

労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律

Act on Securing the Proper Operation of Worker Dispatching Businesses and Protecting Dispatched Workers

(昭和六十年七月五日法律第八十八号)

(Act No. 88 of July 5, 1985)

第一章 総則

Chapter I General Provisions

(目的)

(Purpose)

第一条 この法律は、職業安定法（昭和二十二年法律第百四十一号）と相まつて労働力の需給の適正な調整を図るため労働者派遣事業の適正な運営の確保に関する措置を講ずるとともに、派遣労働者の保護等を図り、もつて派遣労働者の雇用の安定その他福祉の増進に資することを目的とする。

Article 1 The purpose of this Act is to take measures for securing proper operation of a worker dispatching business for the proper adjustment of labor demand and supply, in conjunction with the Employment Security Act (Act No. 141 of 1947), as well as measures for protecting dispatched workers, and thereby to contribute to the stability of employment and otherwise to the promotion of the welfare of dispatched workers.

(用語の意義)

(Definitions)

第二条 この法律において、次の各号に掲げる用語の意義は、当該各号に定めるところによる。

Article 2 In this Act, the meanings of the terms set forth in the following items are as prescribed respectively in those items.

一 労働者派遣 自己の雇用する労働者を、当該雇用関係の下に、かつ、他人の指揮命令を受けて、当該他人のために労働に従事させることをいい、当該他人に対し当該労働者を当該他人に雇用させることを約してするものを含まないものとする。

(i) the term "worker dispatch" as used in this Act means having a worker employed by one person so as to be engaged in work for another person under the instructions of the latter, while maintaining the worker's employment relationship with the former, excluding cases where the former agrees with the latter that such worker is to be employed by the latter.

二 派遣労働者 事業主が雇用する労働者であつて、労働者派遣の対象となるものをいう。

(ii) the term "dispatched worker" as used in this Act means a worker, employed by an employer, who becomes the subject of worker dispatch.

三 労働者派遣事業 労働者派遣を業として行うことをいう。

(iii) the term "worker dispatching business" as used in this Act means carrying out worker dispatch on a regular basis.

四 紹介予定派遣 労働者派遣のうち、第五条第一項の許可を受けた者（以下「派遣元事業主」という。）が労働者派遣の役務の提供の開始前又は開始後に、当該労働者派遣に係る派遣労働者及び当該派遣労働者に係る労働者派遣の役務の提供を受ける者（第三章第四節を除き、以下「派遣先」という。）について、職業安定法その他の法律の規定による許可を受けて、又は届出をして、職業紹介を行い、又は行うことを予定してするものをいい、当該職業紹介により、当該派遣労働者が当該派遣先に雇用される旨が、当該労働者派遣の役務の提供の終了前に当該派遣労働者と当該派遣先との間で約されるものを含むものとする。

(iv) the term "employment placement dispatch" as used in this Act means worker dispatch through which employment placement, with regard to the dispatched worker to whom that dispatch pertains and the person receiving the provision of the relevant worker dispatching services (hereinafter referred to as a "client," except in Chapter III, Section 4) pertaining to the dispatched worker, is carried out or is prepared to be carried out by a person that has received a license under Article 5, paragraph (1) (hereinafter referred to as a "dispatching business operator"), either before or after the commencement of the provision of the worker dispatching services, after having received a license or submitted a written notice under the provisions of the Employment Security Act and other laws; this includes that through which the employment of the dispatched worker by the client through employment placement is agreed between the dispatched worker and the client prior to the conclusion of the provision of the relevant worker dispatching business.

(船員に対する適用除外)

(Exclusion from Application for Mariners)

第三条 この法律は、船員職業安定法（昭和二十三年法律第百三十号）第六条第一項に規定する船員については、適用しない。

Article 3 This Act does not apply to mariners prescribed in Article 6, paragraph (1) of the Mariners Employment Security Act (Act No.130 of 1948).

第二章 労働者派遣事業の適正な運営の確保に関する措置

Chapter II Measures for Securing the Proper Operation of Worker Dispatching Business

第一節 業務の範囲

Section 1 Scope of Designated Work

第四条 何人も、次の各号のいずれかに該当する業務について、労働者派遣事業を行つてはならない。

Article 4 (1) It is prohibited for any person to carry out a worker dispatching business with regard to operations falling under any of the following items:

一 港湾運送業務（港湾労働法（昭和六十三年法律第四十号）第二条第二号に規定する港湾運送の業務及び同条第一号に規定する港湾以外の港湾において行われる当該業務に相当する業務として政令で定める業務をいう。）

(i) port transport work (which means port transport work prescribed in Article 2, item (ii) of the Port Labor Act (Act No. 40 of 1988) and work specified by Cabinet Order as work corresponding to port transport work carried out at ports other than those prescribed in item (i) of the same Article);

二 建設業務（土木、建築その他工作物の建設、改造、保存、修理、変更、破壊若しくは解体の作業又はこれらの作業の準備の作業に係る業務をいう。）

(ii) construction work (which means work relating to civil engineering, construction, the building, remodeling, maintenance, repairing, renovation, wrecking, or dismantling of a structure, or work preparatory to any of these);
or

三 警備業法（昭和四十七年法律第百十七号）第二条第一項各号に掲げる業務その他その業務の実施の適正を確保するためには業として行う労働者派遣（次節並びに第二十三条第二項、第四項及び第五項において単に「労働者派遣」という。）により派遣労働者に従事させることが適当でないと認められる業務として政令で定める業務

(iii) work set forth in each item of Article 2, paragraph (1) of the Security Services Act (Act No. 117 of 1972) and other work designated by Cabinet Order as work for the proper performance of which it is considered inappropriate to allow dispatched workers to be engaged therein through worker dispatch carried out in the course of trade (simply referred to as "worker dispatch" in the following Section and Article 23, paragraphs (2), (4), and (5)).

2 厚生労働大臣は、前項第三号の政令の制定又は改正の立案を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。

(2) Before drafting a proposal for the establishment or amendment of Cabinet Order referred to in item (iii) of the preceding paragraph, the Minister of Health, Labor and Welfare must obtain the opinion of the Labor Policy Council.

3 労働者派遣事業を行う事業主から労働者派遣の役務の提供を受ける者は、その指揮命令の下に当該労働者派遣に係る派遣労働者を第一項各号のいずれかに該当する業務に従事させてはならない。

(3) A person that receives the provision of a worker dispatching services from

another person in control of the business of dealing with a worker dispatching business must not have, under the instructions of the former, any dispatched worker under the relevant worker dispatch arrangement engage in work falling under any of the items of paragraph (1).

第二節 事業の許可

Section 2 License for Worker Dispatching Business

(労働者派遣事業の許可)

(License for Worker Dispatching Business)

第五条 労働者派遣事業を行おうとする者は、厚生労働大臣の許可を受けなければならない。

Article 5 (1) Any person that intends to carry out a worker dispatching business must obtain a license from the Minister of Health, Labor and Welfare.

2 前項の許可を受けようとする者は、次に掲げる事項を記載した申請書を厚生労働大臣に提出しなければならない。

(2) Any person that wishes to be granted the license referred to in the preceding paragraph must submit to the Minister of Health, Labor and Welfare a written application form stating the following information:

一 氏名又は名称及び住所並びに法人にあつては、その代表者の氏名

(i) the applicant's name and address, and, in the case of a corporation, the name of its representative;

二 法人にあつては、その役員の氏名及び住所

(ii) in the case of a corporation, the names and addresses of its officers;

三 労働者派遣事業を行う事業所の名称及び所在地

(iii) the name and location of the place of business at which the worker dispatching business is carried out; and

四 第三十六条の規定により選任する派遣元責任者の氏名及び住所

(iv) the name and address of the person responsible for the relevant business operator's dispatching business as appointed pursuant to the provisions of Article 36.

3 前項の申請書には、労働者派遣事業を行う事業所ごとの当該事業に係る事業計画書その他厚生労働省令で定める書類を添付しなければならない。

(3) The written application referred to in the preceding paragraph must be accompanied by a business plan pertaining to the relevant worker dispatching business and for each place of business at which a worker dispatching business is carried out, and other documents specified by Order of the Ministry of Health, Labor and Welfare.

4 前項の事業計画書には、厚生労働省令で定めるところにより、労働者派遣事業を行う事業所ごとの当該事業に係る派遣労働者の数、労働者派遣に関する料金の額その他労働者派遣に関する事項を記載しなければならない。

(4) In the business plan referred to in the preceding paragraph, the number of dispatched workers under the arrangement of the relevant worker dispatching business, the amount of the fee for dispatching, and other particulars pertaining to the worker dispatch must be stated for each place of business at which a worker dispatching business is carried out, pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare.

5 厚生労働大臣は、第一項の許可を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。

(5) Before granting the license referred to in paragraph (1), the Minister of Health, Labor and Welfare must obtain the opinion of the Labor Policy Council.

(許可の欠格事由)

(Reasons for Disqualification for License)

第六条 次の各号のいずれかに該当する者は、前条第一項の許可を受けることができない。

Article 6 A person that falls under any of the following items may not receive the license referred to in paragraph (1) of the preceding Article:

一 禁固以上の刑に処せられ、又はこの法律の規定その他労働に関する法律の規定（次号に規定する規定を除く。）であつて政令で定めるもの若しくは暴力団員による不当な行為の防止等に関する法律（平成三年法律第七十七号）の規定（同法第五十条（第二号に係る部分に限る。）及び第五十二条の規定を除く。）により、若しくは刑法（明治四十年法律第四十五号）第二百四条、第二百六条、第二百八条、第二百八条の二、第二百二十二条若しくは第二百四十七条の罪、暴力行為等処罰に関する法律（大正十五年法律第六十号）の罪若しくは出入国管理及び難民認定法（昭和二十六年政令第三百十九号）第七十三条の二第一項の罪を犯したことにより、罰金の刑に処せられ、その執行を終わり、又は執行を受けることがなくなつた日から起算して五年を経過しない者

(i) any person that was sentenced to imprisonment without work or heavier punishment, or to a fine under the provisions of this Act or the provisions of other Acts relating to labor specified by Cabinet Order (excluding the provisions referred to in the following item) or the provisions of the Act on Prevention of Unjust Acts by Organized Crime Group Members (Act No. 77 of 1991) (excluding the provisions of Article 50 (limited to the part pertaining to item (ii)) and Article 52 of the same Act) or for having committed an offense referred to in Article 204, 206, 208, 208-2, 222, or 247 of the Penal Code (Act No. 45 of 1907), in the Act on Punishment of Physical Violence and Others (Act No. 60 of 1926), or in Article 73-2, paragraph (1) of the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951), where five years have not elapsed counting from the day on which the execution of the sentence was completed or the day on which the person becomes no longer subject to the execution of such sentence;

二 健康保険法（大正十一年法律第七十号）第二百八条、第二百十三条の二若しくは第二百十四条第一項、船員保険法（昭和十四年法律第七十三号）第一百五十六条、第一百五十九条若しくは第一百六十条第一項、労働者災害補償保険法（昭和二十二年法律第五十号）第五十一条前段若しくは第五十四条第一項（同法第五十一条前段の規定に係る部分に限る。）、厚生年金保険法（昭和二十九年法律第百十五号）第一百零二条、第一百零三条の二若しくは第一百零四条第一項（同法第一百零二条又は第一百零三条の二の規定に係る部分に限る。）、労働保険の保険料の徴収等に関する法律（昭和四十四年法律第八十四号）第四十六条前段若しくは第四十八条第一項（同法第四十六条前段の規定に係る部分に限る。）又は雇用保険法（昭和四十九年法律第百十六号）第八十三条若しくは第八十六条（同法第八十三条の規定に係る部分に限る。）の規定により罰金の刑に処せられ、その執行を終わり、又は執行を受けることがなくなった日から起算して五年を経過しない者

(ii) any person sentenced to a fine under the provisions of Article 208, 213-2, or 214, paragraph (1) of the Health Insurance Act (Act No. 70 of 1922), Article 156, 159, or 160, paragraph (1) of the Mariners Insurance Act (Act No. 73 of 1939), the first sentence of Article 51 or Article 54, paragraph (1) (limited to the part pertaining to the provisions of the first sentence of Article 51) of the Industrial Accident Compensation Insurance Act (Act No. 50 of 1947), Article 102, 103-2, or 104, paragraph (1) (limited to the part pertaining to the provisions of Article 102 or 103-2) of the Employees' Pension Insurance Act (Act No. 115 of 1954), the first sentence of Article 46 or Article 48, paragraph (1) (limited to the part pertaining to the provisions of the first sentence of Article 46) of the Act on the Collection, etc. of Insurance Premiums of Labor Insurance (Act No. 84 of 1969), or Article 83 or 86 (limited to the part pertaining to the provisions of Article 83) of the Employment Insurance Act (Act No. 116 of 1974), where five years have not elapsed counting from the day on which the execution of the sentence was completed or the sentence became no longer executable;

三 心身の故障により労働者派遣事業を適正に行うことができない者として厚生労働省令で定める者

(iii) any person specified by Order of the Ministry of Health, Labor and Welfare as being unable to properly carry out a worker dispatching business due to a mental or physical disorder;

四 破産手続開始の決定を受けて復権を得ない者

(iv) any person that has received an order commencing bankruptcy proceedings and has yet to have the person's rights restored;

五 第十四条第一項（第一号を除く。）の規定により労働者派遣事業の許可を取り消され、当該取消しの日から起算して五年を経過しない者

(v) any person whose license for a worker dispatching business was rescinded pursuant to the provisions of Article 14, paragraph (1) (excluding item (i) thereof), where five years have not elapsed counting from the date of the

rescission;

六 第十四条第一項の規定により労働者派遣事業の許可を取り消された者が法人である場合（同項第一号の規定により許可を取り消された場合については、当該法人が第一号又は第二号に規定する者に該当することとなつたことによる場合に限る。）において、当該取消しの処分を受ける原因となつた事項が発生した当時現に当該法人の役員（業務を執行する社員、取締役、執行役又はこれらに準ずる者をいい、相談役、顧問その他いかなる名称を有する者であるかを問わず、法人に対し業務を執行する社員、取締役、執行役又はこれらに準ずる者と同等以上の支配力を有するものと認められる者を含む。以下この条において同じ。）であつた者で、当該取消しの日から起算して五年を経過しないもの

(vi) if the person concerned is a corporation whose license for a worker dispatching business was rescinded pursuant to the provisions of Article 14, paragraph (1) (if the license was rescinded pursuant to the provisions of item (i) of the same paragraph, this is limited to the case where the corporation falls under item (i) or (ii)), any person who was an officer (referring to an employee, director, or executive officer that executes business, or any person in an equivalent position, including an employee, director, or executive officer that executes business for the corporation, or a person that is deemed to have an equivalent or higher ascendancy to these persons; hereinafter the same applies in this Article) of the corporation when the cause of the rescission arose, for whom five years have not elapsed counting from the date of the rescission;

七 第十四条第一項の規定による労働者派遣事業の許可の取消しの処分に係る行政手続法（平成五年法律第八十八号）第十五条の規定による通知があつた日から当該処分をする日又は処分をしないことを決定する日までの間に第十三条第一項の規定による労働者派遣事業の廃止の届出をした者（当該事業の廃止について相当の理由がある者を除く。）で、当該届出の日から起算して五年を経過しないもの

(vii) any person that has submitted a notification of the discontinuance of a worker dispatching business under the provisions of Article 13, paragraph (1) (excluding persons that have adequate grounds for the discontinuance of the worker dispatching business) within the period from the day of receiving notice under the provisions of Article 15 of the Administrative Procedure Act (Act No. 88 of 1993) with regard to the disposition of rescission of a license for a worker dispatching business under the provisions of Article 14, paragraph (1) to the date on which the disposition is made or the day on which the disposition is decided not to be made, where five years have not elapsed counting from the date of the notification;

八 前号に規定する期間内に第十三条第一項の規定による労働者派遣事業の廃止の届出をした者が法人である場合において、同号の通知の日前六十日以内に当該法人（当該事業の廃止について相当の理由がある法人を除く。）の役員であつた者で、当該届出の日から起算して五年を経過しないもの

(viii) if the person concerned is a corporation that has submitted a notification of the discontinuance of a worker dispatching business under the provisions of Article 13, paragraph (1) within the period prescribed in the preceding item, any person who was an officer of the corporation (excluding the case where the corporation has adequate grounds for the discontinuance of the relevant worker dispatching business) within 60 days before the day of notice referred to in the same item, for whom five years have not elapsed counting from the date of the notification;

九 暴力団員による不当な行為の防止等に関する法律第二条第六号に規定する暴力団員（以下この号において「暴力団員」という。）又は暴力団員でなくなつた日から五年を経過しない者（以下この条において「暴力団員等」という。）

(ix) any member of an organized crime group prescribed in Article 2, item (vi) of the Act on Prevention of Unjust Acts by Organized Crime Group Members (hereinafter referred to as an "organized crime group member" in this item), or any person for whom five years have not elapsed from the day on which the person became no longer a member of an organized crime group (hereinafter referred to as an "organized crime group member, etc." in this Article);

十 営業に関し成年者と同一の行為能力を有しない未成年者であつて、その法定代理人が前各号又は次号のいずれかに該当するもの

(x) any minor who does not possess the same capacity to carry out business as a person of an age of majority, and whose statutory agent falls under any of the preceding items or the following items;

十一 法人であつて、その役員のうち前各号のいずれかに該当する者があるもの

(xi) any corporation any of whose officers falls under any of the preceding items;

十二 暴力団員等がその事業活動を支配する者

(xii) any person whose business activities are controlled by an organized crime group member, etc.; or

十三 暴力団員等とその業務に従事させ、又はその業務の補助者として使用するおそれのある者

(xiii) any person that is likely to engage with an organized crime group member, etc. in the person's business or employ an organized crime group member, etc. as an assistant for the person's business.

(許可の基準等)

(Criteria for Granting a License)

第七条 厚生労働大臣は、第五条第一項の許可の申請が次に掲げる基準に適合していると認めるときでなければ、許可をしてはならない。

Article 7 (1) The Minister of Health, Labor and Welfare must not grant a license, unless the Minister finds that the application for a license referred to in Article

5, paragraph (1) conforms to the criteria set forth below:

一 当該事業が専ら労働者派遣の役務を特定の者に提供することを目的として行われるもの（雇用の機会の確保が特に困難であると認められる労働者の雇用の継続等を図るために必要であると認められる場合として厚生労働省令で定める場合において行われるものを除く。）でないこと。

(i) that the business concerned is not to be carried out for the purpose of providing worker dispatching business solely to specified persons (excluding cases specified by Order of the Ministry of Health, Labor and Welfare as those in which it is found necessary to continue the employment of those workers for whom securing employment opportunities is considered to be particularly difficult);

二 申請者が、当該事業の派遣労働者に係る雇用管理を適正に行うに足りる能力を有するものとして厚生労働省令で定める基準に適合するものであること。

(ii) that the applicant conforms to the criteria specified by Order of the Ministry of Health, Labor and Welfare as a person with a sufficient ability to properly manage the employment of dispatched workers for the relevant service;

三 個人情報（個人に関する情報であつて、特定の個人を識別することができるもの（他の情報と照合することにより特定の個人を識別することができることとなるものを含む。）をいう。以下同じ。）を適正に管理し、及び派遣労働者等の秘密を守るために必要な措置が講じられていること。

(iii) that necessary measures are taken to properly manage personal information (which means information concerning an individual by which a specific individual may be identified (including information from which a specific individual can be identified when collated with other information); the same applies hereinafter) and to protect the confidential information of dispatched workers, etc.; and

四 前二号に掲げるもののほか、申請者が、当該事業を的確に遂行するに足りる能力を有するものであること。

(iv) beyond what is set forth in the preceding two items, that the applicant has a sufficient ability to carry out the relevant service appropriately.

2 厚生労働大臣は、第五条第一項の許可をしないときは、遅滞なく、理由を示してその旨を当該申請者に通知しなければならない。

(2) When the Minister of Health, Labor and Welfare does not to grant the license referred to in Article 5, paragraph (1), the Minister must notify the applicant to that effect, without delay, indicating the grounds therefor.

(許可証)

(License Certificate)

第八条 厚生労働大臣は、第五条第一項の許可をしたときは、厚生労働省令で定めるところにより、労働者派遣事業を行う事業所の数に応じ、許可証を交付しなければならない。

ない。

Article 8 (1) The Minister of Health, Labor and Welfare, after granting the license referred to in Article 5, paragraph (1), must issue license certificates in accordance with the number of places of business at which the relevant worker dispatching business is carried out, pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare.

2 許可証の交付を受けた者は、当該許可証を、労働者派遣事業を行う事業所ごとに備え付けるとともに、関係者から請求があつたときは提示しなければならない。

(2) Any person that has been issued license certificates must keep them at each place of business at which the worker dispatching business is carried out and produce the certificates to persons concerned at their request.

3 許可証の交付を受けた者は、当該許可証を亡失し、又は当該許可証が滅失したときは、速やかにその旨を厚生労働大臣に届け出て、許可証の再交付を受けなければならない。

(3) If an issued license certificate is lost or destroyed, the person that received issuance of that license certificate must promptly notify the Minister of Health, Labour and Welfare to that effect and receive a reissued license certificate..

(許可の条件)

(License Conditions)

第九条 第五条第一項の許可には、条件を付し、及びこれを変更することができる。

Article 9 (1) The license set forth in Article 5, paragraph (1) may be granted under certain conditions, which may be subsequently altered.

2 前項の条件は、当該許可の趣旨に照らして、又は当該許可に係る事項の確実な実施を図るために必要な最小限度のものに限り、かつ、当該許可を受ける者に不当な義務を課することとなるものであつてはならない。

(2) The conditions provided for in the preceding paragraph must be limited to the minimum required in view of the purpose of the license concerned or for ensuring the reliable implementation of particulars related to the license concerned, and must not be such as to impose any undue obligation upon the person that is granted the license.

(許可の有効期間等)

(Validity Period of License)

第十条 第五条第一項の許可の有効期間は、当該許可の日から起算して三年とする。

Article 10 (1) The validity period of the license provided for in Article 5, paragraph (1) is three years counting from the date of issuance.

2 前項に規定する許可の有効期間（当該許可の有効期間についてこの項の規定により更新を受けたときにあつては、当該更新を受けた許可の有効期間）の満了後引き続き当該許可に係る労働者派遣事業を行おうとする者は、厚生労働省令で定めるところにより、許可の有効期間の更新を受けなければならない。

- (2) Any person that wishes to continue to carry out the worker dispatching business covered by the license prescribed in the preceding paragraph after the expiration of the validity period of the license (where the validity period of the license has been renewed pursuant to the provisions of this paragraph, the renewed validity period of the license) must have the validity period of the license renewed pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare.
- 3 厚生労働大臣は、前項に規定する許可の有効期間の更新の申請があつた場合において、当該申請が第七条第一項各号に掲げる基準に適合していないと認めるときは、当該許可の有効期間の更新をしてはならない。
- (3) When an application for renewal of the validity period of a license as prescribed in the preceding paragraph is submitted, and if the Minister of Health, Labor and Welfare finds that the application is not in conformity with the criteria set forth in each item of Article 7, paragraph (1), the Minister must not renew the validity period of the license concerned.
- 4 第二項の規定によりその更新を受けた場合における第五条第一項の許可の有効期間は、当該更新前の許可の有効期間が満了する日の翌日から起算して五年とする。
- (4) The validity period of the license referred to in Article 5, paragraph (1) when renewed pursuant to the provisions of paragraph (2) is five years counting from the day following the date of expiration of the validity period of the license before the renewal.
- 5 第五条第二項から第四項まで、第六条（第五号から第八号までを除く。）及び第七条第二項の規定は、第二項に規定する許可の有効期間の更新について準用する。
- (5) The provisions of Article 5, paragraphs (2) through (4), Article 6 (excluding items (v) through (viii) thereof), and Article 7, paragraph (2) apply mutatis mutandis to the renewal of the valid period of a license under paragraph (2).

(変更の届出)

(Notification of Change)

第十一条 派遣元事業主は、第五条第二項各号に掲げる事項に変更があつたときは、遅滞なく、その旨を厚生労働大臣に届け出なければならない。この場合において、当該変更に係る事項が労働者派遣事業を行う事業所の新設に係るものであるときは、当該事業所に係る事業計画書その他厚生労働省令で定める書類を添付しなければならない。

Article 11 (1) If there has been a change in any information provided in each item of Article 5, paragraph (2), a dispatching business operator must notify the Minister of Health, Labor and Welfare to that effect without delay. In this case, if the information subject to the relevant change relates to the establishment of any new place of business for carrying out a worker dispatching business, the notification must be accompanied by a business plan pertaining to that place of business and other documents specified by Order of the Ministry of Health, Labor and Welfare.

2 第五条第四項の規定は、前項の事業計画書について準用する。

(2) The provisions of Article 5, paragraph (4) apply mutatis mutandis to the business plan referred to in the preceding paragraph.

3 厚生労働大臣は、第一項の規定により労働者派遣事業を行う事業所の新設に係る変更の届出があつたときは、厚生労働省令で定めるところにより、当該新設に係る事業所の数に応じ、許可証を交付しなければならない。

(3) Upon receiving the notification of changes pertaining to the establishment of any new place of business for carrying out a worker dispatching business filed pursuant to the provisions of paragraph (1), the Minister of Health, Labor and Welfare must issue a license certificate in accordance with the number of places of business to be newly established, pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare.

4 派遣元事業主は、第一項の規定による届出をする場合において、当該届出に係る事項が許可証の記載事項に該当するときは、厚生労働省令で定めるところにより、その書換えを受けなければならない。

(4) When a dispatching business operator submits a notification under paragraph (1), and any particular pertaining to that notification falls under any information stated in the license certificate, the operator must apply for updating of the license certificate pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare.

第十二条 削除

Article 12 Deleted

(事業の廃止)

(Discontinuance of Business)

第十三条 派遣元事業主は、当該労働者派遣事業を廃止したときは、遅滞なく、厚生労働省令で定めるところにより、その旨を厚生労働大臣に届け出なければならない。

Article 13 (1) A dispatching business operator, upon having discontinued a worker dispatching business, must notify without delay, the Minister of Health, Labor and Welfare to that effect pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare.

2 前項の規定による届出があつたときは、第五条第一項の許可は、その効力を失う。

(2) When a notification is submitted under the provisions of the preceding paragraph, the license referred to in Article 5, paragraph (1) ceases to be effective.

(許可の取消し等)

(Rescission of License)

第十四条 厚生労働大臣は、派遣元事業主が次の各号のいずれかに該当するときは、第五条第一項の許可を取り消すことができる。

Article 14 (1) The Minister of Health, Labor and Welfare may rescind a license granted to a dispatching business operator pursuant to the provisions of Article 5, paragraph (1), if the operator falls under any of the following items:

一 第六条各号（第五号から第八号までを除く。）のいずれかに該当しているとき。

(i) if the operator falls under any of the items (excluding items (v) through (viii)) of Article 6;

二 この法律（第二十三条第三項、第二十三条の二、第三十条第二項の規定により読み替えて適用する同条第一項及び次章第四節の規定を除く。）若しくは職業安定法の規定又はこれらの規定に基づく命令若しくは処分に違反したとき。

(ii) if the operator violates the provisions of this Act (excluding the provisions of Article 30, paragraph (1) and Section 4 of the following Chapter as applied pursuant to Articles 23, paragraph (3), Article 23-2, and Article 30, paragraph (2) following the replacement of terms) or the Employment Security Act, or orders or dispositions based on these provisions;

三 第九条第一項の規定により付された許可の条件に違反したとき。

(iii) if the operator violates any conditions attached to the license pursuant to the provisions of Article 9, paragraph (1); or

四 第四十八条第三項の規定による指示を受けたにもかかわらず、なお第二十三条第三項、第二十三条の二又は第三十条第二項の規定により読み替えて適用する同条第一項の規定に違反したとき。

(iv) if the operator violates the provisions of Article 30, paragraph (1) as applied pursuant to Articles 23, paragraph (3), Article 23-2, and Article 30, paragraph (2) following the replacement of terms despite having received instructions under the provisions of Article 48, paragraph (3).

2 厚生労働大臣は、派遣元事業主が前項第二号又は第三号に該当するときは、期間を定めて当該労働者派遣事業の全部又は一部の停止を命ずることができる。

(2) If a dispatching business operator falls under item (ii) or (iii) of the preceding paragraph, the Minister of Health, Labor and Welfare may order the operator to suspend the whole or part of the operations of the relevant worker dispatching business for a designated period of time.

(名義貸しの禁止)

(Prohibition of Name Lending)

第十五条 派遣元事業主は、自己の名義をもつて、他人に労働者派遣事業を行わせてはならない。

Article 15 A dispatching business operator must not allow any other person to conduct a worker dispatching business under the operator's own name.

第十六条から第二十二条まで 削除

Articles 16 through 22 Deleted

第三節 補則

Section 3 Auxiliary Provisions

(事業報告等)

(Business Reports)

第二十三条 派遣元事業主は、厚生労働省令で定めるところにより、労働者派遣事業を行う事業所ごとの当該事業に係る事業報告書及び収支決算書を作成し、厚生労働大臣に提出しなければならない。

Article 23 (1) A dispatching business operator, pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare, must prepare a business report and settlement of accounts associated with a worker dispatching business that the operator carries out and for each place of business at which the worker dispatching business is carried out, and submit them to the Minister of Health, Labor and Welfare.

2 前項の事業報告書には、厚生労働省令で定めるところにより、労働者派遣事業を行う事業所ごとの当該事業に係る派遣労働者の数、労働者派遣の役務の提供を受けた者の数、労働者派遣に関する料金の額その他労働者派遣に関する事項を記載しなければならない。

(2) A business report referred to in the preceding paragraph must contain the number of dispatched workers, the number of persons that have received the relevant worker dispatching business, the amount of the fee for the worker dispatch, and other particulars pertaining to the worker dispatch, for each place of business at which the worker dispatching business has been carried out, pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare.

3 派遣元事業主は、厚生労働省令で定めるところにより、次条に規定する関係派遣先への派遣割合を厚生労働大臣に報告しなければならない。

(3) A dispatching business operator must report the ratio of dispatch to the operator's associated clients prescribed in the following Article to the Minister of Health, Labor and Welfare pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare.

4 派遣元事業主は、派遣労働者をこの法律の施行地外の地域に所在する事業所その他の施設において就業させるための労働者派遣（以下「海外派遣」という。）をしようとするときは、厚生労働省令で定めるところにより、あらかじめ、その旨を厚生労働大臣に届け出なければならない。

(4) If a dispatching business operator intends to carry out worker dispatch through which a dispatched worker will be engaged in work at a place of business or other facility located outside the enforcement area of this Act (hereinafter referred to as "overseas dispatch"), the operator must notify the Minister of Health, Labor and Welfare to that effect in advance pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare.

5 派遣元事業主は、厚生労働省令で定めるところにより、労働者派遣事業を行う事業所ごとの当該事業に係る派遣労働者の数、労働者派遣の役務の提供を受けた者の数、労働者派遣に関する料金の額の平均額から派遣労働者の賃金の額の平均額を控除した額を当該労働者派遣に関する料金の額の平均額で除して得た割合として厚生労働省令で定めるところにより算定した割合、教育訓練に関する事項その他当該労働者派遣事業の業務に関しあらかじめ関係者に対して知らせることが適当であるものとして厚生労働省令で定める事項に関し情報の提供を行わなければならない。

(5) A dispatching business operator, pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare and for each place of business at which the operator carries out a worker dispatching business, must provide information on the number of dispatched workers associated with the service, the number of persons that have received the worker dispatching business, the ratio obtained by first subtracting the average wage of dispatched workers from the average of the fee for worker dispatch, then dividing that amount by the average of the fee for the relevant worker dispatch as calculated pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare, particulars pertaining to educational training, and other particulars specified by Order of the Ministry of Health, Labor and Welfare as those that should be communicated in advance to persons concerned with regard to the operations of the worker dispatching business.

