

# Vocational Abilities Development Promotion Act

(Act No. 64 of July 18, 1969)

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## Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act, together with the Act on Comprehensively Advancing Labor Measures, and Stabilizing the Employment of Workers, and Enriching Workers' Vocational Lives (Act No. 132 of 1966), is to promote the development and improvement of the abilities that workers need for their jobs, by comprehensively and systematically taking measures to improve and enhance vocational training and vocational abilities tests, and to facilitate their implementation, as well as measures to provide workers with opportunities to pursue education and take training courses related to their jobs or vocational abilities tests, thus ensuring employment security and improving the workers' status, while also contributing to economic and social development.

(Definition)

Article 2 (1) The term "worker" in this Act means a person employed by an employer (excluding mariners as prescribed in Article 6, paragraph (1) of the Mariners' Employment Security Act (Act No. 130 of 1948); referred to below as "employed worker" in Article 95, paragraph (2)) and a job applicant (excluding those who intends to become a mariner as prescribed in Article 6, paragraph (1) of that Act; the same applies below).

(2) The term "vocational abilities" in this Act means the abilities a worker needs for their job.

(3) The term "vocational abilities test" in this Act means a test of the trade skills a worker needs for their job and the knowledge related to their job (excluding tests that are not under the authority of the Ministry of Health, Labour and Welfare).

(4) The term "career path plan" in this Act means that in order to set their career goal for a long-term working life and realize that goal, a worker takes initiative to develop a plan for selecting a vocation, developing and improving their vocational abilities based on factors such as their aptitude and vocational experience, and other matters.

(5) The term "career consulting" as used in this Act means providing advice and guidance in response to a request for consultation about a worker's job selection, their career path plans, or the development and improvement of vocational abilities.

(Basic Principle for Promoting the Development of Vocational Abilities)

Article 3 In view of the fact that having workers exercise their abilities effectively throughout their entire career is indispensable for their job security and improvement of their status, and forms a basis for the economic and social development, developing and improving vocational abilities under the provisions of this Act are to be carried out gradually and systematically

throughout the entire career of a worker while giving due consideration to their career path plans, so as to increase their flexibility to changes in their job duties that result from the changes in industrial structures, advancement of technology, and other changes in the economic environment, in order to make it easier for them to find a new job when they decide to change careers.

- Article 3-2 (1) According to the basic principle under the preceding Article, the self-motivated development and improvement of workers' vocational abilities must be encouraged by securing opportunities for workers to undergo necessary vocational training and receive education and take training courses relating to their job, having them acquire necessary practical work experience, and conducting proper assessment of the skills needed for their jobs that they have acquired through those training and work experiences and of their knowledge concerning the job.
- (2) Vocational training should not overlap with school education under the School Education Act (Act No. 26 of 1947) and must be provided in close coordination with education at school.
- (3) Vocational training for youths must be provided, in particular, according to their individual characteristics and by giving due consideration so as to make the most of their aptitude, in order to increase their willingness to become independent as a competent professional.
- (4) Vocational training for persons with physical disabilities or mental disorders must be provided by giving consideration, particularly to their physical or mental conditions.
- (5) Trade skills tests and other vocational abilities tests must be conducted in a manner that ensures the development of objective and fair standards for the evaluation of vocational abilities, the enhancement of testing and other evaluation methods, and the proper evaluation of the trade skills and knowledge necessary for a particular occupation acquired through vocational training, education and training related to a particular occupation, and practical work experience.

Article 3-3 A Worker is to plan a career path and endeavor to proactively develop and improve its vocational abilities in line with that career path plan.

(Responsibilities of Persons Concerned)

Article 4 (1) An employer must provide the vocational training necessary for its workers by offering the assistance necessary to give the workers opportunities to seek education and training or take vocational abilities tests relating to their occupation, by providing assistance necessary to make it easier for the workers to proactively develop and improve their vocational abilities according

to their career path plans, and by taking other measures in its endeavors to promote the development and improvement of workers' vocational abilities.

- (2) By extending adequate assistance and taking other measures under a given circumstance while giving due consideration to the proactive efforts of employers or other persons concerned, the national and prefectural governments must endeavor to encourage the promotion of vocational training and vocational abilities tests given by employers or other persons concerned while enhancing the contents of those training and tests, encourage assistance provided by employers to ensure the opportunities for the workers to voluntarily receive education and take training courses relating to their job or vocational abilities tests, and support other measures taken by employers to make it easier for the workers to proactively develop and improve their vocational abilities according to their career path plans, and the national and prefectural governments must also endeavor to provide vocational training for workers who intend to change their jobs and other persons who need special assistance for the development and improvement of their vocational abilities, to provide the vocational training that is required in view of the situation of the vocational training provided by employers or employers' organizations, to provide assistance to make it easier for the workers to proactively develop and improve their vocational abilities according to their career path plans, and to provide skill tests smoothly.

## **Chapter II Plans for the Development of Vocational Abilities**

(Basic Plan for the Development of Vocational Abilities)

- Article 5 (1) The Minister of Health, Labour and Welfare is to formulate a plan to be the basis of the development of vocational abilities (meaning vocational training, vocational abilities tests, and other forms of development and improvement of vocational abilities under the provisions of this Act; the same applies below in the following paragraph and Article 7, paragraph (1)) (referred to below as "basic plan for the development of vocational abilities").
- (2) The basic plan for the development of vocational abilities is to specify the following matters:
- (i) matters related to the trends in labor supply and demand, such as skilled labor;
  - (ii) matters related to the implementation goal for the development of vocational abilities; and
  - (iii) matters to be the basis of measures taken for the development of vocational abilities.
- (3) The basic plan for the development of vocational abilities must be prepared based on factors such as the long-term perspective in economic or labor-market

trends, while taking into account the supply and demand situation of labor such as skilled workers by industry, occupation, size of business and age, and workers' working conditions, labor efficiency, and other factors.

- (4) The Minister of Health, Labour and Welfare may, if necessary, prescribe the measures necessary to promote vocational training for specific types of jobs in the basic plan for the development of vocational abilities.
- (5) The Minister of Health, Labour and Welfare is to hear opinions from the Labor Policy Council as well as the heads of the relevant administrative organs and the prefectural governors before formulating the basic plan for the development of vocational abilities.
- (6) The Minister of Health, Labour and Welfare must make an outline of the basic plan for the development of vocational abilities available to the public without delay after preparing that plan.
- (7) The provisions of the preceding two paragraphs apply mutatis mutandis to any changes made to the basic plan for the development of vocational abilities.

(Recommendations)

Article 6 The Minister of Health, Labour and Welfare may, when the minister finds it necessary for the proper implementation of the basic plan for the development of vocational abilities, make necessary recommendations to the relevant employers' organizations concerning the provision of vocational training and the implementation of measures to promote the development and improvement of vocational abilities of the relevant workers, after hearing opinions from the Labor Policy Council.

(Prefectural Plans for the Development of Vocational Abilities)

- Article 7 (1) Based on the basic plan for the development of vocational abilities, each prefectural government is to endeavor to formulate a basic plan for the development of vocational abilities to be implemented within the relevant prefecture (referred to below as "prefectural plan for the development of vocational abilities).
- (2) The prefectural plan for the development of vocational abilities is to generally prescribe the matters listed in each item of Article 5, paragraph (2).
  - (3) The prefectural governor is to endeavor to take necessary measures in advance to reflect the opinions of employers, workers, and other persons concerned when preparing a draft of the prefectural plan for the development of vocational abilities,.
  - (4) The prefectural governor is to endeavor to make an outline of the prefectural plan for the development of vocational abilities available to the public without delay after preparing that plan,.
  - (5) The provisions of Article 5, paragraphs (3) and (4) apply mutatis mutandis to

the formulation of the prefectural plan for the development of vocational abilities, the provisions of the preceding two paragraphs apply mutatis mutandis to any changes made to the prefectural plan for the development of vocational abilities, and the provisions of the preceding Article apply mutatis mutandis to the implementation of the prefectural plan for the development of vocational abilities. In this case, the term "the Minister of Health, Labour and Welfare" in Article 5, paragraph (4) is deemed to be replaced with "the prefecture"; the terms "the Minister of Health, Labour and Welfare" and "after hearing opinions from the Labor Policy Council" in the preceding Article are deemed to be replaced with "the prefectural governor" and "after taking necessary measures to reflect the opinions of employers, workers, and other persons concerned," respectively.

### **Chapter III Promotion of the Development of Vocational Abilities**

#### **Section 1 Measures Taken by Employers or Other Organizations to Promote the Development of Vocational Abilities**

(Ensuring Various Opportunities to Develop Vocational Abilities)

Article 8 An employer is to give due consideration to ensure that workers employed by the employer are provided with opportunities to develop and improve their vocational abilities by receiving various types of vocational training, through taking the measures prescribed in the provisions below from the following Article through Article 10-4.

Article 9 When providing vocational training to its workers, an employer may provide the vocational training by having the workers take vocational training at a public institution for the development of vocational abilities prescribed in Article 15-7, paragraph (3) or other institutions established by other persons that are found to be suitable for the development and improvement of vocational abilities, in addition to providing vocational training on its own or in cooperation with another person to the workers while they are on or off duty.

Article 10 Beyond the measures prescribed in the preceding Article, an employer is to promote the development and improvement of its workers' vocational abilities by taking the measures specified below and making other efforts as necessary.

- (i) having workers receive education and training relating to their job at an institution established by persons other than the employer; and
- (ii) having workers take vocational abilities tests carried out by the employer or in cooperation with other persons, or vocational abilities tests that are carried out by other persons and are found to be suitable for the development

and improvement of their vocational abilities.

Article 10-2 (1) An employer is to promote the development and improvement of the practical vocational abilities of its workers by providing vocational training combined with hands-on training, as necessary.

(2) Vocational training combined with hands-on training referred to in the preceding paragraph means vocational training provided by an employer to its workers while they are on duty, effectively combined with any of the following types of vocational training or education and training, and the trade skills that the workers acquire through that vocational training combined with hands-on training and their knowledge related to that training are assessed:

- (i) vocational training provided at a public institution for the development of vocational abilities under the provisions of Article 15-7, paragraph (3);
- (ii) the accredited vocational training under the provisions of Article 24, paragraph (3); and
- (iii) beyond what is stated in the preceding two items, education and training provided at an institution established by persons other than the employer that are found to be suitable for the development and improvement of vocational abilities.

(3) In order to ensure a proper and effective implementation of vocational training combined with hands-on training prescribed in the preceding paragraph, the Minister of Health, Labour and Welfare is to make public the guidelines for the measures to be taken by employers.

Article 10-3 (1) Beyond the measures prescribed to in the preceding three Articles, an employer is to promote the self-motivated development and improvement of the vocational abilities of its workers according to their career path plans by taking the following measures, as necessary:

- (i) providing information including the details and level of the skills and knowledge necessary for performing their work and other matters, ensuring career consulting opportunities at each stage of the promotion of the development and improvement of vocational abilities and at the workers' request, and providing other assistance in order to make it easier for workers to set their own goals for the development and improvement of their vocational abilities;
  - (ii) giving due consideration to allocation of workers and employment management, so that the workers may proactively develop and improve their vocational abilities through practical work experience.
- (2) When ensuring opportunities for career consulting pursuant to the provisions of item (i) of the preceding paragraph, an employer is to make sure that the expertise of career consultants is utilized effectively.

Article 10-4 (1) Beyond the measures prescribed in Article 9 through the preceding Article, an employer is to promote self-motivated development and improvement of the vocational abilities of its workers according to their career path plans by taking measures such as providing the assistance prescribed in the following items, as necessary, so as to ensure opportunities for workers to proactively seek education and training relating to their job or take vocational abilities tests:

- (i) granting workers paid education and training leave, long-term education and training leave, re-employment preparation leave, and other leave; and
  - (ii) taking the necessary measures to change time to start or to finish working, reduce working hours or other measures to secure time for workers to receive education and training relating to their job or take vocational abilities tests.
- (2) Paid education and training leave referred to in item (i) of the preceding paragraph means paid leave granted to workers who receive education and training related to the improvement of their qualities as professionals or related to their jobs (excluding leave granted as annual paid leave under the provisions of Article 39 of the Labor Standards Act (Act No. 49 of 1947).
- (3) Long-term education and training leave referred to in paragraph (1), item (i) means long-term leave granted to workers who receive education and take training related to the improvement of their qualities as professionals or related to their jobs (excluding leave granted as annual paid leave under the provisions of Article 39 of the Labor Standards Act and leave granted as paid education and training leave prescribed in the preceding paragraph).
- (4) Re-employment preparation leave referred to in paragraph (1), item (i) means leave granted to workers who try to develop and improve their vocational abilities to prepare for re-employment (excluding leave granted as annual paid leave prescribed in Article 39 of the Labor Standards Act, leave granted as paid education and training leave prescribed in paragraph (2), and leave granted as long-term education and training leave prescribed in the preceding paragraph).

Article 10-5 Concerning the measures taken by employers to promote the self-motivated development and improvement of workers' vocational abilities according to their career path plans pursuant to the provisions of the preceding two Articles, the Minister of Health, Labour and Welfare is to make public the guidelines necessary to ensure proper and effective implementation of the relevant measures.

(Systematic Promotion of the Development of Vocational Abilities)

Article 11 (1) An employer must endeavor to formulate a plan for the measures

prescribed in Article 9 through Article 10-4 so as to promote the development and improvement of vocational abilities of its workers in a gradual and systematic manner.

- (2) After formulating a plan referred to in the preceding paragraph, an employer must endeavor to promote self-motivated development and improvement of its workers' vocational abilities according to their career path plans by taking the measures necessary to make the contents of the plan from the preceding paragraph known to its workers, and, at the same time, the employer must endeavor to implement the plan in a smooth manner by effectively utilizing the promoters of vocational abilities development appointed pursuant to the provisions of the following Article.

(Promoters of Vocational Abilities Development)

Article 12 An employer must endeavor to appoint a person who performs the following duties (referred to below as "promoter of vocational abilities development"), as specified by Order of the Ministry of Health, Labour and Welfare:

- (i) duties related to the formulation and implementation of a plan referred to in paragraph (1) of the preceding Article;
- (ii) duties to provide consultation and guidance to workers employed by an employer concerning the measures prescribed in Article 9 through Article 10-4; and
- (iii) if the national or prefectural governments, or the Japan Vocational Ability Development Association or Prefectural Vocational Ability Development Associations (referred to below as "the national government and other institutions" in this item) provide advice and guidance or other assistance to an employer concerning the formulation and implementation of a plan referred to in paragraph (1) of the preceding Article, duties related to communications with the national government and other institutions.

(Promotion of Acquisition of Proficient Trade Skills)

Article 12-2 (1) An employer must endeavor to promote the development and improvement of vocational abilities of the workers through effective and efficient acquisition of proficient trade skills and related knowledge of its workers, by managing the information concerning proficient trade skills that take a considerable amount of time for workers to learn and knowledge concerning the proficient trade skills (referred to below as "proficient trade skills and related knowledge" in this Article) systematically, as necessary, and provide the relevant information to the workers or by taking other necessary measures.

- (2) Concerning measures taken by employers to promote acquisition of proficient

trade skills and related knowledge by workers pursuant to the provisions of the preceding paragraph, the Minister of Health, Labour and Welfare is to make public the guidelines necessary for employers to take the measures in a proper and effective manner.

(Provision of Accredited Vocational Training)

Article 13 Employers, employers' organizations or their federations, vocational training corporations, the Japan Vocational Ability Development Association or Prefectural Vocational Ability Development Associations, general incorporated associations or incorporated foundations, incorporated labor unions, or other nonprofit corporations that provide or intend to provide vocational training (collectively referred to below as "employers or other organizations") may, after obtaining accreditation of the standards to maintain and improve the levels of vocational training provided by employers or other organizations pursuant to the provisions of Sections 4 and 7, provide the relevant vocational training.

(Provision of Vocational Training Combined with Accredited Hands-on Training)

Article 14 An employer may, by obtaining accreditation to confirm that an implementation plan for vocational training combined with hands-on training (meaning vocational training combined with hands-on training prescribed in Article 10-2, paragraph (2); the same applies below) is effective for developing and improving practical vocational abilities of youths (limited to persons specified by Order of the Ministry of Health, Labour and Welfare; the same applies below), provide the relevant vocational training combined with hands-on training pursuant to the provisions of Section 5.

