

**Act on Proper Implementation of Employment for Skill  
Development and Protection of Skill Development  
Employees (Act No. 89 of November 28, 2016)**

(Act No. 89 of 2016)

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**Chapter I General Provisions**

(Purpose)

Article 1 The purpose of this Act, in conjunction with the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951; hereinafter referred to as the "Immigration Control Act") and other laws and regulations on immigration, as well as the Labor Standards Act (Act No. 49 of 1947), the Industrial Safety and Health Act (Act No. 57 of 1972), and other laws and regulations on labor, is to establish basic principles and clarify responsibilities of the national government and other relevant parties with respect to employment for skill development, and to ensure the proper implementation of employment for skill development and the protection of skill development employees by establishing systems for the accreditation of employment-for-skill-development plans and the licensing of supervising and support organizations, and taking other measures, thereby fostering human resources with skills requiring considerable degree of knowledge or experience in the employment-for-skill-

development industrial fields and securing human resources in the employment-for-skill-development industrial fields.

(Definitions)

Article 2 The terms in the following items as used in this Act are to have the meanings as are defined in each item.

(i) The term "employment for skill development" means individual-enterprise-type employment for skill development and supervising-organization-type employment for skill development.

(ii) The term "individual-enterprise-type employment for skill development" means that a foreign national (meaning a foreign national provided for in Article 2, item (i) of the Immigration Control Act; the same applies hereinafter) who is an employee at a place of business located outside of Japan which belongs to a public or private organization in Japan, with the aim of acquiring skills requiring considerable degree of knowledge or experience in the specified industrial fields (meaning the specified industrial fields provided for in item (i) under the right-hand column of the Specified Skilled Worker section of the table of the Appended Table I (2) of the Immigration Control Act) that are as provided for in order of the competent ministries as those reasonable to have them acquire skills in those fields through employment in Japan (hereinafter referred to as "employment-for-skill-development industrial fields"), is accepted by that organization and attends the necessary course of lectures under the status of residence for "Employment for Skill Development" in that table, and engages in duties requiring skills in the employment-for-skill-development industrial fields at that organization's place of business located in Japan, under an employment contract signed with that organization.

(iii) The term "supervising-organization-type employment for skill development" means the following:

(a) a foreign national is accepted by a not-for-profit corporation in Japan and attends the necessary course of lectures under the status of residence for "Employment for Skill Development" in the table of Appended Table I(2) of the Immigration Control Act (or, if a public or private organization in Japan employs a foreign national who is an employee of a place of business located outside of Japan which belongs to a public or private organization in a foreign country that has a close trade relationship provided for in order of the competent ministries with that organization in Japan, a foreign national is accepted by that public or private organization in Japan and attends the necessary course of lectures), and engages in duties requiring skills in the employment-for-skill-development industrial fields at that organization's place of business located in Japan, under an employment contract signed with that public or private organization in Japan that receives supervision and support from that Japanese corporation, with the aim of acquiring skills requiring considerable degree of knowledge or experience

in the employment-for skill-development industrial fields.

(b) in order to acquire skills requiring considerable degree of knowledge or experience in the employment-for-skill-development industrial fields through worker dispatch, etc. (meaning the employment-for-skill-development industrial fields that require having foreign nationals engage in seasonal work to acquire skills in those fields through employment in Japan and are as prescribed by order of the competent ministries as being regarded as possible to have them acquire through employment through worker dispatch, etc. (meaning the worker dispatch referred to in Article 2, item (i) of the Act on Ensuring the Proper Operation of Worker Dispatching Services and Protecting Dispatched Workers (Act No. 88 of 1985; hereinafter referred to as the "Worker Dispatching Act" in this subitem) or the mariner dispatching referred to in Article 6, paragraph (11) of the Mariners' Employment Security Act (Act No. 130 of 1948); the same applies in sub-subitems 1. and 2., and Article 20, paragraph (2); the same applies hereinafter), a foreign national is accepted by a not-for-profit corporation in Japan and attends the necessary course of lectures under the status of residence for Employment for Skill Development in the table of the Appended Table I (2) of the Immigration Control Act, and engages in any of the duties stated in sub-subitem 1. or 2. below under an employment contract with a staffing provider in Japan, etc. (meaning the staffing provider provided for in Article 2, item (iv) of the Worker Dispatching Act or the mariner staffing provider under Article 6, paragraph (14) of the Mariners' Employment Security Act; the same applies hereinafter) that receive supervision and support from that corporation.

