 percent of the amount obtained by multiplying the deemed daily wage amount by 30: 15 percent;
  - 二 前号に該当しないとき。 みなし賃金日額に三十を乗じて得た額に対する当該賃金の額の割合が逡増する程度に応じ、百分の十五から一定の割合で逡減するように厚生労働省令で定める率
  - (ii) when the case does not fall under the preceding item: the percentage specified by Order of the Ministry of Health, Labour and Welfare to gradually decrease from 15 percent in a fixed percentage in accordance with the degree of gradual increase in the proportion of the amount of wages to the amount obtained by multiplying the deemed daily wage amount by 30.
- 6 第一項及び前項の規定にかかわらず、同項の規定により支給対象月における高年齢雇用継続基本給付金の額として算定された額が第十七条第四項第一号に掲げる額（その額が第十八条の規定により変更されたときは、その変更された額）の百分の八十に相当する額を超えないときは、当該支給対象月については、高年齢雇用継続基本給付金は、支給しない。
- (6) Notwithstanding the provisions of paragraph (1) and the preceding paragraph, the basic continuous employment benefits for the elderly are not paid for the month subject to payment, when the amount calculated as the amount of the basic continuous employment benefits for the elderly for the month subject to payment does not exceed the amount equivalent to 80 percent of the amount listed in Article 17, paragraph (4), item (i) (when that amount has been changed pursuant to the provisions of Article 18, the changed amount).
- 7 厚生労働大臣は、年度の平均給与額が平成十三年四月一日から始まる年度（この項の規定により支給限度額が変更されたときは、直近の当該変更がされた年度の前年度）の平均給与額を超え、又は下るに至つた場合においては、その上昇し、又は低下した比率を基準として、その翌年度の八月一日以後の支給限度額を変更しなければならない。
- (7) When the average earnings for the fiscal year have either exceeded or fallen below the average earnings for the year beginning on April 1, 2001 (where the payment amount limit has been changed pursuant to the provisions of this

paragraph, the fiscal year preceding the fiscal year of the most recent change), the Minister of Health, Labour and Welfare must change the payment amount limit applicable from August 1 of the following fiscal year, in accordance with the rate of increase or decrease.

(高年齢再就職給付金)

**(Re-employment Benefits for the Elderly)**

第六十一条の二 高年齢再就職給付金は、受給資格者（その受給資格に係る離職の日における第二十二条第三項の規定による算定基礎期間が五年以上あり、かつ、当該受給資格に基づく基本手当の支給を受けたことがある者に限る。）が六十歳に達した日以後安定した職業に就くことにより被保険者となつた場合において、当該被保険者に対し再就職後の支給対象月に支払われた賃金の額が、当該基本手当の日額の算定の基礎となつた賃金日額に三十を乗じて得た額の百分の七十五に相当する額を下るに至つたときに、当該再就職後の支給対象月について支給する。ただし、次の各号のいずれかに該当するときは、この限りでない。

Article 61-2 (1) The re-employment benefits for the elderly are paid for the months subject to payment after re-employment, where a qualified recipient (limited to one whose basic period for calculation pursuant to the provisions of Article 22, paragraph (3) as on the day of separation from service pertaining to the recipient qualification is not less than five years and who has received payment of the basic allowance based on the recipient qualification) has become an insured person due to taking stable employment on or after the day on which the insured person reached 60 years of age, and when the amount of wages paid to the insured person in the months subject to payment after re-employment has fallen below the amount equivalent to 75 percent of the amount obtained by multiplying by 30 the daily amount of wages, which was the basis of the calculation of the daily amount of the basic allowance; provided, however, that this does not apply when the case falls under any of the following items:

一 当該職業に就いた日（次項において「就職日」という。）の前日における支給残日数が、百日未満であるとき。

(i) when the remaining number of payment days on the day before the day on which the insured person took up the employment (referred to as the "employment day" in the following paragraph) is less than 100 days;

二 当該再就職後の支給対象月に支払われた賃金の額が、支給限度額以上であるとき。

(ii) when the amount of wages paid in the months subject to payment after the re-employment is not less than the payment amount limit.

2 前項の「再就職後の支給対象月」とは、就職日の属する月から当該就職日の翌日から起算して二年（当該就職日の前日における支給残日数が二百日未満である同項の被保険者については、一年）を経過する日の属する月（その月が同項の被保険者が六十五歳に達する日の属する月後であるときは、六十五歳に達する日の属する月）までの

期間内にある月（その月の初日から末日まで引き続いて、被保険者であり、かつ、育児休業基本給付金又は介護休業給付金の支給を受けることができる休業をしなかつた月に限る。）をいう。

(2) The "months subject to payment after re-employment" referred to in the preceding paragraph, means the months within the period between the month containing the employment day and the month containing the day on which two years (for an insured person referred to in the same paragraph whose remaining number of payment days on the day before the employment day is less than 200 days, one year) have elapsed from the day after the employment day (where the month is a month after the month in which the insured person referred to in the same paragraph reaches 65 years of age, the month in which the person reaches 65 years of age) (limited to months in which the person was continuously insured from the first to the last day of the month and in which they did not take absence from work for which they could receive payment of the basic childcare leave benefits or nursing care benefits).

3 前条第五項及び第六項の規定は、高年齢再就職給付金の額について準用する。この場合において、同条第五項中「支給対象月について」とあるのは「再就職後の支給対象月（次条第二項に規定する再就職後の支給対象月をいう。次条第三項において準用する第六項において同じ。）について」と、「当該支給対象月」とあるのは「当該再就職後の支給対象月」と、「みなし賃金日額」とあるのは「次条第一項の賃金日額」と、同条第六項中「第一項」とあるのは「次条第一項」と、「支給対象月」とあるのは「再就職後の支給対象月」と読み替えるものとする。# 「支給対象月について」：第六十一条第五項では「一支給対象月について」となっています。そのまま読み替えると「一再就職後の支給対象月～」となり、不自然な日本語になってしまいますが、「再就職後の一支給対象月～」と考えて英訳しました。#

(3) The provisions of paragraphs (5) and (6) of the preceding Article apply *mutatis mutandis* to the amount of the re-employment benefits for the elderly. In this case, the terms in paragraph (5) of the same Article "for a single month subject to payment", "the month subject to payment" and "the amount deemed to be the daily amount of wages" are deemed to be replaced, respectively, with "for a single month subject to payment after re-employment (meaning the months subject to payment after the re-employment prescribed in paragraph (2) of the following Article; the same applies in paragraph (6) as applied *mutatis mutandis* pursuant to paragraph (3) of the following Article)", "the month subject to payment after re-employment" and "the daily amount of wages referred to in paragraph (1) of the following Article"; and the terms in paragraph (6) of the same Article "paragraph (1)" and "the month subject to payment" are deemed to be replaced, respectively, with "paragraph (1) of the following Article" and "the month subject to payment after re-employment."

4 高年齢再就職給付金の支給を受けることができる者が、同一の就職につき就業促進手当（第五十六条の二第一項第一号ロに該当する者に係るものに限る。以下この項に

において同じ。) の支給を受けることができる場合において、その者が就業促進手当の支給を受けたときは高年齢再就職給付金を支給せず、高年齢再就職給付金の支給を受けたときは就業促進手当を支給しない。

- (4) If a person who is able to receive payment of the re-employment benefits for the elderly is qualified to receive payment of the employment promotion allowance (limited to an allowance pertaining to persons falling under Article 56-2, paragraph (1), item (i), (b); hereinafter the same applies in this paragraph) with regard to the same employment, the re-employment benefits for the elderly are not paid when the person has received payment of the employment promotion allowance, and the employment promotion allowance are not paid when the person has received payment of the re-employment benefits for the elderly.

(給付制限)

**(Restriction on Benefits)**

第六十一条の三 偽りその他不正の行為により次の各号に掲げる失業等給付の支給を受け、又は受けようとした者には、当該給付の支給を受け、又は受けようとした日以後、当該各号に定める高年齢雇用継続給付を支給しない。ただし、やむを得ない理由がある場合には、当該高年齢雇用継続給付の全部又は一部を支給することができる。

Article 61-3 The continuous employment benefits for the elderly prescribed in the following items are not paid to a person who has received or attempted to receive payment of the benefits for unemployment, etc., listed in the same items by deception or other wrongful acts, starting from the day on which the person received or attempted to receive payment of the benefits; provided, however, that in the case where there are unavoidable reasons, the whole or a part of the continuous employment benefits for the elderly may be paid:

一 高年齢雇用継続基本給付金 高年齢雇用継続基本給付金

(i) basic continuous employment benefits for the elderly; basic continuous employment benefits for the elderly; and

二 高年齢再就職給付金又は当該給付金に係る受給資格に基づく求職者給付若しくは就職促進給付 高年齢再就職給付金

(ii) re-employment benefits for the elderly or job applicant benefits or employment promotion benefits based on the recipient qualification pertaining to the benefits: re-employment benefits for the elderly.

