

Mariners Act

(Act No. 100 of 1947)

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Supplementary Provisions

Chapter I General Provisions

(Mariners)

Article 1 (1) The term "mariner" as used in this Act means a master and a seaman, and a reserved mariner who is on board a Japanese ship or a non-Japanese ship specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) The ships prescribed in the preceding paragraph do not include the following ships:

- (i) a ship with a gross tonnage of less than 5 tons;
- (ii) a ship that only navigates in a lake, river or port;

(iii) a fishing vessel with a gross tonnage of less than 30 tons as specified by Cabinet Order; and

(iv) in addition to what is stated in the preceding three items, a small ship prescribed in Article 2, paragraph (4) of the Act on Ships' Officers and Boats' Operators (Act No. 149 of 1951) and specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as a yacht, a motor boat, or other ship used for sports or recreation and which is not found to have any of the characteristics of a ship used for a mariner's work based on the purpose, period, and mode of its voyage, its operational system, etc.

(3) The area of a port referred to in item (ii) of the preceding paragraph is to be based on the area of a port if the area of the port has been specified pursuant to the Port Regulations Act (Act No. 174 of 1948); provided, however, that the Minister of Land, Infrastructure, Transport and Tourism may designate a port and specify a different area pursuant to the provisions of Cabinet Order.

Article 2 (1) The term "seaman" as used in this Act means a member of the crew, other than the master, employed on board a ship, who is paid a salary or other remuneration as compensation for labor.

(2) The term "reserved mariner" as used in this Act means a person who is employed to board a ship prescribed in paragraph (1) of the preceding Article and is currently not working on board a ship.

Article 3 (1) The term the "officer" as used in this Act means a mate, a chief engineer, an engineer, a chief radio operator, a radio operator, and other seamen specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) The term "rating" as used in this Act means a seaman who is not an officer.
(Salary and Working Hours)

Article 4 (1) The term "salary" as used in this Act means a basic fixed salary out of the remuneration that a shipowner pays periodically to a mariner in a fixed amount.

(2) The term "working hours" as used in this Act means the time during which a mariner engages in work necessary in the course of its duties (for a seaman, limited to the time during which it engages in work as ordered by its superiors in the course of its duties).

(Application of Provisions on Shipowners)

Article 5 Among the provisions of this Act (excluding Chapter XI-2, Article 113, paragraph (3), Article 130-2, Article 130-3, Article 131 (limited to the part related to item (vii)) and Article 135, paragraph (1) (limited to the part related to violations of Article 130-2, Article 130-3, or Article 131, item (vii))) and the provisions of orders based on this Act (excluding the provisions of orders based on the provisions of Chapter XI-2), those concerning shipowners apply to the ship's husband if the ship is co-owned, to the ship's borrower if the ship is being leased, and to a person other

than the shipowner, the ship's husband, or the ship's borrower if the person employs a mariner.

(2) Among the provisions of Chapter XI-2, Article 113, paragraph (3), Article 130-2, Article 130-3, Article 131 (limited to the part related to item (vii)), the provisions of Article 135, paragraph (1) (limited to the part related to violations of Article 130-2, Article 130-3, or Article 131, item (vii)), and the provisions of orders based on Chapter XI-2, those concerning shipowners apply to the ship's husband if the ship is co-owned and to the ship's borrower if the ship is being leased.

(Application of the Labor Standards Act)

Article 6 The provisions of Articles 1 through 11, Article 116, paragraph (2), Articles 117 through 119, and Article 121 of the Labor Standards Act (Act No. 49 of 1947) apply to the labor relations of a mariner.

Chapter II Duties and Authority of Masters

(Authority to Give Commands and Orders)

Article 7 A master may command and supervise the seaman and give necessary orders to the person on board to perform the master's duties.

(Pre-Departure Inspection)

Article 8 Before the departure of a ship, the master must inspect if the condition of the ship will hinder the voyage and if other preparations necessary for the voyage have been completed, as provided for by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Completion of a Voyage)

Article 9 When the preparations for a voyage have been completed, the master must ensure that the ship departs without delay and navigate to the port of arrival without changing the scheduled route, except when it is necessary to do so.

(Command on the Deck)

Article 10 When a ship enters or leaves a port, when a ship passes through a narrow waterway, or when there are any other risks of endangering a ship, the master must stand on the deck and personally command the ship.

(On-Board Obligations)

Article 11 Except in unavoidable circumstances, a master must not leave a ship under their command from the time the cargo is loaded and passengers aboard the ship until the time the cargo is unloaded and the passengers land, before the master has entrusted their duties to a person who is to command the ship on their behalf.

(Measures to Be Taken If Ships Are in Danger)

Article 12 A master must use every means necessary to save human life, and to salvage the ship and its cargo when there is an imminent danger to the ship under the command of the master.

(Measures to Be Taken If Ships Collide)

Article 13 When ships collide with each other, the masters of the ships involved must take all necessary measures to save human life and the ships, and inform each other of the names of the ships, the shipowners, the port of registry, the port of departure, and the port of arrival; provided, however, that this does not apply when there is an imminent danger to the ships that the masters of the ships command.

(Report to Be Made If Containers Fall into the Sea)

Article 13-2 (1) When a container in transit has fallen into the sea, the master specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism must immediately notify the point where the container is expected to have fallen into the sea and other matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, to a ship in the vicinity of the ship they command and within the range specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, to the coast guard agency nearest to the point, and to the competent body of the flag state (meaning the states entitled to fly their flags as provided for in Article 91 of the United Nations Convention on the Law of the Sea Act) of the ship they command, in accordance with Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) When a shipowner or any other person specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as having title to the operation of a ship finds that it is difficult for the master prescribed in the preceding paragraph to make a report under that paragraph due to abnormal weather or other reasons, the shipowner or the person must endeavor to make the report on behalf of the master.

(Rescue of Ships in Distress)

Article 14 When a master becomes aware of another ship or aircraft in distress, the master must take all necessary measures to save human life; provided, however, that this does not apply if the ship under their command is in imminent danger or if otherwise provided for by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Abnormal Weather)

Article 14-2 When the master of a ship designated by Order of the Ministry of Land, Infrastructure, Transport and Tourism encounters a rainstorm, drift ice, or any other abnormal meteorological, hydrographic, or terrestrial phenomena, or floating or sunken objects, which are likely to endanger the navigation of the ship, the master, as provided for by the Order of the Ministry of Land, Infrastructure, Transport and Tourism, must report that to any ships in the vicinity, a coast guard agency, and other relevant bodies.

(Muster List and Drills)

Article 14-3 (1) With regard to the work of the seaman in the cases prescribed in Articles 12 through 14 and in other emergencies, the master of a ship designated by Order of the Ministry of Land, Infrastructure, Transport and Tourism must specify an muster list and post it in the mariners' rooms or any other suitable place, as

provided for by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) The master of a ship designated by Order of the Ministry of Land, Infrastructure, Transport and Tourism must conduct fire prevention drills, lifeboat drills, and other drills necessary for emergencies for a seaman and a passenger, as provided for by Order of the Ministry of Land, Infrastructure, Transport and Tourism,

(Ensuring a Safety Navigation)

Article 14-4 In addition to what is provided for in Articles 8 through 14-3, the matters to be observed by a master with regard to the implementation of navigational watchkeeping, prevention of ship fires, maintaining water-tightness, and other matters concerning the safety of a voyage are prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism Order.

(Water Burial)

Article 15 When a person on board a ship dies while the ship is underway, the master may arrange water burial for that person, as provided for by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Handling the Personal Effects Left Behind)

Article 16 Except as otherwise provided by laws and regulations, when a person aboard a ship dies or goes missing, the master must store the personal effects left behind on board by that person and take other necessary measures, as specified in the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism,

(Repatriation of Overseas Nationals)

Article 17 When a Japanese consular officer stationed in a foreign country orders the repatriation of a Japanese citizen pursuant to the provisions of laws and regulations, a master may not refuse to follow the order without legitimate grounds.

(Keeping of Documents)

Article 18 (1) A master must keep the following documents on board the ship, except in cases specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism:

(i) a certificate of the ship's nationality or a certificate specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism;

(ii) a ship's articles ;

(iii) logbook;

(iv) documents related to the ship's cargo; and

(v) a certificate prescribed in Article 26, paragraph (3) of the Marine Transportation Act (Act No. 187 of 1949).

(2) Matters necessary for the ship's articles and logbook are prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Reporting on Navigation)

Article 19 (1) In any of the cases in the following items, a master must report the fact to the Minister of Land, Infrastructure, Transport and Tourism as provided for by Order of the Ministry of Land, Infrastructure, Transport and Tourism:

(i) when a marine accident, such as collision, grounding, sinking, loss, fire, or damage to the engine of a ship, has occurred;

(ii) when the master has engaged in saving a person's life or the ship;

(iii) when, while the ship is underway, the master has become aware of another ship in distress, except if the master has become aware of the ship in distress by radiotelegraphy;

(iv) when a person on board the ship has died or gone missing;

(v) when the scheduled route has been changed; or

(vi) when the ship has been detained or captured, or when there has been any other serious accident involving the ship.

(Acting on Behalf of Masters)

Article 20 A seaman engaged in the operation of the ship performs the duties of the master in the order of the position, when the master dies, leaves the ship, or if no other person is appointed when the master is unable to command the ship.

Chapter III Discipline

(Order on Board)

Article 21 (1) A seaman must observe the following rules:

(i) to obey the orders of their superiors in the course of their duties;

(ii) not to neglect their duties or interfere with the duties of other members of the crew;

(iii) to board the ship by the time designated by the master;

(iv) not to leave the ship without the master's permission;

(v) not to use lifeboats or other important equipment without the master's permission;

(vi) not to waste food or fresh water on board;

(vii) not to use electricity or fire without the master's permission, or smoke in prohibited areas;

(viii) not to bring items other than daily necessities on board or remove those items from the ship without the master's permission;

(ix) not to engage in fights, drunken behavior, or other rude acts on board; and

(x) not to do anything that disturbs the order on the ship.

(Disciplinary Action)

Article 22 A master may take disciplinary action against a seaman who does not observe the matters stated in the preceding Article.

Article 23 Disciplinary action is to consist of two types, prohibition of landing or admonition, and the period of prohibition of landing is to be within 10 days including the first day, with only the number of days of anchoring included in that period.

Article 24 When a master intends to take disciplinary action against a seaman, the master must have at least three other seamen present, examine the seaman to be disciplined and any persons concerned, and hear the opinions of the persons present.

(Measures to Prevent Dangerous Actions)

Article 25 When a seaman possesses any dangerous items such as weapons, explosive or combustible substances, deleterious drugs, or other dangerous items, the master may store, discard, or take other measures about those items.

Article 26 A master may take necessary measures to prevent the harm against any seaman who attempts to commit any act that may harm the life of any person on board, or physical well-being or the ship.

Article 27 When a master finds it necessary, they may also take the measures prescribed in the preceding two Articles for a passenger or any other person on board.

(Forced Disembarkation)

Article 28 When, after giving notification of termination of an employment agreement, the seaman to whom the notification is related does not leave the ship, the master may force the seaman to leave the ship.

(Request for Assistance from an Administrative Authority)

Article 29 If an act of a seaman or any other person on board the ship causes harm to human life or the ship, or otherwise significantly disrupts order on board the ship, and when the master finds it necessary to do so, the master may request an administrative authority for assistance.

(Restrictions on Acts of Dispute)

Article 30 Acts of dispute concerning labor relations must not be conducted when a ship is in a port of a foreign country or when such acts of dispute are likely to endanger human life or the ship.

Chapter IV Employment Agreements

(Agreements in Violation of This Act)

Article 31 An employment agreement (for a reserved mariner, an employment contract that does not specify a ship for that mariner; the same applies below in this Article, the following Article, and Article 33, Article 34, Article 58, Articles 84 and 100) which specifies working conditions that do not meet the standards provided for in this Act is void with respect to the part of the agreement that specifies such conditions. In this case, the part of the agreement that is void is deemed to specify working conditions that meet the standards provided for in this Act.

(Issuance of Documents Before the Conclusion of an Employment Agreement)

Article 32 (1) Before entering into an employment agreement, a shipowner must first issue the following matters in a document and explain it to the person that will

become the other party to the employment agreement (referred to as the "other party" in the following paragraph):

(i) the name and address of the shipowner; and

(ii) details on the salary, working hours, and other working conditions specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as matters that need to be included in an employment agreement;

(2) In the case referred to in the preceding paragraph, when the voyage under the employment agreement is based on an order under the provisions of Article 26, paragraph (1) of the Marine Transportation Act, the shipowner must issue a document to the other party, explaining that fact.

(3) When a shipowner seeks to change the contents of an employment agreement (limited to the matters stated in paragraph (1), item (ii)), the shipowner must issue a document to the mariner, explaining the details of the change, in advance.

(4) The provisions of paragraph (2) apply mutatis mutandis to the case referred to in the preceding paragraph.

(Restrictions on Employing Mariners by Using Commissioned Recruiters or Providers of Employment Placement Services for Mariners)

Article 32-2 (1) A shipowner must not employ any of the following persons as a mariner:

(i) a person who has responded to the recruitment of mariners (meaning recruitment of mariners as prescribed in Article 6, paragraph (8) of the Mariners' Employment Security Act (Act No. 130 of 1948); the same applies in item (iii)) that the shipowner has had a commissioned recruiter (meaning a commissioned recruiter prescribed in Article 44, paragraph (2) of that Act; the same applies in item (iii)) carry out in Japan without obtaining the permission referred to in Article 44, paragraph (1) of that Act;

(ii) a job seeker who was introduced to the shipowner in Japan by a person other than a provider of employment placement services for mariners (meaning the employment placement services for mariners provided for in Article 6, paragraph (3) of the Mariners' Employment Security Act; the same applies in item (iv)) that has obtained the license provided for in Article 34, paragraph (1) of that Act or by filing a notification under the provisions of Article 40, paragraph (1) of that Act (excluding the Japanese Government, a specified local government provided for in Article 6, paragraph (4) of that Act, and the center for promoting employment of mariners provided for in Article 7, paragraph (2) of the Act on Special Measures to Promote Employment of Mariners (Act No. 96 of 1977));

(iii) a person who has responded to the recruitment of mariners that the shipowner had a commissioned recruiter conduct in a foreign country, and that recruiter does not conform to the standards specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as a person capable of properly recruiting mariners in that foreign country; or

(iv) a job seeker who was introduced to the shipowner in a foreign country by a person who does not conform to the standards specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as a person capable of properly providing employment placement services for mariners in that foreign country.

(Prohibition on Establishing Compensation for Loss or Damages in Advance)

Article 33 A shipowner must not enter into an agreement that prescribes a penalty for non-performance of an employment agreement or establishes the amount of compensation for a loss or damages in advance.

(Management of Savings)

Article 34 (1) A shipowner must not cause a mariner to enter into a savings contract and must not enter into a contract to manage a mariner's savings incidental to an employment agreement.

(2) If a shipowner seeks to be entrusted by a mariner with managing their savings, the shipowner, pursuant to the provisions of the Order of the Ministry of Land, Infrastructure, Transport and Tourism, must conclude a written agreement with the labor union that has been organized by a majority of the mariners that the shipowner employs, when there is such a labor union, or with a person representing a majority of the mariners, when there is no such labor union, and must file an agreement of this with the Minister of Land, Infrastructure, Transport and Tourism.

(3) If a shipowner is entrusted by a mariner with managing their savings, the shipowner must set an interest rate when the management of those savings constitutes the acceptance of deposits. In this case, when the interest rate is below the rate of interest prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism, by taking into consideration the rate of interest for deposits accepted by financial institutions, the shipowner is deemed to have set an interest rate that is based on the rate of interest prescribed by that Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(4) At any time, a mariner may request to have any savings entrusted to the shipowner for management returned.

(Restrictions on Offsetting Claims)

Article 35 A shipowner must not offset a claim against a mariner against the liability to pay the mariner's salary; provided, however, that this does not apply when the amount to be offset does not exceed one third of the amount of the mariner's salary, or when the shipowner has the right to claim compensation for loss or damage arising from a criminal act committed by the mariner.

(Issuance of Documents upon the Formation of an Employment Agreement)

Article 36 (1) When an employment agreement is formed, the shipowner must issue a document stating the following matters to the mariner without delay, as provided by Order of the Ministry of Land, Infrastructure, Transport and Tourism:

(i) the matters stated in the items of Article 32, paragraph (1);

(ii) the name, address, and date of birth of the mariner who entered into the employment agreement; and

(iii) the place and date of conclusion of the employment agreement.

(2) When a shipowner changes the contents of an employment agreement (limited to the matters stated in Article 32, paragraph (1), item (ii)), the shipowner must issue to the mariner a document stating the contents of the change and the place and date agreed upon with the mariners with regard to the change, without delay, as provided by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(3) A shipowner must keep a copy of the documents referred to in the preceding two paragraphs on board.

(Notification of the Formation of an Employment Agreement)

Article 37 Pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, a shipowner must notify the Minister of Land, Infrastructure, Transport and Tourism without delay, when an employment agreement has been formed, terminated, renewed, or changed (referred to below as the "formation, etc. of an employment agreement").

Article 38 When a notification of the formation, etc. of an employment agreement has been submitted, the Minister of Land, Infrastructure, Transport and Tourism is to confirm whether the employment contract is in violation of the provisions of laws or regulations relating to the safety of navigation or the labor relations of a mariner, and whether the agreement between the parties was sufficient. In this case, when the Minister of Land, Infrastructure, Transport and Tourism finds it necessary, the Minister is to issue an order under the provisions of Article 101, paragraph (1) and take other necessary measures.

(Termination of Employment Agreement Due to Sinking)

Article 39 (1) An employment agreement is terminated if a ship falls under any of the following items:

(i) when the ship is sunk or lost; or

(ii) when the ship is no longer seaworthy.

(2) When the presence or non-presence of a ship is unknown for one month, the ship is presumed to have been lost.

(3) Even when an employment agreement has been terminated pursuant to the provisions of paragraph (1), a mariner must engage in work necessary for the emergency rescue of human life, the ship, or its cargo.

(4) If a mariner is engaged in work for emergency rescue pursuant to the provisions of the preceding paragraph, notwithstanding the provisions of paragraph (1), the term of their employment agreement continues until the work is completed. If, after the work is completed, the mariner continues to be engaged in preserving personal effects left behind, repatriating a mariner, or handling other necessary remaining affairs, the same applies until the handling of those affairs is completed.

(5) At any time during the term of an employment agreement pursuant to the provisions of the second sentence of the preceding paragraph, the shipowner or the mariner may cancel the employment agreement.

