

Employment Security Act

(Act No. 141 of November 30, 1947)

Chapter I General Provisions

(Purpose of the Act)

Article 1 The purpose of this Act, in conjunction with the Act on Comprehensive Promotion of Labor Policies, Stability of Employment of Workers and Enhancement of Vocational Life (Act No. 132 of 1966), is to provide every person with the opportunity to secure a job suited to their abilities and to supply industry with the workforce it requires; This is accomplished by enabling public employment security offices and other employment security organizations to offer services such as employment placement, with the cooperation of relevant administrative authorities and related organizations. Furthermore, the Act ensures the appropriate operation of employment placement services by persons other than employment security agencies, considering the role these services should play in the proper and smooth coordination of labor supply and demand, thereby securing employment stability and contributing to economic and societal development.

(Freedom of Choice in Employment)

Article 2 Every person has the right to freely choose a job, so long as this does not conflict with the public welfare.

(Equal Treatment)

Article 3 No person will be treated discriminatorily in matters such as employment placement or vocational guidance on the grounds of race, nationality, creed, sex, social status, family origin, previous profession, labor union membership, or any other similar characteristic; provided, however, that this does not apply if otherwise provided for in a collective agreement entered into between an employer and a labor union under the Labor Union Act (Act No. 174 of June, 1949).

(Definitions)

Article 4 (1) The term "employment placement" as used in this Act refers to receiving applications to post job openings and job-seeking applications, and acting as an intermediary to establish employment relationships between job posters and job seekers.

(2) The term "free employment placement" as used in this Act refers to

employment placement conducted without receiving a commission or other compensation for it, regardless of what it is called.

- (3) The term "paid employment placement" as used in this Act refers to employment placement other than free employment placement.
- (4) The term "vocational guidance" as used in this Act refers to guidance provided to individuals seeking employment, facilitating their choice of jobs suited to their abilities and to enhancing their adaptability to those jobs, through practical training, courses, instructions, advice, information provision or other such methods.
- (5) The term "worker recruitment" as used in this Act refers to an entity seeking to employ a worker, soliciting individuals aspiring to become workers either directly or through a third party.
- (6) The term "providing recruitment/candidate information" as used in this Act refers to any of the acts set forth in the following items:
 - (i) An act of providing information on worker recruitment, at the request of a person recruiting workers, etc. (meaning a person recruiting workers, a commissioned recruiter (meaning a commissioned recruiter as provided in Article 39; the same applies in item (iii), Article 5-3, paragraph (1), Article 5-4, paragraphs (1) and (2), and Article 5-5, paragraph (1)), or a provider of employment placement services or other persons provided for by Order of the Ministry of Health, Labour and Welfare (hereinafter referred to as the "provider of employment placement services, etc." in this paragraph); the same applies in item (iv)), to an aspiring worker, or another provider of employment placement services, etc.;
 - (ii) In addition to what is set forth in the preceding item, the act of collecting information on worker recruitment for the purpose of facilitating the choice of occupations for aspiring workers, and providing such information to an aspiring worker, etc. (referring to an aspiring worker, or a provider of employment placement services, etc.; the same applies in the following item);
 - (iii) An act of providing information on aspiring workers to a person recruiting workers, a commissioned recruiter, or another provider of employment placement services, etc. at the request of an aspiring worker, etc.;
 - (iv) In addition to what is set forth in the preceding item, the act of collecting information on aspiring workers, with the aim of facilitating the securing of the required workforce by those recruiting workers and providing such information to such recruiters, etc.
- (7) The term "providing recruitment/candidate information in a specific manner" as used in this Act refers to the act of providing recruitment/candidate information that is conducted by collecting information on aspiring workers.
- (8) The term "worker supply" as used in this Act refers to having a worker work under the direction and orders of another person based upon a supply contract,

and does not include anything that constitutes worker dispatch as provided in Article 2, item (i) of the Act on Securing the Proper Operation of Worker Dispatching Businesses and Protecting Dispatched Workers (Act No. 88 of 1985; hereinafter referred to as the "Worker Dispatching Act").

- (9) The term "specified local public entity" as used in this Act refers to a local public entity that provides free employment placement services pursuant to the provisions of Article 29, paragraph (1).
- (10) The term "employment placement service provider" as used in this Act refers to a person who provides employment placement services after either obtaining license as referred to in Article 30, paragraph (1) or Article 33, paragraph (1), or filing the notification under the provisions of Article 33-2, paragraph (1) or Article 33-3, paragraph (1).
- (11) The term "provider of recruitment/candidate information in a specified manner" as used in this Act refers to a person offering the service of providing recruitment/candidate information in a specified manner after filing the notification under the provisions of Article 43-2, paragraph (1).
- (12) The term "provider of worker supply services" as used in this Act refers to a labor union or equivalent entity (meaning a labor union under the Labor Union Act or other entity equivalent thereto that is provided for by Order of the Ministry of Health, Labour and Welfare; the same applies hereinafter) that provides the worker supply services pursuant to the provisions of Article 45.
- (13) The term "personal information" as used in this Act refers to information concerning an individual, from which a specific individual can be identified (including information from which a specific individual can be identified when cross-checked against other information).

(Operations of the Government)

Article 5 The government undertakes the following operations in order to accomplish the purpose referred to in Article 1:

- (i) ensuring the appropriate and smooth coordination of workforce supply and demand;
- (ii) establishing and endeavoring to implement the necessary policies to provide employment opportunities for the unemployed;
- (iii) providing free employment placement services to help job seekers promptly obtain jobs that are suited to their abilities and to provide job posters with the workforce that they need;
- (iv) providing guidance and supervision for employment placement, worker recruitment, the service of providing recruitment/candidate information, worker supply services, and worker dispatch services that are provided for in Article 2, item (iii) of the Worker Dispatching Act and the services to secure employment opportunities for construction workers that are provided for in

Article 2, paragraph (10) of the Act on the Improvement of Employment of Construction Workers (Act No. 33 of 1976; hereinafter referred to as the "Construction Work Act") (hereinafter referred to as "worker dispatch and construction worker services") is carried out by persons other than the government (excluding specified local public entities carrying out free employment placement services pursuant to the provisions of Article 29, paragraph (1) and local public entities carrying out the service of providing recruitment/candidate information), this is done in a way that promotes the interests of workers and the public;

- (v) providing job seekers with the necessary vocational guidance;
- (vi) improving the management of operations at public employment security offices, with the cooperation of individuals, organizations, schools, and related administrative authorities; and
- (vii) providing employment placement or vocational guidance for persons who are entitled to receive benefits pursuant to the provisions of the Employment Insurance Act (Act No. 116 of 1974), and ensuring the smooth operation of the employment insurance system.

(Cooperation of Employment Security Agencies and Specified Local Public Entities)

Article 5-2 (1) An employment security agency, specified local public entity, employment placement service provider, person offering the service of providing recruitment/candidate information, or worker supply service provider must endeavor to cooperate with one another in matters such as enhancing employment information and improving the technology for coordinating workforce supply and demand, in order to ensure the appropriate and smooth coordination of workforce supply and demand.

(2) A public employment security office and specified local public entity or employment placement service provider must endeavor to cooperate with one another with respect to employment placement, in order to enable job seekers to obtain jobs that are suited to their abilities in the geographic areas where they wish to work.

(Explicitly Indicating the Working Conditions)

Article 5-3 (1) In carrying out employment placement, a public employment security office, specified local public entity, or employment placement service provider must explicitly indicate to a job seeker the nature of the work in which that person is to engage, along with their working conditions such as wages and working hours; in carrying out worker recruitment, a person recruiting workers or commissioned recruiter must explicitly indicate these details to an aspiring worker; similarly, in carrying out worker supply,

provider of worker supply services must indicate these details to a person to be supplied.

- (2) When applying for a job opening posting, a job poster must explicitly indicate to a public employment security office, specified local public entity, employment placement service provider the nature of the work in which the job seeker would engage, as well as the wages, working hours, and such conditions; similarly, a person seeking to have a worker supplied must explicitly indicate to a provider of worker supply services, the nature of the work in which the worker to be supplied would engage, as well as the wages, working hours, and other such conditions, in advance.
- (3) If a job poster wishes to enter into a labor contract with a job seeker, introduced by the public employment security office, a specified local public entity, or a person recruiting workers wishes to enter into a contract with an aspiring worker, or if a person seeking to have a worker supplied to it (only if it will employ the worker who is supplied to it) wishes to enter into a contract with a supplied worker; and changes the substance, wages, working hours, or other working conditions of the work in which the relevant person would engage (hereinafter referred to as the "substance of the job or work to be engaged in" in this paragraph) that have been explicitly indicated to that person pursuant to the provisions of paragraph (1), or in any other case prescribed by Order of the Ministry of Health, Labour and Welfare, it must explicitly indicate to the person seeking to be the other party to the contract the substance of the job or work to be engaged in that it is changing and the other particulars specified by Order of the Ministry of Health, Labour and Welfare.
- (4) With respect to the particulars of wages and working hours and the other particulars prescribed by Order of the Ministry of Health, Labour and Welfare, Labour and Welfare, an explicit indication under the preceding three paragraphs must be made by employing a method by Order of the Ministry of Health, Labour and Welfare.

(Accurately Representing Information on Job Openings)

Article 5-4 (1) In providing information on job openings or worker recruitment, information on job seekers or aspiring workers, or other information provided for by Order of the Ministry of Health, Labour and Welfare (referred to as "information on job openings, etc." in paragraph (3)) in relation to operations conducted under this Act by placing an advertisement in a publication such as a newspaper or magazine, by posting or distributing documents, or by other methods provided by Order of the Ministry of Health, Labour and Welfare (hereinafter referred to as "advertisement, etc." in this Article), a public employment security office, specified local public entity and employment

placement service provider, person recruiting workers and commissioned recruiters, person offering the service of providing recruitment/candidate information, and provider of worker supply services must not make a false or misleading representation regarding the information.

(2) A person recruiting workers and commissioned recruiters must keep the information accurate and up-to-date when providing information on worker recruitment or other information as provided for by Order of the Ministry of Health, Labour and Welfare in relation to operations conducted under this Act through advertisement, etc.