**第二款 育児休業給付**

**Subsection 2 Childcare Leave Benefits**

(育児休業基本給付金)

**(Basic Childcare Leave Benefits)**

第六十一条の四 育児休業基本給付金は、被保険者（高年齢継続被保険者、短期雇用特

例被保険者及び日雇労働被保険者を除く。以下この款及び次款において同じ。)が、厚生労働省令で定めるところにより、その一歳(その子が一歳に達した日後の期間について休業することが雇用の継続のために特に必要と認められる場合として厚生労働省令で定める場合に該当する場合にあつては、一歳六か月)に満たない子を養育するための休業をした場合において、当該休業を開始した日前二年間(当該休業を開始した日前二年間に疾病、負傷その他厚生労働省令で定める理由により引き続き三十日以上賃金の支払を受けることができなかつた被保険者については、当該理由により賃金の支払を受けることができなかつた日数を二年に加算した期間(その期間が四年を超えるときは、四年間))に、みなし被保険者期間が通算して十二箇月以上であつたときに、支給単位期間について支給する。

Article 61-4 (1) The basic childcare leave benefits are paid for the payment unit period where an insured person (excluding continuously insured elderly persons, specially insured persons in short-term employment, and insured day workers; hereinafter the same applies in this Subsection and the following Subsection) has, as prescribed by Order of the Ministry of Health, Labour and Welfare, taken absence from work in order to take care of their child under one year old (when falling under the case specified by Order of the Ministry of Health, Labour and Welfare as the case found especially necessary to take absence from work on or after the day on which the child reaches one year of age for the purpose of continuing employment, one and half years old), when the period deemed to be the insured period is a total of 12 months or more within the two-year period preceding the day on which the absence was commenced (for an insured person who was continuously unable to receive payment of wages for 30 days or more due to disease, injury or other reasons specified by Order of the Ministry of Health, Labour and Welfare during the two-year period preceding the day on which the absence was commenced, two years added to the number of days for which payment of wages could not be received due to the reason (when that total period exceeds four years; four years)).

2 前項の「みなし被保険者期間」は、同項に規定する休業を開始した日を被保険者でなくなつた日とみなして第十四条(第二項を除く。)の規定を適用した場合に計算されることとなる被保険者期間に相当する期間とする。この場合における同条第一項及び第三項の規定の適用については、同条第一項中「十四日」とあるのは「十一日」と、同条第三項中「前二項の」とあるのは「第一項の」と、「前二項に」とあるのは「同項に」とする。

(2) The "period deemed to be the insured period" referred to in the preceding paragraph is the period equivalent to the insured period to be calculated when the provisions of Article 14 (excluding paragraph (2)) have been applied, deeming the day on which the absence from work prescribed in the preceding paragraph was commenced was the day on which the person ceased to be an insured person. In this case, with regard to the application of the provisions of

paragraphs (1) and (3) of the same Article, the term "14 days" in paragraph (1) of the same Article is deemed to be replaced with "11 days"; the terms "of the preceding two paragraphs" and "in the preceding two paragraphs" in paragraph (3) of the same Article are deemed to be replaced, respectively, with "of paragraph (1)" and "in the same paragraph."

3 この条及び次条第二項において「支給単位期間」とは、第一項に規定する休業をした期間を、当該休業を開始した日又は各月においてその日に応じ、かつ、当該休業をした期間内にある日（その日に応ずる日がない月においては、その月の末日。以下この項及び次項第二号において「休業開始応当日」という。）から各翌月の休業開始応当日の前日（当該休業を終了した日の属する月にあつては、当該休業を終了した日）までの各期間に区分した場合における当該区分による一の期間をいう。

(3) The "payment unit period" in this Article and paragraph (2) of the following Article means a single period when the period of absence from work taken pursuant to the provisions of paragraph (1) has been classified into each period from the day on which the absence was commenced or the day corresponding to that day in each month within the period of the absence (for a month which does not have a day corresponding to that day, the last day of the month; hereinafter referred to as the "corresponding absence commencement day" in this paragraph and item (ii) of the following paragraph) until the day before the corresponding absence commencement day in each successive month (for the month containing the day on which the absence ended, the day on which the absence ended), in accordance with the classification.

4 育児休業基本給付金の額は、一支給単位期間について、育児休業基本給付金の支給を受けることができる被保険者を受給資格者と、当該被保険者が当該育児休業基本給付金の支給に係る休業を開始した日の前日を受給資格に係る離職の日とみなして第十七条の規定を適用した場合に算定されることとなる賃金日額に相当する額（以下この款において「休業開始時賃金日額」という。）に次の各号に掲げる支給単位期間の区分に応じて当該各号に定める日数（次項及び次条第二項において「支給日数」という。）を乗じて得た額の百分の三十に相当する額とする。この場合における同条の規定の適用については、同条第三項中「困難であるとき」とあるのは「できないとき若しくは困難であるとき」と、同条第四項中「第二号」とあるのは「第二号ハ」とする。

(4) The amount of the basic childcare leave benefits for a single payment unit period is an amount equivalent to 30 percent of the amount obtained by multiplying the amount equivalent to the daily amount of wages to be calculated when the provisions of Article 17 have been applied, deeming the person qualified to receive payment of the basic childcare leave benefits as a qualified recipient and the day before the day on which the qualified recipient commenced the absence pertaining to payment of the basic childcare leave benefits as the day of separation from service pertaining to the recipient qualification (hereinafter referred to as the "daily amount of wages at the commencement of absence" in this Subsection), by the duration of benefits



prescribed in the following items in accordance with the classification of payment unit periods listed in the same items (referred to as the "duration of benefits" in this paragraph and paragraph (2) of the following Article). In this case, with regard to the application of the provisions of the same Article, the term "where it is difficult" in paragraph (3) of the same Article is deemed to be replaced with "when it is not possible or difficult"; the term "item (ii)" in paragraph (4) of the same Article is deemed to be replaced with "item (ii), (c)":

一 次号に掲げる支給単位期間以外の支給単位期間 三十日

(i) payment unit periods other than the payment unit period listed in the following item: 30 days; and

二 当該休業を終了した日の属する支給単位期間 当該支給単位期間における当該休業を開始した日又は休業開始応当日から当該休業を終了した日までの日数

(ii) the payment unit period containing the day on which the absence was ended: the number of days from the day on which the absence was commenced or the corresponding absence commencement day until the day on which the absence was ended during the payment unit period.

5 前項の規定にかかわらず、第一項に規定する休業をした被保険者に当該被保険者を雇用している事業主から支給単位期間に賃金が支払われた場合において、当該賃金の額に当該支給単位期間における育児休業基本給付金の額を加えて得た額が休業開始時賃金日額に支給日数を乗じて得た額の百分の八十に相当する額以上であるときは、休業開始時賃金日額に支給日数を乗じて得た額の百分の八十に相当する額から当該賃金の額を減じて得た額を、当該支給単位期間における育児休業基本給付金の額とする。この場合において、当該賃金の額が休業開始時賃金日額に支給日数を乗じて得た額の百分の八十に相当する額以上であるときは、同項の規定にかかわらず、当該賃金が支払われた支給単位期間については、育児休業基本給付金は、支給しない。

(5) Notwithstanding the provisions of the preceding paragraph, when wages have been paid during the payment unit period to the insured person who has taken the absence from work prescribed in paragraph (1) by the employer who employs the insured person, when the amount obtained by adding the amount of the basic childcare leave benefits for the payment unit period to the amount of wages exceeds the amount equivalent to 80 percent of the amount obtained by multiplying the daily amount of wages at the commencement of absence by the duration of benefits, the amount obtained by deducting the amount of wages from the amount equivalent to 80 percent of the amount obtained by multiplying the daily amount of wages at the commencement of absence by the duration of benefits is the amount of the basic childcare leave benefits for the payment unit period. In this case, when the amount of wages is not less than the amount equivalent to 80 percent of the amount obtained by multiplying the daily amount of wages at the commencement of absence by the duration of benefits, notwithstanding the provisions of the same paragraph, the basic childcare leave benefits are not paid for the payment unit period for which the

wages were paid.

(育児休業者職場復帰給付金)

(Re-engagement Benefits for Persons Taking Childcare Leave)

第六十一条の五 育児休業者職場復帰給付金は、育児休業基本給付金の支給を受けることができる被保険者が、当該支給を受けることができる育児休業基本給付金に係る休業の期間中被保険者として雇用されていた事業主に当該休業を終了した日後引き続いて六箇月以上雇用されているときに、支給する。

Article 61-5 (1) The re-engagement benefits for persons taking childcare leave are to be paid when an insured person who is able to receive payment of the basic childcare leave benefits has been employed by the employer who employed the person as an insured person during the period of the absence from work pertaining to the basic childcare leave benefits which they are able to receive, for six months or more continuously on or after the day on which the absence was ended.

2 育児休業者職場復帰給付金の額は、前項の休業をした期間内における支給単位期間（育児休業基本給付金の支給を受けることができるものに限る。）における支給日数を合計した数に、当該支給単位期間に支給を受けることができる育児休業基本給付金に係る休業開始時賃金日額の百分の十に相当する額を乗じて得た額とする。

(2) The amount of the re-engagement benefits for persons taking childcare leave is the amount obtained by multiplying the amount equivalent to 10 percent of the daily amount of wages at the commencement of absence pertaining to the basic childcare leave benefits which they are able to receive during the payment unit period, by the total duration of benefits for the payment unit periods (limited to periods for which payment of the basic childcare leave benefits may be received) during the period of absence referred to in the preceding paragraph was taken.

(給付制限)

(Restriction on Benefits)

第六十一条の六 偽りその他不正の行為により育児休業基本給付金の支給を受け、又は受けようとした者には、当該給付金の支給を受け、又は受けようとした日以後、育児休業給付を支給しない。ただし、やむを得ない理由がある場合には、育児休業給付の全部又は一部を支給することができる。

Article 61-6 (1) The childcare leave benefits are not paid to a person who has received or attempted to receive payment of the basic childcare leave benefits by deception or other wrongful acts, starting from the day on which the person received or attempted to receive payment of the benefits; provided, however, that in the case where there are unavoidable reasons, the whole or a part of the childcare leave benefits may be paid.