(Cancellation of Employment Agreement)

Article 40 (1) A shipowner may cancel an employment agreement in any of the following items:

- (i) when a mariner is extremely unsuitable for the duties;
- (ii) when a mariner has seriously failed to perform their duties or has been grossly negligent in relation to their duties;
- (iii) when a seaman does not board the ship by the time designated by the master;
- (iv) when a seaman has seriously disturbed the order on the ship;
- (v) when a mariner is unable to perform their duties due to injury or illness; or
- (vi) when there is a compelling reason excluding the cases referred to in the preceding items.

Article 41 (1) A mariner may cancel an employment agreement in any of the following items:

- (i) when the ship has lost its nationality at the time of the formation of the employment agreement;
- (ii) when there is a significant discrepancy between the working conditions specified in the employment agreement and the facts;
- (iii) when a mariner is unable to perform their duties due to injury or illness; or
- (iv) when a mariner intends to receive education pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) If a ship has completed its voyage from a port in a foreign country, and when a mariner on board the ship has notified in writing the cancellation of their employment agreement, specifying a period of not less than 24 hours, their agreement is terminated upon the expiration of that period.

(3) A seaman may cancel their employment agreement when the seaman introduces a successor whom the master considers appropriate.

Article 42 When a shipowner or a mariner specifies a period of not less than 24 hours and notifies in writing the cancellation of an employment agreement that does not specify a period, the agreement is terminated upon the expiration of that period.

(Termination of an Employment Agreement Due to a Change of Shipowner)

Article 43 (1) When there is a change of shipowner, the employment agreement is terminated, except in the case of inheritance or any other universal succession.

(2) In the case referred to in the preceding paragraph, an employment agreement with the same conditions as before is deemed to exist between the mariner and the new owner from the time of the termination of the employment agreement. In this case, the mariner may cancel the agreement in accordance with the provisions of the preceding Article.

(Extension of Employment Agreement)

Article 44 (1) If a ship is at sea at the time of termination of an employment agreement, the agreement is deemed to remain in force until the ship enters the next port, and the discharge of cargo and the landing of a passenger at that port are completed, and if the ship is at anchor at the time of termination of an employment agreement, the agreement is deemed to remain in force until the discharge of cargo and the landing of a passenger at that port are completed.

(2) If an employment agreement is terminated at a port where an eligible additional mariner cannot be recruited, the shipowner may continue the employment agreement until the time when the ship arrives at a port where an eligible additional mariner can be recruited and when the discharge of cargo and the landing of a passenger are completed; provided, however, that this does not apply in the case referred to in Article 41, paragraph (1), items (i) through (iii).

(Restrictions on Dismissal of Mariners)

Article 44-2 A shipowner must not dismiss a mariner in a period during which the mariner does not engage in work for medical treatment due to an injury or illness suffered in the course of duties, and for 30 days after that period; and must not dismiss a female mariner in a period during which the female mariner does not engage in work pursuant to the provisions of Article 87, paragraph (1) or (2), and for 30 days after that period; provided, however, that this does not apply if the period during which the mariner does not engage in work due to medical treatment has exceeded three years, or if continuation of business has become impossible due to a natural disaster or any other unavoidable reason.

(2) If continuation of business has become impossible due to a natural disaster or any other unavoidable reason as referred to in the proviso to the preceding paragraph, the shipowner must obtain the approval of the Minister of Land, Infrastructure, Transport and Tourism regarding the relevant reason.

(Advance Notice of Dismissal)

Article 44-3 (1) If a shipowner seeks to dismiss a reserved mariner, the shipowner must provide at least 30 days' advance notice. A shipowner not giving 30 days' advance notice must pay the reserved mariner an advance payment equal to the amount of the shipowner's salary for one month; provided, however, that this does not apply if continuation of business has become impossible due to a natural disaster or any other unavoidable reason, or if the reserved mariner is dismissed for reasons attributable to that reserved mariner.

(2) The number of days of advance notice referred to in the preceding paragraph may be shortened if the shipowner pays the reserved mariner advance notice allowance equivalent to the amount of salary calculated pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism for each day by which the allowance notice is shortened.

(3) In the case referred to in the proviso to paragraph (1), the shipowner must obtain the approval of the Minister of Land, Infrastructure, Transport and Tourism regarding the relevant reason.

(Unemployment Benefits)

Article 45 When an employment agreement is terminated pursuant to the provisions of Article 39, the shipowner must pay an unemployment allowance in the same amount as the amount of salary for the number of days of unemployment to a mariner once a month during the period of unemployment of the mariner, for a period of two months (for a mariner who is to receive missing person allowance for going missing, the unemployment allowance is to be paid for a period obtained by deducting the period during which the mariner was missing from those two months) from the day following the termination of the agreement (for a mariner that has gone missing, from the day on which it was confirmed that the mariner is alive).

(Discharge Allowance)

Article 46 (1) A shipowner (or a former owner in the case of item (iv)) must pay a mariner a discharge allowance in the same amount as one month's salary, without delay, if any of the following items applies:

(i) when the shipowner cancels the employment agreement pursuant to the provisions of Article 40, item (vi);

(ii) when the mariner has canceled the employment agreement pursuant to the provisions of Article 41, paragraph (1), item (i) or (ii);

(iii) when the shipowner has canceled the employment agreement pursuant to the provisions of Article 42;

(iv) when the employment agreement has been terminated pursuant to the provisions of Article 43, paragraph (1); or

(v) when the employment agreement has been cancelled because the mariner is not able to obtain a medical certificate as referred to in Article 83.

(Repatriation of Mariners)

Article 47 (1) If a shipowner falls under any of the following items, the shipowner must repatriate the mariner to the port of employment or any other place to which they can be repatriated within the scope of the costs required to repatriate them to the port of employment, upon the request of the mariner, without delay and at the shipowner's own cost (for a mariner who was summoned to the port of employment for employment or a mariner who is a minor, to the port of employment, the place of residence of the mariner at the time of the formation of the employment agreement, or any other place to which they can be repatriated within the scope of the costs required to repatriate them to either of these places; referred to as the "port of employment, etc." in the following paragraph); provided, however, that the shipowner may pay the related costs in lieu of repatriating the mariner:

(i) when the employment agreement has been terminated pursuant to the provisions of Article 39;

(ii) when the shipowner has cancelled the employment agreement pursuant to the provisions of Article 40, item (i) or (vi);

(iii) when the shipowner or the mariner has cancelled the employment agreement pursuant to the provisions of Article 40, item (v) or Article 41, paragraph (1), item (iii); provided, however, that this does not apply when the mariner is intentionally or grossly negligent in connection with an injury or illness that occurred outside the scope of the duties of the mariner;

(iv) when the mariner has cancelled the employment agreement pursuant to the provisions of Article 41, paragraph (1), item (i) or (ii);

(v) when the shipowner has cancelled the employment agreement pursuant to the provisions of Article 42;

(vi) when the mariner has cancelled the employment agreement pursuant to the provisions of Article 43, paragraph (2);

(vii) when the employment agreement has been terminated in a place other than the mariner's home country due to the expiration of the agreement term; or

(viii) when the employment agreement has been cancelled because the mariner is not able to obtain a medical certificate as referred to in Article 83.

(2) If a shipowner cancels an employment agreement pursuant to the provisions of Article 40, items (ii) through (iv) or pursuant to the provisions of item (v) of that Article (limited to cases in which there was intentional or gross negligence on the part of the mariner in connection with an injury or illness that occurred outside the scope of the duties of the mariner), and when the mariner is unable to travel at their own cost to the desired port of employment, etc., the shipowner must repatriate the mariner to the port of employment, etc. without delay at the shipowner's own cost upon the mariner's request; provided, however, that the shipowner may pay the related expenses in lieu of repatriating the mariner.

(3) If a mariner is repatriated pursuant to the provisions of the preceding two paragraphs, the means of transportation must meet the wishes of the mariner, unless there are legitimate grounds not to do so.

(4) When, pursuant to the provisions of paragraph (2), a shipowner has repatriated a mariner at the shipowner's cost or has paid the related costs in lieu of repatriating the mariner, the shipowner may claim reimbursement of the costs from the mariner.

(Costs of Repatriation)

Article 48 The costs of repatriating a mariner to be borne by the shipowner are to consist of transportation expenses, lodging expenses, and meal expenses during the mariner's journey back, and lodging expenses and meal expenses from the time the employment agreement is terminated until the time the mariner departs without delay.

(Repatriation Allowance)

Article 49 (1) If a shipowner repatriates a mariner pursuant to the provisions of Article 47, paragraph (1), the shipowner must pay a repatriation allowance in the same amount as the salary based on the number of days required for repatriating the mariner. The same applies when the shipowner pays the relevant costs in lieu of repatriating the mariner pursuant to the provisions of the proviso to that paragraph.

(2) The repatriation allowance stated in the preceding paragraph must be paid once a month when the shipowner repatriates the mariner, and when the shipowner pays the relevant costs in lieu of repatriating the mariner, the allowance must be paid when the shipowner pays costs of repatriation.

(Mariner's Pocket Ledger)

Article 50 (1) A mariner must hold a Mariner's Pocket Ledger issued by the Minister of Land, Infrastructure, Transport and Tourism.

(2) A master must keep the Mariner's Pocket Ledger of a seaman while they are on board.

(3) In a Mariner's Pocket Ledger, the Minister of Land, Infrastructure, Transport and Tourism, a shipowner, or any other person is to enter matters related to the status of the mariner who holds the Mariner's Pocket Ledger and other facts.

(4) In addition to what is specified in the preceding paragraph, when a master learns that an employment agreement has been concluded, etc. with regard to a mariner who seeks to board or is to board the ship under the master's command, the master must enter, without delay, the details of the mariner's duties on board, the period of employment, and other matters concerning their work in the Mariner's Pocket Ledger held by that mariner; provided, however, that this does not apply if the shipowner has issued a document stating the matters concerning the work to the mariner pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(5) In addition to what is specified in the preceding paragraphs, the prohibition of double ownership of a Mariner's Pocket Ledger, the duty to apply for the correction of an entry, and the rules to be observed by a mariner, a master, or any other person keeping another person's Mariner's Pocket Ledger, in connection with the procedures for returning a Mariner's Pocket Ledger, are provided for by Cabinet Order.

(6) In addition to what is specified in the preceding paragraphs, the format of a Mariner's Pocket Ledger and necessary matters related to its issuance, reissuance, corrections, renewal, and return are specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism

(Certificate of Work Performance)

Article 51 A seaman may request the shipowner or the master to issue a certificate of the seaman's work performance.

Chapter V Salaries and Other Remuneration

(Method to Be Used for Determining Salaries and Other Remuneration)

Article 52 The salary and other remuneration of a mariner must be determined based on the characteristics of the mariner's work and based on the mariner's experience, abilities, and the specifics of their duties.

(Method of Payment of Salaries and Other Remuneration)

Article 53 (1) The full amount of a salary and other remuneration must be paid in currency directly to a mariner, except in cases provided for in Article 56; provided, however, that if otherwise provided for by laws or regulations or in a collective agreement, payment may be made after deducting a part of the salary and other remuneration, and if otherwise provided for by laws or regulations or in a collective agreement or if the salary and other remuneration specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism is paid by a reliable method specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, payment may be made by a means other than currency.

(2) A salary and other remuneration must be paid at least once a month on a fixed date, except for remuneration specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(3) If a shipowner pays a mariner a salary or other remuneration, the shipowner must issue a document to the mariner stating the details of the payment of the salary or other remuneration, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 54 (1) A shipowner must pay a mariner the salary or other remuneration prescribed in paragraph (2) of the preceding Article without delay even before the payment date, based on the number of days on which the mariner has performed their duties in the following cases:

(i) when the mariner has been dismissed or has resigned;

(ii) if the money is to be allocated for marriage, funeral, childbirth, medical treatment, or expenses required for recovery from an unexpected disaster by the mariner, a relative living together with the mariner, or a person who makes a living from the mariner's income, and when a request has been made by the mariner.

Article 55 when the salary or other remuneration of a seaman is paid on board, the master must hand it over directly to the seaman; provided, however, that the master may have another officer hand it over when there are unavoidable reasons.

Article 56 At the request of a mariner, a shipowner must hand over the salary or other remuneration to be paid to the mariner to a relative who lives with the mariner or to a person who makes a living from the mariner's income.

(Right to Claim Salary During Illness or Injury)

Article 57 During the term of an employment agreement, a mariner may claim their salary or any allowances prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism for any period during which the mariner is

not employed due to injury or illness; provided, however, that this does not apply when the mariner is intentionally or grossly negligent in connection with the injury or illness.

(Percentage Remuneration)

Article 58 (1) If the remuneration of a mariner is paid on a percentage basis, the amount of that remuneration must not be less than the fixed amount specified in the employment agreement, even when the monthly amount of that percentage does not reach that fixed amount.

(2) With regard to the application of the provisions of Article 35 and the preceding Article, the fixed amount of remuneration prescribed in the preceding paragraph is deemed to be a salary.

(3) When the remuneration of a mariner is paid on a percentage basis, the amount specified in the employment agreement is deemed to be the amount of salary for one month, with regard to the application of the provisions of Article 44-3, Article 45, Article 46, Article 49, and Article 78.

(4) The amount referred to in the preceding paragraph must not be less than the fixed amount referred to in paragraph (1).

(Remuneration Payment Ledger)

Article 58-2 A shipowner must keep a remuneration payment ledger and enter in it the matters of the payment of salary and other remuneration to a mariner, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Minimum Remuneration)

Article 59 The minimum standards for salary and other remuneration are prescribed by the Minimum Wage Act (Act No. 137 of 1959).

Chapter VI Working Hours, Holidays, and Manning

(Working Hours)

Article 60 (1) A mariner's daily working hours are not to exceed eight hours.

(2) The weekly working hours of a mariner are to be within an average of 40 hours for the standard working period.

(3) The standard working period referred to in the preceding paragraph means the period specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism within a period not exceeding one year, in accordance with the classification of ships specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism in consideration of the details of the navigation area, route, and other periods and modes of navigation (if the shipowner specifies a period different from that period within the period by rules of employment or other equivalent rules, or if a period different from that period within a period not exceeding one year is specified by a collective agreement, the specified period).

(4) When the Minister of Land, Infrastructure, Transport and Tourism intends to plan the enactment or amendment of Order of the Ministry of Land, Infrastructure,

Transport and Tourism referred to in the preceding paragraph, the Minister's plan must undergo deliberations at the Transportation Policy Council in advance.

(Holidays)

Article 61 The number of holidays to be granted to a mariner by a shipowner is not to be less than one day per week on average for the standard working period referred to in paragraph (2) of the preceding Article.

(Compensatory Holidays)

Article 62 (1) If a mariner's working hours (excluding the hours subject to the provisions of Article 66 (including as applied mutatis mutandis pursuant to Article 88-2-2, paragraphs (4) and (5) and Article 88-3, paragraph (4))) exceed 40 hours in a week, or if it is not possible to grant a mariner at least one holiday in a week, the shipowner must grant the mariner a holiday as compensation for engaging in work during the excess hours (if at least one holiday is not granted in that week, the time when the excess hours exceed 8 hours; referred to as "overtime" in the following paragraph) or for not being able to grant the mariner a holiday (referred to below as a "compensatory holiday") within the standard working period referred to in Article 60, paragraph (2) for that week; provided, however, that when the ship is in the middle of a voyage or when there are any other unavoidable circumstances specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, the granting of compensatory holidays may be postponed for the period during which the circumstances exist.

(2) The number of compensatory holidays to be granted pursuant to the provisions of the preceding paragraph is to be the number of days calculated pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism as the number of days necessary to comply with the provisions of Article 60, paragraph (2) and the preceding Article, granting one day for every eight hours of total overtime or every week in which at least one holiday is not granted, and using one day as the unit for each time a compensatory holiday is granted (if specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, a unit of less than one day as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism).

(3) To apply the provisions of paragraph (1) to a week that includes a compensatory holiday granted pursuant to the provisions of that paragraph, the compensatory holiday is deemed to be a day on which the mariner who has been granted the compensatory holiday engaged in work and which is not a holiday, and the working hours for that compensatory holiday are deemed to be eight hours (or if the compensatory holiday was granted in a unit of less than one day pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in the preceding paragraph, the time specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism).

(4) In addition to what is provided for in the preceding three paragraphs, necessary matters related to granting compensatory holidays are specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 63 When a mariner to whom compensatory holidays are to be granted pursuant to the provisions of paragraph (1) of the preceding Article is dismissed or resigns before the relevant compensatory holidays are granted, the shipowner must pay the compensatory holiday allowance specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism based on the number of days of the compensatory holidays to be granted to the mariner.

(Work During Off-Hours, Compensatory Holidays, and Rest Periods)

Article 64 (1) When it is temporarily necessary for ensuring that a ship is navigated safely, the master may personally engage in work or have a seaman engage in work beyond the working hour restrictions under the provisions of Article 60, paragraph (1) or the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 72, or, notwithstanding the provisions of Article 62, paragraph (1) or Article 65-3, may personally engage in work or have a seaman engage in work during compensatory holidays or rest periods.

(2) In addition to what is provided for in the preceding paragraph, if it is necessary to increase the number of navigational watchkeeping personnel because the ship is to pass through a narrow waterway, or if there are other special requirements specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, the master may personally engage in work or have a seaman engage in work, within the time limit specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism and beyond the working hour restrictions under the provisions of Article 60, paragraph (1) or the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 72.

(3) When a master personally engages in work or has a seaman engage in work during a compensatory holiday or a rest period pursuant to the provisions of paragraph (1), the master must endeavor to take a rest or have the seaman take a rest as soon as possible after the work is completed, to the extent that this does not interfere with ensuring the safety of the navigation of the ship.

Article 64-2 (1) If a shipowner, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, has entered into a written agreement with a labor union organized by a majority of the mariners employed by the shipowner, when there is such a labor union, or with a person representing a majority of the mariners, when there is no such labor union, and has notified the Minister of Land, Infrastructure, Transport and Tourism of that agreement, the shipowner, pursuant to the provisions of that agreement, may have a mariner engage in work beyond the working hour restrictions under the provisions of Article 60, paragraph (1) or the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 72.

(2) In order to ensure that the extension of working hours is appropriate, the Minister of Land, Infrastructure, Transport and Tourism may establish standards for the limits on the extension of working hours and other necessary matters provided for in the agreement referred to in the preceding paragraph, in consideration of a mariner's welfare, trends in off-hours work, and other circumstances.

(3) When establishing an extension of the working hours in the agreement referred to in paragraph (1), the shipowner and the labor union or the person representing a majority of the mariners entering into that agreement must ensure that the content of the agreement conforms to the standards referred to in the preceding paragraph.

(4) The Minister of Land, Infrastructure, Transport and Tourism may give the necessary advice and guidance concerning the standards referred to in paragraph (2) to the shipowner and the labor union or the person representing a majority of the mariners that entered into the agreement referred to in paragraph (1).