1. duties requiring the skills in the employment-for-skill-development industrial fields through worker dispatch, etc., to be conducted at a place of business located in Japan of the staffing provider, etc., and duties requiring the skills in the employment-for-skill-development industrial fields through worker dispatch, etc., to be conducted at a place of business located in Japan of one or more clients in Japan (meaning the client provided for in Article 2, item (iv) of the Worker Dispatching Act or the client under Article 6, paragraph (15) of the Mariners' Employment Security Act; the same applies hereinafter) that receive supervision and support from that corporation through worker dispatch, etc.

2. duties requiring the skills in the employment-for-skill-development industrial fields through worker dispatch, etc., to be performed at a place of business located in Japan of more than one client in Japan that receives supervision and support from that corporation through worker dispatch, etc. (excluding the duties stated in sub-subitem 1.).

(iv) The term "skill development employee" means individual-enterprise-type skill development employees and supervising-organization-type skill development employees.

(v) The term "individual-enterprise-type skill development employee" means the

foreign national who is the subject of the individual-enterprise-type employment for skill development.

(vi) The term "supervising-organization-type skill development employee" means the foreign national who is the subject of the supervising-organization-type employment for skill development.

(vii) The term "implementing organization for employment for skill development" means organizations implementing individual-enterprise-type employment for skill development and organizations implementing supervising-organization-type employment for skill development.

(viii) The term "organization implementing individual-enterprise-type employment for skill development" means an organization which provides individual-enterprise-type employment for skill development based on the accredited employment-for-skill-development plan provided for in Article 11, paragraph (1).

(ix) The term "organization implementing supervising-organization-type employment for skill development" means an organization which provides supervising-organization-type employment for skill development based on the accredited employment-for-skill-development plan provided for in Article 11, paragraph (1).

(x) The term "supervision and support" means conducting the acts stated in subitems (a) and (b) below (or, if a public or private organization in Japan employs a foreign national who is an employee of a place of business located outside of Japan which belongs to a public or private organization in a foreign country that has a close trade relationship (provided for in order of the competent ministries referred to in item (iii), subitem (a)) with that organization in Japan, the act stated in subitem (b)).

(a) make arrangements to establish an employment relationship between an organization implementing supervising-organization-type employment for skill development, etc. (meaning organizations providing supervising-organization-type employment for skill development or persons seeking to provide supervising-organization-type employment for skill development; the same applies hereinafter) (excluding those, as a client in Japan, providing or seeking to provide the supervising-organization-type employment for skill development referred to in item (iii), subitem (b)) and a supervising-organization-type skill development employees, etc. (meaning supervising-organization-type skill development employees or foreign nationals seeking to become the subject of supervising-organization-type employment for skill development; hereinafter the same); and

(b) conduct supervision of organizations implementing supervising-organization-type employment for skill development over the implementation of supervising-organization-type employment for skill development.

(xi) The term "supervising and support organization" means not-for-profit corporations in Japan that engage in the business to conduct supervision and support with the license under Article 23, paragraph (1).

(Basic Principles)

Article 3 Employment for skill development must be conducted in an environment with a well-established system to protect skill development employees to ensure that they can properly acquire skills requiring considerable degree of knowledge or experience in the employment-for-skill-development industrial fields and devote themselves to conducting employment for skill development.

(Responsibilities of the National and Local Governments)

Article 4 (1) In order to achieve the purpose of this Act, the national government must comprehensively and effectively promote measures necessary for ensuring the proper implementation of employment for skill development and the protection of skill development employees, in accordance with the basic principles set forth in the preceding Article.

(2) In conjunction with the national government's measures set forth in the preceding paragraph, local governments must endeavor to promote measures necessary for ensuring the proper implementation of employment for skill development and the protection of skill development employees in accordance with the actual circumstances of the relevant region.

(Responsibilities of Implementing Organizations for Employment for Development, Supervising and Support Organizations, and Other Organizations)

Article 5 (1) Implementing organizations for employment for development must be conscious of their responsibilities as the organizations providing employment for skill development with regard to the proper implementation of employment for skill development and the protection of skill development employees, and must endeavor to develop a suitable environment for providing employment for skill development and cooperate with the measures being implemented by the national government and local governments in accordance with the basic principles set forth in Article 3.