**Section 2 Measures to Promote the Development of Vocational Abilities  
Taken by the National Government and Prefectural Governments**

(Ensuring Various Opportunities to Develop Vocational Abilities)

Article 14-2 By implementing the measures prescribed in this Section and the following Section beyond what is prescribed in Article 13, the national and prefectural governments are to make sure that workers are provided with opportunities to develop and improve their vocational abilities by receiving various types of vocational training.

(Council)

Article 15 (1) The national and prefectural organizations that conduct the affairs and services related to vocational training within a prefecture (referred to below as "relevant organizations" in this paragraph) may organize a council

consisting of the relevant organizations and the following persons (referred to below simply as "council" in this Article) so that efforts to promote the development and improvement of vocational abilities based on the actual situation in the region can be implemented properly and effectively:

- (i) municipalities establishing public institutions for the development of vocational abilities prescribed in Article 15-7, paragraph (3);
  - (ii) persons or organizations that provide vocational training or education and training related to a particular occupation;
  - (iii) workers' organizations;
  - (iv) employers' organizations;
  - (v) employment placement service providers as prescribed in Article 4, paragraph (10) of the Employment Security Act (Act No. 141 of 1947), providers of recruitment/candidate information in a specified manner as prescribed in paragraph (11) of that Article, or organizations of these persons;
  - (vi) persons with relevant expertise;
  - (vii) other persons found to be necessary by the relevant organizations.
- (2) The council is to share useful information for the promotion of the development and improvement of vocational abilities, while seeking close cooperation among its members, and is to discuss initiatives for the promotion of the development and improvement of vocational abilities, such as the implementation of suitable and effective vocational training and education and training related to a particular occupation based on the demand for and implementation status of vocational training and education and training related to a particular occupation in the prefectural area, and based on other circumstances in the region, as well as initiatives such as securing opportunities for career consulting.
- (3) Persons who engage in or have engaged in the administrative affairs of the council must not divulge any confidential information learned in connection with the administrative affairs of the council without justifiable grounds.
- (4) Beyond what is provided for in the preceding three paragraphs, any necessary matters concerning the organization and operation of the council are to be determined by the council.

(Assistance to Employers and Other Persons Concerned)

Article 15-2 (1) The national and prefectural governments must endeavor to provide the following assistance for vocational training and vocational abilities tests carried out by employers or other organizations, provision of assistance necessary to ensure opportunities for workers to proactively seek education and training related to their jobs or take vocational abilities tests, and other measures taken by employers to make it easier for workers to proactively

develop and improve their vocational abilities according to their career path plans:

- (i) providing training related to career consulting as referred to in Article 10-3, paragraph (1), item (i);
  - (ii) providing advice and guidance concerning the formulation and implementation of the plan referred to in Article 11;
  - (iii) providing consultation and other assistance on technical matters concerning the promotion of the development and improvement of vocational abilities (including assistance related to securing opportunities for career consulting);
  - (iv) providing information and materials;
  - (v) providing training for promoters of vocational abilities development and providing opportunities to raise awareness among those promoters;
  - (vi) dispatching vocational training instructors prescribed in Article 27, paragraph (1);
  - (vii) providing some of the vocational training entrusted by employers; and
  - (viii) beyond what is stated in the preceding items, providing benefits such as allowing people to use public institutions for the development of vocational abilities prescribed in Article 15-7, paragraph (3).
- (2) In order to promote the development and improvement of vocational abilities, the national and prefectural governments must endeavor to provide workers with the assistance prescribed in item (iii) and item (iv) of the preceding paragraph.
- (3) The national government may take special measures such as establishing the institutions necessary to provide employers or other organizations and workers with the assistance prescribed in paragraph (1) item (ii) through (iv) in a proper and effective manner.
- (4) If the national and prefectural governments provide assistance to employers or other organizations and workers pursuant to the provisions of paragraphs (1) and (2), the national government and the relevant prefectural government are to work in close coordination with the Japan Vocational Ability Development Association or Prefectural Vocational Ability Development Associations.

(Aid to Employers or Other Organizations)

Article 15-3 The national government may provide aid to employers or other organizations and take other necessary measures for the purpose of promoting vocational training and vocational abilities tests conducted by employers or other organizations, and encouraging employers to take measures such as granting paid education and training leave prescribed in Article 10-4, paragraph (2) to workers and offering other assistance for ensuring

opportunities for workers to proactively seek education and training related to their jobs or take vocational abilities tests, as well as other assistance for making it easier for workers to undergo vocational training and take vocational abilities tests or pursue similar forms of education conducted by public institutions for the development of vocational abilities and other institutions prescribed in Article 15-7, paragraph (3).

(Dissemination of Professional Resumes)

- Article 15-4 (1) In order to promote self-motivated development and improvement of workers' vocational abilities according to their career path plans, the national government must prescribe the forms of documents that state matters concerning the professional career, vocational abilities, and other matters concerning the development and improvement of vocational abilities of a worker (referred to as "professional resumes and related documents" in the following paragraph) and endeavor to disseminate them.
- (2) When prescribing the forms of professional resumes and related documents, the national government is to make sure those documents are designed in a way that promotes the self-motivated development and improvement of vocational abilities of youths according to their career path plans.

(Research Studies on Development of Vocational Abilities)

- Article 15-5 With the cooperation of the Japan Vocational Ability Development Association, the national government must endeavor to conduct research studies on vocational training, vocational abilities tests, and other ways of developing and improving vocational abilities and collect and consolidate the relevant information, so that employers, workers, and other persons concerned may use the results of the relevant research studies and information related to those results.

(Publicizing and Raising Awareness about Trade Skills Required for Jobs)

- Article 15-6 In order to create an environment where the national government can smoothly promote the development and improvement of workers' vocational abilities, the national government is to publicize and raise awareness about the trade skills required for jobs so that employers and the public may gain a better understanding of those requirements.

**Section 3 Implementation of Vocational Training by the National Government and Prefectural Governments**

(Vocational Training Provided by the National and Prefectural Governments)

- Article 15-7 (1) In order to enable workers to acquire the trade skills necessary

for their jobs and knowledge related to those skills in a gradual and systematic manner, the national and prefectural governments are to establish the institutions stated in the following items pursuant to the provisions of Article 16, and provide vocational training prescribed in those items based on the classification of those institutions; provided, however, that vocational training that is provided mainly for acquiring knowledge and is specified by Order of the Ministry of Health, Labour and Welfare (for prefectural governments, vocational training that is specified by prefectural ordinances in consideration of the requirements specified by Order of the Ministry of Health, Labour and Welfare) may be provided by institutions other than the institutions stated in the items below by using methods that are found to be suitable:

- (i) polytechnic schools (meaning institutions that are used to provide general vocational training (meaning vocational training other than the advanced vocational training specified in the following item; the same applies below), which includes long-term and short-term training courses; the same applies below);
  - (ii) polytechnic colleges (meaning institutions that are used to provide advanced vocational training (meaning vocational training to provide workers with advanced skills necessary for their jobs and knowledge concerning those advanced skills; the same applies below), which includes long-term and short-term training courses (excluding long-term training courses specified by Order of the Ministry of Health, Labor and Welfare referred to in the following item); the same applies below);
  - (iii) polytechnic universities (meaning institutions that are used to provide advanced vocational training including long-term and short-term training courses specified in the preceding item, and advanced vocational training including long-term training courses specified by Order of the Ministry of Health, Labor and Welfare as advanced vocational training to develop and improve specialized and applied vocational abilities that are applicable to practice; the same applies below);
  - (iv) polytechnic centers (meaning institutions that are used to provide general or advanced vocational training, which includes short-term training courses; the same applies below); and
  - (v) polytechnic schools for persons with disabilities (meaning institutions that are used to provide general or advanced vocational training which is designed for persons with physical disabilities or mental disorders who have difficulty receiving vocational training at the institutions specified in the preceding items, and which is provided according to those persons' abilities; the same applies below).
- (2) Beyond providing the vocational training specified in the items of the preceding paragraph, the institutions specified in those items established by

the national and prefectural governments must endeavor to provide employers, workers, and other persons concerned with assistance specified in Article 15-2, paragraph (1), item (iii), item (iv), and item (vi) through item (viii).

- (3) If the national or a prefectural government (if a designated city in Article 252-19, paragraph (1) under the Local Autonomy Act (Act No. 67 of 1947) (referred to below as "designated city") establishes a polytechnic college, polytechnic university, polytechnic center, or polytechnic school for persons with disabilities (referred to as "polytechnic college or another institution" in the following paragraph and Article 16, paragraph (2)), including that designated city, and if a municipality establishes a polytechnic school, including that municipality; the same applies below in this paragraph) establishes an institution stated in any of the items of paragraph (1) and provides vocational training, the vocational training may be provided within an institution stated in any of the items of that paragraph (referred to below as "public institution for the development of vocational abilities"), and if it is necessary for the national government to provide prompt and effective vocational training to workers and other persons who intend to change their job, or if it is necessary for a prefectural government to provide vocational training specified by a prefectural ordinance based on the requirements specified by Order of the Ministry of Health, Labour and Welfare, educational training provided by another institution that is found to be suitable for the development and improvement of vocational abilities may be deemed as vocational training provided by a public institution for the development of vocational abilities, and workers may receive educational training at that other institution.
- (4) Beyond providing the vocational training prescribed in the items of paragraph (1) and the assistance prescribed in paragraph (2) (excluding training or assistance provided by a polytechnic college or another institution established by a designated city, or a polytechnic school established by a municipality), public institutions for the development of vocational abilities may carry out the following operations:
- (i) providing persons who intend to provide training for workers who are employed by persons operating their business in developing regions outside Japan, or persons who already provide the relevant training with training in order to ensure that they acquire necessary trade skills and knowledge related to those trade skills; and
  - (ii) beyond what is stated in the preceding item, carrying out other operations which are necessary for vocational training and other forms of development and improvement of vocational abilities under this Act, and which are specified by Order of the Ministry of Health, Labour and Welfare.

(Plans for Providing Vocational Training)

Article 15-8 (1) Vocational training provided at public institutions for the development of vocational abilities established by the national government and vocational training provided by the national government prescribed in the proviso to paragraph (1) of the preceding Article are to be provided based on a plan for providing the relevant vocational training formulated by the Minister of Health, Labour and Welfare, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(2) When formulating the plan stated in the preceding paragraph, the Minister of Health, Labour and Welfare is to hear the opinions of the head of the relevant administrative organ and other persons concerned in advance.

(Public Institutions for the Development of Vocational Abilities)

Article 16 (1) The national government establishes polytechnic colleges, polytechnic universities, polytechnic centers and polytechnic schools for persons with disabilities, and prefectural governments establish polytechnic schools.

(2) Beyond what is provided for in the preceding paragraph, prefectural governments and designated cities may establish polytechnic colleges and other institutions, and municipalities may establish polytechnic schools.

(3) The locations, names, and other necessary matters concerning the operation of public institutions for the development of vocational abilities established by the national government is specified by Order of the Ministry of Health, Labour and Welfare, and the information concerning the operation of public institutions for the development of vocational abilities established by prefectural or municipal governments is specified by prefectural or municipal ordinances.

(4) The national government is to entrust the Japan Organization for Employment of the Elderly, Persons with Disabilities and Job Seekers with the operation of polytechnic schools for persons with disabilities that have been established pursuant to the provisions of paragraph (1) and that are specified by Order of the Ministry of Health, Labour and Welfare, and may entrust the operation of polytechnic schools for persons with disabilities other than those specified by Order of the Ministry of Health, Labour and Welfare to prefectural governments.

(5) The head of a public institution for the development of vocational abilities must have a high level of knowledge and experience in vocational training.

(Restrictions on Use of Names)

Article 17 Article 17 No institution other than public institutions for the development of vocational abilities (excluding institutions established

pursuant to the provisions of Article 25) may use the characters “職業能力開発校” (pronounced “shokugyo noryoku kaihatsuko”, meaning "polytechnic school"), “職業能力開発短期大学校” (pronounced “shokugyo noryoku kaihatsu tanki daigakko”, meaning "polytechnic college"), “職業能力開発大学校” (pronounced “shokugyo noryoku kaihatsu daigakko”, meaning "polytechnic university”), “職業能力開発促進センター” (pronounced “shokugyo noryoku kaihatsu senta”, meaning "polytechnic center”), or “障害者職業能力開発校” (pronounced “shogaisha shokugyo noryoku kaihatsuko”, meaning "polytechnic school for persons with disabilities”) in its name.

(Matters That Require the Attention of the National, Prefectural, and Municipal Governments)

Article 18 (1) The national, prefectural, and municipal governments are to give due attention to the establishment and operations of public institutions for the development of vocational abilities to make sure that those institutions do not compete against each other and may function well.

(2) The national, prefectural and municipal governments, when providing vocational training, are to give due attention to the training start date, duration, contents of vocational training, and other matters so that the vocational training may help increase job security of workers and promote industrial development in the relevant areas.

(3) The national, prefectural, and municipal governments, when providing vocational training, are to give due attention to the duration, time, and other matters related to vocational training, so that workers can develop and improve their vocational abilities while also leading balanced lives.

(Standards for Providing Vocational Training)

Article 19 (1) Public institutions for the development of vocational abilities are to provide general or advanced vocational training in accordance with the standards specified by Order of the Ministry of Health, Labour and Welfare regarding the subjects, training times, facilities, and other matters specified for each training course included in the vocational training as the standards for maintaining and improving the level of the vocational training (for public institutions for the development of vocational abilities established by prefectural or municipal governments, the standards specified by prefectural or municipal ordinances).

(2) The categories of vocational training referred to in the preceding paragraph are specified by Order of the Ministry of Health, Labour and Welfare.

(3) When enacting prefectural ordinances pursuant to the provisions of paragraph (1), the prefectural or municipal governments are to prescribe the number of trainees at public institutions for the development of vocational

abilities on the basis of the standards specified by Order of the Ministry of Health, Labour and Welfare as prescribed in that paragraph, and prefectural or municipal governments are to take into consideration the standards specified by Order of the Ministry of Health, Labour and Welfare as prescribed in that paragraph concerning other matters.

(Teaching and Training Materials)

Article 20 When providing general or advanced vocational training (referred to below as "public vocational training"), a public institution for the development of vocational abilities must endeavor to use textbooks or other teaching and training materials approved by the Minister of Health, Labour and Welfare.

(Trade Skills Assessment Tests)

Article 21 (1) The head of a public institution for the development of vocational abilities must give trade skills and knowledge assessment tests (referred to below as "trade skills assessment tests" in this Article) to persons who take public vocational training (limited to long-term training courses).

(2) A person who passes a trade skills assessment test may refer to themselves as "junior skilled worker."

(3) The standards for trade skills assessment tests and other necessary matters concerning the implementation of trade skills assessment tests are specified by Order of the Ministry of Health, Labour and Welfare.

(Certificate of Completion)

Article 22 The head of a public institution for the development of vocational abilities must grant a certificate of completion to a person who completes public vocational training, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(Measures for Job Seekers Receiving Vocational Training)

Article 23 (1) The following types of public vocational training are to be provided free of charge:

- (i) general vocational training (limited to short-term training courses specified by Order of the Ministry of Health, Labour and Welfare) that is provided by a polytechnic center established by the national government to job seekers who need a change of occupation and other job seekers specified by Order of the Ministry of Health, Labour and Welfare;
- (ii) vocational training provided to job seekers at polytechnic schools for persons with disabilities established by the national government;
- (iii) vocational training provided by public institutions for the development of vocational abilities established by prefectural or municipal governments

(limited to those specified by prefectural or municipal ordinances in consideration of the standards specified by Order of the Ministry of Health, Labour and Welfare).

- (2) Based on the provisions of the Act on Comprehensively Advancing Labor Measures, and Stabilizing the Employment of Workers, and Enriching Workers' Vocational Lives, the national and prefectural governments may pay allowances to job seekers who undergo public vocational training, such as general vocational training (limited to short-term training courses specified by Order of the Ministry of Health, Labour and Welfare) provided at polytechnic schools and polytechnic center for job seekers who need a change of occupation or other job seekers specified by Order of the Ministry of Health, Labour and Welfare, and vocational training for job seekers provided at polytechnic schools for persons with disabilities.
- (3) The head of a public institution for the development of vocational abilities must endeavor to work in close coordination with the chief of public employment security office and take necessary measures to provide support for the employment of job seekers who receive public vocational training.
- (4) The head of a public institution for the development of vocational abilities must endeavor to secure opportunities for consultation through career consultants and provide other assistance as necessary in order to make it easier for job seekers who receive public vocational training to set their own goals for the development and improvement of vocational abilities.