Article 65 Notwithstanding the provisions of Article 62, paragraph (1), if, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, a shipowner has entered into a written agreement with a labor union organized by a majority of the mariners employed by the shipowner, when there is such a labor union, or with a person representing a majority of the mariners, when there is no such labor union, and has notified the Minister of Land, Infrastructure, Transport and Tourism of that agreement, the shipowner may have a mariner engage in work on compensatory holidays pursuant to the provisions of the agreement, up to the number of compensatory holidays specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Working Hour Limit)

Article 65-2 (1) Even if a shipowner, pursuant to the provisions of Article 64, paragraph (2), has a mariner engage in work beyond the working time restrictions under the provisions of Article 60, paragraph (1) or the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 72, the daily working hours and weekly working hours of a mariner are limited to 14 hours and 72 hours respectively, including the working hours under the provisions of Article 60, paragraph (1) and the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 72, and the working hours of a seaman under the provisions of the following paragraph.

(2) Even if a shipowner, pursuant to the provisions of Article 64-2, paragraph (1), has a seaman engage in work beyond the working hour restrictions under the provisions of Article 60, paragraph (1) or the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 72, the daily working hours and weekly working hours of a seaman, including the working hours under the provisions of Article 60, paragraph (1) and the provisions of Order of the

Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 72, and the working hours engaged in work under the provisions of the preceding paragraph are limited to 14 hours and 72 hours respectively.

(3) A shipowner must not have a mariner engage in work beyond the working hour restrictions provided for in the preceding two paragraphs.

(4) Working hours during which a mariner has engaged in work pursuant to the provisions of Article 64, paragraph (1) are not to be included in the working hours prescribed in paragraphs (1) and (2).

(5) The provisions of paragraphs (1) through (3) do not apply to a ship utilized in seabed drilling or any other ship specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as a ship for which it is found that its mariner will be engaged in duties during which it would be extremely inappropriate to comply with those provisions due to the ship's special mode of navigation.

(Rest Periods)

Article 65-3 (1) A shipowner must not give a mariner rest periods that are divided into three or more periods per day.

(2) If the rest period for a mariner prescribed in the preceding paragraph is divided into two periods per day, the shipowner must make the longer of the rest periods six hours or more.

(3) Notwithstanding the provisions of the preceding two paragraphs, if a shipowner, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, has entered into a written agreement with a labor union organized by a majority of the mariners employed by the shipowner, when there is such a labor union, or with a person representing a majority of the mariners, when there is no such labor union, and has notified the Minister of Land, Infrastructure, Transport and Tourism of that agreement, the shipowner, pursuant to the provisions of the agreement, may give a mariner (if the person is a seaman, limited to the seamen listed in the following items) a rest period divided into three or more periods per day, or in the case prescribed in the preceding paragraph, make the longer of the rest periods for a mariner shorter than six hours:

(i) a seaman who is engaged in work if it is necessary to increase the number of navigational watchkeeping because the ship is to pass through a narrow waterway, or if there are other special safety requirements specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism; and

(ii) a seaman who boards a ship that enters and leaves ports frequently to regularly operate on short-distance waterways, or any other ship designated by the Minister of Land, Infrastructure, Transport and Tourism for which it is found that its mariner will be engaged in duties during which it would be extremely inappropriate to comply with the provisions of the preceding two paragraphs due to the ship's special mode of navigation.

(Premium Allowance)

Article 66 A shipowner, pursuant to the provisions of Articles 64 through 65, must pay a premium allowance specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism when a mariner is engaged in work beyond the working hour restrictions under the provisions of Article 60, paragraph (1) or the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 72, or if a mariner is engaged in work on a compensatory holiday.

(table with shipboard working arrangement)

Article 66-2 Pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, a master must provide a table with shipboard working arrangement for a mariner and display it in the mariners' rooms or in any other suitable place, specifying the time and details of work on board for the cases prescribed in Articles 12 through 14 and for other regular cases that are not emergencies.

(Keeping Record Books)

Article 67 (1) Pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, a shipowner must keep a record book at the main office where labor management for the mariner is performed, and enter the matters concerning the mariner's working hours and rest periods, and matters concerning granting holidays and paid leave to the mariner.

(2) Pursuant to Order of the Ministry of Land, Infrastructure, Transport and Tourism, a shipowner must issue a copy of the record book referred to in the preceding paragraph to the mariner.

(3) When preparing the record book referred to in paragraph (1), a shipowner must ascertain the status of the mariner's working hours by using the methods specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Labor Management Officers)

Article 67-2 (1) A shipowner must appoint a labor management officer to have that person manage the preparation and keeping of the record book referred to in paragraph (1) of the preceding Article and other matters concerning the labor management for a mariner which are specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) When it is necessary to shorten the working hours, grant holidays or paid leave, change the ship which a mariner is to board, or take any other measures specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, in consideration of the mariner's working hours, the mental and physical load of their work, and other matters related to the mariner, the labor management officer is to state that opinion to the shipowner.

(3) When a shipowner finds it to be necessary to do so in consideration of the opinion of the labor management officer under the provisions of the preceding paragraph, the shipowner must take the appropriate measures referred to in that

paragraph in consideration of the mariner's health and other circumstances, as provided by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(4) When a shipowner finds it necessary to make any changes with regard to the preparation and implementation of a navigation plan (meaning a navigation plan provided for in Article 12, paragraph (1) of the Coastal Shipping Business Act (Act No. 151 of 1952)) in order to take the measures stated in the preceding paragraph, the shipowner must state their opinion to the coastal shipping business operator that engages in coastal transportation as prescribed in Article 8, paragraph (1) of that Act, and that manages the navigation of the ship boarded by the mariner.

(5) A shipowner must endeavor to have the labor management officer undergo the necessary training, and take other measures to help the labor management officer acquire and improve the knowledge required for managing the matters prescribed in paragraph (1).

(Exceptional Provisions)

Article 68 (1) The provisions of Articles 60 through 67-2 and the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 72 do not apply if a mariner is engaged in work that requires urgency in order to ensure the safety of human life, a ship, or cargo, or to save human life or another ship (for a seaman, limited to cases where they are engaged in that work based on an order from the master).

(2) When a master personally engages in work or has a seaman engage in work stated in the preceding paragraph during a compensatory holiday or a rest period, the master must endeavor to take a rest or have the seaman take a rest as soon as possible after the work is completed, to the extent that this does not interfere with ensuring the safety of the navigation of the ship.

(Manning)

Article 69 (1) A shipowner must set a fixed number of seamen necessary for complying with the provisions of Article 60, paragraph (1) or the provisions of the Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 72, and have the seamen board the ship in that fixed number, except in cases provided for by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) When a position among the seamen at sea becomes vacant, the shipowner must fill that vacancy without delay.

Article 70 In addition to the provisions of the preceding Article, a shipowner must have the necessary number of seamen on board to properly conduct navigational watchkeeping and other work for ensuring that the ship is navigated safely.

(Scope of Application)

Article 71 (1) The provisions of Articles 60 through 69 do not apply to the following ships:

(i) a fishing vessel; and

(ii) a ship for which a mariner is engaged in intermittent work and for which the shipowner has been licensed by the Minister of Land, Infrastructure, Transport and Tourism.

(2) With regard to the application of the provisions of the preceding Article related to the ships stated in the items of the preceding paragraph, the phrase "In addition to the provisions of the preceding Article, a navigational watchkeeping" in that Article is deemed to be replaced with "A navigational watchkeeping".

(Special Provisions)

Article 72 With regard to a ship that enters and leaves ports frequently to regularly operate on short-distance waterways or any other ship designated by the Minister of Land, Infrastructure, Transport and Tourism for which it is found that its mariner will be engaged in duties during which it would be extremely inappropriate to comply with the provisions of Article 16, paragraph (1), the daily working hours of a mariner may be separately prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism, based on the mode of navigation of the ship and the duties of the mariner, within a range where the daily average working hours for a certain period specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism do not exceed eight hours and where the daily working hours of the mariner do not exceed 14 hours.

Article 73 (1) Matters with which a shipowner must comply in connection with the working hours, holidays, and fixed number of mariners to whom the provisions of Articles 60 through 69 do not apply are provided for by Cabinet Order.

(2) When the Minister of Land, Infrastructure, Transport and Tourism intends to plan the enactment, amendment or repeal of Cabinet Order stated in the preceding paragraph, the Minister's plan must undergo deliberations at the Transportation Policy Council.

Chapter VII Paid Leave

(Granting Paid Leave)

Article 74 (1) A shipowner must grant a mariner paid leave for the number of days under the provisions of paragraph (1) or (2) of the following Article within one year after the end of the first six-month period of continuous service (including service while the ship is being fitted or repaired; the same applies below) on a ship used for the same business; provided, however, that granting paid leave may be postponed for the period necessary for the ship's voyage or construction work (limited to within three months for construction work), when the ship is in the middle of a voyage or if it is particularly necessary for the construction work on the ship, and when the Minister of Land, Infrastructure, Transport and Tourism permits the postponement.

(2) A shipowner must grant a mariner paid leave for the number of days under paragraph (3) or (4) of the following Article within one year after the end of a one-year period in which the mariner was employed on a ship used for the same

business for a continuous period of one year after a period of continuous service for which paid leave was granted pursuant to the provisions of the preceding paragraph.

(3) The provisions of the proviso to paragraph (1) apply mutatis mutandis to the case referred to in the preceding paragraph.

(4) A period in which a mariner has engaged in work specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as equivalent to work on a ship used for the same business; a period in which a mariner has not engaged in work due to medical treatment for an injury or illness suffered in the course of duties; a period in which a mariner has taken childcare leave as prescribed in Article 2, item (i) of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members (Act No. 76 of 1991) or caregiver leave as prescribed in item (ii) of that Article (including caregiver leave taken by an agency engaged in administrative enforcement as prescribed in Article 61, paragraph (3) of that Act and leave taken to provide nursing care as prescribed in Article 61-2, paragraph (3) of that Act); or a period in which a female mariner has not engaged in work pursuant to the provisions of Article 87, paragraph (1) or (2) is deemed to be a period in which the mariner has engaged in work on a ship used for the same business, for the purpose of calculating the period of the mariner's continuous service.

(5) If there is an interruption in service aboard a ship, and when the cause of the interruption is neither intentional nor negligent on the part of the mariner, and the total duration of the interruption does not exceed six weeks per year, the period of the interruption is deemed to be included in the period of the mariner's continuous service that the mariner was engaged in before and after that period.

(Number of Days of Paid Leave)

Article 75 (1) The number of days of paid leave that must be granted pursuant to the provisions of paragraph (1) of the preceding Article is fifteen days for every six months of continuous service, with five days added for every additional three months of continuous service; provided, however, that when granting paid leave is postponed pursuant to the provisions of the proviso to that paragraph, two days are added for every additional month of the period of postponement.

(2) Notwithstanding the provisions of the preceding paragraph, the number of days of paid leave that must be granted pursuant to the provisions of paragraph (1) of the preceding Article to a mariner who is on board a ship that has a coastal area or a smooth water area as its navigation area and that makes a voyage only between domestic ports is ten days for every six months of continuous service, with three days added for every additional three months of continuous service (for the period prescribed in the proviso to the preceding paragraph, one day is added for every additional month).

(3) The number of days of paid leave that must be granted pursuant to the provisions of paragraph (2) of the preceding Article is 25 days for each year of continuous service, with five days added for every additional three months of continuous service; provided, however, that when granting paid leave is postponed pursuant to the provisions of the proviso to paragraph (1) of that Article as applied mutatis mutandis pursuant to paragraph (3) of that Article, two days are added for every additional month of the period of postponement.

(4) Notwithstanding the provisions of the preceding paragraph, the number of days of paid leave that must be granted to a mariner under paragraph (2) pursuant to the provisions of paragraph (2) of the preceding Article is 15 days for each year of continuous service, with three days added for every additional three months of continuous service (for the period prescribed in the proviso to the preceding paragraph, one day is added for every additional month).

Article 76 When a shipowner gives a mariner a weekly holiday, a holiday on a public holiday, a customary holiday, or a holiday in lieu of any of these holidays, the number of days of that holiday is not to be included in the number of days of paid leave referred to in the preceding Article. The same applies to the number of days during which a mariner is not employed due to an injury or illness.

(Granting Paid Leave)

Article 77 (1) The time and place at which paid leave is to be granted is determined by agreement between the shipowner and the mariner.

(2) Paid leave may be granted by dividing the period of paid leave pursuant to the provisions of a collective agreement.

(Remuneration During Paid Leave)

Article 78 (1) A shipowner must pay a mariner on paid leave a salary and allowances and meal expenses specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) When a mariner entitled to request paid leave is dismissed or resigns before they are granted that paid leave, the shipowner must pay the salary, allowance, and meal expenses referred to in the preceding paragraph based on the number of days of paid leave to be granted to the mariner.

(Scope of Application)

Article 79 The provisions of this Chapter do not apply to the following ships.

(i) a fishing vessel; and

(ii) a ship that only employs persons who belong to the same household as the shipowner.

Article 79-2 When the Minister of Land, Infrastructure, Transport and Tourism finds it necessary, the Minister may issue an Order of the Ministry of Land, Infrastructure, Transport and Tourism necessary in relation to paid leave for a mariner on board a fishing vessel, by a resolution of the Transportation Policy Council.

Chapter VIII Food, and Safety and Health

(Provision of Food)

Article 80 (1) A shipowner must provide food to a mariner while they are on board.

(2) The provision of food under the provisions of the preceding paragraph must be made at the expense of the shipowner during the period in which the mariner is engaged in their duties or during the period in which the mariner is not engaged in their duties due to injury or illness.

(3) The provision of food under the provisions of paragraph (1) must be carried out based on the food list specified by the Minister of Land, Infrastructure, Transport and Tourism if it is provided to a mariner who is on board a ship operating in Ocean going area or an Greater coastal area with a gross tonnage of 700 tons or more, or a fishing vessel specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(4) A shipowner must have a person who meets the standards specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as a person who is capable of appropriately providing food on board pursuant to the provisions of paragraph (1) board a ship specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism in consideration of its size, navigation area, and mode of navigation.

(Safety and Health)

Article 81 (1) A shipowner must comply with the matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism with regard to adjusting work tools, installing equipment and providing items necessary for maintaining health on board, implementing measures on board to prevent any harm resulting from work on board and maintain health on board, and developing a system for managing those measures and other matters related to preventing any harm resulting from work on board and maintaining health on board.

(2) For dangerous work on board specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, a shipowner must not employ a mariner who does not have the career or skills specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(3) A shipowner must not have the following mariners engage in work:

- (i) a mariner who has contracted an infectious disease;
- (ii) a person specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as a mariner who is unable to properly engage in work due to a mental or physical disability; or
- (iii) in addition to what is stated in the preceding two items, a mariner who has contracted a disease specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as a disease that is likely to worsen as a result of work.

(4) A mariner must observe the matters provided for by Order of the Ministry of Land, Infrastructure, Transport and Tourism with regard to preventing harm resulting from work on board and maintaining health on board.

(Basic Training to Be Provided When an Employment Agreement Other Than a Specified Employment Agreement Is Concluded)

Article 81-2 (1) When a shipowner concludes an employment agreement with a mariner (excluding a specified employment agreement prescribed in paragraph (1) of the following Article; the same applies in Article 81-4), the shipowner must provide the mariner with basic training (meaning educational training covering the matters stated in the following items to ensure safety and health of maritime labor if a ship is in imminent danger or in other emergencies; the same applies below in this Article and in paragraph (1) of the following Article) without delay pursuant to Order of the Ministry of Land, Infrastructure, Transport and Tourism; provided, however, that it is not necessary for the shipowner to provide basic training if the mariner has been issued a certificate prescribed in the following paragraph by the shipowner, and it is not necessary for the shipowner to provide basic training covering the matters stated in items (iii) and (iv) if the mariner has been issued a certificate prescribed in paragraph (2) of the following Article by the shipowner:

(i) matters related to rescue efforts at sea including the method of safely jumping into the water from a side of the ship and method of using life-saving equipment (referred to as "survival techniques" in paragraph (3), item (i) of the following Article);

(ii) matters related to firefighting on board a ship including chemical properties of fires and the method of using firefighting equipment (referred to as "firefighting techniques" in paragraph (3), item (ii) of the following Article);

(iii) matters related to providing first aid to an injured person on board a ship;

(iv) in addition to the matters stated in the preceding three items, other matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism in relation to ensuring safety and health of maritime labor if a ship is in imminent danger or in other emergencies.

(2) When a mariner completes their basic training, the shipowner must issue the mariner a certificate of completion pursuant to Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Basic Training and Practical Courses to Be Provided When a Specified Employment Agreement Is Concluded)

Article 81-3 (1) When a shipowner concludes a specified employment agreement with a mariner (meaning an employment agreement establishing the duties of a master or any other duties specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism on board a ship navigating in an Ocean going area, Greater coastal area, or coastal area, and any other ship specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism; the same

applies below in this Article through Article 81-5), the shipowner must provide the mariner with basic training (limited to training covering the matters stated in items (iii) and (iv) of paragraph (1) of the preceding Article) without delay pursuant to Order of the Ministry of Land, Infrastructure, Transport and Tourism; provided, however, that this does not apply if the mariner has been issued a certificate prescribed in paragraph (2) of the preceding Article or in the following items by the shipowner:

(2) When a mariner completes their basic training prescribed in the preceding paragraph, the shipowner must issue the mariner a certificate of completion pursuant to Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(3) When a shipowner concludes a specified employment agreement with a mariner, the shipowner must, without delay, provide the mariner with a practical course prescribed in the following items pursuant to Order of the Ministry of Land, Infrastructure, Transport and Tourism, based on the categories of educational training as stated in the following items.

(i) educational training in survival techniques: a practical course to provide a mariner with knowledge and skills related to survival techniques (referred to below as a "survival course"), conducted by a person registered by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Article 83-2 (referred to below as a "registered survival training institution") (if the survival course is provided by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Article 83-14, paragraph (1), the course is to be conducted by the Minister);

(ii) educational training in firefighting techniques: a practical course to provide a mariner with knowledge and skills related to firefighting techniques (referred to as a "firefighting course", except in paragraph (5), item (ii)), conducted by a person registered by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Article 83-17 (referred to below as an "registered firefighting training institution") (if the firefighting course is provided by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Article 83-14, paragraph (1) as applied *mutatis mutandis* pursuant to Article 83-19, the course is to be conducted by the Minister);

(4) The provisions of the preceding paragraph (limited to the part related to item (i)) do not apply if a mariner who has concluded a specified employment agreement meets any of the conditions stated in the following items:

(i) the mariner completed a practical course prescribed in item (i) of the preceding paragraph within five years before the day on which the specified employment agreement was concluded;

(ii) the mariner, within five years before the day on which the specified employment contract was concluded, completed a rescue course or an organizational rescue course prescribed in Notes (iii) and (iv) in Appended Table 1 in the Act on

Ships' Officers and Boats' Operators as a registered maritime license course prescribed in Article 4, paragraph (2) of that Act (referred to as a "registered maritime license course" in item (ii) of the following paragraph); or

(iii) based on a document issued by a contracting state of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978 (referred to below as the "Convention on Seafarers") or International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 (referred to below as the "Convention on Fishing Vessel Personnel"), it is possible to confirm that the mariner completed a course equivalent to a practical course prescribed in item (i) of the preceding paragraph within five years before the day on which the specified employment agreement was concluded.

