

労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律

Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers

(昭和六十年七月五日法律第八十八号)

(Act No. 88 of July 5, 1985)

第一章 総則

Chapter I General Provisions

(目的)

(Purpose)

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

Article 1 The purpose of this Act is to prescribe measures to ensure the proper operation of worker dispatching services in order to help with proper coordination of labor supply and demand in conjunction with the Employment Security Act (Act No. 141 of 1947), and to help protect dispatched workers, thereby contributing to stable employment for dispatched workers and to otherwise advancing their welfare.

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

Article 2 In this Act, the meanings of the terms stated in the following items are as prescribed in those items:

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

(i) the term "worker dispatch" means having a worker employed by a first person engage in work for a second person while maintaining the employment relationship with the first person and while receiving directions and orders from the second person; it does not include an arrangement in which the first person promises the second person that it will have the second person employ the worker in question.

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

いう。

(ii) the term "dispatched worker" means a worker who is employed by an entity and who is subject to worker dispatched businesses ;

三 労働者派遣事業 労働者派遣を業として行うことをいう。

(iii) providing "worker dispatching services" means providing worker dispatching service on a regular basis;

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

(iv) the term "employment placement dispatch " as used in this Act means worker dispatch through which a person that has obtained the license referred to in Article 5, paragraph (1) (referred to below as a "staffing provider") carries out, or plans to carry out, employment placement for the dispatched worker who is subject to the arrangement and the person using the worker dispatching services that involve that worker (referred to below as a "client", except in Chapter III, Section 4) after obtaining a license or filing a notification under the Employment Security Act or the provisions of another such Act, either before or after it starts to provide those services; it includes a worker dispatching services under which, before the provider stops providing the worker dispatching services, the worker and the client agree that the worker will be employed by the client through that employment placement.

（船員に対する適用除外）

(Exclusion from Application for Mariners)

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

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

第二章 労働者派遣事業の適正な運営の確保に関する措置

Chapter II Measures to Ensure Proper Operations of Worker Dispatching Service

第一節 業務の範囲

Section 1 Scope of Work

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

Article 4 (1) It is prohibited for any person to carry out a worker dispatching service involving work falling under any of the following items:

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

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

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

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

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

(iii) work as stated in each item of Article 2, paragraph (1) of the Security Services Act (Act No. 117 of 1972) and other work specified by Cabinet Order as work that, in order to ensure it is implemented properly, it is considered inappropriate to have a dispatched worker do based on worker dispatch that a person provides in the course of trade (simply referred to as "worker dispatch" in the following Section and Article 23, paragraphs (2), (4), and (5)).

2 厚生労働大臣は、前項第三号の政令の制定又は改正の立案をしようとするときは、あらかじめ、労働政策審議会の意見を聴かなければならない。

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

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

(3) A person using the worker dispatching services provided by an entity that engages in worker dispatching services must not have a dispatched worker who is receiving directions and orders and subject to the relevant worker dispatching arrangement engage in work falling under any of the items of paragraph (1) at the direction of the person using those services.

第二節 事業の許可 Section 2 Service Licensing

(労働者派遣事業の許可)

(Licensing for Worker Dispatching Services)

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

Article 5 (1) A person seeking to engage in labor services must obtain a license from the Minister of Health, Labour and Welfare.

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

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

一 氏名又は名称及び住所並びに法人にあつては、その代表者の氏名

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

二 法人にあつては、その役員の氏名及び住所

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

三 労働者派遣事業を行う事業所の名称及び所在地

(iii) the name and location of the place of business where it will engage in worker dispatching services; and

四 第三十六条の規定により選任する派遣元責任者の氏名及び住所

(iv) the name and address of the provider-side manager it will appoint pursuant to the provisions of Article 36.

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

(3) The written application referred to in the preceding paragraph must be accompanied by a business plan for the services that the applicant will provide at each place of business where it will engage in worker dispatching services, and by other documents specified by Order of the Ministry of Health, Labour and Welfare.

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

(4) In the business plan referred to in the preceding paragraph, the applicant must state the number of assigned workers involved in its services, the amount of the worker dispatching charge, and other particulars of its worker dispatching for each place of business where it will engage in worker dispatching services, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

5 厚生労働大臣は、第一項の許可をしようとするときは、あらかじめ、労働政策審議会の意見を聴かなければならない。

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

(許可の欠格事由)

(Reasons for Ineligibility for Licensing)

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

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

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

(i) a person who has been sentenced to imprisonment without work or a heavier punishment, or to a fine under the provisions of this Act, under the provisions of other Acts concerning labor that are specified by Cabinet Order (excluding the provisions referred to in the following item), or under the provisions of the Act on Preventing Illicit Acts by Members of Organized Crime Groups (Act No. 77 of 1991) (excluding the provisions of Article 50 (limited to the part related to item (ii)) and Article 52 of that Act) or for having committed an offense referred to in Article 204, 206, 208, 208-2, 222, or 247 of the Penal Code (Act No. 45 of 1907), in the Act on Punishment of Physical Violence and Other Crimes (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 person finished serving the sentence or ceased to be subject to its enforcement;

二 健康保険法（大正十一年法律第七十号）第二百八条、第二百十三条の二若しくは第二百十四条第一項、船員保険法（昭和十四年法律第七十三号）第五十六条、第二百五十九条若しくは第六十条第一項、労働者災害補償保険法（昭和二十二年法律第五十号）第五十一条前段若しくは第五十四条第一項（同法第五十一条前段の規定に係る部分に限る。）、厚生年金保険法（昭和二十九年法律第百十五号）第二百二条、

第百三条の二若しくは第百四条第一項（同法第百二条又は第百三条の二の規定に係る部分に限る。）、労働保険の保険料の徴収等に関する法律（昭和四十四年法律第八十四号）第四十六条前段若しくは第四十八条第一項（同法第四十六条前段の規定に係る部分に限る。）又は雇用保険法（昭和四十九年法律第百十六号）第八十三条若しくは第八十六条（同法第八十三条の規定に係る部分に限る。）の規定により罰金の刑に処せられ、その執行を終わり、又は執行を受けることがなくなつた日から起算して五年を経過しない者

- (ii) a person sentenced to a fine under the provisions of Article 208, 213-2, or 214, paragraph (1) of the Health Insurance Act (Act No. 70 of 1922), Article 156, 159, or 160, paragraph (1) of the Mariners Insurance Act (Act No. 73 of 1939), the first sentence of Article 51 or Article 54, paragraph (1) (limited to the part related to the provisions of the first sentence of Article 51) of the Industrial Accident Compensation Insurance Act (Act No. 50 of 1947), Article 102, 103-2, or 104, paragraph (1) (limited to the part related to the provisions of Article 102 or 103-2) of the Employees' Pension Insurance Act (Act No. 115 of 1954), the first sentence of Article 46 or Article 48, paragraph (1) (limited to the part related to the provisions of the first sentence of Article 46) of the Act on the Collection, etc. of Insurance Premiums of Labor Insurance (Act No. 84 of 1969), or Article 83 or 86 (limited to the part related to the provisions of Article 83) of the Employment Insurance Act (Act No. 116 of 1974), if it has not been five years since the day on which the person finished serving the sentence or ceased to be subject to its enforcement;

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

- (iii) a person specified by Order of the Ministry of Health, Labour and Welfare as one who is unable to properly engage in worker dispatching services due to a mental or physical disorder;

四 破産手続開始の決定を受けて復権を得ない者

- (iv) a person that has become subject to an order commencing bankruptcy proceedings and that has not been released from bankruptcy restrictions;

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

- (v) a person whose license for engaging in worker dispatching services has been revoked pursuant to the provisions of Article 14, paragraph (1) (excluding item (i)), if it has not been five years since the date of the revocation;

六 第十四条第一項の規定により労働者派遣事業の許可を取り消された者が法人である場合（同項第一号の規定により許可を取り消された場合については、当該法人が第一号又は第二号に規定する者に該当することとなつたことによる場合に限る。）において、当該取消しの処分を受ける原因となつた事項が発生した当時現に当該法人の役員（業務を執行する社員、取締役、執行役又はこれらに準ずる者をいい、相談役、顧問その他いかなる名称を有する者であるかを問わず、法人に対し業務を執

行する社員、取締役、執行役又はこれらに準ずる者と同等以上の支配力を有するものと認められる者を含む。以下この条において同じ。) であつた者で、当該取消しの日から起算して五年を経過しないもの

(vi) a person who was a corporation's officer (meaning its managing member, director, or executive officer, or any person in an equivalent position; this includes an adviser, consultant, or any other person, irrespective of title, that is found to have at least the same authority over the corporation as a managing member, director, or executive officer; the same applies below in this Article) at the time the corporation's license for worker dispatching services was revoked pursuant to the provisions of Article 14, paragraph (1) (if its license was revoked pursuant to the provisions of item (i) of the same paragraph, this is limited to a case in which it was revoked because the corporation came to fall under item (i) or (ii)), if it has not been five years since the date of the revocation;

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

(vii) a person that has filed a notification indicating that it has discontinued its worker dispatching services under the provisions of Article 13, paragraph (1) during the period running from the day it received notice under the provisions of Article 15 of the Administrative Procedure Act (Act No. 88 of 1993) concerning a disposition that would revoke its staffing license under the provisions of Article 14, paragraph (1) up until either the day on which the disposition is taken or the day on which it is decided that the disposition will not be taken (excluding a person that has sufficient grounds for discontinuing its worker dispatching services), if it has not been five years since the date of the notification;

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

(viii) a person who, during the 60 days before the day of the notice referred to in the preceding item, was the officer of a corporation that has submitted a notification indicating that it has discontinued its worker dispatching services under the provisions of Article 13, paragraph (1) within the period prescribed in that item (unless the corporation had sufficient grounds to discontinue its worker dispatching services), if it has not been five years since the date of the notification;

九 暴力団員による不当な行為の防止等に関する法律第二条第六号に規定する暴力団

員（以下この号において「暴力団員」という。）又は暴力団員でなくなった日から五年を経過しない者（以下この条において「暴力団員等」という。）

(ix) a member of an organized crime group prescribed in Article 2, item (vi) of the Act on Preventing Illicit Acts by Members of Organized Crime Groups (referred to below as a "member of an organized crime group" in this item), or a person who ceased to be a member of an organized crime group on a day that is not yet five years in the past (referred to below as a "current or former member of an organized crime group" in this Article);

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

(x) a minor who does not have the same capacity to carry out business as an adult, and whose legal representative falls under any of the preceding items or any of the following items;

十一 法人であつて、その役員のうち前各号のいずれかに該当する者があるもの

(xi) a corporation that has an officer who falls under any of the preceding items;

十二 暴力団員等がその事業活動を支配する者

(xii) a person whose business activities are controlled by an current or former member of an organized crime group; or

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

(xiii) a person that is likely to engage with a current or former member of an organized crime group in their business or employ a current or former member of an organized crime group as an assistant in their business.

(許可の基準等)

(Criteria for Granting a License)

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

Article 7 (1) Unless the Minister of Health, Labour and Welfare finds that the application for a license referred to in Article 5, paragraph (1) conforms to the criteria stated below, the Minister must not grant that license:

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

(i) that the business will not be carried out with the purpose of providing worker dispatching services solely to specified persons (excluding cases specified by Order of the Ministry of Health, Labour and Welfare as those in which it is considered to be necessary to assist in the continued employment of workers for whom it is considered to be particularly difficult to ensure

employment opportunities);

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

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

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

(iii) that necessary measures are being taken to properly manage personal information (meaning information concerning an individual that make it possible to identify a specific individual (including information that makes it possible to identify a specific individual when cross-referenced against other information); the same applies below) and to protect dispatched workers' confidential information; and

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

(iv) that the applicant has sufficient ability to appropriately provide the services, other than as stated in the preceding two items.

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

(2) If the Minister of Health, Labour and Welfare will not grant the license referred to in Article 5, paragraph (1), the Minister must notify the applicant of this without delay while indicating the reason for this.

（許可証）

(License Certificates)

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

Article 8 (1) If the Minister of Health, Labour and Welfare grants the license referred to in Article 5, paragraph (1), the Minister must issue license certificates to cover the number of places of business where the licensee will engage in worker dispatching services, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

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

(2) A person that has been issued a license certificate must keep it at the place of business where the person engages in worker dispatching services and present it to a person concerned if asked.

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

(3) If an issued license certificate is lost or destroyed, the person that was issued that license certificate must promptly notify the Minister of Health, Labour and Welfare of this and have the license certificate reissued.

(許可の条件)

(License Conditions)

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

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

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

(2) The conditions provided for in the preceding paragraph are limited to what is minimally necessary, either in view of the purpose of the license or to ensure the secure implementation of the things under the license, and must not impose any undue obligation upon the person that is granted the license.

(許可の有効期間等)

(License Validity Period)

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

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

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

(2) A person seeking to continue to engage in worker dispatching services under a license prescribed in the preceding paragraph after the expiration of the license's validity period (or after the expiration of the validity period as renewed pursuant to the provisions of this paragraph, if applicable) must have the validity period of the license renewed pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

3 厚生労働大臣は、前項に規定する許可の有効期間の更新の申請があつた場合において、当該申請が第七条第一項各号に掲げる基準に適合していないと認めるときは、当該許可の有効期間の更新をしてはならない。

(3) If an application for renewal of the validity period of a license as prescribed in the preceding paragraph has been submitted, but the Minister of Health, Labour and Welfare finds that the application is not in conformity with the

criteria stated in each item of Article 7, paragraph (1), the Minister must not renew the license's validity period.

4 第二項の規定によりその更新を受けた場合における第五条第一項の許可の有効期間は、当該更新前の許可の有効期間が満了する日の翌日から起算して五年とする。

(4) The validity period of the license referred to in Article 5, paragraph (1) when renewed pursuant to the provisions of paragraph (2) is five years counting from the day following the date of expiration of the validity period of the license before the renewal.

5 第五条第二項から第四項まで、第六条（第五号から第八号までを除く。）及び第七条第二項の規定は、第二項に規定する許可の有効期間の更新について準用する。

(5) The provisions of Article 5, paragraphs (2) through (4), Article 6 (excluding items (v) through (viii)), and Article 7, paragraph (2) apply mutatis mutandis to the renewal of the validity period of a license under paragraph (2).

(変更の届出)

(Notification of Changes)

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

Article 11 (1) If there has been a change in the information stated in any of the items of Article 5, paragraph (2), a staffing provider must notify the Minister of Health, Labour and Welfare of this without delay. In that case, if the information subject to the change concerns the establishment of a new place of business where the provider will engage in worker dispatching services, the notification must be accompanied by a business plan for that place of business and other documents specified by Order of the Ministry of Health, Labour and Welfare.

2 第五条第四項の規定は、前項の事業計画書について準用する。

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

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

(3) If, pursuant to the provisions of paragraph (1), the Minister of Health, Labour and Welfare receives a notification of changes concerning the establishment of a new place of business where the provider will engage in worker dispatching services, the Minister must issue license certificates to cover the number of new places of business that will be established, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

4 派遣元事業主は、第一項の規定による届出をする場合において、当該届出に係る事

項が許可証の記載事項に該当するときは、厚生労働省令で定めるところにより、その書換えを受けなければならない。

- (4) When a staffing provider submits a notification under paragraph (1), and any particular related to that notification falls under any information stated in the license certificate, the provider must apply for updating of the license certificate pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

第十二条 削除

Article 12 Deleted

(事業の廃止)

(Discontinuance of Business)

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

Article 13 (1) If a staffing provider discontinues its worker dispatching services, it must file a notification with the Minister of Health, Labour and Welfare of this without delay pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

- 2 前項の規定による届出があつたときは、第五条第一項の許可は、その効力を失う。
(2) When a notification under the provisions of the preceding paragraph is filed, the license referred to in Article 5, paragraph (1) ceases to be effective.

(許可の取消し等)

(License Revocation)

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

Article 14 (1) The Minister of Health, Labour and Welfare may revoke a license granted to a staffing provider pursuant to the provisions of Article 5,

paragraph (1), if the staffing provider falls under any of the following items:

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

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

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

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

三 第九条第一項の規定により付された許可の条件に違反したとき。

(iii) if the provider violates a condition attached to the license pursuant to the provisions of Article 9, paragraph (1); or

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

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

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

(2) If a staffing provider falls under item (ii) or (iii) of the preceding paragraph, the Minister of Health, Labour and Welfare may order a partial or full suspension of its worker dispatching services for a designated period of time.

(名義貸しの禁止)

(Prohibition of Name Lending)

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

Article 15 A staffing provider must not allow any other person to engage in worker dispatching services using the provider's name.

第十六条から第二十二條まで 削除

Articles 16 through 22 Deleted

第三節 補則

Section 3 Auxiliary Provisions

(事業報告等)

(Business Reports)

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

Article 23 (1) A staffing provider, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, must prepare a business report and settlement of accounts for its worker dispatching services, for each place of business at which it engages in those services, and submit them to the Minister of Health, Labour and Welfare.

2 前項の事業報告書には、厚生労働省令で定めるところにより、労働者派遣事業を行う事業所ごとの当該事業に係る派遣労働者の数、労働者派遣の役務の提供を受けた者

の数、労働者派遣に関する料金の額その他労働者派遣に関する事項を記載しなければならない。

- (2) A business report referred to in the preceding paragraph must contain the number of dispatched workers, the number of persons that have used the worker dispatching services, the amount of the worker dispatching charge, and other particulars of the worker dispatching, for each place of business where the person has provided worker dispatching services, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- 3 派遣元事業主は、厚生労働省令で定めるところにより、次条に規定する関係派遣先への派遣割合を厚生労働大臣に報告しなければならない。
- (3) A staffing provider must report the rate of assignment to the provider's close clients prescribed in the following Article to the Minister of Health, Labour and Welfare, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- 4 派遣元事業主は、派遣労働者をこの法律の施行地外の地域に所在する事業所その他の施設において就業させるための労働者派遣（以下「海外派遣」という。）をしようとするときは、厚生労働省令で定めるところにより、あらかじめ、その旨を厚生労働大臣に届け出なければならない。
- (4) Before a staffing provider provides worker dispatching for the purpose of having a dispatched worker work at a place of business or other such facility that is located outside the region where this Act is in force (referred to below as "overseas staffing"), the provider must file a notification indicating this with the Minister of Health, Labour and Welfare, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- 5 派遣元事業主は、厚生労働省令で定めるところにより、労働者派遣事業を行う事業所ごとの当該事業に係る派遣労働者の数、労働者派遣の役務の提供を受けた者の数、労働者派遣に関する料金の額の平均額から派遣労働者の賃金の額の平均額を控除した額を当該労働者派遣に関する料金の額の平均額で除して得た割合として厚生労働省令で定めるところにより算定した割合、教育訓練に関する事項その他当該労働者派遣事業の業務に関しあらかじめ関係者に対して知らせることが適当であるものとして厚生労働省令で定める事項に関し情報の提供を行わなければならない。
- (5) Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare and for each place of business where it engages in worker dispatching services, a staffing provider must provide information on the number of dispatched workers associated with those services, the number of persons that have used the worker dispatching services, the rate arrived at when the average wage of dispatched workers is subtracted from the average worker dispatching charge and the product is then divided by the average worker dispatching charge as calculated pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, the particulars of educational training, and other particulars specified by Order of the Ministry of Health, Labour and

Welfare as those that it is appropriate to communicate to the relevant persons in advance in connection with the activities of its worker dispatching services.

(派遣元事業主の関係派遣先に対する労働者派遣の制限)

(Limits on Staffing Providers' Providing Worker Dispatching to Close Clients)

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

Article 23-2 When a staffing provider provides worker dispatching for a person that is able to substantially control the staffing provider's management or any other person specified by Order of the Ministry of Health, Labour and Welfare as a person that has a specific relationship to the staffing provider (referred to below as a "close client" in this Article), the staffing provider must ensure that the rate of assignment to its close client (meaning the rate arrived at when the total working hours for assigned work (referring to the work done by workers subject to worker dispatching arrangements; the same applies below) that the dispatched workers whom the staffing provider employs perform for the close client in a business year is divided by the total working hours for all assigned work that the dispatched workers whom the staffing provider employs perform in the business year as calculated pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare) is not more than 80 percent.

(職業安定法第二十条の準用)

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

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

労働者派遣（当該通報の際現に当該事業所に関し労働者派遣をしている場合にあつては、当該労働者派遣及びこれに相当するものを除く。）をしてはならない」と、「使用されていた労働者」とあるのは「使用されていた労働者（労働者派遣に係る労働に従事していた労働者を含む。）」と、「労働者を紹介する」とあるのは「労働者派遣をする」と読み替えるものとする。

Article 24 The provisions of Article 20 of the Employment Security Act apply *mutatis mutandis* to worker dispatching services. In that case, in paragraph (1) of that Article, the phrase "public employment security office" is deemed to be replaced with "staffing provider prescribed in Article 2, item (iv) of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (simply referred to below as a "staffing provider")" and the phrase "must not refer a job seeker to a place of business" is deemed to be replaced with "must not engage in worker dispatching prescribed in item (i) of that Article with regard to the place of business (simply referred to below as "worker dispatching") (if worker dispatching is actually carried out for the place of business at the time of the strike or lock-out, excluding that worker dispatching and any equivalent arrangement)"; in paragraph (2) of that Article, the phrase "unrestricted referral of job seekers" is deemed to be replaced with "unlimited worker dispatching", 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 notify the staffing provider of this, and the staffing provider, having received the notification, must not provide worker dispatching for that place of business (if worker dispatching is being provided for that place of business at the time of the notification, excluding the relevant worker dispatching and any equivalent arrangement)", the phrase "workers normally employed" is deemed to be replaced with "workers (including workers having been engaged in work under a worker dispatching arrangement) normally employed", and the phrase "referring workers" is deemed to be replaced with "providing dispatched workers".

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

(Prohibition on Using the Worker Dispatching Services of an Entity That Engages in Worker Dispatching Services but That Is Not a Staffing Provider)

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

Article 24-2 A person using worker dispatching services must not use worker dispatching services that are provided by an entity that engages in worker dispatching services but that is not a staffing provider.

(個人情報の取扱い)

(Handling of Personal Information)

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

Article 24-3 (1) When a staffing provider collects, retains, or uses a worker's personal information in connection with worker dispatching, it must collect it only within the scope necessary for achieving the purpose of its operations (including employment placement, if it offers temp-to-perm placement; the same applies in the following Article), and must retain and use it only within the scope of the purpose for which it was collected; provided, however, that this does not apply if the provider has the person's consent to do otherwise or if there are other justifiable reasons.

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

(2) A staffing provider must take the necessary measures to properly manage workers' personal information.

(秘密を守る義務)

(Duty of Confidentiality)

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

Article 24-4 It is prohibited for a staffing provider, its agent, employee, or other staff member to disclose to another person any secret learned with regard to information handled in the course of business, without legitimate grounds. The same applies even after a person has ceased to be a staffing provider or its agent, employee, or other staff member.

(運用上の配慮)

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

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

Article 25 In applying the provisions of this Act that concern worker dispatching services, the Minister of Health, Labour and Welfare must take into consideration employment practices that are considered to contribute to workers' effective demonstration of their abilities and their employment security throughout their working lives, as well as the principle that assigned work should be occasional and temporary, and, at the same time, must make considerations so that the coordination of labor supply and demand through worker dispatching services is in harmony with the coordination of labor supply and demand under the other systems specified in the Employment Security Act.