#### **Section 4 Accreditation of Vocational Training Provided by Employers or Other Organizations**

(Vocational Training Accredited by Prefectural Governors)

- Article 24 (1) At the request of an employer or another organization, a prefectural governor may accredit the vocational training offered by the employer or that other organization., confirming that the vocational training meets the standards specified by Order of the Ministry of Health, Labour and Welfare referred to in Article 19, paragraph (1); provided, however, that this does not apply if the prefectural governor finds that the relevant employer or that other organization is not capable of providing the relevant vocational training in a suitable manner.
- (2) If a prefectural governor intends to accredit the vocational training referred to in the preceding paragraph, and when a worker receiving the vocational training is subject to Order of the Ministry of Health, Labour and Welfare under the provisions of Article 70 of the Labor Standards Act or Order of the Ministry of Health, Labour and Welfare under the provisions of Article 61, paragraph (4) of the Industrial Safety and Health Act (Act No.57 of 1972), the

prefectural governor is to hear the opinions of the Director General of the Prefectural Labor Bureau, unless otherwise specified by Order of the Ministry of Health, Labour and Welfare.

- (3) A prefectural governor may revoke the accreditation of vocational training if the governor finds that the accredited vocational training under the provisions of paragraph (1) (referred to below as "accredited vocational training ") no longer meets the standards specified by Order of the Ministry of Health, Labour and Welfare under the provisions of Article 19, paragraph (1), or when the employer or another organization ceases to provide the relevant accredited vocational training, or when the governor finds that the employer or that other organization is no longer capable of providing the relevant accredited vocational training in a suitable manner.

(Vocational Training Institutions Established by Employers or Other Organizations)

Article 25 An employer or another organization who provides accredited vocational training may establish a polytechnic school, polytechnic college, polytechnic university, or polytechnic center as a vocational training institution, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(Cooperation of Employers or Other Organizations)

Article 26 An employer or another organization who provides accredited vocational training must, to an extent that does not affect their business, endeavor to make their institutions used for accredited vocational training available to other employers or other organizations to provide vocational training, or endeavor to provide vocational training entrusted by another employer or another organization to workers employed by that other employer or that other organization.

(Application Mutatis Mutandis)

Article 26-2 The provisions of Article 20 through Article 22 apply mutatis mutandis to accredited vocational training. In this case, the phrase "head of a public institution for the development of vocational abilities" in Article 21, paragraph (1) and Article 22 is deemed to be replaced with "employers or other organizations who provide accredited vocational training."

**Section 5 Accreditation of Implementation Plans for Providing Vocational Training Combined with Hands-on Training**

(Approval of Implementation Plans for Providing Vocational Training)

- Article 26-3 (1) An employer who intends to provide vocational training combined with hands-on training may prepare an implementation plan for providing vocational training combined with hands-on training (referred to below as "implementation plan" in this Section) and apply for accreditation from the Minister of Health, Labour and Welfare, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (2) An implementation plan must contain the following matters concerning vocational training combined with hands-on training:
- (i) persons to undergo training;
  - (ii) training duration and courses;
  - (iii) methods of assessment of vocational abilities;
  - (iv) persons in charge of training; and
  - (v) other matters specified by Order of the Ministry of Health, Labour and Welfare.
- (3) When an application for accreditation referred to in paragraph (1) is filed with the Minister of Health, Labour and Welfare, and if the minister finds that the implementation plan meets the standards for providing vocational training combined with hands-on training which are specified by Order of the Ministry of Health, Labour and Welfare as standards for effective vocational training combined with hands-on training to develop and improve practical skills of youths, the Minister may accredit that implementation plan.

(Changes in the Implementation Plan)

- Article 26-4 (1) If an employer who gained the accreditation referred to in paragraph (3) of the preceding Article (referred to below as "accredited employer") intends to make a change to the implementation plan related to the relevant accreditation, the employer must obtain accreditation from the Minister of Health, Labour and Welfare.
- (2) The Minister of Health, Labour and Welfare may revoke the accreditation if the minister finds that the implementation plan related to the accreditation referred to in paragraph (3) of the preceding Article (the revised implementation plan, if the changes to the implementation plan under the preceding paragraph have been accredited; referred to below as the "accredited implementation plan" in this Section) no longer meets the standards specified by Order of the Ministry of Health, Labour and Welfare referred to in paragraph (3) of that Article, or if the minister finds that the accredited employer fails to provide vocational training combined with hands-on training according to the accredited implementation plan.
- (3) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to the accreditation referred to in paragraph (1).

(Indications)

- Article 26-5 (1) When an accredited employer provides vocational training combined with hands-on training included in the accredited implementation plan (referred to below as "accredited vocational training combined with hands-on training"), the accredited employer may use the phrase "the implementation plan for the relevant accredited vocational training combined with hands-on training has been accredited" in a job advertisement to hire workers and in other texts specified by Order of the Ministry of Health, Labour and Welfare (referred to as "advertisement and other texts" in the following paragraph), pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (2) Except in the cases under the preceding paragraph, no person is allowed to use the phrase referred to in that paragraph or any other phrase which is misleadingly similar to that phrase in an advertisement or other texts.

(Special Provisions for Job Advertisements Entrusted to Others)

- Article 26-6 (1) If an owner of a small or medium-sized enterprise who is a member of an approved employers' organization of small and medium-sized enterprises (limited to accredited employers; the same applies below) intends to have the approved employers' organization of small and medium-sized enterprises recruit persons in charge of accredited vocational training combined with hands-on training (referred to below as "trainers"), and if the approved employers' organization of small and medium-sized enterprises intends to be engaged in the recruitment, the provisions of Article 36, paragraph (1) and paragraph (3) of the Employment Security Act do not apply to the employer of a small and medium-sized enterprise who is the relevant member.
- (2) In this Article and the following Article, the meanings of the terms referred to in the following items are prescribed in each of the following items:
- (i) an owner of small or medium-sized enterprise: a person specified in Article 2, paragraph (1), item (i) through item (iii) of the Act on the Promotion of Improvement of Employment Management in Small and Medium-sized Enterprises for Securing Manpower and Creating Quality Jobs (Act No. 57 of 1991); and
  - (ii) an approved employers' organization of small and medium-sized enterprises: a business cooperative, federation of cooperatives, a cooperative that has been established pursuant to the provisions of a special law or a federation of those cooperatives and is specified by Order of the Ministry of Health, Labour and Welfare, or a general incorporated association composed of owners of small and medium-sized enterprises who are direct or indirect members (limited to those meeting the requirements specified by Order of

the Ministry of Health, Labour and Welfare; referred to below as "business cooperative or another organization" in this item), which are approved by the Minister of Health, Labour and Welfare, based on the request from the business cooperative or another organization and according to the standards specified by the minister, as those that provide consultations or assistance to employers of small or medium-sized enterprises who are members of that employers' organization regarding recruitment to provide accredited vocational training combined with hands-on training in a suitable and effective manner.

- (3) The Minister of Health, Labour and Welfare may revoke the approval referred to in item (ii) of the preceding paragraph, if the minister finds that the approved small and medium-sized employers' organization is no longer suitable as an organization to provide consultation and assistance referred to in that item.
- (4) If an approved small and medium-sized employers' organization referred to in paragraph (1) intends to be engaged in the recruitment process, the approved small and medium-sized employers' organization must notify the Minister of Health, Labour and Welfare about the recruiting period, number of recruits, recruiting areas, and other matters that are related to the recruitment of persons in charge of training and are specified by Order of the Ministry of Health, Labour and Welfare, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (5) The provisions of Article 37, paragraph (2) of the Employment Security Act apply mutatis mutandis to cases in which a notification under the provisions of the preceding paragraph has been filed; the provisions of Article 5-3, paragraphs (1) and (4), Article 5-4, paragraphs (1) and (2), Article 5-5, Article 39, Article 41, paragraph (2), Article 42, Article 48-3, paragraph (1), Article 48-4, Article 50, paragraphs (1) and (2), and Article 51 of that Act apply mutatis mutandis to persons who engage in the recruitment of persons in charge of training after filing a notification under the provisions of the preceding paragraph; the provisions of Article 40 of that Act apply mutatis mutandis to the payment of remuneration to persons who engage in the recruitment of persons in charge of training after filing a notification under the provisions of that paragraph; and the provisions of Article 50, paragraphs (3) and (4) of that Act apply mutatis mutandis to cases in which the authority prescribed in Article 50, paragraph (2) of that Act, as applied mutatis mutandis pursuant to this paragraph, is exercised. In this case, the phrase "the person seeking to conduct worker recruitment " in Article 37, paragraph (2) of that Act is deemed to be replaced with "a person who intends to engage in the recruitment of persons in charge of training prescribed in Article 26-6, paragraph (1) of the Vocational Abilities Development Promotion Act after filing a notification

under the provisions of paragraph (4) of that Article"; and the phrase "the discontinuance of the worker recruitment operations, or order the suspension thereof for a designated period" in Article 41, paragraph (2) of that Act is deemed to be replaced with "the suspension of the worker recruitment operations for a designated period".

- (6) Concerning the application of the provisions of Article 36, paragraph (2) and Article 42-2 of the Employment Security Act, the phrase "referred to in the preceding paragraph" in that paragraph is deemed to be replaced with "if a person who intends to employ a worker by providing a reward, so as to have the worker other than the person's employee recruit a person in charge of training specified in Article 26-6, paragraph (1) of the Vocational Abilities Development Promotion Act;" and the phrase "commissioned recruiters provided in Article 39" in that Article is deemed to be replaced with "persons who file notifications under the provisions of Article 26-6, paragraph (4) of the Vocational Abilities Development Promotion Act to be engaged in the recruitment of trainers under the provisions of paragraph (1) of that Article;" and the phrase "in said paragraph" in that Article is deemed to be replaced with "in the following paragraph."
- (7) The Minister of Health, Labour and Welfare may request an approved employers' organization of small and medium-sized enterprises to submit a report on the implementation status of consultations and assistance referred to in paragraph (2), item (ii).

Article 26-7 Public employment security offices must provide employment information and the results of research studies on occupations to approved employers' organizations of small and medium-sized enterprises that file notifications under the provisions of paragraph (4) of the preceding Article to be engaged in the recruitment of persons in charge of training, and must endeavor to promote the recruitment in an effective and suitable manner by giving guidance to the organizations on the conditions and methods of the relevant recruitment processes based on the results of those research studies..

## **Section 6 Polytechnic Universities**

Article 27 (1) In order to help promote the smooth implementation of public vocational training and other types of vocational training as well as the development and improvement of vocational abilities, polytechnic universities must train vocational training instructors by teaching the necessary skills and providing the knowledge to vocational training instructors and persons who intend to become persons in charge of public vocational training and accredited vocational training (referred to below as "statutory vocational training")

- (referred to below as "vocational training instructors"), or must provide training to improve their abilities (referred to below as "instructor training") and vocational training specified by Order of the Ministry of Health, Labor and Welfare that helps facilitate the implementation of statutory vocational training, as well as conduct research and studies on the development and improvement of vocational abilities in a comprehensive manner.
- (2) Polytechnic universities may, beyond carrying out the operations prescribed in the preceding paragraph, carry out any operations necessary for the development and improvement of vocational abilities under the provisions of this Act, as specified by Order of the Ministry of Health, Labour and Welfare.
- (3) The national government establishes polytechnic universities.
- (4) No institutions other than a polytechnic university may use the characters "職業能力開発総合大学校" (pronounced "shokugyo noryoku kaihatsu sogo daigakko", meaning "polytechnic university") in their names.
- (5) The provisions of Article 15-7, paragraphs (2) and (4) (excluding item (ii)), Article 16, paragraph (3) (limited to the part related to public institutions for the development of vocational abilities established by the national government) and paragraph (5), and Article 23, paragraphs (3) and (4) apply mutatis mutandis to the polytechnic universities, and the provisions of Articles 19 through 22 apply mutatis mutandis to vocational training provided at polytechnic universities. In this case, the terms "vocational training specified in the items of the preceding paragraph" in Article 15-7, paragraph (2) and "vocational training prescribed in the items of paragraph (1)" in paragraph (4) of that Article are deemed to be replaced with "operations prescribed in Article 27, paragraph (1)"; the term "public institution for the development of vocational abilities" in Article 21, paragraph (1) and Article 22 is deemed to be replaced with "polytechnic university"; and the term "who receive public vocational training" in Article 23, paragraphs (3) and (4) is deemed to be replaced with "who receive instructor training (meaning instructor training prescribed in Article 27, paragraph (1)) or vocational training".

## **Section 7 Vocational Training Instructors**

(Standards for Instructor Training)

- Article 27-2 (1) The categories of training courses for instructor training and the standards for training curriculums, training hours, training equipment, and other matters related to each training course are specified by Order of the Ministry of Health, Labour and Welfare.
- (2) The provision of Article 22 and Article 24, paragraph (1) through paragraph (3) apply mutatis mutandis to instructor training. In this case, the phrase "head of a public institution for the development of vocational abilities" in

Article 22 is deemed to be replaced with the "head of a polytechnic university and an employer or another organization who provides instructor training prescribed in Article 27, paragraph (1) related to the accreditation referred to in Article 24, paragraph (1) as applied mutatis mutandis pursuant to Article 27-2, paragraph (2)" and the phrase "Article 19, paragraph (1)" in Article 24, paragraphs (1) and (3) is deemed to be replaced with "Article 27-2, paragraph (1)."

(Vocational Training Instructor's License)

- Article 28 (1) Vocational training instructors for general vocational training (excluding short-term training courses specified by Order of the Ministry of Health, Labour and Welfare; the same applies below in this paragraph), which is part of statutory vocational training, must be persons who have obtained a license from the prefectural governor (vocational training instructors for general vocational training provided by public institutions for the development of vocational abilities established by prefectural or municipal governments must be persons specified by prefectural or municipal ordinances in accordance with the standards specified by Order of the Ministry of Health, Labour and Welfare).
- (2) The license referred to in the preceding paragraph (referred to below as a "vocational training instructor's license") is issued for each occupation specified by Order of the Ministry of Health, Labour and Welfare.
- (3) A vocational training instructor's license is granted to a person falling under any of the following items at the request of that person:
- (i) a person who has completed the training course which is specified by Order of the Ministry of Health, Labour and Welfare, and which is included in instructor training;
  - (ii) a person who has passed the examination for vocational training instructor certification referred to in Article 30, paragraph (1); or
  - (iii) a person found to have the ability as a vocational training instructor equivalent to or more advanced than that of the persons specified in the preceding two items.
- (4) The eligible persons referred to in item (iii) of the preceding paragraph are specified by Order of the Ministry of Health, Labour and Welfare.
- (5) Notwithstanding the provisions of paragraph (3), a person falling under any of the following items may not acquire a vocational training instructor's license:
- (i) a person specified by Order of the Ministry of Health, Labour and Welfare as a person who is unable to properly perform the duties of a vocational training instructor due to a mental or physical disorder;
  - (ii) a person who has been sentenced to imprisonment without work or heavier

- punishment; or
- (iii) a person whose vocational training instructor's license has been revoked and two years have not elapsed from the date of the revocation.

(Revocation of Vocational Training Instructor's License)

Article 29 (1) If a person who has acquired a vocational training instructor's license falls under item (i) or item (ii) of paragraph (5) of the preceding Article, the prefectural governor must revoke the vocational training instructor's license.

- (2) If a person who has acquired a vocational training instructor's license engages in conduct unbecoming a vocational training instructor, the prefectural governor may revoke the vocational training instructor's license.

(Examinations for Vocational Training Instructor Certification)

Article 30 (1) An examination for vocational training instructor certification is given by prefectural governors according to the plan concerning the examination for vocational training instructor certification established each year by the Minister of Health, Labour and Welfare.

- (2) An examination for vocational training instructor certification referred to in the preceding paragraph (referred to below as "examinations for vocational training instructor certification") consists of a skills assessment test and a written test.

- (3) The following persons may take an examination for vocational training instructor certification:

- (i) a person who has passed a trade skills test referred to in Article 44, paragraph (1);
- (ii) a person who has the practical work experience specified by Order of the Ministry of Health, Labour and Welfare; or
- (iii) a person found to have the ability equivalent to or more advanced than that of the persons specified in the preceding two items.

- (4) The eligible persons referred to in item (iii) of the preceding paragraph are specified by Order of the Ministry of Health, Labour and Welfare.

- (5) Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, the prefectural governor may exempt a person with certain qualifications from taking the skills assessment test or the written test, in part or in whole, referred to in paragraph (2).

- (6) A person who falls under Article 28, paragraph (5), item (ii) or (iii) may not take the examination for vocational training instructor certification.