(5) The provisions of the preceding paragraph (limited to the part related to item (ii)) do not apply if a mariner who has concluded a specified employment agreement meets any of the conditions stated in the following items:

(i) the mariner completed a practical course prescribed in paragraph (3), item (ii) within five years before the day on which the specified employment agreement was concluded;

(ii) the mariner, within five years before the day on which the specified employment agreement was concluded, completed a firefighting course prescribed in Note (v) in Appended Table 1 in the Act on Ships' Officers and Boats' Operators as a registered maritime license course; or

(iii) based on a document issued by a contracting state of the Convention on Seafarers or Convention on Fishing Vessel Personnel, it is possible to confirm that the mariner completed a course equivalent to a practical course prescribed in paragraph (3), item (ii) within five years before the day on which the specified employment agreement was concluded

(Practical Courses for Mariners Whose Employment Agreements Other Than Specified Employment Agreements Have Been Changed to Specified Employment Agreements)

Article 81-4 The provisions of paragraphs (3) through (5) of the preceding Article apply mutatis mutandis if an employment agreement concluded between a shipowner and a mariner has been changed to a specified employment agreement.

(Retraining for Mariners with Specified Employment Agreements)

Article 81-5 (1) When five years have passed since the day on which a mariner with a specified employment agreement concluded with a shipowner completed a course prescribed in Article 81-3, paragraph (3), item (i) or paragraph (4), item (ii) or (iii) (if there are multiple such dates, since the most recent date), the shipowner, without delay, must have the mariner take a practical course prescribed in paragraph (3), item (i) of that Article or a course that is equivalent to that practical course and is recognized by a contracting state of the Convention on Seafarers or

Convention on Fishing Vessel Personnel, pursuant to Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) When five years have passed since the day on which a mariner with a specified employment agreement concluded with a shipowner completed a course prescribed in Article 81-3, paragraph (3), item (ii) or paragraph (5), item (ii) or (iii) (if there are multiple such dates, since the most recent date), the shipowner, without delay, must have the mariner take a practical course prescribed in paragraph (3), item (ii) of that Article or a course that is equivalent to that practical course and is recognized by a contracting state of the Convention on Seafarers or Convention on Fishing Vessel Personnel, pursuant to Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Physicians)

Article 82 (1) A shipowner must have a physician on board the following ships; provided, however, that this does not apply when a ship makes a voyage between ports in Japan, when a ship makes a voyage only in an area specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, or if a ship makes a voyage for a short period as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, or if the permission of the Minister of Land, Infrastructure, Transport and Tourism is obtained due to unavoidable circumstances:

(i) a ship with a gross tonnage of 3000 tons or more operating in a Ocean going area or an Greater coastal area, and with a maximum capacity of 100 persons or more;

(ii) a ship, other than a ship stated in the preceding item, that is designated by Order of the Ministry of Land, Infrastructure, Transport and Tourism to operate in an Ocean going area and that is put into service on a route designated by the Minister of Land, Infrastructure, Transport and Tourism; and

(iii) a fishing vessel engaged in mothership fishery specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Health Supervisor)

Article 82-2 (1) A shipowner must appoint a health supervisor from among the members of the crew for the following ships (excluding those stated in the items of the preceding Article); provided, however, that this does not apply if a ship makes a voyage between domestic ports or if a ship makes a voyage only in an area specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism:

(i) a ship with a gross tonnage of 3000 tons or more operating in an Ocean going area or a Greater coastal area; and

(ii) a fishing vessel designated by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) A health supervisor must be a person who holds a Certificate of Proficiency for Health Supervisor ; provided, however, that this does not apply if there are

unavoidable circumstances and the permission of the Minister of Land, Infrastructure, Transport and Tourism has been obtained.

(3) The Minister of Land, Infrastructure, Transport and Tourism issues Certificate of Proficiency for Health Supervisor to the following persons:

(i) a person who has passed an examination conducted by the Minister of Land, Infrastructure, Transport and Tourism as specified in the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism; and

(ii) a person who has been certified by the Minister of Land, Infrastructure, Transport and Tourism, as specified in the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, as having abilities equivalent to or greater than the persons stated in the preceding item.

(3) A health supervisor must engage in work necessary for health management on board, as provided for by Order of the Ministry of Land, Infrastructure, Transport and Tourism. A health supervisor must endeavor to receive guidance from a physician as needed with regard to that work.

(4) In addition to what is specified in the preceding paragraphs, necessary matters concerning a health supervisor and the certificate of proficiency for a health supervisor are specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Medical Certificate)

Article 83 (1) A shipowner must not allow a person to board a ship if that person does not have a medical certificate from a physician designated by the Minister of Land, Infrastructure, Transport and Tourism certifying that the person is fit for work on board.

(2) Necessary matters concerning a medical certificate are specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

Chapter VIII-2 Registered Survival Training Institutions

Section 1 Registered Survival Training Institutions

Articles 83-2 Through 83-16.

Section 2 Registered Firefighting Training Institutions

Article 83-17 Through Article 83-19.

Chapter VIII-3 Measures for Establishing Comfortable Maritime Working Environments

(Measures Taken by Shipowners)

Article 83-20 (1) A shipowner must endeavor to create a comfortable maritime working environment (meaning the working environment on board, the living environment in the mariners' rooms, and the internet usage environment; the same applies below in this Article) by continuously and systematically taking the following measures in order to improve the level of safety and health and the quality of rest on board. In this case, the navigation area, route, and other periods

and modes of navigation of the ship are to be taken into consideration for the measures stated in items (ii) through (iv):

- (i) taking measures to improve the methods of on-board work, such as the automation of mooring;
- (ii) building, enhancing, or expanding mariners' rooms;
- (iii) taking measures to ensure access to the Internet in the mariners' rooms;
- (iv) installing or maintaining bathtubs or other facilities or equipment to help a mariner recover from fatigue due to work on board;
- (v) checking the operating condition of the air conditioning equipment and taking other measures to maintain and manage a comfortable maritime working environment; and
- (vi) in addition to what is stated in the preceding items, taking necessary measures to create a comfortable maritime working environment.

(Publication of Guidelines for Creating a Comfortable Maritime Working Environment)

Article 83-21 (1) The Minister of Land, Infrastructure, Transport and Tourism is to make public the necessary guidelines for an appropriate and effective implementation of the measures prescribed in the preceding Article.

(2) The Minister of Land, Infrastructure, Transport and Tourism may provide the necessary guidance and advice to a shipowner and an association of shipowners in accordance with the guidelines referred to in the preceding paragraph.

Chapter IX Young Mariners

(Capacity of Minors to Act)

Article 84 (1) A minor must obtain the permission of their legal representative to become a mariner.

(2) A person who has been granted the permission referred to in the preceding paragraph has the same capacity to act as an adult with regard to an employment agreement.

(Restrictions on Employment of Young Mariners)

Article 85 (1) A shipowner must not employ a person under 16 years of age as a mariner (for a fishing vessel, excluding a person for whom the first March 31 passed after the day on which the person reached 15 years of age); provided, however, that this does not apply to a ship that only employs persons who belong to the same household as the shipowner.

(2) A shipowner must not allow a mariner who is under 18 years of age to engage in any dangerous work on board as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as referred to in Article 81, paragraph (2) or any work specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as harmful to the safety and health conditions for the relevant mariner.

(3) A shipowner must be certified by the Minister of Land, Infrastructure, Transport and Tourism when the shipowner intends to employ a person under 18 years of age as a mariner.

(4) The necessary matters concerning the certification stated in the preceding paragraph are specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Prohibition of Night Work by Young Mariners)

Article 86 (1) A shipowner must not have a mariner who is under 18 years of age engage in work between 8 p.m. and 5 a.m. of the following day; provided, however, that this does not apply when the mariner is given a continuous nine-hour rest period that includes the period between 0 a.m. and 5 a.m. in a case specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) The provisions of the preceding paragraph do not apply if the shipowner has mariner engage in work stated in Article 68, paragraph (1).

(3) The provisions of paragraph (1) do not apply to a fishing vessel or a ship that only employs persons who belong to the same household as the shipowner.

Chapter IX-2 Female Mariners

(Restrictions on Expectant and Postnatal Mothers)

Article 87 (1) A shipowner must not employ a pregnant woman on board; provided, however, that this does not apply in a case stated in any of the following items:

(i) if a pregnant woman requests to engage in work on board a ship for a voyage within the scope specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, and when a physician finds that engaging in that work would not be detrimental from the viewpoint of ensuring maternal protection for the woman or;

(ii) if it is discovered during a voyage that a female mariner is pregnant, and when the female mariner is engaged in work necessary for ensuring that the ship is navigated safely.

(2) A shipowner must not employ a woman on board who has not yet gone eight weeks after giving birth; provided, however, that this does not apply if a woman who has gone six weeks after giving birth requests to engage in work on board, and when a physician finds that engaging in that work would not be detrimental from the viewpoint of ensuring maternal protection for the woman.

(3) If a shipowner has a pregnant woman engage in work on board a ship under the provisions of the proviso to paragraph (1), the shipowner must have the woman engage in light work when the woman requests to do so.

Article 88 A shipowner, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, must not have a female mariner who is pregnant or within one year after childbirth (referred to below as an "expectant or postnatal mother") engage in work that would be hazardous from the viewpoint

of ensuring maternal protection as specified by the Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Special Provisions Regarding Working Hours and Holidays for Expectant or Postnatal Mothers)

Article 88-2 The provisions of Article 61, Articles 64 through 65-2, Article 65-3, paragraph (3), Article 66, Article 68, paragraph (1), and Articles 71 through 73 do not apply to a mariner who is an expectant or postnatal mother.

Article 88-2-2 (1) A shipowner must not have a mariner who is an expectant or postnatal mother engage in work beyond the restrictions on the working hours under the provisions of Article 60, paragraph (1).

(2) Notwithstanding the provisions of the preceding paragraph, when a mariner who is an expectant or a postnatal mother eight weeks after giving birth makes a request to work beyond the working hour restrictions under the provisions of Article 60, paragraph (1) in the case prescribed in Article 64, paragraph (1) (limited to cases where a physician finds that engaging in that work would not be detrimental from the viewpoint of ensuring maternal protection of the mariner), the shipowner may have the relevant expectant or postnatal mariner work beyond the working hour restrictions under the provisions of Article 60, paragraph (1).

(3) Notwithstanding the provisions of paragraph (1), when a mariner who is an expectant or a postnatal mother eight weeks after giving birth makes a request to work beyond the working hour restrictions under the provisions of Article 60, paragraph (1) in the case provided for in Article 64, paragraph (2) (limited to cases where a physician finds that engaging in that work would not be detrimental from the viewpoint of ensuring maternal protection of the mariner), the shipowner may have the relevant expectant or postnatal mariner work beyond the working hour restrictions under the provisions of Article 60, paragraph (1), within the working hour restrictions specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 64, paragraph (2).

(4) The provisions of Article 64, paragraph (3) and Article 66 apply mutatis mutandis to cases where a mariner who is an expectant or postnatal mother is engaged in work beyond the working hour restrictions pursuant to the provisions of paragraph (2). In this case, the term "the provisions of Article 60, paragraph (1) or the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 72" in Article 66 is deemed to be replaced with "the provisions of Article 60, paragraph (1)".

(5) The provisions of Article 65-2, paragraphs (1), (3), and (4) and Article 66 apply mutatis mutandis to the case where a mariner who is an expectant or nursing mother is engaged in the work exceeding the restrictions of the working hour pursuant to the provisions of paragraph (3). In this case, the term "the provisions of Article 60, paragraph (1) or the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism as referred to in Article 72" in Article 65-2,

paragraph (1) is deemed to be replaced with "the provisions of Article 60, paragraph (1)", the term "working hours under the provisions of Article 60, paragraph (1) and the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism as referred to in Article 72, and the working hours of a seaman under the provisions of the following paragraph" in that paragraph is deemed to be replaced with "working hours under the provisions of that paragraph", the term "the preceding two paragraphs" in paragraph (3) of that Article is deemed to be replaced with "paragraph (1) as applied mutatis mutandis pursuant to Article 88-2-2, paragraph (5)", the term "Article 64, paragraph (1)" in paragraph (4) of that Article is deemed to be replaced with "Article 88-2-2, paragraph (2)", the term "paragraphs (1) and (2)" is deemed to be replaced with "paragraph (1) as applied mutatis mutandis pursuant to paragraph (5) of that Article", and the term "the provisions of Article 60, paragraph (1) or the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism stated in Article 72" in Article 66 is deemed to be replaced with "the provisions of Article 61, paragraph (1)".

(6) The provisions of Article 65-3, paragraph (3) apply mutatis mutandis to cases where a mariner who is an expectant or postnatal mother (for a seaman, limited to a person stated in the items of that paragraph) eight weeks after giving birth has proposed to the shipowner that their rest period is to be based on the provisions of the agreement referred to in that paragraph, and a physician has found that it would not be detrimental from the viewpoint of ensuring maternal protection of the mariner.

Article 88-3 (1) A shipowner must provide a mariner who is an expectant or postnatal mother with at least one holiday per week (excluding compensatory holidays provided pursuant to the provisions of Article 62, paragraph (1)).

(2) With regard to the application of the provisions of Article 62 in relation to a mariner who is an expectant or postnatal mother, the phrase "exceed 40 hours in a week, or if it is not possible to grant a mariner at least one holiday in a week" in paragraph (1) of that Article is deemed to be replaced with "exceed 40 hours in a week", the phrase "if at least one holiday is not granted in that week, the time when the excess hours exceed 8 hours; referred to as "overtime" in the following paragraph" in that paragraph is deemed to be replaced with "referred to as "overtime" in the following paragraph", the phrase "for engaging in work during the excess hours (if at least one holiday in the following paragraph) or for not being able to grant the mariner a holiday" in that paragraph is deemed to be replaced with "for engaging in work during the excess hours (if at least one holiday in the following paragraph)", and the phrase "provisions of Article 60, paragraph (2) and the preceding Article, granting one day for every eight hours of total overtime or every week in which at least one day off is not granted" in paragraph (2) of that Article is deemed to be replaced with "provisions of Article 60, paragraph (2), granting one day for every eight hours of total overtime".

(3) Notwithstanding the provisions of Article 62, paragraph (1) as applied pursuant to the provisions of paragraph (1) and the preceding paragraph following the deemed replacement of terms, if a mariner who is an expectant or postnatal mother eight weeks after giving birth makes any of the following requests, and when a physician has found that it would not be detrimental from the viewpoint of ensuring maternal protection of the mariner, the shipowner may have the expectant or postnatal mariner work on a holiday:

(i) in the case prescribed in Article 64, paragraph (1), a request to engage in work on a holiday; and

(ii) in the case prescribed in Article 65, a request to engage in work on a holiday pursuant to the provisions of the agreement referred to in that Article and within a period not exceeding the number of days specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(4) The provisions of Article 66 apply mutatis mutandis to cases where a mariner who is an expectant or postnatal mother is engaged in work on a holiday pursuant to the provisions of the preceding paragraph.

(Restrictions on Night Work by Expectant or Postnatal Mothers)

Article 88-4 (1) A shipowner must not have a mariner who is an expectant or postnatal mother engage in work between 8 p.m. and 5 a.m. of the following day; provided, however, that this does not apply when the mariner who is the expectant or postnatal mother is given a continuous nine-hour rest period around 0 a.m. at a different time, in a case that is specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) The provisions of the preceding paragraph do not apply if a mariner who is an expectant or postnatal mother eight weeks after giving birth makes a request to engage in work during the time stated in the main clause of that paragraph or to shorten the rest period under the proviso to that paragraph, and when a physician has found that it would not be detrimental from the viewpoint of ensuring maternal protection of the mariner.

(Exceptional Provisions)

Article 88-5 The provisions of Article 60, Article 62, Article 63, Article 65-3, paragraphs (1) and (2), Article 66-2, Article 67, and the preceding three Articles do not apply if a shipowner has a mariner who is an expectant or postnatal mother engage in work referred to in Article 68, paragraph (1).

(Restrictions on Employment of Female Mariners Other Than Expectant or Postnatal Mothers)

Article 88-6 A shipowner must not have a female mariner other than an expectant or postnatal mother engage in any of the work prescribed in Article 88 that is hazardous to the female functions related to pregnancy or childbirth as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Restrictions on Work on Menstrual Days)

Article 88-7 When a request is filed by a female mariner who has extreme difficulty working on day of their menstrual period, the shipowner must not have the female mariner engage in work on that day of their menstrual period.

(Scope of Application)

Article 88-8 The provisions of this Chapter do not apply to a ship that only employs persons who belong to the same household as the shipowner.

Chapter X Accident Compensation

(Medical Compensation)

Article 89 (1) When a mariner is injured or falls ill in the course of duties, the shipowner must provide medical treatment at the shipowner's own expense or must cover the expenses necessary for medical treatment until the mariner recovers from the injury or illness.

(2) When a mariner is injured or falls ill outside the scope of the duties of the mariner during the term of the employment agreement, the shipowner must provide medical treatment at the shipowner's own expense or must cover the expenses necessary for medical treatment, for a period not exceeding three months; provided, however, that this does not apply when the mariner is intentionally or grossly negligent in connection with the injury or illness.

Article 90 (1) The medical treatment stated in the preceding Article is to be as specified in the following items:

- (i) medical examination;
- (ii) provision of medicines or medical materials;
- (iii) treatment, surgery, or other medical treatment;
- (iv) management of medical treatment at home and help or other nursing care involved in that treatment;
- (v) admission to a hospital or clinic, and help or other nursing care involved in the medical treatment there;
- (vi) accommodation in a place other than home necessary for medical treatment (including the provision of food); and
- (vii) transportation.

(Injury and Illness Allowance and Prognosis Allowance)

Article 91 (1) When a mariner is injured or falls ill in the course of duties, the shipowner must pay an injury and illness allowance in an amount equivalent to the monthly amount of the compensation specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism (referred to below as the "standard compensation") once a month for a period not exceeding four months until the mariner recovers from the injury or illness, and when the mariner does not recover from the injury or illness after four months have elapsed, the shipowner must pay an injury and illness allowance in an amount equivalent to 60 percent of the monthly amount of the standard compensation once a month until the mariner recovers from the injury or illness.