(2) Supervising and support organizations must be conscious of the fact that they should play important roles in the proper implementation of employment for skill development and the protection of skill development employees, and must fulfill their responsibilities for supervision and support in an appropriate manner and cooperate with the measures being implemented by the national government and local governments.

(3) Associations consisting of implementing organizations for employment for development or supervising and support organizations must endeavor to provide the necessary guidance and advice to the implementing organizations or supervising and support organizations as their members in order to ensure the

proper implementation of employment for skill development and the protection of skill development employees.

(Responsibilities of Skill Development Employees)

Article 6 Skill development employees must endeavor to acquire skills requiring considerable degree of knowledge or experience in the employment-for-skill-development industrial fields by devoting themselves to conducting employment for skill development.

(Basic Policy)

Article 7 (1) The government must establish a basic policy for the proper implementation of employment for skill development and the protection of skill development employees (hereinafter referred to as the "basic policy" in this Article and the following Article).

(2) The basic policy is to specify the following:

- (i) the particulars on the significance of the system pertaining to the employment-for-skill-development;
  - (ii) the basic particulars on the selection of the employment-for-skill-development industrial fields and the employment-for-skill-development industrial fields through worker dispatch, etc.;
  - (iii) the basic particulars on human resources required in the employment-for-skill-development industrial fields;
  - (iv) the basic particulars on measures for the protection of skill development employees;
  - (v) the basic particulars on adjustments to the administrative affairs of the relevant administrative organs relating to operation of the employment-for-skill-development system; and
  - (vi) beyond what is stated in the preceding items, important particulars on operation of the system pertaining to the employment-for-skill-development.
- (3) The competent ministers must prepare a draft basic policy and seek a cabinet decision.

(4) When preparing a draft basic policy, the competent ministers must seek the opinions of persons with knowledge of employment for skill development in advance.

(5) If the cabinet decision set forth in paragraph (3) has been made, the competent ministers must publish the basic policy without delay.

(6) The provisions of the preceding three paragraphs apply *mutatis mutandis* to revisions to the basic policy.

(Field-specific Operation Policies)

Article 7-2 (1) The competent ministers must, pursuant to the basic policy, in cooperation with the heads of relevant administrative organs with jurisdiction over specified fields of the employment-for-skill-development industrial fields (hereinafter referred to as "individual employment-for-skill-development

industrial fields"), and the National Public Safety Commission and the Minister for Foreign Affairs (hereinafter referred to as "heads of the administrative organs in charge and other ministers" in this Article), establish policies for the operation of an employment-for-skill-development system in the individual employment-for-skill-development industrial fields (hereinafter referred to as "field-specific operation policies") to ensure the proper implementation of employment for skill development and the protection of skill development employees in the individual employment-for-skill-development industrial fields.

(2) The field-specific operation policies are to specify the particulars stated below:

(i) If the individual employment-for-skill-development industrial fields specified in the relevant field-specific operation policies and the individual employment-for-skill-development industrial fields are the employment-for-skill-development industrial fields through worker dispatch, etc., to that effect;

(ii) particulars on the criteria for human resources required in the individual employment-for-skill-development industrial fields referred to in the preceding item;

(iii) particulars on the development of skill development employees in the individual employment-for-skill-development industrial fields referred to in item (i);

(iv) particulars on the expected number of accepted human resources in the individual employment-for-skill-development industrial fields referred to in item (i) and securing other human resources (including the situation of regions facing the human resource shortage in the individual employment-for-skill-development industrial fields);

(v) particulars on the measures to suspend the accreditation of employment for skill development set forth under Article 12-2 in the individual employment-for-skill-development industrial fields referred to in item (i) and the measures to resume the accreditation;

(vi) particulars on change of implementing organizations in the individual employment-for-skill-development industrial fields referred to in item (i); and

(vii) beyond what is stated in the preceding items, important particulars on operation of the system pertaining to employment-for-skill-development in the individual employment-for-skill-development industrial fields referred to in item (i).

(3) In seeking to establish the field-specific operation policies, the competent ministers, and the heads of the administrative organs in charge and other ministers must seek the opinions of persons with knowledge of employment for skill development in advance.