2 前項の規定により育児休業給付の支給を受けることができない者とされたものが、

同項に規定する日以後、新たに第六十一条の四第一項に規定する休業を開始し、育児休業基本給付金の支給を受けることができる者となつた場合には、前項の規定にかかわらず、当該休業に係る育児休業給付を支給する。

- (2) If a person who is unable to receive payment of the childcare leave benefits pursuant to the provisions of the preceding paragraph has newly taken absence as prescribed in Article 61-4, paragraph (1), following the day prescribed in the preceding paragraph, and has become a person able to receive payment of the basic childcare leave benefits, the childcare leave benefits pertaining to the absence are paid notwithstanding the provisions of the preceding paragraph.

### 第三款 介護休業給付

#### Subsection 3 Nursing Care Leave Benefits

(介護休業給付金)

(Nursing Care Leave Benefits)

第六十一条の七 介護休業給付金は、被保険者が、厚生労働省令で定めるところにより、対象家族（当該被保険者の配偶者（婚姻の届出をしていないが、事実上婚姻関係と同様の事情にある者を含む。以下この項において同じ。））、父母及び子（これらの者に準ずる者として厚生労働省令で定めるものを含む。）並びに配偶者の父母をいう。以下この条において同じ。）を介護するための休業をした場合において、当該休業を開始した日前二年間（当該休業を開始した日前二年間に疾病、負傷その他厚生労働省令で定める理由により引き続き三十日以上賃金の支払を受けることができなかつた被保険者については、当該理由により賃金の支払を受けることができなかつた日数を二年に加算した期間（その期間が四年を超えるとときは、四年間））に、みなし被保険者期間が通算して十二箇月以上であつたときに、支給単位期間について支給する。

Article 61-7 (1) The nursing care leave benefits are paid for the payment unit period where an insured person has, as prescribed by Order of the Ministry of Health, Labour and Welfare, taken absence from work in order to take care of their specified family members (meaning the insured person's spouse (including a person in a relationship with the insured person where a marital relationship is de facto, though a marriage has not been registered; hereinafter the same applies in this paragraph), parents, children (including those specified as being equivalent by Order of the Ministry of Health, Labour and Welfare) and the parents of the insured person's spouse; hereinafter the same applies in this Article), when the period deemed to be the insured period is a total of 12 months or more within the two-year period preceding the day on which the absence was commenced (for an insured person who was continuously unable to receive payment of wages for 30 days or more due to disease, injury of other reasons specified by Order of the Ministry of Health, Labour and Welfare during the two-year period preceding the day on which the absence was commenced, two years added to the number of days for which

payment of wages could not be received due to the reason (when that period exceeds four years, four years)).

2 前項の「みなし被保険者期間」は、同項に規定する休業を開始した日を被保険者でなくなった日とみなして第十四条（第二項を除く。）の規定を適用した場合に計算されることとなる被保険者期間に相当する期間とする。この場合における同条第一項及び第三項の規定の適用については、同条第一項中「十四日」とあるのは「十一日」と、同条第三項中「前二項の」とあるのは「第一項の」と、「前二項に」とあるのは「同項に」とする。

(2) The "period deemed to be the insured period" referred to in the preceding paragraph is the period equivalent to the insured period to be calculated when the provisions of Article 14 (excluding paragraph (2)) have been applied, deeming the day on which the leave prescribed in the preceding paragraph was commenced to be the day on which the person ceased to be an insured person. In this case, with regard to the application of the provisions of paragraphs (1) and (3) of the same Article, the term "14 days" in paragraph (1) of the same Article is deemed to be replaced with "11 days"; the terms "of the preceding two paragraphs" and "in the preceding two paragraphs" in paragraph (3) of the same Article are deemed to be replaced, respectively, with "of paragraph (1)" and "in the same paragraph."

3 この条において「支給単位期間」とは、第一項に規定する休業をした期間（当該対象家族を介護するための休業を開始した日から起算して三月を経過する日までの期間に限る。）を、当該休業を開始した日又は各月においてその日に応じ、かつ、当該休業をした期間内にある日（その日に応ずる日がない月においては、その月の末日。以下この項及び次項第二号において「休業開始応じ日」という。）から各翌月の休業開始応じ日の前日（当該休業を終了した日の属する月にあつては、当該休業を終了した日）までの各期間に区分した場合における当該区分による一の期間をいう。

(3) The "payment unit period" in this Article means a single period when the period of absence under the provisions of paragraph (1) was taken (limited to the period until the day on which three months have elapsed since the day on which the absence taken in order to take nursing care of the specified family members was commenced) has been classified into each period from the day on which the absence was commenced or the day corresponding to that day in each month within the period of the absence (for a month which does not have a day corresponding to that day, the last day of the month, hereinafter referred to as the "corresponding absence commencement day" in this paragraph and item (ii) of the following paragraph) until the day before the corresponding absence commencement day in each successive month (for the month containing the day on which the absence was ended, the day on which the absence ended), in accordance with the classification.

4 介護休業給付金の額は、一支給単位期間について、介護休業給付金の支給を受けることができる被保険者を受給資格者と、当該被保険者が当該介護休業給付金の支給に

係る休業を開始した日の前日を受給資格に係る離職の日とみなして第十七条の規定を適用した場合に算定されることとなる賃金日額に相当する額（次項において「休業開始時賃金日額」という。）に次の各号に掲げる支給単位期間の区分に応じて当該各号に定める日数（次項において「支給日数」という。）を乗じて得た額の百分の四十に相当する額とする。この場合における同条の規定の適用については、同条第三項中「困難であるとき」とあるのは「できないとき若しくは困難であるとき」と、同条第四項中「第二号」とあるのは「第二号ハ」とする。

(4) The amount of the basic nursing care leave benefits for a single payment unit period, is to be an amount equivalent to 40 percent of the amount obtained by multiplying the amount equivalent to the daily amount of wages to be calculated when the provisions of Article 17 have been applied, deeming the person who is able to receive payment of the basic nursing care leave benefits to be a qualified recipient and the day before the day on which the qualified recipient commenced the absence pertaining to payment of the basic nursing care leave benefits to be the day of separation from service pertaining to the recipient qualification (hereinafter referred to as the "daily amount of wages at the commencement of absence" in the following paragraph), by the duration of benefits prescribed in the following items in accordance with the classification of payment unit periods listed in the items (referred to as the "duration of benefits" in the following paragraph). In this case, with regard to the application of the provisions of the same Article, the term "where it is difficult" in paragraph (3) of the same Article is deemed to be replaced with "when it is not possible or difficult"; the term "item (ii)" in paragraph (4) of the same Article is deemed to be replaced with "item (ii), (c)":

一 次号に掲げる支給単位期間以外の支給単位期間 三十日

(i) payment unit periods other than the payment unit period listed in the following item: 30 days; and

二 当該休業を終了した日の属する支給単位期間 当該支給単位期間における当該休業を開始した日又は休業開始当日から当該休業を終了した日までの日数

(ii) the payment unit period containing the day on which the absence ended: the number of days from the day on which the absence was commenced or the corresponding absence commencement day until the day on which the absence ended during the payment unit period.

5 前項の規定にかかわらず、第一項に規定する休業をした被保険者に当該被保険者を雇用している事業主から支給単位期間に賃金が支払われた場合において、当該賃金の額に当該支給単位期間における介護休業給付金の額を加えて得た額が休業開始時賃金日額に支給日数を乗じて得た額の百分の八十に相当する額以上であるときは、休業開始時賃金日額に支給日数を乗じて得た額の百分の八十に相当する額から当該賃金の額を減じて得た額を、当該支給単位期間における介護休業給付金の額とする。この場合において、当該賃金の額が休業開始時賃金日額に支給日数を乗じて得た額の百分の八十に相当する額以上であるときは、同項の規定にかかわらず、当該賃金が支払われた

支給単位期間については、介護休業給付金は、支給しない。

(5) Notwithstanding the provisions of the previous paragraph, when wages have been paid during the payment unit period to the insured person who has taken the absence prescribed in paragraph (1) by the employer who employs the insured person, when the amount obtained by adding the amount of the nursing care leave benefits for the payment unit period to the amount of wages exceeds the amount equivalent to 80 percent of the amount obtained by multiplying the daily amount of wages at the commencement of absence by the duration of benefits, the amount obtained by deducting the amount of wages from the amount equivalent to 80 percent of the amount obtained by multiplying the daily amount of wages at the commencement of absence by the duration of the benefits is to be the amount of the nursing care leave benefits for the payment unit period. In this case, when the amount of wages is not less than the amount equivalent to 80 percent of the amount obtained by multiplying the daily amount of wages at the commencement of absence by the duration of benefits, notwithstanding the provisions of the same paragraph, the basic nursing care leave benefits are not paid for the payment unit period for which the wages were paid.

6 第一項の規定にかかわらず、被保険者が対象家族を介護するための休業についてこの款の定めるところにより介護休業給付金の支給を受けたことがある場合であつて、当該休業を開始した日から起算して九十三日を経過する日後において、当該被保険者が次の各号のいずれかに該当する休業をしたときは、介護休業給付金は、支給しない。

(6) Notwithstanding the provisions of paragraph (1), if an insured person has received payment of the nursing care leave benefits with regard to absence taken in order to take nursing care of their specified family members, pursuant to the provisions of this Subsection, and when the insured person has taken absence that fall under any of the following items after the day on which 93 days have elapsed since the day on which the absence was commenced, the nursing care leave benefits are not paid:

一 当該休業を開始した日から引き続き要介護状態にある当該対象家族を介護するための休業

(i) absence from work in order to continuously take nursing care of the specified family members who have been in need of care since the day on which the absence was commenced; or

二 当該対象家族について当該被保険者がした休業（対象家族を介護するための休業をいう。以下この号において同じ。）ごとに、休業を開始した日から休業を終了した日までの日数を合算して得た日数が九十三日に達した日後の休業

(ii) absence from work with regard to each period of absence taken by the insured person for the specified family members (meaning absence taken in order to take nursing care of the specified family members; hereinafter the same applies in this item), taken after the day on which the total number of

days from the day on which the absence was commenced to the day on which the absence ended has reached 93 days.