(2) A shipowner must pay a prognosis allowance in an amount equivalent to 60 percent of the monthly amount of standard compensation without delay after recovery from the injury or illness referred to in the preceding paragraph.

(3) The provisions of the preceding two paragraphs do not apply when the mariner is intentionally or grossly negligent in connection with the injury or illness.

(Disability Allowance)

Article 92 If a mariner has recovered from an injury or illness suffered in the course of duties and remains physically disabled, the shipowner, without delay after the mariner's recovery, must pay a disability allowance in the amount obtained by multiplying the monthly amount of the standard compensation by the number of months specified in the Appended Table according to the degree of the disability; provided, however, that this does not apply when the mariner is intentionally or grossly negligent in connection with the injury or illness.

(Missing Person Allowance)

Article 92-2 When a mariner goes missing in the course of duties, the shipowner must pay a missing person allowance in an amount equivalent to the monthly amount of the standard compensation to a dependent specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism once a month for the duration of the mariner's disappearance, within a period not exceeding three months; provided, however, that this does not apply if the period of disappearance is less than one month.

(Allowance for Bereaved Family)

Article 93 When a mariner dies in the course of duties, the shipowner must pay an allowance for bereaved family to the bereaved family specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism without delay in an amount equivalent to 36 months' worth of the monthly amount of standard compensation. The same applies when a mariner dies as a result of an injury or illness suffered in the course of duties.

(Funeral Service Fee)

Article 94 When a mariner dies in the course of duties, the shipowner must pay a funeral service fee in an amount equivalent to two months' worth of the monthly amount of standard compensation without delay to the bereaved family that is specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism and that holds the funeral. The same applies when a mariner dies as a result of an injury or illness suffered in the course of duties.

(Relationship with Other Benefits)

Article 95 When a person who is to receive medical treatment, or payment of expenses, an allowance or a funeral service fee pursuant to the provisions of Article 89 through 94 (collectively referred to below as "accident compensation") is to receive insurance benefits based on Industrial Accident Compensation Insurance Act (Act No. 50 of 1947) or the Mariners Insurance Act, or benefits equivalent to

accident compensation based on a law or regulation designated by Order of the Ministry of Land, Infrastructure, Transport and Tourism, due to the same grounds as those for which the person is to receive accident compensation, the shipowner is exempt from the liability for accident compensation.

(Administrative Review and Arbitration)

Article 96 (1) A person who objects to an acknowledgement regarding an injury, illness, disappearance, or death occurring in the course of duties, to the means of medical treatment, to the determination of the amount of accident compensation, or to other matters concerning the implementation of that accident compensation may file a petition with the Minister of Land, Infrastructure, Transport and Tourism for an administrative review or for case arbitration.

(2) When the Minister of Land, Infrastructure, Transport and Tourism finds it necessary, the Minister may undertake an administrative review or arbitrate a case on its own authority.

(3) If the Minister of Land, Infrastructure, Transport and Tourism undertakes an administrative review or arbitrating a case, the Minister must hear the opinions of the master and other persons concerned.

(4) When the Minister of Land, Infrastructure, Transport and Tourism finds it necessary for an administrative review or arbitration of a case, the Minister may have a physician make a diagnosis or perform an examination.

(5) A petition for an administrative review or arbitration of a case under the provisions of paragraph (1) and the commencement of an administrative review or arbitration of a case under the provisions of paragraph (2) are deemed to be demands for a juridical determination with regard to postponement of expiration of the prescription period and renewal of the prescription period.

Chapter XI Rules of Employment

(Preparation and Notification of Rules of Employment)

Article 97 (1) A shipowner who regularly employs 10 or more mariners must prepare rules of employment covering the following matters and must file those rules with the Minister of Land, Infrastructure, Transport and Tourism, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism. The same applies when the shipowner has changed the rules of employment:

- (i) salary and other remuneration;
- (ii) working hours;
- (iii) holidays and leave;
- (iv) Manning.

(2) When the shipowner referred to in the preceding paragraph has prepared rules of employment covering the following matters, the shipowner must file those rules with the Minister of Land, Infrastructure, Transport and Tourism. The same applies when the shipowner has changed the rules of employment:

- (i) food, and safety and health;
- (ii) clothing and daily necessities;
- (iii) onshore lodging, rest, medical care, and recreational facilities;
- (iv) accident compensation;
- (v) unemployment allowance, discharge allowance, and retirement allowance;
- (vi) repatriation;
- (vii) education;
- (viii) rewards and punishments;
- (ix) other working conditions.

(3) A corporation as an association consisting of shipowners may prepare rules of employment that apply to the shipowner referred to in paragraph (1) who is a member of the association, and file a notification of those rules. The same applies to any changes to rules of employment.

(4) When a notification under the provisions of the preceding paragraph has been filed, the shipowner under that paragraph is not required to prepare the rules of employment or file a notification of those rules or of any changes made to those rules.

(5) The notifications under paragraphs (1) through (3) must be accompanied by a document stating the opinions heard pursuant to the provisions of Article 98.

(Procedures for Preparing Rules of Employment)

Article 98 In order to prepare or change rules of employment, a shipowner or an association under paragraph (3) of the preceding Article must hear the opinions of a labor union organized by a majority of the mariners employed by the shipowner to whom the rules of employment apply, when there is such a labor union, or must hear the opinions of a person representing a majority of the mariners when there is no labor union organized by a majority of the mariners.

(Overseeing the Rules of Employment)

Article 99 (1) The Minister of Land, Infrastructure, Transport and Tourism may order a change of rules of employment that are in violation of a law or regulation or a collective agreement.

(2) When the Minister of Land, Infrastructure, Transport and Tourism finds the rules of employment to be unjust, the Minister may order a change of those rules through deliberations at the Transportation Policy Council or a council established in a district transport bureau as specified by Cabinet Order (referred to below as the "Transportation Policy Council, etc.").

(Validity of Rules of Employment)

Article 100 An employment agreement which provides for working conditions that do not meet the standards established by rules of employment is void with regard to the portion of the agreement that does not meet those standards. In this case, the portion of the agreement that is void is deemed to provide for working conditions that meet the standards established by rules of employment.

Chapter XI-2 Inspections of Working Conditions for Mariners

(Periodic Inspections)

Article 100-2 (1) When the owner of a Japanese ship with a gross tonnage of 500 tons or more (excluding a fishing vessel or any other ship used for a special purpose as provided for by Order of the Ministry of Land, Infrastructure, Transport and Tourism; referred to below as a "specified ship") seeks to have the specified ship engage in a voyage between a port in Japan and a port in an area outside Japan or between ports in an area outside Japan (referred to below as an "international voyage") for the first time, the shipowner must undergo a periodic inspection by the Minister of Land, Infrastructure, Transport and Tourism or a person registered by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of the Article 100-12 (referred to below as a "registered inspection agency") regarding the working conditions, safety and health, and other aspects of the working environment, as well as medical compensation (referred to below as "working conditions, etc.") for the mariner of the specified ship. The same applies when a specified ship to which a maritime labor certificate stated in paragraph (1) of the following Article or an interim maritime labor certificate specified in Article 100-6, paragraph (3) has been issued seeks to be engaged in international voyages even after the validity period of those certificates expire.

(2) Upon application by the shipowner, the inspection referred to in the preceding paragraph may also be conducted for a Japanese ship other than a specified ship (excluding a fishing vessel, or any other ship used for a special purpose specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as referred to in that paragraph) that is to be engaged in international voyages.

(Maritime Labor Certificate)

Article 100-3 (1) When, as a result of the inspection referred to in paragraph (1) of the preceding Article, the Minister of Land, Infrastructure, Transport and Tourism or a registered inspection agency finds that the ship conforms to all of the following requirements, the Minister of Land, Infrastructure, Transport and Tourism must issue a maritime labor certificate to the owner of the ship. The same applies if, as a result of the inspection referred to in that paragraph, the Minister of Land, Infrastructure, Transport and Tourism or a registered inspection agency finds that the ship does not conform to any of the following requirements, and when the Minister of Land, Infrastructure, Transport and Tourism finds that the necessary measures to conform to the requirements have been taken:

- (i) the documents provided for in Article 32, paragraphs (1) and (3) have been issued to the mariner pursuant to the provisions of those paragraphs;
- (ii) a person stated in the items of Article 32-2 is not employed as a mariner;
- (iii) the documents provided for in Article 36, paragraphs (1) and (2) have been issued to the mariner pursuant to the provisions of those paragraphs;

(iv) a copy of the documents provided for in Article 36, paragraph (3) is kept on board the ship pursuant to the provisions of that paragraph;

(v) concluding an insurance contract and other measures have been taken to secure the necessary amount of money to ensure repatriation of a mariner (including payment of expenses in lieu of the repatriation) pursuant to the provisions of Article 47, paragraph (1) or (2);

(vi) matters concerning a mariner's work are stated in the Mariner's Pocket Ledger pursuant to the provisions of the main clause of Article 50, paragraph (4), or the document prescribed in the proviso to that paragraph is issued to the mariner pursuant to the provisions of the proviso to that paragraph;

(vii) salary and other remuneration have been paid to the mariner pursuant to the provisions of Article 53, paragraphs (1) and (2) and Article 56;

(viii) the document provided for in Article 53, paragraph (3) has been issued to the mariner pursuant to the provisions of that paragraph;

(ix) the mariner's working hours and holidays conform to the standards under the provisions of Article 60, paragraphs (1) and (2), Article 61, Article 62, Article 64, paragraphs (1) and (2), Article 64-2, paragraph (1), Article 65, Article 65-2, paragraph (1) (including as applied mutatis mutandis pursuant to Article 88-2-2, paragraph (5)) and paragraph (2), Article 65-2, paragraphs (3) and (4) (including as applied mutatis mutandis pursuant to Article 88-2-2, paragraph (5)), and paragraph (5), Article 65-3, paragraphs (1) and (2), Article 65-3, paragraph (3) (including as applied mutatis mutandis pursuant to Article 88-2-2, paragraph (6)), Article 68, paragraph (1), Article 71, Article 72, Article 88-2, Article 88-2-2, paragraphs (1) through (3), Article 88-3, paragraphs (1) through (3), and Article 88-5;

(x) a table with shipboard working arrangement is provided and posted pursuant to the provisions of Article 66-2;

(xi) the matters prescribed in Article 67, paragraph (1) are entered in the record book pursuant to the provisions of that paragraph, and a copy of the record book is issued to the mariner pursuant to the provisions of paragraph (2) of that Article;

(xii) the necessary number of seamen are on board pursuant to the provisions of Article 70;

(xiii) food is provided to the mariner pursuant to the provisions of Article 80, paragraphs (1) through (3);

(xiv) for a ship specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as referred to in Article 80, paragraph (4), a person meeting the standards specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as referred to in that paragraph is on board;

(xv) the matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as referred to in Article 81, paragraph (1) with regard to preventing any harm resulting from work on board the ship and maintaining health on board the ship are being complied with;

(xvi) a mariner who does not have the career or skills specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as referred to in Article 81, paragraph (2) is not engaged in any dangerous work on board specified by the Order of the Ministry of Land, Infrastructure, Transport and Tourism as referred to in that paragraph;

(xvii) the mariner stated in the items of Article 81, paragraph (3) is not engaged in any work;

(xviii) for a ship stated in Article 82, items (i) and (ii), a physician is on board pursuant to the provisions of that Article;

(xix) for a ship stated in Article 82-2, paragraph (1), item (i), a health supervisor is appointed pursuant to the provisions of that paragraph and paragraph (2) of that Article;

(xx) a person is not on board the ship without a medical certificate as referred to in Article 83, paragraph (1);

(xxi) a person under 16 years of age is not employed as a mariner;

(xxii) a mariner under 18 years of age is not engaged in any dangerous work on board as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 81, paragraph (2) or work harmful to their safety and health as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 85, paragraph (2);

(xxiii) a mariner under 18 years of age is not engaged in work during the hours during which, pursuant to the provisions of Article 86, it is prohibited to have the mariner engage in work;

(xxiv) when a mariner is injured or falls ill (excluding the case prescribed in Article 95), the shipowner provides medical treatment at the shipowner's own expense or covers the necessary expenses for medical treatment pursuant to the provisions of Article 89;

(xxv) concluding an insurance contract and other measures have been taken to secure the necessary amount of money to ensure that the disability allowance as referred to in Article 92 and the allowance for bereaved family as referred to in Article 93 are paid;

(xxvi) pursuant to the provisions of Article 113, paragraph (1), the document prescribed in that paragraph is displayed or kept in a clearly visible location on board the ship;

(xxvii) for a ship specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as referred to in Article 117-2, paragraph (1), a navigational watchkeeping rating prescribed in that paragraph is on board pursuant to the provisions of that paragraph;

(xxviii) the procedures for processing on-board complaints provided for in Article 118-6, paragraph (1) have been established pursuant to the provisions of that paragraph;

(xxix) the document provided for in Article 118-6, paragraph (2) has been issued to the mariner pursuant to the provisions of that paragraph;

(xxx) the complaints referred to in Article 118-6, paragraph (1) are processed pursuant to the provisions of paragraph (3) of that Article;

(xxxi) the mariner is not treated disadvantageously on the grounds of having filed a complaint under Article 118-6, paragraph (1);

(xxxii) a valid ship inspection certificate under Article 9, paragraph (1) of the Ship Safety Act (Act No. 11 of 1933) or a valid temporary navigation permit under paragraph (2) of that Article has been issued;

(xxxiii) for a ship provided for in Article 2, paragraph (1) of the Act on Ships' Officers and Boats' Operators (excluding a boat provided for in paragraph (4) of that Article), the ship is boarded by a ship's officer provided for in Article 2, paragraph (2) of that Act pursuant to the provisions of Article 18, Article 19, paragraph (1), and Article 23, paragraph (5) of that Act;

(xxxiv) pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, the measures to be implemented by the shipowner in order for the ship to conform to the requirements stated in the preceding items, as well as a management system and management methods for those measures have been established and properly implemented.

(2) The period of validity of the maritime labor certificate stated in the preceding paragraph (referred to below as "maritime labor certificate") is five years.

(3) Notwithstanding the provisions of the preceding paragraph, for a specified ship for which a maritime labor certificate may be issued pursuant to the provisions of paragraph (1) based on the results of the inspection referred to in the second sentence of paragraph (1) of the preceding Article and for which a maritime labor certificate related to that inspection could not be issued before the validity period of the previous maritime labor certificate expires due to the reasons specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, the validity period of the previous maritime labor certificate is to be the period until the day on which the maritime labor certificate related to that inspection is issued or the day on which five months have elapsed from the day following the expiry date of the previous maritime labor certificate, whichever comes earlier.

(4) Notwithstanding the provisions of the preceding two paragraphs, when there has been a change in the owner of a ship for which a maritime labor certificate has been issued, the validity period of the maritime labor certificate issued for the ship is deemed to have expired on the day of the change.

(5) Notwithstanding the provisions of paragraph (2), the validity period of a maritime labor certificate in the following cases is to be the period until the day on which five years have elapsed from the day following the expiry date of the validity period for the previous maritime labor certificate (in the case stated in item (ii), the

validity period based on the assumption that the provisions of paragraph (3) do not apply):

(i) when a maritime labor certificate is issued based on the inspection under the second sentence of paragraph (1) of the preceding Article which was carried out within three months before the expiry date of the validity period of the previous maritime labor certificate; and

(ii) when the provisions of paragraph (3) have been applied to the validity period of the previous maritime labor certificate.

(Intermediate inspection)

Article 100-4 The owner of a ship for which a maritime labor certificate has been issued must undergo an intermediate inspection by the Minister of Land, Infrastructure, Transport and Tourism or a registered inspection agency regarding the working conditions, etc. of the mariner on that ship at a time specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism during the validity period of the maritime labor certificate.

(Suspension of the Validity of a Maritime Labor Certificate)

Article 100-5 When, as a result of the inspection referred to in the preceding Article, the Minister of Land, Infrastructure, Transport and Tourism or a registered inspection agency finds that the ship does not conform to any of the requirements stated in the items of Article 100-3, paragraph (1), the Minister of Land, Infrastructure, Transport and Tourism is to suspend the validity of the maritime labor certificate issued for the ship until the Minister finds that necessary measures have been taken for the ship to conform to the requirements.

(Interim Maritime Labor Certificate)

Article 100-6 (1) When the owner of a specified ship seeks to temporarily use the specified ship for international voyages for which a valid maritime labor certificate has not been issued due to a change in the shipowner or on any other grounds specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, the shipowner must undergo an inspection by the Minister of Land, Infrastructure, Transport and Tourism or a registered inspection agency (when the specified ship has undergone an inspection under the provisions of Article 38, paragraph (4) of the Marine Transportation Act, the Minister of Land, Infrastructure, Transport and Tourism or the registered inspection agency that conducted the inspection, unless there are legitimate grounds for not doing so) regarding the working conditions, etc. of the mariner on the specified ship.

(2) The inspection stated in the preceding paragraph may also be implemented, upon application by the shipowner, for a Japanese ship other than a specified ship (excluding a fishing vessel or any other ship used for a special purpose specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as referred to in Article 100-2, paragraph (1)), for which a valid maritime labor certificate has not been issued due to the grounds specified by Order of the Ministry of Land,

Infrastructure, Transport and Tourism referred to in the preceding paragraph, and which is to be temporarily used for international voyages.

(3) The Minister of Land, Infrastructure, Transport and Tourism must issue an interim maritime labor certificate to a shipowner when the Minister of Land, Infrastructure, Transport and Tourism or a registered inspection agency finds that the ship conforms to all of the following requirements as a result of the inspection as referred to in paragraph (1):

(i) the ship conforms to the requirements of Article 100-3, paragraph (1), items (i) through (v), item (x), item (xii), item (xiv), items (xviii) through (xxi), items (xxv) through (xxix), items (xxxii), and (xxxiii);

(ii) among the matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as referred to in Article 81, paragraph (1) with regard to preventing any harm resulting from work on board the ship and maintaining health on board the ship, the matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism with regard to adjusting work tools, installing equipment and providing items necessary for maintaining sanitation on board the ship, and implementing measures on board to prevent any harm resulting from work on board and maintain health on board, and developing a system for managing those measures are complied with; and

(iii) pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, the measures to be implemented by the shipowner in order for the ship to conform to the requirements stated in Article 100-3, paragraph (1), items (i) through (xxxiii), as well as a management system and management methods for those measures have been established.

(4) The validity period of the interim maritime labor certificate referred to in the preceding paragraph (referred to below as the "interim maritime labor certificate") is to be six months; provided, however, that the validity period is deemed to have expired when the shipowner is issued a maritime labor certificate for the ship.

(5) The provisions of Article 100-3, paragraph (4) apply mutatis mutandis to an interim maritime labor certificate.