第三章 派遣労働者の保護等に関する措置

Chapter III Measures for Protecting Dispatched Workers

第一節 労働者派遣契約

Section 1 Worker Dispatching Contracts

(契約の内容等)

(Contract Content)

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

Article 26 (1) Pursuant to the provisions of Order of the Minister of Health, Labour and Welfare, when entering into a staffing contract (meaning a contract under which one party agrees to provide dispatched workers to the other; the same applies below) the parties to the contract must specify the following particulars, and must specify the number of dispatched workers in keeping with the varying contents of those particulars:

一 派遣労働者が従事する業務の内容

(i) the content of the work that the dispatched workers will engage in;

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

(ii) the name and location of the place of business at which the dispatched workers will engage in the work under the worker dispatching arrangement, and other locations and organizational units (meaning sections to which workers are assigned which are specified by Order of the Ministry of Health, Labour and Welfare as those over which the person who is in a position to direct and order the job performance of the workers that have been assigned there has direct authority over the assignment of work to those workers; the

- same applies below) for the assigned work;
- 三 労働者派遣の役務の提供を受ける者のために、就業中の派遣労働者を直接指揮命令する者に関する事項
- (iii) particulars relating to the person who directly directs and orders the dispatched workers while they are working, on behalf of the person using staffing services;
- 四 労働者派遣の期間及び派遣就業をする日
- (iv) the worker dispatching period and the days on which the dispatched workers will do the assigned work;
- 五 派遣就業の開始及び終了の時刻並びに休憩時間
- (v) the start and end times for the assigned work and break periods;
- 六 安全及び衛生に関する事項
- (vi) particulars relating to health and safety;
- 七 派遣労働者から苦情の申出を受けた場合における当該申出を受けた苦情の処理に関する事項
- (vii) particulars relating to the handling of complaints submitted by a dispatched worker;
- 八 派遣労働者の新たな就業の機会の確保、派遣労働者に対する休業手当（労働基準法（昭和二十二年法律第四十九号）第二十六条の規定により使用者が支払うべき手当をいう。第二十九条の二において同じ。）等の支払に要する費用を確保するための当該費用の負担に関する措置その他の労働者派遣契約の解除に当たつて講ずる派遣労働者の雇用の安定を図るために必要な措置に関する事項
- (viii) particulars relating to the necessary measures to ensure employment security for dispatched workers that are to be taken in connection with the termination of the staffing contract, such as ensuring new employment opportunities for dispatched workers, and measures relating to the bearing of costs in order to secure the funds needed to pay dispatched workers an allowance for absence from work (meaning the allowance that is to be paid by an employer pursuant to the provisions of Article 26 of the Labor Standards Act (Act No. 49 of 1947); the same applies in Article 29-2);
- 九 労働者派遣契約が紹介予定派遣に係るものである場合にあつては、当該職業紹介により従事すべき業務の内容及び労働条件その他の当該紹介予定派遣に関する事項
- (ix) if the worker dispatching contract is for employment placement dispatch, particulars relating to the employment placement dispatch, such as the content of the work in which the dispatched worker is to engage through the employment placement and relevant working conditions; and
- 十 前各号に掲げるもののほか、厚生労働省令で定める事項
- (x) beyond what is stated in each of the preceding items, particulars specified by Order of the Ministry of Health, Labour and Welfare.
- 2 前項に定めるもののほか、派遣元事業主は、労働者派遣契約であつて海外派遣に係るものの締結に際しては、厚生労働省令で定めるところにより、当該海外派遣に係る

役務の提供を受ける者が次に掲げる措置を講ずべき旨を定めなければならない。

- (2) In addition to what is prescribed in the preceding paragraph, when entering into a worker dispatching contract for overseas staffing, a worker dispatching provider must establish that the person using the overseas worker dispatching services is to take the following measures, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare:
- 一 第四十一条の派遣先責任者の選任
 - (i) appointing a client-side manager as referred to in Article 41;
 - 二 第四十二条第一項の派遣先管理台帳の作成、同項各号に掲げる事項の当該台帳への記載及び同条第三項の厚生労働省令で定める条件に従った通知
 - (ii) preparing a client-side management record as referred to in Article 42, paragraph (1); entering the particulars stated in each item of that paragraph in that record; and notifying the relevant person in conformity with the conditions specified by Order of the Ministry of Health, Labour and Welfare as referred to in paragraph (3) of that Article; and
 - 三 その他厚生労働省令で定める当該派遣就業が適正に行われるため必要な措置
 - (iii) other measures specified by Order of the Ministry of Health, Labour and Welfare, which are necessary for the assigned work concerned to be conducted appropriately.
- 3 派遣元事業主は、第一項の規定により労働者派遣契約を締結するに当たっては、あらかじめ、当該契約の相手方に対し、第五条第一項の許可を受けている旨を明示しなければならない。
- (3) Before entering into a worker dispatching contract pursuant to the provisions of paragraph (1), the worker dispatching provider must clearly indicate to the counterparty that it has obtained the license referred to in Article 5, paragraph (1).
- 4 派遣元事業主から新たな労働者派遣契約に基づく労働者派遣（第四十条の二第一項各号のいずれかに該当するものを除く。次項において同じ。）の役務の提供を受けようとする者は、第一項の規定により当該労働者派遣契約を締結するに当たっては、あらかじめ、当該派遣元事業主に対し、当該労働者派遣の役務の提供が開始される日以後当該労働者派遣の役務の提供を受けようとする者の事業所その他派遣就業の場所の業務について同条第一項の規定に抵触することとなる最初の日を通知しなければならない。
- (4) In concluding a new worker dispatching contract pursuant to the provisions of paragraph (1), a person seeking to use the worker dispatching services (excluding worker dispatching that falls under any of the items of Article 40-2, paragraph (1); the same applies in the following paragraph) that the worker dispatching provider will provide based on that new contract must notify the worker dispatching provider, in advance, of the first day on or after that on which the provider will start providing those services, on which the person's use of the worker dispatching services will violate the provisions of paragraph

(1) of that Article for work at its place of business or at the place for the assigned work to be performed.

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

(5) If a worker dispatching provider does not receive a notice under the provisions of the preceding paragraph from the person seeking to use worker dispatching services based on a new worker dispatching contract, the provider must not conclude the worker dispatching contract with that person for work at the person's place of business or at the place for the assigned work to be performed.

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

(6) In entering into a worker dispatching contract, a person seeking to use worker dispatching services (excluding employment placement dispatch) must endeavor not to take any action intended to specify the dispatched workers who will be subject to the worker dispatching arrangement at worker dispatching contract.

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

(7) In entering into a worker dispatching contract pursuant to the provisions of paragraph (1), a person seeking to use worker dispatching services must provide the provider in advance with information specified by Order of the Ministry of Health, Labour and Welfare, including information on the wages and other treatment of comparable workers, for each type of work in which dispatched workers who will be subject to the worker dispatching arrangement will be engaged, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

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

(8) The term "comparable worker" as used in the preceding paragraph means a regular worker who is employed by the person seeking worker dispatching services, and who has a job content and associated level of responsibility (referred to below as "job duties"), and a scope of change in their job duties and

assignment that are expected to be the same as those of the dispatched workers who are subject to the worker dispatching arrangement, or any other worker specified by Order of the Ministry of Health, Labour and Welfare as a worker against whom the dispatched workers should be compared in terms of treatment.

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

(9) If a worker dispatching provider has not received information under the provisions of paragraph (7) from the person seeking worker dispatching services, the provider must not conclude a worker dispatching contract with that person in connection with the work in which the workers who are subject to the worker dispatching arrangement are to be engaged.

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

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

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

(11) A person seeking to use worker dispatching services or a client must make considerations concerning the amount of the worker dispatching charge so that the provider is able to comply with the provisions of Article 30-3, if it will provide worker dispatching other than subject to the agreement referred to in Article 30-4, paragraph (1), and with the provisions of an agreement concerning the particulars d in items (ii) through (v) of that paragraph, if it will provide worker dispatching subject to the agreement referred to in that paragraph.

(契約の解除等)

(Cancellation of Contracts)

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

Article 27 It is prohibited for a person using worker dispatching services to cancel a worker dispatching contract on the grounds of a dispatched worker's

nationality, creed, sex, social status, engagement in legitimate labor union activities, or other things of a similar nature.

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

Article 28 An entity providing worker dispatching may suspend that worker dispatching or cancel the worker dispatching contract if the person using its worker dispatching services has violated the provisions of this Act or of Acts applied pursuant to the provisions of Section 4 (including the provisions of orders based on these provisions; the same applies in Article 31 and Article 40-6, paragraph (1), item (v)) in connection with the assigned work.

第二十九条 労働者派遣契約の解除は、将来に向かつてのみその効力を生ずる。

Article 29 The cancellation of a worker dispatching contract has only prospective effect.

（労働者派遣契約の解除に当たって講ずべき措置）

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

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

Article 29-2 If a person using worker dispatching services cancels a worker dispatching contract for its own reasons, the person must take the necessary measures to ensure employment security for the dispatched workers, including ensuring new employment opportunities for the workers who are subject to the worker dispatching arrangement and taking measures to secure the necessary funds to pay dispatched workers an allowance for absence from work and other similar allowances.

第二節 派遣元事業主の講ずべき措置等

Section 2 Measures to Be Taken by Worker Dispatching Providers

（特定有期雇用派遣労働者等の雇用の安定等）

(Employment Security for Current and Prospective Prescribed, Fixed-Term, Dispatched Workers)

第三十条 派遣元事業主は、その雇用する有期雇用派遣労働者（期間を定めて雇用され

る派遣労働者をいう。以下同じ。)であつて派遣先の事業所その他派遣就業の場所における同一の組織単位の業務について継続して一年以上の期間当該労働者派遣に係る労働に従事する見込みがあるものとして厚生労働省令で定めるもの(以下「特定有期雇用派遣労働者」という。)その他雇用の安定を図る必要性が高いと認められる者として厚生労働省令で定めるもの又は派遣労働者として期間を定めて雇用しようとする労働者であつて雇用の安定を図る必要性が高いと認められるものとして厚生労働省令で定めるもの(以下この項において「特定有期雇用派遣労働者等」という。)に対し、厚生労働省令で定めるところにより、次の各号の措置を講ずるように努めなければならない。

Article 30 (1) A worker dispatching provider must endeavor to take the measures stated in the following items, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, for the dispatched workers on fixed-term contracts it employs (meaning dispatched workers who are employed for a fixed term; the same applies below) who are: specified by Order of the Ministry of Health, Labour and Welfare as those with a prospect of continuously engaging in services under the worker dispatching arrangement for at least one year in the same organizational unit at the client's place of business or at the place for the assigned work to be performed (referred to below as "prescribed dispatched workers on fixed-term contracts"); specified by Order of the Ministry of Health, Labour and Welfare as those who are considered to be in great need of employment security; and workers that the provider seeks to employ as dispatched workers on fixed-term contracts and who are specified by Order of the Ministry of Health, Labour and Welfare as those who are considered to be in great need of employment security (hereinafter collectively referred to below as "current and prospective prescribed, fixed-term, dispatched workers" in this paragraph):

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

(i) requesting the client to offer labor contracts to prescribed dispatched workers on fixed-term contracts;

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

(ii) ensuring job opportunities that will enable it to have persons work (limited to work under reasonable conditions in light of the ability and experience of current and prospective prescribed, fixed-term, dispatched workers and other particulars specified by Order of the Ministry of Health, Labour and Welfare) as dispatched workers, and providing those opportunities to its current and prospective prescribed, fixed-term, dispatched workers;

三 派遣労働者以外の労働者として期間を定めないで雇用することができるように雇

用の機会を確保するとともに、その機会を特定有期雇用派遣労働者等に提供すること。

(iii) ensuring opportunities for employment that will enable it to employ persons as non-dispatched workers without fixing a term, and providing those opportunities to current and prospective prescribed, fixed-term, dispatched workers; and

四 前三号に掲げるもののほか、特定有期雇用派遣労働者等を対象とした教育訓練であつて雇用の安定に特に資すると認められるものとして厚生労働省令で定めるものその他の雇用の安定を図るために必要な措置として厚生労働省令で定めるものを講ずること。

(iv) beyond what is stated in the preceding three items, implementing educational training that is targeted at current and prospective prescribed, fixed-term, dispatched workers and that is specified by Order of the Ministry of Health, Labour and Welfare as being considered to particularly contribute to their employment security, and taking other such measures specified by Order of the Ministry of Health, Labour and Welfare as being necessary to ensure employment security.

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

(2) To apply the provisions of the preceding paragraph to a prescribed dispatched worker on a fixed-term contract who has a prospect of continuously engaging in work for three years under a worker dispatching arrangement for work in an organizational unit at the client's place of business or at the place for the assigned work to be performed, the phrase "must endeavor to take" in that paragraph is deemed to be replaced with "must take".

(段階的かつ体系的な教育訓練等)

(Multi-Stage and Systematic Educational Training)

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

Article 30-2 (1) A staffing provider must provide educational training to the dispatched workers it employs so that they can acquire the skills and knowledge necessary for assigned work in multi-stage and systematic manner. This being the case, if any such worker is a dispatched worker on an open-ended contract (meaning a dispatched worker who is employed without a fixed

term; the same applies below), the worker dispatching provider must make considerations so that that worker can effectively exercise their abilities throughout their career.

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

(2) At the request of a dispatched worker it employs, a worker dispatching provider must ensure opportunities for them to seek advice about career-path planning and must provide other such assistance.

(不合理な待遇の禁止等)

(Prohibition on Unreasonable Treatment)

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

Article 30-3 (1) A worker dispatching provider must not create differences between the base pay, bonuses, and other treatment of the dispatched workers it employs and the corresponding treatment of regular workers that the client employs that are found to be unreasonable in consideration of the circumstances, including the dispatched workers' and regular workers' job descriptions and the scope of changes in their job descriptions and assignment, that are found to be appropriate in light of the nature of the treatment and the purpose of treating workers in that way.

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

(2) A worker dispatching provider must not, without legitimate grounds, subject a dispatched worker to treatment that is disadvantageous in terms of base pay, bonuses, or other such treatment when compared to the treatment accorded to a regular worker employed by the client, if the dispatched worker's job description is the same as that of the regular worker, and their job description and assignment throughout the entire period until the end of their assigned work for the client are expected, in light of the worker dispatching contract, the client's customary practices, and other such circumstances, to be changed within the same scope as the job description and assignment of the regular

worker throughout the entire period until the end of their employment relationship with the client.

第三十条の四 派遣元事業主は、厚生労働省令で定めるところにより、労働者の過半数で組織する労働組合がある場合においてはその労働組合、労働者の過半数で組織する労働組合がない場合においては労働者の過半数を代表する者との書面による協定により、その雇用する派遣労働者の待遇（第四十条第二項の教育訓練、同条第三項の福利厚生施設その他の厚生労働省令で定めるものに係るものを除く。以下この項において同じ。）について、次に掲げる事項を定めたときは、前条の規定は、第一号に掲げる範囲に属する派遣労働者の待遇については適用しない。ただし、第二号、第四号若しくは第五号に掲げる事項であつて当該協定で定めたものを遵守していない場合又は第三号に関する当該協定の定めによる公正な評価に取り組んでいない場合は、この限りでない。

Article 30-4 (1) Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, a worker dispatching provider must not apply the provisions of the preceding Article to the treatment of dispatched workers within the scope specified in item (i), if the following particulars concerning the treatment of dispatched workers (except for treatment associated with the educational training referred to in Article 40, paragraph (2), the welfare facilities referred to in paragraph (3) of that Article, and other such things specified by Order of the Ministry of Health, Labour and Welfare; the same applies in this paragraph) employed by the provider are prescribed in a written agreement with a labor union consisting of a majority of the workers, if there is one, or with a person who represents a majority of the workers, if there is no such labor union there; provided, however, that this does not apply if it does not abide by the particulars stated in item (ii), (iv), or (v) that are prescribed by the agreement, or if it does not attempt to implement a fair evaluation under the agreement in connection with item (iii):

一 その待遇が当該協定で定めるところによることとされる派遣労働者の範囲

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

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

(ii) the way of establishing the wages for dispatched workers falling within the scope stated in the preceding item (limited to a way of establishing their wages that falls under (a) and (b), below (or only (a), for commuting allowances and other types of wage specified by Order of the Ministry of Health, Labour and Welfare));

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

こと。

(a) it ensures that the amount of wages is at least equivalent to what is specified by Order of the Ministry of Health, Labour and Welfare as the amount of average wages for ordinary workers engaged in the same type of work as that in which dispatched workers engage;

ロ 派遣労働者の職務の内容、職務の成果、意欲、能力又は経験その他の就業の実態に関する事項の向上があつた場合に賃金が改善されるものであること。

(b) it ensures that wages will improve if dispatched workers' job duties, work outcomes, motivation, abilities, experience, and other things related to the realities of their work increase;

三 派遣元事業主は、前号に掲げる賃金の決定の方法により賃金を決定するに当たっては、派遣労働者の職務の内容、職務の成果、意欲、能力又は経験その他の就業の実態に関する事項を公正に評価し、その賃金を決定すること。

(iii) that, in establishing dispatched workers' wages in the way stated in the preceding item, the worker dispatching provider will fairly evaluate the dispatched workers' job duties, work outcomes, motivation, abilities, experience, and other things related to the realities of their work;

四 第一号に掲げる範囲に属する派遣労働者の待遇（賃金を除く。以下この号において同じ。）の決定の方法（派遣労働者の待遇のそれぞれについて、当該待遇に対応する派遣元事業主に雇用される通常の労働者（派遣労働者を除く。）の待遇との間において、当該派遣労働者及び通常の労働者の職務の内容、当該職務の内容及び配置の変更の範囲その他の事情のうち、当該待遇の性質及び当該待遇を行う目的に照らして適切と認められるものを考慮して、不合理と認められる相違が生じることとならないものに限る。）

(iv) the way of establishing the treatment (other than wages; the same applies below in this item) of dispatched workers falling within the scope stated in item (i) (limited to ways of establishing this that do not result in a difference between the treatment of those dispatched workers and the corresponding treatment of regular workers that the worker dispatching provider employs that are found to be unreasonable in consideration of the circumstances, including the dispatched workers' and regular workers' job descriptions and the scope of changes in their job descriptions and assignments, that are found to be appropriate in light of the nature of the treatment and the purpose of treating those workers in that way);

五 派遣元事業主は、第一号に掲げる範囲に属する派遣労働者に対して第三十条の二第一項の規定による教育訓練を実施すること。

(v) that the worker dispatching provider will provide dispatched workers falling within the scope stated in item (i) with educational training under Article 30-2, paragraph (1); and

六 前各号に掲げるもののほか、厚生労働省令で定める事項

(vi) beyond what is stated in each of the preceding items, particulars specified

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

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

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

(職務の内容等を勘案した賃金の決定)

(Establishing Wages in Consideration of Job Duties)

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

Article 30-5 A worker dispatching provider must endeavor to establish the wages (except the types of wage specified by Order of the Ministry of Health, Labour and Welfare, including commuting allowances) of the dispatched workers it employs (except dispatched workers referred to in Article 30-3, paragraph (2) and those whose treatment is as prescribed by the agreement referred to in paragraph (1) of the preceding Article (referred to below as a "worker covered under a collective agreement")) in consideration of their job duties, work outcomes, motivation, abilities, experience, and other things related to the realities of their work, while making considerations to achieve balance with regular workers employed by clients.

(就業規則の作成の手続)

(Procedures for Preparing the Rules of Employment)

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

Article 30-6 Before preparing or amending the rules of employment in connection with a matter that concerns dispatched workers, a staffing provider must endeavor to hear the opinions of a person who is found to represent a majority of dispatched workers employed at the provider's place of business.

(派遣労働者等の福祉の増進)

(Furthering Dispatched Workers' Welfare)

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

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

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

（適正な派遣就業の確保）

（Ensuring Proper Performance of Assigned Work）

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

Article 31 A worker dispatching provider must take the necessary measures and make other such appropriate considerations to ensure that a client, in having dispatched workers work under its directions and orders, does not violate the provisions of this Act or Acts applied pursuant to the provisions of Section 4 in connection with the assigned work, and to otherwise ensure that the assigned work is properly performed.

（待遇に関する事項等の説明）

（Explaining the Particulars of Treatment）

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

Article 31-2 (1) A worker dispatching provider, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, must explain the particulars specified by Order of the Ministry of Health, Labour and Welfare to workers it seeks to employ as dispatched workers, including what it anticipates those workers' wages would be if the provider employed them as dispatched workers and other particulars of their treatment.

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

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

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

二 前項第二号に掲げる措置の内容

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

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

(4) If requested by a dispatched worker it employs, a worker dispatching provider must explain to the dispatched worker the details of and reasons for differences in treatment between the dispatched worker and the comparable worker prescribed in Article 26, paragraph (8), and the things that it has taken into account in deciding the particulars concerning which it has been established that measures are to be taken pursuant to the provisions of Articles 30-3 through 30-6.

5 派遣元事業主は、派遣労働者が前項の求めをしたことを理由として、当該派遣労働者に対して解雇その他不利益な取扱いをしてはならない。

(5) A worker dispatching provider must not dismiss or otherwise treat a dispatched worker disadvantageously on the grounds of the worker's having made the request referred to in the preceding paragraph.

(派遣労働者であることの明示等)

(Clearly Indicating to Workers That They Are Dispatched Workers)

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

Article 32 (1) Before hiring a worker as a dispatched worker, a staffing provider must clearly indicate this to the worker (including that the provider seeks to employ the worker as a dispatched worker for employment placement dispatch, if this is the case).

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

(2) Before a worker dispatching provider makes a worker it employs whom it has hired as a worker other than a dispatched worker the subject of a worker dispatching arrangement, it must clearly indicate this to the worker (including that the provider seeks to make the worker the subject of employment placement dispatch, if this is the case) and obtain the worker's consent.

(派遣労働者に係る雇用制限の禁止)

(Prohibition of Restrictions on the Employment of Dispatched Workers)

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

Article 33 (1) Without legitimate grounds, a worker dispatching provider must not enter into a contract with a dispatched worker it employs or a worker it seeks to employ as a dispatched worker prohibiting the worker from being employed by the client (including a person that once was a client; the same applies in the following paragraph) or the prospective client after the worker's employment relationship with the provider ends.

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

(2) Without legitimate grounds, a worker dispatching provider must not enter into a contract with a client or prospective client to which it is providing or will provide a dispatched worker it employs prohibiting the client from employing the dispatched worker after the worker's employment relationship with the provider ends.

(就業条件等の明示)

(Clear Indication of Working Conditions)

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

Article 34 (1) Before providing worker dispatching, a worker dispatching provider must clearly indicate the following particulars (excluding the particulars stated in items (iii) and (iv) if the worker dispatching falls under any of the items of Article 40-2, paragraph (1)) to dispatched workers who will be subject to the worker dispatching arrangement, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare:

一 当該労働者派遣をしようとする旨

(i) the provider's intention to provide worker dispatching;

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

(ii) the particulars stated in the items of Article 26, paragraph (1) and other particulars specified by Order of the Ministry of Health, Labour and Welfare that concern those dispatched workers;

三 当該派遣労働者が労働者派遣に係る労働に従事する事業所その他派遣就業の場所における組織単位の業務について派遣元事業主が第三十五条の三の規定に抵触する

こととなる最初の日

(iii) the first day on which the provider will be in violation of the provisions of Article 35-3 as it concerns work in an organizational unit at the place of business or place for the assigned work to be performed where the dispatched worker will be engaged in work under the worker dispatching arrangement; and

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

(iv) the first day on which the client will be in violation of the provisions of Article 40-2, paragraph (1) as it concerns work at the client's place of business or place for the assigned work to be performed where the dispatched worker will be engaged in work under the worker dispatching arrangement.

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

(2) When a worker dispatching provider has received a notification under the provisions of Article 40-2, paragraph (7) from a client, the provider, without delay, must clearly indicate to the dispatched workers engaged in work at the place of business or place for the assigned work to be performed that the notification concerns, the first day on which the client will come to violate the provisions of paragraph (1) of that Article as it concerns work at the place of business or at the place for the assigned work to be performed, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

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

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

(労働者派遣に関する料金の額の明示)

(Clearly Indicating the Amount of the Worker dispatching Charge)

第三十四条の二 派遣元事業主は、次の各号に掲げる場合には、当該各号に定める労働者に対し、厚生労働省令で定めるところにより、当該労働者に係る労働者派遣に関する料金の額として厚生労働省令で定める額を明示しなければならない。

Article 34-2 In a case as stated in any of the following items, the staffing provider, pursuant to the provisions of Order of the Ministry of Health, Labour

and Welfare, must clearly indicate to the workers stated in the corresponding item the amount specified by Order of the Ministry of Health, Labour and Welfare as the amount of the worker dispatching charge as it concerns that worker:

一 労働者を派遣労働者として雇い入れようとする場合 当該労働者

(i) if the provider seeks to hire the worker as a dispatched worker: that worker;

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

(ii) when the provider seeks to provide worker dispatching or if it changes the amount of the worker dispatching charge: the dispatched workers who are subject to the worker dispatching arrangement.