(派遣元事業主の関係派遣先に対する労働者派遣の制限)

(Restricting Worker Dispatch to Associated Clients of Dispatching Business Operators)

第二十三条の二 派遣元事業主は、当該派遣元事業主の経営を実質的に支配することが可能となる関係にある者その他の当該派遣元事業主と特殊の関係のある者として厚生労働省令で定める者（以下この条において「関係派遣先」という。）に労働者派遣をするときは、関係派遣先への派遣割合（一の事業年度における当該派遣元事業主が雇用する派遣労働者の関係派遣先に係る派遣就業（労働者派遣に係る派遣労働者の就業をいう。以下同じ。）に係る総労働時間を、その事業年度における当該派遣元事業主が雇用する派遣労働者のすべての派遣就業に係る総労働時間で除して得た割合として厚生労働省令で定めるところにより算定した割合をいう。）が百分の八十以下となるようにしなければならない。

Article 23-2 When a dispatching business operator carries out worker dispatch for a person specified by Order of the Ministry of Health, Labor and Welfare as a person that has a special relationship with the dispatching business operator (hereinafter referred to as an "associated client" in this Article), including persons that can substantially control the management of the dispatching business operator, the dispatching business operator must ensure that the ratio of dispatch to the operator's associated client (referring to the ratio obtained by dividing the total working hours of work under a dispatching

arrangement (referring to work by dispatched workers being dispatched; the same applies hereinafter) for the associated client performed by dispatched workers employed by the dispatching business operator in a business year by the total working hours of all work under a dispatching arrangement performed by dispatched workers employed by the dispatching business operator in the business year as calculated pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare) is not more than 80 percent.

(職業安定法第二十条の準用)

(Mutatis Mutandis Application of Article 20 of the Employment Security Act)

第二十四条 職業安定法第二十条の規定は、労働者派遣事業について準用する。この場合において、同条第一項中「公共職業安定所」とあるのは「労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律第二条第四号に規定する派遣元事業主（以下単に「派遣元事業主」という。）」と、「事業所に、求職者を紹介してはならない」とあるのは「事業所に関し、同条第一号に規定する労働者派遣（以下単に「労働者派遣」という。）（当該同盟罷業又は作業所閉鎖の行われる際現に当該事業所に関し労働者派遣をしている場合にあつては、当該労働者派遣及びこれに相当するものを除く。）をしてはならない」と、同条第二項中「求職者を無制限に紹介する」とあるのは「無制限に労働者派遣がされる」と、「公共職業安定所は当該事業所に対し、求職者を紹介してはならない」とあるのは「公共職業安定所は、その旨を派遣元事業主に通報するものとし、当該通報を受けた派遣元事業主は、当該事業所に関し、労働者派遣（当該通報の際現に当該事業所に関し労働者派遣をしている場合にあつては、当該労働者派遣及びこれに相当するものを除く。）をしてはならない」と、「使用されていた労働者」とあるのは「使用されていた労働者（労働者派遣に係る労働に従事していた労働者を含む。）」と、「労働者を紹介する」とあるのは「労働者派遣をする」と読み替えるものとする。

Article 24 The provisions of Article 20 of the Employment Security Act apply mutatis mutandis to a worker dispatching business. In this case, in paragraph (1) of the same Article, the term "public employment security offices" is deemed to be replaced with "dispatching business operators prescribed in Article 2, item (iv) of the Act on Securing the Proper Operation of Worker Dispatching Business and Protecting Dispatched Workers (hereinafter simply referred to as a "dispatching business operator")" and the term "must not introduce job seekers to a place of business" is deemed to be replaced with "must not carry out worker dispatch prescribed in item (i) of the same Article (hereinafter simply referred to as "worker dispatch") (where worker dispatch is actually carried out for the place of business at the time of the relevant strike or lock-out, excluding that worker dispatch and any arrangement equivalent thereto)"; in paragraph (2) of the same Article, the term "unlimited introduction of job seekers" is deemed to be replaced with "unlimited worker dispatch", the term "the public employment security office must not introduce job seekers to that

place of business" is deemed to be replaced with "the public employment security office must notify the dispatching business operator to that effect, and the dispatching business operator, having received the notification, must not carry out worker dispatch for that place of business (where worker dispatch is actually carried out for that place of business at the time of the notification, excluding the relevant worker dispatch and any arrangement equivalent thereto)", the term "workers normally employed" is deemed to be replaced with "workers (including workers having been engaged in work under a worker dispatch arrangement) normally employed", and the term "the introduction of workers" is deemed to be replaced with "the provision of worker dispatching business."

(派遣元事業主以外の労働者派遣事業を行う事業主からの労働者派遣の受入れの禁止)

(Prohibition of Receiving Worker Dispatching Business from a Person in Control of the Business of Carrying Out a Worker Dispatching Business Other than a Dispatching Business Operator)

第二十四条の二 労働者派遣の役務の提供を受ける者は、派遣元事業主以外の労働者派遣事業を行う事業主から、労働者派遣の役務の提供を受けてはならない。

Article 24-2 Any person that receives a worker dispatching services must not receive worker dispatching business from any person in control of the business of carrying out a worker dispatching business other than a dispatching business operator.

(個人情報の取扱い)

(Handling of Personal Information)

第二十四条の三 派遣元事業主は、労働者派遣に関し、労働者の個人情報を収集し、保管し、又は使用するに当たっては、その業務（紹介予定派遣をする場合における職業紹介を含む。次条において同じ。）の目的の達成に必要な範囲内で労働者の個人情報を収集し、並びに当該収集の目的の範囲内でこれを保管し、及び使用しなければならない。ただし、本人の同意がある場合その他正当な事由がある場合は、この限りでない。

Article 24-3 (1) With regard to collecting, retaining, or using personal information of workers with regard to worker dispatch, a dispatching business operator must collect personal information of workers only within the scope necessary for achieving the purpose of the business (including employment placement when employment placement dispatch is carried out; the same applies in the following Article) of the operator and retain and use that information only within the scope of the purpose of the collection; provided, however, that this does not apply where consent has been given by the worker concerned or where there are other justifiable reasons.

2 派遣元事業主は、労働者の個人情報 を適正に管理するために必要な措置を講じなければならない。

(2) A dispatching business operator must take measures necessary for properly managing the personal information of workers.

(秘密を守る義務)

(Obligation of Confidentiality)

第二十四条の四 派遣元事業主及びその代理人、使用人その他の従業者は、正当な理由がある場合でなければ、その業務上取り扱ったことについて知り得た秘密を他に漏らしてはならない。派遣元事業主及びその代理人、使用人その他の従業者でなくなつた後においても、同様とする。

Article 24-4 A dispatching business operator, as well as this operator's agents, employees, and other workers, must not disclose to another person any secret learned with regard to any information they handled in the course of business, without legitimate grounds. The same applies to any person that has ceased to be a dispatching business operator or an agent, employee, or other worker thereof.

(運用上の配慮)

(Special Consideration to Be Given in Application of the Act)

第二十五条 厚生労働大臣は、労働者派遣事業に係るこの法律の規定の運用に当たつては、労働者の職業生活の全期間にわたるその能力の有効な発揮及びその雇用の安定に資すると認められる雇用慣行並びに派遣就業は臨時的かつ一時的なものであることを原則とするとの考え方を考慮するとともに、労働者派遣事業による労働力の需給の調整が職業安定法に定める他の労働力の需給の調整に関する制度に基づくものとの調和の下に行われるように配慮しなければならない。

Article 25 In applying the provisions of this Act pertaining to a worker dispatching business, the Minister of Health, Labor and Welfare must take into consideration employment practices that are considered to contribute to the effective demonstration of workers' abilities and their employment security throughout their working lives, as well as the principle that work under a dispatching arrangement should be ad hoc and temporary, and, at the same time, must give consideration so that the adjustment of labor demand and supply by means of worker dispatching business is in harmony with the adjustment of labor demand and supply under the other systems specified in the Employment Security Act.

第三章 派遣労働者の保護等に関する措置

Chapter III Measures for Protecting Dispatched Workers

第一節 労働者派遣契約

Section 1 Worker Dispatch Contract

(契約の内容等)

(Content of Contract)

第二十六条 労働者派遣契約（当事者の一方が相手方に対し労働者派遣をすることを約する契約をいう。以下同じ。）の当事者は、厚生労働省令で定めるところにより、当該労働者派遣契約の締結に際し、次に掲げる事項を定めるとともに、その内容の差異に応じて派遣労働者の人数を定めなければならない。

Article 26 (1) The parties to a worker dispatch contract (meaning a contract by which one party to the contract agrees to carry out worker dispatch to the other; the same applies hereinafter) must specify the following particulars, as well as the number of workers to be dispatched, in accordance with the varying contents of the specified particulars, when concluding the contract concerned, pursuant to the provisions of Order of the Minister of Health, Labor and Welfare:

一 派遣労働者が従事する業務の内容

(i) the content of the work which the dispatched workers are to engage in;

二 派遣労働者が労働者派遣に係る労働に従事する事業所の名称及び所在地その他派遣就業の場所並びに組織単位（労働者の配置の区分であつて、配置された労働者の業務の遂行を指揮命令する職務上の地位にある者が当該労働者の業務の配分に関して直接の権限を有するものとして厚生労働省令で定めるものをいう。以下同じ。）

(ii) the name and location of the place of business at which the dispatched workers are to engage in the work under the worker dispatch arrangement, the locations of the client's places of business or other places at which the work under a dispatching arrangement is to be performed, and organizational units (referring to segments of worker assignment specified by Order of the Ministry of Health, Labor and Welfare as those where persons empowered in the course of duties to give instructions on the performance of the work of assigned workers have direct authority over the allocation of work to those workers; the same applies hereinafter);

三 労働者派遣の役務の提供を受ける者のために、就業中の派遣労働者を直接指揮命令する者に関する事項

(iii) particulars relating to the person who directly instructs the dispatched workers, in the course of their work, on behalf of the person receiving worker dispatching services;

四 労働者派遣の期間及び派遣就業をする日

(iv) the period of worker dispatch and the days on which the work under a dispatching arrangement is to be performed;

五 派遣就業の開始及び終了の時刻並びに休憩時間

(v) the hours of starting and ending the work under a dispatching arrangement and breaks periods;

六 安全及び衛生に関する事項

(vi) particulars relating to safety and health;

七 派遣労働者から苦情の申出を受けた場合における当該申出を受けた苦情の処理に関する事項

(vii) particulars relating to the handling of complaints submitted by the dispatched workers;

八 派遣労働者の新たな就業の機会の確保、派遣労働者に対する休業手当（労働基準法（昭和二十二年法律第四十九号）第二十六条の規定により使用者が支払うべき手当をいう。第二十九条の二において同じ。）等の支払に要する費用を確保するための当該費用の負担に関する措置その他の労働者派遣契約の解除に当たって講ずる派遣労働者の雇用の安定を図るために必要な措置に関する事項

(viii) particulars relating to measures necessary for ensuring the employment security of the dispatched workers to be taken at the time of termination of the worker dispatch contract, such as securing new employment opportunities for the dispatched workers, and measures relating to bearing the costs in securing necessary funds to pay the dispatched workers an allowance for absence from work (referring to the allowance which is to be paid by an employer pursuant to the provisions of Article 26 of the Labor Standards Act (Act No. 49 of 1947); the same applies in Article 29-2);

九 労働者派遣契約が紹介予定派遣に係るものである場合にあつては、当該職業紹介により従事すべき業務の内容及び労働条件その他の当該紹介予定派遣に関する事項

(ix) if the worker dispatch contract is for employment placement dispatch, particulars relating to the employment placement dispatch such as the contents of the work assigned by the employment placement and relevant working conditions; and

十 前各号に掲げるもののほか、厚生労働省令で定める事項

(x) beyond what is set forth in each of the preceding items, particulars specified by Order of the Ministry of Health, Labor and Welfare.

2 前項に定めるもののほか、派遣元事業主は、労働者派遣契約であつて海外派遣に係るものの締結に際しては、厚生労働省令で定めるところにより、当該海外派遣に係る役務の提供を受ける者が次に掲げる措置を講ずべき旨を定めなければならない。

(2) In addition to what is prescribed in the preceding paragraph, a dispatching business operator, when concluding a worker dispatch contract for overseas dispatch, must provide that the person receiving that overseas dispatching business should take the following measures, pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare:

一 第四十一条の派遣先責任者の選任

(i) appointment of a responsible person acting for the client, as referred to in Article 41;

二 第四十二条第一項の派遣先管理台帳の作成、同項各号に掲げる事項の当該台帳への記載及び同条第三項の厚生労働省令で定める条件に従つた通知

(ii) preparation of the client's record of management, as referred to in Article

42, paragraph (1); entry in that record of the particulars set forth in each item of the same paragraph; and notification in conformity with the conditions specified by Order of the Ministry of Health, Labor and Welfare, as referred to in paragraph (3) of the same Article; and

三 その他厚生労働省令で定める当該派遣就業が適正に行われるため必要な措置
(iii) other measures specified by Order of the Ministry of Health, Labor and Welfare, which are necessary for the work under a dispatching arrangement concerned to be conducted appropriately.

3 派遣元事業主は、第一項の規定により労働者派遣契約を締結するに当たっては、あらかじめ、当該契約の相手方に対し、第五条第一項の許可を受けている旨を明示しなければならない。

(3) In concluding a worker dispatch contract pursuant to the provisions of paragraph (1), the dispatching business operator must clearly indicate to the counterparty to the contract, in advance, that the operator has obtained the license referred to in Article 5, paragraph (1).

4 派遣元事業主から新たな労働者派遣契約に基づく労働者派遣（第四十条の二第一項各号のいずれかに該当するものを除く。次項において同じ。）の役務の提供を受けようとする者は、第一項の規定により当該労働者派遣契約を締結するに当たっては、あらかじめ、当該派遣元事業主に対し、当該労働者派遣の役務の提供が開始される日以後当該労働者派遣の役務の提供を受けようとする者の事業所その他派遣就業の場所の業務について同条第一項の規定に抵触することとなる最初の日を通知しなければならない。

(4) A person that intends to receive worker dispatching (excluding worker dispatch that falls under any of the items of Article 40-2, paragraph (1); the same applies in the following paragraph) business from a dispatching business operator based on a new worker dispatch contract, in concluding the worker dispatch contract concerned pursuant to the provisions of paragraph (1), must notify the dispatching business operator, in advance, of the first day on which receiving worker dispatching business will be in conflict with the provisions of paragraph (1) of the same Article with regard to work at the place of business of the person that intends to receive worker dispatching business or other places at which the work under a dispatching arrangement is to be performed from the day on which the provision of those worker dispatching business commences.

5 派遣元事業主は、新たな労働者派遣契約に基づく労働者派遣の役務の提供を受けようとする者から前項の規定による通知がないときは、当該者との間で、当該者の事業所その他派遣就業の場所の業務に係る労働者派遣契約を締結してはならない。

(5) If a dispatching business operator does not receive a notice under the provisions of the preceding paragraph from the person who intends to receive worker dispatching business based on a new worker dispatch contract, the operator must not conclude the worker dispatch contract with that person with

regard to work at the place of business of the person or other places at which work under a dispatching arrangement is required.

6 労働者派遣（紹介予定派遣を除く。）の役務の提供を受けようとする者は、労働者派遣契約の締結に際し、当該労働者派遣契約に基づく労働者派遣に係る派遣労働者を特定することを目的とする行為をしないように努めなければならない。

(6) A person that intends to receive worker dispatching business (excluding employment placement dispatch), in concluding a worker dispatch contract, must endeavor not to commit any act intended to specify workers to be dispatched under the worker dispatch arrangement based on the worker dispatch contract concerned.

7 労働者派遣の役務の提供を受けようとする者は、第一項の規定により労働者派遣契約を締結するに当たっては、あらかじめ、派遣元事業主に対し、厚生労働省令で定めるところにより、当該労働者派遣に係る派遣労働者が従事する業務ごとに、比較対象労働者の賃金その他の待遇に関する情報その他の厚生労働省令で定める情報を提供しなければならない。

(7) A person that intends to receive a worker dispatching business, in concluding a worker dispatch contract pursuant to the provisions of paragraph (1), must provide the operator in advance with information specified by Order of the Ministry of Health, Labor and Welfare, including information on the wages and other treatment of comparable workers, for each type of the work in which dispatched workers are to be engaged under the relevant worker dispatching arrangement, pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare.

8 前項の「比較対象労働者」とは、当該労働者派遣の役務の提供を受けようとする者に雇用される通常の労働者であつて、その業務の内容及び当該業務に伴う責任の程度（以下「職務の内容」という。）並びに当該職務の内容及び配置の変更の範囲が、当該労働者派遣に係る派遣労働者と同一であると見込まれるものその他の当該派遣労働者と待遇を比較すべき労働者として厚生労働省令で定めるものをいう。

(8) The term "comparable worker" as used in the preceding paragraph means a regular worker who is employed by a person intending to receive worker dispatching business, and the content of whose work and the extent of whose responsibility for the work (hereinafter referred to as a "job duty"), and the scope of change in whose job duties and assignment are expected to be the same as those of dispatched workers under the relevant dispatching arrangement, or any other worker specified by Order of the Ministry of Health, Labor and Welfare as a worker against whom such dispatched workers should be compared in terms of treatment.

9 派遣元事業主は、労働者派遣の役務の提供を受けようとする者から第七項の規定による情報の提供がないときは、当該者との間で、当該労働者派遣に係る派遣労働者が従事する業務に係る労働者派遣契約を締結してはならない。

(9) If a dispatching business operator has not received information under the

provisions of paragraph (7) from the person that intends to receive worker dispatching services, the operator must not conclude a worker dispatch contract with that person with regard to the work in which dispatched workers are to be engaged under the relevant dispatching arrangement.

10 派遣先は、第七項の情報に変更があつたときは、遅滞なく、厚生労働省令で定めるところにより、派遣元事業主に対し、当該変更の内容に関する情報を提供しなければならない。

(10) In the case of any change in the information referred to in paragraph (7), the client without delay, must provide the relevant dispatching business operator with the details of the change in information, pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare.

11 労働者派遣の役務の提供を受けようとする者及び派遣先は、当該労働者派遣に関する料金の額について、派遣元事業主が、第三十条の四第一項の協定に係る労働者派遣以外の労働者派遣にあつては第三十条の三の規定、同項の協定に係る労働者派遣にあつては同項第二号から第五号までに掲げる事項に関する協定の定めを遵守することができるものとなるように配慮しなければならない

(11) A person that intends to receive worker dispatching services and a client must give consideration in relation to the amount of the fee for the relevant dispatching to be provided so that the operator is able to comply with the provisions of Article 30-3 in the case of dispatching provided other than that associated with the agreement referred to in Article 30-4, paragraph (1), and with the provisions of an agreement concerning the particulars set forth in items (ii) through (v) of the same paragraph in the case of worker dispatch associated with the agreement referred to in the same paragraph.

(契約の解除等)

(Cancellation of Contract)

第二十七条 労働者派遣の役務の提供を受ける者は、派遣労働者の国籍、信条、性別、社会的身分、派遣労働者が労働組合の正当な行為をしたこと等を理由として、労働者派遣契約を解除してはならない。

Article 27 It is prohibited for any person receiving a worker dispatching services to cancel a worker dispatch contract on the grounds of a dispatched worker's nationality, creed, sex, social status, engagement in legitimate labor union activities, etc.

第二十八条 労働者派遣をする事業主は、当該労働者派遣の役務の提供を受ける者が、当該派遣就業に関し、この法律又は第四節の規定により適用される法律の規定（これらの規定に基づく命令の規定を含む。第三十一条及び第四十条の六第一項第五号において同じ。）に違反した場合においては、当該労働者派遣を停止し、又は当該労働者派遣契約を解除することができる。

Article 28 If a person receiving worker dispatching services has violated, with

regard to the relevant work under a dispatching arrangement, the provisions of this Act or of Acts applied pursuant to the provisions of Section 4 (including the provisions of orders based on these provisions; the same applies in Article 31 and Article 40-6, paragraph (1), item (v)), the person in control of the business of carrying out the relevant worker dispatching business may suspend the worker dispatching business concerned or cancel the relevant worker dispatch contract.

第二十九条 労働者派遣契約の解除は、将来に向かつてのみその効力を生ずる。
Article 29 The cancellation of a worker dispatch contract has only prospective effect.

(労働者派遣契約の解除に当たって講ずべき措置)

(Measures Taken upon the Cancellation of a Worker Dispatch Contract)

第二十九条の二 労働者派遣の役務の提供を受ける者は、その者の都合による労働者派遣契約の解除に当たっては、当該労働者派遣に係る派遣労働者の新たな就業の機会の確保、労働者派遣をする事業主による当該派遣労働者に対する休業手当等の支払に要する費用を確保するための当該費用の負担その他の当該派遣労働者の雇用の安定を図るために必要な措置を講じなければならない。

Article 29-2 If a person receiving worker dispatching services cancels the worker dispatch contract for its own reason, the person must take measures necessary for ensuring the employment security of the relevant dispatched workers, including securing of new employment opportunities for the dispatched workers under the dispatching arrangement and taking measures to secure necessary funds to pay the dispatched workers an allowance for absence from work and other similar allowances.

第二節 派遣元事業主の講ずべき措置等

Section 2 Measures to Be Taken by a Dispatching Business Operators

(特定有期雇用派遣労働者等の雇用の安定等)

(Employment Security of Specified Dispatched Workers on a Fixed-term Contract)

第三十条 派遣元事業主は、その雇用する有期雇用派遣労働者（期間を定めて雇用される派遣労働者をいう。以下同じ。）であつて派遣先の事業所その他派遣就業の場所における同一の組織単位の業務について継続して一年以上の期間当該労働者派遣に係る労働に従事する見込みがあるものとして厚生労働省令で定めるもの（以下「特定有期雇用派遣労働者」という。）その他雇用の安定を図る必要性が高いと認められる者として厚生労働省令で定めるもの又は派遣労働者として期間を定めて雇用しようとする労働者であつて雇用の安定を図る必要性が高いと認められるものとして厚生労働省令で定めるもの（以下この項において「特定有期雇用派遣労働者等」という。）に対し、

厚生労働省令で定めるところにより、次の各号の措置を講ずるよう努めなければならない。

Article 30 (1) A dispatching business operator must endeavor to take the measures set forth in the following items, pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare, for each dispatched worker on a fixed-term contract employed by the operator (referring to a dispatched worker employed for a fixed term; the same applies hereinafter) and specified by Order of the Ministry of Health, Labor and Welfare as to whom has a prospect of continuously engaging in work under the relevant worker dispatch arrangement for at least one year in an organizational unit at the client's place of business or other places at which the relevant work under a dispatching arrangement is performed (hereinafter referred to as a "specified dispatched worker on a fixed-term contract"); or specified by Order of the Ministry of Health, Labor and Welfare as to whom is considered to be in great need of employment security; or specified by Order of the Ministry of Health, Labor and Welfare as to whom otherwise is a worker to be employed by the operator for a fixed term as a dispatched worker and is considered to be in great need of employment security (hereinafter referred to as a "specified dispatched worker on a fixed-term contract, etc." in this paragraph):

一 派遣先に対し、特定有期雇用派遣労働者に対して労働契約の申込みをすることを求めること。

(i) requesting the client to offer a labor contract to each specified dispatched worker on a fixed-term contract;

二 派遣労働者として就業させることができるように就業（その条件が、特定有期雇用派遣労働者等の能力、経験その他厚生労働省令で定める事項に照らして合理的なものに限る。）の機会を確保するとともに、その機会を特定有期雇用派遣労働者等に提供すること。

(ii) securing opportunities to work (limited to work under reasonable conditions in light of the ability and experience of each specified dispatched worker on a fixed-term contract, etc. and other particulars specified by Order of the Ministry of Health, Labor and Welfare) as a dispatched worker, and providing such opportunities to specified dispatched workers on fixed-term contracts, etc.;

三 派遣労働者以外の労働者として期間を定めずに雇用することができるように雇用の機会を確保するとともに、その機会を特定有期雇用派遣労働者等に提供すること。

(iii) securing opportunities for employment as a worker without a fixed term other than as a dispatched worker, and providing such opportunities to specified dispatched workers on fixed-term contracts, etc.; and

四 前三号に掲げるもののほか、特定有期雇用派遣労働者等を対象とした教育訓練であつて雇用の安定に特に資すると認められるものとして厚生労働省令で定めるもの

その他の雇用の安定を図るために必要な措置として厚生労働省令で定めるものを講ずること。

(iv) beyond what is set forth in the preceding three items, taking measures specified by Order of the Ministry of Health, Labor, and Welfare as those necessary for ensuring the employment security of specified dispatched workers on fixed-term contracts, etc., including educational training for those workers, etc. specified by Order of the Ministry of Health, Labor and Welfare as educational training considered particularly contributory to their employment security.

2 派遣先の事業所その他派遣就業の場所における同一の組織単位の業務について継続して三年間当該労働者派遣に係る労働に従事する見込みがある特定有期雇用派遣労働者に係る前項の規定の適用については、同項中「講ずるように努めなければ」とあるのは、「講じなければ」とする。

(2) With regard to the application of the provisions of the preceding paragraph to a specified dispatched worker on a fixed-term contract who has a prospect of continuously engaging in work for three years under the relevant worker dispatch arrangement with regard to work in an organizational unit at the client's place of business or other places at which the relevant work under a dispatching arrangement is performed, the term "must endeavor to take" in the same paragraph is deemed to be replaced with "must take."

(段階的かつ体系的な教育訓練等)

(Stepwise and Systematic Educational Training)

第三十条の二 派遣元事業主は、その雇用する派遣労働者が段階的かつ体系的に派遣就業に必要な技能及び知識を習得することができるように教育訓練を実施しなければならない。この場合において、当該派遣労働者が無期雇用派遣労働者（期間を定めずに雇用される派遣労働者をいう。以下同じ。）であるときは、当該無期雇用派遣労働者がその職業生活の全期間を通じてその有する能力を有効に発揮できるように配慮しなければならない。

Article 30-2 (1) A dispatching business operator must provide educational training to dispatched workers employed thereby so that they can acquire the skills and knowledge necessary for work under a dispatching arrangement in a step-by-step and systematic manner. In this case, when those dispatched workers are dispatched workers on open-ended contracts (referring to dispatched workers employed without a fixed term; the same applies hereinafter), the dispatching business operator must give consideration so that those dispatched workers with open-ended contracts can effectively exercise their abilities throughout their working lives.

2 派遣元事業主は、その雇用する派遣労働者の求めに応じ、当該派遣労働者の職業生活の設計に関し、相談の機会の確保その他の援助を行わなければならない。

(2) A dispatching business operator, at the request of dispatched workers

employed thereby, must provide them with assistance in the designing of their working lives, such as the provision of consultation opportunities.

(不合理な待遇の禁止等)

(Prohibition on Unreasonable Treatment)

第三十条の三 派遣元事業主は、その雇用する派遣労働者の基本給、賞与その他の待遇のそれぞれについて、当該待遇に対応する派遣先に雇用される通常の労働者の待遇との間において、当該派遣労働者及び通常の労働者の職務の内容、当該職務の内容及び配置の変更の範囲その他の事情のうち、当該待遇の性質及び当該待遇を行う目的に照らして適切と認められるものを考慮して、不合理と認められる相違を設けてはならない。

Article 30-3 (1) A dispatching business operator must not create differences between the conditions, such as base pay and bonuses, of dispatched workers employed thereby and the corresponding conditions of regular workers employed by the relevant client, that are found to be unreasonable in consideration of, among such circumstances as the job duties of those dispatched workers and regular workers, and the scope of change in their job duties and assignment, those circumstances that are found to be appropriate in light of the nature of the treatment and the purpose of treating those workers in the manner mentioned above.

2 派遣元事業主は、職務の内容が派遣先に雇用される通常の労働者と同一の派遣労働者であつて、当該労働者派遣契約及び当該派遣先における慣行その他の事情からみて、当該派遣先における派遣就業が終了するまでの全期間において、その職務の内容及び配置が当該派遣先との雇用関係が終了するまでの全期間における当該通常の労働者の職務の内容及び配置の変更の範囲と同一の範囲で変更されることが見込まれるものについては、正当な理由がなく、基本給、賞与その他の待遇のそれぞれについて、当該待遇に対応する当該通常の労働者の待遇に比して不利なものとしてはならない。

(2) A dispatching business operator must not, without reasonable grounds, treat each condition of dispatched workers, such as base pay and bonuses, disadvantageous compared with the corresponding conditions of regular workers employed by the relevant client, when the job duties of those dispatched workers are the same as those of the regular workers, and the job duties and assignment of those dispatched workers throughout the period of the relevant work under a dispatching arrangement at the client until the termination thereof are expected to change within the same scope as the scope of change in the job duties and assignment of the regular workers throughout the period of their employment relationship with the client until the termination thereof, in light of such circumstances as the worker dispatch contract and work practices at the client.

第三十条の四 派遣元事業主は、厚生労働省令で定めるところにより、労働者の過半数

で組織する労働組合がある場合においてはその労働組合、労働者の過半数で組織する労働組合がない場合においては労働者の過半数を代表する者との書面による協定により、その雇用する派遣労働者の待遇（第四十条第二項の教育訓練、同条第三項の福利厚生施設その他の厚生労働省令で定めるものに係るものを除く。以下この項において同じ。）について、次に掲げる事項を定めたときは、前条の規定は、第一号に掲げる範囲に属する派遣労働者の待遇については適用しない。ただし、第二号、第四号若しくは第五号に掲げる事項であつて当該協定で定めたものを遵守していない場合又は第三号に関する当該協定の定めによる公正な評価に取り組んでいない場合は、この限りでない。

Article 30-4 (1) Pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare, a dispatching business operator must not apply the provisions of the preceding Article to the treatment of dispatched workers within the scope specified in item (i), if the following particulars concerning the treatment of dispatched workers (except for treatment associated with that specified by Order of the Ministry of Health, Labor and Welfare, including the educational training referred to in Article 40, paragraph (2) and the welfare facilities in paragraph (3) of the same Article; the same applies in this paragraph) employed by the operator are prescribed in a written agreement with the labor union consisting of a majority of the workers at the operator in the case where it exists, or with a person who represents a majority of the workers at the operator in the case where such a labor union does not exist; provided, however, that this does not apply where the particulars prescribed by the agreement are not complied with in relation to those set forth in item (ii), (iv), or (v), or where fair evaluation based on the agreement is not implemented in relation to item (iii):

一 その待遇が当該協定で定めるところによることとされる派遣労働者の範囲

(i) the scope of dispatched workers whose treatment is as prescribed by the agreement;

二 前号に掲げる範囲に属する派遣労働者の賃金の決定の方法（次のイ及びロ（通勤手当その他の厚生労働省令で定めるものにあつては、イ）に該当するものに限る。）

(ii) the method of determining the wages of dispatched workers falling within the scope set forth in the preceding item (limited to wages falling under (a) and (b) (or only (a), for the types of wage specified by Order of the Ministry of Health, Labor and Welfare, such as commuting allowances) below);

イ 派遣労働者が従事する業務と同種の業務に従事する一般の労働者の平均的な賃金の額として厚生労働省令で定めるものと同様以上の賃金の額となるものであること。

(a) the method needs to ensure that the amount of wages is at least equivalent to what is specified by Order of the Ministry of Health, Labor and Welfare as the amount of average wages for general workers engaged

- in the same type of work as that in which dispatched workers engage;
- ロ 派遣労働者の職務の内容、職務の成果、意欲、能力又は経験その他の就業の実態に関する事項の向上があつた場合に賃金が改善されるものであること。
- (b) the method needs to ensure improvement in wages when particulars concerning the actual working conditions of dispatched workers, such as their job duties, work outcomes, motivation, abilities, or experience, are improved;
- 三 派遣元事業主は、前号に掲げる賃金の決定の方法により賃金を決定するに当たっては、派遣労働者の職務の内容、職務の成果、意欲、能力又は経験その他の就業の実態に関する事項を公正に評価し、その賃金を決定すること。
- (iii) in determining wages by using the wage determination method set forth in the preceding item, the dispatching business operator is required to do so through fair evaluation of particulars concerning the actual working conditions of dispatched workers, such as their job duties, work outcomes, motivation, abilities, or experience;
- 四 第一号に掲げる範囲に属する派遣労働者の待遇（賃金を除く。以下この号において同じ。）の決定の方法（派遣労働者の待遇のそれぞれについて、当該待遇に対応する派遣元事業主に雇用される通常の労働者（派遣労働者を除く。）の待遇との間において、当該派遣労働者及び通常の労働者の職務の内容、当該職務の内容及び配置の変更の範囲その他の事情のうち、当該待遇の性質及び当該待遇を行う目的に照らして適切と認められるものを考慮して、不合理と認められる相違が生じることとならないものに限る。）
- (iv) the method of determining the treatment (except for wages; hereinafter the same applies in this item) of dispatched workers falling within the scope set forth in item (i) (limited to any method that will not create differences, between the conditions of those dispatched workers and the corresponding conditions of regular workers employed by the dispatching business operator, that are found to be unreasonable in consideration of, among such circumstances as the job duties of the dispatched workers and regular workers and the scope of change in their job duties and assignment, those circumstances that are found to be appropriate in light of the nature of the treatment and the purpose of treating those workers in the manner mentioned above);
- 五 派遣元事業主は、第一号に掲げる範囲に属する派遣労働者に対して第三十条の二第一項の規定による教育訓練を実施すること。
- (v) the dispatching business operator is required to provide dispatched workers falling within the scope set forth in item (i) with educational training under Article 30-2, paragraph (1); and
- 六 前各号に掲げるもののほか、厚生労働省令で定める事項
- (vi) beyond what is set forth in each of the preceding items, particulars specified by Order of the Ministry of Health, Labor and Welfare.