(Navigation of Specified Ships)

Article 100-7 A specified ship must not be used for international voyages unless a valid maritime labor certificate or an interim maritime labor certificate has been issued for that ship.

(Keeping the Maritime Labor Certificate on Board)

Article 100-8 The owner of a specified ship for which a maritime labor certificate or an interim maritime labor certificate has been issued must keep that certificate on board the specified ship pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Reinspection)

Article 100-9 (1) A person who is dissatisfied with the result of an inspection under Article 100-2, paragraph (1), Article 100-4, or Article 100-6, paragraph (1) (referred to below as the "statutory inspection") may submit an application for reinspection with the Minister of Land, Infrastructure, Transport and Tourism within 30 days from the day following the day on which that person is notified of the result, with a document stating the reasons attached.

(2) A person who is dissatisfied with the results of a statutory inspection or a reinspection under the preceding paragraph may file an action for the cancellation of the inspection.

(3) A person who has applied for a reinspection must not change the current state of any related books and documents, or any other related items until after obtaining the permission of the Minister of Land, Infrastructure, Transport and Tourism.

(4) A person who is dissatisfied with the results of a statutory inspection may only dispute this based on the provisions of paragraphs (1) and (2).

(Order to Return Certificates)

Article 100-10 (1) When the Minister of Land, Infrastructure, Transport and Tourism finds that a ship to which a maritime labor certificate has been issued no longer conforms to any of the requirements stated in the items of Article 100-3, paragraph (1), the Minister may order the owner of the ship to return the maritime labor certificate.

(2) When the Minister of Land, Infrastructure, Transport and Tourism finds that a ship to which an interim maritime labor certificate has been issued no longer conforms to any of the requirements stated in the items of Article 100-6, paragraph (3), the Minister may order the owner of the ship to return the interim maritime labor certificate.

(Matters to Be Determined by Order of the Ministry of Land, Infrastructure, Transport and Tourism)

Article 100-11 The application form for a statutory inspection, the implementation method for a statutory inspection, and other necessary matters concerning a statutory inspection, as well as the form of the maritime labor certificate and the interim maritime labor certificate, issuance, re-issuance, and renewal of these certificates, and other necessary matters concerning these certificates are specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

Chapter XI-3 Registered Inspection Agencies

(Registration)

Article 100-12 (1) The registration under the provisions of Article 100-2, paragraph (1) (referred to below simply as "registration") is made upon application by a person who intends to conduct a statutory inspection.

(2) The Minister of Land, Infrastructure, Transport and Tourism must register a person who has applied for registration pursuant to the provisions of the preceding

paragraph (referred to below as a "registration applicant" in this paragraph and the following paragraph) when that person conforms to all of the following requirements. In this case, the necessary registration procedures are specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism:

(i) an inspection is conducted by a person who has knowledge and career conforming to any of the following conditions (referred to as an "inspector" in Article 100-17): and

(a) the person has at least three years of practical career in inspecting the working conditions, etc. of a mariner;

(b) the person has at least five years of career on board as a ship's officer prescribed in Article 2, paragraph (2) of the Act on Ships' Officers and Boats' Operators; or

(c) the person has a level of knowledge and career equal to or greater than the persons stated in (a) or (b);

(ii) the registration applicant does not fall under any of the following sub-items as a person under a shipowner's control:

(a) if the registration applicant is a stock company, the shipowner is its parent corporation (meaning a parent corporation as prescribed in Article 879, paragraph (1) of the Companies Act (Act No. 86 of 2005), and if the registration applicant is a person that seeks to perform services related to inspections at offices located in a foreign country (referred to below as "inspection services"), including a person that corresponds to a parent corporation in a foreign country as prescribed in that Act);

(b) an executive officer or employee of a shipowner (including a person who has been an executive officer or employee of the shipowner in the past two years) account for more than half of the executive officers of the registration applicant (for a membership company (meaning a membership company prescribed in Article 575, paragraph (1) of the Companies Act), a partner who performs the services); or

(c) the registration applicant (if the applicant is a corporation, its representative officer) is an executive officer or employee of a shipowner (including a person who has been an executive officer or employee of the shipowner in the past two years).

(3) When a registration applicant falls under any of the following items, the Minister of Land, Infrastructure, Transport and Tourism must not grant the registration:

(i) a person that has been sentenced to a fine or heavier punishment for violating this Act, the Ship Safety Act, the Mariners' Employment Security Act or the Act on Ships' Officers and Boats' Operators, or an order based on one of these Acts, if two years have not yet passed since the day on which the person finished serving the sentence or ceased to be subject to its enforcement;

(ii) a person whose registration has been revoked pursuant to the provisions of Article 100-26, paragraph (1) or paragraph (2), if two years have not yet passed since the date of that revocation; or

(iii) a corporation, any of whose officers in charge of its services fall under either of the preceding two items.

(4) The registration is to be made by entering the following matters in the registry of registered inspection agency:

(i) date of registration and registration number;

(ii) the name and address of the person registered, as well as the name of the representative if the person is a corporation;

(iii) the location of the place of business where the registered person conducts inspections; and

(iv) in addition to what is stated in the preceding three items, matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Renewal of Registration)

Article 100-13 (1) Unless the registration is renewed at an interval of not less than three years as specified by Cabinet Order, the registration ceases to be effective upon the expiration of the relevant period.

(2) The provisions of the preceding Article apply mutatis mutandis to the renewal of the registration referred to in the preceding paragraph.

(Obligation to Inspect)

Article 100-14 (1) When requested to conduct an inspection, a registered inspection agency must conduct the inspection without delay except when there are justifiable grounds not to do so.

(2) A registered inspection agency must conduct an inspection fairly and in a manner that conforms to the requirements stated in Article 100-12, paragraph (2), item (i).

(Notification of Changes to Registered Information)

Article 100-15 A registered inspection agency that intends to change any of the matters stated in Article 100-12, paragraph (4), items (ii) through (iv) must notify the Minister of Land, Infrastructure, Transport and Tourism no later than two weeks before the date on which the change is to be made.

(Operational Rules for Inspections)

Article 100-16 (1) A registered inspection agency must establish rules for performing inspection services (referred to below as "operational rules for inspections" in this Chapter) and have those rules authorized by the Minister of Land, Infrastructure, Transport and Tourism before the commencement of inspection services. The same applies when a registered inspection agency intends to change the rules.

(2) When the Minister of Land, Infrastructure, Transport and Tourism finds that the operational rules for inspections authorized by the Minister as specified in the preceding paragraph have become inappropriate for a proper and reliable performance of the inspection services, the Minister may order the registered inspection agency (excluding a registered inspection agency that performs

inspection services in an office located in a foreign country (referred to below as the "foreign registered inspection agency")) to change the operational rules for inspections.

(3) Operational rules for inspections must specify the method for performing inspection services, the appointment of a full-time management supervisor, and other measures for ensuring the reliability of inspection services, as well as inspection fees and other matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Inspectors)

Article 100-17 (1) After appointing an inspector, a registered inspection agency must notify the Minister of Land, Infrastructure, Transport and Tourism of that fact within 15 days from the date of appointment. The same applies when the registered inspection agency changes the appointed inspector.

(2) The Minister of Land, Infrastructure, Transport and Tourism may order a registered inspection agency (excluding a foreign registered inspection agency) to dismiss an inspector when the inspector has committed an act in violation of this Act, an order or disposition based on this Act, or an operational rule for inspections authorized pursuant to the provisions of paragraph (1) of the preceding Article, or when the inspector has committed an extremely inappropriate act in relation to inspection services.

(3) A person who has been dismissed from the position of an inspector by an order under the provisions of the preceding paragraph and for whom two years have not elapsed from the day of the dismissal may not become an inspector.

(Status of Executive Officers and Employees as Public Employees)

Article 100-18 With regard to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions, an executive officer and employee of a registered inspection agency who are engaged in inspection services are deemed to be personnel members engaged in public service pursuant to laws and regulations.

(Keeping and Inspecting Financial Statements)

Article 100-19 (1) Within three months after the end of each business year, a registered inspection agency must prepare an inventory of assets, a balance sheet and a profit and loss statement or an income and expenditure statement, and a business report, for the relevant business year (if electronic or magnetic records are prepared instead of paper documents (meaning records that are used in computer data processing and 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), including those electronic or magnetic records; referred to as "financial statement, etc." in the following paragraph, Article 100-26, paragraph (2), item (iv), and Article 136), submit those documents to the Minister of Land, Infrastructure, Transport and Tourism, and keep them at the agency's office for five years.

(2) A shipowner or any other interested person may make the following requests at any time during the business hours of a registered inspection agency; provided, however, that the shipowner or interested person must pay a fee specified by the registered inspection agency when making a request stated in item (ii) or item (iv):

(i) when financial statements, etc. are prepared as written documents, a request for inspection or copy of the written documents;

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

(iii) when financial statements, etc. have been prepared as electronic or magnetic records, a request to inspect or copy anything that shows the matters recorded in those electronic or magnetic records in a manner prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism; and

(iv) a request to be provided with the matters in an electronic or magnetic record as referred to in the preceding item by an electronic or magnetic means that is specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, or a request to be issued a document that states those matters.

(Suspending or Discontinuing Services)

Article 100-20 A registered inspection agency must not suspend or discontinue all or part of its inspection services without the permission of the Minister of Land, Infrastructure, Transport and Tourism.

(Compliance Order)

Article 100-21 When the Minister of Land, Infrastructure, Transport and Tourism finds that a registered inspection agency (excluding a foreign registered inspection agency) no longer conforms to any of the items of Article 100-12, paragraph (2), the Minister may order the registered inspection agency to take necessary measures to conform to those provisions.

(Improvement Order)

Article 100-22 When the Minister of Land, Infrastructure, Transport and Tourism finds that a registered inspection agency (excluding a foreign registered inspection agency) is in violation of the provisions of Article 100-14, the Minister may order the registered inspection agency to perform inspection services pursuant to the provisions of that Article or to take necessary measures to improve inspection methods and other service methods.

(Application Mutatis Mutandis)

Article 100-23 The provisions of Article 100-16, paragraph (2), Article 100-17, paragraph (2), and the preceding two Articles apply mutatis mutandis to a foreign registered inspection agency. In this case, the term "order" in these provisions is deemed to be replaced with "request".

(Collection of Reports)

Article 100-24 When the Minister of Land, Infrastructure, Transport and Tourism finds it necessary for the enforcement of this Act, the Minister may have a

registered inspection agency (excluding a foreign registered inspection agency) report on the status of its services or accounting.

(On-Site Inspections)

Article 100-25 (1) When the Minister of Land, Infrastructure, Transport and Tourism finds it necessary for the enforcement of this Act, the Minister may have an official of the Ministry enter the offices or places of business of a registered inspection agency (excluding a foreign registered inspection agency) and inspect the status of the services or books and documents, or any other items.

(2) If conducting an on-site inspection pursuant to the provisions of the preceding paragraph, the relevant official must carry an identification document and present it when requested by any person concerned.

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

(Revocation of Registration)

Article 100-26 (1) When a registered inspection agency (excluding a foreign registered inspection agency) falls under any of the following items, the Minister of Land, Infrastructure, Transport and Tourism may revoke its registration or order a full or partial suspension of its inspection services for a specified period:

(i) when the agency has come to fall under Article 100-12, paragraph (3), item (i) or item (iii);

(ii) when the agency has violated the provisions of Article 100-15, Article 100-17, paragraph (1), Article 100-19, paragraph (1), Article 100-20, or the following Article;

(iii) when the agency has conducted an inspection without obtaining authorization under the provisions of Article 100-16, paragraph (1) or without following operational rules for inspections for which authorization under the provisions of that paragraph has been obtained;

(iv) when the agency has violated an order issued under the provisions of Article 100-16, paragraph (2), Article 100-17, paragraph (2), Article 100-21, or Article 100-22;

(v) when the agency has refused a request made under the items of Article 100-19, paragraph (2) without justifiable grounds; or

(vi) when the agency has been registered by wrongful means.

(2) The Minister of Land, Infrastructure, Transport and Tourism may revoke the registration of a foreign registered inspection agency when it falls under any of the following items:

(i) when the foreign registered inspection agency falls under item (i), item (ii) (excluding the part related to Article 100-19, paragraph (1)), item (iii), or item (vi) of the preceding paragraph;

(ii) when the foreign registered inspection agency has failed to respond to a request made under the provisions of Article 100-16, paragraph (2), Article 100-17,

paragraph (2), Article 100-21, or Article 100-22, as applied mutatis mutandis pursuant to the provisions of Article 100-23 following the deemed replacement of terms;

(iii) when the foreign registered inspection agency has refused a request made by the Minister of Land, Infrastructure, Transport and Tourism for a full or partial suspension of the inspection services for a specified period on the grounds that the agency falls under any of the preceding two items;

(iv) when the foreign registered inspection agency, in violation of the provisions of Article 100-19, paragraph (1), has failed to keep the financial statements, etc., failed to state the necessary matters in the financial statements, etc., or made false statements, or refused a request made under the items of paragraph (2) of that Article without justifiable grounds;

(v) if the Minister of Land, Infrastructure, Transport and Tourism has requested the foreign registered inspection agency to make a report on the status of its services or accounting as the Minister finds it necessary for the enforcement of this Act, but when the agency has failed to make a report or makes a false report;

(vi) if the Minister of Land, Infrastructure, Transport and Tourism has sought to have an official of the Ministry enter the office or place of business of a foreign registered inspection agency to inspect the status of its services or books and documents, and any other items as the Minister finds it necessary for the enforcement of this Act, but when the agency has refused, obstructed, or evaded the inspection; or

(vii) when the foreign registered inspection agency does not cover the expenses under the following paragraph.

(3) The expenses of the inspection stated in item (vi) of the preceding paragraph (limited to those specified by Cabinet Order) are to be covered by the foreign registered inspection agency subject to the inspection.

(Bookkeeping)

Article 100-27 Pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, a registered inspection agency must prepare books, enter in the books the matters concerning inspection services as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism, and keep those books.

(Public Notice)

Article 100-28 (1) The Minister of Land, Infrastructure, Transport and Tourism must issue a public notice in the Official Gazette in any of the following cases:

(i) when the Minister has made a registration;

(ii) when a notification under the provisions of Article 100-15 has been made;

(iii) when the Minister has granted permission under the provisions of Article 100-20;

(iv) when the Minister has revoked a registration or ordered a suspension of the inspection services pursuant to the provisions of Article 100-26, paragraph (1); or

(v) when the Minister has revoked the registration pursuant to the provisions of Article 100-26, paragraph (2).

Chapter XII Supervision

(Supervision Orders)

Article 101 (1) When the Minister of Land, Infrastructure, Transport and Tourism finds that there has been a violation of this Act, the Labor Standards Act (limited to the part that applies to a mariner's labor relations; the same applies below), or an order based on this Act, the Minister may order a shipowner or a mariner to take the necessary measures to rectify the violation.

(2) If the Minister of Land, Infrastructure, Transport and Tourism issues an order under the provisions of the preceding paragraph, and a shipowner or a mariner does not comply with the order, and when the Minister finds it particularly necessary for ensuring that a ship is navigated safely, the Minister may order the navigation of the ship to be suspended or prohibit its navigation. In this case, when the ship is navigating, the Minister of Land, Infrastructure, Transport and Tourism may designate the port into which the ship is to enter.

(3) When the Minister of Land, Infrastructure, Transport and Tourism finds that the fact provided for in paragraph (1) no longer exists with regard to a ship subject to a disposition under the provisions of the preceding paragraph, the Minister must immediately void the disposition.

Article 102 The Minister of Land, Infrastructure, Transport and Tourism may mediate in the resolution of a labor-related dispute that arises between a shipowner and a mariner (excluding a labor dispute referred to in Article 6 of the Labor Relations Adjustment Act and an individual labor-related dispute referred to in Article 4, paragraph (1) of the Act on Promoting the Resolution of Individual Labor-Related Disputes (Act No. 112 of 2001), for which a mediator designated by the director of the district transport bureau (including the director of the transport supervision department; the same applies below) has been entrusted to mediate pursuant to the provisions of Article 5, paragraph (1) of the Act on Promoting the Resolution of Individual Labor-Related Disputes following the deemed replacement of terms pursuant to the provisions of Article 21, paragraph (1) of that Act).

(Functions of the Minister of Land, Infrastructure, Transport and Tourism in a Foreign State)

Article 103 (1) In a foreign country, the functions that the Minister of Land, Infrastructure, Transport and Tourism is to perform pursuant to this Act are carried out by a Japanese consular officer pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) In addition to what is specified in the Administrative Complaint Review Act (Act No. 68 of 2014), the necessary matters in connection with a request for an

administrative review of a disposition or inaction by a consular officer in connection with the functions referred to in the preceding paragraph are provided for by Cabinet Order.

(Functions to Be Handled by Municipalities)

Article 104 (1) Pursuant to the provisions of Cabinet Order, part of the functions under the authority of the Minister of Land, Infrastructure, Transport and Tourism prescribed in this Act may be performed by the mayor of a municipality designated by the Minister of Land, Infrastructure, Transport and Tourism based on the standards specified by Cabinet Order.

(2) A request for an administrative review of a disposition related to the functions stated in the preceding paragraph performed by the mayor of a municipality (limited to the duties that fall under category 1 statutory entrusted functions prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act (Act No. 67 of 1947)) is to be made to the Minister of Land, Infrastructure, Transport and Tourism.

(3) A request for an administrative review of inaction of a disposition related to the functions stated in paragraph (1) performed by a mayor of a municipality (limited to the functions that fall under category 1 statutory entrusted functions prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act) is to be made to the mayor of the municipality, the prefectural governor, or the Minister of Land, Infrastructure, Transport and Tourism.

(Mariners' Labor Inspector)

Article 105 The Minister of Land, Infrastructure, Transport and Tourism appoints mariners' labor inspector from among the officials under the Minister's jurisdiction, and has them handle the matters concerning the enforcement of this Act and the Labor Standards Act.

Article 106 When a mariners' labor inspector finds it necessary, the officer may call the attention of or issue recommendations to a shipowner or mariner regarding compliance with this Act, the Labor Standards Act, or an order based on this Act.

Article 107 (1) When a mariners' labor inspector finds it necessary, the officer may order a shipowner, a mariner, or any other person concerned to appear, have that person submit books and documents, or have that person make a report; or may enter a ship or any other place of business, inspect books and documents, and any other items, or ask a question to a shipowner, a mariner, or any other person concerned.

(2) When a mariners' labor inspector finds it necessary, the officer may ask a question to the passenger and other persons on board.

(3) In the case referred to in the preceding two paragraphs, a mariners' labor inspector must carry an identification document and present it to any person concerned.

(4) The authority to conduct an on-site inspection under the provisions of paragraph (1) or paragraph (2) must not be construed as being granted for criminal investigation purposes.