(派遣先への通知)

(Notifying the Client)

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

Article 35 (1) When a staffing provider provides worker dispatching, it must notify the client of the following particulars pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare:

一 当該労働者派遣に係る派遣労働者の氏名

(i) the names the dispatched workers who will be subject to the worker dispatching arrangement;

二 当該労働者派遣に係る派遣労働者が協定対象派遣労働者であるか否かの別

(ii) whether each dispatched worker who will be subject to the worker dispatching arrangement is covered under a collective agreement;

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

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

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

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

五 当該労働者派遣に係る派遣労働者に関する健康保険法第三十九条第一項の規定による被保険者の資格の取得の確認、厚生年金保険法第十八条第一項の規定による被保険者の資格の取得の確認及び雇用保険法第九条第一項の規定による被保険者となつたことの確認の有無に関する事項であつて厚生労働省令で定めるもの

(v) for each dispatched worker who will be subject to the worker dispatching

arrangement, particulars specified by Order of the Ministry of Health, Labour and Welfare concerning whether there is confirmation that the worker has acquired qualification as an insured person under the provisions of Article 39, paragraph (1) of the Health Insurance Act, confirmation that the worker has acquired qualification as an insured person under the provisions of Article 18, paragraph (1) of the Employees' Pension Insurance Act, and confirmation that the worker has become an insured person under the provisions of Article 9, paragraph (1) of the Employment Insurance Act; and

六 その他厚生労働省令で定める事項

(vi) other particulars specified by Order of the Ministry of Health, Labour and Welfare.

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

(2) If a particular as stated in items (ii) through (v) of the preceding paragraph changes after the staffing provider gives the notice under the provisions of that paragraph, it must notify the client of this without delay.

(労働者派遣の期間)

(Worker dispatching Period)

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

Article 35-2 If a client would violate the provisions of Article 40-2, paragraph (1) by using the worker dispatching staffing services provided by a staffing provider, the provider must not continue to provide worker dispatching beginning from the first day the violation would occur.

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

Article 35-3 A staffing provider must not continuously provide worker dispatching (excluding worker dispatching that falls under any of the items of Article 40-2, paragraph (1)) using the same dispatched worker for more than three years for work in an organizational unit at the client's place of business or at the place for the assigned work to be performed.

(日雇労働者についての労働者派遣の禁止)

(Prohibition of Worker dispatching Using Day Workers)

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

Article 35-4 (1) A staffing provider must not provide worker dispatching using the day workers it employs (referring to workers employed on a daily basis or for a fixed term not exceeding 30 days; the same applies in this paragraph), unless the provider provides worker dispatching for work whose swift and adequate performance requires expert knowledge, technical skills, or experience, and which is specified by Cabinet Order as work that is considered unlikely to interfere with the proper management of day workers' employment even if they are made to engage in it based on a worker dispatching staffing arrangement, or unless the worker dispatching is considered necessary to assist in the continued employment of workers for whom it is considered to be particularly difficult to ensure employment opportunities or in other such cases specified by Cabinet Order.

2 厚生労働大臣は、前項の政令の制定又は改正の立案をしようとするときは、あらかじめ、労働政策審議会の意見を聴かなければならない。

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

（離職した労働者についての労働者派遣の禁止）

(Prohibition on Worker dispatching Using Workers Separated from Employment)

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

Article 35-5 A staffing provider that seeks to provide worker dispatching must not do so if use of the worker dispatching services in question would cause the client to violate the provisions of Article 40-9, paragraph (1).

（派遣元責任者）

(Provider-Side Manager)

第三十六条 派遣元事業主は、派遣就業に関し次に掲げる事項を行わせるため、厚生労働省令で定めるところにより、第六条第一号、第二号及び第四号から第九号までに該当しない者（未成年者を除き、派遣労働者に係る雇用管理を適正に行うに足りる能力

を有する者として、厚生労働省令で定める基準に適合するものに限る。)のうちから派遣元責任者を選任しなければならない。

Article 36 A staffing provider must appoint a provider-side manager from among persons not falling under any items of (i), (ii), and (iv) through (ix) of Article 6 (excluding minors, and limited to persons who meet the criteria specified by Order of the Ministry of Health, Labour and Welfare as persons who are sufficiently able to properly manage the employment of dispatched workers), pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, in order to have that manager do the following things in connection with assigned work:

一 第三十二条、第三十四条、第三十五条及び次条に定める事項に関すること。

(i) dealing with the particulars prescribed in Articles 32, 34, and 35 and the following Article:

二 当該派遣労働者に対し、必要な助言及び指導を行うこと。

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

三 当該派遣労働者から申出を受けた苦情の処理に当たること。

(iii) handling complaints submitted by dispatched workers;

四 当該派遣労働者等の個人情報の管理に関すること。

(iv) dealing with managing dispatched workers' personal information;

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

(v) dealing with providing dispatched workers with educational training and ensuring that they have opportunities to seek advice about career-path planning;

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

(vi) communicating and coordinating about dispatched workers' health and safety with the person that oversees the administration of operations related to workers' health and safety at the place of business, and with clients; and

七 前号に掲げるもののほか、当該派遣先との連絡調整に関すること。

(vii) dealing with communicating and coordinating with clients, beyond what is stated in the preceding items.

(派遣元管理台帳)

(Provider-Side Management Records)

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

Article 37 (1) A staffing provider must prepare a provider-side management record for assigned work and enter the following particulars in it for each dispatched worker, pursuant to the provisions of Order of the Ministry of

Health, Labour and Welfare:

一 協定対象派遣労働者であるか否かの別

(i) whether that worker is covered under a collective agreement;

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

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

三 第四十条の二第一項第二号の厚生労働省令で定める者であるか否かの別

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

四 派遣先の氏名又は名称

(iv) the name of the client;

五 事業所の所在地その他派遣就業の場所及び組織単位

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

六 労働者派遣の期間及び派遣就業をする日

(vi) the worker dispatching period and the days on which assigned work is performed;

七 始業及び終業の時刻

(vii) what times the worker starts and finishes work;

八 従事する業務の種類

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

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

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

十 教育訓練（厚生労働省令で定めるものに限る。）を行つた日時及び内容

(x) the dates, times, and content of educational training provided (limited to educational training specified by Order of the Ministry of Health, Labour and Welfare);

十一 派遣労働者から申出を受けた苦情の処理に関する事項

(xi) the particulars of the handling of complaints submitted by the dispatched worker;

十二 紹介予定派遣に係る派遣労働者については、当該紹介予定派遣に関する事項

(xii) if the dispatched worker is subject to temp-to-perm placement, the particulars of the temp-to-perm placement; and

十三 その他厚生労働省令で定める事項

(xiii) other particulars specified by Order of the Ministry of Health, Labour and Welfare.

2 派遣元事業主は、前項の派遣元管理台帳を三年間保存しなければならない。

(2) A staffing provider must retain the provider-side management record referred to in the preceding paragraph for three years.

(準用)

(Application Mutatis Mutandis)

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

Article 38 The provisions of Article 33 and Article 34, paragraph (1) (excluding items (iii) and (iv)) apply mutatis mutandis to entities providing worker dispatching other than staffing providers. In this case, the phrase "client" in Article 33 is deemed to be replaced with "person using staffing services".

第三節 派遣先の講ずべき措置等

Section 3 Measures to Be Taken by Clients

(労働者派遣契約に関する措置)

(Measures Concerning Staffing Contracts)

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

Article 39 A client must take appropriate measures so that it does not violate the provisions of a staffing contract as it concerns the particulars stated in the items of Article 26, paragraph (1) and other particulars specified by Order of the Ministry of Health, Labour and Welfare.

(適正な派遣就業の確保等)

(Ensuring Proper Assigned Work)

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

Article 40 (1) If a client receives a complaint concerning assigned work from a dispatched worker working under its directions and orders, the client must notify the staffing provider of the details of the complaint and endeavor, in good faith and without delay, to handle the complaint appropriately and promptly in close cooperation with the staffing provider.

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

(2) Unless a dispatched worker already has the abilities they need for the work in question and excepting other cases specified by Order of the Ministry of Health, Labour and Welfare, at the request of the staffing provider that employs a dispatched worker who is working under a client's directions and orders, the client must take the necessary measures such as also providing that dispatched worker with educational training it implements to give workers whom the client employs and who are engaged in the same type of work as that dispatched worker the abilities they need to perform their work, in order to enable the dispatched worker to acquire the abilities they need for that work.

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

(3) A client must provide a dispatched worker working under its directions and orders with opportunities to use workplace facilities that it provides the workers it employs an opportunity to use, and that Order of the Ministry of Health, Labour and Welfare specifies as contributing to the smooth performance of work.

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

(4) Beyond what is prescribed in the preceding three paragraphs, a client must make considerations for dispatched workers who are made to work under its directions and orders by taking the necessary measures for assigned work to be done properly and smoothly, such as maintaining a proper work environment and facilitating the use of the infirmary and other such facilities regularly used by the workers employed by the client (excluding the welfare facilities specified by Order of the Ministry of Health, Labour and Welfare as referred to in the preceding paragraph).

5 派遣先は、第三十条の二、第三十条の三、第三十条の四第一項及び第三十一条の二第四項の規定による措置が適切に講じられるようにするため、派遣元事業主の求めに応じ、業務と同種の業務に従事する当該派遣先に雇用される労働者に関する情報、当

該派遣労働者の業務の遂行の状況その他の情報であつて当該措置に必要なものを提供する等必要な協力をするように配慮しなければならない。

- (5) In order for measures under the provisions of Articles 30-2 and 30-3, Article 30-4, paragraph (1), and Article 31-2, paragraph (4) to be taken appropriately, a client, at the request of the staffing provider, must make considerations for providing the needed cooperation, including by providing information on workers employed by the client who are engaged in the same type of work, information on the performance of work by the dispatched workers, and other information that is needed for those measures to be taken.

(労働者派遣の役務の提供を受ける期間)

(Term for Using Worker Dispatching Services)

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

Article 40-2 (1) A client must not use the staffing services provided by a staffing provider continuously for a period exceeding the allowable term for a staffing arrangement for work at each of its places of business or places for the assigned work to be performed; provided, however, that this does not apply if the worker dispatching arrangement falls under any of the following items:

一 無期雇用派遣労働者に係る労働者派遣

(i) a worker dispatching arrangement involving a dispatched worker on an open-ended contract;

二 雇用の機会の確保が特に困難である派遣労働者であつてその雇用の継続等を図る必要があると認められるものとして厚生労働省令で定める者に係る労働者派遣

(ii) a worker dispatching arrangement involving persons specified by Order of the Ministry of Health, Labour and Welfare as dispatched workers for whom it is particularly difficult to ensure employment opportunities and whose continued or otherwise employment it is considered necessary to assist in;

三 次のイ又はロに該当する業務に係る労働者派遣

(iii) a worker dispatching arrangement for work falling under (a) or (b) below:

イ 事業の開始、転換、拡大、縮小又は廃止のための業務であつて一定の期間内に完了することが予定されているもの

(a) work for starting, converting, expanding, downsizing, or discontinuing an undertaking, that is scheduled to be completed within a fixed period of time;

ロ その業務が一箇月間に行われる日数が、当該派遣就業に係る派遣先に雇用される通常の労働者の一箇月間の所定労働日数に比し相当程度少なく、かつ、厚生労働大臣の定める日数以下である業務

(b) work carried out on a number of days per month that is considerably less

than the prescribed number of working days per month for regular workers employed by the client where the assigned work takes place, and that is less than the number of days specified by the Minister of Health, Labour and Welfare;

四 当該派遣先に雇用される労働者が労働基準法第六十五条第一項及び第二項の規定により休業し、並びに育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律（平成三年法律第七十六号）第二条第一号に規定する育児休業をする場合における当該労働者の業務その他これに準ずる場合として厚生労働省令で定める場合における当該労働者の業務に係る労働者派遣

(iv) a worker dispatching arrangement to cover the work of a worker employed by the client when that worker takes leave under the provisions of Article 65, paragraphs (1) and (2) of the Labor Standards Act, or takes the child-care leave prescribed in Article 2, item (i) of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members (Act No. 76 of 1991), or in other cases specified by Order of the Ministry of Health, Labour and Welfare as being equivalent to this; or

五 当該派遣先に雇用される労働者が育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律第二条第二号に規定する介護休業をし、及びこれに準ずる休業として厚生労働省令で定める休業をする場合における当該労働者の業務に係る労働者派遣

(v) a worker dispatching arrangement to cover the work of a worker employed by the client when that worker takes the family care leave prescribed in Article 2, item (ii) of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members or other leave specified by Order of the Ministry of Health, Labour and Welfare as equivalent to this.

2 前項の派遣可能期間（以下「派遣可能期間」という。）は、三年とする。

(2) The allowable term for a staffing arrangement which is referred to in the preceding paragraph (referred to below as the "allowable term for a staffing arrangement") is three years.

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

(3) If a client seeks to use the worker dispatching staffing services (excluding services related to worker dispatching that falls under any of the items of paragraph (1); the same applies below in this paragraph) provided by a staffing provider during a continuous period exceeding three years for work at each of its places of business or places for assigned work to be performed, it may extend the allowable term for the staffing arrangement by up to three years, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, during the period that runs from the day on which provision of the staffing services begins for work at each of the client's places of business or places for assigned work to be performed (or from the day after the final day in the allowable term for the staffing arrangement prior to its extension pursuant to the provisions of this paragraph, if applicable) until the day one month before the first day on which the client will come to violate the provisions of paragraph (1) in connection with the work at each of those places of business or places for assigned work to be performed (referred to as the "period for hearing opinions" in the following paragraph). The same applies to any further extension of the extended allowable term for the staffing arrangement.

4 派遣先は、派遣可能期間を延長しようとするときは、意見聴取期間に、厚生労働省令で定めるところにより、過半数労働組合等（当該派遣先の事業所に、労働者の過半数で組織する労働組合がある場合においてはその労働組合、労働者の過半数で組織する労働組合がない場合においては労働者の過半数を代表する者をいう。次項において同じ。）の意見を聴かなければならない。

(4) If a client seeks to extend the allowable term for a staffing arrangement, it must hear the opinions of the majority labor union or representative (meaning a labor union made up of a majority of the workers at the client's place of business, if there is one, or a person who represents a majority of the workers at that place of business, if there is no such labor union there; the same applies in the following paragraph) within the period for hearing opinions pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

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

(5) If the majority labor union or representative whose opinions are heard pursuant to the provisions of the preceding paragraph raises an objection, the client must explain to the majority labor union or representative the particulars specified by Order of the Ministry of Health, Labour and Welfare, including the reason for the extension of the allowable term for the staffing arrangement, as it concerns the work at each of the client's places of business or places for assigned work to be performed, by the day before what would be the final day of the allowable term for a staffing arrangement prior to its

extension.

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

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

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

(7) If a client has extended the allowable term for a staffing arrangement pursuant to the provisions of paragraph (3), it must promptly notify the staffing provider that is providing the worker dispatching of the first day the client will come into conflict with the provisions of paragraph (1) with regard to work at each of the client's places of business or places for assigned work to be performed.

8 厚生労働大臣は、第一項第二号、第四号若しくは第五号の厚生労働省令の制定又は改正をしようとするときは、あらかじめ、労働政策審議会の意見を聴かなければならない。

(8) Before establishing or amending the Order of the Ministry of Health, Labour and Welfare referred to in paragraph (1), item (ii), (iv) or (v), the Minister of Health, Labour and Welfare must obtain the opinion of the Labor Policy Council.

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

Article 40-3 If the allowable term for a staffing arrangement is extended pursuant to the provisions of paragraph (3) of the preceding Article, a client must not continuously use worker dispatching services (excluding worker dispatching that falls under any of the items of paragraph (1) of that Article) that the staffing provider provides using the same dispatched worker for a period exceeding three years for work in an organizational unit at the client's place of business or at the place for assigned work to be performed.

（特定有期雇用派遣労働者の雇用）

(Employment of Prescribed Dispatched Workers on Fixed-Term Contracts)

第四十条の四 派遣先は、当該派遣先の事業所その他派遣就業の場所における組織単位ごとの同一の業務について派遣元事業主から継続して一年以上の期間同一の特定有期

雇用派遣労働者に係る労働者派遣（第四十条の二第一項各号のいずれかに該当するものを除く。）の役務の提供を受けた場合において、引き続き当該同一の業務に労働者を従事させるため、当該労働者派遣の役務の提供を受けた期間（以下この条において「派遣実施期間」という。）が経過した日以後労働者を雇い入れようとするときは、当該同一の業務に派遣実施期間継続して従事した特定有期雇用派遣労働者（継続して就業することを希望する者として厚生労働省令で定めるものに限る。）を、遅滞なく、雇い入れるように努めなければならない。

Article 40-4 If a client has used worker dispatching services (excluding services associated with worker dispatching that falls under any of the items of Article 40-2, paragraph (1)) that a staffing provider provides using the same prescribed dispatched worker on a fixed-term contract during a continuous period of one year or longer for work in an organizational unit at the client's place of business or at the place for assigned work to be performed, and the client seeks to hire a worker on or after the day that follows the final day in the period during which it used those staffing services (referred to below as "the period the client implemented the staffing arrangement" in this Article) so as to have a worker continue to engage in that work, it must endeavor to hire the prescribed dispatched worker who was continuously engaged in that same work during the period the client implemented the staffing arrangement (limited to a person specified by Order of the Ministry of Health, Labour and Welfare as one who wishes to continue to do that work).

（派遣先に雇用される労働者の募集に係る事項の周知）

(Providing Information on Recruitment of Workers to Be Employed by Clients)

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

Article 40-5 (1) If a client has used the worker dispatching services that a staffing provider provides using the same dispatched worker during a continuous period of one year or longer at the client's place of business or at the place for assigned work to be performed, and the client is looking to recruit someone as a regular worker who will be engaged in work at that place of business or place for assigned work to be performed, it must provide the dispatched worker with information on the recruitment, including the details, wages, and working hours for the work in which the person would be engaged, by taking measures such as posting that information at the place in question.

2 派遣先の事業所その他派遣就業の場所における同一の組織単位の業務について継続

して三年間当該労働者派遣に係る労働に従事する見込みがある特定有期雇用派遣労働者（継続して就業することを希望する者として厚生労働省令で定めるものに限る。）に係る前項の規定の適用については、同項中「労働者派遣」とあるのは「労働者派遣（第四十条の二第一項各号のいずれかに該当するものを除く。）」と、「通常の労働者」とあるのは「労働者」とする。

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

第四十条の六 労働者派遣の役務の提供を受ける者（国（行政執行法人（独立行政法人通則法（平成十一年法律第百三号）第二条第四項に規定する行政執行法人をいう。）を含む。次条において同じ。）及び地方公共団体（特定地方独立行政法人（地方独立行政法人法（平成十五年法律第百十八号）第二条第二項に規定する特定地方独立行政法人をいう。）を含む。次条において同じ。）の機関を除く。以下この条において同じ。）が次の各号のいずれかに該当する行為を行つた場合には、その時点において、当該労働者派遣の役務の提供を受ける者から当該労働者派遣に係る派遣労働者に対し、その時点における当該派遣労働者に係る労働条件と同一の労働条件を内容とする労働契約の申込みをしたものとみなす。ただし、労働者派遣の役務の提供を受ける者が、その行つた行為が次の各号のいずれかの行為に該当することを知らず、かつ、知らなかつたことにつき過失がなかつたときは、この限りでない。

Article 40-6 (1) When a person using staffing services (excluding organs of the national government (including agencies engaged in administrative execution (meaning an agency engaged in administrative execution defined in Article 2, paragraph (4) of the Act on General Rules for Incorporated Administrative Agencies (Act No. 103 of 1999)); the same applies in the following Article) and local governments (including specified local incorporated administrative agencies (referring to the specified local incorporated administrative agency defined in Article 2, paragraph (2) of the Local Incorporated Administrative Agency Act (Act No. 118 of 2003)); the same applies in the following Article); the same applies below in this Article) takes any of the actions stated in the following items, the person is deemed to have offered a labor contract to the dispatched worker who is subject to the worker dispatching arrangement, with the same working conditions as those applicable to the dispatched worker as of the time when the action is taken; provided, however, that this does not apply if the person using staffing services was unaware that the action taken falls

under the category of an action stated in the following items, and was not negligent in failing to learn this:

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

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

二 第二十四条の二の規定に違反して労働者派遣の役務の提供を受けること。

(ii) using staffing services in violation of the provisions of Article 24-2;

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

(iii) using staffing services in violation of the provisions of Article 40-2, paragraph (1) (excluding violations of the provisions of paragraph (1) of that Article resulting from the absence of the hearing procedures prescribed in paragraph (4) of that Article as specified by Order of the Ministry of Health, Labour and Welfare);

四 第四十条の三の規定に違反して労働者派遣の役務の提供を受けること。

(iv) using staffing services in violation of the provisions of Article 40-3; or

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

(v) entering into a service contract or any other contract that is nominally other than for worker dispatching for the purpose of evading the application of the provisions of this Act or any law that is applicable pursuant to the provisions of the following Section, and using staffing services without providing for the particulars stated in the items of Article 26, paragraph (1) in the contract.

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

(2) A person using staffing services that has been deemed to have offered a labor contract pursuant to the provisions of the preceding paragraph may not terminate the offer within one year from the day on which the applicable act prescribed in that paragraph that resulted in the offer ends.

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

(3) If a person using staffing services that has been deemed to have offered a labor contract pursuant to the provisions of paragraph (1) does not receive the manifestation of intention to accept or not to accept the offer within the period

stated in the preceding paragraph, the offer ceases to be effective.

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

(4) At the request of the person using staffing services, the business entity that provides worker dispatching involving a dispatched worker who is subject to a labor contract that is deemed to have been offered pursuant to the provisions of paragraph (1) must promptly notify the person of the working conditions of the dispatched worker as of the time when the labor contract is deemed to have been offered pursuant to the provisions of that paragraph.

第四十条の七 労働者派遣の役務の提供を受ける者が国又は地方公共団体の機関である場合であつて、前条第一項各号のいずれかに該当する行為を行つた場合（同項ただし書に規定する場合を除く。）においては、当該行為が終了した日から一年を経過する日までの間に、当該労働者派遣に係る派遣労働者が、当該国又は地方公共団体の機関において当該労働者派遣に係る業務と同一の業務に従事することを求めるときは、当該国又は地方公共団体の機関は、同項の規定の趣旨を踏まえ、当該派遣労働者の雇用の安定を図る観点から、国家公務員法（昭和二十二年法律第二百十号。裁判所職員臨時措置法（昭和二十六年法律第二百九十九号）において準用する場合を含む。）、国会職員法（昭和二十二年法律第八十五号）、自衛隊法（昭和二十九年法律第百六十五号）又は地方公務員法（昭和二十五年法律第二百六十一号）その他関係法令の規定に基づく採用その他の適切な措置を講じなければならない。

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

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

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

- (2) At the request of the organ of the national or local government associated with the worker dispatching arrangement in question, the business entity that provides worker dispatching involving a dispatched worker who has made a request as prescribed in the preceding paragraph must promptly notify the organ of the national or local government of the working conditions of the dispatched worker as of the time when the relevant organ of the national or local government committed an act that falls under any of the items of paragraph (1) of the preceding Article.

第四十条の八 厚生労働大臣は、労働者派遣の役務の提供を受ける者又は派遣労働者からの求めに応じて、労働者派遣の役務の提供を受ける者の行為が、第四十条の六第一項各号のいずれかに該当するかどうかについて必要な助言をすることができる。

Article 40-8 (1) At the request of a person using staffing services or a dispatched worker, the Minister of Health, Labour and Welfare may give the necessary advice about whether an act by a person using staffing services falls under any of the items of Article 40-6, paragraph (1).