(Special Provisions for Qualifications of Vocational Training Instructors)

Article 30-2 (1) A vocational training instructor for advanced vocational training

(excluding short-term training courses specified by Order of the Ministry of Health, Labour and Welfare; the same applies below in this paragraph) , which is included in statutory vocational training must be a person who has abilities equivalent to or more advanced than the person listed in the items of Article 28, paragraph (3) in the subjects related to the relevant training, who is specified by Order of the Ministry of Health, Labour and Welfare as a person who has a considerable level of knowledge or skills (for advanced vocational training conducted by a public institution for the development of vocational abilities established by a prefecture or designated city, a person specified by ordinances of the relevant prefecture or designated city by taking into consideration the standards specified by Order of the Ministry of Health, Labour and Welfare), and who does not fall under any of the items of paragraph (5) of the that Article.

- (2) A vocational training instructor for vocational training prescribed in Article 28, paragraph (1) (excluding training provided by a public institution for the development of vocational abilities established by a prefectural or municipal government) is not required to hold a vocational training instructor's license to teach the subjects included in the vocational training, notwithstanding the provisions of paragraph (1) of that Article, if that vocational training instructor falls under the category of a person specified by Order of the Ministry of Health, Labour and Welfare as a persons who has abilities equivalent to or more advanced than the person listed in the items of paragraph (3) of that Article for those subjects included in that vocational training (excluding a person who falls under any of the items of paragraph (5) of that Article).

## **Section 8 Career Consultants**

(Operations)

Article 30-3 A career consultant is in the business of providing career consulting services using the name "キャリアコンサルタント" (pronounced "kyaria konsarutanto", meaning "career consultant").

(Examinations for Career Consultants)

Article 30-4 (1) An examination for a career consultant is conducted by the Minister of Health, Labour and Welfare.

- (2) An examination for a career consultant stated in the preceding paragraph (referred to below as "examination for a career consultant" in this Section) consists of a written test and a skills assessment test.

(3) No person other than one who falls under any of the following items may take the examination for a career consultant.

- (i) a person who has completed a training course on the knowledge and skills

- necessary for career consulting which is specified by Order of the Ministry of Health, Labour and Welfare;
- (ii) a person who has the practical work experience specified by Order of the Ministry of Health, Labour and Welfare;
  - (iii) a person specified by Order of the Ministry of Health, Labour and Welfare as a person who is found to have abilities equal to or more advanced than the persons listed in the preceding two items.
- (4) The Minister of Health, Labour and Welfare may exempt a person with the qualifications specified by Order of the Ministry of Health, Labour and Welfare from taking the written test or the skills assessment test, in part or in whole, stated in paragraph (2).

(Registration of Registered Examining Agencies)

- Article 30-5 (1) The Minister of Health, Labour and Welfare may have a corporation that has been registered by the Minister of Health, Labour and Welfare (referred to below as "registered examining agency") carry out operations related to implementing an examination for a career consultant (referred to below as "operations related to qualifying examinations").
- (2) A person seeking to be registered as a corporation referred to in the preceding paragraph must submit a written application stating the following matters to the Minister of Health, Labour and Welfare pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare:
- (i) its name and address, and the name of its representative;
  - (ii) the location of the place of business where the operations related to qualifying examinations are to be performed;
  - (iii) beyond what is stated in the preceding two items, the matters specified by Order of the Ministry of Health, Labour and Welfare.
- (3) If the Minister of Health, Labour and Welfare has a registered examining agency perform the operations related to qualifying examinations pursuant to the provisions of paragraph (1), the Minister is not to perform those operations related to qualifying examinations.

(Disqualification Clauses)

- Article 30-6 The Minister of Health, Labour and Welfare must not register a person who applies for registration pursuant to the provisions of paragraph (2) of the preceding Article (referred to below as "applicant" in this Article and the following Article) if that person falls under any of the following items:
- (i) a person that has been sentenced to a fine or heavier punishment for violating this Act or an order based on this Act, if two years have not elapsed from the day on which the person finished serving that sentence or ceased to be subject to its enforcement;

- (ii) a person whose registration has been revoked pursuant to the provisions of Article 30-15, if two years have not elapsed from the date of the revocation;
- (iii) a person any of whose officers fall under item (i);
- (iv) a person, any of whose officers have been dismissed by an order under the provisions of Article 30-12, paragraph (1), if two years have not elapsed from the date of their dismissal.

(Requirements for Registration)

Article 30-7 (1) If the Minister of Health, Labour and Welfare finds that an applicant conforms to all of the following items, the minister must register the applicant. In this case, necessary procedures for the registration are specified by Order of the Ministry of Health, Labour and Welfare:

- (i) examinations on the following subjects are conducted:
    - (a) subjects related to this Act and other relevant laws and regulations;
    - (b) subjects related to career consulting theory;
    - (c) subjects related to practical career consulting work;
    - (d) other subjects specified by Order of the Ministry of Health, Labour and Welfare;
  - (ii) an examiner who has the knowledge and experience conforming to any of the following conditions prepares the examination questions and marks the examinations:
    - (a) a person who currently serves or has served in the past as a professor or associate professor in charge of subjects concerning psychology, sociology, or business administration at a university under the School Education Act;
    - (b) a person who has five or more years of experience in career consulting;
    - (c) a person who has knowledge and experience equal to or more advanced than the persons stated in (a) or (b);
  - (iii) the following measures are to be taken to ensure the reliability of the operations related to qualifying examinations:
    - (a) a dedicated division is to be established for managing the operations related to qualifying examinations in accordance with the rules concerning the operations related to qualifying examinations (including rules concerning the confidentiality of examinations; referred to below as the "rules for operations related to examinations");
    - (b) beyond what is stated in sub-item (a), measures specified by Order of the Ministry of Health, Labour and Welfare to secure the reliability of the operations related to qualifying examinations;
  - (iv) the applicant is not to be insolvent.
- (2) The registration stated in Article 30-5, paragraph (1) is to be made with the following matters stated in the registry of registered examining agency:
- (i) the registration date and number;

(ii) the matters stated in the items of Article 30-5, paragraph (2).

(Notification of Changes to Registered Matters)

Article 30-8 (1) If a registered examining agency seeks to change any of the matters stated in paragraph (2), item (ii) of the preceding Article, it must file a notification of that change with the Minister of Health, Labour and Welfare no later than two weeks before the date on which it seeks to make the change.

(2) A registered examining agency must notify the Minister of Health, Labour and Welfare of the appointment or dismissal of any officers or examiners without delay.

(Rules for Operations Related to Examinations)

Article 30-9 (1) A registered examining agency must establish the rules for operations related to examinations and obtain the approval of the Minister of Health, Labour and Welfare before commencing the operations related to qualifying examinations. The same applies if a registered examining agency intends to change the rules for operations related to examinations.

(2) The rules for operations related to examinations must provide for the method of performing the operations related to qualifying examinations, examination fees, and other matters as specified by Order of the Ministry of Health, Labour and Welfare.

(3) If the Minister of Health, Labour and Welfare finds that the rules for operations related to examinations approved under paragraph (1) have become unsuitable to ensure proper and reliable implementation of examinations, the Minister may order the registered examining agency to change the rules for operations related to examinations.

(Suspension or Discontinuation of Operations Related to Qualifying Examinations)

Article 30-10 A registered examining agency must not suspend or discontinue all or part of its operations related to qualifying examinations without the permission of the Minister of Health, Labour and Welfare.

(Preparation and Inspection of Financial Statements)

Article 30-11 (1) Within three months after the end of each fiscal year, a registered examining agency must prepare an inventory of assets, balance sheets, a profit and loss statement or income and expenditure statements, and business reports for that fiscal year (including electronic or magnetic records (meaning records used in computer data processing which are created in electronic form, magnetic form, or any other form that cannot be perceived by the human senses; the same applies below in this Article), if electronic or

magnetic records are prepared in lieu of these documents; referred to as "financial statements and other records" in the following paragraph and in Article 105-2) and keep them at its own office for five years.

(2) A person who intends to take an examination for a career consultant and other interested persons may make the following requests at any time during the business hours of the registered examining agency; provided, however, that they must pay the fees determined by the registered examining agency when making a request stated in item (ii) or item (iv):

(i) when financial statements and other records are prepared as written documents, a request for public inspection or copying of the written documents;

(ii) a request for a transcript or extract of the documents stated in the preceding item;

(iii) when financial statements and other records are prepared as electronic or magnetic records, a request for public inspection or copying of the matters in those electronic or magnetic records displayed by a means specified by Order of the Ministry of Health, Labour and Welfare;

(iv) a request to be provided with the matters in the electronic or magnetic records referred to in the preceding item by electronic or magnetic means (meaning by using an electronic data processing system or by using other information and communications technology as specified of Order of the Ministry of Health, Labour and Welfare), or a request to be issued a document that states those matters.

#### (Dismissal Order)

Article 30-12 (1) If an officer or examiner of a registered examining agency engages in conduct that violates this Act, an order or disposition based on this Act, or rules for operations related to examinations, or behaves extremely inappropriately when performing duties related to qualifying examinations, the Minister of Health, Labour and Welfare may order the registered examining agency to dismiss that officer or examiner.

(2) A person who has been dismissed from the position of examiner by an order under the provisions of the preceding paragraph may not assume the position of examiner for a period of two years from the date of dismissal.

#### (Duty of Confidentiality)

Article 30-13 (1) A current or former officer or employee (including an examiner; the same applies in the following paragraph) of a registered examining agency must not divulge any confidential information learned in the course of their duties related to qualifying examinations.

(2) Concerning the application of the Penal Code (Act No. 45 of 1907) and other

penal provisions, an officer and employee of a registered examining agency who are engaged in operations related to qualifying examinations are deemed to be officials engaged in public services pursuant to laws and regulations.

(Order for Conformity)

Article 30-14 (1) If the Minister of Health, Labour and Welfare finds that a registered examining agency no longer conforms to any of the items of Article 30-7, paragraph (1), the Minister may order the registered examining agency to take the necessary measures to conform to those provisions.

(2) Beyond what is provided for in the preceding paragraph, if the Minister of Health, Labour and Welfare finds it necessary for ensuring that operations related to qualifying examinations are performed properly, the Minister may issue to a registered examining agency an order necessary for the supervision of the operations related to qualifying examinations.

(Revocation of Registration)

Article 30-15 (1) If a registered examining agency comes to fall under any of the items of Article 30-6 (excluding item (ii)), the Minister of Health, Labour and Welfare must revoke its registration.

(2) If a registered examining agency falls under any of the following items, the Minister of Health, Labour and Welfare may revoke its registration or order that registered examining agency to suspend all or part of its operations related to qualifying examinations for a fixed period of time:

(i) when the registered examining agency has been registered as referred to in Article 30-5, paragraph (1) by wrongful means;

(ii) when the registered examining agency has performed the operations related to qualifying examinations without complying with the rules for operations related to examinations approved under Article 30-9, paragraph (1);

(iii) when the registered examining agency violates an order under the provisions of Article 30-9, paragraph (3); Article 30-12, paragraph (1); or the preceding Article;

(iv) when the registered examining agency violates the provisions of Article 30-10, Article 30-11, paragraph (1), or the following Article;

(v) when the registered examining agency refuses a request under the provisions of Article 30-11, paragraph (2) without justifiable grounds.

(Bookkeeping and Records)

Article 30-16 A registered examining agency must keep books, enter in them the matters specified by Order of the Ministry of Health, Labour and Welfare concerning the operations related to qualifying examinations, and preserve the

books.

(Reports)

Article 30-17 (1) If the Minister of Health, Labour and Welfare finds it necessary for ensuring that the operations related to qualifying examinations are performed properly, the Minister may request a registered examining agency to make any necessary reports on the operations related to qualifying examinations, or may have ministry officials enter the offices of a registered examining agency and inspect the status of the operations related to qualifying examinations or the examining body's books, documents, or other items.

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

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

(Public Notice)

Article 30-18 In any of the following cases, the Minister of Health, Labour and Welfare must make a public notice of the relevant matters in the official gazette:

(i) when the Minister makes a registration under Article 30-5, paragraph (1);

(ii) when a notification under the provisions of Article 30-8, paragraph (1) is made;

(iii) when the Minister grants permission under Article 30-10;

(iv) when the Minister revokes a registration pursuant to the provisions of Article 30-15;

(v) when the Minister orders the suspension of all or part of the operations related to qualifying examinations pursuant to the provisions of Article 30-15, paragraph (2).

(Registration of Career Consultants)

Article 30-19 (1) A person who has passed the examination for a career consultant may become a career consultant by having their name, the location of their office, and other matters specified by Order of the Ministry of Health, Labour and Welfare registered in the career consultant registry kept by the Ministry of Health, Labour and Welfare.

(2) A person who falls under any of the following items may not be registered under the preceding paragraph:

(i) a person specified by Order of the Ministry of Health, Labour and Welfare as being unable to properly perform career consulting duties due to a mental

- or physical disorder;
- (ii) a person that has been sentenced to a fine or heavier punishment for violating this Act or an order based on this Act, if two years have not elapsed from the day on which the person finished serving that sentence or ceased to be subject to its enforcement;
  - (iii) a person that has been sentenced to imprisonment without work or a heavier punishment for violating a law or regulation other than this Act or an order based on this Act, if two years have not elapsed from the day on which the person finished serving that sentence or ceased to be subject to its enforcement;
  - (iv) a person whose registration has been revoked pursuant to the provisions of Article 30-22, paragraph (2), if two years have not elapsed from the date of the revocation.
- (3) The registration stated in paragraph (1) ceases to be effective upon the expiration of the registration period unless it is renewed every five years.
- (4) Necessary matters concerning the renewal stated in the preceding paragraph are specified by Order of the Ministry of Health, Labour and Welfare.

(Registration Certificate for Career Consultants)

Article 30-20 When the Minister of Health, Labour and Welfare registers a career consultant, the Minister issues a registration certificate for career consultant stating the matters prescribed in paragraph (1) of the preceding Article (referred to as the "registration certificate" in paragraph (2) of the following Article) to the applicant.

(Notification of Changes to Registered Matters)

- Article 30-21 (1) If any of the matters prescribed in Article 30-19, paragraph (1) changes, the career consultant must notify the Minister of Health, Labour and Welfare of that change without delay.
- (2) When a career consultant makes a notification under the provisions of the preceding paragraph, they must submit a registration certificate together with that notification and have the registration certificate corrected.

(Revocation of Registration)

- Article 30-22 (1) If a career consultant has come to fall under Article 30-19, paragraph (2), item (i), (ii), or (iii), the Minister of Health, Labour and Welfare must revoke its registration.
- (2) If a career consultant violates the provisions of Article 30-27, the Minister of Health, Labour and Welfare may revoke their registration or order the suspension of the use of the name of the career consultant for a fixed period of time.

(Deletion of Registration)

Article 30-23 When the registration of a career consultant has ceased to be effective, the Minister of Health, Labour and Welfare must delete that registration.

(Designation of Designated Registration Agency)

Article 30-24 (1) The Minister of Health, Labour and Welfare may have a person designated by the Minister of Health, Labour and Welfare (referred to below as a "designated registration agency") perform the work related to the registration of a career consultant (referred to below as "registration work").

(2) The designation stated in the preceding paragraph is made when a person who intends to perform registration work submits an application.

(3) Concerning the application of the provisions of Article 30-19, paragraph (1), Article 30-20, Article 30-21, paragraph (1), and the preceding Article when a designated registration agency performs registration work, the term "by the Ministry of Health, Labour and Welfare" in Article 30-19, paragraph (1) is deemed to be replaced with "by the designated registration agency", and the term "the Minister of Health, Labour and Welfare" in Article 30-20, Article 30-21, paragraph (1), and the preceding Article is deemed to be replaced with "the designated registration agency".

(Standards for Designation)

Article 30-25 The Minister of Health, Labour and Welfare must not make a designation unless no other person has been designated and the Minister finds that the application referred to in paragraph (2) of the preceding Article conforms to all of the following items:

- (i) the applicant's plan for registration work, which covers personnel, facilities, work methods, and other matters is suitable and will ensure that the registration work is performed properly and reliably;
- (ii) the applicant has the financial and technical basis necessary for proper and reliable implementation of the plan for registration work referred to in the preceding item;
- (iii) the applicant is a not-for-profit corporation.