(給付制限)

(Restriction on Benefits)

第六十一条の八 偽りその他不正の行為により介護休業給付金の支給を受け、又は受けようとした者には、当該給付金の支給を受け、又は受けようとした日以後、介護休業給付金を支給しない。ただし、やむを得ない理由がある場合には、介護休業給付金の全部又は一部を支給することができる。

Article 61-8 (1) The nursing care leave benefits are not paid to a person who has received or attempted to receive payment of the nursing care leave benefits by deception or other wrongful acts, starting from the day on which the person received or attempted to receive payment of the benefits; provided, however, that in the case where there are unavoidable reasons, the whole or a part of the nursing care leave benefits may be paid.

2 前項の規定により介護休業給付金の支給を受けることができない者とされたものが、同項に規定する日以後、新たに前条第一項に規定する休業を開始し、介護休業給付金の支給を受けることができる者となつた場合には、前項の規定にかかわらず、当該休業に係る介護休業給付金を支給する。

(2) If a person who has been disqualified from receiving payment of the nursing care leave benefits pursuant to the provisions of the preceding paragraph, has newly taken absence from work prescribed in paragraph (1) of the preceding Article, following the day prescribed in the same paragraph, and has become a person able to receive payment of the nursing care leave benefits, notwithstanding the provisions of the preceding paragraph, the nursing care leave benefits pertaining to the leave are paid.

#### 第四章 雇用安定事業等

#### Chapter IV Employment Stabilization Programs

(雇用安定事業)

(Employment Stabilization Program)

第六十二条 政府は、被保険者、被保険者であつた者及び被保険者になろうとする者（以下この章において「被保険者等」という。）に関し、失業の予防、雇用状態の是正、雇用機会の増大その他雇用の安定を図るため、雇用安定事業として、次の事業を行うことができる。

Article 62 (1) The government may implement the following programs with regard to insured persons and those who were or are seeking to become insured persons (hereinafter referred to as "insured persons, etc." in this Chapter), as programs for the stabilization of employment, with a view to preventing unemployment, rectifying the employment situation, increasing employment

opportunities and otherwise promote stabilization of employment:

一 景気の変動、産業構造の変化その他の経済上の理由により事業活動の縮小を余儀なくされた場合において、労働者を休業させる事業主その他労働者の雇用の安定を図るために必要な措置を講ずる事業主に対して、必要な助成及び援助を行うこと。

(i) providing necessary aid and assistance for employers who lay off workers or take other measures necessary for stabilizing worker employment in the case where the employer have been compelled to curtail business activities due to business fluctuations, changes in the industrial structure, or other economic reasons;

二 離職を余儀なくされる労働者に対して、雇用対策法（昭和四十一年法律第百三十二号）第二十六条第一項に規定する休暇を与える事業主その他当該労働者の再就職を促進するために必要な措置を講ずる事業主に対して、必要な助成及び援助を行うこと。

(ii) providing necessary aid and assistance for employers who provide leave under the provisions of Article 26, paragraph (1) of the Employment Measures Act (Act No. 132 of 1966) to workers who have been compelled to be separated from service or for employers who take other measures necessary for promoting the re-employment of those workers;

三 定年の引上げ、高年齢者等の雇用の安定等に関する法律（昭和四十六年法律第六十八号）第九条に規定する継続雇用制度の導入等により高年齢者の雇いを延長し、又は同法第二条第二項に規定する高年齢者等（以下この号において単に「高年齢者等」という。）に対し再就職の援助を行い、若しくは高年齢者等を雇い入れる事業主その他高年齢者等の雇用の安定を図るために必要な措置を講ずる事業主に対して、必要な助成及び援助を行うこと。

(iii) providing necessary aid and assistance for the employers who raise the mandatory retirement age, extend the employment of the elderly such as through introducing the continuous employment system prescribed in Article 9 of the Act Concerning Stabilization of Employment of the Elderly, etc. (Act No. 618 of 1971), assist the elderly, etc. prescribed in Article 2, paragraph (2) of the same Act (hereinafter referred to simply as "the elderly, etc." in this item) with their re-employment, or hire the elderly, etc., and for employers who take other measures necessary for stabilizing the employment of the elderly, etc.;

四 雇用機会を増大させる必要がある地域への事業所の移転により新たに労働者を雇い入れる事業主、季節的に失業する者が多数居住する地域においてこれらの者を年間を通じて雇用する事業主その他雇用に関する状況を改善する必要がある地域における労働者の雇用の安定を図るために必要な措置を講ずる事業主に対して、必要な助成及び援助を行うこと。

(iv) providing necessary aid and assistance to employers who newly employ workers through relocating their places of business to areas where there is a need for increased employment opportunities, employers who employ,



throughout the year, persons who become unemployed on a seasonal basis in areas where many such persons reside, or employers who take other measures necessary for stabilizing worker employment in areas where improvement in the conditions related to employment is necessary; and

五 前各号に掲げるもののほか、障害者その他就職が特に困難な者の雇入れの促進、雇用に関する状況が全国的に悪化した場合における労働者の雇入れの促進その他被保険者等の雇用の安定を図るために必要な事業であつて、厚生労働省令で定めるものを行うこと。

(v) beyond what is set forth in the preceding items, other programs, specified by Order of the Ministry of Health, Labour and Welfare, which are necessary for promoting the employment of physically disabled persons and others having particular difficulty in finding employment, for promoting the employment of workers in the case where the status of employment has become unstable nationwide and for stabilizing the employment of insured persons, etc.

2 前項各号に掲げる事業の実施に関して必要な基準は、厚生労働省令で定める。

(2) Necessary standards for the implementation of the programs listed in the items of the preceding paragraph are specified by Order of the Ministry of Health, Labour and Welfare.

3 政府は、独立行政法人雇用・能力開発機構法（平成十四年法律第百七十号）及び独立行政法人高齢・障害者雇用支援機構法（平成十四年法律第百六十五号）並びにこれらに基づく命令で定めるところにより、第一項各号に掲げる事業の一部を独立行政法人雇用・能力開発機構及び独立行政法人高齢・障害者雇用支援機構に行わせるものとする。

(3) The government is to entrust part of the programs listed in the items of paragraph (1) to the Employment and Human Resources Development Organization of Japan and the Japan Organization for Employment of the Elderly and Persons with Disabilities, pursuant to the provisions of the Act on the Employment and Human Resources Development Organization of Japan, Independent Administrative Agency (Act No. 170 of 2002) and the Act on the Japan Organization for Employment of the Elderly and Persons with Disabilities, Independent Administrative Agency (Act No. 165 of 2002) and the orders based on these Acts.

（能力開発事業）

(Human Resources Development Program)

第六十三条 政府は、被保険者等に関し、職業生活の全期間を通じて、これらの者の能力を開発し、及び向上させることを促進するため、能力開発事業として、次の事業を行うことができる。

Article 63 (1) The government may implement the following programs with regard to insured persons, as human resources development programs with a

view to promoting the development and the improvement of their abilities throughout their working lives:

一 職業能力開発促進法（昭和四十四年法律第六十四号）第十三条に規定する事業主等及び職業訓練の推進のための活動を行う者に対して、同法第十一条に規定する計画に基づく職業訓練、同法第二十四条第三項（同法第二十七条の二第二項において準用する場合を含む。）に規定する認定職業訓練（第五号において「認定職業訓練」という。）その他当該事業主等の行う職業訓練を振興するために必要な助成及び援助を行うこと並びに当該職業訓練を振興するために必要な助成及び援助を行う都道府県に対して、これらに要する経費の全部又は一部の補助を行うこと。

(i) providing the employers, etc. prescribed in Article 13 of the Human Resources Development Promotion Act (Act No. 64 of 1969) and persons engaged in activities for the promotion of vocational training, with the aid and assistance necessary for the promotion of vocational training based on the plan prescribed in Article 11 of the same Act, authorized vocational training prescribed in Article 24, paragraph (3) of the same Act (including as applied mutatis mutandis pursuant to Article 27-2, paragraph (2) of the same Act) (referred to as "authorized vocational training" in item (v)) or other vocational training provided by the employers etc., and providing prefectures that provide the aid and assistance necessary for the promotion of the vocational training with subsidies for the whole or a part of the expenses required;

二 公共職業能力開発施設（公共職業能力開発施設の実施を受ける者のための宿泊施設を含む。以下この号において同じ。）又は職業能力開発総合大学校（職業能力開発総合大学校の実施を受ける者のための宿泊施設を含む。）を設置し、又は運営すること、職業能力開発促進法第十五条の六第一項ただし書に規定する職業訓練を行うこと及び公共職業能力開発施設を設置し、又は運営する都道府県に対して、これらに要する経費の全部又は一部の補助を行うこと。