- 2 厚生労働大臣は、第四十条の六第一項の規定により申し込まれたものとみなされた労働契約に係る派遣労働者が当該申込みを承諾した場合において、同項の規定により当該労働契約の申込みをしたものとみなされた労働者派遣の役務の提供を受ける者が当該派遣労働者を就労させない場合には、当該労働者派遣の役務の提供を受ける者に対し、当該派遣労働者の就労に関し必要な助言、指導又は勧告をすることができる。

(2) If a dispatched worker whom a labor contract that is found to have been offered pursuant to the provisions of Article 40-6, paragraph (1) concerns accepts the offer but is not allowed to work by the person using staffing services that has been found to have offered the labor contract pursuant to the provisions of that paragraph, the Minister of Health, Labour and Welfare may give the person using staffing services the necessary advice, guidance, or recommendations about the employment of the dispatched worker.

- 3 厚生労働大臣は、前項の規定により、当該派遣労働者を就労させるべき旨の勧告をした場合において、その勧告を受けた第四十条の六第一項の規定により労働契約の申込みをしたものとみなされた労働者派遣の役務の提供を受ける者がこれに従わなかつたときは、その旨を公表することができる。

(3) If a person using staffing services that has been found to have offered a labor contract pursuant to the provisions of Article 40-6, paragraph (1) does not follow the recommendation given by the Minister of Health, Labour and Welfare, pursuant to the provisions of the preceding paragraph, that the relevant dispatched worker should be allowed to work, the Minister of Health,

Labour and Welfare may make this public.

(離職した労働者についての労働者派遣の役務の提供の受入れの禁止)

(Prohibition on Using Worker Dispatching Services Involving Workers Separated from Employment)

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

Article 40-9 (1) If a client seeks to use worker dispatching services but a dispatched worker subject to the worker dispatching arrangement is a person separated from employment with the client, the client must not use staffing services involving that dispatched worker (excluding dispatched workers specified by Order of the Ministry of Health, Labour and Welfare as those for whom it is particularly difficult to ensure employment opportunities and whose continued employment it is considered necessary to assist in) until the final day in the one-year period counting from the date of the separation from employment.

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

(2) If a client has received a notification under the provisions of Article 35, paragraph (1) and it would violate the provisions of the preceding paragraph if the client were to use the worker dispatching services in question, the client must promptly notify the provider that seeks to provide the worker dispatching of this.

(派遣先責任者)

(Client-Side Manager)

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

Article 41 A client must appoint a client-side manager pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, to have that person carry out the following particulars with regard to assigned work:

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

(i) making the details of the following particulars known to persons in a job position that involves them giving directions and orders on dispatched workers' work performance, and to other persons concerned:

イ この法律及び次節の規定により適用される法律の規定（これらの規定に基づく

命令の規定を含む。)

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

ロ 当該派遣労働者に係る第三十九条に規定する労働者派遣契約の定め

(b) the provisions of the staffing contract prescribed in Article 39 which concern the dispatched workers;

ハ 当該派遣労働者に係る第三十五条の規定による通知

(c) the notification under the provisions of Article 35 concerning the dispatched workers;

二 第四十条の二第七項及び次条に定める事項に関すること。

(ii) dealing with the particulars prescribed in Article 40-2, paragraph (7) and the following Article;

三 当該派遣労働者から申出を受けた苦情の処理に当たること。

(iii) handling complaints submitted by dispatched workers;

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

(iv) communicating and coordinating about dispatched workers' health and safety with the person that oversees the administration of operations related to workers' health and safety at the relevant place of business and with the staffing provider; and

五 前号に掲げるもののほか、当該派遣元事業主との連絡調整に関すること。

(v) communicating and coordinating with staffing providers, beyond what is stated in the preceding items.

(派遣先管理台帳)

(Client-Side Management Records)

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

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

一 協定対象派遣労働者であるか否かの別

(i) whether the worker is a worker covered under a collective agreement;

二 無期雇用派遣労働者であるか有期雇用派遣労働者であるかの別

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

三 第四十条の二第一項第二号の厚生労働省令で定める者であるか否かの別

(iii) whether the worker is a person specified by Order of the Ministry of

Health, Labour and Welfare as referred to in Article 40-2, paragraph (1), item (ii);

四 派遣元事業主の氏名又は名称

(iv) the name of the staffing provider;

五 派遣就業をした日

(v) the days on which the assigned work was performed;

六 派遣就業をした日ごとの始業し、及び終業した時刻並びに休憩した時間

(vi) what time the worker started and finished work and rest breaks during work, for each day on which assigned work was performed;

七 従事した業務の種類

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

八 派遣労働者から申出を受けた苦情の処理に関する事項

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

九 紹介予定派遣に係る派遣労働者については、当該紹介予定派遣に関する事項

(ix) if the dispatched worker is subject to temp-to-perm placement, the particulars of their temp-to-perm placement;

十 教育訓練（厚生労働省令で定めるものに限る。）を行つた日時及び内容

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

十一 その他厚生労働省令で定める事項

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

2 派遣先は、前項の派遣先管理台帳を三年間保存しなければならない。

(2) A client must retain the client-side management record referred to in the preceding paragraph for three years.

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

(3) Pursuant to Order of the Ministry of Health, Labour and Welfare, a client must notify a staffing provider of the particulars stated in each item of paragraph (1) (excluding item (iv)).

(準用)

(Application Mutatis Mutandis)

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

Article 43 The provisions of Article 39 apply mutatis mutandis to persons that use staffing services but that do not constitute clients.

第四節 労働基準法等の適用に関する特例等

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

(労働基準法の適用に関する特例)

(Special Application of the Labor Standards Act)

第四十四条 労働基準法第九条に規定する事業（以下この節において単に「事業」という。）の事業主（以下この条において単に「事業主」という。）に雇用され、他の事業主の事業における派遣就業のために当該事業に派遣されている同条に規定する労働者（同居の親族のみを使用する事業に使用される者及び家事使用人を除く。）であつて、当該他の事業主（以下この条において「派遣先の事業主」という。）に雇用されていないもの（以下この節において「派遣中の労働者」という。）の派遣就業に関しては、当該派遣中の労働者が派遣されている事業（以下この節において「派遣先の事業」という。）もまた、派遣中の労働者を使用する事業とみなして、同法第三条、第五条及び第六十九条の規定（これらの規定に係る罰則の規定を含む。）を適用する。

Article 44 (1) The provisions of Articles 3, 5, and 69 of the Labor Standards Act (including penal provisions related to these provisions) apply to the assigned work of a worker provided for in Article 9 of that Act (excluding a person who is employed at a business at which only relatives living together are employed, or a domestic employee) who is employed by an entity that controls a business as prescribed in that Article (simply referred to below as a "business" in this Section) (the entity in control of such a business is simply referred to below as an "entity" in this Article), who has been assigned to another entity's business in order to do assigned work at that business, and who is not employed by that other entity (that other entity is referred to below as the "client entity" in this Article) (such a worker is referred to below as an "assigned worker" in this Section); the business to which the assigned worker has been assigned (referred to below as the "client's business" in this Section) is deemed to also be a business at which the assigned worker is employed, and the provisions of Articles 3, 5, and 69 of that Act (including the associated penal provisions) apply.

2 派遣中の労働者の派遣就業に関しては、派遣先の事業のみを、派遣中の労働者を使用する事業とみなして、労働基準法第七条、第三十二条、第三十二条の二第一項、第三十二条の三第一項、第三十二条の四第一項から第三項まで、第三十三条から第三十五条まで、第三十六条第一項及び第六項、第四十条、第四十一条、第六十条から第六十三条まで、第六十四条の二、第六十四条の三、第六十六条から第六十八条まで並びに第百四十一条第三項の規定並びに当該規定に基づいて発する命令の規定（これらの規定に係る罰則の規定を含む。）を適用する。この場合において、同法第三十二条の二第一項中「当該事業場に」とあるのは「労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律（以下「労働者派遣法」という。）第四十四条第三項に規定する派遣元の使用者（以下単に「派遣元の使用者」という。）が、当該派遣元の事業（同項に規定する派遣元の事業をいう。以下同じ。）の事業場に」と、同法第

三十二条の三中「就業規則その他これに準ずるものにより、」とあるのは「派遣元の使用者が就業規則その他これに準ずるものにより」と、「とした労働者」とあるのは「とした労働者であつて、当該労働者に係る労働者派遣法第二十六条第一項に規定する労働者派遣契約に基づきこの条の規定による労働時間により労働させることができるもの」と、「当該事業場の」とあるのは「派遣元の使用者が、当該派遣元の事業の事業場の」と、同法第三十二条の四第一項及び第二項中「当該事業場に」とあるのは「派遣元の使用者が、当該派遣元の事業の事業場に」と、同法第三十六条第一項中「当該事業場に」とあるのは「派遣元の使用者が、当該派遣元の事業の事業場に」と、「協定をし、」とあるのは「協定をし、及び」とする。

- (2) The client's business is deemed to be the only business at which the assigned worker is employed as it concerns the assigned work performed by an assigned worker, and the provisions of Article 7, Article 32, Article 32-2, paragraph (1), Article 32-3, paragraph (1), Article 32-4, paragraphs (1) through (3), Articles 33 through 35, Article 36, paragraphs (1) and (6), Article 40, Article 41, Articles 60 through 63, Article 64-2, Article 64-3, Articles 66 through 68, and Article 141, paragraph (3) of the Labor Standards Act and the provisions of orders based on these provisions (including penal provisions related to these provisions) apply. In that case, the phrase "at the workplace" in Article 32-2, paragraph (1) of that Act is deemed to be replaced with "at the workplace of the provider's business (which means the provider's business prescribed in Article 44, paragraph (3) of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched workers (referred to below as the "Worker Dispatching Act")); the same applies below), in which the provider-side employer as prescribed in that paragraph (such employer is simply referred to below as a "provider-side employer")"; the phrase "pursuant to rules of employment or the equivalent", in Article 32-3 of the Labor Standards Act is deemed to be replaced with "pursuant to rules of employment or the equivalent, a provider-side employer"; the phrase "a worker for whom" in that Article is deemed to be replaced with "a worker who can be made to work for the working hours under the provisions of Article 26 of the Worker Dispatching Act, based on the staffing contract with regard to the worker concerned under paragraph (1) of that Article"; the phrase "at that workplace" in that Article is deemed to be replaced with "at the workplace of the business of the relevant provider's business, where the provider-side employer"; the phrase "at that workplace" in Article 32-4, paragraphs (1) and (2) of the Labor Standards Act is deemed to be replaced with "at the workplace of the business of the relevant provider's business, where the provider-side employer"; the phrase "at that workplace" in Article 36, paragraph (1) of that Act is deemed to be replaced with "at the workplace of the provider's business, where the provider-side employer"; and the phrase "concluded a written agreement" in that Article is deemed to be replaced with "concluded a written agreement and".

3 労働者派遣をする事業主の事業（以下この節において「派遣元の事業」という。）の労働基準法第十条に規定する使用者（以下この条において「派遣元の使用人」という。）は、労働者派遣をする場合であつて、前項の規定により当該労働者派遣の役務の提供を受ける事業主の事業の同条に規定する使用者とみなされることとなる者が当該労働者派遣に係る労働者派遣契約に定める派遣就業の条件に従つて当該労働者派遣に係る派遣労働者を労働させたならば、同項の規定により適用される同法第三十二条、第三十四条、第三十五条、第三十六条第六項、第四十条、第六十一条から第六十三条まで、第六十四条の二、第六十四条の三若しくは第百四十一条第三項の規定又はこれらの規定に基づいて発する命令の規定（次項において「労働基準法令の規定」という。）に抵触することとなるときにおいては、当該労働者派遣をしてはならない。

(3) The employer provided for in Article 10 of the Labor Standards Act for the business of an entity that provides worker dispatching (such a business is referred to below as the "provider's business" in this Section) (such an employer is referred to below as the "provider-side employer" in this Article) must not provide worker dispatching if the person that would be deemed, pursuant to the preceding paragraph, to be the employer that Article 10 of the Labor Standards Act prescribes for the business of the entity using the worker dispatching services would violate the provisions of Article 32, 34, or 35, Article 36, paragraph (6), Article 40, Articles 61 through 63, Article 64-2 or 64-3, or Article 141, paragraph (3) of that Act, or the provisions of any orders based on these provisions (referred to as "the provisions of laws and regulations concerning labor standards" in the following paragraph), as applied pursuant to the provisions of the preceding paragraph, if it were to cause the dispatched worker who would be subject to the worker dispatching arrangement to work in accordance with the assigned work conditions that the associated staffing contract prescribes.

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

(4) If a provider-side employer violates the provisions of the preceding paragraph (limited to a case in which the person that is deemed, pursuant to the provisions of paragraph (2), to be the employer prescribed in Article 10 of the Labor Standards Act for that client's business violates the relevant provisions of laws and regulations concerning labor standards with regard to a worker assigned under the relevant staffing arrangement), the provider-side employer is deemed to have violated the relevant provisions of laws and regulations concerning labor standards, and the provisions of Articles 118, 119, and 121 of the Labor Standards Act apply.

5 前各項の規定による労働基準法の特例については、同法第三十八条の二第二項中

「当該事業場」とあるのは「当該事業場（労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律（昭和六十年法律第八十八号。以下「労働者派遣法」という。）第二十三条の二に規定する派遣就業にあつては、労働者派遣法第四十四条第三項に規定する派遣元の事業の事業場）」と、同法第三十八条の三第一項中「就かせたとき」とあるのは「就かせたとき（派遣先の使用者（労働者派遣法第四十四条第一項又は第二項の規定により同条第一項に規定する派遣先の事業の第十条に規定する使用者とみなされる者をいう。以下同じ。）が就かせたときを含む。）」と、同法第九十九条第一項から第三項まで、第百条第一項及び第三項並びに第百四条の二中「この法律」とあるのは「この法律及び労働者派遣法第四十四条の規定」と、同法第一百一条第一項、第百四条第二項、第百四条の二、第百五条の二、第百六条第一項及び第百九条中「使用者」とあるのは「使用者（派遣先の使用者を含む。）」と、同法第二百二条中「この法律違反の罪」とあるのは「この法律（労働者派遣法第四十四条の規定により適用される場合を含む。）の違反の罪（同条第四項の規定による第百十八条、第百十九条及び第百二十一条の罪を含む。）」と、同法第百四条第一項中「この法律又はこの法律に基いて発する命令」とあるのは「この法律若しくはこの法律に基づいて発する命令の規定（労働者派遣法第四十四条の規定により適用される場合を含む。）又は同条第三項の規定」と、同法第百六条第一項中「この法律」とあるのは「この法律（労働者派遣法第四十四条の規定を含む。以下この項において同じ。）」と、「協定並びに第三十八条の四第一項及び第五項に規定する決議」とあるのは「協定並びに第三十八条の四第一項及び第五項（第四十一条の二第三項において準用する場合を含む。）並びに第四十一条の二第一項に規定する決議（派遣先の使用者にあつては、この法律及びこれに基づく命令の要旨）」と、同法第百十二条中「この法律及びこの法律に基いて発する命令」とあるのは「この法律及びこの法律に基づいて発する命令の規定（労働者派遣法第四十四条の規定により適用される場合を含む。）並びに同条第三項の規定」として、これらの規定（これらの規定に係る罰則の規定を含む。）を適用する。

- (5) To apply the exceptions to the Labor Standards Act under the provisions of each of the preceding paragraphs, the following provisions (including penal provisions relating to these provisions), the following terms are deemed to be replaced in the following manner: the phrase "that workplace" in Article 38-2, paragraph (2) of that Act is deemed to be replaced with "the workplace (for the assigned work prescribed in Article 23-2 of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (Act No. 88 of 1985; referred to below as the "Worker Dispatching Act"), the workplace of the provider's business prescribed in Article 44, paragraph (3) of the Worker Dispatching Act)"; the phrase "if the employer has assigned a worker" in Article 38-3, paragraph (1) of the Labor Standards Act is deemed to be replaced with "if the employer has assigned a worker (including if the client-side employer (meaning the person deemed, pursuant to the provisions of paragraph (1) or (2) of that Article, to be the employer prescribed in Article 10 of the Worker Dispatching Act for the client's business prescribed in Article 44,

paragraph (1) of that Act; the same applies below) has assigned a worker)"; the phrase "this Act" in Article 99, paragraphs (1) through (3), Article 100, paragraphs (1) and (3), and Article 104-2 of the Labor Standards Act is deemed to be replaced with "this Act and the provisions of Article 44 of the Worker Dispatching Act"; the phrase "employer" in Article 101, paragraph (1), Article 104, paragraph (2), Article 104-2, Article 105-2, Article 106, paragraph (1), and Article 109 of the Labor Standards Act is deemed to be replaced with "employer (including client-side employers)"; the phrase "criminal violations of this Act" in Article 102 of that Act is deemed to be replaced with "criminal violations (including the crimes prescribed in Articles 118, 119, and 121 of the Labor Standards Act under the provisions of Article 44, paragraph (4) of the Worker Dispatching Act) of this Act (including as applied pursuant to the provisions of Article 44 of that Act)"; the phrase "this Act or an order issued pursuant to this Act" in Article 104, paragraph (1) of the Labor Standards Act is deemed to be replaced with "the provisions of this Act or orders issued based on this Act (including as applied pursuant to the provisions of Article 44 of the Worker Dispatching Act), or the provisions of paragraph (3) of that Article"; the phrase "this Act" in Article 106, paragraph (1) of the Labor Standards Act is deemed to be replaced with "this Act (including the provisions of Article 44 of the Worker Dispatching Act; the same applies below in this paragraph)"; the phrase "agreement and any resolution as provided in Article 38-4, paragraphs (1) and (5)" in Article 106, paragraph (1) of the Labor Standards Act is deemed to be replaced with "agreement and any resolution as provided in Article 38-4, paragraphs (1) and (5) (including as applied mutatis mutandis pursuant to Article 41-2, paragraph (3)) and Article 41-2, paragraph (1) (for the client-side employer, the main points of this Act and orders based on this Act)"; and the phrase "this Act and orders based on this Act" in Article 112 of the Labor Standards Act is deemed to be replaced with "the provisions of this Act and orders issued based on this Act (including as applied pursuant to the provisions of Article 44 of the Worker Dispatching Act), and the provisions of paragraph (3) of that Article".

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

(6) Technical replacements of terms and other things needed to apply the provisions of the Labor Standards Act and orders issued based on it pursuant to the provisions of this Article are prescribed by orders.

(労働安全衛生法の適用に関する特例等)

(Special Application of the Industrial Safety and Health Act)

第四十五条 労働者がその事業における派遣就業のために派遣されている派遣先の事業に関しては、当該派遣先の事業を行う者もまた当該派遣中の労働者を使用する事業者

(労働安全衛生法(昭和四十七年法律第五十七号)第二条第三号に規定する事業者をいう。以下この条において同じ。)と、当該派遣中の労働者を当該派遣先の事業を行う者にもまた使用される労働者とみなして、同法第三条第一項、第四条、第十条、第十二条から第十三条(第二項及び第三項を除く。)まで、第十三条の二、第十三条の三、第十八条、第十九条の二、第五十九条第二項、第六十条の二、第六十二条、第六十六条の五第一項、第六十九条及び第七十条の規定(これらの規定に係る罰則の規定を含む。)を適用する。この場合において、同法第十条第一項中「第二十五条の二第二項」とあるのは「第二十五条の二第二項(労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律(以下「労働者派遣法」という。)第四十五条第三項の規定により適用される場合を含む。)」と、「次の業務」とあるのは「次の業務(労働者派遣法第四十四条第一項に規定する派遣中の労働者(以下単に「派遣中の労働者」という。)に関しては、第二号の業務(第五十九条第三項に規定する安全又は衛生のための特別の教育に係るものを除く。)、第三号の業務(第六十六条第一項の規定による健康診断(同条第二項後段の規定による健康診断であつて厚生労働省令で定めるものを含む。))及び当該健康診断に係る同条第四項の規定による健康診断並びにこれらの健康診断に係る同条第五項ただし書の規定による健康診断に係るものに限る。))及び第五号の業務(厚生労働省令で定めるものに限る。))を除く。第十二条第一項及び第十二条の二において「派遣先安全衛生管理業務」という。))と、同法第十二条第一項及び第十二条の二中「第十条第一項各号の業務」とあるのは「派遣先安全衛生管理業務」と、「第二十五条の二第二項」とあるのは「第二十五条の二第二項(労働者派遣法第四十五条第三項の規定により適用される場合を含む。)」と、「同条第一項各号」とあるのは「第二十五条の二第一項各号」と、同法第十三条第一項中「健康管理その他の厚生労働省令で定める事項(以下」とあるのは「健康管理その他の厚生労働省令で定める事項(派遣中の労働者に関しては、当該事項のうち厚生労働省令で定めるものを除く。第四項及び第五項、次条並びに第十三条の三において」と、同条第四項中「定めるもの」とあるのは「定めるもの(派遣中の労働者に関しては、当該情報のうち第一項の厚生労働省令で定めるものに関するものを除く。))」と、同法第十八条第一項中「次の事項」とあるのは「次の事項(派遣中の労働者に関しては、当該事項のうち厚生労働省令で定めるものを除く。))」とする。

Article 45 (1) The person running a client's business where a worker has been assigned to do work is deemed to also be the employer that employs that assigned worker (meaning the employer prescribed in Article 2, item (iii) of the Industrial Safety and Health Act (Act No. 57 of 1972); the same applies below in this Article), such an assigned worker is deemed to also be a worker employed by the person running that client's business, and the provisions of Article 3, paragraph (1), Articles 4 and 10, Articles 12 through 13 (excluding paragraphs (2) and (3)), Articles 13-2, 13-3, 18, and 19-2, Article 59, paragraph (2), Articles 60-2 and 62, Article 66-5, paragraph (1), and Articles 69 and 70 (including penal provisions related to these provisions) of that Act apply to the client's business where the worker has been assigned to do that work. In that case, the phrase "Article 25-2, paragraph (2)" in Article 10, paragraph (1) of

that Act is deemed to be replaced with "Article 25-2, paragraph (2) (including as applied pursuant to the provisions of Article 45, paragraph (3) of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (referred to below as the "Worker Dispatching Act"))", and the phrase "the following operations" in Article 10, paragraph (1) of the Industrial Safety and Health Act is deemed to be replaced with "the following operations (with regard to an assigned worker prescribed in Article 44, paragraph (1) of the Worker Dispatching Act (simply referred to below as an "assigned worker"), the operations referred to in item (ii) (excluding those connected with special education on health or safety as prescribed in Article 59, paragraph (3)), the operations referred to in item (iii) (limited to those connected with medical examinations under the provisions of Article 66, paragraph (1) (including medical examinations that fall under the provisions of the second sentence of paragraph (2) of that Article and are specified by Order of the Ministry of Health, Labour and Welfare) and medical examinations associated with to the above medical examinations under the provisions of paragraph (4) of that Article, and medical examinations associated with those medical examinations above under the provisions of the proviso to paragraph (5) of that Article), and the operations referred to in item (v) (limited to those operations specified by Order of the Ministry of Health, Labour and Welfare) are excluded; referred to below as "health and safety management operations at the client's place of business" in Article 12, paragraph (1) and Article 12-2)"; in Article 12, paragraph (1) and Article 12-2, the phrase "the operations listed in each item of Article 10, paragraph (1)" is deemed to be replaced with "health and safety management operations at the client's place of business", the phrase "Article 25-2, paragraph (2)" is deemed to be replaced with "Article 25-2, paragraph (2) (including as applied pursuant to the provisions of Article 45, paragraph (3) of the Worker Dispatching Act)", and the phrase "in each item of paragraph (1) of that Article" is deemed to be replaced with "in each item of Article 25-2, paragraph (1)"; in Article 13, paragraph (1), the phrase "healthcare to workers and undertake other duties specified by Order of the Ministry of Health, Labour and Welfare (hereinafter" is deemed to be replaced with "healthcare to workers and undertake other duties specified by Order of the Ministry of Health, Labour and Welfare (with regard to assigned workers, excluding duties specified by Order of the Ministry of Health, Labour and Welfare from the relevant duties; in paragraphs (4) and (5), the following Article, and Article 13-3"; in paragraph (4) of that Article, the phrase "other information provided" is deemed to be replaced with "other information provided (with regard to assigned workers, from relevant pieces of information, excluding information on the particulars specified by Order of the Ministry of Health, Labour and Welfare referred to in paragraph (1))"; and in Article 18,

paragraph (1) of the Industrial Safety and Health Act, the phrase "the following particulars" is deemed to be replaced with "the following particulars (with regard to assigned workers, excluding particulars specified by Order of the Ministry of Health, Labour and Welfare from the relevant particulars)".