2 前項の協定を締結した派遣元事業主は、厚生労働省令で定めるところにより、当該協定をその雇用する労働者に周知しなければならない。

(2) A dispatching business operator that has concluded an agreement as referred to as in the preceding paragraph must familiarize workers employed thereby with the agreement pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare.

(職務の内容等を勘案した賃金の決定)

(Determination of Wages by Taking Account of Job Duties)

第三十条の五 派遣元事業主は、派遣先に雇用される通常の労働者との均衡を考慮しつつ、その雇用する派遣労働者（第三十条の三第二項の派遣労働者及び前条第一項の協定で定めるところによる待遇とされる派遣労働者（以下「協定対象派遣労働者」という。）を除く。）の職務の内容、職務の成果、意欲、能力又は経験その他の就業の実態に関する事項を勘案し、その賃金（通勤手当その他の厚生労働省令で定めるものを除く。）を決定するように努めなければならない。

Article 30-5 A dispatching business operator, with consideration given to striking a balance with regular workers employed by clients, must endeavor to determine the wages (except the types of wage specified by Order of the Ministry of Health, Labor and Welfare, including commuting allowances) of dispatched workers employed by the operator (except dispatched workers referred to in Article 30-3, paragraph (2) and those whose treatment is as prescribed by the agreement referred to in paragraph (1) of the preceding Article (hereinafter referred to as an "agreement-based dispatched worker")) in consideration of particulars concerning their actual working conditions, such as their job duties, work outcomes, motivation, abilities, or experience.

(就業規則の作成の手続)

(Procedure for Preparation of Rules of Employment)

第三十条の六 派遣元事業主は、派遣労働者に係る事項について就業規則を作成し、又は変更しようとするときは、あらかじめ、当該事業所において雇用する派遣労働者の過半数を代表すると認められるものの意見を聴くように努めなければならない。

Article 30-6 When preparing or amending rules of employment in relation to matters concerning dispatched workers, a dispatching business operator must endeavor to, in advance, hear the opinion of a party that is found to represent a majority of dispatched workers employed at the place of business of the operator.

(派遣労働者等の福祉の増進)

(Promotion of the Welfare of Dispatched Workers)

第三十条の七 第三十条から前条までに規定するもののほか、派遣元事業主は、その雇用する派遣労働者又は派遣労働者として雇用しようとする労働者について、各人の希

望、能力及び経験に応じた就業の機会（派遣労働者以外の労働者としての就業の機会を含む。）及び教育訓練の機会の確保、労働条件の向上その他雇用の安定を図るために必要な措置を講ずることにより、これらの者の福祉の増進を図るように努めなければならない。

Article 30-7 Beyond what is provided for in Article 30 through the immediately preceding Article, a dispatching business operator must endeavor to promote the welfare of dispatched workers whom the operator employs and of workers the operator intends to employ as dispatched workers, by taking necessary measures to secure employment opportunities (including opportunities to be employed as workers other than dispatched workers) and educational training opportunities according to each worker's wish, ability, and experience, to improve their working conditions, and otherwise to stabilize their employment.

（適正な派遣就業の確保）

（Securing Proper Work under a Dispatching Arrangement）

第三十一条 派遣元事業主は、派遣先がその指揮命令の下に派遣労働者に労働させるに当たつて当該派遣就業に関しこの法律又は第四節の規定により適用される法律の規定に違反することがないようにその他当該派遣就業が適正に行われるように、必要な措置を講ずる等適切な配慮をしなければならない。

Article 31 A dispatching business operator must give due consideration such as taking necessary measures to ensure that a client, when having dispatched workers work under the client's instructions, does not violate the provisions of this Act or Acts applied pursuant to the provisions of Section 4 with regard to the work under a dispatching arrangement and otherwise to ensure that the work under a dispatching arrangement is properly performed.

（待遇に関する事項等の説明）

（Explanation about Particulars Concerning Treatment）

第三十一条の二 派遣元事業主は、派遣労働者として雇用しようとする労働者に対し、厚生労働省令で定めるところにより、当該労働者を派遣労働者として雇用した場合における当該労働者の賃金の額の見込みその他の当該労働者の待遇に関する事項その他の厚生労働省令で定める事項を説明しなければならない。

Article 31-2 (1) A dispatching business operator, pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare, must explain to workers whom the operator intends to employ as dispatched workers, particulars specified by Order of the Ministry of Health, Labor and Welfare, including the planned wages of those workers if employed as dispatched workers and other particulars concerning the treatment of those workers.

2 派遣元事業主は、労働者を派遣労働者として雇い入れようとするときは、あらかじめ、当該労働者に対し、文書の交付その他厚生労働省令で定める方法（次項において「文書の交付等」という。）により、第一号に掲げる事項を明示するとともに、厚生

労働省令で定めるところにより、第二号に掲げる措置の内容を説明しなければならない。

- (2) When employing a worker as a dispatched worker, a dispatching business operator, in advance, by the use of documents or other methods specified by Order of the Ministry of Health, Labor and Welfare (referred to as "document issuance, etc." in the following paragraph), must clearly indicate to the worker the particulars set forth in item (i) and explain the details of the measures set forth in item (ii) to the worker pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare:
- 一 労働条件に関する事項のうち、労働基準法第十五条第一項に規定する厚生労働省令で定める事項以外のものであつて厚生労働省令で定めるもの
- (i) among particulars concerning working conditions, those specified by Order of the Ministry of Health, Labor and Welfare other than the particulars specified by Order of the Ministry of Health, Labor and Welfare as provided in Article 15, paragraph (1) of the Labor Standards Act; and
- 二 第三十条の三、第三十条の四第一項及び第三十条の五の規定により措置を講ずべきこととされている事項（労働基準法第十五条第一項に規定する厚生労働省令で定める事項及び前号に掲げる事項を除く。）に関し講ずることとしている措置の内容
- (ii) the details of measures to be taken in relation to the particulars for which measures should be taken pursuant to the provisions of Article 30-3, Article 30-4, paragraph (1), and Article 30-5 (except for the particulars specified by Order of the Ministry of Health, Labor and Welfare as provided in Article 15, paragraph (1) of the Labor Standards Act and the particulars set forth in the preceding item).
- 3 派遣元事業主は、労働者派遣（第三十条の四第一項の協定に係るものを除く。）をしようとするときは、あらかじめ、当該労働者派遣に係る派遣労働者に対し、文書の交付等により、第一号に掲げる事項を明示するとともに、厚生労働省令で定めるところにより、第二号に掲げる措置の内容を説明しなければならない。
- (3) When intending to carry out worker dispatch (except where it is related to the agreement referred to in Article 30-4, paragraph (1)), a dispatching business operator, in advance through document issuance, etc., must clearly indicate to dispatched workers involved in the worker dispatch, the particulars set forth in item (i) and explain the details of the measures set forth in item (ii) to those dispatched workers pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare:
- 一 労働基準法第十五条第一項に規定する厚生労働省令で定める事項及び前項第一号に掲げる事項（厚生労働省令で定めるものを除く。）
- (i) the particulars specified by Order of the Ministry of Health, Labor and Welfare as provided in Article 15, paragraph (1) of the Labor Standards Act; and the particulars set forth in item (i) of the preceding paragraph (except those specified by Order of the Ministry of Health, Labor and Welfare); and

二 前項第二号に掲げる措置の内容

(ii) the details of the measures set forth in item (ii) of the preceding paragraph.

4 派遣元事業主は、その雇用する派遣労働者から求めがあつたときは、当該派遣労働者に対し、当該派遣労働者と第二十六条第八項に規定する比較対象労働者との間の待遇の相違の内容及び理由並びに第三十条の三から第三十条の六までの規定により措置を講ずべきこととされている事項に関する決定をするに当たつて考慮した事項を説明しなければならない。

(4) A dispatching business operator, if requested by an employed dispatched worker, must explain to the dispatched worker the details of and reasons for differences in treatment between the dispatched worker and the comparable worker prescribed in Article 26, paragraph (8), and the particulars taken into account in making a decision on the particulars for which measures should be taken pursuant to the provisions of Articles 30-3 through 30-6.

5 派遣元事業主は、派遣労働者が前項の求めをしたことを理由として、当該派遣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。

(5) A dispatching business operator must not dismiss or otherwise disadvantageously treat any dispatched worker on the ground of the worker's request made as referred to in the preceding paragraph.

(派遣労働者であることの明示等)

(Clear Indication to Workers about Being Employed as Dispatched Workers)

第三十二条 派遣元事業主は、労働者を派遣労働者として雇い入れようとするときは、あらかじめ、当該労働者にその旨（紹介予定派遣に係る派遣労働者として雇い入れようとする場合にあつては、その旨を含む。）を明示しなければならない。

Article 32 (1) A dispatching business operator, when employing a worker as a dispatched worker, must clearly indicate to the worker concerned to that effect in advance (if the operator intends to employ the worker as a dispatched worker for employment placement dispatch, if this is the case).

2 派遣元事業主は、その雇用する労働者であつて、派遣労働者として雇い入れた労働者以外のものを新たに労働者派遣の対象としようとするときは、あらかじめ、当該労働者にその旨（新たに紹介予定派遣の対象としようとする場合にあつては、その旨を含む。）を明示し、その同意を得なければならない。

(2) "If a dispatching business operator seeks to newly treat as a dispatched worker, an existing worker whom the operator originally employed as a worker other than a dispatched worker, then the operator must clearly so indicate to the worker concerned in advance and obtain the worker's consent (if the operator seeks to newly treat the worker as a subject of employment placement dispatch, including that fact) and obtain the worker's consent.

(派遣労働者に係る雇用制限の禁止)

(Prohibition of Restrictions on Employment of Dispatched Workers)

第三十三条 派遣元事業主は、その雇用する派遣労働者又は派遣労働者として雇用しようとする労働者との間で、正当な理由がなく、その者に係る派遣先である者（派遣先であつた者を含む。次項において同じ。）又は派遣先となることとなる者に当該派遣元事業主との雇用関係の終了後雇用されることを禁ずる旨の契約を締結してはならない。

Article 33 (1) Without legitimate grounds, a dispatching business operator must not enter into a contract with a dispatched worker whom the operator employs or a worker whom the operator intends to employ as a dispatched worker prohibiting the worker from being employed by the client (including a person that once was a client; the same applies in the following paragraph) or the prospective client concerning that dispatched worker after the employment relationship with the operator terminates.

2 派遣元事業主は、その雇用する派遣労働者に係る派遣先である者又は派遣先となろうとする者との間で、正当な理由がなく、その者が当該派遣労働者を当該派遣元事業主との雇用関係の終了後雇用することを禁ずる旨の契約を締結してはならない。

(2) Without legitimate grounds, a dispatching business operator must not enter into a contract with a client that receives or is to receive a dispatched worker employed and dispatched by the operator prohibiting the client from employing the dispatched worker concerned after the worker's employment relationship with the operator terminates.

（就業条件等の明示）

(Clear Indication of Working Conditions)

第三十四条 派遣元事業主は、労働者派遣をしようとするときは、あらかじめ、当該労働者派遣に係る派遣労働者に対し、厚生労働省令で定めるところにより、次に掲げる事項（当該労働者派遣が第四十条の二第一項各号のいずれかに該当する場合にあつては、第三号及び第四号に掲げる事項を除く。）を明示しなければならない。

Article 34 (1) When intending to carry out worker dispatch, a dispatching business operator must clearly indicate to dispatched workers under the relevant worker dispatch arrangement the following particulars in advance (excluding the particulars set forth in items (iii) and (iv) if the worker dispatch falls under any of the items of Article 40-2, paragraph (1)), pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare:

一 当該労働者派遣をしようとする旨

(i) the agency's intention to carry out the worker dispatch;

二 第二十六条第一項各号に掲げる事項その他厚生労働省令で定める事項であつて当該派遣労働者に係るもの

(ii) particulars pertaining to the relevant dispatched workers among those set forth in each item of Article 26, paragraph (1) and those specified by Order of the Ministry of Health, Labor and Welfare;

三 当該派遣労働者が労働者派遣に係る労働に従事する事業所その他派遣就業の場所

における組織単位の業務について派遣元事業主が第三十五条の三の規定に抵触することとなる最初の日

(iii) the first day on which the operator will be in conflict with the provisions of Article 35-3 with regard to work in an organizational unit at the place of business, or at other places at which the work under a dispatching arrangement is to be performed and, where dispatched workers will be engaged in work under the worker dispatch arrangement; and

四 当該派遣労働者が労働者派遣に係る労働に従事する事業所その他派遣就業の場所の業務について派遣先が第四十条の二第一項の規定に抵触することとなる最初の日

(iv) the first day on which the client will be in conflict with the provisions of Article 40-2, paragraph (1) with regard to work at the client's place of business, or at other places at which the work under a dispatching arrangement is to be performed and, where dispatched workers will be engaged in work under the worker dispatch arrangement.

2 派遣元事業主は、派遣先から第四十条の二第七項の規定による通知を受けたときは、遅滞なく、当該通知に係る事業所その他派遣就業の場所の業務に従事する派遣労働者に対し、厚生労働省令で定めるところにより、当該事業所その他派遣就業の場所の業務について派遣先が同条第一項の規定に抵触することとなる最初の日を明示しなければならない。

(2) When a dispatching business operator has received a notification under the provisions of Article 40-2, paragraph (7) from a client, the operator, without delay, must clearly indicate to the dispatched workers engaged in work at the client's place of business connected with the notification or at other places at which the work under a dispatching arrangement is performed and which are connected with the notification, the first day on which the client will be in conflict with the provisions of paragraph (1) of the same Article with regard to work at the place of business or other places at which the work under a dispatching arrangement is performed, pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare.

3 派遣元事業主は、前二項の規定による明示をするに当たっては、派遣先が第四十条の六第一項第三号又は第四号に該当する行為を行つた場合には同項の規定により労働契約の申込みをしたものとみなされることとなる旨を併せて明示しなければならない。

(3) When giving a clear indication under the provisions of the preceding two paragraphs, a dispatching business operator must also clearly indicate that if the client commits any act that falls under Article 40-6, paragraph (1), item (iii) or (iv), the client will be deemed to have offered a labor contract pursuant to the provisions of the same paragraph.

(労働者派遣に関する料金の額の明示)

(Clear Indication of the Amount of the Fee for Worker Dispatch)

第三十四条の二 派遣元事業主は、次の各号に掲げる場合には、当該各号に定める労働

者に対し、厚生労働省令で定めるところにより、当該労働者に係る労働者派遣に関する料金の額として厚生労働省令で定める額を明示しなければならない。

Article 34-2 In each case set forth in the following items, a dispatching business operator, pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare, must clearly indicate to the workers set forth in the corresponding item the amount specified by Order of the Ministry of Health, Labor and Welfare as the amount of the fee for worker dispatch in connection with the workers:

一 労働者を派遣労働者として雇い入れようとする場合 当該労働者

(i) if the operator intends to employ the worker as a dispatched worker: the relevant worker

二 労働者派遣をしようとする場合及び労働者派遣に関する料金の額を変更する場合 当該労働者派遣に係る派遣労働者

(ii) if the operator intends to carry out worker dispatch or changes the amount of the fee for worker dispatch the relevant dispatched worker under the worker dispatching arrangement

(派遣先への通知)

(Notification to Client)

第三十五条 派遣元事業主は、労働者派遣をするときは、厚生労働省令で定めるところにより、次に掲げる事項を派遣先に通知しなければならない。

Article 35 (1) When a dispatching business operator carries out worker dispatch, the operator must notify the client of the following particulars pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare:

一 当該労働者派遣に係る派遣労働者の氏名

(i) the name of each worker to be dispatched under the worker dispatch arrangement concerned;

二 当該労働者派遣に係る派遣労働者が協定対象派遣労働者であるか否かの別

(ii) whether each worker to be dispatched under the worker dispatching arrangement is an agreement-based dispatched worker;

三 当該労働者派遣に係る派遣労働者が無期雇用派遣労働者であるか有期雇用派遣労働者であるかの別

(iii) whether each worker to be dispatched under the worker dispatching arrangement is a dispatched worker on an open-ended contract or a dispatched worker on a fixed-term contract;

四 当該労働者派遣に係る派遣労働者が第四十条の二第一項第二号の厚生労働省令で定める者であるか否かの別

(iv) whether each worker to be dispatched under the worker dispatching arrangement is a person specified by Order of the Ministry of Health, Labor and Welfare as referred to in Article 40-2, paragraph (1), item (ii);

五 当該労働者派遣に係る派遣労働者に関する健康保険法第三十九条第一項の規定に

よる被保険者の資格の取得の確認、厚生年金保険法第十八条第一項の規定による被保険者の資格の取得の確認及び雇用保険法第九条第一項の規定による被保険者となったことの確認の有無に関する事項であつて厚生労働省令で定めるもの

- (v) with regard to each worker to be dispatched under the worker dispatching arrangement concerned, particulars specified by Order of the Ministry of Health, Labor and Welfare in relation to whether there exist a confirmation of the acquisition of qualification as an insured person under the provisions of Article 39, paragraph (1) of the Health Insurance Act, a confirmation of the acquisition of qualification as an insured person under the provisions of Article 18, paragraph (1) of the Employees' Pension Insurance Act, and a confirmation of the fact of having become an insured person under the provisions of Article 9, paragraph (1) of the Employment Insurance Act; and
- 六 その他厚生労働省令で定める事項
- (vi) other particulars specified by Order of the Ministry of Health, Labor and Welfare.

2 派遣元事業主は、前項の規定による通知をした後に同項第二号から第五号までに掲げる事項に変更があつたときは、遅滞なく、その旨を当該派遣先に通知しなければならない。

(2) A dispatching business operator, if there is any change to the particulars set forth in items (ii) through (v) of the preceding paragraph after having given notice under the provisions of the same paragraph, must notify the client of the change without delay.

(労働者派遣の期間)

(Period of Worker Dispatch)

第三十五条の二 派遣元事業主は、派遣先が当該派遣元事業主から労働者派遣の役務の提供を受けたならば第四十条の二第一項の規定に抵触することとなる場合には、当該抵触することとなる最初の日以降継続して労働者派遣を行つてはならない。

Article 35-2 A dispatching business operator, if a client would come into conflict with the provisions of Article 40-2, paragraph (1) for receiving dispatching services from a dispatching business operator, then that operator must not continue to carry out the relevant worker dispatch from the first day the conflict occurred.

第三十五条の三 派遣元事業主は、派遣先の事業所その他派遣就業の場所における組織単位ごとの業務について、三年を超える期間継続して同一の派遣労働者に係る労働者派遣（第四十条の二第一項各号のいずれかに該当するものを除く。）を行つてはならない。

Article 35-3 A dispatching business operator must not continuously provide the worker dispatch (excluding worker dispatch that falls under any of the items of Article 40-2, paragraph (1)) of the same dispatched worker for more than three

years with regard to work in an organizational unit at the client's place of business or other places at which the work under a dispatching arrangement is performed.

(日雇労働者についての労働者派遣の禁止)

(Prohibition of Dispatching Day Workers)

第三十五条の四 派遣元事業主は、その業務を迅速かつ的確に遂行するために専門的な知識、技術又は経験を必要とする業務のうち、労働者派遣により日雇労働者（日々又は三十日以内の期間を定めて雇用する労働者をいう。以下この項において同じ。）に従事させても当該日雇労働者の適正な雇用管理に支障を及ぼすおそれがないと認められる業務として政令で定める業務について労働者派遣をする場合又は雇用の機会の確保が特に困難であると認められる労働者の雇用の継続等を図るために必要であると認められる場合その他の場合で政令で定める場合を除き、その雇用する日雇労働者について労働者派遣を行ってはならない。

Article 35-4 (1) A dispatching business operator must not carry out the worker dispatch whom are day workers employed thereby (referring to workers employed on a daily basis or for a fixed term not exceeding 30 days; the same applies in this paragraph), except in the case where the operator carries out worker dispatch for any work specified by Cabinet Order as work whose swift and adequate performance requires expert knowledge, technical skills, or experience and one that is considered unlikely to interfere with the proper employment management of the day workers even if these day workers engage in this work under the worker dispatching arrangement, or in other cases specified by Cabinet Order, such as the case where the worker dispatch is considered necessary for such purposes as the continued employment of workers for whom securing employment opportunities is considered particularly difficult.

2 厚生労働大臣は、前項の政令の制定又は改正の立案を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なければならない。

(2) Before drafting a proposal for the establishment or amendment of Cabinet Order referred to in the preceding paragraph, the Minister of Health, Labor and Welfare must obtain the opinion of the Labor Policy Council.

(離職した労働者についての労働者派遣の禁止)

(Prohibition of Dispatching Workers Separated from Employment)

第三十五条の五 派遣元事業主は、労働者派遣をしようとする場合において、派遣先が当該労働者派遣の役務の提供を受けたならば第四十条の九第一項の規定に抵触することとなるときは、当該労働者派遣を行ってはならない。

Article 35-5 A dispatching business operator that intends to carry out worker dispatch must not carry it out if the client comes into conflict with the provisions of Article 40-9, paragraph (1) by receiving the worker dispatching

services concerned.

(派遣元責任者)

(Responsible Person for Dispatching Business)

第三十六条 派遣元事業主は、派遣就業に関し次に掲げる事項を行わせるため、厚生労働省令で定めるところにより、第六条第一号、第二号及び第四号から第九号までに該当しない者（未成年者を除き、派遣労働者に係る雇用管理を適正に行うに足りる能力を有する者として、厚生労働省令で定める基準に適合するものに限る。）のうちから派遣元責任者を選任しなければならない。

Article 36 A dispatching business operator must, in order to have the following particulars carried out with regard to work under a dispatching arrangement, appoint a responsible person for the dispatching business of the operator from among persons (excluding minors, and limited to persons who meet the criteria specified by Order of the Ministry of Health, Labor and Welfare and are thereby regarded as sufficiently able to properly manage the employment of dispatched workers) who do not fall under any items of (i), (ii), and (iv) through (ix) of Article 6, pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare:

一 第三十二条、第三十四条、第三十五条及び次条に定める事項に関すること。

(i) particulars relating to those prescribed in Articles 32, 34, and 35 and the following Article;

二 当該派遣労働者に対し、必要な助言及び指導を行うこと。

(ii) giving necessary advice and guidance to relevant dispatched workers;

三 当該派遣労働者から申出を受けた苦情の処理に当たること。

(iii) handling of complaints submitted by relevant dispatched workers;

四 当該派遣労働者等の個人情報の管理に関すること。

(iv) particulars relating to the management of the personal information of relevant dispatched workers;

五 当該派遣労働者についての教育訓練の実施及び職業生活の設計に関する相談の機会の確保に関すること。

(v) particulars relating to the provision of educational training to relevant dispatched workers and relating to the securing of opportunities for consultation about the designing of their working lives;

六 当該派遣労働者の安全及び衛生に関し、当該事業所の労働者の安全及び衛生に関する業務を統括管理する者及び当該派遣先との連絡調整を行うこと。

(vi) carrying out liaison and coordination with the person that oversees the administration of affairs relating to the safety and health of workers at the place of business concerned and with relevant clients, in relation to particulars relating to the safety and health of relevant dispatched workers; and

七 前号に掲げるもののほか、当該派遣先との連絡調整に関すること。

(vii) beyond what is set forth in the preceding items, particulars relating to liaison and coordination with relevant clients.

(派遣元管理台帳)

(Management Record of Dispatching Business)

第三十七条 派遣元事業主は、厚生労働省令で定めるところにより、派遣就業に関し、派遣元管理台帳を作成し、当該台帳に派遣労働者ごとに次に掲げる事項を記載しなければならない。

Article 37 (1) A dispatching business operator must prepare a management record with regard to work under a dispatching arrangement and enter in the record concerned the following particulars with regard to each dispatched worker, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare:

一 協定対象派遣労働者であるか否かの別

(i) whether the dispatched worker is an agreement-based dispatched worker;

二 無期雇用派遣労働者であるか有期雇用派遣労働者であるかの別（当該派遣労働者が有期雇用派遣労働者である場合にあつては、当該有期雇用派遣労働者に係る労働契約の期間）

(ii) whether the dispatched worker is a dispatched worker on an open-ended contract or a dispatched worker on a fixed-term contract (and the period of the labor contract if the dispatched worker is a dispatched worker on a fixed-term contract);

三 第四十条の二第一項第二号の厚生労働省令で定める者であるか否かの別

(iii) whether the dispatched worker is a person specified by Order of the Ministry of Health, Labor and Welfare as referred to in Article 40-2, paragraph (1), item (ii);

四 派遣先の氏名又は名称

(iv) the name of the client;

五 事業所の所在地その他派遣就業の場所及び組織単位

(v) the locations of the client's places of business or other places at which the work under a dispatching arrangement is performed and the organizational unit;

六 労働者派遣の期間及び派遣就業をする日

(vi) the period of worker dispatch and the days on which work under a dispatching arrangement is performed;

七 始業及び終業の時刻

(vii) the hours of starting and ending work;

八 従事する業務の種類

(viii) the kind of work that the dispatched worker engages in;

九 第三十条第一項（同条第二項の規定により読み替えて適用する場合を含む。）の規定により講じた措置

(ix) measures taken pursuant to the provisions of Article 30, paragraph (1) (including the case where the provisions are applied pursuant to the provisions of paragraph (2) of the same Article following the deemed replacement of terms);

十 教育訓練（厚生労働省令で定めるものに限る。）を行つた日時及び内容
(x) the date, time, and content of educational training provided (limited to educational training specified by Order of the Ministry of Health, Labor and Welfare);

十一 派遣労働者から申出を受けた苦情の処理に関する事項
(xi) matters relating to the handling of complaints submitted by the dispatched worker;

十二 紹介予定派遣に係る派遣労働者については、当該紹介予定派遣に関する事項
(xii) if the dispatched worker is for employment placement dispatch, particulars relating to the relevant employment placement dispatch; and

十三 その他厚生労働省令で定める事項
(xiii) other particulars specified by Order of the Ministry of Health, Labor and Welfare.

2 派遣元事業主は、前項の派遣元管理台帳を三年間保存しなければならない。

(2) A dispatching business operator must retain the management record referred to in the preceding paragraph for three years.

(準用)

(Application Mutatis Mutandis)

第三十八条 第三十三条及び第三十四条第一項（第三号及び第四号を除く。）の規定は、派遣元事業主以外の労働者派遣をする事業主について準用する。この場合において、第三十三条中「派遣先」とあるのは、「労働者派遣の役務の提供を受ける者」と読み替えるものとする。

Article 38 The provisions of Article 33 and Article 34, paragraph (1) (excluding items (iii) and (iv)) apply mutatis mutandis to persons in control of the business of carrying out worker dispatch other than dispatching business operators. In this case, the term "client" in Article 33 is deemed to be replaced with "person receiving worker dispatching services."

第三節 派遣先の講ずべき措置等

Section 3 Measures to Be Taken by Clients

(労働者派遣契約に関する措置)

(Measures Concerning Worker Dispatch Contracts)

第三十九条 派遣先は、第二十六条第一項各号に掲げる事項その他厚生労働省令で定める事項に関する労働者派遣契約の定めに反することのないように適切な措置を講じなければならない。

Article 39 A client must take appropriate measures so that there will not be a violation of the provisions of any worker dispatch contract concerning the particulars set forth in each item of Article 26, paragraph (1) and other particulars specified by Order of the Ministry of Health, Labor and Welfare.

(適正な派遣就業の確保等)

(Securing Proper Work under a Dispatching Arrangement)

第四十条 派遣先は、その指揮命令の下に労働させる派遣労働者から当該派遣就業に関し、苦情の申出を受けたときは、当該苦情の内容を当該派遣元事業主に通知するとともに、当該派遣元事業主との密接な連携の下に、誠意をもって、遅滞なく、当該苦情の適切かつ迅速な処理を図らなければならない。

Article 40 (1) When a client receives any complaint from a dispatched worker working under the instructions thereof with regard to the work under a dispatching arrangement, the client must notify the dispatching business operator concerned of the details of the complaint and endeavor, in good faith and without delay, to handle the complaint appropriately and promptly in close cooperation with the dispatching business operator concerned.

2 派遣先は、その指揮命令の下に労働させる派遣労働者について、当該派遣労働者を雇用する派遣元事業主からの求めに応じ、当該派遣労働者が従事する業務と同種の業務に従事するその雇用する労働者が従事する業務の遂行に必要な能力を付与するための教育訓練については、当該派遣労働者が当該業務に必要な能力を習得することができるようにするため、当該派遣労働者が既に当該業務に必要な能力を有している場合その他厚生労働省令で定める場合を除き、当該派遣労働者に対しても、これを実施する等必要な措置を講じなければならない。

(2) A client must take necessary measures such as providing every dispatched worker working under the instructions thereof, at the request of the dispatching business operator employing the dispatched worker, with educational training that aims to help workers employed by the client and engaged in the same type of work as the dispatched worker's acquire the ability necessary to perform the work, in order to enable the dispatched worker to acquire the ability necessary to perform the work, except in the case where the dispatched worker already has the ability or in other cases specified by Order of the Ministry of Health, Labor and Welfare.

3 派遣先は、当該派遣先に雇用される労働者に対して利用の機会を与える福利厚生施設であつて、業務の円滑な遂行に資するものとして厚生労働省令で定めるものについては、その指揮命令の下に労働させる派遣労働者に対しても、利用の機会を与えなければならない。

(3) A client must provide dispatched workers working under the instructions thereof with opportunities to use welfare facilities which the client provides workers employed thereby with opportunities to use and which are specified by Order of the Ministry of Health Labor and Welfare as those contributory to the

smooth performance of work.

4 前三項に定めるもののほか、派遣先は、その指揮命令の下に労働させる派遣労働者について、当該派遣就業が適正かつ円滑に行われるようにするため、適切な就業環境の維持、診療所等の施設であつて現に当該派遣先に雇用される労働者が通常利用しているもの（前項に規定する厚生労働省令で定める福利厚生施設を除く。）の利用に関する便宜の供与等必要な措置を講ずるように配慮しなければならない。

(4) Beyond what is prescribed in the preceding three paragraphs, a client must give consideration to dispatched workers who are made to work under the instructions thereof by taking measures necessary for the proper and smooth performance of the relevant work under a dispatching arrangement, such as the maintenance of the proper work environment and the facilitation of use of facilities such as the infirmary, which are actually and usually used by the regular employees of the client (excluding the welfare facilities specified by Order of the Ministry of Health, Labor and Welfare as referred to in the preceding paragraph).