(3) In providing information on job openings, etc., in relation to operations conducted under this Act by advertisement, etc., a public employment security office, specified local public entity, employment placement service provider, person offering the service of providing recruitment/candidate information, and provider of worker supply services must take measures to keep the information accurate and up-to-date pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(Handling of the Personal Information of Job Seekers and Aspiring Workers)

Article 5-5 (1) When a public employment security office, specified local public entity, employment placement service provider or job poster, a person recruiting workers or commissioned recruiter, a provider of recruitment/candidate information in a specified manner, or a provider of worker supply services or a person seeking to have a worker supplied to it (referred to as a "public employment security office, etc." in the following paragraph) collect, retain, or use personal information of a job seeker, aspiring worker, or supplied worker (hereinafter referred to as the "personal information of a job seeker, etc." in this Article) in relation to their respective operations, the public employment security office, etc. must collect the personal information of a job seeker, etc. by clarifying the purpose of its operations pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, to the extent necessary to achieve the purpose, and must retain and use this information within the scope of the purpose of the collection. However, this does not apply if the person concerned has consented or if there is any other justifiable reason.

(2) A public employment security office, etc. must take the necessary measures to appropriately manage the personal information of a job seeker.

(Applying to Post a Job Opening)

Article 5-6 (1) A public employment security office, specified local public entity, or employment placement service provider must accept all applications to post job openings. However, it may reject an application falling under any of the

following items:

- (i) an application to post a job whose substance violates a law or regulation;
 - (ii) an application to post a job opening for which the wages, working hours, or other such working conditions that constitute its substance are found to be remarkably inappropriate in comparison to ordinary working conditions;
 - (iii) an application to post a job opening from a person who has been subjected to a disposition, public announcement, or other such measures under the law for violating the provisions of labor-related laws specified by Cabinet Order (limited to cases provided for by Order of the Ministry of Health, Labour and Welfare);
 - (iv) an application to post a job opening that does not explicitly indicate the information under the provisions of Article 5-3, paragraph (2);
 - (v) an application to post a job opening that is from any of the persons set forth in the following items:
 - (a) a member of an organized crime group as provided for in Article 2, item (vi) of the Act on Prevention of Unjust Acts by Organized Crime Group Members (Act No. 77 of 1991; hereinafter referred to as a "member of an organized crime group" in this item and Article 32);
 - (b) a corporation, any of whose officers (referring to a member who executes the corporation's operations, a director, an executive officer, or person in an equivalent position, and including a consultant, advisor or any other person, irrespective of their title, who is deemed to have at least the same level of control over the corporation as a member who executes the corporation's operations, a director, an executive officer, or a person in an equivalent position; the same applies in Article 32) is a member of an organized crime group; or
 - (c) a person whose business activities are controlled by a member of an organized crime group;
 - (vi) an application to post a job opening that is from a person who has failed to fulfill a request under the provisions of the following paragraph without reasonable grounds.
- (2) When finding it necessary to do so in order to check whether an application to post a job opening falls under any of the items of the preceding paragraph, a public employment security office, specified local public entity, or employment placement service provider may request a report from the job poster.
- (3) Upon receipt of a request under the provisions of the preceding paragraph, a job poster must comply with the request unless there are legitimate grounds for not doing so.

(Filing a Job-Seeking Application)

Article 5-7 (1) A public employment security office, specified local public entity,

or employment placement service provider must accept all job-seeking applications. However, they reserve the right to reject any application that violates a law or regulation.

- (2) A public employment security office, specified local public entity, or employment placement service provider may implement testing and skills assessments if it finds this necessary for determining a job seeker's suitability for a particular kind of work.

(Referring Job Seekers to Employment Suitable for Their Abilities)

Article 5-8 A public employment security office, specified local public entity, and employment placement service provider must endeavor to introduce job seekers to occupations that suits their abilities, and must aim to recommend job seekers to employers who match the poster's employment conditions.

Chapter II Employment Placement and Vocational Guidance by Employment Security Agencies Section 1 General Rules

(Authority of the Director-General of the Main Employment Security Bureau)

Article 6 The Director-General of the main employment security bureau (hereinafter referred to as the "Director-General", an internal bureau of the Ministry of Health, Labour and Welfare responsible for employment placement, career guidance, and other employment stability-related matters (the same applies in Article 9), operates under the direction and supervision of the Minister of Health, Labour and Welfare. The Director-General oversees and directs prefectural Labour Bureau Chiefs in matters related to the implementation of this law; The Director-General is also responsible for establishing standards for supervision of public employment security offices, planning and implementing measures to meet the labor needs of industries planning and implementing unemployment countermeasures, determining the primary labor supplies and demanding zones to balance labor supply and demand, planning and implementing career guidance, managing other necessary tasks related to the implementation of this law, and directing and supervising the staff under their jurisdiction.

(Authority of Prefectural Labor Directors)

Article 7 The prefectural labor directors, under the direction and supervision of the Director-General of the main employment security bureau, oversee operations concerning communication and coordination in the functions operations of public employment security offices, and direct and supervise personnel under their jurisdiction and the chiefs of public employment security

offices. They also direct and supervise their subordinate staff and the heads of public employment security officers with respect to matters related to the enforcement of this Act.

(Public Employment Security Offices)

Article 8 (1) A public employment security office is an agency that serves the public free of charge, providing employment placement, vocational guidance, employment insurance, and performing other operations that need to be performed to accomplish the purpose of this Act.

(2) The chiefs of public employment security offices, under the direction and supervision of the prefectural labor directors, oversee the administrative functions of their respective public employment security offices, and direct and supervise personnel under their jurisdiction.

(Qualifications of Personnel)

Article 9 In order to ensure that the operations of public employment security offices and other employment security agencies are carried out effectively, personnel who exclusively engage in operations that implement this Act at the main employment security bureau, prefectural labor offices, or public employment security offices must be persons who have the qualifications and experience that the National Personnel Authority prescribes.

Article 9-2 (1) An employment facilitation advisor is assigned at each public employment security office.

(2) An Employment Facilitation Advisor is to provide vocational guidance based on specialized knowledge, primarily to persons who have received directives under Article 26, paragraph (1) or (2) of the Act on Stabilization of Employment of Elderly Persons (Act No. 68 of 1971).

(3) In addition to what is provided for in the preceding two paragraphs, the Minister of Health, Labour and Welfare establishes the necessary particulars related to employment facilitation advisors.

(Cooperation with District Transport Bureaus)

Article 10 The public employment security office is obligated to cooperate in the tasks related to the employment of mariners, which are carried out by the District Transport Bureau Chiefs (including the Chiefs of the Maritime Traffic Control Divisions).

(Affairs Conducted by Municipalities)

Article 11 (1) The municipal mayor having jurisdiction over an area designated by the Minister of Health, Labour and Welfare as one in which it is found

difficult to file applications for job openings or job-seeking applications directly with a public employment security office due to inconvenient access (hereinafter referred to as a "designated area" in this paragraph) carries out the following:

- (i) acting as an intermediary to relay applications to post job openings from places of business located in designated areas and job-seeking applications from job seekers residing in designated areas to the public employment security office concerned;
 - (ii) investigating the details that need to be investigated in connection with employment placement involving job posters with the place of business located in designated areas and job seekers who reside in designated areas, as requested by the relevant public employment security office; and
 - (iii) making information from the relevant public employment security office concerning job openings or job seeking known to job posters with places of business located in designated areas or to job seekers who reside in designated areas.
- (2) The chief of the relevant public employment security office may issue the necessary instructions to the mayor of a municipality on finding that this is particularly necessary in connection with the affairs referred to in the preceding paragraph.
- (3) The mayor of a municipality must not collect actual costs or any other fee from a job poster or job seeker for the affairs referred to in paragraph (1), under any name.
- (4) The affairs to be conducted by municipalities pursuant to the provisions of paragraph (1) are type-1 statutory entrusted functions as provided in Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947).

Article 12 Deleted

(Form for Reporting on Operations)

- Article 13 (1) The Director-General of the main employment security bureau must establish the forms for reporting on operations that prefectural labor offices and public employment securities offices are to do pursuant to the provisions of this Act.
- (2) Prefectural labor offices or public employment security offices must report on their operations by the forms referred to in the preceding paragraph.

(Surveys on Workforce Supply and Demand)

- Article 14 To facilitate the appropriate and smooth adjustment of workforce supply and demand, the Director-General of the main employment security bureau must endeavor to collect information on the status of employment and

unemployment; this is based on surveys, reports, and other related data concerning workforce supply and demand from prefectural labor bureaus and public employment security offices. They must also endeavor to implement necessary measures, such as organizing, analyzing, and publicizing this information.

(Standard Job Titles)

Article 15 Based on the results of investigations and research related to employment, the Director-General of the main employment security bureau must establish standard job titles to be commonly used in employment placement services, worker recruitment, and worker supply services, prepare job descriptions and occupational classification tables, and endeavor to put these into widespread use.

(Standards for Employment Placement)

Article 16 The Minister of Health, Labour and Welfare may establish the necessary standards for implementing employment placement and vocational guidance for individuals with physical or mental disabilities, those seeking to enter a new profession, middle-aged and older unemployed persons, and others who require special considerations in terms of gaining employment.

Section 2 Employment Placement

(Geographical Area of Employment Placement)

Article 17 (1) As much as possible, a public employment security office must endeavor to refer job seekers to positions that do not necessitate a change of domicile or residence at the time of employment.

(2) If a public employment security office cannot match a job seeker with an employment opportunity that aligns with their desires and abilities within its jurisdiction, or if it cannot provide a job poster with suitable job seekers or the desired number of job seekers, it is to expand its employment placement activities to cover a wider geographical area.

(3) Neighboring public employment security offices must endeavor to cooperate with one another as much as possible to carry out the employment placement activities covering a wide geographical area which are referred to in the preceding paragraph.

(4) Necessary particulars related to the employment placement activities covering a wide geographical area which are referred to in paragraph (2) are specified by Order of the Ministry of Health, Labour and Welfare.

(Development of Job Openings and Job Searches)

Article 18 (1) In addition to duties performed based on the provisions of other Acts, a public employment security office, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, is to undertake the necessary development of job openings and job searches in order to provide job seekers with opportunities to obtain jobs suited to their abilities, and to enable job posters to secure the workforce they require.

(2) A public employment security office may request information and other necessary communication and cooperation from local public entities, employer organizations, labor unions, and other relevant parties in relation to the development of job openings and job searches under the preceding paragraph.

(Providing Information on Operations)

Article 18-2 Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, a public employment security office is to provide job seekers and job posters with information about the particulars provided in Article 32-16, paragraph (3) concerning specified local public entities or employment placement service providers (excluding one that has been issued an order under Article 32-9, paragraph (2) or any other person prescribed by Order of the Ministry of Health, Labour and Welfare as a person whose employment placement services operations are inappropriate for public employment security offices to provide information about it to job seekers or job posters; hereinafter the same applies in this paragraph), information about the number of persons who were hired at the referral of specified local public entities or employment placement service providers and had their moving expenses paid under Article 58 of the Employment Insurance Act, and information about employment placement services operations.