(Application Mutatis Mutandis to the Designation of a Designated Registration Agency)

Article 30-26 The provisions of Article 30-5, paragraph (3), Article 30-6, Article 30-8, paragraph (2), Article 30-9, Article 30-10, Article 30-12, paragraph (1), and Articles 30-13 through 30-18 (excluding Article 30-15, paragraph (2), item (v) and Article 30-18, item (ii)) apply mutatis mutandis to the designation,

designated registration agency, and registration work under Article 30-24, paragraph (1). In this case, the term "paragraph (1)" in Article 30-5, paragraph (3) is deemed to be replaced with "Article 30-24, paragraph (1)," the term "paragraph (2) of the preceding Article" in Article 30-6 is deemed to be replaced with "Article 30-24, paragraph (2)," the term "officers or examiners" in Article 30-8, paragraph (2) is deemed to be replaced with "officers," the term "rules for operations related to examinations" in Article 30-9, paragraph (1) is deemed to be replaced with "rules for registration work (referred to below as "rules for registration work")," the term "rules for operations related to examinations" in paragraph (2) of that Article is deemed to be replaced with "rules for registration work," the term "method of performing the operations related to qualifying examinations, examination fees" in that paragraph is deemed to be replaced with "method of performing the operations," the term "rules for operations related to examinations" in paragraph (3) of that Article is deemed to be replaced with "rules for registration work," the term "of examinations" in that paragraph is deemed to be replaced with "of registration work," the term "officer or examiner" in Article 30-12, paragraph (1) is deemed to be replaced with "officer," the term "rules for operations related to examinations" in that paragraph is deemed to be replaced with "rules for registration work," the term "employee (including an examiner; the same applies in the following paragraph)" in Article 30-13, paragraph (1) is deemed to be replaced with "employee," the term "any of the items of Article 30-7, paragraph (1)" in Article 30-14, paragraph (1) is deemed to be replaced with "any of the items of Article 30-25," the term "Article 30-5, paragraph (1)" in Article 30-15, paragraph (2), item (i) is deemed to be replaced with "Article 30-24, paragraph (1)," the term "rules for operations related to examinations" in item (ii) of that paragraph is deemed to be replaced with "rules for registration work," the term "Article 30-10, Article 30-11, paragraph (1)" in item (iv) of that paragraph is deemed to be replaced with "Article 30-10," and the term "Article 30-5, paragraph (1)" in Article 30-18, item (i) is deemed to be replaced with "Article 30-24, paragraph (1)".

#### (Obligations)

- Article 30-27 (1) A career consultant must not engage in any act which may damage the reputation of that career consultant or which may discredit all career consultants.
- (2) A career consultant must not divulge or misappropriate any confidential information learned in connection with their duties. The same applies even after that person is no longer a career consultant.

#### (Restrictions on the Use of Names)

Article 30-28 A person that is not a career consultant must not use the words "キャリアコンサルタント" (pronounced "kyaria konsarutanto", meaning "career consultant") or any other name that is misleadingly similar.

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

Article 30-29 Beyond what is provided for in this Section, an examination for a career consultant, registration of a career consultant, and other matters necessary for the enforcement of the provisions of this Section are specified by Order of Order of the Ministry of Health, Labour and Welfare.

## **Chapter IV Vocational Training Corporations**

(Vocational Training Corporations)

Article 31 An incorporated association or a foundation which provides accredited vocational training may be incorporated as a vocational training corporation pursuant to the provisions of this Act.

(Juridical Personality)

Article 32 (1) A vocational training corporation is a juridical person.  
(2) No organization other than a vocational training corporation may use the words "職業訓練法人" (pronounced "shokugyo kunren hojin", meaning "vocational training corporation") in its name.

(Operations)

Article 33 A vocational training corporation may, beyond providing accredited vocational training, carry out all or part of the following operations:  
(i) providing information and materials on vocational training;  
(ii) carrying out research studies on vocational training; and  
(iii) beyond what is stated in the preceding two items, carrying out operations necessary for the provision of vocational training or other types of training to develop and improve vocational abilities under the provisions of this Act.

(Registration)

Article 34 (1) A vocational training corporation must be registered pursuant to the provision of Cabinet Order.  
(2) The information that must be registered pursuant to the provision of the preceding paragraph may not be duly asserted against a third party until that information is registered.

(Incorporation)

Article 35 (1) A vocational training corporation may not be incorporated without

the approval of the prefectural governor.

(2) A vocational training corporation must specify the following matters in its articles of incorporation if it is an incorporated association, and in its articles of endowment if it is an incorporated foundation:

- (i) purpose;
- (ii) its name;
- (iii) if an institution for accredited vocational training is incorporated, the location and name;
- (iv) the location of the principal office;
- (v) if a vocational training association is an incorporated association, matters on the qualifications of its members;
- (vi) if a vocational training association is an incorporated association, matters on its meetings;
- (vii) matters on its officers;
- (viii) matters on its accounting;
- (ix) matters on its dissolution;
- (x) matters on any changes to the articles of incorporation or articles of endowment; and
- (xi) method of issuing public notices.

(3) Officers of a vocational training corporation at the time of incorporation must be specified in the articles of incorporation or articles of endowment.

(4) When a person who intends to incorporate a vocational training foundation dies before specifying its name, the location of its office, or matters on its officers, the prefectural governor must specify the relevant matters at the request of any interested person or ex officio.

(5) Beyond what is specified in this Chapter, matters necessary for filing a request of authorization for the incorporation of a vocational training corporation is specified by Order of the Ministry of Health, Labour and Welfare.

#### (Authorization for Incorporation)

Article 36 If a request for authorization under the provisions of paragraph (1) of the preceding Article is filed, a prefectural governor must authorize the incorporation of a vocational training corporation, except in cases falling under any of the following items:

- (i) when the contents of articles of incorporation or articles of endowment of the incorporated association or foundation related to the request violate laws and regulations; or
- (ii) when it is found that the incorporated association or foundation related to the request does not have the ability to carry out its operations properly due to a lack of management base necessary to carry out those operations.

(Time of Incorporation)

Article 37 (1) A vocational training corporation is incorporated by filing an application for registration of incorporation in the area where the principal office of that vocational training corporation is located.

(2) A vocational training corporation must, within two weeks from the date of incorporation, notify the prefectural governor of the incorporation.

(Inventory of Assets and Register of Members)

Article 37-2 (1) A vocational training corporation must prepare the inventory of assets at the time of incorporation and during the period from January to March every year and keep it at its principal office at all times; provided, however, that a vocational training corporation which especially sets its own fiscal year must prepare the inventory of assets at the time of incorporation and at the end of each fiscal year.

(2) A vocational training association must keep a register of members and make the necessary changes to the register each time any of its members change.

(Directors)

Article 37-3 (1) A vocational training corporation must have one or more directors.

(2) When a vocational training corporation has two or more directors, the affairs of the vocational training corporation are decided by the majority vote of the directors, unless otherwise specified in the articles of incorporation or articles of endowment.

(Representatives of Vocational Training Corporations)

Article 37-4 Directors represent their vocational training corporation when handling all of its affairs; provided, however, that the directors may not act against the provisions of the articles of incorporation or purport of articles of endowment, and a vocational training association must comply with the resolutions of the general meeting.

(Restrictions on Directors' Representative Authority)

Article 37-5 Restrictions on directors' representative authority may not be asserted against a third party in good faith.

(Delegation of Directors' Authority)

Article 37-6 Directors may delegate their authority to other persons to perform a specific act as long as delegating that authority is not prohibited by the articles of incorporation, articles of endowment, or the resolution of the general meeting.

(Provisional Directors)

Article 37-7 If a vocational training corporation loses a director and if any damage is likely to occur due to a delay in its affairs, the prefectural governor must appoint a provisional director at the request of any interested person or ex officio.

(Conflicts of Interest)

Article 37-8 Directors do not have representative authority regarding any matters where the interest of a vocational training corporation and that of its directors conflict with each other. In this case, the prefectural governor must appoint a special representative at the request of any interested person or ex officio.

(Auditors)

Article 37-9 A vocational training corporation may have one or more auditors as specified by the articles of incorporation, articles of endowment, or according to a resolution of the general meeting.

(Auditors' Duties)

Article 37-10 An auditor's duties are as follows:

- (i) auditing the assets of the vocational training corporation;
- (ii) auditing the duties performed by the directors;
- (iii) if an auditor finds that the state of the assets or the way duties are performed violates laws and regulations, the articles of incorporation, or articles of endowment, or that there are significant improprieties concerning those matters, reporting those issues to the general meeting or to the prefectural governor; and
- (iv) calling a general meeting, when it is necessary, to make a report referred to in the preceding item.

(Prohibition Against Concurrent Holding of Positions by Auditors)

Article 38 When an auditor is employed by a vocational training corporation, the auditor may not concurrently serve as the director or employee of the vocational training corporation.

(Ordinary General Meeting)

Article 38-2 The directors of a vocational training association must hold an ordinary general meeting of members at least once a year.

(Extraordinary General Meeting)

Article 38-3 (1) The directors of a vocational training association may call an extraordinary general meeting any time they find it necessary.

(2) When more than one fifth of all members request to hold an extraordinary general meeting by presenting a subject to be discussed at a general meeting, the directors of the vocational training corporation must call an extraordinary general meeting; provided, however, that a ratio other than one fifth of all members may be specified in the articles of incorporation.

(Calling a General Meeting)

Article 38-4 A notice to call a general meeting must be issued, at least five days before the general meeting, indicating the subjects of the general meeting, by using the method specified in the articles of incorporation.

(Handling of Affairs of Vocational Training Associations)

Article 38-5 The affairs of a vocational training association are handled entirely based on the resolutions of the general meeting, except for any affairs delegated to the directors or other officers specified in the articles of incorporation.

(Resolutions at the General Meeting)

Article 38-6 Only the matters on which a notice has been issued pursuant to the provisions of Article 38-4 may be resolved at the general meeting; provided, however, that this does not apply if it is specified otherwise in the articles of incorporation.

(Voting Rights of Members)

Article 38-7 (1) All members have equal voting rights.

(2) A member who does not participate in the general meeting may vote in writing or by proxy.

(3) The provisions of the preceding two paragraphs do not apply if it is specified otherwise in the articles of incorporation.

(Cases Where a Member Has No Voting Rights)

Article 38-8 If a vote on the relationship between a vocational training association and a particular member is taken, the member has no voting rights.

(Changes to the Articles of Incorporation or Articles of Endowment)

Article 39 (1) No changes to the articles of incorporation or articles of endowment (excluding those related to the matters specified in Article 35, paragraph (2), item (iv) or other matters specified by Order of the Ministry of Health, Labour and Welfare) come into effect without authorization from the

prefectural governor.

- (2) The provision of Article 36 apply *mutatis mutandis* to the authorization referred to in the preceding paragraph.
- (3) After making changes to the articles of incorporation or articles of endowment related to the matters specified by Order of the Ministry of Health, Labour and Welfare referred to in paragraph (1), a vocational training corporation must notify the prefectural governor of the changes without delay.

(Supervision of Operations Handled by Vocational Training Corporations)

Article 39-2 (1) The operations of a vocational training corporation are under the supervision of the prefectural governor.

- (2) A prefectural governor may inspect the operations and state of the assets of a vocational training corporation at any time *ex officio*.

(Dissolution)

Article 40 (1) A vocational training corporation is dissolved for the following reasons:

- (i) dissolution due to the reasons specified in the articles of incorporation or articles of endowment;
  - (ii) failure to achieve success in the field of business of that vocational training corporation;
  - (iii) a resolution of the general meeting, if it is a vocational training association;
  - (iv) unavailability of members, if it is a vocational training association;
  - (v) an order to commence bankruptcy proceedings; or
  - (vi) revocation of the authorization for incorporation.
- (2) Dissolution due to the reason prescribed in item (ii) of the preceding paragraph does not come into effect without authorization from the prefectural governor.
  - (3) A vocational training association may not adopt a resolution approving dissolution without the approval of more than three-fourths of all its members; provided, however, that this does not apply if it is specified otherwise in the articles of incorporation.
  - (4) If a vocational training corporation is dissolved for the reasons specified in items (i), (iii) or (iv) of paragraph (1), a liquidator must notify the prefectural governor of the dissolution.

(Commencement of Bankruptcy Proceedings of Vocational Training Corporations)

Article 40-2 (1) If a vocational training corporation is unable to pay off its debts by selling its assets, the court issues an order to commence bankruptcy

proceedings, at the request of the directors or creditors, or by its authority.

(2) In the case prescribed in the preceding paragraph, the directors must immediately file a petition for commencement of bankruptcy proceedings.

(Revocation of Authorization for Incorporation)

Article 41 A prefectural governor may revoke the authorization for incorporation of a vocational training corporation if the vocational training corporation falls under any of the following items:

- (i) when the vocational training corporation fails to provide accredited vocational training for one year or longer without justifiable grounds; or
- (ii) if it is found that the operation of the vocational training corporation violates laws and regulations, the articles of incorporation, or articles of endowment or that there are significant improprieties in its operation, and if any improvement is unlikely.

(Capacity of Vocational Training Corporations under Liquidation)

Article 41-2 A dissolved vocational training corporation is deemed to exist within the scope of the purpose of liquidation until the liquidation process is complete.

(Liquidators)

Article 41-3 Once a vocational training corporation is dissolved, the directors become the liquidators, except if the corporation is dissolved based on an order to commence bankruptcy proceedings; provided, however, that this does not apply if it is specified otherwise in the articles of incorporation or articles of endowment or if a person other than the directors is appointed as a liquidator at the general meeting.

(Appointment of Liquidators by the Court)

Article 41-4 If there is no person to become a liquidator pursuant to the provisions of the preceding Article, or if any damage is likely to occur due to the absence of a liquidator, the court may appoint a liquidator, at the request of any interested person or a public prosecutor, or by its authority.

(Dismissal of Liquidators)

Article 41-5 If there are material grounds, the court may dismiss the liquidator at the request of any interested person or a public prosecutor, or by its authority.

(Notification of Liquidators)

Article 41-6 A liquidator who has assumed the office during the course of liquidation must notify the prefectural governor of its own name and address.

(Duties and Authority of Liquidators)

Article 41-7 (1) The duties of a liquidator are as follows:

- (i) completion of current business;
- (ii) collection of claims and performance of obligations; and
- (iii) delivery of residual assets.

(2) A liquidator may take any action required to perform their duties prescribed in the items of the preceding paragraph.

(Demands for Filing of Claims)

Article 41-8 (1) A liquidator must, within two months from the day on which they assume office, demand the relevant creditors to file their claims within a given period by issuing at least three public notices. In this case, that period may not be less than two months.

(2) The public notice referred to in the preceding paragraph must state that a creditor's claim will be excluded from the liquidation process unless they file a claim within that given period; provided, however, that a liquidator may not exclude any known creditors.

(3) A liquidator must send a demand for filing of claims to each known creditor.

(4) The public notice referred to in paragraph (1) is issued in the official gazette.

(Filing of Claims after the Expiration of a Given Period)

Article 41-9 Any creditor who has filed a claim after the expiration of the given period referred to in paragraph (1) of the preceding Article may file a claim only against the assets which have not yet been delivered to the persons with vested rights, after the debts of the vocational training corporation have been paid off.

(Commencement of Bankruptcy Proceedings of Vocational Training Corporations under Liquidation)

Article 41-10 (1) If it is found that the vocational training corporation cannot pay off their debts by selling their assets during the liquidation process, the liquidator must immediately file a petition for commencement of bankruptcy proceedings and issue a public notice on the petition.

(2) If a vocational training corporation under liquidation has become subject to an order to commence bankruptcy proceedings, and if the liquidator hands over the relevant affairs to the bankruptcy trustee, the liquidator's duties are completed.

(3) In the case prescribed in the preceding paragraph, if the vocational training corporation under liquidation has already made payments to the creditors or has delivered their assets to the persons with vested rights, the bankruptcy

trustee may retrieve that money or those assets.

(4) The public notice referred to in paragraph (1) is issued in the official gazette.

#### (Ownership of Residual Assets)

Article 42 (1) The residual assets of a dissolved vocational training corporation belong to a person with vested rights to those assets as specified in the articles of incorporation or articles of endowment. In this case, the amount of the residual assets that belong to the capital investor of a dissolved vocational training association may not exceed the amount of the contribution of that capital investor.

(2) Any residual assets of a dissolved vocational training association that cannot be disposed of pursuant to the provisions of the preceding paragraph are to be owned by the person designated by the liquidator with the consent of all of the members and with the authorization of the prefectural governor.

(3) Any residual assets of a dissolved vocational training foundation that cannot be disposed of pursuant to the provisions of paragraph (1) are to be owned by the person who runs another vocational training business after the liquidator obtains authorization from the prefectural governor.

(4) Any residual assets that cannot be disposed of pursuant to the provisions of the preceding two paragraphs are to be owned by the prefectural government.