5 派遣先は、第三十条の二、第三十条の三、第三十条の四第一項及び第三十一条の二第四項の規定による措置が適切に講じられるようにするため、派遣元事業主の求めに応じ、業務と同種の業務に従事する当該派遣先に雇用される労働者に関する情報、当該派遣労働者の業務の遂行の状況その他の情報であつて当該措置に必要なものを提供する等必要な協力をするように配慮しなければならない。

(5) In order that measures are appropriately taken pursuant to the provisions of Articles 30-2 and 30-3, Article 30-4, paragraph (1), and Article 31-2, paragraph (4), a client, at the request of the dispatching business operator, must give consideration to providing necessary cooperation, including providing information necessary for those measures, such as information on the work of dispatched workers working under the instructions of the client and on workers employed by the client and engaged in the same type of work as those dispatched workers' work, and information on the performance of work by those dispatched workers.

（労働者派遣の役務の提供を受ける期間）

(Period of Receiving Worker Dispatching Services)

第四十条の二 派遣先は、当該派遣先の事業所その他派遣就業の場所ごとの業務について、派遣元事業主から派遣可能期間を超える期間継続して労働者派遣の役務の提供を受けてはならない。ただし、当該労働者派遣が次の各号のいずれかに該当するものであるときは、この限りでない。

Article 40-2 (1) A client must not receive worker dispatching services from a dispatching business operator continuously for a duration exceeding the duration for which dispatching is possible for work at a client's places of business or other places at which the work under a dispatching arrangement is performed, unless the worker dispatch falls under any of the following items:

- 一 無期雇用派遣労働者に係る労働者派遣
 - (i) worker dispatch of dispatched workers on open-ended contracts;
- 二 雇用の機会の確保が特に困難である派遣労働者であつてその雇用の継続等を図る必要があると認められるものとして厚生労働省令で定める者に係る労働者派遣
 - (ii) worker dispatch pertaining to persons specified by Order of the Ministry of Health, Labor and Welfare as dispatched workers for whom it is particularly difficult to secure employment opportunities and for whom the continuance of employment, etc. are considered necessary;
- 三 次のイ又はロに該当する業務に係る労働者派遣
 - (iii) worker dispatch for work falling under (a) or (b) below:
 - イ 事業の開始、転換、拡大、縮小又は廃止のための業務であつて一定の期間内に完了することが予定されているもの
 - (a) work intended for the commencement, conversion, expansion, downsizing, or discontinuation of an undertaking that is scheduled to be completed within a certain period of time;
 - ロ その業務が一箇月間に行われる日数が、当該派遣就業に係る派遣先に雇用される通常の労働者の一箇月間の所定労働日数に比し相当程度少なく、かつ、厚生労働大臣の定める日数以下である業務
 - (b) work for which the number of performance days during a period of one month is considerably less than the prescribed number of working days per month for regular workers employed by the client associated with the work under a dispatching arrangement and is less than the number of days specified by the Minister of Health, Labor and Welfare;
- 四 当該派遣先に雇用される労働者が労働基準法第六十五条第一項及び第二項の規定により休業し、並びに育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律（平成三年法律第七十六号）第二条第一号に規定する育児休業をする場合における当該労働者の業務その他これに準ずる場合として厚生労働省令で定める場合における当該労働者の業務に係る労働者派遣
 - (iv) worker dispatch in connection with the work of a worker employed by the client in the case where the worker takes leave under the provisions of Article 65, paragraphs (1) and (2) of the Labor Standards Act, or takes childcare leave prescribed in Article 2, item (i) of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members (Act No. 76 of 1991), or in other cases specified by Order of the Ministry of Health, Labor and Welfare as equivalent to the preceding case; or
- 五 当該派遣先に雇用される労働者が育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律第二条第二号に規定する介護休業をし、及びこれに準ずる休業として厚生労働省令で定める休業をする場合における当該労働者の業務に係る労働者派遣
 - (v) worker dispatch in connection with the work of a worker employed by the

client in the case where the worker takes family care leave prescribed in Article 2, item (ii) of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members or other leave specified by Order of the Ministry of Health, Labor and Welfare as equivalent to the preceding leave.

2 前項の派遣可能期間（以下「派遣可能期間」という。）は、三年とする。

(2) The period during which dispatching is possible as set forth in the preceding paragraph (hereinafter referred to as a "duration for which dispatching is possible") is three years.

3 派遣先は、当該派遣先の事業所その他派遣就業の場所ごとの業務について、派遣元事業主から三年を超える期間継続して労働者派遣（第一項各号のいずれかに該当するものを除く。以下この項において同じ。）の役務の提供を受けようとするときは、当該派遣先の事業所その他派遣就業の場所ごとの業務に係る労働者派遣の役務の提供が開始された日（この項の規定により派遣可能期間を延長した場合にあつては、当該延長前の派遣可能期間が経過した日）以後当該事業所その他派遣就業の場所ごとの業務について第一項の規定に抵触することとなる最初の日の一月前の日までの間（次項において「意見聴取期間」という。）に、厚生労働省令で定めるところにより、三年を限り、派遣可能期間を延長することができる。当該延長に係る期間が経過した場合において、これを更に延長しようとするときも、同様とする。

(3) If a client intends to receive the services of worker dispatching (excluding worker dispatch that falls under any of the items of paragraph (1); hereinafter the same applies in this paragraph) from a dispatching business operator continuously for a period exceeding three years with regard to work at a client's place of business or other places at which the work under a dispatching arrangement is to be performed, then during the period from the day on which the worker dispatching services commence with regard to work at a client's place of business or other places at which the work under a dispatching arrangement is to be performed (if the duration for which dispatching is possible is extended pursuant to the provisions of this paragraph, the day on which the duration for which dispatching is possible prior to the extension elapses) until the day one month before the first day on which the client comes into conflict with the provisions of paragraph (1) with regard to work at a client's place of business or other places at which the work under a dispatching arrangement is to be performed (referred to as an "opinion hearing period" in the following paragraph), the client may extend the duration for which dispatching is possible by up to three years pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare. The same applies to any further extension of the extended duration for which dispatching is possible.

4 派遣先は、派遣可能期間を延長しようとするときは、意見聴取期間に、厚生労働省令で定めるところにより、過半数労働組合等（当該派遣先の事業所に、労働者の過半数で組織する労働組合がある場合においてはその労働組合、労働者の過半数で組織す

る労働組合がない場合においては労働者の過半数を代表する者をいう。次項において同じ。)の意見を聴かなければならない。

(4) A client, when intending to extend the duration for which dispatching is possible, must hear the opinions of the majority labor union, etc. (referring to a labor union comprising a majority of the workers if it exists at the client's place of business or a person who represents a majority of the workers if a majority labor union does not exist at the client's place of business; the same applies in the following paragraph) within an opinion hearing period pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare.

5 派遣先は、前項の規定により意見を聴かれた過半数労働組合等が異議を述べたときは、当該事業所その他派遣就業の場所ごとの業務について、延長前の派遣可能期間が経過することとなる日の前日までに、当該過半数労働組合等に対し、派遣可能期間の延長の理由その他の厚生労働省令で定める事項について説明しなければならない。

(5) If the majority labor union, etc. whose opinions are heard pursuant to the provisions of the preceding paragraph makes an objection, a client must, in relation to work at each of the client's places of business or other places at which the work under a dispatching arrangement is performed, explain to the majority labor union, etc. the particulars specified by Order of the Ministry of Health, Labor and Welfare, including the reason for the extension of the duration for which dispatching is possible, by the day preceding the day on which the duration for which dispatching is possible prior to extension elapses.

6 派遣先は、第四項の規定による意見の聴取及び前項の規定による説明を行うに当たっては、この法律の趣旨にのつとり、誠実にこれらを行うように努めなければならない。

(6) A client must endeavor to faithfully hear opinions pursuant to the provisions of paragraph (4) and give an explanation pursuant to the provisions of the preceding paragraph in line with the purposes of this Act.

7 派遣先は、第三項の規定により派遣可能期間を延長したときは、速やかに、当該労働者派遣をする派遣元事業主に対し、当該事業所その他派遣就業の場所ごとの業務について第一項の規定に抵触することとなる最初の日を通知しなければならない。

(7) A client, when having extended the duration for which dispatching is possible pursuant to the provisions of paragraph (3), must promptly notify the dispatching business operator carrying out the relevant worker dispatch of the first day the client will come into conflict with the provisions of paragraph (1) with regard to work at each of the client's places of business or other places at which the work under a dispatching arrangement is performed.

8 厚生労働大臣は、第一項第二号、第四号若しくは第五号の厚生労働省令の制定又は改正を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。

(8) Before establishing or amending the Order of the Ministry of Health, Labor and Welfare referred to in paragraph (1), item (ii), (iv) or (v), the Minister of

Health, Labor and Welfare must obtain the opinion of the Labor Policy Council in advance.

第四十条の三 派遣先は、前条第三項の規定により派遣可能期間が延長された場合において、当該派遣先の事業所その他派遣就業の場所における組織単位ごとの業務について、派遣元事業主から三年を超える期間継続して同一の派遣労働者に係る労働者派遣（同条第一項各号のいずれかに該当するものを除く。）の役務の提供を受けてはならない。

Article 40-3 If the duration for which dispatching is possible is extended pursuant to the provisions of paragraph (3) of the preceding Article, a client must not continuously receive worker dispatching (excluding worker dispatch that falls under any of the items of paragraph (1) of the same Article) for the same dispatched worker from the dispatching business operator for a period exceeding three years with regard to work in an organizational unit at the client's places of business or other places at which the work under a dispatching arrangement is performed.

（特定有期雇用派遣労働者の雇用）

（Employment of Specified Dispatched Worker on a Fixed-Term Contract）

第四十条の四 派遣先は、当該派遣先の事業所その他派遣就業の場所における組織単位ごとの同一の業務について派遣元事業主から継続して一年以上の期間同一の特定有期雇用派遣労働者に係る労働者派遣（第四十条の二第一項各号のいずれかに該当するものを除く。）の役務の提供を受けた場合において、引き続き当該同一の業務に労働者を従事させるため、当該労働者派遣の役務の提供を受けた期間（以下この条において「派遣実施期間」という。）が経過した日以後労働者を雇い入れようとするときは、当該同一の業務に派遣実施期間継続して従事した特定有期雇用派遣労働者（継続して就業することを希望する者として厚生労働省令で定めるものに限る。）を、遅滞なく、雇い入れるように努めなければならない。

Article 40-4 A client that has continuously received worker dispatching (excluding worker dispatch that falls under any of the items of Article 40-2, paragraph (1)) business pertaining to a specified dispatched worker on a fixed-term contract from a dispatching business operator for one year or longer with regard to work in an organizational unit at the client's place of business or other places at which the relevant work under a dispatching arrangement is performed must, if the client intends to employ a worker on or after the expiration day of the period of receiving the worker dispatching services (hereinafter referred to as a "dispatch implementation period" in this Article) in order to continuously engage a worker in the work concerned, endeavor to, without delay, employ the specified dispatched worker on a fixed-term contract (limited to those specified by Order of the Ministry of Health, Labor and Welfare as those who desire to be continuously employed) who has

continuously been engaged in the work during the dispatch implementation period.

(派遣先に雇用される労働者の募集に係る事項の周知)

(Provision of Information on Recruitment of Workers Employed by Clients)

第四十条の五 派遣先は、当該派遣先の同一の事業所その他派遣就業の場所において派遣元事業主から一年以上の期間継続して同一の派遣労働者に係る労働者派遣の役務の提供を受けている場合において、当該事業所その他派遣就業の場所において労働に従事する通常の労働者の募集を行うときは、当該募集に係る事業所その他派遣就業の場所に掲示することその他の措置を講ずることにより、その者が従事すべき業務の内容、賃金、労働時間その他の当該募集に係る事項を当該派遣労働者に周知しなければならない。

Article 40-5 (1) A client that is continuously receiving worker dispatching services from a dispatched worker from a dispatching business operator for one year or longer at the client's place of business or other places at which the work under a dispatching arrangement is performed, if the client intends to recruit a regular worker who is to be engaged in work at the client's place of business or other places at which the work under a dispatching arrangement is performed, must provide the dispatched worker with information on the recruitment, including the work details, wages, and working hours, by taking such measures as posting the information at the place of business or other place at which the work under a dispatching arrangement is performed.

2 派遣先の事業所その他派遣就業の場所における同一の組織単位の業務について継続して三年間当該労働者派遣に係る労働に従事する見込みがある特定有期雇用派遣労働者（継続して就業することを希望する者として厚生労働省令で定めるものに限る。）に係る前項の規定の適用については、同項中「労働者派遣」とあるのは「労働者派遣（第四十条の二第一項各号のいずれかに該当するものを除く。）」と、「通常の労働者」とあるのは「労働者」とする。

(2) With regard to the application of the provisions of the preceding paragraph to specified dispatched workers on fixed-term contracts (limited to those specified by Order of the Ministry of Health, Labor and Welfare as those who desire to be continuously employed) who have a prospect of continuously engaging in work under a dispatching arrangement for three years with regard to work in an organizational unit at a client's place of business or other places at which work under a dispatching arrangement is performed, the terms "worker dispatching" and "regular worker" in the same paragraph are deemed to be replaced with "worker dispatching (excluding worker dispatch that falls under any of the items of Article 40-2, paragraph (1))" and "worker," respectively.

第四十条の六 労働者派遣の役務の提供を受ける者（国（行政執行法人（独立行政法人通則法（平成十一年法律第百三号）第二条第四項に規定する行政執行法人をいう。）

を含む。次条において同じ。)及び地方公共団体(特定地方独立行政法人(地方独立行政法人法(平成十五年法律第百十八号)第二条第二項に規定する特定地方独立行政法人をいう。))を含む。次条において同じ。)の機関を除く。以下この条において同じ。)が次の各号のいずれかに該当する行為を行つた場合には、その時点において、当該労働者派遣の役務の提供を受ける者から当該労働者派遣に係る派遣労働者に対し、その時点における当該派遣労働者に係る労働条件と同一の労働条件を内容とする労働契約の申込みをしたものとみなす。ただし、労働者派遣の役務の提供を受ける者が、その行つた行為が次の各号のいずれかの行為に該当することを知らず、かつ、知らなかつたことにつき過失がなかつたときは、この限りでない。

Article 40-6 (1) When a person receiving worker dispatching services (excluding organs of the national government (including agencies engaged in administrative execution (referring to the agency engaged in administrative execution defined in Article 2, paragraph (4) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999)); the same applies in the following Article) and local governments (including specified local incorporated administrative agencies (referring to the specified local incorporated administrative agency defined in Article 2, paragraph (2) of the Local Incorporated Administrative Agency Act (Act No. 118 of 2003)); the same applies in the following Article); hereinafter the same applies in this Article) commits any of the acts set forth in the following items, the person is deemed to have offered to a dispatched worker under the relevant worker dispatching arrangement a labor contract with the same working conditions as those applicable to the dispatched worker as of the time when the act is committed, unless the person receiving worker dispatching services is non-negligently unaware that the act committed falls under any of the acts set forth in the following items:

一 第四条第三項の規定に違反して派遣労働者を同条第一項各号のいずれかに該当する業務に従事させること。

(i) engaging the dispatched worker in work that falls under any of the items of Article 4, paragraph (1) in violation of the provisions of paragraph (3) of the same Article;

二 第二十四条の二の規定に違反して労働者派遣の役務の提供を受けること。

(ii) receiving worker dispatching services in violation of the provisions of Article 24-2;

三 第四十条の二第一項の規定に違反して労働者派遣の役務の提供を受けること(同条第四項に規定する意見の聴取の手続のうち厚生労働省令で定めるものが行われないうことにより同条第一項の規定に違反することとなつたときを除く。)

(iii) receiving worker dispatching services in violation of the provisions of Article 40-2, paragraph (1) (excluding violations of the provisions of paragraph (1) of the same Article resulting from the absence of the hearing procedures set forth in paragraph (4) of the same Article as specified by

Order of the Ministry of Health, Labor and Welfare);

四 第四十条の三の規定に違反して労働者派遣の役務の提供を受けること。

(iv) receiving worker dispatching services in violation of the provisions of Article 40-3; or

五 この法律又は次節の規定により適用される法律の規定の適用を免れる目的で、請負その他労働者派遣以外の名目で契約を締結し、第二十六条第一項各号に掲げる事項を定めずに労働者派遣の役務の提供を受けること。

(v) concluding any contract for work or other contract under any title other than worker dispatch for the purpose of evading the application of the provisions of this Act or any law that is applicable pursuant to the provisions of the following Section, and receiving worker dispatching services without prescribing the particulars set forth in the items of Article 26, paragraph (1) in the contract.

2 前項の規定により労働契約の申込みをしたものとみなされた労働者派遣の役務の提供を受ける者は、当該労働契約の申込みに係る同項に規定する行為が終了した日から一年を経過する日までの間は、当該申込みを撤回することができない。

(2) A person receiving worker dispatching services and deemed to have offered a labor contract pursuant to the provisions of the preceding paragraph may not terminate the offer within one year from the day on which the applicable act set forth in the same paragraph that resulted in the offer ends.

3 第一項の規定により労働契約の申込みをしたものとみなされた労働者派遣の役務の提供を受ける者が、当該申込みに対して前項に規定する期間内に承諾する旨又は承諾しない旨の意思表示を受けなかつたときは、当該申込みは、その効力を失う。

(3) If a person receiving worker dispatching services and deemed to have offered a labor contract pursuant to the provisions of paragraph (1) does not receive the manifestation of intention to accept or not to accept the offer within the period set forth in the preceding paragraph, the offer ceases to be effective.

4 第一項の規定により申し込まれたものとみなされた労働契約に係る派遣労働者に係る労働者派遣をする事業主は、当該労働者派遣の役務の提供を受ける者から求めがあった場合においては、当該労働者派遣の役務の提供を受ける者に対し、速やかに、同項の規定により労働契約の申込みをしたものとみなされた時点における当該派遣労働者に係る労働条件の内容を通知しなければならない。

(4) A person in control of the business of worker dispatch related to a dispatched worker associated with a labor contract that is deemed to have been offered pursuant to the provisions of paragraph (1), at the request of the person receiving the relevant worker dispatching services, must promptly notify the person of the working conditions of the dispatched worker as of the time when the labor contract is deemed to have been offered pursuant to the provisions of the same paragraph.

第四十条の七 労働者派遣の役務の提供を受ける者が国又は地方公共団体の機関である

場合であつて、前条第一項各号のいずれかに該当する行為を行つた場合（同項ただし書に規定する場合を除く。）においては、当該行為が終了した日から一年を経過する日までの間に、当該労働者派遣に係る派遣労働者が、当該国又は地方公共団体の機関において当該労働者派遣に係る業務と同一の業務に従事することを求めるときは、当該国又は地方公共団体の機関は、同項の規定の趣旨を踏まえ、当該派遣労働者の雇用の安定を図る観点から、国家公務員法（昭和二十二年法律第二十号。裁判所職員臨時措置法（昭和二十六年法律第二百九十九号）において準用する場合を含む。）、国会職員法（昭和二十二年法律第八十五号）、自衛隊法（昭和二十九年法律第百六十五号）又は地方公務員法（昭和二十五年法律第二百六十一号）その他関係法令の規定に基づき採用その他の適切な措置を講じなければならない。

Article 40-7 (1) If a person receiving a worker dispatching services that is an organ of the national government or a local government commits any act that falls under any of the items of paragraph (1) of the preceding Article (excluding the case referred to in the proviso to the same paragraph), and if the relevant dispatched worker under the worker dispatching arrangement requests, within one year from the day on which the relevant act has ended, that the dispatched worker be engaged in the same work as the work under the dispatching arrangement at the organ of the national or local government, the organ of the national or local government, in line with the purposes of the provisions of the same paragraph and from the viewpoint of ensuring the employment security of the dispatched worker, must take such appropriate measures as hiring pursuant to the provisions of the National Public Service Act (Act No. 120 of 1947; including as applied mutatis mutandis pursuant to the Act on Temporary Measures concerning Court Officials (Act No. 299 of 1951)), the Diet Officers Act (Act No. 85 of 1947), the Self-Defense Forces Act (Act No. 165 of 1954), the Local Public Service Act (Act No. 261 of 1950), or other applicable laws and regulations.

2 前項に規定する求めを行つた派遣労働者に係る労働者派遣をする事業主は、当該労働者派遣に係る国又は地方公共団体の機関から求めがあつた場合においては、当該国又は地方公共団体の機関に対し、速やかに、当該国又は地方公共団体の機関が前条第一項各号のいずれかに該当する行為を行つた時点における当該派遣労働者に係る労働条件の内容を通知しなければならない。

(2) A person in control of the business of worker dispatch related to a dispatched worker who has made a request as prescribed in the preceding paragraph, at the request of the organ of the national or local government associated with the relevant worker dispatch, must promptly notify the organ of the national or local government of the working conditions of the dispatched worker as of the time when the organ of the national or local government committed an act that falls under any of the items of paragraph (1) of the preceding Article.

第四十条の八 厚生労働大臣は、労働者派遣の役務の提供を受ける者又は派遣労働者が

らの求めに応じて、労働者派遣の役務の提供を受ける者の行為が、第四十条の六第一項各号のいずれかに該当するかどうかについて必要な助言をすることができる。

- Article 40-8 (1) The Minister of Health, Labor and Welfare may, at the request of a person receiving worker dispatching services or a dispatched worker, give necessary advice about whether an act by a person receiving worker dispatching services falls under any of the items of Article 40-6, paragraph (1).**
- 2 厚生労働大臣は、第四十条の六第一項の規定により申し込まれたものとみなされた労働契約に係る派遣労働者が当該申込みを承諾した場合において、同項の規定により当該労働契約の申込みをしたものとみなされた労働者派遣の役務の提供を受ける者が当該派遣労働者を就労させない場合には、当該労働者派遣の役務の提供を受ける者に対し、当該派遣労働者の就労に関し必要な助言、指導又は勧告をすることができる。
- (2) If a dispatched worker associated with a labor contract that is deemed to have been offered pursuant to the provisions of Article 40-6, paragraph (1) accepts the offer but is not allowed to work by the person that receives worker dispatching services and that is deemed to have offered the labor contract pursuant to the provisions of the same paragraph, the Minister of Health, Labor and Welfare may give the person receiving worker dispatching services necessary advice, guidance, or recommendations about the employment of the dispatched worker.**
- 3 厚生労働大臣は、前項の規定により、当該派遣労働者を就労させるべき旨の勧告をした場合において、その勧告を受けた第四十条の六第一項の規定により労働契約の申込みをしたものとみなされた労働者派遣の役務の提供を受ける者がこれに従わなかったときは、その旨を公表することができる。
- (3) If a person that receives worker dispatching services and is deemed to have offered a labor contract pursuant to the provisions of Article 40-6, paragraph (1) does not follow the recommendation given by the Minister of Health, Labor and Welfare, pursuant to the provisions of the preceding paragraph, that the relevant dispatched worker should be allowed to work, the Minister of Health, Labor and Welfare may make it public to that effect.**

(離職した労働者についての労働者派遣の役務の提供の受入れの禁止)

(Prohibition of Receiving Worker Dispatching Services for Workers Separated from Employment)

第四十条の九 派遣先は、労働者派遣の役務の提供を受けようとする場合において、当該労働者派遣に係る派遣労働者が当該派遣先を離職した者であるときは、当該離職の日から起算して一年を経過する日までの間は、当該派遣労働者（雇用の機会の確保が特に困難であり、その雇用の継続等を図る必要があると認められる者として厚生労働省令で定める者を除く。）に係る労働者派遣の役務の提供を受けてはならない。

Article 40-9 (1) A client that intends to receive worker dispatching services , if a dispatched worker under the relevant worker dispatching arrangement is a person separated from employment with the client, must not receive worker

dispatching services for that dispatched worker (excluding dispatched workers specified by Order of the Ministry of Health, Labor and Welfare as those for whom it is particularly difficult to secure employment opportunities and for whom the continuance of employment, etc. is considered necessary) until one year has elapsed counting from the date of the separation from employment.

2 派遣先は、第三十五条第一項の規定による通知を受けた場合において、当該労働者派遣の役務の提供を受けたならば前項の規定に抵触することとなるときは、速やかに、その旨を当該労働者派遣をしようとする派遣元事業主に通知しなければならない。

(2) If a client receiving a notification under the provisions of Article 35, paragraph (1) may come into conflict with the provisions of the preceding paragraph upon receiving worker dispatching business, the client must promptly notify the dispatching business operator that intends to carry out the relevant worker dispatch of the possible conflict.

(派遣先責任者)

(Responsible Person Acting for Client)

第四十一条 派遣先は、派遣就業に関し次に掲げる事項を行わせるため、厚生労働省令で定めるところにより、派遣先責任者を選任しなければならない。

Article 41 A client must appoint a responsible person acting for the client, pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare, to have that person carry out the following particulars with regard to work under a dispatching arrangement:

一 次に掲げる事項の内容を、当該派遣労働者の業務の遂行を指揮命令する職務上の地位にある者その他の関係者に周知すること。

(i) making the details of the following particulars known to persons concerned including those empowered in the course of duties to give instructions for the performance of the work of relevant dispatched workers:

イ この法律及び次節の規定により適用される法律の規定（これらの規定に基づく命令の規定を含む。）

(a) the provisions of this Act and the Acts applied pursuant to the provisions of the following Section (including provisions concerning orders based on these provisions);

ロ 当該派遣労働者に係る第三十九条に規定する労働者派遣契約の定め

(b) the provisions of the worker dispatch contract prescribed in Article 39, pertaining to relevant dispatched workers;

ハ 当該派遣労働者に係る第三十五条の規定による通知

(c) the notification under the provisions of Article 35, pertaining to relevant dispatched workers;

二 第四十条の二第七項及び次条に定める事項に関すること。

(ii) particulars relating to those prescribed in Article 40-2, paragraph (7) and the following Article;

三 当該派遣労働者から申出を受けた苦情の処理に当たること。

(iii) particulars relating to the handling of complaints submitted by relevant dispatched workers;

四 当該派遣労働者の安全及び衛生に関し、当該事業所の労働者の安全及び衛生に関する業務を統括管理する者及び当該派遣元事業主との連絡調整を行うこと。

(iv) carrying out liaison and coordination with the person that oversees the administration of affairs relating to the safety and health of workers at the place of business concerned and with relevant dispatching business operators in relation to particulars relating to the safety and health of relevant dispatched workers; and

五 前号に掲げるもののほか、当該派遣元事業主との連絡調整に関すること。

(v) beyond what is set forth in the preceding items, particulars relating to liaison and coordination with relevant dispatching business operators.

(派遣先管理台帳)

(Management Record of Client)

第四十二条 派遣先は、厚生労働省令で定めるところにより、派遣就業に関し、派遣先管理台帳を作成し、当該台帳に派遣労働者ごとに次に掲げる事項を記載しなければならない。

Article 42 (1) A client must prepare a management record with regard to work under a dispatching arrangement and enter in the record the following particulars with regard to each dispatched worker, pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare:

一 協定対象派遣労働者であるか否かの別

(i) whether the dispatched worker is an agreement-based dispatched worker;

二 無期雇用派遣労働者であるか有期雇用派遣労働者であるかの別

(ii) whether the dispatched worker is a dispatched worker on an open-ended contract or a dispatched worker on a fixed-term contract;

三 第四十条の二第一項第二号の厚生労働省令で定める者であるか否かの別

(iii) whether the dispatched worker is a person specified by Order of the Ministry of Health, Labor and Welfare as referred to in Article 40-2, paragraph (1), item (ii);

四 派遣元事業主の氏名又は名称

(iv) the name of the dispatching business operator;

五 派遣就業をした日

(v) the days on which the work under a dispatching arrangement was performed;

六 派遣就業をした日ごとの始業し、及び終業した時刻並びに休憩した時間

(vi) the hours of starting and ending work and rest breaks during work, for each day on which work under a dispatching arrangement was performed;

七 従事した業務の種類

(vii) the kind of work in which the dispatched worker was engaged in;

八 派遣労働者から申出を受けた苦情の処理に関する事項

(viii) particulars relating to the handling of complaints submitted by the dispatched worker;

九 紹介予定派遣に係る派遣労働者については、当該紹介予定派遣に関する事項

(ix) if the dispatched worker is for employment placement dispatch, particulars relating to the relevant employment placement dispatch;

十 教育訓練（厚生労働省令で定めるものに限る。）を行つた日時及び内容

(x) the date, time, and content of educational training provided (limited to educational training specified by Order of the Ministry of Health, Labor and Welfare); and

十一 その他厚生労働省令で定める事項

(xi) other particulars specified by Order of the Ministry of Health, Labor and Welfare.

2 派遣先は、前項の派遣先管理台帳を三年間保存しなければならない。

(2) A client must retain the management record set forth in the preceding paragraph for three years.

3 派遣先は、厚生労働省令で定めるところにより、第一項各号（第四号を除く。）に掲げる事項を派遣元事業主に通知しなければならない。

(3) A client, pursuant to Order of the Ministry of Health, Labor and Welfare, must notify a dispatching business operator of the particulars set forth in each item (excluding item (iv)) of paragraph (1).

(準用)

(Application Mutatis Mutandis)

第四十三条 第三十九条の規定は、労働者派遣の役務の提供を受ける者であつて派遣先以外のものについて準用する。

Article 43 The provisions of Article 39 apply mutatis mutandis to persons receiving worker dispatching business excluding clients.

第四節 労働基準法等の適用に関する特例等

Section 4 Special Application of the Labor Standards Act and Related Acts

(労働基準法の適用に関する特例)

(Special Application of the Labor Standards Act)

第四十四条 労働基準法第九条に規定する事業（以下この節において単に「事業」という。）の事業主（以下この条において単に「事業主」という。）に雇用され、他の事業主の事業における派遣就業のために当該事業に派遣されている同条に規定する労働者（同居の親族のみを使用する事業に使用される者及び家事使用人を除く。）であつて、当該他の事業主（以下この条において「派遣先の事業主」という。）に雇用され

ていないもの（以下この節において「派遣中の労働者」という。）の派遣就業に関しては、当該派遣中の労働者が派遣されている事業（以下この節において「派遣先の事業」という。）もまた、派遣中の労働者を使用する事業とみなして、同法第三条、第五条及び第六十九条の規定（これらの規定に係る罰則の規定を含む。）を適用する。

Article 44 (1) With regard to work under a dispatching arrangement performed by a worker prescribed in Article 9 of the Labor Standards Act (excluding a person who is engaged in an undertaking in which only relatives living together are engaged, or a domestic servant), who is employed by a person in control of business prescribed in the same Article (hereinafter simply referred to as an "undertaking" in this Section) (hereinafter such a person in control of the relevant business is simply referred to as a "person in control of business" in this Article) and dispatched for an undertaking of another person in control of business to engage in work under a dispatching arrangement for this undertaking, and who is not employed by this other person in control of business (hereinafter such other person in control of business is referred to as a "client business" in this Article) (hereinafter such worker is referred to as "worker being dispatched " in this Section), the provisions of Articles 3, 5, and 69 of the same Act (including penal provisions pertaining to these provisions) apply to the undertaking for which the worker being 派遣元の事業の事業者 is dispatched (hereinafter referred to as a "client undertaking" in this Section), by deeming it to also be an undertaking employing a worker being 派遣元の事業の事業者.