(Arrangement of Public Vocational Training)

Article 19 A public employment security office is to make arrangements for job seekers to undergo vocational training conducted by public facilities for career skills development (including that conducted by the Polytechnic University).

(Non-Intervention in Labor Disputes)

Article 20 (1) In order to maintain a neutral position regarding labor disputes, a public employment security office must not refer a job seeker to a place of business where there is an ongoing strike or lock-out.

(2) Other than in the case as prescribed in the preceding paragraph, if a labor relations commission notifies a public employment security office that a dispute which is likely to develop into a strike or lock-out has arisen at a place of business, and that the unrestricted referral of job seekers would impede the settlement of the dispute, the public employment security office must not refer

job seekers to that place of business; provided, however, that this does not apply referring workers to the extent needed for the place of business to maintain the number of workers normally employed prior to the occurrence of the dispute.

(Provisions on Implementation)

Article 21 Procedures for employment placement and other necessary particulars related to employment placement are specified by Order of the Ministry of Health, Labour and Welfare.

Section 3 Vocational Guidance

(Implementation of Vocational Guidance)

Article 22 A public employment security office must provide vocational guidance to persons with physical or mental disabilities, new job seekers, and others in need of special guidance with regard to obtaining employment.

(Aptitude Testing)

Article 23 When finding it to be necessary to do so, a public employment security office may conduct aptitude testing for persons receiving vocational guidance.

(Coordination with Public Facilities for Career Skills Development)

Article 24 A public employment security office may request necessary cooperation from a public facility for career skills development and other persons concerned if it finds that it is necessary to provide persons receiving vocational guidance with information, consultations, or any other assistance related to the vocational training conducted by a public facility for career skills development (including that conducted by the Polytechnic University).

(Provisions on Implementation)

Article 25 Vocational guidance methods and other necessary particulars related to vocational guidance are specified by Order of the Ministry of Health, Labour and Welfare.

Section 4 Employment Placement for Students, Pupils, and Graduates

(Employment Placement of Students, Pupils)

Article 26 (1) In connection with employment placement by a school as provided in Article 1 of the School Education Act (Act No. 26 of 1947) (hereinafter referred to as a "school") for its students or pupils, or persons who have graduated from or left that school (excluding those prescribed by Cabinet

Order; hereinafter referred to as a "student, pupil, etc."), public employment security offices must cooperate with the school to provide employment information and the results of occupational surveys and research to the students, pupils, etc. They must also offer vocational guidance, and, through communication among public employment security offices, endeavor to uncover as many job openings as deemed appropriate to refer students, pupils, etc., and endeavor to match them with jobs suited to their abilities.

- (2) A public employment security office must cooperate in the vocational guidance that a school provides to its students and pupils.
- (3) To effectively and efficiently provide vocational guidance to students, pupils, etc., a public employment security office is to cooperate with schools and other relevant parties to offer opportunities for students to experience employment, to consult with career consultants as provided for in Article 30-3 of the Human Resources Development Promotion Act (Act No. 64 of 1969), and to implement other necessary measures to deepen the students' or pupils' interest and understanding of career choices.

(Schools' Undertaking of the Operations of Public Employment Security Offices)

Article 27 (1) When finding it to be necessary to do so in order to smoothly carry out employment placement for current and former students and pupils, the chief of a public employment security office may assign a part of the operations of a public employment security office to the head of a school, with the consent, or at the request, of the head of that school.

- (2) The operations that the chief of a public employment security office may assign to the head of a school pursuant to the provisions of the preceding paragraph are limited to the following:
 - (i) accepting applications to post job openings and communicating the accepted applications to public employment security offices;
 - (ii) accepting job-seeking applications;
 - (iii) introducing job seekers to job posters;
 - (iv) providing vocational guidance;
 - (v) providing guidance after employment; and
 - (vi) making arrangements for admission to public facilities for career skills development (including the Polytechnic University).
- (3) Notwithstanding the provisions of the main clause of paragraph (1) of Article 5-6 and the main clause of paragraph (1) of Article 5-7, the head of a school that has been assigned part of the operations of a public employment security office pursuant to the provisions of paragraph (1) (hereinafter referred to as a "head of a school undertaking operations") may reject applications to post job openings or job-seeking applications for jobs that are not suitable for the

school's curriculum.

- (4) Upon consultation with the chief of the relevant public employment security office, the head of a school undertaking operations may appoint a person to be responsible for employment security from among the personnel of the school, and have that person take charge of the operations provided for in the items of paragraph (2) and communicate with the relevant public employment security office.
- (5) The chief of a public employment security office may provide the head of a school undertaking operations with employment information, results of surveys and research related to employment, and other assistance in executing the operations referred to in the items of paragraph (2) that are carried out by the head of that school; moreover, the chief may also provide the head of that school with financial aid when finding it to be necessary.
- (6) In the performance of the operations being undertaken, the head of a school undertaking operations must comply with the standards established by the Minister of Health, Labour and Welfare in consultation with the Minister of Education, Culture, Sports, Science and Technology.
- (7) If the head of a school undertaking operations violates a law, regulation, or the standards referred to in the preceding paragraph, the chief of the relevant public employment security office may suspend the operations provided for in the items of paragraph (2) that are being undertaken by the head of that school.
- (8) The provisions of the preceding paragraphs do not apply to the case where the head of a school provides free employment placement services based on the provisions of Article 33-2.

(Provisions on Implementation)

Article 28 The methods of communication, assistance, and cooperation between public employment security offices and schools, and other necessary particulars related to employment placement for students, pupils, etc. are determined by Order of the Ministry of Health, Labour and Welfare.

Chapter II-2 Employment Placement Carried Out by Local Public Entities

(Employment Placement Carried Out by Local Public Entities)

- Article 29 (1) A local public entity may provide free employment placement services.
- (2) A specified local public entity must notify the Minister of Health, Labour and Welfare that it will provide free employment placement services pursuant to the provisions of the preceding paragraph.
 - (3) A specified local public entity may determine the range of job categories, etc. handled (referring to the range of job categories and other operations that the

specified local public entity manages in its employment placement services; the same applies hereinafter).

- (4) If a specified local public entity has set a range of job categories, etc. to be handled pursuant to the provisions of the preceding paragraph, the provisions of Article 5-6, paragraph (1) and Article 5-7, paragraph (1) are to apply only within the scope concerned.

(Discontinuation of Services)

Article 29-2 If a specified local public entity discontinues its free employment placement services, it must notify the Minister of Health, Labour and Welfare of this without delay.

(Prohibition on Name Lending)

Article 29-3 A specified local public entity must not allow another person to carry out free employment placement services using the name of that local public entity.

(Explicitly Indicating the Range of Job Categories and Operations Handled)

Article 29-4 A specified local public entity must explicitly inform job posters and job seekers the range of job categories handled, the particulars of its complaint processing, and other particulars prescribed by Order of the Ministry of Health, Labour and Welfare as those concerning the substance of free employment placement service operations that it is appropriate for job posters and job seekers to be notified of in advance.

(Provision of Information by Public Employment Security Offices)

Article 29-5 If a specified local public entity wishes to receive information concerning job openings or job searches, a public employment security office will provide the information that Order of the Ministry of Health, Labour and Welfare prescribes as information that concerns job openings or job searches to the local public entity; this will be done via electronic or magnetic means (this refers to a method that involves the use of an electronic data processing system or a method that makes use of any other such information and communications technology), or by any other means prescribed by Order of the Ministry of Health, Labour and Welfare.

(Assistance by Public Employment Security Offices)

Article 29-6 A public employment security office may provide a specified local public entity with employment information, the results of surveys and research on employment, and other assistance related to the administration of free employment placement services.

(Responsibilities of Specified Local Public Entities)

Article 29-7 In the administration of free employment placement services, a specified local public entity must endeavor to take necessary measures to improve those services, in coordination with employment security agencies.

(Application Mutatis Mutandis)

Article 29-8 The provisions of Article 20 apply mutatis mutandis when a specified local public entity provides free employment placement services. In such a case, the term "public employment security office" in paragraph (1) of that Article is to be interpreted as "specified local public entity"; and the term "public employment security office" found in paragraph (2) of the same article is to be read as with "public employment security office is to report this to the specified local public entity, and the local public entity receiving that report".

(Provisions on Implementation)

Article 29-9 In addition to what is prescribed in this Chapter, necessary particulars related to the free employment placement services of specified local public entities are specified by Order of the Ministry of Health, Labour and Welfare.

Chapter III Employment Placement by Persons Other Than Employment Security Agencies and Local Public Entities
Section 1 Paid Employment Placement Services

(License for Paid Employment Placement Services)

Article 30 (1) A person seeking to carry out paid employment placement services must be licensed by the Minister of Health, Labour and Welfare.

(2) A person seeking to be licensed as referred to in the preceding paragraph must submit to the Minister of Health, Labour and Welfare a written application stating the following:

(i) the person's name, address, and, if it is a corporation, the name of its representative;

(ii) if it is a corporation, the names and addresses of its officers;

(iii) the names and locations of the places of business at which it would carry out paid employment placement services;

(iv) the name and address of the employment placement manager appointed pursuant to the provisions of Article 32-14; and

(v) other particulars prescribed by Order of the Ministry of Health, Labour and Welfare.

(3) The written application referred to in the preceding paragraph must be

accompanied by a business plan for the paid employment placement services and other documents prescribed by Order of the Ministry of Health, Labour and Welfare, for each place of business at which the person would carry out those services.

- (4) Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, the business plan referred to in the preceding paragraph must state the projected number of job seekers served by the paid employment placement services and other particulars related to employment placement, for each place of business at which the person would carry out those services.
- (5) Before licensing referred to in paragraph (1), the Minister of Health, Labour and Welfare must hear the opinion of the Labor Policy Council in advance.
- (6) A person seeking to be licensed as referred to in paragraph (1) must pay the fee prescribed, in consideration of the actual costs, by Order of the Ministry of Health, Labour and Welfare.

(Licensing Standards)

Article 31 (1) When finding that an application for licensing as referred to in paragraph (1) of the preceding Article, meets the following standards, the Minister of Health, Labour and Welfare must license the applicant, as provided for in the same paragraph:

- (i) the applicant has a sufficient financial basis to soundly perform the relevant services;
 - (ii) the applicant has taken the necessary measures to appropriately manage personal information and preserve the confidentiality of job posters and job seekers, etc.; and
 - (iii) in addition to the requirements set forth in the preceding two items, the applicant must possess the ability to properly carry out the relevant business activities.
- (2) If the Minister of Health, Labour and Welfare does not grant the license as referred to in paragraph (1) of the preceding Article, the Minister must notify the applicant of this without delay, indicating the reasons therefor.