#### (Supervision of the Court)

Article 42-2 (1) The liquidation of a vocational training corporation is subject to the supervision of the court.

(2) The court may, at any time, conduct an inspection by its authority which is necessary for the supervision referred to in the preceding paragraph.

(3) The court supervising the liquidation of a vocational training corporation may seek the opinion of the prefectural governor supervising the operations of the vocational training corporation or request the governor to investigate into its operations.

(4) The prefectural governor prescribed in the preceding paragraph may state an opinion for the court prescribed in that paragraph.

#### (Notification of Completion of Liquidation)

Article 42-3 When the liquidation process has been completed, the liquidator must notify the prefectural governor of its completion.

#### (Jurisdiction over Cases Concerning the Supervision of Liquidation)

Article 42-4 Cases concerning the supervision of the liquidation of a vocational training corporation and the liquidator fall under the jurisdiction of the district court that has jurisdiction over the location of the principal office of that

vocational training corporation.

(Restrictions on Appeals)

Article 42-5 No appeal may be entered against a judicial decision on the appointment of the liquidator.

(Remuneration for Liquidators Appointed by the Court)

Article 42-6 When the court appoints a liquidator pursuant to the provisions of Article 41-4, it may determine the amount of the remuneration to be paid to the liquidator by the vocational training corporation. In this case, the court must hear a statement from the relevant liquidator and auditor.

Article 42-7 Deleted

(Appointment of Inspectors)

Article 42-8 (1) The court may appoint an inspector to have them carry out investigations necessary for the supervision of the liquidation of a vocational training corporation.

(2) The provisions of Article 42-5 and Article 42-6 apply mutatis mutandis when the court appoints an inspector pursuant to the provisions of the preceding paragraph. In this case, the term "liquidator and auditor" in the latter Article is deemed to be replaced with "vocational training corporation and inspector".

(Affairs of the Minister of Health, Labour and Welfare Handled by Prefectural Executive Agencies)

Article 42-9 Pursuant to the provisions of Cabinet Order, the Minister of Health, Labour and Welfare may give directions to a prefectural executive agency regarding an order to supervise a vocational training corporation or regarding a revocation of the authorization for the incorporation of a vocational training corporation.

(Application Mutatis Mutandis)

Article 43 The provisions of Article 4, Article 78, Article 158, and Article 164 of the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006) apply mutatis mutandis to vocational training corporations.

## **Chapter V Vocational Abilities Tests**

### **Section 1 Trade Skills Tests**

(Trade Skills Tests)

Article 44 (1) The Minister of Health, Labour and Welfare conducts trade skills tests for each job category specified by Order of the Ministry of Health, Labour and Welfare (referred to below as "job categories subject to testing" in this Article) by dividing them into grades specified by Order of the Ministry of Health, Labour and Welfare; provided, however, that trade skills tests for any job categories subject to testing that are specified by Order of the Ministry of Health, Labour and Welfare as not suitable for being divided into grades may be conducted without being divided into grades.

(2) The levels of trade skills and relevant knowledge required to pass the trade skills tests referred to in the preceding paragraph (referred to below as "trade skills tests" in this Chapter) are specified by Order of the Ministry of Health, Labour and Welfare for each of the job categories subject to testing.

(3) Trade skills test consists of a skills assessment test and a written test.

(4) The method of administering the skills assessment test is specified by Order of the Ministry of Health, Labour and Welfare for each of the job categories subject to testing.

(Eligibility for Trade Skills Tests)

Article 45 The following persons are eligible for a trade skills test:

- (i) a person who has completed the statutory vocational training specified by Order of the Ministry of Health, Labour and Welfare;
- (ii) a person who has the practical work experience specified by Order of the Ministry of Health, Labour and Welfare; or
- (iii) a person who is equivalent to the persons specified in the preceding two items and is specified by Order of the Ministry of Health, Labour and Welfare.

(Administering Trade Skills Tests)

Article 46 (1) The Minister of Health, Labour and Welfare must establish a plan for administering trade skills tests each year and make it known to the persons concerned.

(2) The prefectural governor is to administer the skills assessment tests and written tests referred to in Article 44, paragraph (3) (referred to below as "skills assessment and written tests") and carry out other operations that are related to trade skills tests and are specified by Cabinet Order, in accordance with the plan prescribed in the preceding paragraph.

(3) The Minister of Health, Labour and Welfare may have the Japan Vocational Ability Development Association prepare examination questions and guidelines for administering skills assessment and written tests, provide technical guidance for administering skills assessment and written tests, and carry out some of the other operations related to skills assessment and written tests.

- (4) A prefectural governor may have the Prefectural Vocational Ability Development Association administer skills assessment and written tests and carry out some of the other operations related to skills assessment and written tests.

Article 47 (1) Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, the Minister of Health, Labour and Welfare may have employers' organizations or their federations, or general incorporated associations or general incorporated foundations, incorporated labor unions, or other nonprofit corporations designated by the Minister of Health, Labour and Welfare as organizations found to conform to all of the following items (referred below to as a "designated examining agency") carry out all or part of the operations related to skills assessment and written tests other than the operations carried out by a prefectural governor pursuant to the provisions of paragraph (2) of the preceding Article (excluding operations related to determining the results of the tests; referred to below as "operations related to skills assessment and written tests" in this Article and Article 96-2):

- (i) a designated examining agency's plan for carrying out operations related to skills assessment and written tests, which covers personnel, equipment, methods of carrying out operations related to skills assessment and written tests, and other matters, is suitable and will ensure that operations related to skills assessment and written tests can be carried out properly and reliably; and
  - (ii) a designated examining agency has the financial and technical base necessary for proper and reliable implementation of the plan for carrying out operations related to the skills assessment and written tests referred to in the preceding item.
- (2) A current or former officer or employee of a designated examining agency must not divulge any confidential information learned in connection with operations related to skills assessment and written tests.
- (3) Concerning the application of the Penal Code and other penal provisions, an officer and employee of a designated examining agency who are engaged in operations related to skills assessment and written tests are deemed to be officials engaged in public services pursuant to laws and regulations.
- (4) If a designated examining agency falls under any of the following items, the Minister of Health, Labour and Welfare may revoke its designation or order it to suspend all or part of its operations related to skills assessment and written tests for a fixed period:
- (i) if it is found that the body no longer satisfies the requirements referred to in the items of paragraph (1); or
  - (ii) if the body is designated through wrongful means.

(Reports)

Article 48 (1) if the Minister of Health, Labour and Welfare finds it necessary, the Minister may request a designated examining agency to make any necessary reports on its operations or have their officials enter the office of the designated examining agency so that they may inspect the current status of its operations or books, documents, and other items.

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

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

(Certificate of Passing a Trade Skills Test)

Article 49 A person who has passed a trade skills test is given a certificate of passing the trade skills test, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(Title of a Person Who Passed a Trade Skills Test)

Article 50 (1) A person who passed a trade skills test may refer themselves as a certified skilled worker.

(2) When a person who has passed a trade skills test refers to themselves as a certified skilled worker pursuant to the provisions of the preceding paragraph, the person is to indicate the occupation and grade of the trade skills test they have passed (the occupation if the trade skills test was administered without a specific grade) and must not indicate the occupation or grade of a trade skills test that they have not passed.

(3) If a certified skilled worker indicates the occupation or grade of a trade skills test that they have not passed in violation of the provisions of the preceding paragraph, the Minister of Health, Labour and Welfare may order to stop the certified skilled worker using the title “技能士” (pronounced “ginoshi”, meaning “certified skilled worker”) for a period not exceeding two years.

(4) No person other than a certified skilled worker may use the title “技能士” (pronounced “ginoshi”, meaning “certified skilled worker”).

## **Section 2 Auxiliary Provisions**

(Development of Standards for Vocational Abilities Tests)

Article 50-2 For the purpose of promoting vocational abilities tests (excluding trade skills tests; the same applies below in this Article), the Minister of

Health, Labour and Welfare is to establish standards concerning matters necessary for employers and other persons concerned to properly administer vocational abilities tests.

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

Article 51 Beyond what is provided for in this Chapter, necessary matters concerning vocational abilities tests are specified by Order of the Ministry of Health, Labour and Welfare.

## **Chapter VI Vocational Ability Development Associations**

### **Section 1 Japan Vocational Ability Development Association**

(Purpose of the Japan Vocational Ability Development Association)

Article 52 The purpose of the Japan Vocational Ability Development Association (referred to below as the "Japan Association") is, in order to help put the basic principle of promoting the development and improvement of vocational abilities into practice, to ensure sound development of the Prefectural Vocational Ability Development Associations, and to promote the development of vocational abilities prescribed in Article 5, paragraph (1) (referred to below simply as "development of vocational abilities" in Article 55, paragraph (1)), working together in close coordination with the national and prefectural governments.

(Juridical Personality)

Article 53 (1) The Japan Association is a juridical person.

(2) No association other than the Japan Association may use the characters "中央職業能力開発協会" (pronounced "chuo shokugyo noryoku kaihatsu kyokai", meaning "Japan Vocational Ability Development Association") in its name.

(Number of Organizations)

Article 54 The Japan Association is the only one of its kind in Japan.

(Operations)

Article 55 (1) The Japan Association is to carry out the following operations to achieve the purpose referred to in Article 52:

- (i) providing guidance and liaison concerning vocational training, vocational abilities tests, and other operations related to the development of vocational abilities conducted by members;
- (ii) providing training courses for personnel who participate in vocational training provided by employers or other organizations, and for prefectural trade skills test examiners;

- (iii) providing information and materials on vocational training, vocational abilities tests, and other information related to the development of vocational abilities and conducting publicity work;
  - (iv) carrying out research and studies on vocational training, vocational abilities tests, and other development of vocational abilities;
  - (v) providing international cooperation in vocational training, vocational abilities tests, and other development of vocational abilities; and
  - (vi) beyond what is stated in the preceding items, carrying out any operations necessary to promote the development of vocational abilities.
- (2) The Japan Association is to carry out operations concerning the skills assessment and written test under Article 46, paragraph (3) beyond the operations specified in the items of the preceding paragraph.

#### (Qualifications of Members)

Article 56 The persons specified below are qualified to be members of the Japan Association:

- (i) Prefectural Vocational Ability Development Associations;
- (ii) nationwide organizations that promote vocational training and vocational abilities tests; and
- (iii) beyond the persons specified in the preceding two items, persons who are specified in the articles of incorporation.

#### (Membership)

Article 57 (1) All Prefectural Vocational Ability Development Associations are members of the Japan Association.

- (2) If those specified in items (ii) or (iii) of the preceding Article intend to join the Japan Association, it must not refuse the membership application submitted by them, nor must it impose unreasonable membership conditions on them, without justifiable grounds.

#### (Membership Fee)

Article 58 The Japan Association may collect membership fees from its members pursuant to the provisions of the articles of incorporation.

#### (Founders)

Article 59 In order to incorporate the Japan Association, five or more Prefectural Vocational Ability Development Associations are required to become its founders.

#### (Organizational Meetings)

Article 60 (1) The founders must prepare the articles of incorporation, and make

them as well as the time and venue of the organizational meeting available to the public at least two weeks before the scheduled meeting date, and then hold the organizational meeting.

- (2) The articles of incorporation must be approved and any other matters necessary for the incorporation of the Japan Association must be decided based on the resolutions reached at the organizational meeting.
- (3) At the organizational meeting, decisions are made by at least a two-thirds majority of the votes of those present, with the participation of at least half of those who qualify as members and expressed their intention of becoming a member to the founders by the date of the organizational meeting.

#### (Authorization for the Incorporation)

Article 61 The founders must submit a written document providing the matters specified by the articles of incorporation and by Order of the Ministry of Health, Labour and Welfare to the Minister of Health, Labour and Welfare without delay after the organizational meeting is finished and obtain approval for the incorporation of the Japan Association.

#### (Articles of Incorporation)

Article 62 (1) The following matters must be included in the articles of incorporation of the Japan Association:

- (i) purpose;
- (ii) its name;
- (iii) location of the principal office;
- (iv) matters on the operations carried out by the Japan Association;
- (v) matters on the qualifications of its members;
- (vi) matters on its meetings;
- (vii) matters on its officers;
- (viii) matters on its counselors;
- (ix) matters on trade skills test examiners at the Japan Association;
- (x) matters on its accounting;
- (xi) matters on its membership fees;
- (xii) fiscal year;
- (xiii) matters on its dissolution;
- (xiv) matters on any changes to the articles of incorporation; and
- (xv) method of issuing public notices.

- (2) Changes to the articles of incorporation do not come into effect without authorization from the Minister of Health, Labour and Welfare.

#### (Officers)

Article 63 (1) The Japan Association has one chairperson, one president, five or

- less directors, and two or less auditors as its officers.
- (2) The Japan Association may, beyond the directors and auditors referred to in the preceding paragraph, have part-time directors and auditors as its officers, pursuant to the provisions of the articles of incorporation.
  - (3) The chairperson represents the Japan Association and oversees the operations carried out by the Association.
  - (4) The president represents the Japan Association, and, pursuant to the provisions of the articles of incorporation, assists the chairperson in supervising the operations carried out by the Japan Association, acts as a substitute for the chairperson if the chairperson is unable to attend to their duties, and performs the duties of the chairperson if there is no chairperson appointed.
  - (5) The directors, pursuant to the provisions of the articles of incorporation, assist the chairperson and president in supervising the operations carried out by the Japan Association, act as substitutes for the chairperson or president if the chairperson or president is unable to attend to their duties, and perform the duties of the chairperson or president if there is no chairperson or president appointed.
  - (6) The auditors audit the operations and accounting practices of the Japan Association.
  - (7) The auditors may, if they find it necessary based on the audit results, submit their opinions to the chairperson or the Minister of Health, Labour and Welfare.
  - (8) No auditor may concurrently hold the post of chairperson, president, director, or employee of the Japan Association.

(Appointment and Dismissal of Office and Term of Office for Officers)

- Article 64 (1) The officers are appointed or dismissed at the general meeting pursuant to the provisions of the articles of incorporation; provided, however, that the officers at the time of the incorporation of the Japan Association are appointed at the organizational meeting.
- (2) The appointment of the officers under the provisions of the preceding paragraph does not come into effect without authorization from the Minister of Health, Labour and Welfare.
  - (3) The term of office of the chairperson and president is a term not exceeding four years as specified in the articles of incorporation, and the term of office of the directors and auditors is a term not exceeding two years as specified in the articles of incorporation; provided, however, that the term of office of the chairperson and president at the time of the incorporation of the Japan Association is a term not exceeding two years as determined at the organizational meeting, and the term of office of the directors and auditors at

the time of the incorporation of the Japan Association is a term not exceeding one year as determined at the organizational meeting.

(4) Officers may be reelected.

(Restrictions on Representative Authority)

Article 65 The chairperson and president of the Japan Association do not have right to represent the Japan Association regarding any matters where the interests of the Japan Association and that of the chairperson or president conflict with each other. In this case, the auditors represent the Japan Association pursuant to the provisions of the articles of incorporation.

(Counselors)

Article 66 (1) The Japan Association has counselors.

(2) Counselors participate in important matters concerning the operations of the Japan Association.

(3) Counselors are appointed by the chairperson from among persons with relevant expertise in vocational training or vocational abilities tests.

(4) Beyond what is prescribed in the preceding three paragraphs, the necessary matters concerning counselors are specified in the articles of incorporation.

(Skills Assessment and Written Test Examiners at the Japan Association)

Article 67 (1) When the Japan Association carries out operations that involve preparing examination questions and guidelines for administering skills assessment and written tests and operations involving other technical matters related to administering skills assessment and written tests pursuant to the provisions of Article 55, paragraph (2), it must have the skills assessment and written test examiner at the Japan Association carry out the relevant operations.

(2) When the Japan Association intends to appoint a skills assessment and written test examiner, it must, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, appoint a person from among those with requirements specified by Order of the Ministry of Health, Labour and Welfare.

(Submitting and Keeping Account Settlement Documents)

Article 68 (1) The chairperson must submit a business report, a balance sheet, an income and expenditure statement, and an inventory of assets (referred to below as "account settlement documents") to the auditors at least one week before the date of the ordinary general meeting, and keep these documents at its principal office.

(2) The chairperson must submit the account settlement documents together with

written opinions of the auditors, to the ordinary general meeting to seek its approval.

- (3) The written opinion of the auditors referred to in the preceding paragraph may be substituted by an attached electronic or magnetic record where the matters that must be included in that written opinion is recorded (meaning records specified by Order of the Ministry of Health, Labour and Welfare, used in computer data-processing as records which are created in electronic form, magnetic form, or any other form that cannot be perceived by the human senses). In this case, the chairperson is deemed to have attached the written opinions of the auditors.