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

- (2) To apply the provisions of Article 10, paragraph (1), Article 12, paragraph (1), Article 12-2, Article 13, paragraphs (1) and (4), and Article 18, paragraph (1) of the Industrial Safety and Health Act to a provider's business employing workers who are assigned to do assigned work at a client's business, the phrase "the following operations" in Article 10, paragraph (1) of that Act is deemed to be replaced with "the following operations (with regard to assigned workers prescribed in Article 44, paragraph (1) of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched workers (referred to below as the "Worker Dispatching Act") (such a worker is referred to below simply as an "assigned worker"), excluding operations over which the person running the client's business as prescribed in Article 44, paragraph (1) of the Worker Dispatching Act appoints a general health and safety manager to exercise overall control pursuant to the provisions of this paragraph as applied by replacing the terms pursuant to the provisions of Article 45, paragraph (1) of the Worker Dispatching Act; such operations are referred to as "health and safety management operations at the client's place of business" in Article 12, paragraph (1) and Article 12-2)"; the phrase "the operations listed in each item of Article 10, paragraph (1)" in Article 12, paragraph (1) and Article 12-2 of the

Industrial Safety and Health Act is deemed to be replaced with "health and safety management operations at the client's place of business"; the phrase "healthcare to workers and undertake other duties specified by Order of the Ministry of Health, Labour and Welfare (hereinafter" in Article 13, paragraph (1) of that Act is deemed to be replaced with "healthcare to workers and undertake other duties specified by Order of the Ministry of Health, Labour and Welfare (with regard to assigned workers, limited to duties specified by Order of the Ministry of Health, Labour and Welfare among the duties mentioned above; in paragraphs (4) and (5), the following Article, and Article 13-3"; the phrase "other information provided" in paragraph (4) of that Article is deemed to be replaced with "other information provided (with regard to assigned workers, among relevant pieces of information, limited to information related to particulars specified by Order of the Ministry of Health, Labour and Welfare referred to in paragraph (1))"; and the phrase "the following particulars" in Article 18, paragraph (1) of the Industrial Safety and Health Act is deemed to be replaced with "the following particulars (with regard to assigned workers, limited to particulars specified by Order of the Ministry of Health, Labour and Welfare among the relevant particulars)".

- 3 労働者とその事業における派遣就業のために派遣されている派遣先の事業に関しては、当該派遣先の事業を行う者を当該派遣中の労働者を使用する事業者と、当該派遣中の労働者を当該派遣先の事業を行う者に使用される労働者とみなして、労働安全衛生法第十一条、第十四条から第十五条の三まで、第十七条、第二十条から第二十七条まで、第二十八条の二から第三十条の三まで、第三十一条の三、第三十六条（同法第三十条第一項及び第四項、第三十条の二第一項及び第四項並びに第三十条の三第一項及び第四項の規定に係る部分に限る。）、第四十五条（第二項を除く。）、第五十七条の三から第五十七条の五まで、第五十九条第三項、第六十条、第六十一条第一項、第六十五条から第六十五条の四まで、第六十六条第二項前段及び後段（派遣先の事業を行う者が同項後段の政令で定める業務に従事させたことのある労働者（派遣中の労働者を含む。）に係る部分に限る。以下この条において同じ。）、第三項、第四項（同法第六十六条第二項前段及び後段並びに第三項の規定に係る部分に限る。以下この条において同じ。）並びに第五項（同法第六十六条第二項前段及び後段、第三項並びに第四項の規定に係る部分に限る。以下この条において同じ。）、第六十六条の三（同法第六十六条第二項前段及び後段、第三項、第四項並びに第五項の規定に係る部分に限る。以下この条において同じ。）、第六十六条の八の三、第六十八条、第六十八条の二、第七十一条の二、第九章第一節並びに第八十八条から第八十九条の二までの規定並びに当該規定に基づく命令の規定（これらの規定に係る罰則を含む。）を適用する。この場合において、同法第二十九条第一項中「この法律又はこれに基づく命令の規定」とあるのは「この法律若しくはこれに基づく命令の規定（労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律（以下「労働者派遣法」という。）第四十五条の規定により適用される場合を含む。）又は同条第十項の規定若しくは同項の規定に基づく命令の規定」と、同条第二項中「この法律又はこれに基づ

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

- (3) The person running a client's business where a worker has been assigned to do work is deemed to be the employer that employs the assigned worker; such an assigned worker is deemed to be a worker employed by the person running the client's business; and the provisions of Article 11, Articles 14 through 15-3, Article 17, Articles 20 through 27, Articles 28-2 through 30-3, Article 31-3, Article 36 (limited to the part related to the provisions of Article 30, paragraphs (1) and (4), Article 30-2, paragraphs (1) and (4), and Article 30-3, paragraphs (1) and (4)), Article 45 (excluding paragraph (2)), Articles 57-3 through 57-5, Article 59, paragraph (3), Article 60, Article 61, paragraph (1), Articles 65 through 65-4, the first sentence and second sentence of Article 66, paragraph (2) (limited to the part concerning workers whom the person running the client's business has had engage in work specified by Cabinet Order referred to in the second sentence of that paragraph (including assigned workers); the same applies below in this Article), Article 66, paragraphs (3), (4) (limited to the part related to the provisions of the first sentence and second sentence of paragraph (2) of Article 66 and Article 66, paragraph (3) of the Industrial Safety and Health Act; the same applies below in this Article), and (5) (limited to the part related to the provisions of the first sentence and second sentence of paragraph (2) of Article 66 and Article 66, paragraphs (3) and (4) of that Act; the same applies below in this Article), Article 66-3 (limited to the part related to the provisions of the first sentence and second sentence of paragraph (2) of Article 66 and Article 66, paragraphs (3), (4), and (5) of that Act; the same applies below in this Article), Articles 66-8-3, 68, 68-2, and 71-2, Chapter IX, Section 1, and Articles 88 through 89-2 of the Industrial Safety and Health Act and the provisions of orders based on those provisions (including penal provisions related to those provisions) apply to the client's

business where that worker has been assigned to do that work. In this case, the phrase "the provisions of this Act or an order under this Act" in Article 29, paragraph (1) of that Act is deemed to be replaced with "the provisions of this Act or orders based on this Act (including as applied pursuant to the provisions of Article 45 of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (referred to below as the "Worker Dispatching Act")), or the provisions of paragraph (10) of that Article or orders based on the provisions of that paragraph"; the phrase "the provisions of this Act or an order based on this Act" in paragraph (2) of that Article is deemed to be replaced with "the provisions of this Act or orders based on this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act), or the provisions of paragraph (10) of that Article or orders based on the provisions of that paragraph"; the phrase "this Act or an order hereunder" in Article 30, paragraph (1), item (v) and Article 88, paragraph (6) of the Industrial Safety and Health Act is deemed to be replaced with "the provisions of this Act or orders based on this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act)"; the phrase "paragraphs (1) through (4) of Article 66, proviso in paragraph (5) and Article 66-2" in Article 66-4 of the Industrial Safety and Health Act is deemed to be replaced with "the first sentence or second sentence of paragraph (2) of Article 66 (limited to the part concerning workers whom a person running a client's business has had engage in the work specified by Cabinet Order referred to in the second sentence of that paragraph (including assigned workers prescribed in Article 44, paragraph (1) of the Worker Dispatching Act); the same applies below in this Article), Article 66, paragraphs (3) and (4) (limited to the part related to the provisions of the first sentence and second sentence of paragraph (2) of Article 66 and Article 66, paragraphs (3) and (4); the same applies below in this Article), or the proviso to Article 66, paragraph (5) (limited to the part related to the provisions of the first sentence and second sentence of paragraph (2) of Article 66 and Article 66, paragraphs (3) and (4))"; and the phrase "paragraph (1) of Article 66-8" in Article 66-8-3 of the Industrial Safety and Health Act is deemed to be replaced with "Article 66-8, paragraph (1), an employer for a provider's business (referring to the provider's business prescribed in Article 44, paragraph (3) of the Worker Dispatching Act)".

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

(4) To apply the provisions of Article 45, paragraph (2) of the Industrial Safety

and Health Act to a person that is deemed, pursuant to the provisions of the preceding paragraph, to be the entity employing an assigned worker, the term "employer" in that paragraph is deemed to be replaced with "the person deemed to be the entity employing an assigned worker, as prescribed in Article 44, paragraph (1) of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers, pursuant to the provisions of Article 45, paragraph (3) of that Act".

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

(5) To apply the provisions of the first sentence of paragraph (3) and the provisions of Article 45, paragraph (2) of the Industrial Safety and Health Act to a provider's business that has assigned a worker employed by that business to do assigned work at a client's business, the employer at the provider's business is deemed not to employ the assigned worker, and that assigned worker is deemed not to be employed by the employer at the provider's business.

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

(6) The employer at a provider's business must not provide dispatched workers if the person that would be deemed, pursuant to the preceding paragraph, to be the employer of the worker assigned to do the assigned work at its business, would violate the provisions of Article 59, paragraph (3), Article 61, paragraph (1), Article 65-4, or Article 68 of the Industrial Safety and Health Act (simply referred to as "the provisions of the Industrial Safety and Health Act" in the following paragraph) as applied pursuant to the provisions of paragraph (3) above, if it were to cause the worker who would be subject to the worker dispatching arrangement to work in accordance with the assigned work conditions that the associated staffing contract prescribes.

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

(7) If the employer at a provider's business has violated the provisions of the preceding paragraph (but only if the person deemed to be the employer of the assigned worker pursuant to the provisions of paragraph (3) has violated the relevant provisions of the Industrial Safety and Health Act in connection with the assigned worker under the worker dispatching arrangement), the employer at the provider's business is deemed to have violated the provisions of the Industrial Safety and Health Act, and the provisions of Articles 119 and 122 of that Act apply.

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

(8) Beyond what is prescribed in paragraphs (1), (3), and (4), in Article 5, paragraph (1) of the Industrial Safety and Health Act, the phrase "employers" is deemed to be replaced with "employers (including a person running a client's business prescribed in Article 44, paragraph (1) of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (referred to below as the "Worker Dispatching Act") (such employer is referred to below as a "client employer"))"; in paragraph (4) of that Article, the phrase "employer in those undertakings" is deemed to be replaced with "employer in those undertakings or the person deemed to be the employer under those undertakings pursuant to the provisions of Article 45 of the Worker Dispatching Act", the phrase "employed solely by the representative" is deemed to be replaced with "workers employed solely by the representative and not by a person other than the representative among relevant employers under those undertakings (including the client employer)", and the phrase "this Act" is deemed to be replaced with "this Act (including as applied pursuant to the

provisions of Article 45 of the Worker Dispatching Act)"; in Article 16, paragraph (1) of the Industrial Safety and Health Act, the phrase "paragraph (1) or (3) of Article 15" is deemed to be replaced with "Article 15, paragraph (1) or (3) as applied pursuant to the provisions of Article 45, paragraph (3) of the Worker Dispatching Act"; in Article 19 of the Industrial Safety and Health Act and Article 17, paragraph (4) as applied mutatis mutandis pursuant to paragraph (4) of Article 19, the phrase "employer" is deemed to be replaced with "client employer"; in Article 19, paragraph (1) of the Industrial Safety and Health Act, the phrase "Article 17 and the preceding Article" is deemed to be replaced with "Article 17 and the preceding Article as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act"; and in Article 19, paragraphs (2) and (3) and Article 17, paragraphs (4) and (5) as applied mutatis mutandis pursuant to Article 19, paragraph (4), the phrase "workers" is deemed to be replaced with "workers (including assigned workers prescribed in Article 44, paragraph (1) of the Worker Dispatching Act)"; and those provisions apply to the person running a client's business where a worker has been assigned to do work.

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

(9) To apply the provisions of Article 19, paragraph (1) of the Industrial Safety and Health Act to a provider's business that has assigned a worker it employs to do assigned work at a client's business, the phrase "Article 17 and the preceding Article" in that paragraph is deemed to be replaced with "Article 17 and the preceding Article as applied pursuant to the provisions of Article 45 of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers".

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

(10) A person deemed to be an employer of assigned workers pursuant to the provisions of paragraph (3) (including a person deemed to be their employer pursuant to the provisions of Article 5, paragraph (4) of the Industrial Safety

and Health Act as applied following a deemed replacement of terms pursuant to the provisions of paragraph (8)) must without delay, after having implemented medical examinations for those assigned workers under the provisions of paragraph (2), (3), or (4) of Article 66 of that Act as applied pursuant to the provisions of paragraph (3), or upon the submission of documents certifying the results of the medical examination under the provisions of the proviso to paragraph (5) of that Article by those assigned workers, prepare documents stating the results of the medical examinations based on records on the assigned workers under the provisions of Article 66-3 and send the documents to the employer at the provider's business, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

1 1 前項の規定により同項の書面の送付を受けた派遣元の事業の事業者は、厚生労働省令で定めるところにより、当該書面を保存しなければならない。

(11) An employer at a provider's business that has received the documents referred to in the preceding paragraph pursuant to the provisions of that paragraph must retain them pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

1 2 前二項の規定に違反した者は、三十万円以下の罰金に処する。

(12) A person violating the provisions of the preceding two paragraphs is subject to a fine of not more than 300,000 yen.

1 3 法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関して、前項の違反行為をしたときは、行為者を罰するほか、その法人又は人に対しても、同項の罰金刑を科する。

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

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

(14) Upon obtaining the opinion of a physician or dentist pursuant to the provisions of Article 66-4 of the Industrial Safety and Health Act as applied to assigned workers pursuant to the provisions of paragraph (3), a person as referred to in paragraph (10) must notify the employer at the provider's business of that opinion without delay, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

1 5 前各項の規定による労働安全衛生法の特例については、同法第九条中「事業者、」とあるのは「事業者（労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律（以下「労働者派遣法」という。）第四十四条第一項に規定する派

遣先の事業を行う者（以下「派遣先の事業者」という。）を含む。以下この条において同じ。）、「と、同法第二十八条第四項、第三十二条第一項から第四項まで、第三十三条第一項、第三十四条、第六十三条、第六十六条の五第三項、第七十条の二第二項、第七十一条の三第二項、第七十一条の四、第九十三条第二項及び第三項、第九十七条第二項、第九十八条第一項、第九十九条第一項、第九十九条の二第一項及び第二項、第百条から第百二条まで、第百四条第一項、第二項及び第四項、第百六条第一項並びに第百八条の二第三項中「事業者」とあるのは「事業者（派遣先の事業者を含む。）」と、同法第三十一条第一項中「の労働者」とあるのは「の労働者（労働者派遣法第四十四条第一項に規定する派遣中の労働者（以下単に「派遣中の労働者」という。）を含む。）」と、同法第三十一条の二、第三十一条の四並びに第三十二条第四項、第六項及び第七項中「労働者」とあるのは「労働者（派遣中の労働者を含む。）」と、同法第三十一条の四及び第九十七条第一項中「この法律又はこれに基づく命令の規定」とあるのは「この法律若しくはこれに基づく命令の規定（労働者派遣法第四十五条の規定により適用される場合を含む。）又は同条第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定」と、同法第九十条、第九十一条第一項及び第百条中「この法律」とあるのは「この法律及び労働者派遣法第四十五条の規定」と、同法第九十二条中「この法律の規定に違反する罪」とあるのは「この法律の規定（労働者派遣法第四十五条の規定により適用される場合を含む。）に違反する罪（同条第七項の規定による第百十九条及び第百二十二条の罪を含む。）並びに労働者派遣法第四十五条第十二項及び第十三項の罪」と、同法第九十八条第一項中「第三十四条の規定」とあるのは「第三十四条の規定（労働者派遣法第四十五条の規定により適用される場合を含む。）」と、同法第百一条第一項中「この法律」とあるのは「この法律（労働者派遣法第四十五条の規定を含む。）」と、同法第百三条第一項中「この法律又はこれに基づく命令の規定」とあるのは「この法律又はこれに基づく命令の規定（労働者派遣法第四十五条の規定により適用される場合を含む。）」と、同法第百四条第一項中「この法律又はこれに基づく命令の規定」とあるのは「この法律若しくはこれに基づく命令の規定（労働者派遣法第四十五条の規定により適用される場合を含む。）又は同条第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定」と、同法第百十五条第一項中「（第二章の規定を除く。）」とあるのは「（第二章の規定を除く。）及び労働者派遣法第四十五条の規定」として、これらの規定（これらの規定に係る罰則の規定を含む。）を適用する。

- (15) For the special application of the Industrial Safety and Health Act under the provisions of each of the preceding paragraphs, the following provisions (including penal provisions related to these provisions) apply with the provided terms being replaced in the provided manner: the phrase "employers" in Article 9 of that Act is deemed to be replaced with "employers (including a person running a client's business provided for in Article 44, paragraph (1) of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (referred to below as the "Worker Dispatching Act") (such a person is referred to below as a "client employer")); the same applies below in this Article"; the phrase "employers" in Article 28, paragraph

(4), Article 32, paragraphs (1) through (4), Article 33, paragraph (1), Article 34, Article 63, Article 66-5, paragraph (3), Article 70-2, paragraph (2), Article 71-3, paragraph (2), Article 71-4, Article 93, paragraphs (2) and (3), Article 97, paragraph (2), Article 98, paragraph (1), Article 99, paragraph (1), Article 99-2, paragraphs (1) and (2), Articles 100 through 102, Article 104, paragraphs (1), (2), and (4), Article 106, paragraph (1), and Article 108-2, paragraph (3) of the Industrial Safety and Health Act is deemed to be replaced with "employers (including client employers)"; the phrase "workers employed by" in Article 31, paragraph (1) of that Act is deemed to be replaced with "workers (including assigned workers prescribed in Article 44, paragraph (1) of the Worker Dispatching Act (simply referred to below as a "assigned worker") employed by)"; the phrase "workers" in Articles 31-2 and 31-4 and Article 32, paragraphs (4), (6), and (7) of the Industrial Safety and Health Act is deemed to be replaced with "workers (including assigned workers)"; the phrase "the provisions of this Act or an order issued under this Act" in Article 31-4 and Article 97, paragraph (1) of the Industrial Safety and Health Act is deemed to be replaced with "the provisions of this Act or orders based on this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act), or the provisions of paragraph (6), (10), or (11) of that Article or the provisions of orders based on these provisions"; the phrase "this Act" in Article 90, Article 91, paragraph (1), and Article 100 of the Industrial Safety and Health Act is deemed to be replaced with "the provisions of this Act and Article 45 of the Worker Dispatching Act"; the phrase "crime that violates this Act" in Article 92 of the Industrial Safety and Health Act is deemed to be replaced with "crime (including the crimes referred to in Articles 119 and 122, which are applicable under the provisions of Article 45, paragraph (7) of the Worker Dispatching Act) that violates this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act) and the crimes referred to in Article 45, paragraphs (12) and (13) of the Worker Dispatching Act"; the phrase "Article 34" in Article 98, paragraph (1) of the Industrial Safety and Health Act is deemed to be replaced with "Article 34 (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act)"; the phrase "this Act" in Article 101, paragraph (1) of the Industrial Safety and Health Act is deemed to be replaced with "this Act (including the provisions of Article 45 of the Worker Dispatching Act)"; the phrase "the provisions of this Act or an order under this Act" in Article 103, paragraph (1) of the Industrial Safety and Health Act is deemed to be replaced with "the provisions of this Act or an order under this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act)"; the phrase "the provisions of this Act or an order under this Act" in Article 104, paragraph (1) of the Industrial Safety and Health Act is deemed to be replaced with "the

provisions of this Act or an order under this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act), or the provisions of paragraph (10) or (11) of that Article or the provisions of orders based on these provisions"; the phrase "(excluding the provisions of Chapter II)" in Article 115, paragraph (1) of the Industrial Safety and Health Act is deemed to be replaced with "(excluding the provisions of Chapter II) and the provisions of Article 45 of the Worker Dispatching Act".

16 第一項から第五項まで、第七項から第九項まで及び前項の規定により適用される労働安全衛生法若しくは同法に基づく命令の規定又は第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定に違反した者に関する同法の規定の適用については、同法第四十六条第二項第一号中「この法律又はこれに基づく命令の規定」とあるのは「この法律若しくはこれに基づく命令の規定（労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律（以下「労働者派遣法」という。）第四十五条の規定により適用される場合を含む。）又は同条第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定」と、同法第五十四条の三第二項第一号中「第四十五条第一項若しくは第二項の規定若しくはこれらの規定に基づく命令」とあるのは「第四十五条第一項若しくは第二項の規定若しくはこれらの規定に基づく命令の規定（労働者派遣法第四十五条第三項及び第四項の規定により適用される場合を含む。）」と、同法第五十六条第六項中「この法律若しくはこれに基づく命令の規定又はこれらの規定に基づく処分」とあるのは「この法律若しくはこれに基づく命令の規定（労働者派遣法第四十五条の規定により適用される場合を含む。）、これらの規定に基づく処分又は同条第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定」と、同法第七十四条第二項第二号、第七十五条の三第二項第三号（同法第八十三条の三及び第八十五条の三において準用する場合を含む。）、第八十四条第二項第二号及び第九十九条の三第一項中「この法律又はこれに基づく命令の規定」とあるのは「この法律若しくはこれに基づく命令の規定（労働者派遣法第四十五条の規定により適用される場合を含む。）又は同条第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定」と、同法第七十五条の四第二項（同法第八十三条の三及び第八十五条の三において準用する場合を含む。）及び第七十五条の五第四項（同法第八十三条の三において準用する場合を含む。）中「この法律（これに基づく命令又は処分を含む。）」とあるのは「この法律若しくはこれに基づく命令の規定（労働者派遣法第四十五条の規定により適用される場合を含む。）、これらの規定に基づく処分、同条第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定」と、同法第八十四条第二項第三号中「この法律及びこれに基づく命令」とあるのは「この法律及びこれに基づく命令（労働者派遣法第四十五条の規定により適用される場合を含む。）並びに労働者派遣法（同条第六項、第十項及び第十一項の規定に限る。）及びこれに基づく命令」とする。

(16) To apply the provisions of the Industrial Safety and Health Act, as applied pursuant to the provisions of paragraphs (1) through (5), paragraphs (7) through (9), and the immediately preceding paragraph, to a person that has

violated the Industrial Safety and Health Act or the provisions of orders based on that Act, or to a person that has violated the provisions of paragraph (6), (10), or (11) or the provisions of orders based on those provisions, the phrase "the provisions of this Act or an order under this Act" in Article 46, paragraph (2), item (i) of that Act is deemed to be replaced with "the provisions of this Act or an order under this Act (including as applied pursuant to the provisions of Article 45 of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (referred to below as the "Worker Dispatching Act")), or the provisions of paragraph (6), (10), or (11) of that Article or the provisions of orders based on these provisions"; the phrase "the provisions of paragraph (1) or (2) of Article 45 or an order under those provisions" in Article 54-3, paragraph (2), item (i) of the Industrial Safety and Health Act is deemed to be replaced with "the provisions of Article 45, paragraph (1) or (2) or of an order based on these provisions (including as applied pursuant to the provisions of Article 45, paragraphs (3) and (4) of the Worker Dispatching Act)"; the phrase "the provisions of this Act, an order under this Act or administrative dispositions under these provisions" in Article 56, paragraph (6) of the Industrial Safety and Health Act is deemed to be replaced with "the provisions of this Act or an order under this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act), administrative dispositions under these provisions, the provisions of paragraph (6), (10), or (11) of that Article, or the provisions of orders based on these provisions"; the phrase "the provisions of this Act or an order under this Act" in Article 74-2, paragraph (2), item (ii), Article 75-3, paragraph (2), item (iii) (including as applied mutatis mutandis pursuant to Articles 83-3 and 85-3 of the Industrial Safety and Health Act), Article 84, paragraph (2), item (ii), and Article 99-3, paragraph (1) of the Industrial Safety and Health Act is deemed to be replaced with "the provisions of this Act or orders based on this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act), or the provisions of paragraph (6), (10), or (11) of that Article or the provisions of orders based on these provisions"; the phrase "this Act (including the orders issued or dispositions taken thereunder)" in Article 75-4, paragraph (2) (including as applied mutatis mutandis pursuant to Articles 83-3 and 85-3 of the Industrial Safety and Health Act) and Article 75-5, paragraph (4) of the Industrial Safety and Health Act (including as applied mutatis mutandis pursuant to Article 83-3 of that Act) is deemed to be replaced with "the provisions of this Act or orders based on this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act), administrative dispositions under these provisions, the provisions of paragraph (6), (10), or (11) of that Article, or the provisions of orders based on these provisions"; and the phrase "this Act or an order hereunder" in Article 84,

paragraph (2), item (iii) of the Industrial Safety and Health Act is deemed to be replaced with "this Act and orders based on this Act (including as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act), and the Worker Dispatching Act (limited to the provisions of paragraphs (6), (10), and (11) of that Article) and orders based on it".