(Reasons for Disqualification of License)

Article 32 Notwithstanding the provisions of paragraph (1) of the preceding Article, the Minister of Health, Labour and Welfare must not grant the license referred to in Article 30, paragraph (1) to a person falling under any of the following items:

- (i) a person who has been sentenced to imprisonment without labor or heavier punishment, or to a fine pursuant to the provisions of this Act or the provisions of other labor-related Acts provided 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 (excluding the provisions of Articles 50 (limited to the part that concerns item (ii)) and 52 of that Act) or for having committed an offense referred to in Articles 204, 206, 208, 208-2, 222, or 247 of the Penal Code (Act No. 45 of 1907), in the Act on Punishment of Violent Crimes and Equivalent Acts (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), if it has not been five years since the day on which the execution of the sentence was completed or the sentence became no longer executable; or
- (ii) a person who has been sentenced to a fine pursuant to the provisions of Article 208 or 213-2 or Article 214, paragraph (1) of the Health Insurance Act (Act No. 70 of 1922), Article 156 or 159 or Article 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 concerning the provisions of the first sentence of Article 51) of the Industrial Accident Compensation Insurance Act (Act No. 50 of 1947), Article 102 or 103-2 or Article 104, paragraph (1) (limited to the part concerning 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 concerning 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 concerning the provisions of Article 83) of the Employment Insurance Act, if it has not been five years since the day on which the execution of the sentence was completed or the sentence became no longer executable;
 - (iii) a person prescribed by Order of the Ministry of Health, Labour and Welfare as being unable to properly carry out paid employment placement services due to a mental or physical disorder;
 - (iv) a person who has become subject to an order commencing bankruptcy proceedings and has not been discharged from bankruptcy;
 - (v) a person whose license for employment placement services has been revoked pursuant to the provisions of Article 32-9, paragraph (1) (excluding item (i) and including as applied mutatis mutandis pursuant to Article 33, paragraph (4)) or has been ordered to discontinue its free employment placement services pursuant to the provisions of Article 32-9, paragraph (1) (excluding item (i)) as applied mutatis mutandis pursuant to Article 33-3, paragraph (2), if five years have not passed since the date of the revocation or order;
 - (vi) a person who, at the time of the occurrence that caused the corporation in question to be subject to the relevant administrative disposition revoking its licensing or ordering it to discontinue its services, was an officer of a corporation that has had its licensing for employment placement services

- revoked pursuant to the provisions of Article 32-9, paragraph (1) (including as applied mutatis mutandis pursuant to Article 33, paragraph (4)) (but if its licensing has been revoked pursuant to the provisions of Article 32-9, paragraph (1) (limited to item (i)) (including as applied mutatis mutandis pursuant to Article 33, paragraph (4)), this is limited to a case in which the revocation was due to the corporation having come to fall under item (i) or (ii)), or of a corporation that has been ordered to discontinue its free employment placement services pursuant to the provisions of Article 32-9, paragraph (1) as applied mutatis mutandis pursuant to Article 33-3, paragraph (2) (but, if the discontinuance was ordered pursuant to the provisions of Article 32-9, paragraph (1) (limited to item (i)) as applied mutatis mutandis pursuant to Article 33-3, paragraph (2), this is limited to a case in which this was ordered due to the corporation having come to fall under item (i) or (ii)); if it has not been five years since the date of the revocation or order;
- (vii) a person who has filed a notification of the discontinuance of its employment placement services (excluding persons that have adequate grounds for the discontinuance of those services) under Article 32-8, paragraph (1) (including as applied mutatis mutandis pursuant to Article 33, paragraph (4) and Article 33-3, paragraph (2)) during the period between the day on which it was notified as under Article 15 of the Administrative Procedure Act (Act No. 88 of 1993) concerning the revocation of licensing for employment placement services under Article 32-9, paragraph (1) (including as applied mutatis mutandis pursuant to Article 33, paragraph (4)) or concerning an order to discontinue free employment placement services under Article 32-9, paragraph (1) as applied mutatis mutandis pursuant to Article 33-3, paragraph (2), and either the date on which the relevant administrative disposition was taken or the day on which it was decided not to take an administrative disposition; if it has not been five years since the date the notification was filed;
- (viii) a person who, in the 60 days before the date that the relevant notification was filed, was an officer of a corporation that has filed a notification of the discontinuance of its employment placement services under the provisions of Article 32-8, paragraph (1) (including as applied mutatis mutandis pursuant to Article 33, paragraph (4) and Article 33-3, paragraph (2)) within the period referred to in the preceding item (unless the corporation has adequate grounds for discontinuing those services); if it has not been five years since the date on which the notification was filed;
- (ix) a member of an organized crime group or a person who ceased to be a member of an organized crime group less than five years ago (hereinafter referred to as a "current or former member of an organized crime group" in

- this Article);
- (x) a minor who does not have the same capacity to act in business operations as an adult, and whose legal representatives aligns with one of the preceding items or the following items;
 - (xi) a corporation any of whose officers falls under one of the preceding items;
 - (xii) a person whose business activities are controlled by a current or former member of an organized crime group;
 - (xiii) a person who is likely to allow a current or former member of an organized crime group to engage in its operations, or to employ a current or former member of an organized crime group as an assistant in its operations.

Article 32-2 Deleted

(Fees)

Article 32-3 (1) Except in the following cases, a person who has received a license as referred to in Article 30, paragraph (1) (hereinafter referred to as a "provider of paid employment placement services") must not receive actual costs or any other fee or compensation for employment placement, under any name:

- (i) if it collects a fee of a type and amount prescribed by Order of the Ministry of Health, Labour and Welfare, taking into account factors such as the expenses that are ordinarily necessary for employment placement; or
 - (ii) if fees are collected based on a fee schedule (a schedule that specifies the types and amounts of fees, among other details related to the fees) that has previously been notified to the Minister of Health, Labour and Welfare.
- (2) Notwithstanding the provisions of the preceding paragraph, a provider of paid employment placement services must not collect fees from a job seeker; provided, however, that in a case prescribed by Order of the Ministry of Health, Labour and Welfare as one in which it is found that collecting a fee from a job seeker is necessary to the interests of the job seeker, it may collect a fee from a job seeker, but only in a case as set forth in the items of the preceding paragraph.
- (3) The schedule of fees, as provided for in paragraph (1), item (ii) must be prepared by a method prescribed by Order of the Ministry of Health, Labour and Welfare.
- (4) If the Minister of Health, Labour, and Welfare determines that a fee, based on the schedule of fees provided for in paragraph (1), item (ii), falls under any of the following categories, they may order the respective provider of paid employment placement services to amend their fee schedule within a specified time limit:
- (i) if it results in certain persons to be treated in an unjustly discriminatory

manner; or

- (ii) if it is determined that the fee is significantly unjust due to the provider not clearly defining the types, amounts, and other particulars concerning fees.

(License Certificates)

Article 32-4 (1) When granting the license referred to in Article 30, paragraph (1), the Minister of Health, Labour and Welfare must, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, issue license certificates for the number of places of business at which the provider carries out paid employment placement services.

- (2) A person who has been issued a license certificate must keep the license certificate at the place of business at which it carries out paid employment placement services and present it at the request of a relevant person.
- (3) If a person who has been issued a license certificate loses it or if it is destroyed, the person must promptly file a notification of this with the Minister of Health, Labour and Welfare and have a license certificate reissued.

(Licensing Conditions)

Article 32-5 (1) Conditions may be attached to the licensing referred to in Article 30, paragraph (1), and those conditions may be subject to change.

- (2) The conditions referred to in the preceding paragraph are limited to what is minimally necessary either in light of the purpose of the licensing referred to in Article 30, paragraph (1) or to ensure the reliable implementation of the matters under license, and must not impose an undue obligation on the person being licensed.

(License Validity Period)

Article 32-6 (1) The validity period of the license referred to in Article 30, paragraph (1) is three years, commencing from the day the license is granted.

- (2) A person seeking to continue providing paid employment placement services for which they have been licensed after the expiration of the license validity period provided for in the preceding paragraph (or after the license validity period as renewed pursuant to the provisions of this paragraph, if applicable) must seek renewal of the license validity period.
- (3) Upon received an application to renew a license's validity period as prescribed in the preceding paragraph, the Minister of Health, Labour and Welfare must renew the license validity period if the Minister finds that the application conforms to the standards set forth in the items of paragraph (1) of Article 31.
- (4) Any person seeking to have a license's validity period renewed as provided for in paragraph (2) is required to pay a fee in the amount that Order of the

Ministry of Health, Labour and Welfare determines, taking into account the actual costs.

- (5) The validity period of a license as referred to in Article 30, paragraph (1), that has been renewed pursuant to the provisions of paragraph (2), is five years, commencing from the day after the date on which the license validity period from prior to the renewal expires.
- (6) The provisions of Article 30, paragraphs (2) through (4), Article 31, paragraph (2), and Article 32 (excluding items (v) through (viii)) apply mutatis mutandis to the renewal of a license's validity period as provided for in paragraph (2).

(Filing a Notification of a Change)

Article 32-7 (1) If one of the particulars set forth in the items of paragraph (2) of Article 30 (excluding those prescribed by Order of the Ministry of Health, Labour and Welfare) changes, a provider of paid employment placement services must file a notification of this with the Minister of Health, Labour and Welfare without delay. In such a case, if the particular that has changed relates to the establishment of a new place of business at which it will provide paid employment placement services, the notification must be accompanied by a business plan for that place of business and any other document prescribed by Order of the Ministry of Health, Labour and Welfare.

- (2) The provisions of Article 30, paragraph (4) apply mutatis mutandis to the business plan referred to in the preceding paragraph.
- (3) Upon received a notification of a change relating to the establishment of a place of business for conducting paid employment placement services pursuant to the provisions of paragraph (1), the Minister of Health, Labour and Welfare must issue license certificates for the number of businesses being newly established, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (4) When filing the notification under paragraph (1), if a particular to which the notification pertains falls under the category of a particular that is stated on the license certificate, the provider of paid employment placement services must apply to have the license certificate updated, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(Discontinuation of Services)

Article 32-8 (1) If a provider of paid employment placement services discontinues its paid employment placement services, it must file a notification of this with the Minister of Health, Labour and Welfare without delay, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

- (2) When a notification has been made under the provisions of the preceding paragraph, the license referred to in Article 30, paragraph (1), will cease to be

effective.