#### (General Meeting)

Article 69 (1) The chairperson must call an ordinary general meeting once every fiscal year pursuant to the provisions of the articles of incorporation.

- (2) The chairperson may call an extraordinary general meeting when the chairperson finds it necessary.
- (3) The following matters are subject to the resolution of the general meeting;
- (i) changes to the articles of incorporation;
  - (ii) decision or revision of business plans and income and revenue budgets;
  - (iii) dissolution;
  - (iv) expulsion of a member; and
  - (v) beyond what is stated in the preceding items, matters specified in the articles of incorporation.
- (4) At the general meeting, decisions are made by a majority of the votes of those present, with the participation of at least half of all members; provided, however, that the decisions on the matters specified in items (i), (iii) and (iv) of the preceding paragraph are made by at least a two-thirds majority of the votes of those present, with the participation of at least half of all members.

#### (Dissolution)

Article 70 (1) The Japan Association is dissolved for the following reasons:

- (i) a resolution at the general meeting;
  - (ii) an order to commence bankruptcy proceedings; or
  - (iii) revocation of the authorization for the incorporation.
- (2) Dissolution due to the reason specified in item (i) of the preceding paragraph does not come into effect without authorization from the Minister of Health, Labour and Welfare.

#### (Liquidators)

Article 71 A liquidator of the Japan Association is appointed at the general meeting in the case of dissolution due to the reason specified in item (i) of

paragraph (1) of the preceding Article, or by the Minister of Health, Labour and Welfare in the case of dissolution due to the reason specified in item (iii) of that paragraph.

(Disposition of Assets)

- Article 72 (1) A liquidator must determine a method for disposing of the assets of the Japan Association and obtain approval from the Minister of Health, Labour and Welfare after passing a resolution at the general meeting; provided, however, that a resolution on the method from the general meeting is not required if a resolution is not or cannot be made at the general meeting.
- (2) If the liquidator determines a method for disposing of the assets of the Japan Association pursuant to the provisions of the preceding paragraph, the residual assets must be owned by an organization engaged in activities that promote vocational training or vocational abilities tests and that are similar to those carried out by the Japan Association.
- (3) If there are no organizations as prescribed in the provisions of the preceding paragraph, the residual assets are to be owned by the national government.

(Submitting Account Settlement Documents)

- Article 73 (1) The Japan Association must submit the account settlement documents to the Minister of Health, Labour and Welfare in each fiscal year within one month from the date on which an ordinary general meeting is finished.
- (2) When submitting the account settlement documents to the Minister of Health, Labour and Welfare pursuant to the provisions of the preceding paragraph, the Japan Association must attach the written opinions of the auditors to the account settlement documents for the relevant fiscal year.

(Reports)

- Article 74 (1) If the Minister of Health, Labour and Welfare finds it necessary, the Minister may request the Japan Association to make any necessary reports on its operations or have their officials so that they may inspect the current status of its operations or books, documents, and other items.
- (2) A ministry official who conducts an on-site inspection pursuant to the provisions of the preceding paragraph must carry identification and present it to the persons concerned.
- (3) The authority to conduct an on-site inspection under the provisions of paragraph (1) must not be construed as being granted for the purpose of a criminal investigation.

(Recommendations)

Article 75 If the Minister of Health, Labour and Welfare finds that the operation of the Japan Association violates laws and regulations or the articles of incorporation, or is inadequate, the Minister may recommend the Japan Association that they rectify these issues and, if the relevant issues are not rectified as recommended, the minister may impose any of the dispositions specified in the following items on the Japan Association:

- (i) issuing an order to suspend all or part of the operations carried out by the Japan Association; or
- (ii) revoking the authorization for the incorporation.

(Aid to the Japan Association)

Article 76 The national government may provide the aid needed for the Japan Association to carry out its operations.

(Duty of Confidentiality of Officers at the Japan Association)

Article 77 (1) A current or former officer or employee of the Japan Association (including a skills assessment and written test examiner) must not divulge or misappropriate any confidential information learned in the course of their duties related to the skills assessment and written tests administered by the Japan Association pursuant to the provisions of Article 55, paragraph (2).

(2) Concerning the application of the Penal Code and other penal provisions, an officer and employee of the Japan Association who are engaged in operations related to the skills assessment and written tests administered by the Japan Association pursuant to the provisions of Article 55, paragraph (2) are deemed to be officials engaged in public services pursuant to laws and regulations.

(Application Mutatis Mutandis)

Article 78 The provisions of Article 34 apply mutatis mutandis to the registration of the Japan Association, the provisions of Article 37, article 37-7, Article 38-3, paragraph (2), Article 38-4, and Article 38-6 through Article 38-8 of this Act and the provisions of Article 4 and Article 78 of the Act on General Incorporated Associations and General Incorporated Foundations apply mutatis mutandis to the incorporation, management, and operation of the Japan Association, and the provisions of Article 40-2, Article 41-2, Article 41-4, Article 41-5, Article 41-7 through Article 41-10, and Article 42-2 to Article 42-8 apply mutatis mutandis to the dissolution and liquidation of the Japan Association. In this case, the phrase the "prefectural governor" in Article 37, paragraph (2), Article 37-7, and Article 42-3 is deemed to be replaced with the "Minister of Health, Labour and Welfare;" the phrase "the preceding Article" in Article 41-4 is deemed to be replaced with "Article 71;" the phrase the "prefectural governor supervising the operations of the vocational training

corporation" in Article 42-2, paragraph (3) is deemed to be replaced with "the Minister of Health, Labour and Welfare;" and the phrase "The prefectural governor prescribed in the preceding paragraph may state an opinion for the court prescribed in that paragraph" in paragraph (4) of that Article is deemed to be replaced with "The Minister of Health, Labour and Welfare may state an opinion for the court prescribed in the preceding paragraph."

## **Section 2 Prefectural Vocational Ability Development Associations**

(Purpose of Prefectural Vocational Ability Development Associations)

Article 79 The purpose of a Prefectural Vocational Ability Development Association (referred to below as a "Prefectural Association") is, in order to help put the basic principle of promoting the development and improvement of vocational abilities into practice, to ensure the development of vocational abilities prescribed in Article 5, paragraph (1) (referred to below simply as "development of vocational abilities") within the prefecture in close coordination with the prefectural government.

(Juridical Personality)

Article 80 (1) A Prefectural Association is a juridical person.

(2) No association other than a Prefectural Association may use the characters "職業能力開発協会" (pronounced "shokugyo noryoku kaihatsu kyokai", meaning "Vocational Ability Development Association"), bearing the name of a prefecture, in its name.

(Number of Prefectural Associations)

Article 81 One Prefectural Association is incorporated in each prefecture, and its district is within the area of each prefecture.

(Operations)

Article 82 (1) A Prefectural Association is to carry out the following operations to achieve the purpose referred to in Article 79:

- (i) providing guidance and liaison concerning vocational training, vocational abilities tests, and other operations related to the development of vocational abilities conducted by its members;
- (ii) providing consultation to employers, workers, and other persons on technical matters related to vocational training and vocational abilities tests and providing any necessary guidance and assistance;
- (iii) providing information on skilled workers to employers and workers, and other persons;
- (iv) providing training courses for personnel engaged in vocational training

- provided by employers or other organizations within the relevant district;
  - (v) providing information and materials on vocational training, vocational abilities tests, and other information related to the development of vocational abilities, and conducting publicity work within the relevant district;
  - (vi) carrying out research studies on vocational training, vocational abilities tests, and the development of vocational abilities within the relevant district;
  - (vii) providing consultation and other assistance regarding international cooperation within the relevant district concerning vocational training, vocational abilities tests, and other development of vocational abilities; and
  - (viii) beyond what is stated in the preceding items, carrying out any operations necessary to promote the development of vocational abilities within the relevant district.
- (2) A Prefectural Association is to carry out operations concerning the skills assessment and written test under the provisions of Article 46, paragraph (4), beyond the operations specified in the items of the preceding paragraph.

#### (Qualifications of Members)

Article 83 (1) The persons specified below are qualified to be members of a Prefectural Association:

- (i) employers or other organizations with an office within the district of the Prefectural Association are to provide vocational training or administer vocational abilities tests;
  - (ii) persons who are engaged in activities to promote vocational training or vocational abilities tests within the district of the Prefectural Association and are specified in the articles of incorporation; or
  - (iii) beyond the persons specified in the preceding two items, persons who are specified in the articles of incorporation.
- (2) If those specified in the items of the preceding paragraph intend to join the Prefectural Association, it must not refuse the membership application submitted by them, nor must it impose unreasonable membership conditions on them, without justifiable grounds.

#### (Founders)

Article 84 In order to incorporate a Prefectural Association, five or more persons who intend to become its members are required to become its founders.

#### (Officers)

Article 85 (1) A Prefectural Association has one chairperson, three or less directors, and one auditor as its officers.

- (2) A Prefectural Association may, in addition to the directors and the auditor referred to in the preceding paragraph, have part-time directors and a part-

time auditor as its officers, pursuant to the provisions of the articles of incorporation.

(3) A Prefectural Association has counselors.

(Prefectural Skills Assessment and Written Test Examiners)

Article 86 (1) When a Prefectural Association carries out operations for administering the skills assessment and written tests pursuant to the provisions of Article 82, paragraph (2), it must have a prefectural skills assessment and written test examiner carry out the operations related to the trade skills assessment and other technical matters.

(2) When a Prefectural Association intends to appoint a prefectural skills assessment and written test examiner, it must, pursuant to Order of the Ministry of Health, Labour and Welfare, appoint a person from among those with requirements specified by Order of the Ministry of Health, Labour and Welfare.

(Aid to Prefectural Associations)

Article 87 (1) A prefectural government may provide the aid necessary for the Prefectural Association to carry out its operations.

(2) The national government may subsidize the expenses spent by prefectures on aid prescribed in the preceding paragraph.

(Assistance by the National Government)

Article 88 The national and prefectural governments must endeavor to provide benefits for Prefectural Associations, such as allowing them to use public institutions for the development of vocational abilities and other suitable institutions.

(Duty of Confidentiality of Officers of Prefectural Associations)

Article 89 (1) A current or former officer or employee of a Prefectural Association (including a prefectural skills assessment and written test examiner), must not divulge or misappropriate any confidential information learned in the course of their duties relating to the skills assessment and written tests administered by the Prefectural Association pursuant to the provisions of Article 82, paragraph (2).

(2) Concerning the application of the Penal Code and other penal provisions, an officer and employee of a Prefectural Association who are engaged in operations related to the skills assessment and written tests administered by the Prefectural Association pursuant to the provisions of Article 82, paragraph (2) are deemed to be officials engaged in public services pursuant to laws and regulations.

(Application, Mutatis Mutandis)

- Article 90 (1) The provisions of Article 34 apply mutatis mutandis to the registration of a Prefectural Association, the provisions of Article 37, Article 37-7, Article 38-3, paragraph (2), Article 38-4, Article 38-6 through Article 38-8, Article 58, Article 60 through Article 62, Article 63, paragraphs (3) and (5) (excluding the part related to the president), paragraphs (6) and (8) (excluding the part related to the president), Article 64, Article 65 (excluding the part related to the president), Article 66, paragraph (2) through paragraph (4), Article 68, Article 69, and Article 73 through Article 75 of this Act and Article 4 and Article 78 of the Act on General Incorporated Associations and General Incorporated Foundations apply mutatis mutandis to the incorporation, management and operation of a Prefectural Association, and the provisions of Article 40-2, Article 41-2, Article 41-4, Article 41-5, Article 41-7 through Article 41-10, Article 42-2 through Article 42-8, Article 70 through Article 72, and Article 75 apply mutatis mutandis to the dissolution and liquidation of a Prefectural Association. In this case, the phrase the "preceding Article" in Article 41-4 is deemed to be replaced with "Article 71 as applied mutatis mutandis pursuant to the provisions of Article 90, paragraph (1);" the phrase "Minister of Health, Labour and Welfare" in Article 61, Article 62, paragraph (2), Article 64, paragraph (2), Article 70, paragraph (2), Article 71, Article 72, paragraph (1), Article 73, Article 74, paragraph (1) and Article 75 is deemed to be replaced with the "prefectural governor;" the phrase a "skills assessment and written test examiner at the Japan Association" in Article 62, paragraph (1), item (ix) is deemed to be replaced with a "prefectural skills assessment and written test examiner;" and the phrase "the national government" in Article 72, paragraph (3) is deemed to be replaced with "prefectural governments."
- (2) If the Minister of Health, Labor and Welfare finds that the operation of a Prefectural Association violates laws and regulations or the articles of incorporation, or is inadequate, the Minister may instruct the relevant prefectural governor to recommend that the Prefectural Association rectify the issues.
- (3) In the case prescribed in Article 75 as applied mutatis mutandis pursuant to paragraph (1), the Minister of Health, Labor and Welfare may instruct the prefectural governor to impose the disposition specified in any of the items of that Article.

## **Chapter VII Miscellaneous Provisions**

(Councils Established by Prefectural Governments)

- Article 91 (1) A prefectural government may establish councils and other panels

- by prefectural ordinance so as to have the councils or panels study and deliberate on the prefectural plans for the development of vocational abilities and other important matters concerning the development of vocational abilities.
- (2) Beyond what is stated in the preceding paragraph, any matters necessary for the councils and other panels referred to in that paragraph are specified by a prefectural ordinance.

(Provision of Training Equivalent to Vocational Training)

Article 92 A public institution for the development of vocational abilities, a polytechnic university, and a vocational training corporation may, to an extent that does not affect their operations, provide training equivalent to vocational training or instructor training to the following persons:

- (i) a person who usually engages in business without employing any workers;
- (ii) a domestic industrial worker prescribed in Article 2, paragraph (2) of the Home Work Act (Act No. 60 of 1970);
- (iii) a person residing in Japan with a status of residence as a student or trainee listed in Attached Table 1-4 of the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951); or
- (iv) any person specified by Order of the Ministry of Health, Labour and Welfare other than the persons specified in the preceding three items.

(Advice from and Recommendations by the Minister of Health, Labour and Welfare)

Article 93 If the Minister of Health, Labour and Welfare finds it necessary to achieve the purpose of this Act, the Minister may offer advice or recommendations to a prefectural government concerning the incorporation and operation of a public institution for the development of vocational abilities, assistance prescribed in Article 15-2, paragraphs (1) and (2), and other matters concerning the development of vocational abilities.

(Expenses of Vocational Training Institutions Borne by the National Government)

Article 94 Pursuant to the provisions of Cabinet Order, the national government bears a part of the expenses required for the facilities and equipment of a polytechnic school and polytechnic school for persons with disabilities established by a prefectural government.

(Grants)

Article 95 (1) Beyond what is stated in the preceding Article, the national government provides grants to a prefectural government in order to bear the expenses required for the operations of a polytechnic school and polytechnic

school for persons with disabilities prescribed in that Article.

- (2) The Minister of Health, Labour and Welfare must decide on how to provide grants under the provisions of the preceding paragraph in accordance with the standards specified by Cabinet Order, based on the number of employed workers and the number of job applicants in each prefecture (including the number of persons who gain employment after graduating from a junior high school, compulsory education school, high school, or secondary education school), and by taking into consideration the level of urgency to provide vocational training, as well as other special circumstances in each prefecture concerning the operation of a polytechnic school and polytechnic school for persons with disabilities prescribed in the preceding Article.

(Relationship Between This Act and the Employment Insurance Act)

Article 96 The establishment and operation of a public institution for the development of vocational abilities (excluding a polytechnic school for persons with disabilities) and polytechnic university by the national government, the implementation of vocational training prescribed in the proviso of Article 15-7, paragraph (1), covering expenses required for the implementation of trade skills tests, and providing subsidies or other forms of assistance pursuant to the provisions of Article 15-2, paragraphs (1) and (2) (excluding the part related to a polytechnic school for persons with disabilities), Article 15-3, Article 76, and Article 87, paragraph (2) are conducted as the human resources development programs prescribed in Article 63 of the Employment Insurance Act (Act No. 116 of 1974).

(Requests for Investigations Related to Dispositions Made by Registered Examining Agencies)

Article 96-2 A request for an investigation may be filed with the Minister of Health, Labour and Welfare in relation to a disposition made by a registered examining agency on its operations related to qualifying examinations or its inaction regarding the matter, a disposition made by a designated registration agency on its registration affairs or its inaction regarding the matter, or a disposition made by a designated examining agency on its operations related to skills assessment and written tests or its inaction regarding the matter. In this case, concerning the application of the provisions of Article 25, paragraphs (2) and (3), Article 46, paragraphs (1) and (2), Article 47, and Article 49, paragraph (3) of the Administrative Appeal Act (Act No. 68 of 2014), the Minister of Health, Labour and Welfare is deemed to be the higher administrative authority of the registered examining agency, designated registration agency, or designated examining agency.