(ii) establishing or operating public human resources development facilities (including lodging facilities for persons taking vocational training conducted by public human resources development facilities; hereinafter the same applies in this item) or the Polytechnic University (including lodging facilities for persons taking instructor training or vocational training conducted by the Polytechnic University), conducting the vocational training prescribed in the proviso of Article 15-6, paragraph (1) of the Human Resources Development Promotion Act or providing prefectures establishing or operating public human resources development facilities with subsidies for the whole or a part of the expenses required;

三 求職者及び退職を予定する者に対して、再就職を容易にするために必要な知識及び技能を習得させるための講習（第五号において「職業講習」という。）並びに作業環境に適応させるための訓練を実施すること。

(iii) implementing training courses for acquiring skills and knowledge

necessary for facilitating re-employment (referred to as "vocational courses" in item (v)) and training for adapting to the work environment for job applicants and persons planning to retire;

四 職業能力開発促進法第十条の四第二項に規定する有給教育訓練休暇を与える事業主に対して、必要な助成及び援助を行うこと。

(iv) providing necessary aid and assistance for employers who grant the paid educational training leave prescribed in Article 10-4, paragraph (2) of the Human Resources Development Promotion Act;

五 職業訓練（公共職業能力開発施設又は職業能力開発総合大学校の行うものに限る。）又は職業講習を受ける労働者に対して、当該職業訓練又は職業講習を受けることを容易にし、又は促進するために必要な交付金を支給すること及びその雇用する労働者に職業能力開発促進法第十一条に規定する計画に基づく職業訓練、認定職業訓練その他の職業訓練を受けさせる事業主（当該職業訓練を受ける期間、労働者に対し所定労働時間労働した場合に支払われる通常の賃金を支払う事業主に限る。）に対して、必要な助成を行うこと。

(v) providing workers who take vocational training (limited to training conducted by public human resources development facilities or the Polytechnic University) or a vocational course, with the necessary grant to facilitate or promote the taking of the vocational training or vocational course and providing necessary aid for employers (limited to those who pay workers the wages normally payable for prescribed working hours, for the period during which the workers take vocational training) who allow the workers they employ to take vocational training based on the plan prescribed in Article 11 of the Human Resources Development Promotion Act, authorized vocational training, or other vocational training;

六 技能検定の実施に要する経費を負担すること、技能検定を行う法人その他の団体に対して、技能検定を促進するために必要な助成を行うこと及び技能検定を促進するために必要な助成を行う都道府県に対して、これに要する経費の全部又は一部の補助を行うこと。

(vi) bearing the expenses necessary for the implementation of the trade skill test, providing the aid necessary for the promotion of the trade skill test for corporations and other organizations that conduct the trade skill test and providing prefectures that provide the aid and assistance necessary for the promotion of the trade skill test with subsidies for the whole or a part of the expenses required; and

七 前各号に掲げるもののほか、労働者の能力の開発及び向上のために必要な事業であつて、厚生労働省令で定めるものを行うこと。

(vii) beyond what is set forth in the preceding items, other programs necessary for the development and improvement of workers' abilities, which are specified by Order of the Ministry of Health, Labour and Welfare.

2 前項各号に掲げる事業の実施に関して必要な基準については、同項第二号の規定に

よる都道府県に対する経費の補助に係るものにあつては政令で、その他の事業に係るものにあつては厚生労働省令で定める。

(2) With regard to necessary standards for the implementation of the programs listed in the items of the preceding paragraph, those pertaining to the subsidies for expenses to be provided to prefectures under the provisions of item (ii) of the same paragraph are specified by Cabinet Order and those pertaining to other programs are specified by Order of the Ministry of Health, Labour and Welfare.

3 政府は、独立行政法人雇用・能力開発機構法及びこれに基づく命令で定めるところにより、第一項各号に掲げる事業の一部を独立行政法人雇用・能力開発機構に行わせるものとする。

(3) The government is to entrust part of the programs listed in the items of paragraph (1) to the Employment and Human Resources Development Organization of Japan, as prescribed by the Act on the Employment and Human Resources Development Organization of Japan, Independent Administrative Agency and the orders based on the Act.

#### 第六十四条 削除

Article 64 Deleted (Act. No. 30 of April 2008)

(事業等の利用)

(Utilization of the Programs)

第六十五条 第六十二条及び第六十三条の規定による事業又は当該事業に係る施設は、被保険者等の利用に支障がなく、かつ、その利益を害しない限り、被保険者等以外の者に利用させることができる。

Article 65 The programs prescribed in Articles 62 and 63 and the facilities pertaining to those programs may be made available to persons other than the insured persons, etc., insofar as it does not constitute a hindrance to use by the insured persons, etc. and does not harm their interests.

#### 第五章 費用の負担

##### Chapter V Bearing of Expenses

(国庫の負担)

(Amount to be Borne by the National Treasury)

第六十六条 国庫は、次に掲げる区分によつて、求職者給付（高年齢求職者給付金を除く。第一号において同じ。）及び雇用継続給付（高年齢雇用継続基本給付金及び高年齢再就職給付金を除く。第三号において同じ。）に要する費用の一部を負担する。

Article 66 (1) The national treasury bears a part of the expenses necessary for the payment of the job applicant benefits (excluding job applicant benefits for the elderly; the same applies in item (i)) and continuous employment benefits

(excluding basic continuous employment benefits for the elderly and re-employment benefits for the elderly; the same applies in item (iii)), in accordance with the following classification:

一 日雇労働求職者給付金以外の求職者給付については、当該求職者給付に要する費用の四分の一

(i) with regard to the job applicant benefits other than the job applicant benefits for day workers, one-fourth of the expenses necessary for the payment of the job applicant benefits;

二 日雇労働求職者給付金については、当該日雇労働求職者給付金に要する費用の三分の一

(ii) with regard to the job applicant benefits for day workers, one-third of the expenses necessary for the payment of the job applicant benefits for day workers; and

三 雇用継続給付については、当該雇用継続給付に要する費用の八分の一

(iii) with regard to the continuous employment benefits, one-eighth of the expenses necessary for the payment of the continuous employment benefits.

2 前項第一号に掲げる求職者給付については、国庫は、毎会計年度において、支給した当該求職者給付の総額の四分の三に相当する額が徴収法の規定により徴収した一般保険料の額を超える場合には、同号の規定にかかわらず、当該超過額について、同号の規定による国庫の負担額を加えて国庫の負担が当該会計年度において支給した当該求職者給付の総額の三分の一に相当する額に達する額までを負担する。

(2) Each fiscal year, with regard to the job applicant benefits set forth in item (i) of the preceding paragraph, if the amount of the general premiums collected pursuant to the provisions of the Premiums Collection Act is exceeded by the amount equivalent to three-quarters of the total amount of the job applicant benefits paid, the national treasury bears an amount up to the amount equivalent to one-third of the total amount of the job applicant benefits paid during the fiscal year, with regard to the excess amount, in addition to the amount to be borne by the national treasury pursuant to the provisions of the same item, notwithstanding the provisions of the same item.

3 前項に規定する一般保険料の額は、第一号に掲げる額から第二号及び第三号に掲げる額の合計額を減じた額とする。

(3) The amount of the general premiums prescribed in the preceding paragraph is to be the amount obtained by deducting the total of the amounts listed in items (ii) and (iii) from the amount listed in item (i):

一 次に掲げる額の合計額（以下この条及び第六十八条第二項において「一般保険料徴収額」という。）

(i) the total of the following amounts (hereinafter referred to as the "general premiums amount collected" in this Article and Article 68, paragraph (2)):

イ 徴収法の規定により徴収した徴収法第十二条第一項第一号に掲げる事業に係る一般保険料の額のうち雇用保険率（その率が同条第五項又は第八項の規定により

変更されたときは、その変更された率。以下この条において同じ。) に応ずる部分の額 (徴収法第十一条の二の規定により高年齢労働者を使用する事業の一般保険料の額を同条の規定による額とすることとする場合には、当該一般保険料の額に徴収法第十二条第六項に規定する高年齢者免除額 (同条第一項第一号に掲げる事業に係るものに限る。以下この号において同じ。) を加えた額のうち雇用保険率に応ずる部分の額から高年齢者免除額を減じた額)

(a) the amount of the portion corresponding to the employment insurance rate (when the rate has been changed pursuant to the provisions of Article 12, paragraph (5) or paragraph (8) of the Premiums Collection Act, the changed rate; hereinafter the same applies in this Article) out of the amount of the general premiums pertaining to undertakings listed in Article 12, paragraph (1), item (i) of the same Act which has been collected pursuant to the provisions of the same Act (when the amount of the general premiums for an undertaking that employs elderly workers is, pursuant to the provisions of Article 11-2 of the Premiums Collection Act, deemed to be the amount prescribed in the same Article, the amount obtained by deducting the elderly worker exemption amount from the amount of the portion corresponding to the employment insurance rate out of the amount obtained by adding the elderly worker exemption amount prescribed in paragraph (6) of Article 12 of the same Act (limited to the exemption amount pertaining to undertakings listed in paragraph (1), item (i) of the same Article; hereinafter the same applies in this item) to the general premiums);

ロ 徴収法第十二条第一項第三号に掲げる事業に係る一般保険料の額

(b) the amount of the general premiums pertaining to undertakings listed in Article 12, paragraph (1), item (iii) of the Premiums Collection Act;

二 徴収法の規定により徴収した印紙保険料の額に相当する額に厚生労働大臣が財務大臣と協議して定める率を乗じて得た額

(ii) the amount obtained by multiplying the amount equivalent to the amount of the stamp premiums collected under the provisions of the Premiums Collection Act by the rate specified by the Minister of Health, Labour and Welfare in consultation with the Minister of Finance;

三 一般保険料徴収額から前号に掲げる額を減じた額に千分の三・五の率 (徴収法第十二条第四項第三号に掲げる事業については、千分の四・五の率) を雇用保険率で除して得た率 (第五項及び第六十八条第二項において「二事業率」という。) を乗じて得た額

(iii) the amount obtained by multiplying the amount obtained by deducting the amount listed in the preceding item from the general premiums amount collected by the rate obtained by dividing the rate of 0.35 percent (0.45 percent for the undertakings listed in Article 12, paragraph (4), item (iii) of the Premiums Collection Act) by the employment insurance rate (the

obtained rate is referred to as the "two-program rate" in paragraph (5) and Article 68, paragraph (2)).