(5) Uniform regulations for a mariners' labor inspector are specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

Article 108 A mariners' labor inspector performs the duties of a judicial police officer prescribed in the Code of Criminal Procedure with regard to the crime of violating this Act, the Labor Standards Act, or an order based on this Act.

Article 108-2 In the cases provided for in the Article 101, paragraph (2) or Article 118-5, paragraph (3), when a mariners' labor inspector finds it urgently necessary to do so in order to ensure that a ship is navigated safely, the officer may immediately exercise the authority of the Minister of Land, Infrastructure, Transport and Tourism provided for in the Article 101, paragraph (2) or Article 118-5, paragraph (3).

Article 109 A mariners' labor inspector must not divulge any secret which may have come to their knowledge in the course of their duties. The same applies even after they have retired from the position of a mariners' labor inspector.

(Authority of the Transportation Policy Council)

Article 110 (1) In response to a consultation by the Minister of Land, Infrastructure, Transport and Tourism, the Transportation Policy Council, etc. studies and deliberates matters concerning the enforcement or amendment of this Act and the Labor Standards Act.

(2) The Transportation Policy Council, etc. may make a proposal concerning the working conditions for a mariner to the relevant administrative agency.

(Matters to Be Reported)

Article 111 (1) A shipowner must report to the Minister of Land, Infrastructure, Transport and Tourism on the following matters, pursuant to Order of the Ministry of Land, Infrastructure, Transport and Tourism:

(i) the number of mariners employed;

(ii) the status of payment of salary and other remuneration;

(iii) the status of implementation of accident compensation; and

(iv) other matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Declarations by Mariners)

Article 112 (1) A mariner may report a violation of this Act, the Labor Standards Act, or an order based on this Act, and a member of the crew of a specified small ship provided for in Article 118-5, paragraph (1) (referred to as a "specified small ship" in the following paragraph) may report a violation of this Act or an order based on this Act, to the Minister of Land, Infrastructure, Transport and Tourism, the director of a district transport bureau, the director of a transport bureau branch, the head of the office of a district transport bureau, transport supervision

department, or transport bureau branch, or mariners' labor inspector, pursuant to Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) A shipowner or an owner of a specified small ship provided for in the Article 118-5, paragraph (1) must not dismiss a mariner, or a member of the crew of a specified small ship or otherwise treat a mariner or a member of the crew of a specified small ship disadvantageously on the grounds of having made a declaration referred to in the preceding paragraph.

Chapter XIII Miscellaneous Provisions

(Displaying Rules of Employment)

Article 113 (1) A shipowner must display or keep in a clearly visible location on board a ship and in any other place at the place of business, a document stating this Act, the Labor Standards Act, an order based on this Act, a collective agreement, rules of employment, and agreements as referred to in Article 34, paragraph (2), Article 64-2, paragraph (1), Article 65, and Article 65-3, paragraph (3).

(2) A shipowner (excluding an owner of a fishing vessel or any other ship used for any other special purpose prescribed by Order of the Ministry of Land, Infrastructure, Transport and Tourism referred to in Article 100-2, paragraph (1)) must display or keep in a clearly visible location on board a ship and in any other place at the place of business a document stating the Maritime Labour Convention, 2006.

(3) The owner of a specified ship for which a maritime labor certificate or an interim maritime labor certificate has been issued must display a copy of the certificate in a clearly visible location on board the ship and any other place of business.

(Adjustment of Remuneration, Compensation, and Allowances)

Article 114 (1) For any period in which two or more of the following are payable together, it is sufficient for a shipowner to pay only the largest of the following amounts: a salary or any other remuneration, an unemployment allowance, a repatriation allowance, an injury and illness allowance, or a missing person allowance.

(2) If the shipowner is required to pay a salary or other remuneration and when the shipowner is required to pay a discharge allowance or prognosis allowance, the shipowner is exempt from the obligation to pay discharge allowance or a prognosis allowance up to the amount that the shipowner is required to pay as a salary or other remuneration.

(Prohibition of Transfer or Garnishment)

Article 115 The right to receive unemployment allowance, discharge allowance, repatriation expenses, a repatriation allowance, or accident compensation may not be transferred or garnished. The same applies to the right to receive a salary or other remuneration for a period during which both the salary or other remuneration and the allowances prescribed in the preceding Article are to be paid (limited to the

part of the right to receive remuneration that is equivalent to the amount of those allowances).

(Payment of Additional Monies)

Article 116 (1) When a shipowner violates the provisions of Articles 44-3 through 46, Article 47, paragraph (1), Article 49, Article 63, Article 66 (including as applied mutatis mutandis pursuant to Article 88-2-2, paragraphs (4) and (5), and Article 88-3, paragraph (4)), or Article 78, the shipowner must pay the mariner an additional monies equivalent to the unpaid amount at the time of the claim under the following paragraph for the amount payable by the shipowner pursuant to those provisions (or for the repatriation expenses, when the shipowner violates the provisions of Article 47, paragraph (1)).

(2) A mariner may claim the payment of the additional monies stated in the preceding paragraph only by filing an action with the court; provided, however, that the action must be filed within five years from the time of the violation prescribed in that paragraph.

(Special Provisions on Prescription)

Article 117 A claim held by a mariner against a shipowner is extinguished by prescription when not exercised within two years (or within five years, in the case of a claim for salary or other remuneration) from the time at which it becomes exercisable. The same applies to a claim held against a shipowner for a missing person allowance, allowance for bereaved family, and funeral service fee.

(Navigational Watchkeeping Ratings)

Article 117-2 If a shipowner intends to have a rating board a ship specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as a rating who has the duty of watchkeeping at sea (referred to as a "navigational watchkeeping rating" in paragraph (5)), the shipowner must have a person who has received a seal of verification pursuant to the provisions of the following paragraph or a person who holds a certificate of proficiency for a navigational watchkeeping rating board the ship as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) Pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, the Minister of Land, Infrastructure, Transport and Tourism affixes a seal of verification indicating that the certification has been granted on the Mariner's Pocket Ledger of a person who has been certified as having the necessary knowledge and skills required for navigational watchkeeping, or issues a certificate of proficiency for a navigational watchkeeping rating to that person.

(3) The Minister of Land, Infrastructure, Transport and Tourism may choose not to issue a seal of verification referred to in the preceding paragraph or a certificate of proficiency for a navigational watchkeeping rating under the provisions of that paragraph to a person whose seal of verification has been deleted or who has been

ordered to return the certificate of proficiency for a navigational watchkeeping rating, pursuant to the provisions of the following paragraph, if one year has not passed from the date of the deletion or order.

(4) When a person who has received a seal of verification pursuant to the provisions of paragraph (2) or a person who holds a certificate of proficiency for a navigational watchkeeping rating has violated this Act or an order under this Act in connection with their duties, the Minister of Land, Infrastructure, Transport and Tourism may order the person to submit their Mariner's Pocket Ledger, delete the seal of verification, or return the certificate of proficiency for a navigational watchkeeping rating.

(5) In addition to what is specified in the preceding paragraphs, necessary matters concerning a navigational watchkeeping rating, and the seal of verification and certificate of proficiency for a navigational watchkeeping rating referred to in paragraph (2) are specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Person assigned with responsibilities for handling dangerous and other substances)

Article 117-3 Pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, a shipowner must have a person who has received a seal of verification pursuant to the provisions of the following paragraph or a person who holds a certificate of proficiency for a person assigned with responsibilities for handling dangerous and other substances. board a tanker specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism (meaning a ship used to transport bulk liquid cargo that contains hazardous materials or hazardous substances specified by the Minister of Land, Infrastructure, Transport and Tourism) or a liquefied natural gas-fueled ship specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism (meaning a ship fueled by liquefied natural gas or other liquid substances which are hazardous materials or hazardous substances specified by the Minister of Land, Infrastructure, Transport and Tourism) as a person who has the duty of managing the work related to handling hazardous materials or hazardous substances (referred to as a "person assigned with responsibilities for handling dangerous and other substances." in paragraph (3)).

(2) Pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, the Minister of Land, Infrastructure, Transport and Tourism affixes a seal of verification indicating that certification has been granted on the Mariner's Pocket Ledger of a person who has been certified as having the necessary knowledge and skills to manage the work handling hazardous materials or hazardous substances, or issues a certificate of proficiency for a person assigned with responsibilities for handling dangerous and other substances. to that person.

(3) The provisions of paragraphs (3) through (5) of the preceding Article apply mutatis mutandis to a person assigned with responsibilities for handling dangerous and other substances, and to the seal of verification stated in the preceding paragraph and the certificate of proficiency for a person assigned with responsibilities for handling dangerous and other substances.

(Person Responsible for Operation in a Specified Sea Area)

Article 117-4 Pursuant to Order of the Ministry of Land, Infrastructure, Transport and Tourism, a shipowner must have a person who has received a seal of verification pursuant to the provisions of the following paragraph or a person who holds a certificate of proficiency for a person responsible for navigation in a specified sea area board a ship navigating in a specified sea area (meaning a sea area specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as a sea area for which navigation is considered to require special knowledge and skills because the conditions of sea ice and other natural conditions hinder or are likely to hinder ensuring that the ship is navigated safely) as a person who has the duty of managing the work related to navigation of the ship according to the characteristics of the sea area (referred to as a "person responsible for navigation in a specified sea area" in paragraph (3)).

(2) Pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, the Minister of Land, Infrastructure, Transport and Tourism affixes a seal of verification indicating that certification has been granted on the Mariner's Pocket Ledger of a person who is certified as having the necessary knowledge and skills to manage the work related to navigation according to the characteristics of the sea area, or issues a certificate of proficiency for a person responsible for navigation in a specified sea area to that person.

(3) The provisions of Article 117-2, paragraphs (3) through (5) apply mutatis mutandis to the person responsible for navigation in a specified sea area, and the seal of verification and the certificate of proficiency for a person responsible for navigation in a specified sea area, as referred to in the preceding paragraph.

(Lifeboatmen)

Article 118 (1) For a ship specified by the Order of the Ministry of Land, Infrastructure, Transport and Tourism, the shipowner must appoint a lifeboatmen from among the members of the crew in the number specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) A lifeboat operator must be a person who holds a certificate of proficiency for a lifeboatmen.

(3) The Minister of Land, Infrastructure, Transport and Tourism issues a certificate of proficiency for a lifeboatmen to the following persons:

(i) a person who has passed an examination conducted by the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism; and

(ii) a person who has been certified by the Minister of Land, Infrastructure, Transport and Tourism, pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, as having abilities equivalent to or greater than the person stated in the preceding item.

(4) The Minister of Land, Infrastructure, Transport and Tourism may choose not to issue the certificate of proficiency for a lifeboatmen to a person who has been ordered to return the certificate of proficiency for a lifeboatmen pursuant to the provisions of the following paragraph, if one year has not elapsed from the date of the order.

(5) When a lifeboat operator has violated this Act or an order under this Act in connection with their duties, the Minister of Land, Infrastructure, Transport and Tourism may order the lifeboat operator to return the certificate of proficiency for a lifeboatmen.

(6) In addition to what is specified in the preceding paragraphs, necessary matters concerning a lifeboatmen and the certificate of proficiency for a lifeboatmen are specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(Members of the Crew of Passenger Ships)

Article 118-2 A shipowner must not allow a person who has not completed educational training on evacuation of passengers and other educational training on safe navigation pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism to board a passenger ship specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as a member of the crew.

(Members of the Crew on High-Speed Crafts)

Article 118-3 A shipowner must not allow a person who has not completed educational training on ship handling according to the characteristics of the ship and other educational training on safe navigation as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism to board a high-speed craft (meaning a ship whose maximum speed is greater than or equal to the speed specified by the Minister of Land, Infrastructure, Transport and Tourism) specified by the Order of the Ministry of Land, Infrastructure, Transport and Tourism as a member of the crew.

(Educational Training for Members of the Crew of Small Ships to Be Provided by Shipowners)

Article 118-4 Pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, a shipowner must provide a member of the crew of a ship with a gross tonnage of less than 20 tons that is used for passenger transportation as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism (including a person that the shipowner intends to have board the ship) with educational training on ship handling and other educational

training on safe navigation according to the characteristics of the sea area in which the ship is navigating (referred to as "specified educational training" in paragraph (1) of the following Article).

(Educational Training for Members of the Crew of Specified Small-Sized Ships to Be Provided by Owners of Specified Small-Sized Ships)

Article 118-5 An owner of a ship provided for in the preceding Article that falls under the ships stated in Article 1, paragraph (2), item (i) or (ii) (referred to below as "specified small ship" in this Article) (if the ship is co-owned, the ship's husband, or if the ship is being leased, the lessee of the ship; referred to below as "owner of a specified small ship" in this Article and in Articles 131-2 and 135, paragraph (2)) must conduct specified educational training for a member of the crew of a specified small ship (including for a person who the shipowner intends to have board the specified small ship), pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) When the Minister of Land, Infrastructure, Transport and Tourism finds that there has been a violation of the provisions of the preceding paragraph, the Minister may order the owner of a specified small ship to take necessary measures to rectify the violation.

(3) If an owner of a specified small ship does not comply with an order issued pursuant to the provisions of the preceding paragraph and when the Minister of Land, Infrastructure, Transport and Tourism finds it particularly necessary for ensuring that the specified small ship is navigated safely, the Minister may order the navigation of the specified small ship to be suspended or prohibit its navigation. In this case, when the specified small ship is in navigation, the Minister of Land, Infrastructure, Transport and Tourism may designate the port to which the specified small ship is to enter.

(4) When the Minister of Land, Infrastructure, Transport and Tourism finds that the fact prescribed in paragraph (2) no longer exists with regard to the specified small ship related to the disposition pursuant to the provisions of the preceding paragraph, the Minister must immediately void the disposition.

(5) When a mariners' labor inspector finds it necessary, the officer may call the attention of or give a recommendation to an owner of a specified small ship with regard to compliance with the provisions of paragraph (1).

(Procedures for Processing On-Board Complaints)

Article 118-6 Pursuant to the provisions of Order of the Ministry of Land, Infrastructure, Transport and Tourism, a shipowner must establish procedures for processing on-board complaints (meaning procedures for processing a complaint that a mariner has filed with the shipowner during a voyage with regard to the matters provided for in this Act, the Labor Standards Act, and orders based on this Act, or the matters provided for by Order of the Ministry of Land, Infrastructure,

Transport and Tourism concerning the working conditions, etc. of a mariner; the same applies below in this Article).

(2) When an employment agreement has been concluded, the shipowner must issue to the mariner a document stating the procedures for processing on-board complaints without delay.

(3) If a shipowner receives a complaint referred to in paragraph (1) from a mariner during a voyage, the shipowner must process the complaint in accordance with the procedures for processing on-board complaints.

(4) A shipowner must not dismiss or otherwise treat a mariner disadvantageously on the grounds of having filed a complaint referred to in paragraph (1).

(Family Register Certificate)

Article 119 A mariner, a person seeking to become a mariner, a shipowner, or a master may request, free of charge, a certificate of the family register of a mariner or a person seeking to become a mariner from the person who administers family register affairs or a deputy of that person.

(Transitional Measures)

Article 119-2 If an order is enacted, amended, or repealed pursuant to the provisions of this Act, the necessary transitional measures (including transitional measures concerning the pension system, the health insurance system, the employment insurance system, other social security systems, special accounts of the government relating to these systems, the system for adjustment of labor relations, other labor-related systems, and penal provisions) may be specified by the order to the extent considered reasonably necessary for the enactment, amendment, or repeal.

(Application to the National Government and Local Governments)

Article 120 This Act, the Labor Standards Act, and an order issued based on this Act also apply to the national government, prefectures, municipalities, or other equivalent bodies.

(Partial Exemption from Application of the Act on Ships' Officers and Boats' Operators)

Article 120-2 The provisions of Chapter III, Section 5 of the Act on Ships' Officers and Boats' Operators do not apply to a master.

(Supervision of Foreign Ships)

Article 120-3 While a non-Japanese ship (excluding a ship specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism as referred to in Article 1, paragraph (1) and a ship specified in the items of paragraph (2) of that Article; referred to below as a "foreign ship" in this Article) as specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism is in a port in Japan, the Minister of Land, Infrastructure, Transport and Tourism may have its official enter that foreign ship and inspect whether or not the working conditions, etc. of the member of the crew of the foreign ship conform to the requirements provided for

in the Convention on Maritime Labor of 2006 and whether or not the member of the crew of the foreign ship conform to all of the following requirements:

(i) Navigational watchkeeping is conducted in accordance with the navigational watchkeeping standards specified in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers, 1978; and

(ii) the person has the necessary knowledge and skills to operate the steering equipment or fire defense equipment and properly conduct the matters specified by Order of the Ministry of Land, Infrastructure, Transport and Tourism for ensuring navigation safety.

(2) When and to the extent to which the Minister of Land, Infrastructure, Transport and Tourism finds it necessary for conducting the inspection referred to in the preceding paragraph, the Minister may inspect the books and documents, and any other item of the foreign ship, ask questions to the member of the crew of the foreign ship, or examine whether the member of the crew of the foreign ship has the knowledge and skills prescribed in item (ii) of that paragraph.

(3) When the Minister of Land, Infrastructure, Transport and Tourism, as a result of the inspection under the provisions of paragraph (1), finds that the working conditions, etc. of the member of the crew of the foreign ship do not conform to the requirements specified in the Convention on Maritime Labor of 2006, or that the member of the crew of the foreign ship does not conform to any of the requirements stated in the items of that paragraph, the Minister is to notify the master of the foreign ship in writing that the necessary measures are to be taken to ensure conformity to those requirements.

(4) If the notification pursuant to the provisions of the preceding paragraph has been made but the measures related to the notification have not been taken and when the Minister finds that continuing to navigate the ship is likely to endanger the life, physical well-being, or property of a person or to hamper the conservation of the marine environment, taking into consideration the size and type of the foreign ship as well as the period and conditions of the voyage, the Minister may order the navigation of the foreign ship to be suspended or prohibit its navigation.

(5) In the case prescribed in the preceding paragraph, an official designated in advance by the Minister of Land, Infrastructure, Transport and Tourism may immediately exercise the authority of the Minister of Land, Infrastructure, Transport and Tourism prescribed in that paragraph when the official finds it urgently necessary to do so in order to prevent danger to the life, physical well-being, or property of a person or to conserve the marine environment.

(6) The provisions of Article 101, paragraph (3) apply mutatis mutandis to the case referred to in paragraph (4), and the provisions of Article 107, paragraphs (3) and (4) apply mutatis mutandis to the case referred to in paragraph (1). In this case, the term "the preceding paragraph" in Article 101, paragraph (3) is deemed to be replaced with "Article 120-3, paragraph (4)", the phrase "the fact provided for in

paragraph (1) no longer exists" in that paragraph is deemed to be replaced with "necessary measures have been taken to conform to the requirements specified in the Convention on Maritime Labor of 2006 and to the requirements specified in the items of paragraph (1) of that Article", the term "the preceding two paragraphs" in Article 107, paragraph (3) is deemed to be replaced with "Article 120-3, paragraph (1)", the term " mariners' labor inspector" in that paragraph is deemed to be replaced with "an official who conducts an on-site inspection pursuant to the provisions of paragraph (1) of that Article", and the term "paragraph (1) or (2)" in paragraph (4) of that Article is deemed to be replaced with "Article 120-3, paragraph (1)".