- 2 派遣中の労働者の派遣就業に関しては、派遣先の事業のみを、派遣中の労働者を使用する事業とみなして、労働基準法第七条、第三十二条、第三十二条の二第一項、第三十二条の三第一項、第三十二条の四第一項から第三項まで、第三十三条から第三十五条まで、第三十六条第一項及び第六項、第四十条、第四十一条、第六十条から第六十三条まで、第六十四条の二、第六十四条の三、第六十六条から第六十八条まで並びに第百四十一条第三項の規定並びに当該規定に基づいて発する命令の規定（これらの規定に係る罰則の規定を含む。）を適用する。この場合において、同法第三十二条の二第一項中「当該事業場に」とあるのは「労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律（以下「労働者派遣法」という。）第四十四条第三項に規定する派遣元の使用人（以下単に「派遣元の使用人」という。）が、当該派遣元の事業（同項に規定する派遣元の事業をいう。以下同じ。）の事業場に」と、同法第三十二条の三中「就業規則その他これに準ずるものにより、」とあるのは「派遣元の使用人が就業規則その他これに準ずるものにより」と、「とした労働者」とあるのは「とした労働者であつて、当該労働者に係る労働者派遣法第二十六条第一項に規定する労働者派遣契約に基づきこの条の規定による労働時間により労働させることができるもの」と、「当該事業場の」とあるのは「派遣元の使用人が、当該派遣元の事業の事業場の」と、同法第三十二条の四第一項及び第二項中「当該事業場に」とあるのは「派遣元の使用人が、当該派遣元の事業の事業場に」と、同法第三十六条第一項中「当該事業場に」とあるのは「派遣元の使用人が、当該派遣元の事業の事業場に」と、

「協定をし、」とあるのは「協定をし、及び」とする。

(2) With regard to work under a dispatching arrangement performed by a worker being dispatched, the provisions of Article 7, Article 32, Article 32-2, paragraph (1), Article 32-3, paragraph (1), Article 32-4, paragraphs (1) through (3), Articles 33 through 35, Article 36, paragraphs (1) and (6), Article 40, Article 41, Articles 60 through 63, Article 64-2, Article 64-3, Articles 66 through 68, and Article 141, paragraph (3) of the Labor Standards Act and the provisions of orders based on these provisions (including penal provisions pertaining to these provisions) apply by deeming the client undertaking to be the only undertaking employing the worker being dispatched. In this case, the term "at the workplace" in Article 32-2, paragraph (1) of the same Act is deemed to be replaced with "at the workplace of a business of the relevant dispatching undertaking (which means the dispatching undertaking prescribed in Article 44, paragraph (3) of the Act on Securing the Proper Operation of Worker Dispatching Business and Protecting Dispatched Workers (hereinafter referred to as the "Worker Dispatching Act")); the same applies hereinafter), where the dispatching employer as prescribed in the same paragraph (hereinafter such employer is simply referred to as a "dispatching employer"); the term "pursuant to rules of employment or the equivalent," in Article 32-3 of the Labor Standards Act is deemed to be replaced with "pursuant to rules of employment or the equivalent, a dispatching employer"; the term "a worker for whom" in the same Article is deemed to be replaced with "a worker who can be made to work for the working hours under the provisions of Article 26 of the Worker Dispatching Act, based on the worker dispatch contract with regard to the worker concerned under paragraph (1) of the same Article"; the term "at that workplace" in the same Article is deemed to be replaced with "at the workplace of the business of the relevant dispatching undertaking, where the dispatching employer"; the term "at that workplace" in Article 32-4, paragraphs (1) and (2) of the Labor Standards Act is deemed to be replaced with "at the workplace of the business of the relevant dispatching undertaking, where the dispatching employer"; the term "at that workplace" in Article 36, paragraph (1) of the same Act is deemed to be replaced with "at the workplace of a business of the relevant dispatching undertaking, where the dispatching employer"; and the term "concluded a written agreement" in the same Article is deemed to be replaced with "concluded a written agreement and."

3 労働者派遣をする事業主の事業（以下この節において「派遣元の事業」という。）の労働基準法第十条に規定する使用者（以下この条において「派遣元の使用人」という。）は、労働者派遣をする場合であつて、前項の規定により当該労働者派遣の役務の提供を受ける事業主の事業の同条に規定する使用者とみなされることとなる者が当該労働者派遣に係る労働者派遣契約に定める派遣就業の条件に従つて当該労働者派遣に係る派遣労働者を労働させたならば、同項の規定により適用される同法第三十二条、

第三十四条、第三十五条、第三十六条第六項、第四十条、第六十一条から第六十三条まで、第六十四条の二、第六十四条の三若しくは第四百四十一条第三項の規定又はこれらの規定に基づいて発する命令の規定（次項において「労働基準法令の規定」という。）に抵触することとなるときには、当該労働者派遣をしてはならない。

(3) The employer prescribed in Article 10 of the Labor Standards Act in the undertaking of a person in control of the business that worker dispatch (hereinafter such an undertaking is referred to as a "dispatching undertaking" in this Section) (hereinafter such an employer is referred to as the "dispatching employer " in this Article) must not carry out worker dispatch, if, in the event that the person would be deemed to be the employer prescribed in that Article in the undertaking of the person in control of business and receiving worker dispatching services pursuant to the provisions of the preceding paragraph is to cause a dispatched worker under the dispatching arrangement concerned to work in accordance with the conditions of work under a dispatching arrangement prescribed in the worker dispatch contract for the worker dispatch in question, and this would result in a conflict with the provisions of Article 32, 34, or 35, Article 36, paragraph (6), Article 40, Articles 61 through 63, Article 64-2 or 64-3, or Article 141, paragraph (3) of the same Act, or the provisions of any orders based on these provisions (referred to as "the provisions of laws and regulations concerning labor standards" in the following paragraph), as applied pursuant to the provisions of the preceding paragraph.

4 派遣元の使用者が前項の規定に違反したとき（当該労働者派遣に係る派遣中の労働者に関し第二項の規定により当該派遣先の事業の労働基準法第十条に規定する使用者とみなされる者において当該労働基準法令の規定に抵触することとなつたときに限る。）は、当該派遣元の使用者は当該労働基準法令の規定に違反したものとみなして、同法第百十八条、第百十九条及び第百二十一条の規定を適用する。

(4) When an dispatching employer has violated the provisions of the preceding paragraph (limited to a case where, with regard to a worker under dispatch under the relevant worker dispatch arrangement, the person deemed to be the employer prescribed in Article 10 of the Labor Standards Act in relation to the client undertaking concerned pursuant to the provisions of paragraph (2) comes in conflict with the provisions of laws and regulations concerning relevant labor standards), the dispatching employer is deemed to have violated the provisions of the laws and regulations concerning relevant labor standards, and the provisions of Articles 118, 119, and 121 of the Labor Standards Act apply to the dispatching employer.

5 前各項の規定による労働基準法の特例については、同法第三十八条の二第二項中「当該事業場」とあるのは「当該事業場（労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律（昭和六十年法律第八十八号。以下「労働者派遣法」という。）第二十三条の二に規定する派遣就業にあつては、労働者派遣法第四十四条第三項に規定する派遣元の事業の事業場）」と、同法第三十八条の三第一項中「就か

せたとき」とあるのは「就かせたとき（派遣先の使用者（労働者派遣法第四十四条第一項又は第二項の規定により同条第一項に規定する派遣先の事業の第十条に規定する使用者とみなされる者をいう。以下同じ。）が就かせたときを含む。）」と、同法第九十九条第一項から第三項まで、第百条第一項及び第三項並びに第百四条の二中「この法律」とあるのは「この法律及び労働者派遣法第四十四条の規定」と、同法第一百一条第一項、第百四条第二項、第百四条の二、第百五条の二、第百六条第一項及び第百九条中「使用者」とあるのは「使用者（派遣先の使用者を含む。）」と、同法第二百二条中「この法律違反の罪」とあるのは「この法律（労働者派遣法第四十四条の規定により適用される場合を含む。）の違反の罪（同条第四項の規定による第百十八条、第百十九条及び第百二十一条の罪を含む。）」と、同法第百四条第一項中「この法律又はこの法律に基いて発する命令」とあるのは「この法律若しくはこの法律に基づいて発する命令の規定（労働者派遣法第四十四条の規定により適用される場合を含む。）又は同条第三項の規定」と、同法第百六条第一項中「この法律」とあるのは「この法律（労働者派遣法第四十四条の規定を含む。以下この項において同じ。）」と、「協定並びに第三十八条の四第一項及び第五項に規定する決議」とあるのは「協定並びに第三十八条の四第一項及び第五項（第四十一条の二第三項において準用する場合を含む。）並びに第四十一条の二第一項に規定する決議（派遣先の使用者にあつては、この法律及びこれに基づく命令の要旨）」と、同法第百十二条中「この法律及びこの法律に基いて発する命令」とあるのは「この法律及びこの法律に基づいて発する命令の規定（労働者派遣法第四十四条の規定により適用される場合を含む。）並びに同条第三項の規定」として、これらの規定（これらの規定に係る罰則の規定を含む。）を適用する。

- (5) With regard to the special application of the Labor Standards Act under the provisions of each of the preceding paragraphs, the following provisions (including penal provisions relating to these provisions) apply by replacing the following terms in the manner set forth below, respectively: the term "that workplace" in Article 38-2, paragraph (2) of the same Act is deemed to be replaced with "the place of the business (for the work under a dispatching arrangement prescribed in Article 23-2 of the Act on Securing the Proper Operation of Worker Dispatching Business and Protecting Dispatched Workers (Act No. 88 of 1985; hereinafter referred to as the "Worker Dispatching Act"), the place of business of the dispatching undertaking prescribed in Article 44, paragraph (3) of the Worker Dispatching Act)"; the term "in the event that the employer has assigned a worker" in Article 38-3, paragraph (1) of the Labor Standards Act is deemed to be replaced with "in the event that the employer has assigned a worker (including cases in which the client employer (referring to the person deemed to be the employer prescribed in Article 10 of the Worker Dispatching Act for the client undertaking prescribed in Article 44, paragraph (1) of the same Act pursuant to the provisions of paragraph (1) or (2) of the same Article; the same applies hereinafter) has assigned a worker)"; the term "this Act" in Article 99, paragraphs (1) through (3), Article 100, paragraphs (1)

and (3), and Article 104-2 of the Labor Standards Act is deemed to be replaced with "this Act and the provisions of Article 44 of the Worker Dispatching Act"; the term "employer" in Article 101, paragraph (1), Article 104, paragraph (2), Article 104-2, Article 105-2, Article 106, paragraph (1), and Article 109 of the Labor Standards Act is deemed to be replaced with "employer (including client employers)"; the term "criminal violations of this Act" in Article 102 of the same Act is deemed to be replaced with "criminal violations (including the crimes prescribed in Articles 118, 119, and 121 of the Labor Standards Act under the provisions of Article 44, paragraph (4) of the Worker Dispatching Act) of this Act (including as applied pursuant to the provisions of Article 44 of the same Act)"; the term "this Act or an order issued pursuant to this Act" in Article 104, paragraph (1) of the Labor Standards Act is deemed to be replaced with "the provisions of this Act or orders issued based on to this Act (including as applied pursuant to the provisions of Article 44 of the Worker Dispatching Act), or the provisions of paragraph (3) of the same Article"; the term "this Act" in Article 106, paragraph (1) of the Labor Standards Act is deemed to be replaced with "this Act (including the provisions of Article 44 of the Worker Dispatching Act; hereinafter the same applies in this paragraph)"; the term "agreement and any resolution as provided in Article 38-4, paragraphs (1) and (5)" in Article 106, paragraph (1) of the Labor Standards Act is deemed to be replaced with "agreement and any resolution as provided in Article 38-4, paragraphs (1) and (5) (including as applied mutatis mutandis pursuant to Article 41-2, paragraph (3)) and Article 41-2, paragraph (1) (for the client employer, the outline of this Act and orders based on this Act)"; and the term "this Act and orders issued based on this Act" in Article 112 of the Labor Standards Act is deemed to be replaced with "the provisions of this Act and orders issued based on this Act (including as applied pursuant to the provisions of Article 44 of the Worker Dispatching Act), and the provisions of paragraph (3) of the same Article."

6 この条の規定により労働基準法及び同法に基づいて発する命令の規定を適用する場合における技術的読替えその他必要な事項は、命令で定める。

(6) Technical replacements and other necessary particulars for the application of the provisions of the Labor Standards Act and orders issued based thereon pursuant to the provisions of this Article are prescribed by orders.

(労働安全衛生法の適用に関する特例等)

(Special Application of the Industrial Safety and Health Act)

第四十五条 労働者がその事業における派遣就業のために派遣されている派遣先の事業に関しては、当該派遣先の事業を行う者もまた当該派遣中の労働者を使用する事業者（労働安全衛生法（昭和四十七年法律第五十七号）第二条第三号に規定する事業者をいう。以下この条において同じ。）と、当該派遣中の労働者を当該派遣先の事業を行

う者にもまた使用される労働者とみなして、同法第三条第一項、第四条、第十条、第十二条から第十三条（第二項及び第三項を除く。）まで、第十三条の二、第十三条の三、第十八条、第十九条の二、第五十九条第二項、第六十条の二、第六十二条、第六十六条の五第一項、第六十九条及び第七十条の規定（これらの規定に係る罰則の規定を含む。）を適用する。この場合において、同法第十条第一項中「第二十五条の二第二項」とあるのは「第二十五条の二第二項（労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律（以下「労働者派遣法」という。）第四十五条第三項の規定により適用される場合を含む。）」と、「次の業務」とあるのは「次の業務（労働者派遣法第四十四条第一項に規定する派遣中の労働者（以下単に「派遣中の労働者」という。）に関しては、第二号の業務（第五十九条第三項に規定する安全又は衛生のための特別の教育に係るものを除く。）、第三号の業務（第六十六条第一項の規定による健康診断（同条第二項後段の規定による健康診断であつて厚生労働省令で定めるものを含む。）及び当該健康診断に係る同条第四項の規定による健康診断並びにこれらの健康診断に係る同条第五項ただし書の規定による健康診断に係るものに限る。）及び第五号の業務（厚生労働省令で定めるものに限る。）を除く。第十二条第一項及び第十二条の二において「派遣先安全衛生管理業務」という。）」と、同法第十二条第一項及び第十二条の二中「第十条第一項各号の業務」とあるのは「派遣先安全衛生管理業務」と、「第二十五条の二第二項」とあるのは「第二十五条の二第二項（労働者派遣法第四十五条第三項の規定により適用される場合を含む。）」と、「同条第一項各号」とあるのは「第二十五条の二第一項各号」と、同法第十三条第一項中「健康管理その他の厚生労働省令で定める事項（以下」とあるのは「健康管理その他の厚生労働省令で定める事項（派遣中の労働者に関しては、当該事項のうち厚生労働省令で定めるものを除く。第四項及び第五項、次条並びに第十三条の三において」と、同条第四項中「定めるもの」とあるのは「定めるもの（派遣中の労働者に関しては、当該情報のうち第一項の厚生労働省令で定めるものに関するものを除く。）」と、同法第十八条第一項中「次の事項」とあるのは「次の事項（派遣中の労働者に関しては、当該事項のうち厚生労働省令で定めるものを除く。）」とする。

Article 45 (1) With regard to a client undertaking to which workers are dispatched for work under a dispatching arrangement in that undertaking, the person carrying out the client undertaking is also deemed to be the employer of relevant workers being dispatched (referring to the employer prescribed in Article 2, item (iii) of the Industrial Safety and Health Act (Act No. 57 of 1972); hereinafter the same applies in this Article), and those workers being dispatched are deemed to be workers also managed by the person carrying out the client undertaking, and accordingly the provisions of Article 3, paragraph (1), Articles 4 and 10, Articles 12 through 13 (excluding paragraphs (2) and (3)), Articles 13-2, 13-3, 18, and 19-2, Article 59, paragraph (2), Articles 60-2 and 62, Article 66-5, paragraph (1), and Articles 69 and 70 (including penal provisions pertaining to these provisions) of the same Act apply to the person carrying out the client undertaking and those workers being dispatched. In this case, the term "Article 25-2, paragraph (2)" in Article 10, paragraph (1) of the same Act

is deemed to be replaced with "Article 25-2, paragraph (2) (including as applied pursuant to the provisions of Article 45, paragraph (3) of the Act on Securing the Proper Operation of Worker Dispatching Business and Protecting Dispatched Workers (hereinafter referred to as the "Worker Dispatching Act")), and the term "the following operations" in Article 10, paragraph (1) of the Industrial Safety and Health Act is deemed to be replaced with "the following operations (with regard to a worker being dispatched prescribed in Article 44, paragraph (1) of the Worker Dispatching Act (hereinafter simply referred to as "worker being dispatched"), the operations referred to in item (ii) (excluding those pertaining to special education on safety or health prescribed in Article 59, paragraph (3)), the operations referred to in item (iii) (limited to those operations pertaining to medical examinations under the provisions of Article 66, paragraph (1) (including medical examinations that fall under the provisions of the second sentence of paragraph (2) of the same Article and are specified by Order of the Ministry of Health, Labor and Welfare) and medical examinations pertaining to the above medical examinations under the provisions of paragraph (4) of the same Article, and medical examinations associated with those medical examinations above under the provisions of the proviso to paragraph (5) of the same Article), and the operations referred to in item (v) (limited to those operations specified by Order of the Ministry of Health, Labor and Welfare) are excluded; hereinafter referred to as "safety and health management operations at the client's place of business" in Article 12, paragraph (1) and Article 12-2"; in Article 12, paragraph (1) and Article 12-2, the term "the operations listed in each item of Article 10, paragraph (1)" is deemed to be replaced with "safety and health management operations at the client's place of business", the term "Article 25-2, paragraph (2)" is deemed to be replaced with "Article 25-2, paragraph (2) (including as applied pursuant to the provisions of Article 45, paragraph (3) of the Worker Dispatching Act)," and the term "in each item of paragraph (1) of the same Article" is deemed to be replaced with "in each item of Article 25-2, paragraph (1)"; in Article 13, paragraph (1), the term "healthcare to workers and undertake other duties specified by Order of the Ministry of Health, Labor and Welfare (hereinafter" is deemed to be replaced with "healthcare to workers and undertake other duties specified by Order of the Ministry of Health, Labor and Welfare (with regard to workers being dispatched, excluding duties specified by Order of the Ministry of Health, Labor and Welfare from the relevant duties; in paragraphs (4) and (5), the following Article, and Article 13-3"; in paragraph (4) of the same Article, the term "other information provided" is deemed to be replaced with "other information provided (with regard to workers being dispatched, from relevant pieces of information, excluding information pertaining to particulars specified by Order of the Ministry of Health, Labor and Welfare referred to in paragraph

(1)"; and in Article 18, paragraph (1) of the Industrial Safety and Health Act, the term "the following particulars" is deemed to be replaced with "the following particulars (with regard to workers being dispatched, excluding particulars specified by Order of the Ministry of Health, Labor and Welfare from the relevant particulars)."

2 その事業に使用する労働者が派遣先の事業における派遣就業のために派遣されている派遣元の事業に関する労働安全衛生法第十条第一項、第十二条第一項、第十二条の二、第十三条第一項及び第四項並びに第十八条第一項の規定の適用については、同法第十条第一項中「次の業務」とあるのは「次の業務（労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律（以下「労働者派遣法」という。）第四十四条第一項に規定する派遣中の労働者（以下単に「派遣中の労働者」という。）に関しては、労働者派遣法第四十五条第一項の規定により読み替えて適用されるこの項の規定により労働者派遣法第四十四条第一項に規定する派遣先の事業を行う者がその選任する総括安全衛生管理者に統括管理させる業務を除く。第十二条第一項及び第十二条の二において「派遣元安全衛生管理業務」という。）」と、同法第十二条第一項及び第十二条の二中「第十条第一項各号の業務」とあるのは「派遣元安全衛生管理業務」と、同法第十三条第一項中「健康管理その他の厚生労働省令で定める事項（以下）」とあるのは「健康管理その他の厚生労働省令で定める事項（派遣中の労働者に関しては、当該事項のうち厚生労働省令で定めるものに限る。第四項及び第五項、次条並びに第十三条の三において」と、同条第四項中「定めるもの」とあるのは「定めるもの（派遣中の労働者に関しては、当該情報のうち第一項の厚生労働省令で定めるものに関するものに限る。）」と、同法第十八条第一項中「次の事項」とあるのは「次の事項（派遣中の労働者に関しては、当該事項のうち厚生労働省令で定めるものに限る。）」とする。

(2) With regard to the application of the provisions of Article 10, paragraph (1), Article 12, paragraph (1), Article 12-2, Article 13, paragraphs (1) and (4), and Article 18, paragraph (1) of the Industrial Safety and Health Act in connection with a dispatching undertaking in which workers employed for that undertaking are dispatched for work under a dispatching arrangement in a client undertaking, the term "the following operations" in Article 10, paragraph (1) of the same Act is deemed to be replaced with "the following operations (with regard to workers being dispatched prescribed in Article 44, paragraph (1) of the Act on Securing the Proper Operation of Worker Dispatching Business and Protecting Dispatched Workers (hereinafter referred to as the "Worker Dispatching Act") (hereinafter such a worker is referred to simply as "worker being dispatched"), excluding operations over which the person carrying out the client undertaking as prescribed in Article 44, paragraph (1) of the Worker Dispatching Act appoints a general safety and health manager to exercise overall control pursuant to the provisions of this paragraph as applied by replacing the terms pursuant to the provisions of Article 45, paragraph (1) of the Worker Dispatching Act; such operations are referred to as "safety and

health management operations at the client's place of business" in Article 12, paragraph (1) and Article 12-2"); the term "the operations listed in each item of Article 10, paragraph (1)" in Article 12, paragraph (1) and Article 12-2 of the Industrial Safety and Health Act is deemed to be replaced with "safety and health management operations at the client's place of business"; the term "healthcare to workers and undertake other duties specified by Order of the Ministry of Health, Labor and Welfare (hereinafter" in Article 13, paragraph (1) of the same Act is deemed to be replaced with "healthcare to workers and undertake other duties specified by Order of the Ministry of Health, Labor and Welfare (with regard to workers being dispatched, limited to duties specified by Order of the Ministry of Health, Labor and Welfare among the duties mentioned above; in paragraphs (4) and (5), the following Article, and Article 13-3"; the term "other information provided" in paragraph (4) of the same Article is deemed to be replaced with "other information provided (with regard to workers being dispatched, among relevant pieces of information, limited to information pertaining to particulars specified by Order of the Ministry of Health, Labor and Welfare referred to in paragraph (1))"; and the term "the following particulars" in Article 18, paragraph (1) of the Industrial Safety and Health Act is deemed to be replaced with "the following particulars (with regard to workers being dispatched, limited to particulars specified by Order of the Ministry of Health, Labor and Welfare among the relevant particulars)."

- 3 労働者がある事業における派遣就業のために派遣されている派遣先の事業に関しては、当該派遣先の事業を行う者を当該派遣中の労働者を使用する事業者と、当該派遣中の労働者を当該派遣先の事業を行う者に使用される労働者とみなして、労働安全衛生法第十一条、第十四条から第十五条の三まで、第十七条、第二十条から第二十七条まで、第二十八条の二から第三十条の三まで、第三十一条の三、第三十六条（同法第三十条第一項及び第四項、第三十条の二第一項及び第四項並びに第三十条の三第一項及び第四項の規定に係る部分に限る。）、第四十五条（第二項を除く。）、第五十七条の三から第五十七条の五まで、第五十九条第三項、第六十条、第六十一条第一項、第六十五条から第六十五条の四まで、第六十六条第二項前段及び後段（派遣先の事業を行う者が同項後段の政令で定める業務に従事させたことのある労働者（派遣中の労働者を含む。）に係る部分に限る。以下この条において同じ。）、第三項、第四項（同法第六十六条第二項前段及び後段並びに第三項の規定に係る部分に限る。以下この条において同じ。）並びに第五項（同法第六十六条第二項前段及び後段、第三項並びに第四項の規定に係る部分に限る。以下この条において同じ。）、第六十六条の三（同法第六十六条第二項前段及び後段、第三項、第四項並びに第五項の規定に係る部分に限る。以下この条において同じ。）、第六十六条の八の三、第六十八条、第六十八条の二、第七十一条の二、第九章第一節並びに第八十八条から第八十九条の二までの規定並びに当該規定に基づく命令の規定（これらの規定に係る罰則を含む。）を適用する。この場合において、同法第二十九条第一項中「この法律又はこれに基づく命令の規定」とあるのは「この法律若しくはこれに基づく命令の規定（労働者派遣事業

の適正な運営の確保及び派遣労働者の保護等に関する法律（以下「労働者派遣法」という。）第四十五条の規定により適用される場合を含む。）又は同条第十項の規定若しくは同項の規定に基づく命令の規定」と、同条第二項中「この法律又はこれに基づく命令の規定」とあるのは「この法律若しくはこれに基づく命令の規定（労働者派遣法第四十五条の規定により適用される場合を含む。）又は同条第十項の規定若しくは同項の規定に基づく命令の規定」と、同法第三十条第一項第五号及び第八十八条第六項中「この法律又はこれに基づく命令の規定」とあるのは「この法律又はこれに基づく命令の規定（労働者派遣法第四十五条の規定により適用される場合を含む。）」と、同法第六十六条の四中「第六十六条第一項から第四項まで若しくは第五項ただし書又は第六十六条の二」とあるのは「第六十六条第二項前段若しくは後段（派遣先の事業を行う者が同項後段の政令で定める業務に従事させたことのある労働者（労働者派遣法第四十四条第一項に規定する派遣中の労働者を含む。）に係る部分に限る。以下この条において同じ。））、第三項、第四項（第六十六条第二項前段及び後段並びに第三項の規定に係る部分に限る。以下この条において同じ。）又は第五項ただし書（第六十六条第二項前段及び後段、第三項並びに第四項の規定に係る部分に限る。））」と、同法第六十六条の八の三中「第六十六条の八第一項」とあるのは「派遣元の事業（労働者派遣法第四十四条第三項に規定する派遣元の事業をいう。）の事業者が、第六十六条の八第一項」とする。

- (3) With regard to a client undertaking in which workers are dispatched for work under a dispatching arrangement, the provisions of Article 11, Articles 14 through 15-3, Article 17, Articles 20 through 27, Articles 28-2 through 30-3, Article 31-3, Article 36 (limited to the part pertaining to the provisions of Article 30, paragraphs (1) and (4), Article 30-2, paragraphs (1) and (4), and Article 30-3, paragraphs (1) and (4)), Article 45 (excluding paragraph (2)), Articles 57-3 through 57-5, Article 59, paragraph (3), Article 60, Article 61, paragraph (1), Articles 65 through 65-4, the first sentence and second sentence of Article 66, paragraph (2) (limited to the part pertaining to workers whom the person carrying out the client undertaking is engaged in work specified by Cabinet Order referred to in the second sentence of the same paragraph (including workers being dispatched); hereinafter the same applies in this Article), Article 66, paragraphs (3), (4) (limited to the part pertaining to the provisions of the first sentence and second sentence of paragraph (2) of Article 66 and Article 66, paragraph (3) of the Industrial Safety and Health Act; hereinafter the same applies in this Article), and (5) (limited to the part pertaining to the provisions of the first sentence and second sentence of paragraph (2) of Article 66 and Article 66, paragraphs (3) and (4) of the same Act; hereinafter the same applies in this Article), Article 66-3 (limited to the part pertaining to the provisions of the first sentence and second sentence of paragraph (2) of Article 66 and Article 66, paragraphs (3), (4), and (5) of the same Act; hereinafter the same applies in this Article), Articles 66-8-3, 68, 68-2, and 71-2, Chapter IX, Section 1, and Articles 88 through 89-2 of the Industrial

Safety and Health Act and the provisions of orders based on those provisions (including penal provisions pertaining to those provisions) apply, by deeming the person carrying out the client undertaking to be the employer of the relevant workers being dispatched and deeming those workers being dispatched to be workers employed by the person carrying out the client undertaking. In this case, the term "the provisions of this Act or an order under this Act" in Article 29, paragraph (1) of the same Act is deemed to be replaced with "the provisions of this Act or orders based on this Act (including as applied pursuant to the provisions of Article 45 of the Act on Securing the Proper Operation of Worker Dispatching Business and Protecting Dispatched Workers (hereinafter referred to as the "Worker Dispatching Act")), or the provisions of paragraph (10) of the same Article or orders based on the provisions of the same paragraph"; the term "the provisions of this Act or an order based on this Act" in paragraph (2) of the same Article is deemed to be replaced with "the provisions of this Act or orders based on this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act), or the provisions of paragraph (10) of the same Article or orders based on the provisions of the same paragraph"; the term "this Act or an order hereunder" in Article 30, paragraph (1), item (v) and Article 88, paragraph (6) of the Industrial Safety and Health Act is deemed to be replaced with "the provisions of this Act or orders based on this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act)"; the term "paragraphs (1) through (4) of Article 66, proviso in paragraph (5) and Article 66-2" in Article 66-4 of the Industrial Safety and Health Act is deemed to be replaced with "the first sentence or second sentence of paragraph (2) of Article 66 (limited to the part pertaining to workers whom a person carrying out a client undertaking has caused to be engaged in the work specified by Cabinet Order referred to in the second sentence of the same paragraph (including workers being dispatched prescribed in Article 44, paragraph (1) of the Worker Dispatching Act); hereinafter the same applies in this Article), Article 66, paragraphs (3) and (4) (limited to the part pertaining to the provisions of the first sentence and second sentence of paragraph (2) of Article 66 and Article 66, paragraphs (3) and (4); hereinafter the same applies in this Article), or the proviso to Article 66, paragraph (5) (limited to the part pertaining to the provisions of the first sentence and second sentence of paragraph (2) of Article 66 and Article 66, paragraphs (3) and (4))"; and the term "paragraph (1) of Article 66-8" in Article 66-8-3 of the Industrial Safety and Health Act is deemed to be replaced with "Article 66-8, paragraph (1), an employer for a dispatching undertaking (referring to the dispatching undertaking prescribed in Article 44, paragraph (3) of the Worker Dispatching Act)."

4 前項の規定により派遣中の労働者を使用する事業者とみなされた者に関しては、労働安全衛生法第四十五条第二項中「事業者」とあるのは、「労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律第四十五条第三項の規定により同法第四十四条第一項に規定する派遣中の労働者を使用する事業者とみなされた者」として、同項の規定を適用する。

(4) With regard to a person having been deemed, pursuant to the provisions of the preceding paragraph, to be the employer of workers being dispatched, the provisions of Article 45, paragraph (2) of the Industrial Safety and Health Act applies by replacing the term "employer" in the same paragraph with "a person having been deemed to be the employer of workers being dispatched prescribed in Article 44, paragraph (1) of the Act on Securing the Proper Operation of Worker Dispatching Business and Protecting Dispatched Workers, pursuant to the provisions of Article 45, paragraph (3) of the same Act."

5 その事業に使用する労働者が派遣先の事業における派遣就業のために派遣されている派遣元の事業に関する第三項前段に掲げる規定及び労働安全衛生法第四十五条第二項の規定の適用については、当該派遣元の事業の事業者は当該派遣中の労働者を使用しないものと、当該派遣中の労働者は当該派遣元の事業の事業者には使用されないものとみなす。

(5) With regard to the application of the provisions of the first sentence of paragraph (3) concerning a dispatching undertaking in which workers employed for the undertaking are dispatched for work under a dispatching arrangement in a client undertaking and of the provisions of Article 45, paragraph (2) of the Industrial Safety and Health Act, the business operator of the dispatching undertaking concerned is deemed not as employing the relevant workers being dispatched, and those workers being dispatched are deemed not employed by the business operator of the relevant dispatching undertaking.