(Revocation of Licenses)

Article 32-9 (1) If a provider of paid employment placement services falls under one of the following items, the Minister of Health, Labour and Welfare may revoke the license referred to in Article 30, paragraph (1):

- (i) if the provider of paid employment placement services falls under an item of Article 32 (excluding item (iii));
- (ii) if the provider of paid employment placement services violates a provision of this Act or the Worker Dispatching Act (excluding the provisions of Chapter 3, Section 4), or an order or disposition based on those provisions; or
- (iii) if the provider of paid employment placement services violates a condition attached to the license pursuant to the provisions of Article 32-5, paragraph (1).

(2) If the provider of paid employment placement services falls under item (ii) or (iii) of the preceding paragraph, the Minister of Health, Labour and Welfare may order the suspension of all or part of its paid employment placement services for a designated period.

(Prohibition on Lending Name)

Article 32-10 A provider of paid employment placement services must not permit another person to conduct paid employment placement services under their own name.

(Range of Job Categories Handled)

Article 32-11 (1) A provider of paid employment placement services must not refer job seekers to employment in which they would perform port transport work (meaning port transport work as provided in Article 2, item (ii) of the Port Labor Act (Act No. 40 of 1988) or work provided for by Order of the Ministry of Health, Labour and Welfare as work equivalent thereto and performed at a port other than a port provided in item (i) of that Article), employment in which they would perform construction work (meaning work involving civil engineering, architecture, other work of constructing, remodeling, preserving, repairing, modifying, demolishing, or dismantling a structure, or any work in preparation therefor), or any other employment provided for by Order of the Ministry of Health, Labour and Welfare as a type of employment that the mediation through paid employment placement services presents a risk of interfering with the protection of workers in that type of employment.

(2) The provisions of Article 5-6, paragraph (1) and Article 5-7, paragraph (1) do not apply to applications post job openings and job-seeking applications for

pertaining to the types of employment provided for in the preceding paragraph in relation to paid employment placement service providers.

(Filing Notifications on the Range of Job Categories)

Article 32-12 (1) When a person seeking to conduct paid employment placement services or a provider of such services decides on a range of job categories, etc., they must file a notification with the Minister of Health, Labour and Welfare. The same applies if they make changes to these.

(2) If a person seeking to provide paid employment placement services or a provider of paid employment placement services has filed a notification regarding the range of job categories, etc. pursuant to the provisions of the preceding paragraph, the provisions of Article 5-6, paragraph (1) and Article 5-7, paragraph (1) are to apply only within the range of job categories, etc.

(3) If the Minister of Health, Labour and Welfare determines that the range of job categories, etc. for which a notification has been filed pursuant to the provisions of paragraph (1) would result in specific persons being subjected to unfair discriminatory treatment, the Minister may order the person intending to conduct or already conducting paid employment placement services to modify the range of job categories, etc. within a specified time frame.

(Explicitly Indicating the Range of Job Categories)

Article 32-13 Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, a provider of paid employment placement services must explicitly inform both job posters and job seekers about the range of job categories and operations handled, details regarding fees, complaint handling procedures, and other matters; these are prescribed by Order of the Ministry of Health, Labour and Welfare as information that it is appropriate for job posters and job seekers to be informed of in advance.

(Employment Placement Managers)

Article 32-14 Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, a paid provider of employment placement services must appoint an employment placement manager from among persons not falling under Article 32, item (i), (ii), or (iv) through (ix) (excluding minors, and limited to persons who meet the criteria prescribed by Order of the Ministry of Health, Labour and Welfare as persons possessing sufficient capability to properly manage paid employment placement services) to supervise and manage the following aspects related to employment placement and to provide necessary education to employees for the proper execution of employment placement:

(i) those related to processing complaints from job posters and job seekers;

- (ii) those related to managing information on job posters (limited to information pertaining to employment placement) and the personal information of job seekers;
- (iii) those related to accepting applications to post job openings and job-seeking applications, to providing advice and guidance to job posters and job seekers, and other details involved in managing and improving the operations of paid employment placement services;
- (iv) those related to communicating and coordinating with employment security agencies.

(Keeping of Books)

Article 32-15 A provider of paid employment placement services must prepare the books and documents prescribed by Order of the Ministry of Health, Labour and Welfare with respect to its operations, and must keep them at its place of business.

(Business Reports)

Article 32-16 (1) Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, a provider of paid employment placement services must prepare a business report concerning its paid employment placement services for each place of business at which it provides those services, and must submit this to the Minister of Health, Labour and Welfare.

(2) Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, in the business report referred to in the preceding paragraph, a paid provider of employment placement services must state the number of job seekers associated with its paid employment placement services for each place of business at which it provides those services, the amounts of fees for employment placement, and other particulars of its employment placement.

(3) Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, a provider of paid employment placement services must provide information on the number of persons who have obtained employment through its employment placement; the number of persons who obtained employment through its employment placement (limited to those who entered into labor contracts without a fixed-term) but have separated from employment (excluding those who have separated from employment due to dismissal and other persons prescribed by Order of the Ministry of Health, Labour and Welfare); the particulars of its fees; and other particulars prescribed by Order of the Ministry of Health, Labour and Welfare.

Section 2 Free Employment Placement Services

(Free Employment Placement Services)

- Article 33 (1) Unless conducted pursuant to the provisions of the following Article and Article 33-3, a person seeking to provide free employment placement services (excluding those provided by an employment security agency or specified local public entity; the same applies hereinafter) must be licensed by the Minister of Health, Labour and Welfare.
- (2) Before granting the license referred to in the preceding paragraph, the Minister of Health, Labour and Welfare must hear the opinion of the Labor Policy Council in advance; provided, however, that this does not apply if the license is granted to a labor union, etc.
- (3) The validity period of the license referred to in paragraph (1) is five years commencing from the day the license is granted.
- (4) The provisions of Article 30, paragraphs (2) through (4), Articles 31, 32, 32-4, and 32-5, Article 32-6, paragraphs (2), (3), and (5), Articles 32-7 through 32-10, and Articles 32-12 through 32-16 apply mutatis mutandis to free employment placement services provided under the license referred to in paragraph (1) and persons that have obtained that license. In such a case, the phrase "the license referred to in the preceding paragraph" in Article 30, paragraph (2), the phrase "the license referred to in paragraph (1) of the preceding Article" in Article 31, and the phrase "the license referred to in Article 30, paragraph (1)" in Article 32, Article 32-4, paragraph (1), Article 32-5, Article 32-6, paragraph (5), Article 32-8, paragraph (2), and Article 32-9, paragraph (1) are deemed to be replaced with "the license referred to in Article 33, paragraph (1)"; the phrase "the preceding paragraph" in Article 32-6, paragraph (2) is deemed to be replaced with "Article 33, paragraph (3)"; the phrase "the particulars of its fees, the particulars of its complaint processing" in Article 32-13 is deemed to be replaced with "the particulars of its complaint processing"; and the phrase "the amounts of fees for employment placement, and other particulars" in paragraph (2) of the preceding Article and the phrase "the particulars of its fees, and other particulars" in paragraph (3) thereof are deemed to be replaced with ", and other particulars".
- (5) The provisions of Article 30, paragraphs (2) through (4), Article 31, paragraph (2), and Article 32 (excluding items (v) through (viii)) apply mutatis mutandis to the renewal of the validity period of the license provided for in Article 32-6, paragraph (2) as applied mutatis mutandis pursuant to the preceding paragraph.

(Free Employment Placement Services Provided by Schools)

- Article 33-2 (1) After filing a notification with the Minister of Health, Labour and Welfare, the head of a facility set forth in any of the following items may provide free employment placement services for the persons specified in that

item (including persons provided for by Order of the Ministry of Health, Labour and Welfare as equivalent thereto):

- (i) a school (excluding elementary school and kindergarten): students, pupils, etc. of the school;
 - (ii) a specialized training college: students or graduates of the specialized training college;
 - (iii) a facility set forth in any of the items of paragraph (1) of Article 15-7 of the Vocational Abilities Development Promotion Act: persons undergoing the vocational training conducted by such facility or persons who have completed such vocational training;
 - (iv) a Polytechnic University: persons undergoing the vocational training conducted by the said university, persons undergoing the instructor training as provided for in Article 27, paragraph (1) of the Vocational Abilities Development Promotion Act, or persons who have completed aforementioned vocational or instructor training.
- (2) The head of a facility set forth in any of the items of the preceding paragraph that provides free employment placement services pursuant to the provisions of that paragraph, may designate persons to be in charge of operations in employment placement services from among the personnel of the facility, and may have those designated persons carry out the operations on their behalf.
- (3) The Minister of Health, Labour and Welfare may establish standards concerning the performance of operations for free employment placement services that the heads of the facilities set forth in the items of paragraph (1) carry out pursuant to the provisions of that paragraph.
- (4) Before establishing the standards referred to in the preceding paragraph pertaining to the heads of the facilities set forth in paragraph (1), items (i) and (ii), the Minister of Health, Labour and Welfare must first consult with the Minister of Education, Culture, Sports, Science and Technology.
- (5) The head of a facility set forth in any of the items of paragraph (1) who seeks to carry out free employment placement services pursuant to the provisions of that paragraph may establish the scope of employment placement to be handled by the facility and file the notification referred to in that paragraph.
- (6) If the head of a facility set forth in any of the items of paragraph (1) has established the scope of employment placement and filed a notification pursuant to the provisions of the preceding paragraph, the provisions of Article 5-6, paragraph (1) and Article 5-7, paragraph (1) are to apply only within the scope of employment placement.
- (7) The provisions of Article 32-8, paragraph (1), Article 32-9, paragraph (2), and Articles 32-10, 32-13, 32-15, and 32-16 apply mutatis mutandis to the free employment placement services that the head of a facility set forth in any of the items of paragraph (1) provides pursuant to the provisions of that

paragraph. In this case, the phrase "item (ii) or (iii) of the preceding paragraph" in Article 32-9, paragraph (2) is deemed to be replaced with "item (ii) of the preceding paragraph"; the phrase "the particulars of its fees, the particulars of its complaint processing" in Article 32-13 is deemed to be replaced with "the particulars of its complaint processing"; the phrase "a business report concerning its paid employment placement services for each place of business at which it provides those services" in Article 32-16, paragraph (1) is deemed to be replaced with "a business report"; the phrase "its paid employment placement services for each place of business at which it provides those services" in paragraph (2) of that Article is deemed to be replaced with "its services"; the phrase "the amounts of fees for employment placement, and other" in that paragraph and the phrase "the particulars of its fees, and other" in paragraph (3) of that Article are deemed to be replaced with ", and other"; and the phrase "must provide" in that paragraph is deemed to be replaced with "must endeavor to provide".