(Fees)

Article 97 (1) A person seeking to take an examination for a career consultant as referred to in Article 30-4, paragraph (1), a person seeking to be registered as referred to in Article 30-19, paragraph (1), a person seeking to have a registration certificate reissued or amended as referred to in Article 30-20, a person seeking to take a trade skills test as referred to in Article 44, paragraph (1), or a person seeking to have a certificate of passing the trade skills test reissued as referred to in Article 49 must pay a fee pursuant to Cabinet Order.

(2) If a prefectural government collects fees for a skills assessment and written test pursuant to the provisions of Article 227 of the Local Autonomy Act, it may have a person who intends to take a skills assessment and written test administered by a Prefectural Association pursuant to the provisions of Article 46, paragraph (4) pay the fee to the Prefectural Association as a source of revenue of the Prefectural Association as specified by prefectural ordinance.

(Reports)

Article 98 The Minister of Health, Labour and Welfare or the prefectural governor may request employers or other organizations providing accredited vocational training (including instructor training related to the accreditation referred to in Article 24, paragraph (1) as applied mutatis mutandis pursuant to the provisions of Article 27-2, paragraph (2); the same applies below) to report on matters concerning the accredited vocational training to the extent necessary to achieve the purpose of this Act.

(Delegation of Authority)

Article 98-2 Part of the authority of the Minister of Health, Labour and Welfare provided for in this Act may be delegated to the Director General of the Prefectural Labor Bureau pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

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

Article 99 Beyond what is provided for in this Act, procedures and other matters required for the implementation of this Act are specified by Order of the Ministry of Health, Labour and Welfare.

## **Chapter VIII Penal Provisions**

Article 99-2 A person who has engaged in the recruitment of persons in charge of training or has violated the provisions of Article 30-27, paragraph (2), in violation of an order of suspension of business under the provisions of Article 41, paragraph (2) of the Employment Security Act, as applied mutatis

mutandis pursuant to Article 26-6, paragraph (5), is punished by imprisonment for not more than one year or a fine of not more than one million yen.

Article 99-3 A person who has divulged any confidential information in violation of the provisions of Article 15, paragraph (3) is punished by imprisonment for not more than one year or a fine of not more than five hundred thousand yen.

Article 100 A person who falls under any of the following items is punished by imprisonment with work for not more than six months or a fine of not more than three hundred thousand yen:

- (i) a person who has been engaged in recruitment for persons in charge of training without filing a notification under the provisions of Article 26-6, paragraph (4);
- (ii) a person who has failed to follow the instruction under the provisions of Article 37, paragraph (2) of the Employment Security Act as applied mutatis mutandis pursuant to the provisions of Article 26-6, paragraph (5);
- (iii) a person who has violated the provisions of Article 39 or Article 40 of the Employment Security Act as applied mutatis mutandis pursuant to the provisions of Article 26-6, paragraph (5);
- (iv) a person that has divulged any confidential information in violation of the provisions of Article 30-13, paragraph (1) (including as applied mutatis mutandis pursuant to Article 30-26) or Article 47, paragraph (2);
- (v) a person who has divulged or misappropriated any confidential information in violation of the provisions of Article 77, paragraph (1) or Article 89, paragraph (1).

Article 100-2 If a violation stated in one of the following items has occurred, the officer or employee of the registered examining agency or designated registration agency that has committed the violation is subject to a fine of not more than three hundred thousand yen:

- (i) the officer or employee has discontinued all of the operations related to qualifying examinations or registration work without obtaining the permission referred to in Article 30-10 (including as applied mutatis mutandis pursuant to Article 30-26);
- (ii) the officer or employee has failed to keep books concerning the operations related to qualifying examinations or registration work, has failed to make entries in the books, has made false entries in the books, or has failed to preserve the books in violation of the provisions of Article 30-16 (including as applied mutatis mutandis pursuant to Article 30-26);
- (iii) the officer or employee has failed to make a report under the provisions of Article 30-17, paragraph (1) (including as applied mutatis mutandis

pursuant to Article 30-26; the same applies below in this item), or has made a false report; or has refused, has obstructed, or has evaded an inspection under the provisions of that paragraph.

Article 101 If a designated examining agency has failed to make a report under the provisions of Article 48, paragraph (1) or has made a false report, or has refused, has obstructed, or has evaded an inspection under the provisions of that paragraph, the officer or employee of the designated examining agency that has committed the violation is punished by a fine not more than three hundred thousand yen.

Article 102 A person who falls under any of the following items is punished by a fine not more than three hundred thousand yen:

- (i) a person who has violated the provisions of Article 26-5, paragraph (2);
- (ii) a person who has failed to make a report under the provisions of Article 50, paragraph (1) of the Employment Security Act as applied *mutatis mutandis* pursuant to the provisions of Article 26-6, paragraph (5) or has made a false report;
- (iii) a person who has refused, has obstructed, or has evaded the entry of the personnel of an administrative authority or inspection or has failed to answer questions under the provisions of Article 50, paragraph (2) of the Employment Security Act as applied *mutatis mutandis* pursuant to the provisions of Article 26-6, paragraph (5), or has made a false statement;
- (iv) a person who has divulged any confidential information in violation of the provisions of Article 51, paragraph (1) of the Employment Security Act as applied *mutatis mutandis* pursuant to Article 26-6, paragraph (5);
- (v) a person who has been ordered to suspend the use of the title “キャリアコンサルタント” (pronounced “kyaria konsarutanto”, meaning career consultant) pursuant to the provisions of Article 30-22, paragraph (2) and has used that title during the period of the suspension;
- (vi) a person who has violated the provisions of Article 30-28;
- (vii) a person who has been ordered to suspend the use of the title “技能士” (pronounced “ginoshi”, meaning “certified skilled worker”) pursuant to the provisions of Article 50, paragraph (3) and has used that title during the period of the suspension;
- (viii) a person who has violated the provisions of Article 50, paragraph (4).

Article 103 If the Japan Association or Prefectural Association has failed to make a report under the provisions of Article 74, paragraph (1) (including as applied *mutatis mutandis* pursuant to the provisions of Article 90, paragraph (1); the same applies below in this Article) or has made a false report, or has

refused, has obstructed, or has evaded the inspection under the provisions of Article 74, paragraph (1), the officer or employee of the Japan Association or Prefectural Association that has committed the violation is punished by a fine of not more than three hundred thousand yen.

Article 104 If a representative of a corporation or an agent, employee, or another worker of a corporation or an individual has committed a violation referred to in Article 99-2, Article 100, item (i) through item (iii), Article 102, item (i) through item (iv), and the preceding Article, in relation to the business of the corporation or individual, the offender as well as the corporation or individual are punished by the fine prescribed in the respective Articles.

Article 105 If an order of the Minister of Health, Labour and Welfare under Article 30-15, paragraph (2) (including as applied *mutatis mutandis* pursuant to Article 30-26) or Article 47, paragraph (4) has been violated, the officer of the registered examining agency, designated registration agency, or designated examining agency that has committed the violation is subject to a civil fine of not more than five hundred yen.

Article 105-2 If a registered examining agency has failed to keep financial statements and other records in violation of the provisions of Article 30-11, paragraph (1), has failed to state the necessary matters in the financial statements and other records, or has made a false statement, or has refused a request under the provisions of the items of paragraph (2) of that Article without justifiable grounds, an officer or employee of the registered examining agency who has committed the violation is subject to a civil fine of not more than two hundred thousand yen.

Article 106 If the Japan Association or Prefectural Association falls under any of the following items, the founder, officer, or liquidator of the Japan Association or Prefectural Association that has committed the violation is punished by a civil fine of not more than two hundred thousand yen:

- (i) if it has carried out any operations other than those prescribed in Article 55 or Article 82;
- (ii) if it has violated the provisions of Article 57, paragraph (2) or Article 83, paragraph (2);
- (iii) if it has failed to keep the documents under the provisions of Article 68, paragraph (1) (including as applied *mutatis mutandis* pursuant to the provisions of Article 90, paragraph (1); the same applies below in this item) in violation of the provisions of Article 68, paragraph (1);
- (iv) if it has disposed of its assets without obtaining the authorization referred

- to in Article 72, paragraph (1) (including as applied *mutatis mutandis* pursuant to the provisions of Article 90, paragraph (1));
- (v) if it has violated the provisions of Article 73 (including as applied *mutatis mutandis* pursuant to the provisions of Article 90, paragraph (1));
- (vi) if it has violated the order issued by the Minister of Health, Labour and Welfare under Article 75, item (i) (including as applied *mutatis mutandis* pursuant to the provisions of Article 90, paragraph (1));
- (vii) if it has violated the provisions of Article 34, paragraph (1) as applied *mutatis mutandis* pursuant to the provisions of Article 78 or Article 90, paragraph (1);
- (viii) if it has failed to file a petition for commencement of bankruptcy proceedings in violation of the provisions of Article 40-2, paragraph (2) or Article 41-10, paragraph (1) as applied *mutatis mutandis* pursuant to the provisions of Article 78 or Article 90, paragraph (1);
- (ix) if it has failed to issue a public notice under the provisions of Article 41-8, paragraph (1) or Article 41-10, paragraph (1) as applied *mutatis mutandis* pursuant to the provisions of Article 78 or Article 90, paragraph (1) or has issued a false public notice;
- (x) if it has obstructed an inspection by the court under the provisions of Article 42-2, paragraph (2) as applied *mutatis mutandis* pursuant to the provisions of Article 78 or Article 90, paragraph (1); or
- (xi) if it has failed to make the necessary entries in a business report, a balance sheet, an income and expenditure settlement, or an inventory of assets, or has made false entries in those documents.

Article 107 If a vocational training corporation falls under any of the following items, the officer or liquidator of the vocational training corporation that has committed the violation is punished by a civil fine of not more than two hundred thousand yen:

- (i) if it has carried out any operations other than those prescribed in Article 33 or Article 92;
- (ii) if it has violated the provisions of Article 34, paragraph (1);
- (iii) if it has failed to file a notification under the provisions of Article 39, paragraph (3) or has filed a false notification;
- (iv) if it has failed to keep an inventory of assets in violation of the provisions of Article 37-2, paragraph (1);
- (v) if it has obstructed an inspection by the prefectural governor or the court under the provisions of Article 39-2, paragraph (2) or Article 42-2, paragraph (2);
- (vi) if it has failed to file a petition for commencement of bankruptcy proceedings in violation of the provisions of Article 40-2, paragraph (2) or

- Article 41-10, paragraph (1);
- (vii) if it has failed to issue a public notice under the provisions of Article 41-8, paragraph (1) or Article 41-10, paragraph (1) or has issued a false public notice;
  - (viii) if it has disposed of its residual assets without obtaining the authorization referred to in Article 42, paragraph (2) or paragraph (3); or
  - (ix) if it has failed to make the necessary entries in an inventory of assets or has made false entries in the inventory of assets.

Article 108 A person who has violated the provisions of Article 17, Article 27, paragraph (4), Article 32, paragraph (2), Article 53, paragraph (2), or Article 80, paragraph (2) (in the case of a corporation or another organization, its representative) is punished by a civil fine of not more than one hundred thousand yen.

### **Supplementary Provisions**

(Effective Date)

Article 1 This Act (referred to below as the "New Act") comes into effect on October 1, 1969; provided, however, that the provisions of Chapter 6, the provisions of Article 103 through Article 106 and Article 108 (limited to the part related to the provisions of Article 67, paragraph (2) and Article 87, paragraph (2)) and the provisions of Article 8, paragraph (1) of the Supplementary Provisions come into effect from the date of promulgation.

(Repeal of the Act)

Article 2 The Vocational Training Act (Act No. 133 of 1958) is repealed.

(Transitional Measures for Trade Skills Assessment Test)

Article 3 The provisions of Article 12, paragraph (1) of the New Act apply to a person who completes a training curriculum of an advanced training course on or after April 1, 1970.

(Transitional Measures for Public Vocational Training Institutions)

Article 4 (1) A general vocational school, comprehensive vocational school, vocational university, or vocational school for persons with disabilities under the provisions of Article 5 through Article 8 of the Vocational Training Act before the repeal under the provisions of Article 2 of the Supplementary Provisions (referred to below as the "Former Act") are to become a specialized vocational school, advanced vocational school, vocational university, and vocational school for persons with disabilities under the provisions of Article 15

through Article 18 of the New Act, respectively.

- (2) An advanced vocational school established by a prefectural or municipal government under the provisions of Article 19, paragraph (1) of the New Act may carry out the operations specified in Article 15, paragraph (1), item (i) of the New Act, beyond the operations referred to in the items of Article 16, paragraph (1) of the New Act, unless otherwise provided for by law.
- (3) Entrusted operations being provided under the provisions of Article 8, paragraph (2) of the Former Act at the time of the enforcement of the New Act are deemed as entrusted operations under the provisions of Article 18, paragraph (2) of the New Act.

(Transitional Measures for the Accredited Vocational Training)

Article 5 The authorization referred to in Article 12, paragraph (1) of the Former Act (excluding authorization related to municipal governments) or the accreditation referred to in Article 15, paragraph (1) or Article 16, paragraph (1) of the Former Act which was granted at the time of the enforcement of the New Act is deemed as the accreditation referred to in Article 24, paragraph (1) of the New Act related to education and training in advanced training courses.

(Transitional Measures for Vocational Training Instructor's License)

- Article 6 (1) A person who has obtained a license referred to in Article 22, paragraph (1) of the Former Act is deemed as a person who has obtained a license referred to in Article 28, paragraph (1) of the New Act.
- (2) The revocation of a license under the provisions of Article 23, paragraphs (1) or (2) of the Former Act is deemed as the revocation of a license under the provisions of Article 29, paragraph (1) or paragraph (2) of the New Act.

(Transitional Measures for Trade Skills Tests)

- Article 7 (1) Prior laws continue to govern trade skills tests for a person who has taken a trade skills test referred to in Article 25, paragraph (1) of the Former Act at the time of the enforcement of the New Act.
- (2) A person who has passed a trade skills test referred to in Article 25, paragraph (1) of the Former Act (including trade skills tests under the provision of the preceding paragraph) is deemed as a person who has passed a trade skills test referred to in Article 62, paragraph (1) of the New Act.

(Transitional Measures for Restrictions on Use of Titles)

Article 8 (1) The provisions of Article 67, paragraph (2) or Article 87, paragraph (2) of the New Act do not apply to a person that has been using the characters “中央技能検定協会” (pronounced “chuo gino kentei kyokai”, meaning “Japan Trade Skills Test Association”), or “技能検定協会” (pronounced “gino kentei

kyokai”, meaning “Trade Skills Test Association”) bearing the name of a prefecture in its name, at the time of the promulgation of the New Act, for six months after the promulgation of the New Act.

- (2) The provisions of Article 22, Article 32, paragraph (2), Article 44, paragraph (2), or Article 66, paragraph (2) of the New Act do not apply to persons that have been using the characters “専修職業訓練校” (pronounced “senshu shokugyo kunrenko”, meaning “specialized vocational school”), “高等職業訓練校” (pronounced “koto shokugyo kunrenko”, meaning “advanced vocational school”), “職業訓練大学校” (pronounced “shokugyo kunren daigakko”, meaning “vocational university”), “身体障害者職業訓練校” (pronounced “shintai shogaisha shokugyo kunrenko”, meaning “vocational school for persons with disabilities”), “職業訓練法人” (pronounced “shokugyo kunren hojin”, meaning “vocational training corporation”), “職業訓練法人連合会” (pronounced “shokugyo kunren hojin”, meaning “the Federation of Vocational Training Corporations”), or 職業訓練法人中央会 (pronounced “shokugyo kunren hojin chuokai”, meaning “the Japan Association of Vocational Training Corporations”) in their names or who have been using the title “技能士” (pronounced “ginoshi”, meaning “certified skilled worker”), at the time of the enforcement of the New Act, for six months after the enforcement of the New Act.

#### (Transitional Measures for Vocational Training Councils)

Article 9 The Japan Vocational Training Council or Prefectural Vocational Training Councils under the provisions of Article 30 or Article 32 of the Former Act is to become the Japan Vocational Training Council or Prefectural Vocational Training Councils under the provisions of Article 95 or Article 97 of the New Act, respectively