6 派遣元の事業の事業者は、労働者派遣をする場合であつて、第三項の規定によりその事業における当該派遣就業のために派遣される労働者を使用する事業者とみなされることとなる者が当該労働者派遣に係る労働者派遣契約に定める派遣就業の条件に従つて当該労働者派遣に係る派遣労働者を労働させたならば、同項の規定により適用される労働安全衛生法第五十九条第三項、第六十一条第一項、第六十五条の四又は第六十八条の規定（次項において単に「労働安全衛生法の規定」という。）に抵触することとなるときにおいては、当該労働者派遣をしてはならない。

(6) A business operator of a dispatching undertaking must not carry out worker dispatch, if, when carrying out the worker dispatch, the person deemed to be the employer of a worker dispatched for work under a dispatching arrangement under the relevant undertaking pursuant to the provisions of paragraph (3), is to cause the dispatched worker being dispatched under the arrangement to work in accordance with the conditions of work under a dispatching arrangement prescribed in the worker dispatch contract for the worker

dispatch concerned, and this would result in a conflict with the provisions of Article 59, paragraph (3), Article 61, paragraph (1), Article 65-4, or Article 68 of the Industrial Safety and Health Act (simply referred to as "the provisions of the Industrial Safety and Health Act" in the following paragraph) as applied pursuant to the provisions of paragraph (3) above.

7 派遣元の事業の事業者が前項の規定に違反したとき（当該労働者派遣に係る派遣中の労働者に関し第三項の規定により当該派遣中の労働者を使用する事業者とみなされる者において当該労働安全衛生法の規定に抵触することとなつたときに限る。）は、当該派遣元の事業の事業者は当該労働安全衛生法の規定に違反したものとみなして、同法第百十九条及び第百二十二条の規定を適用する。

(7) If a business operator of a dispatching undertaking has violated the provisions of the preceding paragraph (limited to a case where, with regard to a worker being dispatched under the dispatching arrangement concerned, the person deemed to be the employer of the worker being dispatched pursuant to the provisions of paragraph (3) has come in conflict with the relevant provisions of the Industrial Safety and Health Act), the business operator of the dispatching undertaking concerned is deemed to have violated the provisions of the Industrial Safety and Health Act, and the provisions of Articles 119 and 122 of the same Act apply.

8 第一項、第三項及び第四項に定めるもののほか、労働者がその事業における派遣就業のために派遣されている派遣先の事業に関しては、労働安全衛生法第五条第一項中「事業者」とあるのは「事業者（労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律（以下「労働者派遣法」という。）第四十四条第一項に規定する派遣先の事業を行う者（以下「派遣先の事業者」という。）を含む。）」と、同条第四項中「当該事業の事業者」とあるのは「当該事業の事業者又は労働者派遣法第四十五条の規定により当該事業の事業者とみなされる者」と、「当該代表者のみが使用する」とあるのは「当該代表者が使用し、かつ、当該事業の事業者（派遣先の事業者を含む。）のうち当該代表者以外の者が使用しない」と、「この法律」とあるのは「この法律（労働者派遣法第四十五条の規定により適用される場合を含む。）」と、同法第十六条第一項中「第十五条第一項又は第三項」とあるのは「労働者派遣法第四十五条第三項の規定により適用される第十五条第一項又は第三項」と、同法第十九条及び同条第四項において準用する同法第十七条第四項中「事業者」とあるのは「派遣先の事業者」と、同法第十九条第一項中「第十七条及び前条」とあるのは「労働者派遣法第四十五条の規定により適用される第十七条及び前条」と、同条第二項及び第三項並びに同条第四項において準用する同法第十七条第四項及び第五項中「労働者」とあるのは「労働者（労働者派遣法第四十四条第一項に規定する派遣中の労働者を含む。）」として、これらの規定を適用する。

(8) With regard to a client undertaking for which workers are dispatched for work under a dispatching arrangement in that undertaking, in addition to what is prescribed in paragraphs (1), (3), and (4), the following provisions apply to the client undertaking by replacing the following terms in the manner

set forth below, respectively: in Article 5, paragraph (1) of the Industrial Safety and Health Act, the term "employers" is deemed to be replaced with "employers (including a person carrying out a client undertaking prescribed in Article 44, paragraph (1) of the Act on Securing the Proper Operation of Worker Dispatching Business and Protecting Dispatched Workers (hereinafter referred to as the "Worker Dispatching Act") (hereinafter such employer is referred to as a "client business operator"))"; in paragraph (4) of the same Article, the term "employer in those undertakings" is deemed to be replaced with "employer in those undertakings or the person deemed to be the employer under those undertakings pursuant to the provisions of Article 45 of the Worker Dispatching Act," the term "employed solely by the representative" is deemed to be replaced with "workers employed solely by the representative and not by a person other than the representative among relevant employers under those undertakings (including the client business operator)," and the term "this Act" is deemed to be replaced with "this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act)"; in Article 16, paragraph (1) of the Industrial Safety and Health Act, the term "paragraph (1) or (3) of Article 15" is deemed to be replaced with "Article 15, paragraph (1) or (3) as applied pursuant to the provisions of Article 45, paragraph (3) of the Worker Dispatching Act"; in Article 19 of the Industrial Safety and Health Act and Article 17, paragraph (4) as applied mutatis mutandis pursuant to paragraph (4) of Article 19, the term "employer" is deemed to be replaced with "client business operator"; in Article 19, paragraph (1) of the Industrial Safety and Health Act, the term "Article 17 and the preceding Article" is deemed to be replaced with "Article 17 and the preceding Article as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act"; and in Article 19, paragraphs (2) and (3) and Article 17, paragraphs (4) and (5) as applied mutatis mutandis pursuant to Article 19, paragraph (4), the term "workers" is deemed to be replaced with "workers (including workers being dispatched prescribed in Article 44, paragraph (1) of the Worker Dispatching Act)."

9 その事業に使用する労働者が派遣先の事業における派遣就業のために派遣されている派遣元の事業に関する労働安全衛生法第十九条第一項の規定の適用については、同項中「第十七条及び前条」とあるのは、「労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律第四十五条の規定により適用される第十七条及び前条」とする。

(9) With regard to the application of the provisions of Article 19, paragraph (1) of the Industrial Safety and Health Act in relation to a dispatching undertaking in which workers employed for that undertaking are dispatched for work under a dispatching arrangement in a client undertaking, the term "Article 17 and the preceding Article" in the same paragraph is deemed to be replaced with "Article 17 and the preceding Article as applied pursuant to the provisions of

Article 45 of the Act on Securing the Proper Operation of Worker Dispatching Business and Protecting Dispatched Workers."

10 第三項の規定により派遣中の労働者を使用する事業者とみなされた者（第八項の規定により読み替えて適用される労働安全衛生法第五条第四項の規定により当該者とみなされる者を含む。）は、当該派遣中の労働者に対し第三項の規定により適用される同法第六十六条第二項、第三項若しくは第四項の規定による健康診断を行ったとき、又は当該派遣中の労働者から同条第五項ただし書の規定による健康診断の結果を証明する書面の提出があつたときは、遅滞なく、厚生労働省令で定めるところにより、当該派遣中の労働者に係る第六十六条の三の規定による記録に基づいてこれらの健康診断の結果を記載した書面を作成し、当該派遣元の事業の事業者に送付しなければならない。

(10) A person deemed to be an employer of workers being dispatched pursuant to the provisions of paragraph (3) (including a person deemed to be such employer pursuant to the provisions of Article 5, paragraph (4) of the Industrial Safety and Health Act applied by replacing the terms pursuant to the provisions of paragraph (8)) must without delay, after having conducted a medical examination of those workers being dispatched under the provisions of paragraph (2), (3), or (4) of Article 66 of the same Act as applied pursuant to the provisions of paragraph (3), or upon the submission of documents certifying the results of the medical examination under the provisions of the proviso to paragraph (5) of the same Article by those workers being dispatched, prepare documents stating the results of the medical examination based on records pertaining to the workers being dispatched under the provisions of Article 66-3 and send the documents to the business operator of the dispatching undertaking concerned, pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare.

11 前項の規定により同項の書面の送付を受けた派遣元の事業の事業者は、厚生労働省令で定めるところにより、当該書面を保存しなければならない。

(11) Upon receiving the documents referred to in the preceding paragraph pursuant to the provisions of the same paragraph, the business operator of the dispatching undertaking must retain the documents concerned pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare.

12 前二項の規定に違反した者は、三十万円以下の罰金に処する。

(12) Any person that violates the provisions of the preceding two paragraphs is punished by a fine of not more than 300,000 yen.

13 法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関して、前項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、同項の罰金刑を科する。

(13) If a representative of a corporation, or an agent, employee, or other worker of a corporation or individual, commits a violation referred to in the preceding paragraph in connection with the business of the corporation or individual, in

addition to the offender being subject to punishment, the corporation or individual is subject to the fine referred to in the same paragraph.

1 4 第十項の者は、当該派遣中の労働者に対し第三項の規定により適用される労働安全衛生法第六十六条の四の規定により医師又は歯科医師の意見を聴いたときは、遅滞なく、厚生労働省令で定めるところにより、当該意見を当該派遣元の事業の事業者へ通知しなければならない。

(14) The person referred to in paragraph (10) must, upon obtaining the opinion of a physician or dentist pursuant to the provisions of Article 66-4 of the Industrial Safety and Health Act as applied to workers being dispatched pursuant to the provisions of paragraph (3), notify without delay the business operator of the relevant dispatching undertaking of the opinion pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare.

1 5 前各項の規定による労働安全衛生法の特例については、同法第九条中「事業者、」とあるのは「事業者（労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律（以下「労働者派遣法」という。）第四十四条第一項に規定する派遣先の事業を行う者（以下「派遣先の事業者」という。）を含む。以下この条において同じ。）、」と、同法第二十八条第四項、第三十二条第一項から第四項まで、第三十三条第一項、第三十四条、第六十三条、第六十六条の五第三項、第七十条の二第二項、第七十一条の三第二項、第七十一条の四、第九十三条第二項及び第三項、第九十七条第二項、第九十八条第一項、第九十九条第一項、第九十九条の二第一項及び第二項、第百条から第百二条まで、第百四条第一項、第二項及び第四項、第百六条第一項並びに第百八条の二第三項中「事業者」とあるのは「事業者（派遣先の事業者を含む。）」と、同法第三十一条第一項中「の労働者」とあるのは「の労働者（労働者派遣法第四十四条第一項に規定する派遣中の労働者（以下単に「派遣中の労働者」という。）を含む。）」と、同法第三十一条の二、第三十一条の四並びに第三十二条第四項、第六項及び第七項中「労働者」とあるのは「労働者（派遣中の労働者を含む。）」と、同法第三十一条の四及び第九十七条第一項中「この法律又はこれに基づく命令の規定」とあるのは「この法律若しくはこれに基づく命令の規定（労働者派遣法第四十五条の規定により適用される場合を含む。）又は同条第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定」と、同法第九十条、第九十一条第一項及び第百条中「この法律」とあるのは「この法律及び労働者派遣法第四十五条の規定」と、同法第九十二条中「この法律の規定に違反する罪」とあるのは「この法律の規定（労働者派遣法第四十五条の規定により適用される場合を含む。）に違反する罪（同条第七項の規定による第百十九条及び第百二十二条の罪を含む。）並びに労働者派遣法第四十五条第十二項及び第十三項の罪」と、同法第九十八条第一項中「第三十四条の規定」とあるのは「第三十四条の規定（労働者派遣法第四十五条の規定により適用される場合を含む。）」と、同法第百一条第一項中「この法律」とあるのは「この法律（労働者派遣法第四十五条の規定を含む。）」と、同法第百三条第一項中「この法律又はこれに基づく命令の規定」とあるのは「この法律又はこれに基づく命令の規定（労働者派遣法第四十五条の規定により適用される場合を含む。）」と、同法第百四条第一項中「この法律又はこれに基づく命令の規定」とある

のは「この法律若しくはこれに基づく命令の規定（労働者派遣法第四十五条の規定により適用される場合を含む。）又は同条第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定」と、同法第百十五条第一項中「（第二章の規定を除く。）」とあるのは「（第二章の規定を除く。）及び労働者派遣法第四十五条の規定」として、これらの規定（これらの規定に係る罰則の規定を含む。）を適用する。

(15) With regard to the special application of the Industrial Safety and Health Act under the provisions of each of the preceding paragraphs, the following provisions (including penal provisions related to these provisions) apply by replacing the following terms in the manner set forth below, respectively: the term "employers" in Article 9 of the same Act is deemed to be replaced with "employers (including persons carrying out client undertakings prescribed in Article 44, paragraph (1) of the Act on Securing the Proper Operation of Worker Dispatching Business and Protecting Dispatched Workers (hereinafter referred to as the "Worker Dispatching Act") (hereinafter such a person is referred to as a "client business operator")); hereinafter the same applies in this Article"); the term "employers" in Article 28, paragraph (4), Article 32, paragraphs (1) through (4), Article 33, paragraph (1), Article 34, Article 63, Article 66-5, paragraph (3), Article 70-2, paragraph (2), Article 71-3, paragraph (2), Article 71-4, Article 93, paragraphs (2) and (3), Article 97, paragraph (2), Article 98, paragraph (1), Article 99, paragraph (1), Article 99-2, paragraphs (1) and (2), Articles 100 through 102, Article 104, paragraphs (1), (2), and (4), Article 106, paragraph (1), and Article 108-2, paragraph (3) of the Industrial Safety and Health Act is deemed to be replaced with "employers (including client business operators)"; the term "workers employed by" in Article 31, paragraph (1) of the same Act is deemed to be replaced with "workers (including workers being dispatched prescribed in Article 44, paragraph (1) of the Worker Dispatching Act (hereinafter simply referred to as a "worker being dispatched") employed by)"; the term "workers" in Articles 31-2 and 31-4 and Article 32, paragraphs (4), (6), and (7) of the Industrial Safety and Health Act is deemed to be replaced with "workers (including workers being dispatched)"; the term "the provisions of this Act or an order issued under this Act" in Article 31-4 and Article 97, paragraph (1) of the Industrial Safety and Health Act is deemed to be replaced with "the provisions of this Act or orders based on this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act), or the provisions of paragraph (6), (10), or (11) of the same Article or the provisions of orders based on these provisions"; the term "this Act" in Article 90, Article 91, paragraph (1), and Article 100 of the Industrial Safety and Health Act is deemed to be replaced with "the provisions of this Act and Article 45 of the Worker Dispatching Act"; the term "crime that violates this Act" in Article 92 of the Industrial Safety and Health Act is deemed to be replaced with "crime (including the crimes referred to in Articles

119 and 122, which are applicable under the provisions of Article 45, paragraph (7) of the Worker Dispatching Act) that violates this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act) and the crimes referred to in Article 45, paragraphs (12) and (13) of the Worker Dispatching Act"; the term "Article 34" in Article 98, paragraph (1) of the Industrial Safety and Health Act is deemed to be replaced with "Article 34 (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act)"; the term "this Act" in Article 101, paragraph (1) of the Industrial Safety and Health Act is deemed to be replaced with "this Act (including the provisions of Article 45 of the Worker Dispatching Act)"; the term "the provisions of this Act or an order under this Act" in Article 103, paragraph (1) of the Industrial Safety and Health Act is deemed to be replaced with "the provisions of this Act or an order under this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act)"; the term "the provisions of this Act or an order under this Act" in Article 104, paragraph (1) of the Industrial Safety and Health Act is deemed to be replaced with "the provisions of this Act or an order under this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act), or the provisions of paragraph (10) or (11) of the same Article or the provisions of orders based on these provisions"; the term "(excluding the provisions of Chapter II)" in Article 115, paragraph (1) of the Industrial Safety and Health Act is deemed to be replaced with "(excluding the provisions of Chapter II) and the provisions of Article 45 of the Worker Dispatching Act."

- 16 第一項から第五項まで、第七項から第九項まで及び前項の規定により適用される労働安全衛生法若しくは同法に基づく命令の規定又は第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定に違反した者に関する同法の規定の適用については、同法第四十六条第二項第一号中「この法律又はこれに基づく命令の規定」とあるのは「この法律若しくはこれに基づく命令の規定（労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律（以下「労働者派遣法」という。）第四十五条の規定により適用される場合を含む。）又は同条第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定」と、同法第五十四条の三第二項第一号中「第四十五条第一項若しくは第二項の規定若しくはこれらの規定に基づく命令」とあるのは「第四十五条第一項若しくは第二項の規定若しくはこれらの規定に基づく命令の規定（労働者派遣法第四十五条第三項及び第四項の規定により適用される場合を含む。）」と、同法第五十六条第六項中「この法律若しくはこれに基づく命令の規定又はこれらの規定に基づく処分」とあるのは「この法律若しくはこれに基づく命令の規定（労働者派遣法第四十五条の規定により適用される場合を含む。）、これらの規定に基づく処分又は同条第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定」と、同法第七十四条第二項第二号、第七十五条の三第二項第三号（同法第八十三条の三及び第八十五条の三において準用する場合を含む。）、第八十四条第二項第二号及び第九十九条の三第一項中「この法律又

はこれに基づく命令の規定」とあるのは「この法律若しくはこれに基づく命令の規定（労働者派遣法第四十五条の規定により適用される場合を含む。）又は同条第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定」と、同法第七十五条の四第二項（同法第八十三条の三及び第八十五条の三において準用する場合を含む。）及び第七十五条の五第四項（同法第八十三条の三において準用する場合を含む。）中「この法律（これに基づく命令又は処分を含む。）」とあるのは「この法律若しくはこれに基づく命令の規定（労働者派遣法第四十五条の規定により適用される場合を含む。）、これらの規定に基づく処分、同条第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定」と、同法第八十四条第二項第三号中「この法律及びこれに基づく命令」とあるのは「この法律及びこれに基づく命令（労働者派遣法第四十五条の規定により適用される場合を含む。）並びに労働者派遣法（同条第六項、第十項及び第十一項の規定に限る。）及びこれに基づく命令」とする。

- (16) With regard to the application of the provisions of the Industrial Safety and Health Act, which is applied pursuant to the provisions of paragraphs (1) through (5), paragraphs (7) through (9), and the immediately preceding paragraph, to a person that has violated the Industrial Safety and Health Act or the provisions of orders based on the same Act, or a person that has violated the provisions of paragraph (6), (10), or (11) or the provisions of orders based on these provisions, the term "the provisions of this Act or an order under this Act" in Article 46, paragraph (2), item (i) of the same Act is deemed to be replaced with "the provisions of this Act or an order under this Act (including as applied pursuant to the provisions of Article 45 of the Act on Securing the Proper Operation of Worker Dispatching Business and Protecting Dispatched Workers (hereinafter referred to as the "Worker Dispatching Act")), or the provisions of paragraph (6), (10), or (11) of the same Article or the provisions of orders based on these provisions"; the term "the provisions of paragraph (1) or (2) of Article 45 or an order under those provisions" in Article 54-3, paragraph (2), item (i) of the Industrial Safety and Health Act is deemed to be replaced with "the provisions of Article 45, paragraph (1) or (2) or of an order based on these provisions (including as applied pursuant to the provisions of Article 45, paragraphs (3) and (4) of the Worker Dispatching Act)"; the term "the provisions of this Act, an order under this Act or administrative dispositions under these provisions" in Article 56, paragraph (6) of the Industrial Safety and Health Act is deemed to be replaced with "the provisions of this Act or an order under this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act), administrative dispositions under these provisions, the provisions of paragraph (6), (10), or (11) of the same Article, or the provisions of orders based on these provisions"; the term "the provisions of this Act or an order under this Act" in Article 74-2, paragraph (2), item (ii), Article 75-3, paragraph (2), item (iii) (including as applied mutatis mutandis

pursuant to Articles 83-3 and 85-3 of the Industrial Safety and Health Act), Article 84, paragraph (2), item (ii), and Article 99-3, paragraph (1) of the Industrial Safety and Health Act is deemed to be replaced with "the provisions of this Act or orders based on this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act), or the provisions of paragraph (6), (10), or (11) of the same Article or the provisions of orders based on these provisions"; the term "this Act (including the orders issued or dispositions taken thereunder)" in Article 75-4, paragraph (2) (including as applied mutatis mutandis pursuant to Articles 83-3 and 85-3 of the Industrial Safety and Health Act) and Article 75-5, paragraph (4) of the Industrial Safety and Health Act (including as applied mutatis mutandis pursuant to Article 83-3 of the same Act) is deemed to be replaced with "the provisions of this Act or orders based on this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act), administrative dispositions under these provisions, the provisions of paragraph (6), (10), or (11) of the same Article, or the provisions of orders based on these provisions"; and the term "this Act or an order hereunder" in Article 84, paragraph (2), item (iii) of the Industrial Safety and Health Act is deemed to be replaced with "this Act and orders based on this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act), and the Worker Dispatching Act (limited to the provisions of paragraphs (6), (10), and (11) of the same Article) and orders based thereon."

17 この条の規定により労働安全衛生法及び同法に基づく命令の規定を適用する場合における技術的読替えその他必要な事項は、命令で定める。

(17) Technical replacements and other necessary particulars for the application of the provisions of the Industrial Safety and Health Act and orders based thereon pursuant to the provisions of this Article are prescribed by orders.

(じん肺法の適用に関する特例等)

(Special Application of the Pneumoconiosis Act)

第四十六条 労働者がその事業における派遣就業のために派遣されている派遣先の事業で、じん肺法（昭和三十五年法律第三十号）第二条第一項第三号に規定する粉じん作業（以下この条において単に「粉じん作業」という。）に係るものに関しては、当該派遣先の事業を行う者を当該派遣中の労働者（当該派遣先の事業において、常時粉じん作業に従事している者及び常時粉じん作業に従業したことがある者に限る。以下第四項まで及び第七項において同じ。）を使用する同法第二条第一項第五号に規定する事業者（以下この条において単に「事業者」という。）と、当該派遣中の労働者を当該派遣先の事業を行う者に使用される労働者とみなして、同法第五条から第九条の二まで、第十一条から第十四条まで、第十五条第三項、第十六条から第十七条まで及び第三十五条の二の規定（これらの規定に係る罰則の規定を含む。）を適用する。この場合において、同法第九条の二第一項中「、離職」とあるのは「、離職（労働者派遣

事業の適正な運営の確保及び派遣労働者の保護等に関する法律（以下「労働者派遣法」という。）第四十六条第一項に規定する派遣中の労働者については、当該派遣中の労働者に係る労働者派遣法第二条第一号に規定する労働者派遣の役務の提供の終了。以下この項において同じ。）」と、同法第三十五条の二中「この法律」とあるのは「この法律（労働者派遣法第四十六条の規定を含む。）」とする。

Article 46 (1) With regard to a client undertaking involving dust work prescribed in Article 2, paragraph (1), item (iii) of the Pneumoconiosis Act (Act No. 30 of 1960) (hereinafter such work is referred to as "dust work" in this Article), in relation to which workers are dispatched for work under a dispatching arrangement, the provisions of Articles 5 through 9-2, Articles 11 through 14, Article 15, paragraph (3), Articles 16 through 17, and Article 35-2 of the same Act (including penal provisions pertaining to these provisions) apply to such undertaking, by deeming the person carrying out the client undertaking to be the business operator, as prescribed in Article 2, paragraph (1), item (v) of the same Act, employing the workers being dispatched (limited to those who are or have been regularly engaged in dust work; hereinafter the same applies up to paragraph (4) and in paragraph (7)) (hereinafter such business operator is simply referred to as a "business operator" in this Article), and by deeming the workers being dispatched to be workers employed by the person carrying out the client undertaking concerned. In this case, the term "separation from employment" in of Article 9-2, paragraph (1) of the above-mentioned Act is deemed to be replaced with "separation from employment (with regard to a worker being dispatched prescribed in Article 46, paragraph (1) of the Act on Securing the Proper Operation of Worker Dispatching Business and Protecting Dispatched Workers (hereinafter referred to as the "Worker Dispatching Act"), the termination of the provision of worker dispatching services, as prescribed in Article 2, item (i) of the Worker Dispatching Act, involving the worker being dispatched; hereinafter the same applies in this paragraph)"; and the term "this Act" in Article 35-2 of the Pneumoconiosis Act is deemed to be replaced with "this Act (including the provisions of Article 46 of the Worker Dispatching Act)."

2 その事業に使用する労働者が派遣先の事業（粉じん作業に係るものに限る。）における派遣就業のために派遣されている派遣元の事業（粉じん作業に係るものに限る。）に関する前項前段に掲げる規定の適用については、当該派遣元の事業の事業者は当該派遣中の労働者を使用しないものと、当該派遣中の労働者は当該派遣元の事業の事業者には使用されないものとみなす。

(2) With regard to the application of the provisions set forth in the first sentence of the preceding paragraph concerning a dispatching undertaking (limited to that involving dust work) in which workers employed for that undertaking are dispatched for work under a dispatching arrangement in a client undertaking (limited to that involving dust work), the business operator of the dispatching

undertaking concerned is deemed not to be employing the relevant workers being dispatched, and the relevant workers being dispatched are deemed not to be employed by the business operator of the dispatching undertaking.

- 3 第一項の規定によりじん肺法の規定を適用する場合には、同法第十条中「事業者は、じん肺健康診断を」とあるのは「労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律第四十四条第一項に規定する派遣先の事業（以下単に「派遣先の事業」という。）を行う者が同法第四十六条第一項に規定する派遣中の労働者に対してじん肺健康診断を」と、「労働安全衛生法第六十六条第一項又は第二項の」とあるのは「同法第四十四条第三項に規定する派遣元の事業を行う者にあつては労働安全衛生法第六十六条第一項又は第二項の、派遣先の事業を行う者にあつては同条第二項の」として、同条の規定を適用する。

- (3) When the provisions of the Pneumoconiosis Act are applied pursuant to the provisions of paragraph (1), the provisions of Article 10 of that Act apply by replacing the following terms in the manner set forth below, respectively: in the same Article, the term "A business operator may, having conducted a pneumoconiosis examination" is deemed to be replaced with "A person carrying out a client undertaking prescribed in Article 44, paragraph (1) of the Act on Securing the Proper Operation of Worker Dispatching Business and Protecting Dispatched Workers (hereinafter such undertaking is simply referred to as a "client undertaking") may, having conducted a pneumoconiosis examination for workers being dispatched prescribed in Article 46, paragraph (1) of the same Act"; and the term "in Article 66, paragraph (1) or (2) of the Industrial Safety and Health Act" is deemed to be replaced with "in Article 66, paragraphs (1) or (2) of the Industrial Safety and Health Act in the case of a person carrying out a dispatching undertaking prescribed in Article 44, paragraph (3) of the same Act, and in paragraph (2) of the same Article in the case of a person carrying out a client undertaking."

- 4 粉じん作業に係る事業における派遣中の労働者の派遣就業に関しては、当該派遣元の事業を行う者（事業者に該当する者を除く。次項及び第六項において同じ。）を事業者と、当該派遣先の事業を行う者もまた当該派遣中の労働者を使用する事業者と、当該派遣中の労働者を当該派遣先の事業を行う者にもまた使用される労働者とみなして、じん肺法第二十条の二から第二十一条まで及び第二十二条の二の規定（同法第二十一条の規定に係る罰則の規定を含む。）を適用する。

- (4) With regard to work under a dispatching arrangement in an undertaking involving dust work in which workers being dispatched are engaged, the provisions of Articles 20-2 through 21 and Article 22-2 of the Pneumoconiosis Act (including penal provisions pertaining to the provisions of Article 21 of the same Act) apply by deeming the person carrying out the dispatching undertaking concerned (excluding a person that is a business operator; the same applies in the following paragraph and paragraph (6)) to be the business operator, by deeming the person carrying out the relevant client undertaking

to also be the business operator employing the relevant workers being dispatched, and by deeming the relevant workers being dispatched to be workers also employed by the person carrying out the relevant client undertaking.

5 粉じん作業に係る事業における派遣中の労働者の派遣就業に関しては、派遣元の事業を行う者を事業者とみなして、じん肺法第二十二条の規定（同条の規定に係る罰則の規定を含む。）を適用する。

(5) With regard to work under a dispatching arrangement in an undertaking involving dust work in which workers being dispatched are engaged, the provisions of Article 22 of the Pneumoconiosis Act (including penal provisions pertaining to the provisions of the same Article) apply by deeming the person carrying out the dispatching undertaking to be the business operator.

6 派遣先の事業において常時粉じん作業に従事したことがある労働者であつて現に派遣元の事業を行う者に雇用されるもののうち、常時粉じん作業に従事する労働者以外の者（当該派遣先の事業において現に粉じん作業以外の作業に常時従事している者を除く。）については、当該派遣元の事業を行う者を事業者とみなして、じん肺法第八条から第十四条まで、第十五条第三項、第十六条から第十七条まで、第二十条の二、第二十二条の二及び第三十五条の二の規定（これらの規定に係る罰則の規定を含む。）を適用する。この場合において、同法第十条中「事業者は、じん肺健康診断を」とあるのは「労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律（以下「労働者派遣法」という。）第四十四条第三項に規定する派遣元の事業（以下単に「派遣元の事業」という。）を行う者が同条第一項に規定する派遣中の労働者又は同項に規定する派遣中の労働者であつた者に対してじん肺健康診断を」と、「労働安全衛生法第六十六条第一項又は第二項の」とあるのは「派遣元の事業を行う者にあつては労働安全衛生法第六十六条第一項又は第二項の、労働者派遣法第四十四条第一項に規定する派遣先の事業を行う者にあつては労働安全衛生法第六十六条第二項の」と、同法第三十五条の二中「この法律」とあるのは「この法律（労働者派遣法第四十六条の規定を含む。）」とする。

(6) Among workers who are actually employed by a person carrying out a dispatching undertaking and have been regularly engaged in dust work in a client undertaking, with regard to those other than workers regularly engaged in dust work (excluding persons regularly engaged in work other than dust work in the client undertaking concerned), the provisions of Articles 8 through 14, Article 15, paragraph (3), Articles 16 through 17, and Articles 20-2, 22-2, and 35-2 of the Pneumoconiosis Act (including penal provisions pertaining to these provisions) apply by deeming the person carrying out the dispatching undertaking to be the business operator. In this case, in Article 10 of the same Act, the term "A business operator may, having conducted a pneumoconiosis examination" is deemed to be replaced with "A person carrying out a dispatching undertaking prescribed in Article 44, paragraph (3) of the Act on Securing the Proper Operation of Worker Dispatching Business and Protecting

Dispatched Workers (hereinafter referred to as the "Worker Dispatching Act") (hereinafter such undertaking is simply referred to as a "dispatching undertaking") may, having conducted a pneumoconiosis examination for workers being dispatched prescribed in paragraph (1) of the same Article or for those who were such workers being dispatched prescribed in the same paragraph," and the term "in Article 66, paragraphs (1) or (2) of the Industrial Safety and Health Act" is deemed to be replaced with "in Article 66, paragraphs (1) or (2) of the Industrial Safety and Health Act in the case of a person carrying out a dispatching undertaking, and in Article 66, paragraph (2) of the Industrial Safety and Health Act in the case of a person carrying out a client undertaking prescribed in Article 44, paragraph (1) of the Worker Dispatching Act"; and the term "this Act" in Article 35-2 of the Pneumoconiosis Act is deemed to be replaced with "this Act (including the provisions of Article 46 of the Worker Dispatching Act)."

7 第一項の規定により派遣中の労働者を使用する事業者とみなされた者は、当該派遣中の労働者に対してじん肺健康診断を行ったとき又は同項の規定により適用されるじん肺法第十一条ただし書の規定により当該派遣中の労働者からじん肺健康診断の結果を証明する書面その他の書面の提出を受けたときにあつては、厚生労働省令で定めるところにより、当該派遣中の労働者に係る同項の規定により適用される同法第十七条第一項の規定により作成した記録に基づいて当該じん肺健康診断の結果を記載した書面を作成し、第一項の規定により適用される同法第十四条第一項（同法第十五条第三項、第十六条第二項及び第十六条の二第二項において準用する場合を含む。）の規定による通知を受けたときにあつては、厚生労働省令で定めるところにより、当該通知の内容を記載した書面を作成し、遅滞なく、当該派遣元の事業を行う者に送付しなければならない。

(7) A person deemed to be a business operator employing workers being dispatched pursuant to the provisions of paragraph (1) must, upon conducting a pneumoconiosis examination for the workers being dispatched or upon receiving documents certifying the results of pneumoconiosis examinations or other documents submitted by the workers being dispatched pursuant to the provisions of the proviso to Article 11 of the Pneumoconiosis Act as applied pursuant to the provisions of paragraph (1), prepare documents stating the results of the pneumoconiosis examinations concerned based on records pertaining to the workers being dispatched concerned, which are prepared pursuant to the provisions of Article 17, paragraph (1) of the same Act as applied pursuant to the provisions of paragraph (1), pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare, and must, upon receiving notification under the provisions of Article 14, paragraph (1) of the same Act (including as applied mutatis mutandis pursuant to Article 15, paragraph (3), Article 16, paragraph (2), and Article 16-2, paragraph (2) of the same Act) as applied pursuant to the provisions of paragraph (1), prepare

documents stating the contents of the notification concerned pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare and, without delay, send those documents to the person carrying out the relevant dispatching undertaking.