- (8) Before ordering the head of a facility set forth in item (i) or (ii) of paragraph (1), who is providing free employment placement services pursuant to the provisions of that paragraph, to suspend those services pursuant to the provisions of Article 32-9, paragraph (2), as applied *mutatis mutandis* pursuant to the preceding paragraph, the Minister of Health, Labour and Welfare must first notify the relevant educational administrative authority.

(Free Employment Placement Services Provided by Special Corporations)

Article 33-3 (1) After filing a notification with the Minister of Health, Labour and Welfare, a corporation that has been incorporated pursuant to a special law and is prescribed by Order of the Ministry of Health, Labour and Welfare may provide free employment placement services to job posters that are direct or indirect members of the corporation (hereinafter individually referred to as a "members" in this paragraph) or to job seekers that are members of the corporation or persons employed by the members.

- (2) The provisions of Article 30, paragraphs (2) through (4), Article 32, Article 32-4, paragraph (2), Article 32-7, paragraphs (1) and (2), Article 32-8, paragraph (1), Article 32-9, Article 32-10, and Articles 32-12 through 32-16 apply *mutatis mutandis* to free employment placement services provided after the notification referred to in the preceding paragraph is filed and to corporations that have filed the notification referred to in that paragraph. In such a case, the phrases set forth in the middle column of the following table which appear in the provisions set forth in the left-hand column of that table are deemed to be replaced with the phrases set forth in the right-hand column of that table.

Article 30, paragraph (2)	A person that intends to obtain the license referred to in the preceding paragraph	A corporation intending to provide the notification stipulated in Article 33-3, paragraph (1)
	written application	written notice
Article 30, paragraph (3)	written application	written notice
Article 32	Notwithstanding the provisions of paragraph (1) of the preceding Article, the Minister of Health, Labour and Welfare	A corporation that falls under any of the following items
	must not grant the license referred to in Article 30, paragraph (1) to a person that falls under any of the following items	must not carry out free employment placement business by establishing a new place of business for free employment placement business
Article 32-4, paragraph (2)	A person that has received an issued license certificate	A corporation that has given the notification referred to in Article 33-3, paragraph (1)
	the license certificate	the document stating that the notification has been given and other matters specified by Order of the Ministry of Health, Labour and Welfare

Article 32-9, paragraph (1)	, rescind the license referred to in Article 30, paragraph (1)	, order discontinuance of the free employment placement business; or if a free employment placement business provider falls under any of items (v) through (viii) of Article 32 at the commencement of the free employment placement business (in the case of conducting free employment placement business by establishing two or more places of business, the free employment placement business for each place of business; the same applies hereinafter in this paragraph), the Minister of Health, Labour and Welfare may, if the fee-charging employment placement business provider falls under any of the following items, order discontinuance of the free employment placement business
Article 32-9, paragraph (2)	item (ii) or (iii) of the preceding paragraph	item (ii) of the preceding paragraph
Article 32-16, paragraph (3)	, matters concerning fees, and other	, and other
Article 32-13	matters concerning fees, matters concerning the processing of complaints	matters concerning the processing of complaints
Article 32-16, paragraph (2)	the amounts of fees concerning employment placement, and other matters	, and other matters

(Assistance by Public Employment Security Offices)

Article 33-4 A public employment security office may provide a person who provides free employment placement services after being licensed as referred to in Article 33, paragraph (1) or filing the notification under Article 33-2, paragraph (1) or paragraph (1) of the preceding Article, with employment information, the results of research and study relating to employment, and other assistance in its administration of free employment placement services.

Section 3 Auxiliary Provisions

(Responsibilities of Employment Placement Service Providers)

Article 33-5 In administering its services, a provider of employment placement services must endeavor to take the necessary measures for improvement, in coordination with employment security agencies.

(Guidance of the Minister of Health, Labour and Welfare)

Article 33-6 If it is particularly necessary to coordinate workforce supply and demand, the Minister of Health, Labour and Welfare may provide necessary guidance, advice, and recommendations to the provider of employment placement services; these recommendations can cover the scope, timing, means, and number of cases of employment placement, and methods of carrying out employment placement, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(Application Mutatis Mutandis)

Article 34 The provisions of Article 20 apply mutatis mutandis when a provider of employment placement services conducts employment placement services. In such a case, the "public employment security office" in paragraph (1) of that Article is deemed to be replaced with "provider of employment placement services"; and the phrase "the public employment security office" in paragraph (2) of that Article is deemed to be replaced with "the public employment security office is to report this to the provider of employment placement services, and the provider of employment placement services that has received the report".

(Provisions on Implementation)

Article 35 Apart from what is provided for in this chapter, the procedure for applying for a license for employment placement services and other necessary particulars related to employment placement services are specified by Order of the Ministry of Health, Labour and Welfare.

Chapter III-2 Worker Recruitment

(Entrustment of Recruitment)

Article 36 (1) If a person seeking to employ workers seeks to provide a person, who is not their employee, with compensation and have that person recruit workers for them, they must obtain a license from the Minister of Health, Labour and Welfare.

(2) The amount of the compensation referred to in the preceding paragraph must receive prior approval from the Minister of Health, Labour and Welfare.

(3) If a person seeking to employ workers have a person not constituting their employee recruit workers for them without providing that person with compensation, they must file a notification of this with the Minister of Health, Labour and Welfare.

(Restrictions on Recruitment)

Article 37 (1) If it is particularly necessary to do so in order to balance workforce supply and demand, the Minister of Health, Labour and Welfare or the chiefs of public employment security offices, as it concerns worker recruitment (excluding recruitment under paragraph (1) of the preceding Article), may limit the timing of recruitment, the number of persons to be recruited, the recruitment area, and other aspects of recruiting methods, providing the reasons therefor, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(2) When granting a license for worker recruitment pursuant to the provisions of paragraph (1) of the preceding Article, the Minister of Health, Labour, and Welfare may provide the person seeking to conduct worker recruitment with the necessary instructions concerning the timing of recruitment, the number of persons to be recruited, the recruitment area, and other matters concerning recruiting methods.

Article 38 Deleted

(Prohibition against Receipt of Compensation)

Article 39 It is prohibited for a person recruiting workers or a person who is engaged in recruiting workers pursuant to the provisions of Article 36, paragraph (1) or (3) (hereinafter referred to as a "commissioned recruiter") to receive any compensation in connection with its recruitment, under any name, from a worker that has responded to a recruitment invitation.

(Prohibition against Giving Compensation)

Article 40 A person recruiting workers must not compensate an employee who is engaged in recruiting workers or a commissioned recruiter, except when paying wages, salaries, or the equivalent or when providing compensation to which the approval referred to in Article 36, paragraph (2) pertains.

(Revocation of Licenses)

Article 41 (1) If a person recruiting workers under the license referred to in Article 36, paragraph (1), or a person engaged in recruiting workers pursuant to the provisions of that paragraph, violates a provision of this Act or the Worker Dispatching Act (excluding the provisions of Chapter 3, Section 4; the

same applies in the following paragraph) or an order or disposition based on its provisions, the Minister of Health, Labour and Welfare may revoke the license referred to in Article 36, paragraph (1), or order the suspension of its worker recruitment operations for a designated period.

(2) If a person who is recruiting workers after having filed a notification as referred to in Article 36, paragraph (3), or a person who is engaged in recruiting workers pursuant to the provisions of that paragraph violates a provision of this Act or the Worker Dispatching Act or an order or disposition based on its provisions, the Minister of Health, Labour and Welfare may order the discontinuance of the worker recruitment operations, or order the suspension thereof for a designated period.

(Responsibilities of Persons Recruiting Workers)

Article 42 In administering its operations, a person recruiting workers, commissioned recruiter, or person offering the service of providing recruitment/candidate information must endeavor to take the necessary measures for the improvement of their operations. With the aim of aiding workers in making appropriate career choices.

(Application Mutatis Mutandis)

Article 42-2 The provisions of Article 20 apply mutatis mutandis to worker recruitment. In such a case, in paragraph (1) of that Article, the phrase "a public employment security office" is deemed to be replaced with "persons that conduct worker recruitment (excluding persons prescribed by Order of the Ministry of Health, Labour and Welfare; the same applies in the following paragraph) and commissioned recruiters (which mean commissioned recruiters provided in Article 39; the same applies in said paragraph)" and the phrase "must not refer job seekers to a place of business" is deemed to be replaced with "must not recruit workers to work at a place of business"; in paragraph (2) of that Article, the phrase "unrestricted referral of job seekers" is deemed to be replaced with "unrestricted recruitment of workers" and the phrase "the public employment security office must not refer job seekers to that place of business" is deemed to be replaced with "the public employment security office must report this to persons recruiting workers and commissioned recruiters, and those persons recruiting workers and commissioned recruiters, upon receipt of that report, must not recruit workers to work at that place of business," and the term "referral" in the proviso to that paragraph is deemed to be replaced with "recruitment".

(Provisions on Implementation)

Article 43 The procedure for applying for a license for worker recruitment and

other necessary particulars related to worker recruitment are specified by Order of the Ministry of Health, Labour and Welfare.

Chapter III-3 Service of Providing Recruitment/Candidate Information

(Notification of Service of Providing Recruitment/Candidate Information in a Specified Manner)

Article 43-2 (1) A person seeking to carry out the service of providing recruitment/candidate information in a specified manner must notify the Minister of Health, Labour and Welfare of the person's name, address and other particulars provided for by Order of the Ministry of Health, Labour and Welfare pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(2) If any of the particulars of which the Minister of Health, Labour and Welfare has been notified pursuant to the provisions of the preceding paragraph changes, the provider of recruitment/candidate information in a specified manner must notify the Minister of the change pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare without delay.

(3) If a provider of recruitment/candidate information in a specific manner has discontinued its service of providing recruitment/candidate information in an specified manner with respect to which notification under paragraph (1) has been filed, it must notify the Minister of Health, Labour and Welfare of the discontinuation pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare without delay.

(Prohibition against Receipt of Compensation)

Article 43-3 It is prohibited for a provider of recruitment/candidate information in a specified manner to receive any compensation, under any guise, from a worker that has responded to a recruitment invitation pertaining to the act of providing recruitment/candidate information.