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

(17) Technical replacements a of terms and other things needed to apply the provisions of the Industrial Safety and Health Act and orders based on it pursuant to the provisions of this Article are prescribed by orders.

(じん肺法の適用に関する特例等)

(Special Application of the Pneumoconiosis Act)

第四十六条 労働者がその事業における派遣就業のために派遣されている派遣先の事業で、じん肺法（昭和三十五年法律第三十号）第二条第一項第三号に規定する粉じん作業（以下この条において単に「粉じん作業」という。）に係るものに関しては、当該派遣先の事業を行う者を当該派遣中の労働者（当該派遣先の事業において、常時粉じん作業に従事している者及び常時粉じん作業に従業したことがある者に限る。以下第四項まで及び第七項において同じ。）を使用する同法第二条第一項第五号に規定する事業者（以下この条において単に「事業者」という。）と、当該派遣中の労働者を当該派遣先の事業を行う者に使用される労働者とみなして、同法第五条から第九条の二まで、第十一条から第十四条まで、第十五条第三項、第十六条から第十七条まで及び第三十五条の二の規定（これらの規定に係る罰則の規定を含む。）を適用する。この場合において、同法第九条の二第一項中「、離職」とあるのは「、離職（労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律（以下「労働者派遣法」という。）第四十六条第一項に規定する派遣中の労働者については、当該派遣中の労働者に係る労働者派遣法第二条第一号に規定する労働者派遣の役務の提供の終了。以下この項において同じ。）」と、同法第三十五条の二中「この法律」とあるのは「この法律（労働者派遣法第四十六条の規定を含む。）」とする。

Article 46 (1) The person running a client's business at which a worker has been assigned to do work and which involves dusty tasks as prescribed in Article 2, paragraph (1), item (iii) of the Pneumoconiosis Act (Act No. 30 of 1960) (such work is referred to below as "dusty tasks" in this Article) is deemed to be the employer provided for in Article 2, paragraph (1), item (v) of that Act that employs the assigned worker (limited to one who is or has been regularly engaged in dusty tasks; the same applies below up to paragraph (4) and in paragraph (7)) (such an employer is simply referred to below as the "employer" in this Article), such an assigned worker is deemed to be a worker employed by the person running the client's business, and the provisions of Articles 5 through 9-2, Articles 11 through 14, Article 15, paragraph (3), Articles 16 through 17, and Article 35-2 of that Act (including penal provisions related to

these provisions) apply to the client's business where the worker has been assigned to do that work. In this case, the phrase "separation from employment" in of Article 9-2, paragraph (1) of the above-mentioned Act is deemed to be replaced with "separation from employment (with regard to a assigned worker prescribed in Article 46, paragraph (1) of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (referred to below as the "Worker Dispatching Act"), the end of staffing services involving the assigned worker being provided, as prescribed in Article 2, item (i) of the Worker Dispatching Act; the same applies below in this paragraph)"; and the phrase "this Act" in Article 35-2 of the Pneumoconiosis Act is deemed to be replaced with "this Act (including the provisions of Article 46 of the Worker Dispatching Act)".

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

(2) To apply the provisions stated in the first sentence of the preceding paragraph to a provider's business (limited to one involving dusty tasks) that has assigned a worker employed by that business to do assigned work at a client's business (limited to one involving dusty tasks), the employer at the provider's business is deemed not to employ the assigned worker, and the assigned worker is deemed not to be employed by the employer at the provider's business.

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

(3) To apply the provisions of Article 10 of the Pneumoconiosis Act pursuant to the provisions of paragraph (1), the following terms are deemed to be replaced in the manner stated below: in Article 10, the phrase "An employer may, having conducted a pneumoconiosis examination" is deemed to be replaced with "A person running a client's business prescribed in Article 44, paragraph (1) of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (such a business is simply referred to below as a "client's business") may, having conducted a pneumoconiosis examination for assigned workers prescribed in Article 46,

paragraph (1) of that Act"; and the phrase "in Article 66, paragraph (1) or (2) of the Industrial Safety and Health Act" is deemed to be replaced with "in Article 66, paragraphs (1) or (2) of the Industrial Safety and Health Act in the case of a person running a provider's business prescribed in Article 44, paragraph (3) of that Act, and in paragraph (2) of that Article in the case of a person running a client's business".

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

(4) The provisions of Articles 20-2 through 21 and Article 22-2 of the Pneumoconiosis Act (including penal provisions related to the provisions of Article 21 of that Act) apply to the assigned work that an assigned worker does in a business involving dusty tasks, with the person running the provider's business (excluding one who constitutes the employer; the same applies in the following paragraph and paragraph (6)) being deemed to be the employer, the person running the client's business being deemed to also be the employer that employs that assigned worker, and with the assigned worker being deemed to also be employed by the person running the client's business.

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

(5) The provisions of Article 22 of the Pneumoconiosis Act (including penal provisions connected with that Article) apply to an assigned worker's assigned work at a business involving dusty tasks, with the person running the provider's business being deemed to be the employer.

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

条第一項に規定する派遣先の事業を行う者にあつては労働安全衛生法第六十六条第二項の」と、同法第三十五条の二中「この法律」とあるのは「この法律（労働者派遣法第四十六条の規定を含む。）」とする。

(6) The provisions of Articles 8 through 14, Article 15, paragraph (3), Articles 16 through 17, and Articles 20-2, 22-2, and 35-2 of the Pneumoconiosis Act (including penal provisions related to these provisions) apply to a worker who has ever been regularly engaged in dusty tasks at a client's business and who is employed by the person running the provider's business at the time in question, but who is not regularly engaged in dusty tasks at that time (excluding persons regularly engaged in work other than dusty tasks at that client's business), with the person running the provider's business being deemed to be the employer. In this case, in Article 10 of that Act, the phrase "A employer may, having conducted a pneumoconiosis examination" is deemed to be replaced with "A person running a provider's business prescribed in Article 44, paragraph (3) of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (referred to below as the "Worker Dispatching Act") (that undertaking is simply referred to below as a "provider's business") may, having conducted a pneumoconiosis examination for assigned workers prescribed in paragraph (1) of that Article or for those who were the assigned workers prescribed in that paragraph", and the phrase "in Article 66, paragraphs (1) or (2) of the Industrial Safety and Health Act" is deemed to be replaced with "in Article 66, paragraphs (1) or (2) of the Industrial Safety and Health Act in the case of a person running a provider's business, and in Article 66, paragraph (2) of the Industrial Safety and Health Act in the case of a person running a client's business prescribed in Article 44, paragraph (1) of the Worker Dispatching Act"; and the phrase "this Act" in Article 35-2 of the Pneumoconiosis Act is deemed to be replaced with "this Act (including the provisions of Article 46 of the Worker Dispatching Act)".

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

(7) Upon implementing pneumoconiosis examinations for the assigned workers or upon receiving documents certifying the results of pneumoconiosis

examinations or other documents submitted by the assigned workers pursuant to the provisions of the proviso to Article 11 of the Pneumoconiosis Act as applied pursuant to the provisions of paragraph (1), a person deemed to be an employer employing assigned workers pursuant to the provisions of paragraph (1) must prepare documents stating the results of the pneumoconiosis examinations based on records concerning the assigned workers that have been prepared pursuant to the provisions of Article 17, paragraph (1) of that Act as applied pursuant to the provisions of paragraph (1), pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare; and, upon receiving notification under the provisions of Article 14, paragraph (1) of that Act (including as applied mutatis mutandis pursuant to Article 15, paragraph (3), Article 16, paragraph (2), and Article 16-2, paragraph (2) of that Act) as applied pursuant to the provisions of paragraph (1), must prepare documents stating the contents of the notification pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare and send them to the person running the provider's business without delay.

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

(8) Upon receiving the documents referred to in the preceding paragraph pursuant to the provisions of that paragraph, the person running the relevant provider's business must retain the documents pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

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

(9) If an assigned worker who engages in assigned work in a business involving dusty tasks and who is regularly engaged in dusty tasks (excluding a worker whose classification for supervision of pneumoconiosis has been determined to be No. II, No. III, or No. IV), is diagnosed, in a medical examination referred to in Article 66, paragraphs (1) or (2) of the Industrial Safety and Health Act (excluding one conducted by the person running the client's business), with pneumoconiosis prescribed in Article 2, paragraph (1), item (i) of the Pneumoconiosis Act (simply referred to below as "pneumoconiosis") or with suspected pneumoconiosis, the person running the provider's business must inform the person running the client's business of this without delay.

10 前三項の規定に違反した者は、三十万円以下の罰金に処する。

(10) A person violating the provisions of the preceding three paragraphs is

subject to a fine of not more than 300,000 yen.

- 1 1 法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関して、前項の違反行為をしたときは、行為者を罰するほか、その法人又は人に対しても、同項の罰金刑を科する。

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

- 1 2 前各項の規定によるじん肺法の特例については、同法第三十二条第一項中「事業者」とあるのは「事業者（労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律（以下「労働者派遣法」という。）第四十六条の規定により事業者とみなされた者を含む。第三十五条の三第一項、第二項及び第四項、第四十三条の二第二項並びに第四十四条において「事業者等」という。）」と、同法第三十五条の三第一項、第二項及び第四項中「事業者」とあるのは「事業者等」と、同条第一項中「この法律又はこれに基づく命令の規定」とあるのは「この法律若しくはこれに基づく命令の規定（労働者派遣法第四十六条の規定により適用される場合を含む。）又は同条第七項から第九項までの規定若しくはこれらの規定に基づく命令の規定」と、同法第三十九条第二項及び第三項中「この法律」とあるのは「この法律（労働者派遣法第四十六条の規定により適用される場合を含む。）」と、同条第三項中「第二十一条第四項」とあるのは「第二十一条第四項（労働者派遣法第四十六条第四項の規定により適用される場合を含む。）」と、同法第四十条第一項中「粉じん作業を行う事業場」とあるのは「粉じん作業を行う事業場（労働者派遣法第四十六条の規定により事業者とみなされた者の事業場を含む。第四十二条第一項において同じ。）」と、同法第四十一条及び第四十二条第一項中「この法律」とあるのは「この法律及び労働者派遣法第四十六条の規定」と、同法第四十三条中「この法律の規定に違反する罪」とあるのは「この法律の規定（労働者派遣法第四十六条の規定により適用される場合を含む。）に違反する罪並びに同条第十項及び第十一項の罪」と、同法第四十三条の二第一項中「この法律又はこれに基づく命令の規定」とあるのは「この法律若しくはこれに基づく命令の規定（労働者派遣法第四十六条の規定により適用される場合を含む。）又は同条第七項から第九項までの規定若しくはこれらの規定に基づく命令の規定」と、同条第二項及び同法第四十四条中「事業者」とあるのは「事業者等」として、これらの規定（これらの規定に係る罰則の規定を含む。）を適用する。

(12) For the special application of the Pneumoconiosis Act under the provisions of each of the preceding paragraphs, the following provisions (including penal provisions relating to these provisions) apply with the following terms and phrases deemed to be replaced in the manner stated below: the term "the employer" in Article 32, paragraph (1) of that Act is deemed to be replaced with "the employer (including a person deemed to be the employer pursuant to the provisions of Article 46 of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (referred to below as

the "Worker Dispatching Act"); referred to as "the employer and equivalent" in Article 35-3, paragraphs (1), (2), and (4), Article 43-2, paragraph (2), and Article 44"; the phrase "employer" in Article 35-3, paragraphs (1), (2), and (4) of the Pneumoconiosis Act is deemed to be replaced with "the employer and equivalent"; the phrase "the provisions of this Act or of orders based on this Act" in paragraphs (1) of that Article is deemed to be replaced with "the provisions of this Act or of orders based on this Act (including as applied pursuant to the provisions of Article 46 of the Worker Dispatching Act), or the provisions of paragraphs (7) through (9) of that Article or the provisions of orders based on these provisions"; the phrase "This Act" in Article 39, paragraphs (2) and (3) of the Pneumoconiosis Act is deemed to be replaced with "This Act (including as applied pursuant to the provisions of Article 46 of the Worker Dispatching Act)"; the phrase "paragraph (4) of Article 21" in paragraph (3) of that Article is deemed to be replaced with "Article 21, paragraph (4) (including as applied pursuant to the provisions of Article 46, paragraph (4) of the Worker Dispatching Act)"; the phrase "the place of business at which dusty tasks are performed" in Article 40, paragraph (1) of the Pneumoconiosis Act is deemed to be replaced with "the place of business at which dusty tasks are performed (including the place of business of a person deemed to be an employer pursuant to the provisions of Article 46 of the Worker Dispatching Act; the same applies in Article 42, paragraph (1))"; the phrase "this Act" in Article 41 and Article 42, paragraph (1) of the Pneumoconiosis Act is deemed to be replaced with "this Act and the provisions of Article 46 of the Worker Dispatching Act"; the phrase "a violation of the provisions of this Act" in Article 43 of the Pneumoconiosis Act is deemed to be replaced with "a violation of the provisions of this Act (including as applied pursuant to the provisions of Article 46 of the Worker Dispatching Act) and the crimes referred to in paragraphs (10) and (11) of that Article"; the phrase "the provisions of this Act or of orders based on this Act" in Article 43-2, paragraph (1) of the Pneumoconiosis Act is deemed to be replaced with "the provisions of this Act or of orders based on this Act (including as applied pursuant to the provisions of Article 46 of the Worker Dispatching Act), or the provisions of paragraphs (7) through (9) of that Article or the provisions of orders based on these provisions"; and the phrase "the employer" in paragraph (2) of that Article and Article 44 of the Pneumoconiosis Act is deemed to be replaced with "the employer and equivalent".

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

働安全衛生法第六十六条第一項又は第二項の」とあるのは「派遣元の事業を行う者にあつては労働安全衛生法第六十六条第一項又は第二項の、労働者派遣法第四十四条第一項に規定する派遣先の事業を行う者にあつては労働安全衛生法第六十六条第二項の」とする。

(13) To apply the provisions of Article 10 of the Pneumoconiosis Act when a person running a provider's business is an employer and has implemented pneumoconiosis examinations for assigned workers, the term "The employer" in that Article is deemed to be replaced with "A person running a provider's business prescribed in Article 44, paragraph (3) of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (referred to below as the "Worker Dispatching Act") (that undertaking is simply referred to below as a "provider's business")"; and the phrase "in paragraph (1) or (2) of Article 66 of the Industrial Safety and Health Act" is deemed to be replaced with "in Article 66, paragraphs (1) or (2) of the Industrial Safety and Health Act in the case of a person running a provider's business and in Article 66, paragraph (2) of the Industrial Safety and Health Act in the case of a person running a client's business prescribed in Article 44, paragraph (1) of the Worker Dispatching Act".

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

(14) Technical replacements of terms and other things needed to apply the provisions of the Pneumoconiosis Act and orders based on it pursuant to the provisions of this Article are prescribed by orders.

(作業環境測定法の適用の特例)

(Special Application of the Working Environment Measurement Act)

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

Article 47 (1) A person deemed to be an employer employing assigned workers under the provisions of Article 45, paragraph (3) is deemed to be included in the concept of the employer prescribed in Article 2, item (i) of that Act, and the provisions of Chapter I, Article 8, paragraph (2) (including as applied mutatis mutandis pursuant to Article 34, paragraph (2) of the Working Environment Measurement Act (Act No. 28 of 1975)), and Chapters IV and V of that Act apply. In such a case, the phrase "Article 65, paragraph (1) of the

Industrial Safety and Health Act" in Article 3, paragraph (1) of the Working Environment Measurement Act is deemed to be replaced with "Article 65, paragraph (1) of the Industrial Safety and Health Act (including as applied pursuant to the provisions of Article 45, paragraph (3) of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers; the same applies in the following Article)".

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

- (2) To apply the provisions of the Working Environment Measurement Act to persons that have violated the provisions of the Industrial Safety and Health Act or orders based on it as applied pursuant to the provisions of Article 45, the provisions of paragraphs (6), (10), or (11) of that Article or the provisions of orders based on those provisions, or pursuant to the provisions of the Working Environment Measurement Act or of orders based on it, as applied pursuant to the provisions of the preceding paragraph, the phrase "the provisions of this Act or the Industrial Safety and Health Act (including orders under it)" in Article 6, item (iii) of the Working Environment Measurement Act is deemed to

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

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

(3) Technical replacements of terms and other things needed to apply the provisions of the Working Environment Measurement Act pursuant to the provisions of this Article are prescribed by orders.

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

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

第四十七条の二 労働者派遣の役務の提供を受ける者がその指揮命令の下に労働させる派遣労働者の当該労働者派遣に係る就業に関しては、当該労働者派遣の役務の提供を受ける者もまた、当該派遣労働者を雇用する事業主とみなして、雇用の分野における男女の均等な機会及び待遇の確保等に関する法律（昭和四十七年法律第百十三号）第九条第三項、第十一条第一項、第十一条の二第二項、第十一条の三第一項、第十一条の四第二項、第十二条及び第十三条第一項の規定を適用する。この場合において、同法第十一条第一項及び第十一条の三第一項中「雇用管理上」とあるのは、「雇用管理上及び指揮命令上」とする。

Article 47-2 Inasmuch as it concerns the work performed by dispatched workers whom a person using worker dispatching services causes to work under its directions and orders based on a worker dispatching arrangement, the person using those services is deemed to also be a staffing provider employing those dispatched workers, and the provisions of Article 9, paragraph (3), Article 11, paragraph (1), Article 11-2, paragraph (2), Article 11-3, paragraph (1), Article 11-4, paragraph (2), Article 12, and Article 13, paragraph (1) of the Act on Ensuring Equal Opportunities for and Treatment of Men and Women in Employment (Act No. 113 of 1972) apply to that person. In this case, the phrase "employment management" in Article 11, paragraph (1) and Article 11-3, paragraph (1) of that Act is deemed to be replaced with "employment management and giving directions and orders".

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

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

第四十七条の三 労働者派遣の役務の提供を受ける者がその指揮命令の下に労働させる派遣労働者の当該労働者派遣に係る就業に関しては、当該労働者派遣の役務の提供を受ける者もまた、当該派遣労働者を雇用する事業主とみなして、育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律第十条、第十六条（同法第十六条の四及び第十六条の七において準用する場合を含む。）、第十六条の十、第十八条の二、第二十条の二、第二十一条第二項、第二十三条の二、第二十五条及び第二十五条の二第二項の規定を適用する。この場合において、同法第二十五条第一項中「雇用管理上」とあるのは、「雇用管理上及び指揮命令上」とする。

Article 47-3 Inasmuch as it concerns the worker dispatching work performed by dispatched workers whom a person using staffing services causes to work under its directions and orders based on a worker dispatching arrangement, the person using those services is deemed to also be a staffing provider employing those dispatched workers and the provisions of Article 10, Articles

16 (including as applied mutatis mutandis pursuant to Articles 16-4 and 16-7 of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members), 16-10, 18-2, 20-2, Article 21, paragraph (2), Articles 23-2 and 25, and Article 25-2, paragraph (2) of that Act apply to that person. In that case, the phrase "employment management measures" in Article 25, paragraph (1) of that Act is deemed to be replaced with "measures for employment management and giving directions and orders".

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

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

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

Article 47-4 Inasmuch as it concerns the work performed by dispatched workers that a person using worker dispatching services causes to work under its directions and orders based on a worker dispatching arrangement, the person using those services is deemed to also be a staffing provider employing those dispatched workers and the provisions of Article 30-2, paragraph (1) and Article 30-3, paragraph (2) of the Act on Comprehensive Promotion of Labor Policies, Stability of Employment of Workers and Enhancement of Vocational Life (Act No. 132 of 1966) apply to that person. In this case, the phrase "in terms of employment management" in Article 30-2, paragraph (1) of that Act is deemed to be replaced with "in terms of employment management and giving directions and orders".

第四章 紛争の解決

Chapter IV Resolution of Disputes

(苦情の自主的解決)

(Voluntary Resolution of Complaints)

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

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

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

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

(紛争の解決の促進に関する特例)

(Special Provisions to Facilitate Resolution of Disputes)

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

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

(紛争の解決の援助)

(Assistance in Resolution of Disputes)

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

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

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

(2) It is prohibited for a staffing provider or client to treat a dispatched worker disadvantageously on the grounds of the worker's request for the assistance

referred to in the preceding paragraph.

(調停の委任)

(Delegation of Conciliation)

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

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

2 前条第二項の規定は、派遣労働者が前項の申請をした場合について準用する。

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

(調停)

(Conciliation)

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

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

Worker Dispatching Services and Protecting Dispatched Workers".

(厚生労働省令への委任)

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

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

Article 47-10 Beyond what is prescribed in this Section, Order of the Ministry of Health, Labour and Welfare provides for the necessary particulars of conciliation procedures.

第五章 雑則

Chapter V Miscellaneous Provisions

(事業主団体等の責務)

(Responsibilities of Associations of Staffing Providers)

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

Article 47-11 (1) An association that has staffing providers as its direct or indirect members (such an association is referred to as an "association of staffing providers" in the following paragraph, and a direct or indirect member of such an association is referred to below as a "member" in this paragraph) must endeavor to give its members the necessary advice, cooperation, and other such assistance, in order to ensure the proper operation of worker dispatching services and to ensure the protection of dispatched workers.

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

(2) The national government is to endeavor to give associations of staffing providers the necessary advice and cooperation to ensure the proper operation of worker dispatching services by staffing providers and ensure the protection of dispatched workers.

(指針)

(Guidelines)

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

Article 47-12 The Minister of Health, Labour and Welfare is to publish guidelines that concern the measures that staffing providers and clients must take pursuant to the provisions of Article 24-3 and Chapter III, Sections 1

through 3, and that are needed in order to help them implement those measures properly and effectively.

(指導及び助言等)

(Guidance and Advice)

第四十八条 厚生労働大臣は、この法律（第三章第四節の規定を除く。第四十九条の三第一項、第五十条及び第五十一条第一項において同じ。）の施行に関し必要があると認めるときは、労働者派遣をする事業主及び労働者派遣の役務の提供を受ける者に対し、労働者派遣事業の適正な運営又は適正な派遣就業を確保するために必要な指導及び助言をすることができる。

Article 48 (1) If the Minister of Health, Labour and Welfare finds it to be necessary to do so in connection with the entry into force of this Act (except for the provisions of Chapter III, Section 4; the same applies in Article 49-3, paragraph (1), Article 50, and Article 51, paragraph (1)), the Minister may provide entities providing worker dispatching and persons using worker dispatching services with the necessary guidance and advice to ensure the proper operation of worker dispatching services or to ensure proper assigned work.