8 前項の規定により同項の書面の送付を受けた派遣元の事業を行う者は、厚生労働省令で定めるところにより、当該書面を保存しなければならない。

(8) Upon receiving the documents referred to in the preceding paragraph pursuant to the provisions of the same paragraph, the person carrying out the relevant dispatching undertaking must retain the documents pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare.

9 派遣元の事業を行う者は、粉じん作業に係る事業における派遣就業に従事する派遣中の労働者で常時粉じん作業に従事するもの（じん肺管理区分が管理二、管理三又は管理四と決定された労働者を除く。）が労働安全衛生法第六十六条第一項又は第二項の健康診断（当該派遣先の事業を行う者の行うものを除く。）において、じん肺法第二条第一項第一号に規定するじん肺（以下単に「じん肺」という。）の所見があり、又はじん肺にかかっている疑いがあると診断されたときは、遅滞なく、その旨を当該派遣先の事業を行う者に通知しなければならない。

(9) If a worker being dispatched, who is engaged in work under a dispatching arrangement in an undertaking involving dust work and is regularly engaged in dust work (excluding a worker whose classification for supervision of pneumoconiosis has been determined to be No. II, No. III, or No. IV), is diagnosed, in a medical examination referred to in Article 66, paragraphs (1) or (2) of the Industrial Safety and Health Act (excluding one conducted by the person carrying out the relevant client undertaking), with pneumoconiosis prescribed in Article 2, paragraph (1), item (i) of the Pneumoconiosis Act (hereinafter simply referred to as "pneumoconiosis") or with suspected pneumoconiosis, the person carrying out the dispatching undertaking concerned must inform the person carrying out the client undertaking concerned to that effect without delay.

10 前三項の規定に違反した者は、三十万円以下の罰金に処する。

(10) Any person that has violated the provisions of the preceding three paragraphs is punished by a fine of not more than 300,000 yen.

11 法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関して、前項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、同項の罰金刑を科する。

(11) If a representative of a corporation, or an agent, employee, or other worker of a corporation or individual, commits a violation referred to in the preceding paragraph in connection with the business of the corporation or individual, in addition to the offender being subject to punishment, the corporation or individual is subject to the fine referred to in the same paragraph.

12 前各項の規定によるじん肺法の特例については、同法第三十二条第一項中「事業

者」とあるのは「事業者（労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律（以下「労働者派遣法」という。）第四十六条の規定により事業者とみなされた者を含む。第三十五条の三第一項、第二項及び第四項、第四十三条の二第二項並びに第四十四条において「事業者等」という。）」と、同法第三十五条の三第一項、第二項及び第四項中「事業者」とあるのは「事業者等」と、同条第一項中「この法律又はこれに基づく命令の規定」とあるのは「この法律若しくはこれに基づく命令の規定（労働者派遣法第四十六条の規定により適用される場合を含む。）又は同条第七項から第九項までの規定若しくはこれらの規定に基づく命令の規定」と、同法第三十九条第二項及び第三項中「この法律」とあるのは「この法律（労働者派遣法第四十六条の規定により適用される場合を含む。）」と、同条第三項中「第二十一条第四項」とあるのは「第二十一条第四項（労働者派遣法第四十六条第四項の規定により適用される場合を含む。）」と、同法第四十条第一項中「粉じん作業を行う事業場」とあるのは「粉じん作業を行う事業場（労働者派遣法第四十六条の規定により事業者とみなされた者の事業場を含む。第四十二条第一項において同じ。）」と、同法第四十一条及び第四十二条第一項中「この法律」とあるのは「この法律及び労働者派遣法第四十六条の規定」と、同法第四十三条中「この法律の規定に違反する罪」とあるのは「この法律の規定（労働者派遣法第四十六条の規定により適用される場合を含む。）に違反する罪並びに同条第十項及び第十一項の罪」と、同法第四十三条の二第一項中「この法律又はこれに基づく命令の規定」とあるのは「この法律若しくはこれに基づく命令の規定（労働者派遣法第四十六条の規定により適用される場合を含む。）又は同条第七項から第九項までの規定若しくはこれらの規定に基づく命令の規定」と、同条第二項及び同法第四十四条中「事業者」とあるのは「事業者等」として、これらの規定（これらの規定に係る罰則の規定を含む。）を適用する。

- (12) With regard to the special application of the Pneumoconiosis Act under the provisions of each of the preceding paragraphs, the following provisions (including penal provisions relating to these provisions) apply by replacing the following terms in the manner set forth below, respectively: the term "the business operator" in Article 32, paragraph (1) of the same Act is deemed to be replaced with "the business operator (including a person deemed to be the business operator pursuant to the provisions of Article 46 of the Act on Securing the Proper Operation of Worker Dispatching Business and Protecting Dispatched Workers (hereinafter referred to as the "Worker Dispatching Act")); referred to as "the business operator and equivalent" in Article 35-3, paragraphs (1), (2), and (4), Article 43-2, paragraph (2), and Article 44"; the term "business operator" in Article 35-3, paragraphs (1), (2), and (4) of the Pneumoconiosis Act is deemed to be replaced with "the business operator and equivalent"; the term "the provisions of this Act or of orders based on this Act" in paragraphs (1) of the same Article is deemed to be replaced with "the provisions of this Act or of orders based on this Act (including as applied pursuant to the provisions of Article 46 of the Worker Dispatching Act), or the provisions of paragraphs (7) through (9) of the same Article or the provisions of

orders based on these provisions"; the term "This Act" in Article 39, paragraphs (2) and (3) of the Pneumoconiosis Act is deemed to be replaced with "This Act (including as applied pursuant to the provisions of Article 46 of the Worker Dispatching Act)"; the term "paragraph (4) of Article 21" in paragraph (3) of the same Article is deemed to be replaced with "Article 21, paragraph (4) (including as applied pursuant to the provisions of Article 46, paragraph (4) of the Worker Dispatching Act)"; the term "the place of business at which dust work is performed" in Article 40, paragraph (1) of the Pneumoconiosis Act is deemed to be replaced with "the place of business at which dust work is performed (including the place of business of a person deemed to be a business operator pursuant to the provisions of Article 46 of the Worker Dispatching Act; the same applies in Article 42, paragraph (1))"; the term "this Act" in Article 41 and Article 42, paragraph (1) of the Pneumoconiosis Act is deemed to be replaced with "this Act and the provisions of Article 46 of the Worker Dispatching Act"; the term "a violation of the provisions of this Act" in Article 43 of the Pneumoconiosis Act is deemed to be replaced with "a violation of the provisions of this Act (including as applied pursuant to the provisions of Article 46 of the Worker Dispatching Act) and the crimes referred to in paragraphs (10) and (11) of the same Article"; the term "the provisions of this Act or of orders based on this Act" in Article 43-2, paragraph (1) of the Pneumoconiosis Act is deemed to be replaced with "the provisions of this Act or of orders based on this Act (including as applied pursuant to the provisions of Article 46 of the Worker Dispatching Act), or the provisions of paragraphs (7) through (9) of the same Article or the provisions of orders based on these provisions"; and the term "the business operator" in paragraph (2) of the same Article and Article 44 of the Pneumoconiosis Act is deemed to be replaced with "the business operator and equivalent."

- 1 3 派遣元の事業を行う者が事業者に該当する場合であつてその者が派遣中の労働者に対してじん肺健康診断を行つたときにおけるじん肺法第十条の規定の適用については、同条中「事業者は、」とあるのは「労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律（以下「労働者派遣法」という。）第四十四条第三項に規定する派遣元の事業（以下単に「派遣元の事業」という。）を行う者が」と、「労働安全衛生法第六十六条第一項又は第二項の」とあるのは「派遣元の事業を行う者にあつては労働安全衛生法第六十六条第一項又は第二項の、労働者派遣法第四十四条第一項に規定する派遣先の事業を行う者にあつては労働安全衛生法第六十六条第二項の」とする。

- (13) With regard to the application of the provisions of Article 10 of the Pneumoconiosis Act when a person carrying out a dispatching undertaking is a business operator and has conducted a pneumoconiosis examination for workers being dispatched, the term "The business operator" in the same Article is deemed to be replaced with "A person carrying out a dispatching

undertaking prescribed in Article 44, paragraph (3) of the Act on Securing the Proper Operation of Worker Dispatching Business and Protecting Dispatched Workers (hereinafter referred to as the "Worker Dispatching Act") (hereinafter such undertaking is simply referred to as a "dispatching undertaking"); and the term "in paragraph (1) or (2) of Article 66 of the Industrial Safety and Health Act" is deemed to be replaced with "in Article 66, paragraphs (1) or (2) of the Industrial Safety and Health Act in the case of a person carrying out a dispatching undertaking and in Article 66, paragraph (2) of the Industrial Safety and Health Act in the case of a person carrying out a client undertaking prescribed in Article 44, paragraph (1) of the Worker Dispatching Act."

14 この条の規定によりじん肺法及び同法に基づく命令の規定を適用する場合における技術的読替えその他必要な事項は、命令で定める。

(14) Technical replacements and other necessary particulars for the application of the provisions of the Pneumoconiosis Act and orders based thereon pursuant to the provisions of this Article are prescribed by orders.

(作業環境測定法の適用の特例)

(Special Application of the Working Environment Measurement Act)

第四十七条 第四十五条第三項の規定により派遣中の労働者を使用する事業者とみなされた者は、作業環境測定法（昭和五十年法律第二十八号）第二条第一号に規定する事業者に含まれるものとして、同法第一章、第八条第二項（同法第三十四条第二項において準用する場合を含む。）、第四章及び第五章の規定を適用する。この場合において、同法第三条第一項中「労働安全衛生法第六十五条第一項」とあるのは、「労働安全衛生法第六十五条第一項（労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律第四十五条第三項の規定により適用される場合を含む。次条において同じ。）」とする。

Article 47 (1) With regard to a person deemed to be a business operator employing workers being dispatched under the provisions of Article 45, paragraph (3), the provisions of Chapter I, Article 8, paragraph (2) (including as applied mutatis mutandis pursuant to Article 34, paragraph (2) of the Working Environment Measurement Act (Act No. 28 of 1975)), and Chapters IV and V of the same Act apply by deeming such person to be included in the concept of the business operator prescribed in Article 2, item (i) of the same Act. In this case, the term "Article 65, paragraph (1) of the Industrial Safety and Health Act" in Article 3, paragraph (1) of the Working Environment Measurement Act is deemed to be replaced with "Article 65, paragraph (1) of the Industrial Safety and Health Act (including as applied pursuant to the provisions of Article 45, paragraph (3) of the Act on Securing the Proper Operation of Worker Dispatching Business and Protecting Dispatched Workers; the same applies in the following Article)."

2 第四十五条の規定により適用される労働安全衛生法若しくは同法に基づく命令の規

定、同条第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定又は前項の規定により適用される作業環境測定法若しくは同法に基づく命令の規定に違反した者に関する同法の規定の適用については、同法第六条第三号中「この法律又は労働安全衛生法（これらに基づく命令を含む。）の規定」とあるのは「この法律若しくは労働安全衛生法若しくはこれらに基づく命令の規定（労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律（以下「労働者派遣法」という。）第四十五条又は第四十七条の規定により適用される場合を含む。）又は労働者派遣法第四十五条第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定」と、同法第二十一条第二項第五号イ（同法第三十二条の二第四項において準用する場合を含む。）中「この法律又は労働安全衛生法（これらに基づく命令を含む。）の規定」とあるのは「この法律若しくは労働安全衛生法若しくはこれらに基づく命令の規定（労働者派遣法第四十五条又は第四十七条の規定により適用される場合を含む。）又は労働者派遣法第四十五条第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定」と、同法第二十三条第二項（同法第三十二条の二第四項において準用する場合を含む。）及び第二十四条第四項中「この法律若しくは労働安全衛生法（これらに基づく命令又は処分を含む。）」とあるのは「この法律若しくは労働安全衛生法若しくはこれらに基づく命令の規定（労働者派遣法第四十五条又は第四十七条の規定により適用される場合を含む。）、これらの規定に基づく処分、労働者派遣法第四十五条第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定」と、同法第三十二条第三項及び第三十四条第一項中「この法律若しくは作業環境測定法又はこれらに基づく命令」とあるのは「この法律若しくは作業環境測定法若しくはこれらに基づく命令の規定（労働者派遣法第四十五条又は第四十七条の規定により適用される場合を含む。）又は労働者派遣法第四十五条第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令」とする。

- (2) With regard to the application of the provisions of the Working Environment Measurement Act to persons that have violated the provisions of the Industrial Safety and Health Act or orders based thereon as applied pursuant to the provisions of Article 45, the provisions of paragraphs (6), (10), or (11) of the same Article or the provisions of orders based on these provisions, or the provisions of the Working Environment Measurement Act or of orders based thereon as applied pursuant to the provisions of the preceding paragraph, the term "the provisions of this Act or the Industrial Safety and Health Act (including orders thereunder)" in Article 6, item (iii) of the Working Environment Measurement Act is deemed to be replaced with "the provisions of this Act, the Industrial Safety and Health Act, or orders based on these Acts (including as applied pursuant to the provisions of Article 45 or 47 of the Act on Securing the Proper Operation of Worker Dispatching Business and Protecting Dispatched Workers (hereinafter referred to as the "Worker Dispatching Act")), or the provisions of Article 45, paragraph (6), (10), or (11) of the Worker Dispatching Act or the provisions of orders based on these

provisions"; the term "the provisions of this Act or the Industrial Safety and Health Act (including orders thereunder)" in Article 21, paragraph (2), item (v), (a) of the Working Environment Measurement Act (including as applied mutatis mutandis pursuant to Article 32-2, paragraph (4) of the same Act) is deemed to be replaced with "the provisions of this Act, the Industrial Safety and Health Act, or orders based on these Acts (including as applied pursuant to the provisions of Article 45 or 47 of the Worker Dispatching Act), or the provisions of Article 45, paragraph (6), (10), or (11) of the Worker Dispatching Act or the provisions of orders based on these provisions"; the term "this Act or the Industrial Safety and Health Act (including orders and dispositions thereunder)" in Article 23, paragraph (2) (including as applied mutatis mutandis pursuant to Article 32-2, paragraph (4) of the Working Environment Measurement Act) and Article 24, paragraph (4) of the Working Environment Measurement Act is deemed to be replaced with "the provisions of this Act, the Industrial Safety and Health Act, or orders based on these Acts (including as applied pursuant to the provisions of Article 45 or 47 of the Worker Dispatching Act), dispositions under these provisions, or the provisions of Article 45, paragraph (6), (10), or (11) of the Worker Dispatching Act or the provisions of orders based on these provisions", and the term "this Act or the Working Environment Measurement Act, or orders thereunder" in Article 32, paragraph (3) and Article 34, paragraph (1) of the Working Environment Measurement Act is deemed to be replaced with "this Act or the Working Environment Measurement Act, the provisions of orders based on these Acts (including as applied pursuant to the provisions of Article 45 or 47 of the Worker Dispatching Act), or the provisions of Article 45, paragraph (6), (10), or (11) of the Worker Dispatching Act or orders based on these provisions."

3 この条の規定により作業環境測定法の規定を適用する場合における技術的読替えその他必要な事項は、命令で定める。

(3) Technical replacements and other necessary particulars for the application of the provisions of the Working Environment Measurement Act pursuant to the provisions of this Article are prescribed by orders.

(雇用の分野における男女の均等な機会及び待遇の確保等に関する法律の適用に関する特例)

(Special Application of the Act on Ensuring Equal Opportunities for and Treatment of Men and Women in Employment)

第四十七条の二 労働者派遣の役務の提供を受ける者がその指揮命令の下に労働させる派遣労働者の当該労働者派遣に係る就業に関しては、当該労働者派遣の役務の提供を受ける者もまた、当該派遣労働者を雇用する事業主とみなして、雇用の分野における男女の均等な機会及び待遇の確保等に関する法律（昭和四十七年法律第百十三号）第九条第三項、第十一条第一項、第十一条の二第二項、第十一条の三第一項、第十一条

の四第二項、第十二条及び第十三条第一項の規定を適用する。この場合において、同法第十一条第一項及び第十一条の三第一項中「雇用管理上」とあるのは、「雇用管理上及び指揮命令上」とする。

Article 47-2 With regard to work performed by dispatched workers whom a person receiving worker dispatching services causes to work under the instructions thereof under a worker dispatching arrangement, the provisions of Article 9, paragraph (3), Article 11, paragraph (1), Article 11-2, paragraph (2), Article 11-3, paragraph (1), Article 11-4, paragraph (2), Article 12, and Article 13, paragraph (1) of the Act on Ensuring Equal Opportunities for and Treatment of Men and Women in Employment (Act No. 113 of 1972) apply to such a person receiving worker dispatching business by deeming that person to also be a business operator employing relevant dispatched workers. In this case, the term "in terms of employment management" in Article 11, paragraph (1) and Article 11-3, paragraph (1) of the same Act is deemed to be replaced with "in terms of employment management and instructions."

(育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律の適用に関する特例)

(Special Application of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members)

第四十七条の三 労働者派遣の役務の提供を受ける者がその指揮命令の下に労働させる派遣労働者の当該労働者派遣に係る就業に関しては、当該労働者派遣の役務の提供を受ける者もまた、当該派遣労働者を雇用する事業主とみなして、育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律第十条（同法第十六条、第十六条の四及び第十六条の七において準用する場合を含む。）、第十六条の十、第十八条の二、第二十条の二、第二十三条の二、第二十五条第一項及び第二十五条の二第二項の規定を適用する。この場合において、同法第二十五条第一項中「雇用管理上」とあるのは、「雇用管理上及び指揮命令上」とする。

Article 47-3 With regard to work performed by dispatched workers whom a person receiving worker dispatching services causes the dispatching business operator to work under the instructions thereof under a worker dispatching arrangement, the provisions of Article 10 (including as applied mutatis mutandis pursuant to Articles 16, 16-4, and 16-7 of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members), Articles 16-10, 18-2, 20-2, and 23-2, Article 25, paragraph (1), and Article 25-2, paragraph (2) of the same Act apply to such a person receiving worker dispatching business by deeming that person to also be an undertaking employing relevant dispatched workers. In this case, the term "employment management" in Article 25, paragraph (1) of the same Act is deemed to be replaced with "employment management and instructive."

(労働施策の総合的な推進並びに労働者の雇用の安定及び職業生活の充実等に関する法律の適用に関する特例)

(Special Application of the Act on Comprehensive Promotion of Labor Policies, Stability of Employment of Workers, and Enhancement of Vocational Life)

第四十七条の四 労働者派遣の役務の提供を受ける者がその指揮命令の下に労働させる派遣労働者の当該労働者派遣に係る就業に関しては、当該労働者派遣の役務の提供を受ける者もまた、当該派遣労働者を雇用する事業主とみなして、労働施策の総合的な推進並びに労働者の雇用の安定及び職業生活の充実等に関する法律（昭和四十一年法律第百三十二号）第三十条の二第一項及び第三十条の三第二項の規定を適用する。この場合において、同法第三十条の二第一項中「雇用管理上」とあるのは、「雇用管理上及び指揮命令上」とする。

Article 47-4 With regard to work performed by dispatched workers that a person receiving worker dispatching business causes to work under the instructions thereof under a worker dispatching arrangement, the provisions of Article 30-2, paragraph (1) and Article 30-3, paragraph (2) of the Act on Comprehensive Promotion of Labor Policies, Stability of Employment of Workers and Enhancement of Vocational Life (Act No. 132 of 1966) apply to such a person receiving worker dispatching business by deeming that person to also be a business operator employing relevant dispatched workers. In this case, the term "in terms of employment management" in Article 30-2, paragraph (1) of the same Act is deemed to be replaced with "in terms of employment management and instructions."

第四章 紛争の解決

Chapter IV Resolution of Disputes

(苦情の自主的解決)

(Voluntary Resolution of Complaints)

第四十七条の五 派遣元事業主は、第三十条の三、第三十条の四及び第三十一条の二第二項から第五項までに定める事項に関し、派遣労働者から苦情の申出を受けたとき、又は派遣労働者が派遣先に対して申し出た苦情の内容が当該派遣先から通知されたときは、その自主的な解決を図るように努めなければならない。

Article 47-5 (1) When a dispatching business operator receives a complaint from a dispatched worker with regard to any of the particulars prescribed in Articles 30-3 and 30-4 and Article 31-2, paragraphs (2) through (5) or is notified, by a client, of the details of a complaint submitted to the client by a dispatched worker with regard to any of the above-mentioned particulars, the operator must endeavor to voluntarily resolve the complaint.

2 派遣先は、第四十条第二項及び第三項に定める事項に関し、派遣労働者から苦情の申出を受けたときは、その自主的な解決を図るように努めなければならない。

(2) When receiving a complaint from a dispatched worker with regard to any of the particulars prescribed in Article 40, paragraphs (2) and (3), a client must endeavor to voluntarily resolve the complaint.

(紛争の解決の促進に関する特例)

(Special Provisions for Promotion of Resolution of Disputes)

第四十七条の六 前条第一項の事項についての派遣労働者と派遣元事業主との間の紛争及び同条第二項の事項についての派遣労働者と派遣先との間の紛争については、個別労働関係紛争の解決の促進に関する法律（平成十三年法律第百十二号）第四条、第五条及び第十二条から第十九条までの規定は適用せず、次条から第四十七条の十までに定めるところによる。

Article 47-6 Any dispute between a dispatched worker and a dispatching business operator with regard to any of the particulars referred to in paragraph (1) of the preceding Article and any dispute between a dispatched worker and a client with regard to any of the matters referred to in paragraph (2) of the same Article are governed by the provisions of the following Article through Article 47-10, and the provisions of Articles 4 and 5 and Articles 12 through 19 of the Act on Promoting the Resolution of Individual Labor-Related Disputes (Act No. 112 of 2001) do not apply to such disputes.

(紛争の解決の援助)

(Assistance in Resolution of Disputes)

第四十七条の七 都道府県労働局長は、前条に規定する紛争に関し、当該紛争の当事者の双方又は一方からその解決につき援助を求められた場合には、当該紛争の当事者に対し、必要な助言、指導又は勧告をすることができる。

Article 47-7 (1) At the request of both or either of the parties to a dispute referred to in the preceding Article for assistance in the resolution of the dispute, the relevant prefectural labor director may give the parties to the dispute necessary advice, guidance, or recommendations.

2 派遣元事業主及び派遣先は、派遣労働者が前項の援助を求めたことを理由として、当該派遣労働者に対して不利益な取扱いをしてはならない。

(2) It is prohibited for any dispatching business operator or client to disadvantageously treat any dispatched worker on the ground of the worker's request for the assistance referred to in the preceding paragraph.

(調停の委任)

(Delegation of Conciliation)

第四十七条の八 都道府県労働局長は、第四十七条の六に規定する紛争について、当該紛争の当事者の双方又は一方から調停の申請があつた場合において当該紛争の解決のために必要があると認めるときは、個別労働関係紛争の解決の促進に関する法律第六条第一項の紛争調整委員会に調停を行わせるものとする。

Article 47-8 (1) On finding that it is necessary to do so in order to resolve a dispute as prescribed in Article 47-6 when both or either of the parties to the dispute files an application for conciliation, the relevant prefectural labor director is to have the dispute coordinating committee set forth in Article 6, paragraph (1) of the Act on Promoting the Resolution of Individual Labor-Related Disputes conduct the conciliation.

2 前条第二項の規定は、派遣労働者が前項の申請をした場合について準用する。

(2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis in the case where a dispatched worker files an application as referred to in the preceding paragraph.

(調停)

(Conciliation)

第四十七条の九 雇用の分野における男女の均等な機会及び待遇の確保等に関する法律第十九条から第二十六条までの規定は、前条第一項の調停の手續について準用する。この場合において、同法第十九条第一項中「前条第一項」とあるのは「労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律（昭和六十年法律第八十八号）第四十七条の八第一項」と、同法第二十条中「事業場」とあるのは「事業所」と、同法第二十五条第一項中「第十八条第一項」とあるのは「労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律第四十七条の六」と読み替えるものとする。

Article 47-9 The provisions of Articles 19 through 26 of the Act on Ensuring Equal Opportunities for and Treatment of Men and Women in Employment apply mutatis mutandis to the procedure of the conciliation referred to in paragraph (1) of the preceding Article. In this case, the term "paragraph (1) of the preceding Article" in Article 19, paragraph (1) of the same Act is deemed to be replaced with "Article 47-8, paragraph (1) of the Act on Securing the Proper Operation of Worker Dispatching Business and Protecting Dispatched Workers (Act No. 88 of 1985); the term "workplace" in Article 20 of the Act on Ensuring of Equal Opportunities for and Treatment of Men and Women in Employment is deemed to be replaced with "place of business"; and the term "Article 18, paragraph (1)" in Article 25, paragraph (1) of the same Act is deemed to be replaced with "Article 47-6 of the Act on Securing the Proper Operation of Worker Dispatching Business and Protecting Dispatched Workers."

(厚生労働省令への委任)

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

第四十七条の十 この節に定めるもののほか、調停の手續に関し必要な事項は、厚生労働省令で定める。

Article 47-10 Beyond what is prescribed in this Section, necessary particulars concerning the conciliation procedure are prescribed by Order of the Ministry

of Health, Labor and Welfare.

第五章 雑則

Chapter V Miscellaneous Provisions

(事業主団体等の責務)

(Responsibilities of Business Operators' Associations)

第四十七条の十一 派遣元事業主を直接又は間接の構成員（以下この項において「構成員」という。）とする団体（次項において「事業主団体」という。）は、労働者派遣事業の適正な運営の確保及び派遣労働者の保護等が図られるよう、構成員に対し、必要な助言、協力その他の援助を行うように努めなければならない。

Article 47-11 (1) An association consisting of dispatching business operators as its direct or indirect members (such a dispatching business operator is hereinafter referred to as a "member" in this paragraph, and such an association is referred to as a "business operators' association" in the following paragraph) must endeavor to give its members assistance such as necessary advice and cooperation in order to secure the proper operation of worker dispatching business and ensure the protection, etc. of dispatched workers.

2 国は、事業主団体に対し、派遣元事業主の労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関し必要な助言及び協力を行うように努めるものとする。

(2) The national government is to endeavor to give business operators' associations necessary advice and cooperation to secure dispatching business operators' proper operation of worker dispatching business and ensure the protection, etc. of dispatched workers.

(指針)

(Guidelines)

第四十七条の十二 厚生労働大臣は、第二十四条の三及び第三章第一節から第三節までの規定により派遣元事業主及び派遣先が講ずべき措置に関して、その適切かつ有効な実施を図るため必要な指針を公表するものとする。

Article 47-12 With regard to measures to be taken by a dispatching business operator and a client pursuant to the provisions of Article 24-3 and Chapter III, Sections 1 through 3, the Minister of Health, Labor and Welfare is to publish necessary guidelines for the proper and effective implementation of such measures.

(指導及び助言等)

(Guidance and Advice)

第四十八条 厚生労働大臣は、この法律（第三章第四節の規定を除く。第四十九条の三第一項、第五十条及び第五十一条第一項において同じ。）の施行に関し必要があると認めるときは、労働者派遣をする事業主及び労働者派遣の役務の提供を受ける者に対

し、労働者派遣事業の適正な運営又は適正な派遣就業を確保するために必要な指導及び助言をすることができる。

Article 48 (1) The Minister of Health, Labor and Welfare may, when finding it necessary for the enforcement of this Act (except for the provisions of Chapter III, Section 4; the same applies in Article 49-3, paragraph (1), Article 50, and Article 51, paragraph (1)), provide persons in control of the business of carrying out worker dispatch and persons receiving worker dispatching services with necessary guidance and advice for securing the proper operation of worker dispatching business or for proper work under a dispatching arrangement.

2 厚生労働大臣は、労働力需給の適正な調整を図るため、労働者派遣事業が専ら労働者派遣の役務を特定の者に提供することを目的として行われている場合（第七条第一項第一号の厚生労働省令で定める場合を除く。）において必要があると認めるときは、当該派遣元事業主に対し、当該労働者派遣事業の目的及び内容を変更するように勧告することができる。

(2) The Minister of Health, Labor and Welfare may, when finding it necessary for the proper adjustment of labor demand and supply in the case where a worker dispatching business is carried out with the object of providing worker dispatching business solely to specified persons (except in cases specified by Order of the Ministry of Health, Labor and Welfare referred to in Article 7, paragraph (1), item (i)), recommend the relevant dispatching business operator to change the object and contents of the worker dispatching business.

3 厚生労働大臣は、第二十三条第三項、第二十三条の二又は第三十条第二項の規定により読み替えて適用する同条第一項の規定に違反した派遣元事業主に対し、第一項の規定による指導又は助言をした場合において、当該派遣元事業主がなお第二十三条第三項、第二十三条の二又は第三十条第二項の規定により読み替えて適用する同条第一項の規定に違反したときは、当該派遣元事業主に対し、必要な措置をとるべきことを指示することができる。

(3) If, after the Minister of Health, Labor and Welfare has given guidance or advice under the provisions of paragraph (1) to a dispatching business operator violating the provisions of Article 23, paragraph (3), Article 23-2, or Article 30, paragraph (1) as applied pursuant to paragraph (2) of the same Article following the deemed replacement of terms, the operator is still in violation of the above-mentioned provisions concerned, the Minister of Health, Labor and Welfare may instruct the operator to take necessary measures.

(改善命令等)

(Order for Improvement)

第四十九条 厚生労働大臣は、派遣元事業主が当該労働者派遣事業に関しこの法律（第二十三条第三項、第二十三条の二及び第三十条第二項の規定により読み替えて適用する同条第一項の規定を除く。）その他労働に関する法律の規定（これらの規定に基づ

く命令の規定を含む。)に違反した場合において、適正な派遣就業を確保するため必要があると認めるときは、当該派遣元事業主に対し、派遣労働者に係る雇用管理の方法の改善その他当該労働者派遣事業の運営を改善するために必要な措置を講ずべきことを命ずることができる。

Article 49 (1) In the case where, with regard to a worker dispatching business, a dispatching business operator has violated the provisions of this Act (excluding the provisions of Article 23, paragraph (3), Article 23-2, and Article 30, paragraph (1) as applied pursuant to paragraph (2) of the same Article following replacement of terms) or other Acts relating to labor (including the provisions of orders based on these provisions), the Minister of Health, Labor and Welfare may, when finding it necessary for securing proper work under a dispatching arrangement, order the operator to improve the method of employment management for dispatched workers and otherwise to take necessary measures to improve the operation of the worker dispatching business.

2 厚生労働大臣は、派遣先が第四条第三項の規定に違反している場合において、同項の規定に違反している派遣就業を継続させることが著しく不相当であると認めるときは、当該派遣先に労働者派遣をする派遣元事業主に対し、当該派遣就業に係る労働者派遣契約による労働者派遣の停止を命ずることができる。

(2) Where a client violates the provisions of paragraph (3) of Article 4, the Minister of Health, Labor and Welfare, when the Minister finds it materially inappropriate to permit the work under a dispatching arrangement in violation of the provisions of the same paragraph to continue, may order the dispatching business operator that dispatches workers to the client concerned to suspend the worker dispatch which has been carried out under the worker dispatch contract for the work under a dispatching arrangement concerned.