- 4 徴収法第十二条第八項の規定により雇用保険率が変更されている場合においては、前項第三号中「千分の三・五」とあるのは「千分の三」と、「千分の四・五」とあるのは「千分の四」とする。

(4) If the employment insurance rate has been changed pursuant to the provisions of Article 12, paragraph (8) of the Premiums Collection Act, the terms "0.35 percent" and "0.45 percent" in item (iii) of the preceding paragraph are deemed to be replaced, respectively, with "0.3 percent" and "0.4 percent."

- 5 日雇労働求職者給付金については、国庫は、毎会計年度において第一号に掲げる額が第二号に掲げる額を超える場合には、第一項第二号の規定にかかわらず、同号の規定による国庫の負担額から当該超過額に相当する額を減じた額（その額が当該会計年度において支給した日雇労働求職者給付金の総額の四分の一に相当する額を下回る場合には、その四分の一に相当する額）を負担する。

(5) With regard to the job applicant benefits for day workers, in each fiscal year when the amount listed in item (i) below exceeds the amount listed in item (ii) below, the national treasury bears the amount obtained by deducting the amount equivalent to the excess amount from the amount to be borne by the national treasury pursuant to the provisions of paragraph (1), item (ii), notwithstanding the provisions of the same item (if this amount is less than the amount equivalent to one-fourth of the total amount of the job applicant benefits for day workers paid during the fiscal year, the amount equivalent to one-fourth of the total amount of the job applicant benefits for day workers paid during the fiscal year):

一 次に掲げる額を合計した額

(i) the total of the following amounts:

イ 徴収法の規定により徴収した印紙保険料の額

(a) the amount of the stamp premiums collected pursuant to the provisions of the Premiums Collection Act;

ロ イの額に相当する額に第三項第二号に掲げる厚生労働大臣が財務大臣と協議して定める率を乗じて得た額から、その額に二事業率を乗じて得た額を減じた額

(b) the amount obtained by deducting from the amount obtained by multiplying the amount equivalent to the amount referred to in (a) above by the rate listed in paragraph (3), item (ii) which has been specified by the Minister of Health, Labour and Welfare in consultation with the Minister of Finance, the amount obtained by multiplying that amount by the two-program rate;

二 支給した日雇労働求職者給付金の総額の三分の二に相当する額

(ii) the amount equivalent to two-thirds of the total amount of the job applicant benefits for day workers which has been paid.

- 6 国庫は、前各項に規定するもののほか、毎年度、予算の範囲内において、雇用保険

事業の事務の執行に要する経費を負担する。

- (6) Beyond what is set forth in the preceding paragraphs, the national treasury bears the expenses necessary for performing administrative affairs of employment insurance services, within the budgetary limits for each fiscal year.

第六十七条 第二十五条第一項の措置が決定された場合には、前条第一項第一号の規定にかかわらず、国庫は、広域延長給付を受ける者に係る求職者給付に要する費用の三分の一を負担する。この場合において、同条第二項中「支給した当該求職者給付の総額」とあるのは「支給した当該求職者給付の総額から広域延長給付を受ける者に係る求職者給付の総額を控除した額」と、「一般保険料の額を超える場合には」とあるのは「一般保険料の額から広域延長給付を受ける者に係る求職者給付の総額の三分の二に相当する額を控除した額を超える場合には」と読み替えるものとする。

Article 67 When the measures referred to in Article 25, paragraph (1) have been decided on, notwithstanding the provisions of paragraph (1), item (i) of the preceding Article, the national treasury bears one-third of the expenses necessary for the payment of the job applicant benefits pertaining to those who receive the wide area extended benefits. In this case, the phrases "the total amount of the job applicant benefits paid" and "where the amount of the general premiums" in paragraph (2) of the preceding Article are deemed to be replaced, respectively, with "the amount obtained by deducting the total amount of the job applicant benefits pertaining to those who receive the wide area extended benefits from the total amount of the job applicant benefits paid" and "where the amount obtained by deducting the amount equivalent to two-thirds of the total amount of the job applicant benefits pertaining to those who receive the wide area extended benefits from the amount of the general premiums".

(保険料)

(Premiums)

第六十八条 雇用保険事業に要する費用に充てるため政府が徴収する保険料については、徴収法の定めるところによる。

Article 68 (1) The premiums to be collected by the government for the purpose of allocating them for covering the expenses necessary for the employment insurance services are as specified by the provisions of the Premiums Collection Act.

2 前項の保険料のうち、一般保険料徴収額からその額に二事業率を乗じて得た額を減じた額及び印紙保険料の額に相当する額の合計額は、失業等給付に要する費用に充てるものとし、一般保険料徴収額に二事業率を乗じて得た額は、雇用安定事業及び能力開発事業に要する費用に充てるものとする。

(2) Of the premiums referred to in the preceding paragraph, the total of the amount equivalent to the stamp premiums amount added to the amount



obtained by deducting the amount obtained by multiplying the general premiums amount collected by the two-program rate from the general premiums amount collected, is to be allocated for covering the necessary expenses for benefits for unemployment, etc. and the amount obtained by multiplying the general premiums amount collected by the two-program rate is to be allocated for covering the necessary expenses for employment stabilization programs and for human resources development programs.

## 第六章 不服申立て及び訴訟

### Chapter VI Motion for Objection and Lawsuits

(不服申立て)

(Motion for Objection)

第六十九条 第九条の規定による確認、失業等給付に関する処分又は第十条の四第一項若しくは第二項の規定による処分に不服のある者は、雇用保険審査官に対して審査請求をし、その決定に不服のある者は、労働保険審査会に対して再審査請求をすることができる。

Article 69 (1) A person who has an objection to a confirmation under the provisions of Article 9, a disposition concerning benefits for unemployment, etc. or a disposition under the provisions of Article 10-4, paragraph (1) or paragraph (2) may request for examination by an employment insurance examiner; a person who has an objection to the examiner's decision may request for re-examination by the Labor Insurance Appeal Committee.

2 前項の審査請求をしている者は、審査請求をした日の翌日から起算して三箇月を経過しても審査請求についての決定がないときは、当該審査請求に係る処分について、決定を経ないで、労働保険審査会に対して再審査請求をすることができる。

(2) A person that has requested for examination referred to in preceding paragraph may, if no decision has been made concerning the request for examination after three months have elapsed since the day after the day on which the request for examination was made, request for re-examination with regard to the disposition pertaining to the request for examination by the Labor Insurance Appeal Committee, without waiting for a decision to be made.

3 第一項の審査請求及び前二項の再審査請求は、時効の中断に関しては、裁判上の請求とみなす。

(3) The request for examination referred to in paragraph (1) and the request for re-examination referred to in the preceding two paragraphs are deemed to be demand by litigation with regard to the renewal of the statute of limitations.

4 第一項の審査請求及び同項又は第二項の再審査請求については、行政不服審査法（昭和三十七年法律第百六十号）第二章第一節、第二節（第十八条及び第十九条を除く。）及び第五節の規定を適用しない。

(4) The provisions of Chapter II, Section 1, Section 2 (excluding Articles 18 and

19) and Section 5 of the Administrative Complaint Review Act (Act No. 160 of 1962) do not apply to the request for examination referred to in paragraph (1) and request for re-examination referred to in paragraph (1) or (2).

(不服理由の制限)

(Limitation on Reasons for an Objection)

第七十条 第九条の規定による確認に関する処分が確定したときは、当該処分についての不服を当該処分に基づく失業等給付に関する処分についての不服の理由とすることができない。

Article 70 Where a disposition for confirmation under the provisions of Article 9 has become final and binding, an objection to the disposition is not permitted to be the reason for an objection to a disposition for the payment of benefits for unemployment, etc. based on the disposition.

(不服申立てと訴訟との関係)

(Relation between a Motion for Objection and a Lawsuit)

第七十一条 第六十九条第一項に規定する処分の取消しの訴えは、当該処分についての再審査請求に対する労働保険審査会の裁決を経た後でなければ、提起することができない。ただし、次の各号のいずれかに該当するときは、この限りでない。

Article 71 An action for revocation of original administrative disposition prescribed in Article 69, paragraph (1) may not be instituted until an administrative determination has been made by the Labor Insurance Appeal Committee with regard to the request for re-examination of the disposition; provided, however, that this does not apply when the case falls under any of the following items:

一 再審査請求がされた日の翌日から起算して三箇月を経過しても裁決がないとき。

(i) when no administrative determination has been made after three months have elapsed since the day after the day on which the request for re-examination was made; or

二 再審査請求についての裁決を経ることにより生ずる著しい損害を避けるため緊急の必要があるときその他その裁決を経ないことにつき正当な理由があるとき。

(ii) when there is an urgent necessity in order to avoid the conspicuous damage that would occur through waiting for an administrative determination concerning the request for re-examination or there are other legitimate grounds for not waiting for the determination to be made.