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

(2) In order to help with the proper coordination of labor supply and demand, if a staffing provider is engaging in worker dispatching services with the objective of providing worker dispatching solely to specified persons (except in cases specified by Order of the Ministry of Health, Labour and Welfare referred to in Article 7, paragraph (1), item (i)) and the Minister of Health, Labour and Welfare finds it to be necessary, the Minister may recommend the staffing provider to change the objective and contents of its worker dispatching services.

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

(3) If the Minister of Health, Labour and Welfare gives guidance or advice under the provisions of paragraph (1) to a staffing provider that has violated the provisions of Article 23, paragraph (3), Article 23-2, or Article 30, paragraph (1) as applied pursuant to paragraph (2) of that Article following a deemed replacement of terms, but the provider continues to violate those provisions,

the Minister of Health, Labour and Welfare may instruct the provider to take the necessary measures.

(改善命令等)

(Order for Improvement)

第四十九条 厚生労働大臣は、派遣元事業主が当該労働者派遣事業に関しこの法律（第二十三条第三項、第二十三条の二及び第三十条第二項の規定により読み替えて適用する同条第一項の規定を除く。）その他労働に関する法律の規定（これらの規定に基づく命令の規定を含む。）に違反した場合において、適正な派遣就業を確保するため必要があると認めるときは、当該派遣元事業主に対し、派遣労働者に係る雇用管理の方法の改善その他当該労働者派遣事業の運営を改善するために必要な措置を講ずべきことを命ずることができる。

Article 49 (1) If a staffing provider violates the provisions of this Act (excluding the provisions of Article 23, paragraph (3), Article 23-2, and Article 30, paragraph (1) as applied pursuant to paragraph (2) of that Article following replacement of terms) or other Acts relating to labor (including the provisions of orders based on these provisions) in connection with its worker dispatching services, and the Minister of Health, Labour and Welfare finds it necessary for ensuring propriety in the assigned work, the Minister may order the provider to improve the method of employment management for dispatched workers and otherwise to take necessary measures to improve the operation of its worker dispatching services.

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

(2) If a client violates the provisions of Article 4, paragraph (3), and the Minister of Health, Labour and Welfare finds it materially inappropriate to permit assigned work that is in violation of the provisions of that paragraph to continue, the Minister may order the staffing provider that provides worker dispatching to that client to suspend worker dispatching under the staffing contract for that assigned work.

(公表等)

(Publication)

第四十九条の二 厚生労働大臣は、労働者派遣の役務の提供を受ける者が、第四条第三項、第二十四条の二、第二十六条第七項若しくは第十項、第四十条第二項若しくは第三項、第四十条の二第一項、第四項若しくは第五項、第四十条の三若しくは第四十条の六第一項の規定に違反しているとき、又はこれらの規定に違反して第四十八条第一項の規定による指導若しくは助言を受けたにもかかわらずなおこれらの規定に違反するおそれがあると認めるときは、当該労働者派遣の役務の提供を受ける者に対し、第

四条第三項、第二十四条の二、第四十条の二第一項、第四項若しくは第五項、第四十条の三若しくは第四十条の六第一項の規定に違反する派遣就業を是正するために必要な措置又は当該派遣就業が行われることを防止するために必要な措置をとるべきことを勧告することができる。

Article 49-2 (1) If a person using staffing services violates the provisions of Article 4, paragraph (3), Article 24-2, Article 26, paragraph (7) or (10), Article 40, paragraph (2) or (3), Article 40-2, paragraphs (1), (4), or (5), Article 40-3, or Article 40-6, paragraph (1), or, despite having already received guidance or advice under the provisions of Article 48, paragraph (1) for the person's violation of the above-mentioned provisions, is found likely to continue to violate those provisions, the Minister of Health, Labour and Welfare may recommend the person using staffing services to take the necessary measures to correct the assigned work violating the provisions of Article 4, paragraph (3), Article 24-2, Article 40-2, paragraph (1), (4), or (5), Article 40-3, or Article 40-6, paragraph (1) or the necessary measures to prevent that assigned work from being carried out.

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

(2) If the Minister of Health, Labour and Welfare has given recommendations under the provisions of the preceding paragraph but the person subject to the recommendations has not complied with them, the Minister may make this public.

(厚生労働大臣に対する申告)

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

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

Article 49-3 (1) If a business entity that provides worker dispatching or a person using staffing services violates this Act or the provisions of an order based on this Act, a dispatched worker may notify the Minister of Health, Labour and Welfare of this.

2 労働者派遣をする事業主及び労働者派遣の役務の提供を受ける者は、前項の申告をしたことを理由として、派遣労働者に対して解雇その他不利益な取扱いをしてはならない。

(2) Neither a business entity that provides worker dispatching nor a person using staffing services must dismiss or otherwise treat a dispatched worker disadvantageously on the ground of the worker's having made the notification referred to in the preceding paragraph.

(報告)

(Reporting)

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

Article 50 Within the limits necessary to bring this Act into force, the Minister of Health, Labour and Welfare may order an entity engaging in worker dispatching services or a person using staffing services it provides to report on the necessary particulars, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(立入検査)

(On-site Inspections)

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

Article 51 (1) Within the limits necessary to bring this Act into force, the Minister of Health, Labour and Welfare may have a Ministry official enter the place of business or other facilities of the entity engaging in worker dispatching services or a person using staffing services provided by them, question relevant persons, and inspect books, documents, and other items.

2 前項の規定により立入検査をする職員は、その身分を示す証明書を携帯し、関係者に提示しなければならない。

(2) An official who conducts an on-site inspection pursuant to the provisions of the preceding paragraph must carry identification and present it to the relevant persons.

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

(3) The authority to conduct on-site inspections under the provisions of paragraph (1) must not be construed as being granted for criminal investigation purposes.

(相談及び援助)

(Counseling and Assistance)

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

Article 52 A public employment security office may handle requests for consultation from workers and other such persons and offer the necessary advice and other such assistance with regard to the particulars of assigned work.

(労働者派遣事業適正運営協力員)

(Partners for the Proper Operation of Worker dispatching Services)

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

Article 53 (1) The Minister of Health, Labour and Welfare may commission persons, from among those that enjoy public confidence and have expert knowledge and experience concerning the operation of worker dispatching services and assigned work, to act as partners for the proper operation of worker dispatching services.

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

(2) A partner for the proper operation of worker dispatching services, through cooperation in administrative measures to ensure the proper operation of worker dispatching services and proper assigned work, may respond to a request for counsel from, and give expert advice to, entities that provide worker dispatching, persons using worker dispatching services, workers, and others.

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

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

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

(4) A partner for the proper operation of worker dispatching services does not receive any remuneration from the State for performing their duties.

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

(5) A partner for the proper operation of worker dispatching services may receive payment for the expenses required to perform their duties, within the limits of budget.

(手数料)

(Fees)

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

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

- 一 第五条第一項の許可を受けようとする者
(i) a person seeking to obtain the license referred to in Article 5, paragraph (1);
- 二 第八条第三項の規定による許可証の再交付を受けようとする者
(ii) a person seeking to obtain a reissuance of a license certificate under the provisions of Article 8, paragraph (3);
- 三 第十条第二項の規定による許可の有効期間の更新を受けようとする者
(iii) a person seeking to renew the validity period of a license under the provisions of Article 10, paragraph (2); and
- 四 第十一条第四項の規定による許可証の書換えを受けようとする者
(iv) a person seeking to have the person's license certificate updated under the provisions of Article 11, paragraph (4).

(経過措置の命令への委任)

(Delegation of Transitional Measures to Orders)

第五十五条 この法律の規定に基づき政令又は厚生労働省令を制定し、又は改廃する場合においては、それぞれ政令又は厚生労働省令で、その制定又は改廃に伴い合理的に必要なと判断される範囲内において、所要の経過措置（罰則に関する経過措置を含む。）を定めることができる。

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

(権限の委任)

(Delegation of Authority)

第五十六条 この法律に定める厚生労働大臣の権限は、厚生労働省令で定めるところにより、その一部を都道府県労働局長に委任することができる。

Article 56 (1) Part of the authority of the Minister of Health, Labour and Welfare prescribed in this Act may be delegated to prefectural labor directors, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

2 前項の規定により都道府県労働局長に委任された権限は、厚生労働省令で定めるところにより、公共職業安定所長に委任することができる。

(2) The authority delegated to prefectural labor directors pursuant to the provisions of the preceding paragraph may be delegated to the chiefs of public employment security offices, pursuant to the provisions of Order of the

Ministry of Health, Labour and Welfare.

(厚生労働省令への委任)

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

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

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

第6章 罰則

Chapter VI Penal Provisions

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

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

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

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

一 第四条第一項又は第十五条の規定に違反した者

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

二 第五条第一項の許可を受けないで労働者派遣事業を行つた者

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

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

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

四 第十四条第二項の規定による処分に違反した者

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

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

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

一 第四十九条の規定による処分に違反した者

(i) a person that has violated a disposition under the provisions of Article 49; or

二 第四十九条の三第二項の規定に違反した者

(ii) a person that has violated the provisions of Article 49-3, paragraph (2).

第六十一条 次の各号のいずれかに該当する者は、三十万円以下の罰金に処する。

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

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

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

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

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

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

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

四 第三十五条の規定による通知をせず、又は虚偽の通知をした者

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

五 第五十条の規定による報告をせず、又は虚偽の報告をした者

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

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

(vi) a person that has refused, obstructed, or evaded an entry or inspection

under the provisions of Article 51, paragraph (1), or that has failed to reply to questions or has given false statements.

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

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

附 則 〔平成二十七年九月十八日法律第七十三号〕 〔抄〕

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

(施行期日)

(Effective Date)

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

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

(検討)

(Review)

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

Article 2 (1) Approximately three years after the enforcement of this Act, the government is to review the provisions of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers as amended by this Act (referred to below as the "new Act") by considering the extent to which the new Act has entered into force and, if it finds this to be necessary, is to take the needed measures based on the results of the review.

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

る。

(2) Notwithstanding the provisions of the preceding paragraph, if the government finds, considering the trends in the numbers of regular workers and dispatched workers and other situations in the labor market, that this Act's entry into force is likely to damage an employment practice that is considered to contribute to the effective demonstration of workers' abilities and their employment security throughout their working lives, the government is to promptly review the provisions of the new Act.

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

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

(一般労働者派遣事業の許可等に関する経過措置)

(Transitional Measures for Licensing in the General Staffing Business)

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

Article 3 (1) A person that, as of the time this Act enters into force, has obtained the license referred to in Article 5, paragraph (1) of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers prior to its amendment by this Act (referred to below as "the former Act") is deemed to have obtained the license referred to in Article 5, paragraph (1) of the new Act on the date on which this Act enters into force (referred to below as "the effective date"). In that case, the validity period of the license referred to in that paragraph which is associated with the person that is deemed to have obtained it is the remainder of the validity period of that person's license under the provisions of Article 10 of the former Act as of the effective date.

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

(2) An application for a license that has been filed pursuant to the provisions of Article 5, paragraph (2) of the former Act as of the time this Act enters into force is deemed to be an application for a license that has been filed pursuant to the provisions of Article 5, paragraph (2) of the new Act.

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

(3) A license certificate issued pursuant to the provisions of Article 8, paragraph (1) of the former Act as of the time this Act enters into force is deemed to be a license certificate issued pursuant to the provisions of Article 8, paragraph (1) of the new Act.

(欠格事由に関する経過措置)

(Transitional Measures Related to Grounds for Ineligibility)

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

Article 4 The provisions of Article 6, items (iv) through (vii) of the new Act apply to a person whose license has been revoked as provided in item (iv) of that Article on or after the effective date (or to a person who was the officer of a corporation as referred to in item (v) of that Article, if the person in question is a corporation) and to a person that has submitted a notification as provided in item (vi) of that Article on or after the effective date (or to a person who was the officer of a corporation as referred to in item (vii) of that Article, if the person in question is a corporation); prior laws continue to govern the grounds for ineligibility related to the disposition revoking the license of a person that has had their license revoked, or the disposition issuing an order to a person that has become subject to an order, as provided in provisions of Article 6, item (iv) of the former Act, prior to the effective date (or to a person who was the officer of a corporation as referred to in item (v) of that Article, if the person in question is a corporation) and the grounds for ineligibility related to the submission of a notification by a person that submitted a notification as provided in item (vi) of that Article prior to the effective date (or to a person who was the officer of a corporation as referred to in item (vii) of that Article, if the person in question is a corporation).

(一般労働者派遣事業の許可の取消し等に関する経過措置)

(Transitional Measures for Revoking a General Staffing Business License)

第五条 附則第三条第一項の規定により新法第五条第一項の許可を受けたものとみなさ

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

Article 5 Prior laws continue to govern the causes arising prior to the effective date for license revocation under the provisions of Article 14, paragraph (1) of the new Act and for an order a partial or full suspension of worker dispatching services under the provisions of paragraph (2) of that Article, for persons that are deemed to have obtained the license referred to in Article 5, paragraph (1) of the new Act pursuant to the provisions of Article 3, paragraph (1) of the Supplementary Provisions.

(特定労働者派遣事業に関する経過措置)

(Transitional Measures for Specified Worker Dispatching Services)

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

Article 6 (1) Notwithstanding the provisions of Article 5, paragraph (1) of the new Act, a person that has submitted a written notice pursuant to the provisions of Article 16, paragraph (1) of the former Act and is providing specified worker dispatching services (meaning the specified worker dispatching services provided for in Article 2, item (v) of the former Act) at the time this Act comes into force may continue to engage in worker dispatching services using dispatched workers (limited to those who are subject to worker dispatching that a person provides in the course of trade) that consist solely of regularly employed workers, during a period of three years counting from the effective date (if the person becomes subject to an order to discontinue its worker dispatching services pursuant to the provisions of paragraph (4) or submits a notification of discontinuance for its worker dispatching services pursuant to the provisions of Article 13, paragraph (1) of the new Act within the period, until the day of the order or notification). If that three-year period passes after the person has applied for the license referred to in Article 5, paragraph (1) of the new Act within the period, the same applies until the decision on whether to grant the license under application is made.

2 前項の規定による労働者派遣事業に関しては、新法第五条、第七条から第十条まで、

第十一条第一項後段及び第二項から第四項まで、第十三条第二項、第十四条並びに第五十四条の規定は適用しないものとし、新法の他の規定の適用については、当該労働者派遣事業を行う者を新法第二条第四号に規定する派遣元事業主とみなす。この場合において、新法第十一条第一項中「第五条第二項各号に掲げる」とあるのは「労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律等の一部を改正する法律（平成二十七年法律第七十三号）第一条の規定による改正前の労働者派遣事業の適正な運営の確保及び派遣労働者の保護等に関する法律（以下「平成二十七年改正前法」という。）第十六条第一項の届出書に記載すべきこととされた」と、新法第二十六条第三項中「第五条第一項の許可を受けている」とあるのは「平成二十七年改正前法第十六条第一項の規定により届出書を提出している」とするほか、必要な読替えは、政令で定める。

(2) The provisions of Article 5, Articles 7 through 10, the second sentence of paragraph (1) and paragraphs (2) through (4) of Article 11, Article 13, paragraph (2), Article 14, and Article 54 of the new Act do not apply to worker dispatching services under the provisions of the preceding paragraph; to apply the other provisions of the new Act, the person engaging in worker dispatching services is deemed to be a staffing provider as defined in Article 2, item (iv) of the new Act. In this case, the phrase "d in each item of Article 5, paragraph (2)" in Article 11, paragraph (1) of the new Act is deemed to be replaced with "to be stated in the written notice referred to in Article 16, paragraph (1) of the Act on Ensuring Proper Operations in the Staffing Business and Protecting Assignable Workers prior to amendment (referred to below as the "Act prior to the 2015 Amendment") by the provisions of Article 1 of the Act Partially Amending the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (Act No. 73 of 2015)", the phrase "has obtained the license referred to in Article 5, paragraph (1)" in Article 26, paragraph (3) of the new Act is deemed to be replaced with "has submitted a written notice pursuant to the provisions of Article 16, paragraph (1) of the Act prior to the 2015 Amendment", and the necessary deemed replacement of other terms is prescribed by Cabinet Order.

3 第一項の規定による労働者派遣事業を行う者は、旧法第十六条第一項の届出書を提出した旨その他厚生労働省令で定める事項を記載した書類を、労働者派遣事業を行う事業所ごとに備え付けるとともに、関係者から請求があったときは提示しなければならない。

(3) A person engaging in worker dispatching services under the provisions of paragraph (1) must keep documents stating the fact that that person has submitted the written notice referred to in Article 16, paragraph (1) of the former Act and other particulars specified by Order of the Ministry of Health, Labour and Welfare at each place of business where it engages in worker dispatching services, and must present those documents to relevant persons upon request.

4 厚生労働大臣は、第一項の規定による労働者派遣事業を行う者が新法第六条各号（第四号から第七号までを除く。）のいずれかに該当するとき、又は施行日前に旧法第四十八条第三項の規定による指示を受け、若しくは施行日以後に新法第四十八条第三項の規定による指示を受けたにもかかわらず、なお新法第二十三条第三項若しくは第二十三条の二の規定に違反したときは当該労働者派遣事業の廃止を、当該労働者派遣事業（二以上の事業所を設けて当該労働者派遣事業を行う場合にあつては、各事業所ごとの当該労働者派遣事業。以下この項において同じ。）の開始の当時旧法第六条第四号から第七号までのいずれかに該当するときは当該労働者派遣事業の廃止を、命ずることができる。

(4) If a person engaging in worker dispatching services under the provisions of paragraph (1) falls under any of the items (excluding items (iv) through (vii)) of Article 6 of the new Act, or is still in violation of the provisions of Article 23, paragraph (3) or Article 23-2 of the new Act even after receiving instructions under Article 48, paragraph (3) of the former Act before the effective date or receiving instructions under the provisions of Article 48, paragraph (3) of the new Act on or after the effective date, the Minister of Health, Labour and Welfare may order the person to discontinue those services; if that person falls under any of items (iv) through (vii) of Article 6 of the former Act when it begins to engage in worker dispatching services (if the person has established two or more places of business where it engages in worker dispatching services, the services in which it engages at each of those places of business; the same applies below in this paragraph), the Minister of Health, Labour and Welfare may order the person to discontinue those services.

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

(5) If a person engaging in worker dispatching services under the provisions of paragraph (1) violates any of the provisions of the former Act (excluding the provisions of Chapter III, Section 4 of the former Act) or any order or disposition based on those provisions before the effective date, violates any of the provisions of the new Act (excluding the provisions of Chapter III, Section 4 of the new Act) or any order or disposition based on those provisions on or after the effective date, or violates any of the provisions of the Employment Security Act (Act No. 141 of 1947) or any order or disposition based on those provisions, the Minister of Health, Labour and Welfare may order the person to fully or partially discontinue its worker dispatching services for a designated period.

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

処する。

(6) A person violating a disposition under the preceding two paragraphs is subject to imprisonment for not more than one year or a fine of not more than 1,000,000 yen.

7 法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関して、前項の違反行為をしたときは、行為者を罰するほか、その法人又は人に対しても、同項の罰金刑を科する。

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

(労働者派遣の期間に係る経過措置)

(Transitional Measures for the Worker Dispatching Period)

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

Article 7 The provisions of Article 35-3 of the new Act apply to worker dispatching that is provided under a staffing contract concluded on or after the effective date.

(派遣元管理台帳及び派遣先管理台帳に関する経過措置)

(Transitional Measures for Provider-Side Management Records and Client-Side Management Records)

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

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

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

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

(労働者派遣の役務の提供を受ける期間に関する経過措置)

(Transitional Measures for the Period of Using Worker Dispatching Services)

第九条 新法第四十条の二の規定は、施行日以後に締結される労働者派遣契約に基づき

行われる労働者派遣について適用し、施行日前に締結された労働者派遣契約に基づき行われる労働者派遣については、なお従前の例による。

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

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

(2) The provisions of Article 40-3 of the new Act apply to worker dispatching provided under a staffing contract concluded on or after the effective date.

(罰則に関する経過措置)

(Transitional Measures for Penal Provisions)

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

Article 10 Prior laws continue to govern the application of penal provisions to actions that a person takes before the effective date, and to actions that a person takes on or after the effective date in cases that the provisions of Article 5 and paragraph (1) of the preceding Article of the Supplementary Provisions provide are to continue to be governed by prior laws.

(政令への委任)

(Delegation to Cabinet Order)

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

Article 11 Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures in connection with this Act's entry into force.

附 則 〔平成二十八年三月三十一日法律第十七号〕 〔抄〕

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

(施行期日)

(Effective Date)

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

Article 1 This Act comes into effect on January 1, 2017; provided, however, that the provisions stated in the following items come into effect on the dates prescribed in those items:

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

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

(罰則に関する経過措置)

(Transitional Measures for Penal Provisions)

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

Article 13 Prior laws continue to govern the application of penal provisions to actions that a person takes before the provisions stated in Article 1, item (i) of the Supplementary Provisions come into force.

(検討)

(Review)

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

Article 14 Once five years have passed after this Act's entry into force, the government is to review the extent to which the provisions of this Act as amended by the provisions of Articles 5, 6, and 8 have entered into force and, if it finds it to be necessary, is to take the requisite measures based on the results of its review.

(その他の経過措置の政令への委任)

(Delegation of Other Transitional Measures to Cabinet Order)

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

Article 33 Beyond what is provided for in these Supplementary Provisions, Cabinet Order prescribes the necessary transitional measures connected with this Act's entry into force.

附 則 〔平成三十年七月六日法律第七十一号〕〔抄〕

Supplementary Provisions [Act No. 71 of July 6, 2018] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、平成三十一年四月一日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act comes into effect on April 1, 2019; provided, however, that the provisions stated in the following items come into effect on the date described in each item:

一 第三条の規定並びに附則第七条第二項、第八条第二項、第十四条及び第十五条の

規定、附則第十八条中社会保険労務士法（昭和四十三年法律第八十九号）別表第一第十八号の改正規定、附則第十九条中高年齢者等の雇用の安定等に関する法律（昭和四十六年法律第六十八号）第二十八条及び第三十八条第三項の改正規定、附則第二十条中建設労働者の雇用の改善等に関する法律（昭和五十一年法律第三十三号）第三十条第二項の改正規定、附則第二十七条の規定、附則第二十八条中厚生労働省設置法（平成十一年法律第九十七号）第四条第一項第五十二号の改正規定及び同法第九条第一項第四号の改正規定（「（平成十年法律第四十六号）」の下に「、労働施策の総合的な推進並びに労働者の雇用の安定及び職業生活の充実等に関する法律」を加える部分に限る。）並びに附則第三十条の規定 公布の日

- (i) the provisions of Article 3, and the provisions of Article 7, paragraph (2), Article 8, paragraph (2), Articles 14 and 15 of the Supplementary Provisions, the provisions of Article 18 of the Supplementary Provisions amending Appended Table 1, item (xviii) of the Act on Public Consultants on Social and Labour Insurance (Act No. 89 of 1968), the provisions of Article 19 of the Supplementary Provisions amending Article 28 and Article 38, paragraph (3) of the Act on Stabilization of Employment of Elderly Persons (Act No. 68 of 1971), the provisions of Article 20 of the Supplementary Provisions amending Article 30, paragraph (2) of the Act on the Improvement of Employment of Construction Workers (Act No. 33 of 1976), the provisions of Article 27 of the Supplementary Provisions, the provisions of Article 28 of the Supplementary Provisions amending Article 4, paragraph (1), item (li) of the Act for Establishment of the Ministry of Health, Labour and Welfare (Act No. 97 of 1999) and the provisions amending Article 9, paragraph (1), item (iv) of that Act (limited to the part adding ", the Act on Comprehensively Advancing Labor Measures, and Stabilizing the Employment of Workers, and Enriching Workers' Vocational Lives" after "(Act No. 46 of 1998)"), and the provisions of Article 30 of the Supplementary Provisions: the date of promulgation;

二 第五条の規定（労働者派遣法第四十四条から第四十六条までの改正規定を除く。）並びに第七条及び第八条の規定並びに附則第六条、第七条第一項、第八条第一項、第九条、第十一条、第十三条及び第十七条の規定、附則第十八条（前号に掲げる規定を除く。）の規定、附則第十九条（前号に掲げる規定を除く。）の規定、附則第二十条（前号に掲げる規定を除く。）の規定、附則第二十一条、第二十三条及び第二十六条の規定並びに附則第二十八条（前号に掲げる規定を除く。）の規定 令和二年四月一日

- (ii) the provisions of Article 5 (excluding the provisions amending Articles 44 through 46 of the Worker Dispatching Act), the provisions of Articles 7 and 8, and the provisions of Article 6, Article 7, paragraph (1), Article 8, paragraph (1), Articles 9, 11, 13, and 17 of the Supplementary Provisions, the provisions of Article 18 of the Supplementary Provisions (excluding the provisions stated in the preceding item), the provisions of Article 19 of the Supplementary Provisions (excluding the provisions stated in the preceding

item), the provisions of Article 20 of the Supplementary Provisions (excluding the provisions stated in the preceding item), the provisions of Articles 21, 23, and 26 of the Supplementary Provisions, and the provisions of Article 28 of the Supplementary Provisions (excluding the provisions stated in the preceding item): April 1, 2020.