(公表等)

(Publication)

第四十九条の二 厚生労働大臣は、労働者派遣の役務の提供を受ける者が、第四条第三項、第二十四条の二、第二十六条第七項若しくは第十項、第四十条第二項若しくは第三項、第四十条の二第一項、第四項若しくは第五項、第四十条の三若しくは第四十条の六第一項の規定に違反しているとき、又はこれらの規定に違反して第四十八条第一項の規定による指導若しくは助言を受けたにもかかわらずなおこれらの規定に違反するおそれがあると認めるときは、当該労働者派遣の役務の提供を受ける者に対し、第四条第三項、第二十四条の二、第四十条の二第一項、第四項若しくは第五項、第四十条の三若しくは第四十条の六第一項の規定に違反する派遣就業を是正するために必要な措置又は当該派遣就業が行われることを防止するために必要な措置をとるべきことを勧告することができる。

Article 49-2 (1) If a person receiving worker dispatching business is in violation of the provisions of Article 4, paragraph (3), Article 24-2, Article 26, paragraph

(7) or (10), Article 40, paragraph (2) or (3), Article 40-2, paragraphs (1), (4), or (5), Article 40-3, or Article 40-6, paragraph (1), or, despite having already received guidance or advice under the provisions of Article 48, paragraph (1) for the person's violation of the above-mentioned provisions, is found likely to be still in violation of the provisions concerned, the Minister of Health, Labor and Welfare may recommend that person receiving worker dispatching business to take measures necessary for correcting the work under a dispatching arrangement violating the provisions of Article 4, paragraph (3), Article 24-2, Article 40-2, paragraph (1), (4), or (5), Article 40-3, or Article 40-6, paragraph (1) or measures necessary for preventing such work under a dispatching arrangement from being carried out.

2 厚生労働大臣は、前項の規定による勧告をした場合において、その勧告を受けた者がこれに従わなかったときは、その旨を公表することができる。

(2) Where the Minister of Health, Labor and Welfare has given recommendations under the provisions of the preceding paragraph, the Minister, if the person receiving such recommendations has not complied with them, may make it public to that effect.

(厚生労働大臣に対する申告)

(Notification to the Minister of Health, Labor and Welfare)

第四十九条の三 労働者派遣をする事業主又は労働者派遣の役務の提供を受ける者がこの法律又はこれに基づく命令の規定に違反する事実がある場合においては、派遣労働者は、その事実を厚生労働大臣に申告することができる。

Article 49-3 (1) If a person in control of the business of carrying out worker dispatch or a person receiving worker dispatching services violates this Act or the provisions of an order based on this Act, a dispatched worker may notify the Minister of Health, Labor and Welfare of such fact.

2 労働者派遣をする事業主及び労働者派遣の役務の提供を受ける者は、前項の申告をしたことを理由として、派遣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。

(2) Neither a business operator carrying out worker dispatch nor a person receiving worker dispatching business must dismiss or otherwise treat disadvantageously a dispatched worker on the ground of the worker's having made the notification referred to in the preceding paragraph.

(報告)

(Reporting)

第五十条 厚生労働大臣は、この法律を施行するために必要な限度において、厚生労働省令で定めるところにより、労働者派遣事業を行う事業主及び当該事業主から労働者派遣の役務の提供を受ける者に対し、必要な事項を報告させることができる。

Article 50 The Minister of Health, Labor and Welfare may, within the limits

necessary for the enforcement of this Act, order persons in control of the business of carrying out worker dispatching business and persons receiving worker dispatching business therefrom to report on necessary particulars, pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare.

(立入検査)

(On-site Inspections)

第五十一条 厚生労働大臣は、この法律を施行するために必要な限度において、所属の職員に、労働者派遣事業を行う事業主及び当該事業主から労働者派遣の役務の提供を受ける者の事業所その他の施設に立ち入り、関係者に質問させ、又は帳簿、書類その他の物件を検査させることができる。

Article 51 (1) The Minister of Health, Labor and Welfare may, within the limits necessary for the enforcement of this Act, have the Ministry's personnel enter the place of business or other facilities of a person in control of the business of carrying out a worker dispatching business or a person receiving worker dispatch business therefrom, question relevant persons, and inspect books, documents, and other items.

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) A personnel who conducts on-site inspection pursuant to the provisions of the preceding paragraph must carry an identification card and present it to the relevant 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) must not be construed as the authority to conduct criminal investigations.

(相談及び援助)

(Counseling and Assistance)

第五十二条 公共職業安定所は、派遣就業に関する事項について、労働者等の相談に応じ、及び必要な助言その他の援助を行うことができる。

Article 52 A public employment security office may, with regard to particulars relating to work under a dispatching arrangement, respond to a request from a worker, etc. for counsel and give assistance such as offering necessary advice.

(労働者派遣事業適正運営協力員)

(Supporters of the Proper Operation of Worker Dispatching Business)

第五十三条 厚生労働大臣は、社会的信望があり、かつ、労働者派遣事業の運営及び派遣就業について専門的な知識経験を有する者のうちから、労働者派遣事業適正運営協

力員を委嘱することができる。

Article 53 (1) The Minister of Health, Labor and Welfare may commission persons, from among those that enjoy public confidence and have expert knowledge and experience concerning the operation of a worker dispatching business and those concerning work under a dispatching arrangement, to act as supporters of the proper operation of a worker dispatching business.

2 労働者派遣事業適正運営協力員は、労働者派遣事業の適正な運営及び適正な派遣就業の確保に関する施策に協力して、労働者派遣をする事業主、労働者派遣の役務の提供を受ける者、労働者等の相談に応じ、及びこれらの者に対する専門的な助言を行う。

(2) A supporter of the proper operation of a worker dispatching business, through cooperation in administrative measures concerning the securing of the proper operation of worker dispatching business and proper work under a dispatching arrangement, may respond to a request for counsel from, and give expert advice to, persons in control of the business of carrying out worker dispatch, persons receiving worker dispatching services, and workers, etc.

3 労働者派遣事業適正運営協力員は、正当な理由がある場合でなければ、その職務に関して知り得た秘密を他に漏らしてはならない。労働者派遣事業適正運営協力員でなくなつた後においても、同様とする。

(3) A supporter of the proper operation of a worker dispatching business must not disclose any secrets learned in the course of duties to any other party without legitimate grounds. The same applies even after the supporter has ceased to be a supporter of the proper operation of a worker dispatching business.

4 労働者派遣事業適正運営協力員は、その職務に関して、国から報酬を受けない。

(4) A supporter of the proper operation of a worker dispatching business is not to receive any remuneration from the State for performing duties as a supporter.

5 労働者派遣事業適正運営協力員は、予算の範囲内において、その職務を遂行するために要する費用の支給を受けることができる。

(5) A supporter of the proper operation of a worker dispatching business may receive payment of the expenses required for the performance of the supporter's duties within the limits of budget.

(手数料)

(Fees)

第五十四条 次に掲げる者は、実費を勘案して政令で定める額の手数料を納付しなければならない。

Article 54 The following persons must pay the fees specified by Cabinet Order by taking into consideration the actual cost involved:

一 第五条第一項の許可を受けようとする者

(i) a person that wishes to obtain the license referred to in Article 5, paragraph (1);

二 第八条第三項の規定による許可証の再交付を受けようとする者

(ii) a person that wishes to obtain a reissuance of a license certificate under the provisions of Article 8, paragraph (3);

三 第十条第二項の規定による許可の有効期間の更新を受けようとする者

(iii) a person that wishes to renew the validity period of a license under the provisions of Article 10, paragraph (2); and

四 第十一条第四項の規定による許可証の書換えを受けようとする者

(iv) a person that wishes to have the person's license certificate updated under the provisions of Article 11, paragraph (4).

(経過措置の命令への委任)

(Delegation of Transitional Measures to Orders)

第五十五条 この法律の規定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おいては、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（罰則に関する経過措置を含む。）を定めることができる。

Article 55 When Cabinet Order or Order of the Ministry of Health, Labor and Welfare is established, amended, or repealed under the provisions of this Act, necessary transitional measures (including transitional measures on penal provisions) may be specified by Cabinet Order or Order of the Ministry of Health, Labor and Welfare, respectively, within limits considered reasonably necessary in connection with the establishment, amendment, or repeal concerned.

(権限の委任)

(Delegation of Authority)

第五十六条 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 56 (1) Part of the authority of the Minister of Health, Labor and Welfare prescribed in this Act may be delegated to prefectural labor directors, pursuant to the provisions of Order of the Ministry of Health, Labor 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 prefectural labor directors pursuant to the provisions of the preceding paragraph may be delegated to the chiefs of public employment security offices, pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare.

(厚生労働省令への委任)

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

第五十七条 この法律に定めるもののほか、この法律の実施のために必要な手続その他の事項は、厚生労働省令で定める。

Article 57 Beyond what is prescribed by this Act, procedures and other particulars necessary for the implementation of this Act is prescribed by Order of the Ministry of Health, Labor and Welfare.

第6章 罰則

Chapter VI Penal Provisions

第五十八条 公衆衛生又は公衆道徳上有害な業務に就かせる目的で労働者派遣をした者は、一年以上十年以下の懲役又は二十万円以上三百万円以下の罰金に処する。

Article 58 Any person that has carried out worker dispatch with the intention of inducing the workers to engage in work injurious to public health or public morals is punished by imprisonment for not less than one year and not more than ten years or a fine of not less than 200,000 yen and not more than 3,000,000 yen.

第五十九条 次の各号のいずれかに該当する者は、一年以下の懲役又は百万円以下の罰金に処する。

Article 59 Any person that falls under any of the following items is punished by imprisonment for not more than one year or a fine of not more than 1,000,000 yen:

一 第四条第一項又は第十五条の規定に違反した者

(i) a person that has violated the provisions of Article 4, paragraph (1) or Article 15;

二 第五条第一項の許可を受けないで労働者派遣事業を行つた者

(ii) a person that has engaged in a worker dispatching business without obtaining the license referred to in Article 5, paragraph (1);

三 偽りその他不正の行為により第五条第一項の許可又は第十条第二項の規定による許可の有効期間の更新を受けた者

(iii) a person that has obtained the license referred to in Article 5, paragraph (1) or renewed the validity period of a license under the provisions of Article 10 paragraph (2), by deception or other wrongful act; or

四 第十四条第二項の規定による処分に違反した者

(iv) a person that has violated a disposition under the provisions of Article 14, paragraph (2).

第六十条 次の各号のいずれかに該当する者は、六月以下の懲役又は三十万円以下の罰金に処する。

Article 60 Any person that falls under either of the following items is punished by imprisonment for not more than six months or a fine of not more than 300,000 yen:

一 第四十九条の規定による処分に違反した者

- (i) a person that has violated a disposition under the provisions of Article 49; or
二 第四十九条の三第二項の規定に違反した者
- (ii) a person that has violated the provisions of Article 49-3, paragraph (2).

第六十一条 次の各号のいずれかに該当する者は、三十万円以下の罰金に処する。

Article 61 Any person that falls under any of the following items is punished by a fine of not more than 300,000 yen:

- 一 第五条第二項（第十条第五項において準用する場合を含む。）に規定する申請書又は第五条第三項（第十条第五項において準用する場合を含む。）に規定する書類に虚偽の記載をして提出した者

(i) a person that has submitted a written application prescribed in Article 5, paragraph (2) (including as applied mutatis mutandis pursuant to Article 10, paragraph (5)) and containing a false statement, or documents prescribed in Article 5, paragraph (3) (including as applied mutatis mutandis pursuant to Article 10, paragraph (5)) and containing a false statement;

- 二 第十一条第一項、第十三条第一項若しくは第二十三条第四項の規定による届出をせず、若しくは虚偽の届出をし、又は第十一条第一項に規定する書類に虚偽の記載をして提出した者

(ii) a person that has failed to submit a notification or has submitted a false notification under the provisions of Article 11, paragraph (1), Article 13, paragraph (1), or Article 23, paragraph (4), or that has entered a false statement and submitted documents prescribed in Article 11, paragraph (1);

- 三 第三十四条、第三十五条の二、第三十五条の三、第三十六条、第三十七条、第四十一条又は第四十二条の規定に違反した者

(iii) a person that has violated the provisions of Article 34, 35-2, 35-3, 36, 37, 41, or 42;

- 四 第三十五条の規定による通知をせず、又は虚偽の通知をした者

(iv) a person that has failed to submit a notification or submitted a false notification under the provisions of Article 35;

- 五 第五十条の規定による報告をせず、又は虚偽の報告をした者

(v) a person that has failed to submit a report or has submitted a false report under the provisions of Article 50; or

- 六 第五十一条第一項の規定による立入り若しくは検査を拒み、妨げ、若しくは忌避し、又は質問に対して答弁をせず、若しくは虚偽の陳述をした者

(vi) a person that has refused, obstructed, or evaded an entry or inspection under the provisions of Article 51, paragraph (1), or that has failed to reply to questions or has given false statements thereto.

第六十二条 法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関して、第五十八条から前条までの違反行為をしたときは、行為者を罰するほか、その法人又は人に対しても、各本条の罰金刑を科する。

Article 62 If a representative of a corporation, or an agent, employee, or other worker of a corporation or individual, has committed a violation under Articles 58 through the immediately preceding Article in connection with the business of the corporation or individual, in addition to the offender being subject to punishment, the corporation or individual is subject to the fines prescribed in the same Articles.

附 則 〔平成二十七年九月十八日法律第七十三号〕 〔抄〕

**Supplementary Provisions [Act No. 73 of September 18, 2015 Extract]
[Extract]**

(施行期日)

(Effective Date)

第一条 この法律は、平成二十七年九月三十日から施行する。ただし、附則第十一条の規定は、公布の日から施行する。

Article 1 This Act comes into effect as of September 30, 2015; provided, however, that the provisions of Article 11 of the Supplementary Provisions come into effect as from the date of promulgation.

(検討)

(Review)

第二条 政府は、この法律の施行後三年を目途として、この法律による改正後の労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律（以下「新法」という。）の施行の状況を勘案し、新法の規定について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 2 (1) Approximately three years after the enforcement of this Act, the government is to review the provisions of the Act on Securing the Proper Operation of Worker Dispatching Business and Protecting Dispatched Workers amended by this Act (hereinafter referred to as the "New Act") by considering the enforcement status of the New Act and, if considered necessary, take necessary measures based on the results of the review.

2 政府は、前項の規定にかかわらず、通常の労働者及び派遣労働者の数の動向等の労働市場の状況を踏まえ、この法律の施行により労働者の職業生活の全期間にわたるその能力の有効な発揮及びその雇用の安定に資すると認められる雇用慣行が損なわれるおそれがあると認められるときは、新法の規定について速やかに検討を行うものとする。

(2) Notwithstanding the provisions of the preceding paragraph, if the government considers, according to the trends in the numbers of regular workers and dispatched workers and other situations in the labor market, that the enforcement of this Act is likely to damage an employment practice that is considered to contribute to the effective demonstration of workers' abilities and

their employment security throughout their working lives, the government is to promptly review the provisions of the New Act.

3 政府は、派遣労働者と派遣労働者の従事する業務と同種の業務に従事する派遣先に雇用される労働者との均等な待遇及び均衡のとれた待遇の確保の在り方について検討するため、調査研究その他の必要な措置を講ずるものとする。

(3) The government is to take such necessary measures as research and study in order to study how to secure equal and balanced treatment between dispatched workers and workers employed by clients and engaged in the same type of work as the work in which dispatched workers are engaged.

(一般労働者派遣事業の許可等に関する経過措置)

(Transitional Measures for License for General Worker Dispatching Business)

第三条 この法律の施行の際現にこの法律による改正前の労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律（以下「旧法」という。）第五条第一項の許可を受けている者は、この法律の施行の日（以下「施行日」という。）に新法第五条第一項の許可を受けたものとみなす。この場合において、当該許可を受けたものとみなされる者に係る同項の許可の有効期間は、施行日におけるその者に係る旧法第十条の規定による許可の有効期間の残存期間と同一の期間とする。

Article 3 (1) A person that, as of the enforcement of this Act, has obtained the license referred to in Article 5, paragraph (1) of the Act on Securing the Proper Operation of Worker Dispatching Business and Protecting Dispatched Workers prior to amendment by this Act (hereinafter referred to as the "Former Act") is deemed to have obtained the license referred to in Article 5, paragraph (1) of the New Act on the date on which this Act came into effect (hereinafter referred to as the "effective date"). In this case, the validity period of the license referred to in the same paragraph and associated with the person that is deemed to have obtained the license is the remainder of the validity period of that person's license under the provisions of Article 10 of the Former Act as of the effective date.

2 この法律の施行の際現にされている旧法第五条第二項の規定によりされた許可の申請は、新法第五条第二項の規定によりされた許可の申請とみなす。

(2) A license application that has been filed pursuant to the provisions of Article 5, paragraph (2) of the Former Act as of the enforcement of this Act is deemed to be a license application filed pursuant to the provisions of Article 5, paragraph (2) of the New Act.

3 この法律の施行の際現に旧法第八条第一項の規定により交付を受けている許可証は、新法第八条第一項の規定により交付を受けた許可証とみなす。

(3) A license certificate granted pursuant to the provisions of Article 8, paragraph (1) of the Former Act as of the enforcement of this Act is deemed to be a license certificate granted pursuant to the provisions of Article 8, paragraph (1) of the New Act.

(欠格事由に関する経過措置)

(Transitional Measures for Causes for Disqualification)

第四条 新法第六条第四号から第七号までの規定は、施行日以後に同条第四号に規定する許可の取消しの処分を受けた者（当該者が法人である場合にあつては、同条第五号に規定する当該法人の役員であった者）又は同条第六号に規定する届出をした者（当該者が法人である場合にあつては、同条第七号に規定する当該法人の役員であった者）について適用し、施行日前に旧法第六条第四号に規定する許可の取消し若しくは命令の処分を受けた者（当該者が法人である場合にあつては、同条第五号に規定する当該法人の役員であった者）又は同条第六号に規定する届出をした者（当該者が法人である場合にあつては、同条第七号に規定する当該法人の役員であった者）の当該許可の取消し若しくは命令の処分又は届出に係る欠格事由については、なお従前の例による。

Article 4 The provisions of Article 6, items (iv) through (vii) of the New Act apply to persons whose licenses are rescinded under the provisions of item (iv) of the same Article on or after the effective date (if these persons are corporations, those persons who were officers of the corporations as referred to in item (v) of the same Article) or persons that submitted notifications under the provisions of item (vi) of the same Article on or after the effective date (if these persons are corporations, those persons who were officers of the corporations as referred to in item (vii) of the same Article). Prior laws continue to govern the dispositions of license rescission and order issuance and the causes for disqualification pertaining to notification with regard to persons that had their licenses rescinded under the provisions of Article 6, item (iv) of the Former Act, or received orders, prior to the effective date (if these persons were corporations, those persons who were officers of the corporations as referred to in item (v) of the same Article) or persons that submitted notifications under the provisions of item (vi) of the same Article prior to the effective date (if these persons were corporations, those persons who were officers of the corporations as referred to in item (vii) of the same Article).

(一般労働者派遣事業の許可の取消し等に関する経過措置)

(Transitional Measures for Rescission of Licenses for General Worker Dispatching Business)

第五条 附則第三条第一項の規定により新法第五条第一項の許可を受けたものとみなされた者に対する新法第十四条第一項の規定による当該許可の取消し又は同条第二項の規定による労働者派遣事業の全部若しくは一部の停止の命令に関しては、施行日前に生じた事由については、なお従前の例による。

Article 5 Prior laws continue to govern the causes, arising prior to the effective date, of license rescission under the provisions of Article 14, paragraph (1) of the New Act and of an order to suspend the whole or part of the operations of a

worker dispatching business under the provisions of paragraph (2) of the same Article, with regard to persons that are deemed to have obtained the license referred to in Article 5, paragraph (1) of the New Act pursuant to the provisions of Article 3, paragraph (1) of the Supplementary Provisions.

(特定労働者派遣事業に関する経過措置)

(Transitional Measures for Specified Worker Dispatching Business)

第六条 この法律の施行の際現に旧法第十六条第一項の規定により届出書を提出して特定労働者派遣事業（旧法第二条第五号に規定する特定労働者派遣事業をいう。）を行っている者は、施行日から起算して三年を経過する日までの間（当該期間内に第四項の規定により労働者派遣事業の廃止を命じられたとき、又は新法第十三条第一項の規定により労働者派遣事業を廃止した旨の届出をしたときは、当該廃止を命じられた日又は当該届出をした日までの間）は、新法第五条第一項の規定にかかわらず、引き続きその事業の派遣労働者（業として行われる労働者派遣の対象となるものに限る。）が常時雇用される労働者のみである労働者派遣事業を行うことができる。その者がその期間内に同項の許可の申請をした場合において、その期間を経過したときは、その申請について許可又は不許可の処分がある日までの間も、同様とする。

Article 6 (1) A person that, as of the enforcement of this Act, has started to carry out a specified worker dispatching business (referring to the specified worker dispatching business defined in Article 2, item (v) of the Former Act) after submitting a notification pursuant to the provisions of Article 16, paragraph (1) of the Former Act may, notwithstanding the provisions of Article 5, paragraph (1) of the New Act, continuously carry out a worker dispatching business in which dispatched workers (limited to those who become the subjects of worker dispatch carried out in the course of trade) consist solely of regularly employed workers, during a period of three years counting from the effective date (if the person receives an order for discontinuance of the worker dispatching business pursuant to the provisions of paragraph (4) or submits a notification of discontinuance of the worker dispatching business pursuant to the provisions of Article 13, paragraph (1) of the New Act within the period, until the day of the order or notification). If the period elapses after the person has applied for the license referred to in Article 5, paragraph (1) of the New Act within the period, the same applies until the decision on whether to grant the license under application is made.

2 前項の規定による労働者派遣事業に関しては、新法第五条、第七条から第十条まで、第十一条第一項後段及び第二項から第四項まで、第十三条第二項、第十四条並びに第五十四条の規定は適用しないものとし、新法の他の規定の適用については、当該労働者派遣事業を行う者を新法第二条第四号に規定する派遣元事業主とみなす。この場合において、新法第十一条第一項中「第五条第二項各号に掲げる」とあるのは「労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律等の一部を改正する法律（平成二十七年法律第七十三号）第一条の規定による改正前の労働者派遣事業

の適正な運営の確保及び派遣労働者の保護等に関する法律（以下「平成二十七年改正前法」という。）第十六条第一項の届出書に記載すべきこととされた」と、新法第二十六条第三項中「第五条第一項の許可を受けている」とあるのは「平成二十七年改正前法第十六条第一項の規定により届出書を提出している」とするほか、必要な読替えは、政令で定める。

- (2) The provisions of Article 5, Articles 7 through 10, the second sentence of paragraph (1) and paragraphs (2) through (4) of Article 11, Article 13, paragraph (2), Article 14, and Article 54 of the New Act do not apply to worker dispatching business under the provisions of the preceding paragraph. With regard to the application of the other provisions of the New Act, a person carrying out such worker dispatching business is deemed to be a dispatching business operator as defined in Article 2, item (iv) of the New Act. In this case, the term "set forth in each item of Article 5, paragraph (2)" in Article 11, paragraph (1) of the New Act is deemed to be replaced with "to be stated in the written notice referred to in Article 16, paragraph (1) of the Act for Securing the Proper Operation of Worker Dispatching Business and Protecting Dispatched Workers prior to amendment (hereinafter referred to as the "Act prior to the 2015 Amendment") by the provisions of Article 1 of the Act Partially Amending the Act for Securing the Proper Operation of Worker Dispatching Business and Protecting Dispatched Workers (Act No. 73 of 2015)," the term "has obtained the license referred to in Article 5, paragraph (1)" in Article 26, paragraph (3) of the New Act is deemed to be replaced with "has submitted a written notice pursuant to the provisions of Article 16, paragraph (1) of the Act prior to the 2015 Amendment," and the necessary replacement of other terms is prescribed by Cabinet Order.
- 3 第一項の規定による労働者派遣事業を行う者は、旧法第十六条第一項の届出書を提出した旨その他厚生労働省令で定める事項を記載した書類を、労働者派遣事業を行う事業所ごとに備え付けるとともに、関係者から請求があったときは提示しなければならない。
- (3) A person carrying out a worker dispatching business under the provisions of paragraph (1) must keep documents stating the fact that that person submitted the written notice referred to in Article 16, paragraph (1) of the Former Act and other particulars specified by Order of the Ministry of Health, Labor and Welfare at each place of business at which the worker dispatching business is carried out, and must present such documents to relevant persons upon request.
- 4 厚生労働大臣は、第一項の規定による労働者派遣事業を行う者が新法第六条各号（第四号から第七号までを除く。）のいずれかに該当するとき、又は施行日前に旧法第四十八条第三項の規定による指示を受け、若しくは施行日以後に新法第四十八条第三項の規定による指示を受けたにもかかわらず、なお新法第二十三条第三項若しくは第二十三条の二の規定に違反したときは当該労働者派遣事業の廃止を、当該労働者派

遣事業（二以上の事業所を設けて当該労働者派遣事業を行う場合にあつては、各事業所ごとの当該労働者派遣事業。以下この項において同じ。）の開始の当時旧法第六条第四号から第七号までのいずれかに該当するときは当該労働者派遣事業の廃止を、命ずることができる。

(4) If a person carrying out a worker dispatching business under the provisions of paragraph (1) falls under any of the items (excluding items (iv) through (vii)) of Article 6 of the New Act, or is still in violation of the provisions of Article 23, paragraph (3) or Article 23-2 of the New Act even after receiving instructions under Article 48, paragraph (3) of the Former Act before the effective date or receiving instructions under the provisions of Article 48, paragraph (3) of the New Act on or after the effective date, the Minister of Health, Labor and Welfare may order the person to discontinue the operations of the worker dispatching business. In the case where such a person falls under any of items (iv) through (vii) of Article 6 of the Former Act at the commencement of the worker dispatching business (if the person has established two or more places of business to carry out the worker dispatching business, the worker dispatching business carried out at each of those places of business; hereinafter the same applies in this paragraph), the Minister of Health, Labor and Welfare may order the person to discontinue the operations of the worker dispatching business.

5 厚生労働大臣は、第一項の規定による労働者派遣事業を行う者が施行日前に旧法（第三章第四節の規定を除く。）の規定若しくは当該規定に基づく命令若しくは処分に違反したとき、若しくは施行日以後に新法（第三章第四節の規定を除く。）の規定若しくは当該規定に基づく命令若しくは処分に違反したとき、又は職業安定法（昭和二十二年法律第百四十一号）の規定若しくは当該規定に基づく命令若しくは処分に違反したときは、期間を定めて当該労働者派遣事業の全部又は一部の停止を命ずることができる。

(5) If a person carrying out a worker dispatching business under the provisions of paragraph (1) violates any of the provisions of the Former Act (excluding the provisions of Chapter III, Section 4 thereof) or any order or disposition based on those provisions before the effective date, violates any of the provisions of the New Act (excluding the provisions of Chapter III, Section 4 thereof) or any order or disposition based on those provisions on or after the effective date, or violates any of the provisions of the Employment Security Act (Act No. 141 of 1947) or any order or disposition based on those provisions, the Minister of Health, Labor and Welfare may order the person to discontinue the whole or part of the operations of the worker dispatching business for a designated period of time.

6 前二項の規定による処分に違反した者は、一年以下の懲役又は百万円以下の罰金に処する。

(6) Any person that violates a disposition under the preceding two paragraphs is

punished by imprisonment for not more than one year or a fine of not more than 1,000,000 yen.

7 法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関して、前項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、同項の罰金刑を科する。

(7) If a representative of a corporation, or an agent, employee, or other worker of a corporation or individual, commits a violation referred to in the preceding paragraph in connection with the business of the corporation or individual, in addition to the offender being subject to punishment, the corporation or individual is subject to the fine referred to in the same paragraph.

(労働者派遣の期間に係る経過措置)

(Transitional Measures for the Period of Worker Dispatch)

第七条 新法第三十五条の三の規定は、施行日以後に締結される労働者派遣契約に基づき行われる労働者派遣について適用する。

Article 7 The provisions of Article 35-3 of the New Act apply to worker dispatch carried out under a worker dispatch contract concluded on or after the effective date.

(派遣元管理台帳及び派遣先管理台帳に関する経過措置)

(Transitional Measures for Management Record of Dispatching Business and Management Record of a Client)

第八条 新法第三十七条第一項第八号の規定は、施行日以後に新法第三十条第一項（同条第二項の規定により読み替えて適用する場合を含む。）の規定により講じられる措置について適用する。

Article 8 (1) The provisions of Article 37, paragraph (1), item (viii) of the New Act apply to measures taken pursuant to the provisions of Article 30, paragraph (1) of the New Act (including as applied pursuant to the provisions of paragraph (2) of the same Article following the replacement of terms) on or after the effective date.

2 新法第三十七条第一項第九号及び第四十二条第一項第九号の規定は、施行日以後に行われる教育訓練について適用する。

(2) The provisions of Article 37, paragraph (1), item (ix) and Article 42, paragraph (1), item (ix) of the New Act apply to educational training provided on or after the effective date.

(労働者派遣の役務の提供を受ける期間に関する経過措置)

(Transitional Measures for the Period of Receiving a Worker Dispatching Services)

第九条 新法第四十条の二の規定は、施行日以後に締結される労働者派遣契約に基づき行われる労働者派遣について適用し、施行日前に締結された労働者派遣契約に基づき

行われる労働者派遣については、なお従前の例による。

Article 9 (1) The provisions of Article 40-2 of the New Act apply to worker dispatching carried out under a worker dispatch contract concluded on or after the effective date. Prior laws continue to govern worker dispatch carried out under a worker dispatch contract concluded before the effective date.

2 新法第四十条の三の規定は、施行日以後に締結される労働者派遣契約に基づき行われる労働者派遣について適用する。

(2) The provisions of Article 40-3 of the New Act apply to worker dispatch carried out under a worker dispatch contract concluded on or after the effective date.

(罰則に関する経過措置)

(Transitional Measures for Penal Provisions)

第十条 施行日前にした行為並びに附則第五条及び前条第一項の規定によりなお従前の例によることとされる場合における施行日以後にした行為に対する罰則の適用については、なお従前の例による。

Article 10 Prior laws continue to govern the application of penal provisions to acts committed before the effective date, and also acts committed on or after the effective date in the case where those acts are designated as continuously subject to prior laws pursuant to the provisions of Article 5 and paragraph (1) of the preceding Article of the Supplementary Provisions.

(政令への委任)

(Delegation to Cabinet Order)

第十一条 この附則に規定するもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 11 Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes transitional measures necessary for the enforcement of this Act.

附 則 〔平成二十八年三月三十一日法律第十七号〕〔抄〕

Supplementary Provisions [Act No. 17 of March 31, 2016 Extract]

[Extract]

(施行期日)

(Effective Date)

第一条 この法律は、平成二十九年一月一日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act comes into effect as of January 1, 2017; provided, however, that the provisions set forth in the following items come into effect as from the dates prescribed in the respective items:

一 第七条の規定並びに附則第十三条、第三十二条及び第三十三条の規定 公布の日

(i) the provisions of Article 7 and the provisions of Articles 13, 32, and 33 of the Supplementary Provisions: the date of promulgation

(罰則に関する経過措置)

(Transitional Measures for Penal Provisions)

第十三条 附則第一条第一号に掲げる規定の施行前にした行為に対する罰則の適用については、なお従前の例による。

Article 13 Prior laws continue to govern the application of penal provisions to acts committed prior to the enforcement of the provisions set forth in Article 1, item (i) of the Supplementary Provisions.

(検討)

(Review)

第十四条 政府は、この法律の施行後五年を経過した場合において、第五条、第六条及び第八条の規定による改正後の規定の施行の状況について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 14 After five years have elapsed since the enforcement of this Act, the government is to review the enforcement status of the provisions of this Act amended by the provisions of Articles 5, 6, and 8 and, if considered necessary, take necessary measures based on the results of the review.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

第三十三条 この附則に規定するもののほか、この法律の施行に伴い必要な経過措置は、政令で定める。

Article 33 Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes transitional measures necessary for the enforcement of this Act.