(Suspension of Services)

Article 43-4 If a provider of recruitment/candidate information in a specified manner violates the provisions of Article 5-5, the preceding Article or Article 51, or an order under the provisions of Article 48-3, paragraph (1), the Minister of Health, Labour and Welfare may order the suspension of all or part of its service of providing recruitment/candidate information in a specified manner for a designated period.

(Submission of Business Summary Reports)

Article 43-5 A provider of recruitment/candidate information in a specified

manner must prepare a business summary report that describes the implementation status of its recruitment/candidate information provision service in a specified manner, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, and must submit this report to the Minister of Health, Labour and Welfare.

(Disclosure of Information on Business)

Article 43-6 A person offering the service of providing recruitment/candidate information must endeavor to provide information on particulars concerning accurate representation of information on worker recruitment, particulars concerning its complaint processing and other particulars provided for by Order of the Ministry of Health, Labour and Welfare pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(Complaint Processing)

Article 43-7 (1) A person offering the service of providing recruitment/candidate information must properly and promptly process complaints concerning the service filed by an aspiring worker, a person recruiting workers, a commissioned recruiter, a provider of employment placement services or other persons provided for by Order of the Ministry of Health, Labour and Welfare.
(2) A person offering the service of providing recruitment/candidate information must develop a system necessary to achieve the purpose referred to in the preceding paragraph.

(Responsibilities of Persons Offering the Service of Providing Recruitment/Candidate Information)

Article 43-8 In administering its operations, a person offering the service of providing recruitment/candidate information must endeavor to take the necessary measures to improve its operations in order to contribute to each worker's appropriate occupational choices.

(Service of Providing Recruitment/Candidate Information Carried Out by Local Public Entities)

Article 43-9 With respect to the application of the provisions of this Act in cases where local public entities carry out the service of providing recruitment/candidate information, the phrase "provider of recruitment/candidate information in a specified manner" in Article 5-5, paragraph (1) and Article 43-3 is deemed to be replaced with "local public entity that carries out the service of providing recruitment/candidate information in a specified manner", and the provisions of Articles 43-2, 48, 48-2 and Article 48-3, paragraph (1), do not apply in such cases.

Chapter III-4 The Worker Supply Services

(Prohibition of the Worker Supply Services)

Article 44 It is prohibited for any person to provide the worker supply services or to have a worker who has been supplied by a person providing the worker supply services work under the directions or orders of the person to which the worker has been supplied, except in the cases provided for in the following Article.

(Licensing for the Worker Supply Services)

Article 45 A labor union, etc. may conduct a free worker supply service, provided it has received license by the Minister of Health, Labour and Welfare.

(Responsibilities of Providers of Worker Supply Service)

Article 45-2 In operating its services, a provider of worker supply service must endeavor to take the necessary measures to improve its services in order to contribute to the appropriate and smooth coordination of workforce supply and demand.

(Application Mutatis Mutandis)

Article 46 The provisions of Articles 20 and 33-4 and Article 41, paragraph (1), apply mutatis mutandis when a labor union, etc., provides worker supply services pursuant to the provisions of the preceding Article. In this case, in Article 20, paragraph (1), the phrase "public employment security office" is deemed to be replaced with "providers of worker supply services" and the phrase "must not refer job seekers to" is deemed to be replaced with "must not supply workers with"; in paragraph (2) of that Article, the phrase "unrestricted referral of job seekers" is deemed to be replaced with "unrestricted supply of workers" and the phrase "the public employment security office must not refer job seekers to that place of business" is deemed to be replaced with "the public employment security office is to report this to providers of worker supply services, and those providers of worker supply services that have received that report must not supply workers to that place of business"; in the proviso to that paragraph, the term "referral" is deemed to be replaced with "supply"; and in Article 41, paragraph (1), the phrase "the license referred to in that paragraph" is deemed to be replaced with "the license referred to in that Article" and the phrase "its worker recruitment operations" is deemed to be replaced with "all or part of its worker supply services".

(Provisions on Implementation)

Article 47 The procedure for applying for a license for worker supply services, and other necessary particulars related to such services, will be provided for by Order of the Ministry of Health, Labour and Welfare.

Chapter III-5 Worker Dispatch Services

Article 47-2 Worker dispatch services are governed by the provisions of the Worker Dispatching Act, the Port Labor Act, and the Construction Work Act.

Chapter IV Miscellaneous Provisions

(Responsibilities of Trade Associations)

Article 47-3 (1) An association consisting of employment placement service providers or persons offering the service of providing recruitment/candidate information as its direct or indirect members (hereinafter such providers or persons are referred to as "members" in this paragraph, and such an association is referred to as a "trade association" in the following paragraph) must endeavor to provide its members with necessary advice, cooperation, and other forms of assistance in order to ensure the proper operation of the employment placement service or the service of providing recruitment/candidate information, and to secure the protection of job seekers or those aspiring to become workers.

(2) The national government is to endeavor to provide trade associations necessary advice and cooperation to ensure the proper operation of the employment placement service or the service of providing recruitment/candidate information and to secure the protection of job seekers or those aspiring to become workers.

(Guidelines)

Article 48 The Minister of Health, Labour and Welfare will publish guidelines necessary for employment placement service providers, job posters, persons recruiting workers, commissioned recruiters, persons offering the service of providing recruitment/candidate information, providers of worker supply services, and person intending to receive worker supply need to properly deal with the details provided for in Articles 3, 5-3 through 5-5, 33-5, 42, 43-8, and 45-2.

(Guidance and Advice)

Article 48-2 When finding it to be necessary for the enforcement of this Act, the Minister of Health, Labour and Welfare may provide a provider of employment placement services, job poster, person recruiting workers, commissioned

recruiter, person offering the service of providing recruitment/candidate information, providers of worker supply services, or person seeking to have a worker supplied to it the necessary guidance and advice to ensure the appropriate administration of its operations.

(Order for Improvement)

- Article 48-3 (1) If a provider of employment placement services, person recruiting workers, a commissioned recruiter, a person offering the service of providing recruitment/candidate information, or provider of worker supply services violates a provision of this Act or of an order based on this Act in connection with its operations, and the Minister of Health, Labour and Welfare finds it to be necessary to ensure the appropriate administration of those operations, the Minister may order that person to take the necessary measures to improve the administration of their operations.
- (2) When finding that a job poster or person intending to receive worker supply is in violation of the provisions of Article 5-3, paragraph (2) or (3), or that they have made a report containing factual discrepancies when asked to report under Article 5-6, paragraph (3), or that there is a continued risk of them violating those provisions, despite having received guidance or advice under the provisions of the preceding Article as a result of violating those provisions, the Minister of Health, Labour and Welfare may issue a recommendation. The job poster or person intending to receive worker supply take the necessary measures to rectify their violation of the provisions of Article 5-3, paragraph (2) or (3), or Article 5-6, paragraph (3), or to prevent a violation of those provisions.
- (3) If the Minister of Health, Labour and Welfare has issued an order under the provisions of paragraph (1) or a recommendation under the provisions of the preceding paragraph to a person recruiting workers, but the person to whom the order or recommendation was issued has failed to comply with it, the Minister may make this known to the public.

(Report to the Minister of Health, Labour and Welfare)

- Article 48-4 (1) If a specified local public entity, provider of employment placement services, job poster, person recruiting workers, commissioned recruiter, person offering the service of providing recruitment/candidate information, providers of worker supply services, or person seeking to have workers supplied to it violates any of the provisions of this Act or of an order based on this Act, a job seeker who has filed a job-seeking application with the specified local public entity or provider of employment placement services, a worker who has responded to the recruitment invitation, a worker who has been provided with recruitment/candidate information by the person offering

the service of providing recruitment/candidate information and responded to the recruitment invitation pertaining to the provided information or a worker whose information was provided by the person offering the service of providing recruitment/candidate information, or a worker supplied by the supplier of workers may report this to the Minister of Health, Labour and Welfare and request that appropriate measures be taken.

- (2) Upon receipt of the report referred to in the provisions of the preceding paragraph, the Minister of Health, Labour and Welfare must conduct the necessary investigation and, if the content of the report is found to be factual, the Minister must implement measures in accordance with this Act as well as other suitable measures.

(Request for Reports)

Article 49 When finding it to be necessary, an administrative authority may require an employer to provide necessary reports related to employment security, such as employment or separation status of workers, wages and other such working conditions.

(Reports and Inspections)

Article 50 (1) To the extent necessary for the implementation of this Act, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, an administrative authority may have a person who provides employment placement services (excluding a specified local public entity if that entity carries out free employment placement services pursuant to the provisions of Article 29, paragraph (1)), job poster, person recruiting workers, commissioned recruiter, person offering the service of providing recruitment/candidate information (excluding a local public entity if that entity carries out the service of providing recruitment/candidate information), person who provides the worker supply services, or person seeking to have workers supplied to it report on necessary matters.

- (2) To the extent necessary for the implementation of this Act, an administrative authority may have its personnel enter the place of business or other facilities of a person who provides employment placement services (excluding a specified local public entity if that entity provides free employment placement services pursuant to the provisions of Article 29, paragraph (1)), a job poster, person recruiting workers, commissioned recruiter, person offering the service of providing recruitment/candidate information (excluding a local public entity if that entity provides the service of providing recruitment/candidate information), a person who provides worker supply services, or person seeking to have workers supplied to it, question relevant persons, or inspect their books, documents, and other such items.

- (3) Personnel conducting on-site inspections pursuant to the provisions of the preceding paragraph must carry their identification cards and present them to the relevant persons.
- (4) The authority for on-site inspections under the provisions of paragraph (2) must not be construed as having been granted for the purpose of a criminal investigation.

(Duty to Maintain Confidentiality)

Article 51 (1) It is prohibited for a provider of employment placement services, job poster, person recruiting workers, commissioned recruiter, provider of recruitment/candidate information in a specified manner, provider of worker supply services, or person seeking to have workers supplied to it (hereinafter referred to as a "provider of employment placement services, etc." in this Article), or an agent, employee or any other worker of the provider of employment placement services, etc. to divulge a personal secret learned with respect to any matter handled in the course of operations, without reasonable grounds. The same applies even after the person is no longer a provider of employment placement services, etc., or an agent, employee, or any other worker of the provider of employment placement services, etc.

- (2) In addition to the secret referred to in the preceding paragraph, it is prohibited for a provider of employment placement services, etc., or an agent, employee or any other worker of the provider of employment placement services, etc. to inform another person of a piece of personal information, or of information concerning a person specified by Order of the Ministry of Health, Labour and Welfare, that it has learned in connection with its operations, without due cause. The same applies even after the person is no longer a provider of employment placement services, etc., or an agent, employee, or any other worker of the provider of employment placement services, etc.