(7) The provisions of Article 112 (limited to the part related to a mariner and a shipowner) apply mutatis mutandis to the member of the crew of a foreign ship. In this case, the term "this Act, the Labour Standards Act, or an order based on this Act" in paragraph (1) of that Article is deemed to be replaced with "the Maritime Labour Convention, 2006", and the term " mariners' labor inspectors" in that paragraph is deemed to be replaced with "an official designated in advance by the Minister of Land, Infrastructure, Transport and Tourism".

(Establishment of Orders)

Article 121 An order issued based on this Act is to be established after a public hearing is held on a draft of the order to hear the opinions of the persons representing mariners and shipowners, and persons representing the public interest.

(Payment of Fees)

Article 121-2 (1) The following persons (excluding a person who files an application related to the functions to be performed by the mayor of a municipality pursuant to the provisions of Article 104, paragraph (1)) must pay a fee to the national government in the amount specified by Cabinet Order in consideration of the actual costs:

(i) a person who seeks to have their Mariner's Pocket Ledger issued, reissued, amended, or renewed;

(ii) a person who seeks to have the certificate of proficiency for a health supervisor stated in Article 82-2, paragraph (2) or the certificate of proficiency for a lifeboatmen stated in Article 118, paragraph (2) reissued;

(iii) a person who seeks to take the examination stated in Article 82-2, paragraph (3), item (i) or Article 118, paragraph (3), item (i);

(iv) a person who seeks to obtain certification under the provisions of Article 82-2, paragraph (3), item (ii) or Article 118, paragraph (3), item (ii);

(v) a person who seeks to undergo a statutory inspection (limited to an inspection conducted by the Minister of Land, Infrastructure, Transport and Tourism);

(vi) a person who seeks to have a maritime labor certificate or an interim maritime labor certificate issued (limited to a person who seeks to have these certificates issued for a ship inspected by a registered inspection agency); and

(vii) a person who seeks to have a maritime labor certificate or an interim maritime labor certificate reissued or renewed.

(Classification of Functions)

Article 121-3 The functions to be handled by the prefecture pursuant to the provisions of Article 104, paragraph (3) are the category 1 statutory entrusted functions prescribed in Article 2, paragraph (9), item (i) of the Local Autonomy Act.

(Delegation of Authority)

Article 121-4 (1) Part of the authority of the Minister of Land, Infrastructure, Transport and Tourism prescribed in this Act may be delegated to the director of a district transport bureau, pursuant to Order of the Ministry of Land, Infrastructure, Transport and Tourism.

(2) The authority delegated to the director of a district transport bureau pursuant to the provisions of the preceding paragraph may be delegated to the director of a transport bureau branch or the head of the office of a district transport bureau, transport supervision department, or transport bureau branch, pursuant to Order of the Ministry of Land, Infrastructure, Transport and Tourism.

Chapter XIV Penal Provisions

Article 122 When a master abuses their authority by forcing a person aboard a ship to do something that the person is not obliged to do, or by obstructing the person from exercising that person's rights, the master is subject to imprisonment for not more than two years.

Article 123 When a master violates the provisions of Article 12, the master is subject to imprisonment for not more than five years.

Article 124 When a master, in violation of the provisions of Article 13, fails to use all means necessary to save human life and the ship, the master is subject to imprisonment for not more than three years or a fine of not more than one million yen.

Article 125 (1) If a master falls under any of the following items, the master is subject to imprisonment for not more than two years or a fine of not more than five hundred thousand yen:

- (i) when the master violates the provisions of Article 14;
- (ii) when the master abandons the ship;
- (iii) when the master abandons a seaman in a foreign country.

Article 126 (1) If a master falls under any of the following items, the master is subject to a fine of not more than three hundred thousand yen:

(i) when the master violates the provisions of Article 8, Article 10, Article 11, Article 14-3, paragraph (1), Article 16, Article 17, Article 50, paragraph (2), Article 55, or Article 66-2;

(ii) when the master changes the scheduled route in violation of the provisions of Article 9;

(iii) when the master fails to provide matters in violation of the provisions of Article 13;

(iv) when the master fails to make a report pursuant to the provisions of Article 13-2, paragraph (1), or makes a false report;

(v) when the master arranges water burial for a person in violation of the Order of the Ministry of Land, Infrastructure, Transport and Tourism based on the provisions of Article 15;

(vi) when the master fails to keep the documents under the provisions of Article 18, or fails to state the matters required in the documents referred to in paragraph (1), item (ii) or item (iii) of that Article, or makes a false statement;

(vii) if the master fails to make a report under the provisions of Article 19 or makes a false report; or

(viii) when the master fails to state the matters required in the Mariner's Pocket Ledger, or has made false statements, in violation of the provisions of the main clause of Article 50, paragraph (4).

Article 127 When a seaman assaults or uses intimidation against their superior, the seaman is subject to imprisonment for not more than three years or a fine of not more than a million yen.

Article 128 (1) If a seaman falls under any of the following items, the seaman is subject to imprisonment for not more than one year:

(i) deleted;

(ii) when the seaman fails to comply with an order of a superior while the master takes necessary measures to save human life, the ship, aircraft, or cargo in the cases prescribed in Article 12, Article 13, or Article 14;

(iii) when the seaman fails to engage in work necessary to save human life, the ship, or its cargo in an emergency in the case prescribed in Article 39, paragraph (3); or

(iv) when the seaman leaves the ship in a foreign country.

Article 128-2 When a mariner violates the provisions of Article 81, paragraph (4), the mariner is subject to a fine of not more than three hundred thousand yen.

Article 129 When a shipowner violates the provisions of Article 85, paragraph (1) or (2), Article 88, or Article 88-6, the person who commits the violation is subject to imprisonment for not more than one year or a fine of not more than three hundred thousand yen.

Article 130 When a shipowner violates the provisions of Article 33, Article 34, paragraph (1), Article 35, Article 44-2, paragraph (1) or (2), Article 44-3, paragraph (1) or (3), Article 45, Article 46, Article 47, paragraph (1) or (2), Article 49, Article 62, Article 63, Article 65-2, paragraph (3) (including as applied mutatis mutandis pursuant to Article 88-2-2, paragraph (5)), Article 66 (including as applied mutatis

mutandis pursuant to Article 88-2-2, paragraphs (4) and (5), and Article 88-3, paragraph (4)), Article 69, Article 74, Article 78, Article 80, Article 81, paragraphs (1) through (3), Article 82, Article 86, paragraph (1), Article 87, paragraph (1) or paragraph (2), Article 88-2-2, paragraph (1), Article 88-3, paragraph (1), Article 88-4, paragraph (1), Article 89, Articles 91 through 94, Article 112, paragraph (2), Article 117-2, paragraph (1), Article 117-3, paragraph (1), Article 117-4, paragraph (1), Article 118, paragraph (1), Articles 118-2 through 118-4, or Article 118-6, paragraph (4), the person who commits the violation is subject to imprisonment for not more than six months or a fine of not more than three hundred thousand yen.

Article 130-2 (1) If a shipowner falls under any of the following items, the person who commits the violation is subject to a fine of not more than two million yen:

(i) when the person has a maritime labor certificate or an interim maritime labor certificate issued, reissued, or renewed by deception or other wrongful acts;

(ii) when the person uses a ship for which a maritime labor certificate has been issued on an international voyage without undergoing an inspection under the provisions of Article 100-4; or

(iii) when the person uses a specified ship on an international voyage in violation of the provisions of Article 100-7.

Article 130-3 When a shipowner violates an order under the provisions of Article 100-10, paragraph (1) or paragraph (2), the person who commits the violation is subject to a fine of not more than five hundred thousand yen.

Article 131 (1) If a shipowner falls under any of the following items, the person who commits the violation is subject to a fine of not more than three hundred thousand yen:

(i) when the person violates the provisions of Article 34, paragraph (2), Article 36, paragraph (3), Article 53, paragraph (1) or paragraph (2), Article 54, Article 56, Article 58, paragraph (1), Article 67, paragraph (2), Article 82-2, paragraph (1), Article 83, paragraph (1), Article 85, paragraph (3), Article 88-7, or Article 113;

(ii) when, in violation of the provisions of Article 32, paragraph (1), (2) (including as applied mutatis mutandis pursuant to paragraph (4) of that Article) or the provisions of paragraph (3), Article 36, paragraph (1) or paragraph (2), Article 53, paragraph (3), or Article 118-6, paragraph (2), the person fails to issue a document or issues a document that does not state the matters prescribed in those provisions or that contains a false statement;

(iii) when the person fails to return savings, notwithstanding the request of a mariner under the provisions of Article 34, paragraph (4);

(iv) when the person fails to make a notification under the provisions of Article 37 or makes a false notification;

(v) when the person issues a document containing a false statement at the time of issuance of the document under the proviso to Article 50, paragraph (4);

(vi) when the person fails to keep a remuneration payment book or a record book under the provisions of Article 58-2 or Article 67, paragraph (1), or fails to state the matters necessary in the remuneration payment book or the record book, or has made a false statement;

(vii) when the person uses a specified ship on an international voyage in violation of the provisions of Article 100-8; or

(viii) when the person fails to make a report under the provisions of Article 111 or makes a false report.

Article 131-2 When an owner of a specified small ship violates the provisions of Article 112, paragraph (2) or Article 118-5, paragraph (1), the person who commits the violation is subject to imprisonment for not more than six months or a fine of not more than three hundred thousand yen.

Article 131-3 An executive officer or employee of a registered inspection agency who has violated an order of suspension of inspection services issued under the provisions of Article 100-26, paragraph (1) is punished by imprisonment for not more than one year or a fine of not more than five hundred thousand yen.

Article 131-4 (1) An executive officer or employee of a registered inspection agency (excluding a foreign registered inspection agency) who falls under any of the following items is subject to a fine of not more than three hundred thousand yen:

(i) when the officer or employee discontinues all of the inspection services without obtaining permission under the provisions of Article 100-20; or

(ii) when the officer or employee fails to make a report under the provisions of Article 100-24 or makes a false report.

Article 132 (1) When a person violates a disposition under the provisions of Article 101, paragraph (2) or Article 118-5, paragraph (3), the person who commits the violation is subject to imprisonment for not more than six months or a fine of not more than three hundred thousand yen.

(2) A person who violates a disposition under the provisions of Article 120-3, paragraph (4) is punished by imprisonment for not more than six months or a fine of not more than three hundred thousand yen.

Article 133 (1) A person who falls under any of the following items is subject to a fine of not more than three hundred thousand yen:

(i) a person who damages their Mariner's Pocket Ledger;

(ii) deleted;

(iii) a person who has their Mariner's Pocket Ledger issued, reissued, amended, or renewed by deception or other wrongful acts;

(iv) a person who uses another person's Mariner's Pocket Ledger;

(v) a person who refuses, obstructs, or evades an inspection under the provisions of Article 100-25;

(vi) a person who violates the provisions of Article 109;

(vii) a person who makes a false declaration in the case specified by Article 112, paragraph (1);

(viii) a person who refuses, obstructs, or evades entry under the provisions of Article 120-3, paragraph (1); or

(ix) a person who refuses, obstructs, or evades an inspection or examination under the provisions of Article 120-3, paragraph (2), or who fails to make a statement or makes a false statement in response to a question.

(2) If a person falls under any of the following items, the person who commits the violation is subject to a fine of not more than three hundred thousand yen:

(i) when the person fails to prepare rules of employment or make a notification under the provisions of Article 97, or makes a false notification;

(ii) when the person violates the provisions of Article 98;

(iii) when the person violates an order issued under the provisions of Article 99;

(iv) when the person violates an order issued under the provisions of Article 101, paragraph (1);

(v) when the person fails to comply with an order to appear under the provisions of Article 107, paragraph (1), fails to submit books and documents under the provisions of that paragraph, submits books and documents containing false matters, fails to make a report under the provisions of that paragraph or makes a false report, or refuses, obstructs, or evades entry or inspection under the provisions of that paragraph, or fails to make a statement or makes a false statement in response to a question under the provisions of that paragraph; or

(vi) when the person violates an order under the provisions of Article 118-5, paragraph (2).

Article 134 The provisions of this Chapter which apply to a master apply to a person who performs the master's duties on behalf of the master.

Article 135 (1) When a representative, agent, employee, or any other worker of a shipowner commits a violation of Articles 129 through 131, Article 132, paragraph (1), or Article 133, paragraph (2) in connection with the shipowner's business, in addition to the offender being subject to punishment, the shipowner is subject to the fine prescribed in the relevant Article.

(2) When a representative, agent, employee, or any other worker of an owner of a specified small-sized ship commits a violation of Article 131-2, Article 132, paragraph (1) (limited to the part related to Article 118-5, paragraph (3)), and Article 133, paragraph (2) (limited to the part related to item (vi)) in connection with the business of the owner of a specified small-sized ship, in addition to the offender being subject to punishment, the owner of a specified small-sized ship is subject to the fine prescribed in the relevant Article.

(3) If a representative, agent, employee, or any other worker of an organization provided for in Article 97, paragraph (3) commits a violation of Article 133, paragraph (2) (excluding item (iv)) in connection with the business of the

organization, in addition to the offender being subject to punishment, the organization is subject to the fine referred to in the relevant Article.

Article 136 A person (excluding a foreign registered inspection agency) who fails to keep financial statements, etc., fails to state the necessary matters in the financial statements, etc. or makes a false statement, or refuses a request made under the items of paragraph (2) of Article 100-19 without justifiable grounds, in violation of the provisions of paragraph (1) of that Article, is subject to a civil fine of not more than two hundred thousand yen.

Article 137 (1) Necessary penal provisions may be established in a Cabinet Order based on the provisions of Article 50, paragraph (5) and Article 73, paragraph (1).

(2) The punishment that may be provided for in the penal provisions referred to in the preceding paragraph is to be a fine of not more than three hundred thousand yen in a Cabinet Order based on the provisions of Article 50, paragraph (5), or imprisonment for not more than six months or a fine of not more than three hundred thousand yen in a Cabinet Order based on the provisions of Article 73, paragraph (1).

Supplementary Provisions

Article 1 (1) This Act comes into effect on the date of promulgation, except for the provisions of Chapter X.

(2) The effective date of the provisions of Chapter X is specified by an order.

Article 2 Prior laws and regulations continue to govern matters that have arisen before the enforcement of this Act.

Article 3 (1) With regard to the application of the provisions of Article 116, paragraph (2), the term "five years" in the proviso to that paragraph is deemed to be replaced with "three years" until otherwise provided for by law.

(2) With regard to the application of the provisions of Article 117, the term "within five years, in the case of a claim for salary or other remuneration" in that Article is deemed to be replaced with "within three years in the case of a claim for salary or other remuneration (excluding retirement allowance), or within five years in the case of a claim for retirement allowance" until otherwise provided for by law.

Supplementary Provisions (Act No.32 of May 14, 2025) (Extract)

(Effective Date)

Article 1 (1) This Act comes into effect on the date specified by Cabinet Order within a period not exceeding one year from the date of promulgation; provided, however, that the provisions stated in the following items come into effect on the dates specified respectively in those items:

(i) the provisions of Article 28 of the Supplementary Provisions: the date of promulgation;

(ii) the amended provisions of Article 1 that add an Article after Article 13 of the Mariners Act, the provisions amending Article 126 of that Act (excluding the provisions amending item (vii) of that Article), the provisions amending Article 128,

item (ii) of that Act, and the provisions of Article 5 and Article 18 of the Supplementary Provisions: the date on which the amendment to the Annex to the International Convention for the Safety of Life at Sea of 1974, adopted on May 23, 2024, becomes effective for Japan.

(iii) the provisions of Article 1 amending the Table of Contents of the Mariners Act (excluding the part amending "Article 136" to "Article 137"), the provisions amending to add four Articles after Article 81 of that Act, the provisions amending to add two Chapters after Chapter VIII of that Act (limited to the part related to Chapter VIII-2), the provisions amending Article 100-3, paragraph (1) of that Act (excluding the provisions amending item (vi) of that paragraph), the provisions amending Article 100-6, paragraph (3), items (i) and (iii), Article 100-19, paragraph (1), Article 120-3, paragraphs (1) through (3) and paragraph (6), and Article 121-2 of that Act, the provisions amending Article 130 of that Act (excluding the part amending "up to or" to "up to or" and deleting "in violation of those provisions or in violation of Order of the Ministry of Land, Infrastructure, Transport and Tourism based on the provisions of Article 73"), the provisions amending Article 131-4 to Article 131-6, Article 131-3 to Article 131-5, and adding two Articles after Article 131-2 in that Act, the provisions amending Article 133, paragraph (1) of that Act (excluding the provisions amending item (ii) of that paragraph), and the provisions amending Article 136 of that Act; and the provisions of Article 3, and the provisions of Article 6, Article 7, Article 9, Article 12, paragraphs (2) and (3), Article 13, Article 16, Article 21, and Article 26 of the Supplementary Provisions: the date on which the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel, 1995 becomes effective for Japan; and

(iv) the provisions of Article 2 through Article 4 of the Supplementary Provisions, and Article 10, Article 11, Article 12, paragraph (1), Article 19, and Article 20 of the Supplementary Provisions: the date specified by Cabinet Order before the date specified in the preceding item.

(Transitional Measures for the Mariner's Pocket Ledger and Certificate of Work Performance)

Article 8 (1) Prior laws and regulations continue to govern the entries in the Mariner's Pocket Ledger related to the details of a mariner's work under an employment agreement provided for in Article 37 of the Mariners Act, if that employment agreement was formed, etc. before the date on which this Act comes into effect (referred to below as the "effective date").

(2) Prior laws and regulations continue to govern the request for issuance of a certificate concerning the work performance of a seaman as prescribed in Article 2, paragraph (1) of the Mariners Act before the effective date.

(Review)

Article 14 If five years have elapsed since the enforcement of this Act, the government is to review the provisions of the Mariners Act amended by the

provisions of Article 1 (excluding the amended provisions stated in Article 1, items (ii) and (iii) of the Supplementary Provisions) and the provisions of the Mariners' Employment Security Act amended by the provisions of Article 2, while taking into account the status of enforcement, etc. of these Acts, and take measures as required based on the results of the review when the government finds it necessary.

(Delegation to Cabinet Order)

Article 28 In addition to what is specified in these Supplementary Provisions, transitional measures necessary for the enforcement of this Act (including transitional measures concerning penal provisions) are specified by Cabinet Order.