## 第七章 雑則

### Chapter VII Miscellaneous Provisions

(労働政策審議会への諮問)

(Consultation to the Labor Policy Council)

第七十二条 厚生労働大臣は、第二十五条第一項又は第二十七条第一項若しくは第二項の基準を政令で定めようとするとき、第十三条第一項第二号、第二十条第一項若しくは第二項、第二十二条第二項、第三十七条の三第一項第二号、第三十九条第一項第二号、第六十一条の四第一項若しくは第六十一条の七第一項の理由、第五十六条の二第一項の基準又は同項第二号の就職が困難な者を厚生労働省令で定めようとするとき、第六条第一号の二の時間数又は第十条の四第一項、第二十五条第三項、第二十六条第二項、第二十九条第二項、第三十二条第三項（第三十七条の四第五項及び第四十条第四項において準用する場合を含む。）、第三十三条第二項（第三十七条の四第五項及び第四十条第四項において準用する場合を含む。）若しくは第五十二条第二項（第五十五条第四項において準用する場合を含む。）の基準を定めようとするとき、その他この法律の施行に関する重要事項について決定しようとするときは、あらかじめ、労働政策審議会の意見を聴かなければならない。

Article 72 (1) The Minister of Health, Labour and Welfare must hear the opinions of the Labor Policy Council in advance when seeking to establish the standards referred to in Article 25, paragraph (1), Article 27, paragraph (1) or paragraph (2) by Cabinet Order; when seeking to establish the reasons referred to in Article 13, paragraph (1), item (ii), Article 20, paragraph (1) or (2), Article 22, paragraph (2), Article 37-3, paragraph (1), item (ii), Article 39, paragraph (1), item (ii), Article 61-4, paragraph (1), Article 61-7, paragraph (1), the standards referred to in Article 56-2, paragraph (1) or the persons who have difficulty in finding employment as referred to in item (ii) of the same paragraph by Order of the Ministry of Health, Labour and Welfare; when seeking to specify the number of hours referred to in Article 6, item (i)-2 or the standards referred to in Article 10-4, paragraph (1), Article 25, paragraph (3), Article 26, paragraph (2), Article 29, paragraph (2), Article 32, paragraph (3) (including as applied mutatis mutandis pursuant to Article 37-4, paragraph (5) and Article 40, paragraph (4)), Article 33, paragraph (2) (including as applied mutatis mutandis pursuant to Article 37-4, paragraph (5) and Article 40, paragraph (4)), or Article 52, paragraph (2) (including as applied mutatis mutandis pursuant to Article 55, paragraph (4)); or when making decisions on other important matters pertaining to the implementation of this Act.

2 労働政策審議会は、厚生労働大臣の諮問に応ずるほか、必要に応じ、雇用保険事業の運営に関し、関係行政庁に建議し、又はその報告を求めることができる。

(2) In addition to responding to consultations from the Minister of Health, Labour and Welfare's, the Labor Policy Council may, as necessary, make proposals to the relevant administrative authorities, or may require their reports, concerning the administration of the employment insurance services.

(不利益取扱いの禁止)

(Prohibition of Disadvantageous Treatment)

第七十三条 事業主は、労働者が第八条の規定による確認の請求をしたことを理由とし

て、労働者に対して解雇その他不利益な取扱いをしてはならない。

**Article 73** An employer may not dismiss workers or treat them in a disadvantageous manner on the grounds of their having required confirmation under the provisions of Article 8.

(時効)

(Prescription)

第七十四条 失業等給付の支給を受け、又はその返還を受ける権利及び第十条の四第一項又は第二項の規定により納付をすべきことを命ぜられた金額を徴収する権利は、二年を経過したときは、時効によつて消滅する。

**Article 74** The right to receive payment of the benefits for unemployment, etc., or to obtain a refund of the benefits and the right to collect an amount which has been ordered to be paid pursuant to the provisions of Article 10-4, paragraph (1) or paragraph (2) is extinguished by prescription when two years have elapsed.

(戸籍事項の無料証明)

(Free Certification of Matters on Family Register)

第七十五条 市町村長（特別区及び地方自治法（昭和二十二年法律第六十七号）第二百五十二条の十九第一項の指定都市においては、区長とする。）は、行政庁又は求職者給付又は就職促進給付の支給を受ける者に対して、当該市（特別区を含む。）町村の条例の定めるところにより、求職者給付又は就職促進給付の支給を受ける者の戸籍に関し、無料で証明を行うことができる。

**Article 75** The mayor of municipality (the mayor of a ward in a special ward and designated cities referred to in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947)), as prescribed by the ordinance of the municipality (including a special ward), may issue a certificate concerning the family register of a person who receives payment of the job applicant benefits or employment promotion benefits to the administrative authority or to the person who receives payment of the job applicant benefits or employment promotion benefits, free of charge.

(報告等)

(Reports)

第七十六条 行政庁は、厚生労働省令で定めるところにより、被保険者若しくは受給資格者、高年齢受給資格者、特例受給資格者若しくは日雇受給資格者（以下「受給資格者等」という。）若しくは第六十条の二第一項各号のいずれかに該当する者（以下「教育訓練給付対象者」という。）を雇用し、若しくは雇用していた事業主又は労働保険事務組合若しくは労働保険事務組合であつた団体に対して、この法律の施行に関して必要な報告、文書の提出又は出頭を命ずることができる。

**Article 76** (1) An administrative authority may, as prescribed by Order of the

Ministry of Health, Labour and Welfare, order an employer who employs or has employed insured persons or qualified recipients, elderly qualified recipients, specially qualified recipients or qualified day worker recipients (hereinafter referred to as "qualified recipients, etc.") or persons falling under any of the items of Article 60-2, paragraph (1) (hereinafter referred to as "educational training benefit recipients"), a labor insurance affairs association or an organization that was a labor insurance affairs association, to make a report, submit a document or make an appearance as may be necessary for the implementation of this Act.

2 行政庁は、厚生労働省令で定めるところにより、受給資格者等を雇用しようとする事業主、受給資格者等に対し職業紹介若しくは職業指導を行う職業紹介事業者等又は教育訓練給付対象者に対し第六十条の二第一項に規定する教育訓練を行う指定教育訓練実施者に対して、この法律の施行に関して必要な報告又は文書の提出を命ずることができる。

(2) An administrative agency may, as prescribed by Order of the Ministry of Health, Labour and Welfare, order an employer who seeks to employ qualified recipients, etc., an employment placement provider, etc. who conducts employment placement services or vocational guidance for qualified recipients, etc., or a practitioner of specified educational training who conducts the educational training prescribed in Article 60-2, paragraph (1) for educational training benefit recipients, to make a report or submit a document as may be necessary for the implementation of this Act.

3 離職した者は、厚生労働省令で定めるところにより、従前の事業主又は当該事業主から徴収法第三十三条第一項の委託を受けて同項に規定する労働保険事務の一部として求職者給付の支給を受けるために必要な証明書の交付に関する事務を処理する労働保険事務組合に対して、求職者給付の支給を受けるために必要な証明書の交付を請求することができる。その請求があつたときは、当該事業主又は労働保険事務組合は、その請求に係る証明書を交付しなければならない。

(3) Those who have been separated from service may, as prescribed by Order of the Ministry of Health, Labour and Welfare, request a previous employer or a labor insurance affairs association conducting affairs concerning the issuance of certificates necessary for receiving payment of the job applicant benefits, as a part of the labor insurance-related affairs prescribed in Article 33, paragraph (1) of the Premiums Collection Act, to issue a certificate necessary for receiving payment of the job applicant benefits. The employer or labor insurance affairs association when so required, must issue the certificate as required.

4 前項の規定は、雇用継続給付の支給を受けるために必要な証明書の交付の請求について準用する。この場合において、同項中「離職した者」とあるのは「被保険者又は被保険者であつた者」と、「従前の事業主」とあるのは「当該被保険者若しくは被保険者であつた者を雇用し、若しくは雇用していた事業主」と読み替えるものとする。

(4) The provisions of the preceding paragraph apply mutatis mutandis to a

request concerning the issuance of certificates necessary for receiving payment of the continuous employment benefits. In this case, the phrases "those who have been separated from service" and "previous employer" in the preceding paragraph are deemed to be replaced, respectively, with "insured persons or those who were insured persons" and "employer who employed the insured persons or those who were insured persons".

第七十七条 行政庁は、被保険者、受給資格者等、教育訓練給付対象者又は未支給の失業等給付の支給を請求する者に対して、この法律の施行に関して必要な報告、文書の提出又は出頭を命ずることができる。

Article 77 An administrative authority may order an insured person, qualified recipient, etc., educational training benefit recipient, or person requiring payment of the unpaid part of the benefits for unemployment, etc., to make a report, submit a document or make an appearance, as may be necessary for the implementation of this Act.

(診断)

(Diagnosis)

第七十八条 行政庁は、求職者給付の支給を行うため必要があると認めるときは、第十五条第四項第一号の規定により同条第二項に規定する失業の認定を受け、若しくは受けようとする者、第二十条第一項の規定による申出をした者又は傷病手当の支給を受け、若しくは受けようとする者に対して、その指定する医師の診断を受けるべきことを命ずることができる。

Article 78 An administrative authority may, when it finds it necessary for paying the job applicant benefits, order a person who obtains or seeks to obtain the recognition of unemployment prescribed in Article 15, paragraph (2) pursuant to the provisions of item (i) of the same paragraph, a person who has made a request pursuant to the provisions of Article 20, paragraph (1) or a person who receives or seeks to receive payment of the injury and disease allowance, to undergo diagnosis by a designated physician.