Article 51-2 It is prohibited for a specified local public entity or local public entity that carries out the service of providing recruitment/candidate information in a specified manner, or a person engaged in the operations of a public employment security office, specified local public entity or local public entity that carries out the service of providing recruitment/candidate information in a specified manner to inform another person of a piece of personal information, or of information concerning a person specified by Order of the Ministry of Health, Labour and Welfare, that it has learned in connection with the operations of the public entity or office, without due cause. The same applies even after it is no longer a specified local public entity, or local public entity that carries out the service of providing recruitment/candidate information in a specified manner, or a person engaged

in the operations of a public employment security office, specified local public entity, or local public entity that carries out the service of providing recruitment/candidate information in a specified manner.

(Consultation and Assistance)

Article 51-3 A public employment security office may provide consultations and offer necessary advice and other forms of assistance to job seekers, etc., regarding matters related to employment placement, worker recruitment, or worker supply.

(Education and Training of Personnel)

Article 52 The government must formulate a plan and establish the necessary facilities for the education and training of personnel engaged in employment placement, vocational guidance, and other tasks related to the implementation of this Act.

(Ensuring That the Relevant Operations Are Widely Known)

Article 52-2 The government must formulate and endeavor to implement a plan to ensure that the employment placement, vocational guidance, employment insurance it provides, and the purpose of this Act, are widely known.

(Communication among Government Agencies)

Article 53 The government may establish a liaison council if it finds it necessary to do so in order to coordinate the affairs of relevant agencies with regard to the employment placement, vocational guidance, surveys on workforce supply and demand, or worker recruitment provided for in this Act, and to consult on the means of achieving the most effective utilization of the workforce.

(Providing Guidance on Hiring Methods)

Article 54 The Minister of Health, Labour and Welfare may provide guidance to factories, place of business, or other such workplace on increasing production efficiency by improving methods of hiring workers and ensuring that their business retain a workforce.

Articles 55 through 59 Deleted

(Delegation of Authority)

Article 60 Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, the authority of the Minister of Health, Labour and Welfare that is provided for in this Act may be delegated to the Director-General of the main employment security bureau or to prefectural labor directors.

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

Article 61 In addition to what is provided for in this Act, the necessary procedures and other matters required for the implementation of this Act are determined by the Ministry of Health, Labour and Welfare.

(Exclusion from Application)

Article 62 (1) This Act does not apply to mariners as provided for in Article 6, paragraph (1) of the Mariners' Employment Security Act (Act No. 130 of 1948).
(2) This Act does not apply to the employment placement services and the service of providing recruitment/candidate information carried out as employment assistance under Article 18-5, paragraph (1) of the National Public Service Act (Act No. 120 of 1947) (including as applied mutatis mutandis pursuant to Article 65-10, paragraph (2) of the Self-Defense Forces Act (Act No. 165 of 1954) and Article 54, paragraph (1) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999)) by the Center for Personnel Interchanges between the Government and Private Entities provided for in Article 18-7, paragraph (1) of the National Public Service Act. The same applies to employment placement services that the Supreme Court's organization that conducts affairs related to post-separation employment assistance for court officials other than judges and their secretaries provides as employment assistance upon those officials' separation from service, pursuant to the provisions of the Supreme Court Rules prescribed in Article 106-2, paragraph (2), item (iii) of the National Public Service Act as applied mutatis mutandis pursuant to the Act on Temporary Measures concerning Court Officials (Act No. 299 of 1951) following a deemed replacement of terms.

Chapter V Penal Provisions

Article 63 If a person falls under any of the following items, the person who has committed the violation will be subjected to imprisonment for a period of not less than one year and not more than 10 years, or to a fine of not less than 200,000 yen and not more than 3,000,000 yen:

- (i) if a person has conducted or engaged in employment placement, recruitment of workers, or worker supply through means of assault, intimidation, unlawful confinement, or any other method unfairly restricting person's mental or physical freedom; or
- (ii) if a person has conducted or engaged in employment placement, recruitment of workers, acts of providing recruitment/candidate information, or supplying workers with the intention of making them work in a job that is harmful to public health or public morals.

Article 64 If a person falls under any of the following items, the person who has committed the violation will be punished by imprisonment for not more than one year or a fine of not more than 1,000,000 yen:

- (i) In the event of a violation of the provisions of Article 30, paragraph (1);
- (i)-2 if a person has used deception or other wrongful act to obtain a license under Article 30, paragraph (1), a renewal of the validity period of a license under the provisions of Article 32-6, paragraph (2) (including as applied mutatis mutandis pursuant to Article 33, paragraph (4)), a license under Article 33, paragraph (1), a license under Article 36, paragraph (1), or a license under Article 45;
- (ii) if a person has violated an order to suspend its services under the provisions of Article 32-9, paragraph (2) (including as applied mutatis mutandis pursuant to Article 33, paragraph (4), Article 33-2, paragraph (7), and Article 33-3, paragraph (2));
- (iii) if a person has violated the provisions of Article 32-10 (including as applied mutatis mutandis pursuant to Article 33, paragraph (4), Article 33-2, paragraph (7), and Article 33-3, paragraph (2));
- (iv) if a person has violated the provisions of Article 32-11, paragraph (1);
- (v) if a person has violated the provisions of Article 33, paragraph (1);
- (vi) if a person has violated an order to discontinue its services under the provisions of Article 32-9, paragraph (1) as applied mutatis mutandis pursuant to Article 33-3, paragraph (2);
- (vii) if a person has violated the provisions of Article 36, paragraph (1);
- (viii) if a person has violated an order to suspend its worker recruitment services or worker supply services under the provisions of Article 41, paragraph (1) (including as applied mutatis mutandis pursuant to Article 46), or to discontinue or suspend worker recruitment operations under the provisions of Article 41, paragraph (2);
- (ix) if a person has violated an order to suspend its service of providing recruitment/candidate information in a specified manner under the provisions of Article 43-4; or
- (x) if a person has violated the provisions of Article 44.

Article 65 If a person falls under any of the following items, the person who has committed the violation is punished by imprisonment for not more than six months or a fine of not more than 300,000 yen:

- (i) if a person has violated the provisions of Article 11, paragraph (3);
- (ii) if a person has violated the provisions of Article 32-3, paragraph (1) or (2);
- (iii) if a person has carried out free employment placement services without giving the notification under the provisions of Article 33-2, paragraph (1) or

- Article 33-3, paragraph (1);
- (iv) if a person has violated the provisions of Article 36, paragraph (2) or (3);
- (v) if a person has failed to comply with a restriction or instruction under the provisions of Article 37;
- (vi) if a person has violated the provisions of Article 39, 40, or 43-3;
- (vii) if a person has carried the service of providing recruitment/candidate information in a specified manner without giving the notification under the provisions of Article 43-2, paragraph (1);
- (viii) if a person has violated an order under the provisions of Article 48-3, paragraph (1);
- (ix) if a person has carried out or been engaged in employment placement, recruitment of workers, acts of providing recruitment/candidate information, or worker supply through the placement of a false advertisement or the presentation of false conditions;
- (x) if a person has filed an application to post a job opening with a public employment security office or person engaging in employment placement through the presentation of false conditions; or
- (xi) if a person has carried out or been engaged in employment placement, recruitment of workers, or worker supply for a factory, place of business, etc. in which working conditions are in violation of a law or regulation.

Article 66 If a person falls under any of the following items, the person who has committed the violation is punished by a fine of not more than 300,000 yen:

- (i) if a person has made a false statement in a written application or written notification provided for in Article 30, paragraph (2) (including as applied mutatis mutandis pursuant to Article 32-6, paragraph (6), Article 33, paragraphs (4) and (5), and Article 33-3, paragraph (2)), or in a document provided for in Article 30, paragraph (3) (including as applied mutatis mutandis pursuant to Article 32-6, paragraph (6), Article 33, paragraphs (4) and (5), and Article 33-3, paragraph (2)) and then submitted it;
- (ii) if a person has violated an order under the provisions of Article 32-3, paragraph (4);
- (iii) if a person has failed to file the notification under the provisions of Article 32-7, paragraph (1) (including as applied mutatis mutandis pursuant to Article 33, paragraph (4) and Article 33-3, paragraph (2)) or has falsely filed such a notification, or has made a false statement in a document provided for in Article 32-7, paragraph (1) (including as applied mutatis mutandis pursuant to Article 33, paragraph (4) and Article 33-3, paragraph (2)) and then submitted it;
- (iv) if a person has failed to file the notification under the provisions of Article 32-8, paragraph (1) (including as applied mutatis mutandis pursuant to

- Article 33, paragraph (4), Article 33-2, paragraph (7), and Article 33-3, paragraph (2)) or has falsely filed such a notification;
- (v) if a person has violated the provisions of Article 32-14 (including as applied mutatis mutandis pursuant to Article 33, paragraph (4) and Article 33-3, paragraph (2));
 - (vi) if a person has failed to prepare books and documents or keep them at its place of business in violation of the provisions of Article 32-15 (including as applied mutatis mutandis pursuant to Article 33, paragraph (4), Article 33-2, paragraph (7), and Article 33-3, paragraph (2)), or has prepared false books and documents;
 - (vii) if a person has falsely filed a notification in cases of filing a notification under the provisions of Article 43-2, paragraph (1);
 - (viii) if a person has failed to file the notification under the provisions of Article 43-2, paragraph (2) or (3), or has falsely filed such a notification;
 - (ix) if a person has failed to make a report under the provisions of Article 49 or Article 50, paragraph (1), or has made a false report;
 - (x) if a person has refused, obstructed, or evaded an entry or inspection under the provisions of Article 50, paragraph (2), or has failed to answer a question under the same provisions or made a false statement; or
 - (xi) if a person has violated the provisions of Article 51, paragraph (1).

Article 67 If the representative of a corporation, or the agent, employee, or other worker of a corporation or individual, commits a violation referred to in Articles 63 through 66 in connection with the business of the corporation or individual, in addition to the offender being subject to punishment, the corporation or individual is also subject to the fine referred to in the relevant Article.

Supplementary Provisions

- (1) This Act comes into effect on December 1, 1947.
- (2) A person carrying out employment placement services or the worker supply services with the approval of administrative authorities at the time this Act comes into effect may continue to carry out those services, but only for three months after the implementation of this Act.
- (3) The Employment Placement Act (Act No. 61 of April 1938) is hereby repealed.