(労働者派遣事業の許可の取消し等に関する経過措置)

(Transitional Measures for Revoking Worker Dispatching Services Licenses)

第六条 附則第一条第二号に掲げる規定の施行の際現に第五条の規定による改正前の労働者派遣法の規定により許可を受けている者に対する許可の取消し又は事業の停止の命令に関しては、同号に掲げる規定の施行前に生じた事由については、なお従前の例による。

Article 6 Prior laws continue to govern causes that have arisen before the provisions stated in Article 1, item (ii) of the Supplementary Provisions come into effect as it concerns the revocation of the license of a person that has been granted a license pursuant to the provisions of the Worker Dispatching Act prior to its amendment under Article 5 as of the time the provisions stated in Article 1, item (ii) of the Supplementary Provisions come into effect, or as it concerns the business suspension order to such a person.

(派遣元事業主への情報提供に関する経過措置)

(Transitional Measures Concerning the Provision of Information to Staffing Providers)

第七条 附則第一条第二号に掲げる規定の施行前に労働者派遣契約（労働者派遣法第二十六条第一項に規定する労働者派遣契約をいう。以下この項において同じ。）を締結した派遣先（労働者派遣法第二条第四号に規定する派遣先をいう。次項及び次条第一項において同じ。）であつて、附則第一条第二号に掲げる規定の施行後において当該労働者派遣契約に基づく労働者派遣（労働者派遣法第二条第一号に規定する労働者派遣をいう。以下この項及び次条において同じ。）の役務の提供を受けるものは、附則第一条第二号に掲げる規定の施行の日（次項及び次条において「第二号施行日」という。）に、当該労働者派遣をする派遣元事業主（労働者派遣法第二条第四号に規定する派遣元事業主をいう。次条において同じ。）に対し、厚生労働省令で定めるところにより、当該労働者派遣に係る派遣労働者（労働者派遣法第二条第二号に規定する派遣労働者をいう。次条第一項において同じ。）が従事する業務ごとに、比較対象労働者（第五条の規定による改正後の労働者派遣法（以下この項、次条第一項及び附則第九条において「新労働者派遣法」という。）第二十六条第八項に規定する比較対象労働者をいう。）の賃金その他の待遇に関する情報その他の厚生労働省令で定める情報を提供しなければならない。この場合において、新労働者派遣法第二十六条第十項中「第七項」とあるのは「第七項又は働き方改革を推進するための関係法律の整備に関する法律（平成三十年法律第七十一号）附則第七条第一項」と、労働者派遣法第二十八条及び第三十一条中「又は第四節の規定により適用される法律」とあるのは、「第

四節の規定により適用される法律又は働き方改革を推進するための関係法律の整備に関する法律（附則第七条第一項の規定に限る。））」と、新労働者派遣法第四十八条第一項中「同じ。））」とあるのは「同じ。）又は働き方改革を推進するための関係法律の整備に関する法律（附則第七条第一項の規定に限る。））」と、新労働者派遣法第四十九条の二第一項中「第四十条の九第一項」とあるのは「第四十条の九第一項若しくは働き方改革を推進するための関係法律の整備に関する法律附則第七条第一項」と、労働者派遣法第四十九条の三第一項中「この法律又はこれ」とあるのは「この法律若しくは働き方改革を推進するための関係法律の整備に関する法律（附則第七条第一項の規定に限る。）又はこれら」と、労働者派遣法第五十条及び第五十一条第一項中「この法律」とあるのは「この法律又は働き方改革を推進するための関係法律の整備に関する法律（附則第七条第一項の規定に限る。））」とする。

Article 7 (1) A client (meaning a client provided for in Article 2, item (iv) of the Worker Dispatching Act; the same applies in the following paragraph and paragraph (1) of the following Article) that has concluded a staffing contract (meaning a staffing contract provided for in Article 26, paragraph (1) of the Worker Dispatching Act; the same applies below in this paragraph) before the provisions stated in Article 1, item (ii) of the Supplementary Provisions come into effect and that uses worker dispatching services (meaning services under a worker dispatching arrangement provided for in Article 2, item (i) of the Worker Dispatching Act; the same applies below in this paragraph and the following Article) under a staffing contract after the provisions stated in Article 1, item (ii) of the Supplementary Provisions come into effect must provide the staffing provider (meaning a staffing provider provided for in Article 2, item (iv) of the Worker Dispatching Act; the same applies in the following Article) that provides that worker dispatching with information provided for by Order of the Ministry of Health, Labour and Welfare, including information on the wages and other treatment of comparable workers (meaning comparable workers provided for in Article 26, paragraph (8) of the Worker Dispatching Act as amended by the provisions of Article 5 (referred to below as "the new Worker Dispatching Act" in this paragraph, paragraph (1) of the following Article, and Article 9 of the Supplementary Provisions)), for each type of work in which the workers who will be subject to the worker dispatching arrangement (meaning dispatched workers provided for in Article 2, item (ii) of the Worker Dispatching Act; the same applies in paragraph (1) of the following Article) are to be engaged, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, on the date on which the provisions stated in Article 1, item (ii) of the Supplementary Provisions come into effect (referred to as "the item (ii) effective date" in the following paragraph and the following Article). This being the case, the phrase "paragraph (7)" in Article 26, paragraph (10) of the new Worker Dispatching Act is deemed to be replaced with "paragraph (7) of this Act or Article 7, paragraph (1) of the

Supplementary Provisions of the Act on the Arrangement of Related Acts to Promote Work Style Reform (Act No. 71 of 2018)"; the phrase "or of Acts applied pursuant to the provisions of Section 4" in Article 28 of the Worker Dispatching Act and the phrase "or Acts applied pursuant to the provisions of Section 4" in Article 31 of that Act are deemed to be replaced with ", the Acts applied pursuant to the provisions of Section 4 or the Act on the Arrangement of Related Acts to Promote Work Style Reform (limited to the provisions of Article 7, paragraph (1) of the Supplementary Provisions)"; the phrase "Article 51, paragraph (1))" in Article 48, paragraph (1) of the new Worker Dispatching Act is deemed to be replaced with "Article 51, paragraph (1)) or the Act on the Arrangement of Related Acts to Promote Work Style Reform (limited to the provisions of Article 7, paragraph (1) of the Supplementary Provisions)"; the phrase "Article 40-9, paragraph (1)" in Article 49-2, paragraph (1) of the new Worker Dispatching Act is deemed to be replaced with "Article 40-9, paragraph (1) or Article 7, paragraph (1) of the Supplementary Provisions of the Act on the Arrangement of Related Acts to Promote Work Style Reform"; the phrase "this Act or the provisions of an order based on this Act" in Article 49-3, paragraph (1) of the Worker Dispatching Act is deemed to be replaced with "this Act or the Act on the Arrangement of Related Acts to Promote Work Style Reform (limited to the provisions of Article 7, paragraph (1) of the Supplementary Provisions), or the provisions of an order based on either of these Acts"; and the phrase "this Act" in Article 50 and Article 51, paragraph (1) of the Worker Dispatching Act is deemed to be replaced with "this Act or the Act on the Arrangement of Related Acts to Promote Work Style Reform (limited to the provisions of Article 7, paragraph (1) of the Supplementary Provisions)".

2 前項の派遣先は、附則第一条第二号に掲げる規定の施行前においても、同項の規定の例により、同項の情報の提供をすることができる。この場合において、同項の規定の例によりされた情報の提供は、第二号施行日において同項の規定により行われたものとみなす。

(2) The client referred to in the preceding paragraph may provide information referred to in that paragraph in accordance with the provisions of that paragraph even before the provisions stated in Article 1, item (ii) of the Supplementary Provisions come into effect. In such a case, provision of information implemented in accordance with the provisions of that paragraph is deemed to be implemented pursuant to the provisions of that paragraph on the item (ii) effective date.

(派遣先への通知に関する経過措置)

(Transitional Measures for Notice to Client)

第八条 派遣元事業主は、附則第一条第二号に掲げる規定の施行の際現にされている労

働者派遣について、第二号施行日に、厚生労働省令で定めるところにより、当該働者派遣に係る派遣働者が協定対象派遣働者（新働者派遣法第三十条の五に規定する協定対象派遣働者をいう。）であるか否かの別を当該派遣働者に係る派遣先に通知しなければならない。この場合において、働者派遣法第六条第一号中「この法律」とあるのは「この法律（働き方改革を推進するための関係法律の整備に関する法律（平成三十年法律第七十一号）附則第八条第一項の規定により読み替えて適用する場合を含む。）」と、働者派遣法第十四条第一項第二号中「除く。）」とあるのは「除く。）、働き方改革を推進するための関係法律の整備に関する法律（附則第八条第一項の規定に限る。）」と、新働者派遣法第三十五条第二項中「前項」とあるのは「前項又は働き方改革を推進するための関係法律の整備に関する法律附則第八条第一項」と、「同項第二号」とあるのは「前項第二号」と、働者派遣法第三十六条第一号中「次条」とあるのは「次条並びに働き方改革を推進するための関係法律の整備に関する法律附則第八条第一項」と、働者派遣法第四十一条第一号ハ中「第三十五条」とあるのは「第三十五条又は働き方改革を推進するための関係法律の整備に関する法律附則第八条第一項」と、新働者派遣法第四十八条第一項中「同じ。）」とあるのは「同じ。）又は働き方改革を推進するための関係法律の整備に関する法律（附則第八条第一項の規定に限る。）」と、働者派遣法第四十九条第一項中「除く。）」とあるのは「除く。）又は働き方改革を推進するための関係法律の整備に関する法律（附則第八条第一項の規定に限る。）」と、働者派遣法第四十九条の第三項中「この法律又はこれ」とあるのは「この法律若しくは働き方改革を推進するための関係法律の整備に関する法律（附則第八条第一項の規定に限る。）又はこれら」と、働者派遣法第五十条及び第五十一条第一項中「この法律」とあるのは「この法律又は働き方改革を推進するための関係法律の整備に関する法律（附則第八条第一項の規定に限る。）」と、働者派遣法第六十一条第四号中「第三十五条」とあるのは「第三十五条又は働き方改革を推進するための関係法律の整備に関する法律附則第八条第一項」とする。

Article 8 (1) For the provision of dispatched workers that is taking place at the time the provisions stated in Article 1, item (ii) of the Supplementary Provisions come into effect, a staffing provider must notify the clients with which its dispatched workers are associated of whether any dispatched worker subject to the worker dispatching arrangement is a worker covered under a collective agreement (meaning a "worker covered under a collective agreement" provided for in Article 30-5 of the new Worker Dispatching Act) on the item (ii) effective date pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare. In that case, the term "this Act" in Article 6, item (i) of the Worker Dispatching Act is deemed to be replaced with "this Act (including as applied pursuant to the provisions of Article 8, paragraph (1) of the Supplementary Provisions of the Act on the Arrangement of Related Acts to Promote Work Style Reform (Act No. 71 of 2018); the phrase "the replacement of terms)" in Article 14, paragraph (1), item (ii) of the Worker Dispatching Act is deemed to be replaced with "the replacement of terms), the Act on the

Arrangement of Related Acts to Promote Work Style Reform (limited to the provisions of Article 8, paragraph (1) of the Supplementary Provisions)"; the term "that paragraph" in Article 35, paragraph (2) of the new Worker Dispatching Act is deemed to be replaced with "that paragraph or Article 8, paragraph (1) of the Supplementary Provisions of the Act on the Arrangement of Related Acts to Promote Work Style Reform" and the phrase "items (ii) through (v) of the preceding paragraph" in Article 35, paragraph (2) of the new Worker Dispatching Act is deemed to be replaced with "items (ii) through (v) of the preceding paragraph"; the phrase "the following Article" in Article 36, item (i) of the Worker Dispatching Act is deemed to be replaced with "the following Article, and Article 8, paragraph (1) of the Supplementary Provisions of the Act on the Arrangement of Related Acts to Promote Work Style Reform"; the phrase "Article 35" in Article 41, item (i), (c) of the Worker Dispatching Act is deemed to be replaced with "Article 35 of this Act or Article 8, paragraph (1) of the Supplementary Provisions of the Act on the Arrangement of Related Acts to Promote Work Style Reform"; the phrase "and Article 51, paragraph (1))" in Article 48, paragraph (1) of the new Worker Dispatching Act is deemed to be replaced with "and Article 51, paragraph (1) or the Act on the Arrangement of Related Acts to Promote Work Style Reform (limited to the provisions of Article 8, paragraph (1) of the Supplementary Provisions)"; the phrase "replacement of terms)" in Article 49, paragraph (1) of the Worker Dispatching Act is deemed to be replaced with "replacement of terms) or the Act on the Arrangement of Related Acts to Promote Work Style Reform (limited to the provisions of Article 8, paragraph (1) of the Supplementary Provisions)"; the phrase "this Act or the provisions of an order based on this Act" in Article 49-3, paragraph (1) of the Worker Dispatching Act is deemed to be replaced with "this Act or the Act on the Arrangement of Related Acts to Promote Work Style Reform (limited to the provisions of Article 8, paragraph (1) of the Supplementary Provisions), or the provisions of an order based on either of these Acts"; the phrase "this Act" in Article 50 and Article 51, paragraph (1) of the Worker Dispatching Act is deemed to be replaced with "this Act or the Act on the Arrangement of Related Acts to Promote Work Style Reform (limited to the provisions of Article 8, paragraph (1) of the Supplementary Provisions)"; and the phrase "Article 35" in Article 61, item (iv) of the Worker Dispatching Act is deemed to be replaced with "Article 35 of this Act or Article 8, paragraph (1) of the Supplementary Provisions of the Act on the Arrangement of Related Acts to Promote Work Style Reform".

- 2 派遣元事業主は、前項の労働者派遣について、附則第一条第二号に掲げる規定の施行前においても、同項の規定の例により、同項の通知をすることができる。この場合において、同項の規定の例によりされた通知は、第二号施行日において同項の規定により行われたものとみなす。

(2) Even before the provisions stated in Article 1, item (ii) of the Supplementary Provisions come into effect, a staffing provider may give the notice referred to in that paragraph concerning the worker dispatching referred to in the preceding paragraph in accordance with the provisions of Article 1, item (ii) of the Supplementary Provisions. In that case, the notice given in accordance with the provisions of that paragraph is deemed to be given pursuant to the provisions of that paragraph on the item (ii) effective date.

(派遣労働者に係る紛争の解決の促進に関する特例に関する経過措置)

(Transitional Measures for Special Provisions to Facilitate Resolution of Disputes Involving Dispatched Workers)

第九条 附則第一条第二号に掲げる規定の施行の際現に紛争調整委員会（個別労働関係紛争の解決の促進に関する法律（平成十三年法律第百十二号）第六条第一項の紛争調整委員会をいう。附則第十一条において同じ。）に係属している同法第五条第一項のあつせんに係る紛争であつて、労働者派遣法第四十七条の六に規定する紛争に該当するものについては、同条の規定にかかわらず、なお従前の例による。

Article 9 Notwithstanding the provisions of Article 47-6 of the Worker

Dispatching Act, prior laws continue to govern a dispute that is subject to pending mediation referred to in Article 5, paragraph (1) of the Act on Promoting the Resolution of Individual Labor-Related Disputes (Act No. 112 of 2001) before the Dispute Coordinating Committee (meaning the Dispute Coordinating Committee provided for in Article 6, paragraph (1) of that Act; the same applies in Article 11 of the Supplementary Provisions) at the time the provisions stated in Article 1, item (ii) of the Supplementary Provisions come into effect, and that constitutes a dispute provided for in Article 47-6 of the Worker Dispatching Act.

(検討)

(Review)

第十二条

Article 12 (1)

3 政府は、前二項に定める事項のほか、この法律の施行後五年を目途として、この法律による改正後のそれぞれの法律（以下この項において「改正後の各法律」という。）の規定について、労働者と使用者の協議の促進等を通じて、仕事と生活の調和、労働条件の改善、雇用形態又は就業形態の異なる労働者の間の均衡のとれた待遇の確保その他の労働者の職業生活の充実を図る観点から、改正後の各法律の施行の状況等を勘案しつつ検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

(3) In addition to the particulars provided for in the preceding two paragraphs, once approximately five years have passed after this Act's entry into force, the government is to review the provisions of the Acts amended by this Act

(referred to below as "each of the amended Acts" in this paragraph), taking into account the extent to which each of the amended Acts have entered into force, with the objective of ensuring work-life balance, improving working conditions, ensuring balanced treatment among workers in various employment patterns or working patterns, and otherwise enriching the occupational lives of workers through promotion of consultations between the workers and employers or other related matters, and if the government finds it necessary to do so, it is to take necessary measures based on the results of that review.

(罰則に関する経過措置)

(Transitional Measures for Penal Provisions)

第二十九条 この法律（附則第一条第三号に掲げる規定にあっては、当該規定）の施行前にした行為並びにこの附則の規定によりなお従前の例によることとされる場合及びこの附則の規定によりなおその効力を有することとされる場合におけるこの法律の施行後にした行為に対する罰則の適用については、なお従前の例による。

Article 29 Prior laws continue to govern the application of penal provisions to actions that a person takes before this Act (as for the provisions stated in Article 1, item (iii) of the Supplementary Provisions, the relevant provisions) comes into effect, and to actions that a person takes after this Act comes into effect in cases that these Supplementary Provisions provide are to continue to be governed by prior laws, and in cases for which these Supplementary Provisions provide that prior laws remain in force.

(政令への委任)

(Delegation to Cabinet Order)

第三十条 この附則に規定するもののほか、この法律の施行に伴い必要な経過措置（罰則に関する経過措置を含む。）は、政令で定める。

Article 30 Beyond what is provided for in these Supplementary Provisions, Cabinet Order provides for transitional measures (including transitional measures for penal provisions) that are made necessary by this Act's entry into force.

附 則 〔令和元年六月五日法律第二十四号〕〔抄〕

Supplementary Provisions [Act No. 24 of June 5, 2019] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act comes into effect as of the date specified by Cabinet Order

within a period not exceeding one year from the date of promulgation; provided, however, that the provisions stated in the following items come into effect as of the date prescribed in each item:

一 第三条中労働施策の総合的な推進並びに労働者の雇用の安定及び職業生活の充実等に関する法律第四条の改正規定並びに次条及び附則第六条の規定 公布の日

(i) the provisions amending Article 4 of the Act on Comprehensively Advancing Labor Measures, and Stabilizing the Employment of Workers, and Enriching Workers' Vocational Lives in Article 3, and the provisions of the following Article and Article 6 of the Supplementary Provisions: the date of promulgation.

(罰則に関する経過措置)

(Transitional Measures for Penal Provisions)

第五条 この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

Article 5 Prior laws continue to govern the application of penal provisions for actions that a person takes before this Act comes into effect.

(政令への委任)

(Delegation to Cabinet Order)

第六条 この附則に定めるもののほか、この法律の施行に関して必要な経過措置は、政令で定める。

Article 6 Beyond what is provided for in these Supplementary Provisions, Cabinet Order provides for the necessary transitional measures connected with this Act's entry into force.

(検討)

(Review)

第七条 政府は、この法律の施行後五年を経過した場合において、この法律による改正後の規定の施行の状況について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 7 Once five years have passed after this Act's entry into force, the government is to review the extent to which the provisions amended by this Act have entered into force, and if it finds it necessary to do so, it is to take the requisite measures based on the results of its review.

附 則 〔令和元年六月十四日法律第三十七号〕 〔抄〕

Supplementary Provisions [Act No. 37 of June 14, 2019] [Extract]

(施行期日)

(Effective Date)

第一条 この法律は、公布の日から起算して三月を経過した日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act comes into effect on the day after the final day in the three-month period counting from the date of promulgation; provided, however, that the provisions stated in the following items come into effect as of the date prescribed in each item:

一 第四十条、第五十九条、第六十一条、第七十五条（児童福祉法第三十四条の二十の改正規定に限る。）、第八十五条、第百二条、第百七条（民間あっせん機関による養子縁組のあっせんに係る児童の保護等に関する法律第二十六条の改正規定に限る。）、第百十一条、第百四十三条、第百四十九条、第百五十二条、第百五十四条（不動産の鑑定評価に関する法律第二十五条第六号の改正規定に限る。）及び第百六十八条並びに次条並びに附則第三条及び第六条の規定 公布の日

(i) the provisions of Articles 40, 59, 61, 75 (limited to the provisions amending Article 34-20 of the Child Welfare Act), 85, 102, 107 (limited to the provisions amending Article 26 of the Act on the Protection of Children pertaining to Adoption Mediation by Private Mediation Agencies), 111, 143, 149, 152, 154 (limited to the provisions amending Article 25, item (vi) of the Act on Real Estate Appraisal), and 168, and the following Article, and Articles 3 and 6 of the Supplementary Provisions: the date of promulgation.

（行政庁の行為等に関する経過措置）

(Transitional Measures for Acts by Administrative Authorities)

第二条 この法律（前条各号に掲げる規定にあっては、当該規定。以下この条及び次条において同じ。）の施行の日前に、この法律による改正前の法律又はこれに基づく命令の規定（欠格条項その他の権利の制限に係る措置を定めるものに限る。）に基づき行われた行政庁の処分その他の行為及び当該規定により生じた失職の効力については、なお従前の例による。

Article 2 Prior laws continue to govern the effect of a disposition or other action taken by an administrative authority under the provisions of the Act before its amendment by this Act or an order under this Act (limited to provisions on ineligibility or other provisions that provide for measures involving the restriction of a right) before the date on which this Act (or the provisions stated in the items of the preceding Article, if applicable; the same applies below in this Article and the following Article) comes into effect, and to govern the effect of forfeiture of a position arising from those provisions.

（罰則に関する経過措置）

(Transitional Measures for Penal Provisions)

第三条 この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

Article 3 Prior laws continue to govern the application of penal provisions to

actions a person takes before this Act comes into effect.

(検討)

(Review)

第七条 政府は、会社法（平成十七年法律第八十六号）及び一般社団法人及び一般財団法人に関する法律（平成十八年法律第四十八号）における法人の役員の資格を成年被後見人又は被保佐人であることを理由に制限する旨の規定について、この法律の公布後一年以内を目途として検討を加え、その結果に基づき、当該規定の削除その他の必要な法制上の措置を講ずるものとする。

Article 7 Within approximately one year after the promulgation of this Act, the government is to review the provisions of the Companies Act (Act No. 86 of 2005) and the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006) that restrict a person's eligibility to be an officer of a corporation on the grounds that the person is an adult ward or a person under curatorship, and is to delete the relevant provisions or take other necessary legislative measures based on the results of its review.