(立入検査)

(On-Site Inspection)

第七十九条 行政庁は、この法律の施行のため必要があると認めるときは、当該職員に、被保険者、受給資格者等若しくは教育訓練給付対象者を雇用し、若しくは雇用していた事業主の事業所又は労働保険事務組合若しくは労働保険事務組合であつた団体の事務所に立ち入り、関係者に対して質問させ、又は帳簿書類（その作成又は保存に代えて電磁的記録（電子的方式、磁気的方式その他人の知覚によつては認識することができない方式で作られる記録であつて、電子計算機による情報処理の用に供されるものをいう。）の作成又は保存がされている場合における当該電磁的記録を含む。）の検査をさせることができる。

Article 79 (1) An administrative authority may, when it finds it necessary for the implementation of this Act, have its officials enter the place of business which belongs to the employer who employs or has employed an insured person, qualified recipient, etc., or educational training benefits recipient or the office of the labor insurance affairs association or the office of the organization which was a labor insurance affairs association, and question the persons concerned or inspect the books and documents (in the case where electronic or magnetic record (meaning record produced by an electronic form, magnetic form or any other form that cannot be perceived by human senses, which are used for information processing by a computer) are prepared and kept in lieu of those books and documents, including the electronic or magnetic record).

2 前項の規定により立入検査をする職員は、その身分を示す証明書を携帯し、関係者に提示しなければならない。

(2) The official who enters and makes an inspection pursuant to the provisions of the preceding paragraph, must carry an identification card and present it to the persons concerned.

3 第一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。

(3) The authority to conduct on-site inspections under the provisions of paragraph (1) may not be construed as being granted for criminal investigation.

(経過措置の命令への委任)

(Delegation of Transitional Measures to Orders)

第八十条 この法律に基づき政令又は厚生労働省令を制定し、又は改廃する場合には、それぞれ政令又は厚生労働省令で、その制定又は改廃に伴い合理的に必要と判断される範囲内において、所要の経過措置を定めることができる。この法律に基づき、厚生労働大臣が第十八条第三項の自動変更対象額その他の事項を定め、又はこれを改廃する場合においても、同様とする。

Article 80 When Cabinet Order or Order of the Ministry of Health, Labour and Welfare is established, amended or repealed based on this Act, necessary transitional measures may be established by the Cabinet Order or Order of the Ministry of Health, Labour and Welfare, respectively, within the limit deemed to be reasonably necessary. The same applies when the Minister of Health, Labour and Welfare specifies, amends or repeals the amount subject to automatic changing referred to in Article 18, paragraph (3) and other matters.

(権限の委任)

(Delegation of Authority)

第八十一条 この法律に定める厚生労働大臣の権限は、厚生労働省令で定めるところにより、その一部を都道府県労働局長に委任することができる。

Article 81 (1) Part of the authority of the Minister of Health, Labour and

Welfare provided for in this Act may be delegated to the Prefectural Labor Director, as prescribed by Order of the Ministry of Health, Labour and Welfare.

2 前項の規定により都道府県労働局長に委任された権限は、厚生労働省令で定めるところにより、公共職業安定所長に委任することができる。

(2) The authority delegated to the Prefectural Labor Director pursuant to the provisions of the preceding paragraph may be delegated to the chief of the Public Employment Security Office, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(厚生労働省令への委任)

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

第八十二条 この法律に規定するもののほか、この法律の実施のため必要な手続その他の事項は、厚生労働省令で定める。

Article 82 Beyond what is provided for in this Act, procedures necessary for the implementation of this Act and other matters are prescribed by Order of the Ministry of Health, Labour and Welfare.

## 第八章 罰則

### Chapter VIII Penal Provisions

第八十三条 事業主が次の各号のいずれかに該当するときは、六箇月以下の懲役又は三十万円以下の罰金に処する。

Article 83 When an employer falls under any of the following items, the employer is punished by imprisonment with labor for not more than six months or to a fine of not more than 300,000 yen:

一 第七条の規定に違反して届出をせず、又は偽りの届出をした場合

(i) when the person has failed to make a notification or has made a false notification, in violation of the provisions of Article 7;

二 第七十三条の規定に違反した場合

(ii) when the person has violated the provisions of Article 73;

三 第七十六条第一項の規定による命令に違反して報告をせず、若しくは偽りの報告をし、又は文書を提出せず、若しくは偽りの記載をした文書を提出した場合

(iii) when the person has failed to make a report or has made a false report, or has failed to submit documents or has submitted documents containing false entries, in violation of an order under the provisions of Article 76, paragraph (1);

四 第七十六条第三項（同条第四項において準用する場合を含む。）の規定に違反して証明書の交付を拒んだ場合

(iv) when the person has refused to issue a certificate, in violation of the provisions of Article 76, paragraph (3) (including as applied mutatis mutandis pursuant to paragraph (4) of the same Article); or



五 第七十九条第一項の規定による当該職員の質問に対して答弁をせず、若しくは偽りの陳述をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避した場合  
(v) when the person has failed to give an answer to a question by the official concerned under the provisions of Article 79, paragraph (1), has given a false statement, or has refused, obstructed or evaded the inspection under the provisions of the same paragraph.

第八十四条 労働保険事務組合が次の各号のいずれかに該当するときは、その違反行為をした労働保険事務組合の代表者又は代理人、使用人その他の従業者は、六箇月以下の懲役又は三十万円以下の罰金に処する。

Article 84 When a labor insurance affairs association falls under any of the following items, the representative, agent, or employee or other worker of the association who has committed the violation is punished by imprisonment with labor for not more than six months or to a fine of not more than 300,000 yen:

一 第七条の規定に違反して届出をせず、又は偽りの届出をした場合  
(i) when it has failed to make a notification or has made a false notification, in violation of the provisions of Article 7;

二 第七十六条第一項の規定による命令に違反して報告をせず、若しくは偽りの報告をし、又は文書を提出せず、若しくは偽りの記載をした文書を提出した場合  
(ii) when it has failed to make a report or has made a false report, or has failed to submit documents or has submitted documents containing false entries, in violation of an order under the provisions of Article 76, paragraph (1);

三 第七十六条第三項（同条第四項において準用する場合を含む。）の規定に違反して証明書交付を拒んだ場合  
(iii) when it has refused to issue a certificate, in violation of the provisions of Article 76, paragraph (3) (including as applied mutatis mutandis pursuant to paragraph (4) of the same Article); or

四 第七十九条第一項の規定による当該職員の質問に対して答弁をせず、若しくは偽りの陳述をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避した場合  
(iv) when it has failed to give an answer to a question by the official concerned under the provisions of Article 79, paragraph (1), has given a false statement, or has refused, obstructed or evaded the inspection under the provisions of the same paragraph.

第八十五条 被保険者、受給資格者等、教育訓練給付対象者又は未支給の失業等給付の支給を請求する者その他の関係者が次の各号のいずれかに該当するときは、六箇月以下の懲役又は二十万円以下の罰金に処する。

Article 85 If an insured person, qualified recipient, etc., educational training benefit recipient or a person requiring payment of the unpaid part of the benefits for unemployment, etc., or other person concerned falls under any of the following items, the person is punished by imprisonment with labor for not

more than six months, or a fine of not more than 200,000 yen:

一 第四十四条の規定に違反して偽りその他不正の行為によつて日雇労働被保険者手帳の交付を受けた場合

(i) when the person has obtained an insured day worker's benefits book by deception or other wrongful acts, in violation of the provisions of Article 44;

二 第七十七条の規定による命令に違反して報告をせず、若しくは偽りの報告をし、文書を提出せず、若しくは偽りの記載をした文書を提出し、又は出頭しなかつた場合

(ii) when the person has failed to make a report or has made a false report, or has failed to submit documents or has submitted documents containing false entries, or has failed to make an appearance, in violation of the order under the provisions of Article 77; or

三 第七十九条第一項の規定による当該職員の質問に対して答弁をせず、若しくは偽りの陳述をし、又は同項の規定による検査を拒み、妨げ、若しくは忌避した場合

(iii) when the person has failed to give an answer to a question by the official concerned under the provisions of paragraph (1) of Article 79, has given a false statement, or has refused, obstructed or evaded the inspection under the provisions of the same paragraph.

第八十六条 法人（法人でない労働保険事務組合を含む。以下この項において同じ。）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、前三条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 86 (1) If a representative of a corporation (including a labor insurance affairs association which is not a corporation: hereinafter the same applies in this paragraph), or an agent, employee or other worker of a corporation or an individual, has committed a violation under the preceding three Articles, with regard to the business of the corporation or individual, not only the offender is punished but also the corporation or individual is punished by the fine prescribed in the respective Article.

2 前項の規定により法人でない労働保険事務組合を処罰する場合においては、その代表者又は管理人が訴訟行為につきその労働保険事務組合を代表するほか、法人を被告人とする場合の刑事訴訟に関する法律の規定を準用する。

(2) If a labor insurance affairs association that is not a corporation is punished pursuant to the provisions of the preceding paragraph, the representative or administrator of that association represents the labor insurance affairs association, with regard to procedural acts and the provisions of the Acts applicable in criminal proceedings where the accused is a corporation apply mutatis mutandis.

附 則 〔抄〕

## Supplementary Provisions [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、昭和五十年四月一日から施行する。ただし、附則第二十一条の規定は、同年一月一日から施行する。

Article 1 (1) This Act comes into force as of April 1, 1975; provided, however, that the provisions of Article 21 of the Supplementary Provisions 1 come into force as from January 1 of the same year.

以下略

(The rest is omitted.)