(4) In seeking to establish the field-specific operation policies, the competent ministers, and the heads of the administrative organs in charge and other

ministers must consult with the heads of relevant administrative organs other than the heads of the administrative organs in charge and other ministers in advance.

(5) When the field-specific operation policies have been established, the competent ministers, and the heads of the administrative organs in charge and other ministers must publicly announce those policies without delay.

(6) The provisions of the preceding three paragraphs apply mutatis mutandis to revisions to field-specific operation policies.

## **Chapter II Employment-for-Skill-Development**

### **Section 1 Employment-for-Skill-Development Plans**

(Accreditation of Employment-for-Skill-Development Plans)

Article 8 (1) A individual or corporation in Japan (or, if multiple corporations in Japan having a relationship of a parent company (meaning the parent company defined in Article 2, item (iv) of the Companies Act (Act No. 86 of 2005); the same applies in paragraph (4) of the following Article) and its subsidiary (meaning the subsidiary defined in Article 2, item (iii) of the same Act; the same applies in the same paragraph) or any other close relationship provided for in order of the competent ministries seek to jointly provide employment for skill development, these multiple corporations; the same applies in Article 8-5, paragraph (1) and Article 8-6, paragraph (1)) seeking to provide employment for skill development may, as provided for in order of the competent ministries, prepare a plan relating to the implementation of employment for skill development (hereinafter referred to as an "employment-for-skill-development plan") for each foreign national seeking to become the subject of employment for skill development (excluding the skill development employees and the foreign nationals who are no longer the subject of employment for skill development as provided for in the same paragraph; the same applies in the following paragraph), submit it to the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare, and receive accreditation to the effect that the plan is appropriate.

(2) In the case of the preceding paragraph, if the employment-for-skill-development plan that the individual or corporation seeks to receive accreditation under the same paragraph is intended to provide the supervising-organization-type employment for skill development referred to in Article 2, item (iii), subitem (b) (hereinafter referred to as "supervising-organization-type employment for skill development through worker dispatch, etc."), a staffing provider in Japan, etc., and one or more clients in Japan must jointly prepare an employment-for-skill-development plan for each foreign national who seeks to become the subject of employment for skill development, submit it to the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare, and receive accreditation under the preceding paragraph.

(3) The employment-for-skill-development plans must include the particulars stated below:

(i) the name and address of a person who submits an application for accreditation referred to in paragraph (1) (hereinafter referred to as "applicant" in this Article and Article 9), and in the case of a corporation, the name of its representative;

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

(iii) the name and address of the place of business where the employment for skill development is to be provided;

(iv) the name and nationality of a foreign national who seeks to become the subject of employment for skill development;

(v) the category of employment for skill development (meaning the category of individual-enterprise-type employment for skill development or supervising-organization-type employment for skill development; the same applies in Article 9, paragraph (1), item (ii));

(vi) the duties conducted by the foreign national, and skills required for those operations, Japanese language proficiency and other goals of employment for skill development (meaning passing the trade skills tests referred to in Article 44, paragraph (1) of the Vocational Abilities Development Promotion Act (Act No. 64 of 1969) or the tests designated by order of the competent ministries (referred to as "employment-for-skill-development evaluation tests" in Article 52) and other goals; the same applies in Article 9, paragraph (1), item (ii)) and their detailed content, as well as the commencement and termination dates of employment for skill development;

(vii) the name of a person responsible for the implementation of employment for skill development at each place of business where it provides the employment for skill development (including, in the case of the preceding paragraph, the place of business where staffing providers in Japan, etc., conduct the operations relating to employment for skill development);

(viii) in the case of individual-enterprise-type employment for skill development, the name of persons who conduct audit into the organization implementing individual-enterprise-type employment for skill development with regard to implementation of individual-enterprise-type employment for skill development;

(ix) in the case of supervising-organization-type employment for skill development, the name and address of the supervising and support organization which provides supervision and support, and the name of its representative;

(x) the remuneration, working hours, days off, leave, accommodation facilities, and meal expenses and living expenses to be paid by skill development employees, as well as other terms of treatment of skill development employees; and

(xi) other particulars as provided for in order of the competent ministries.

(4) Documents certifying the particulars stated in the items of Article 9,

paragraph (1) (or, in the case of paragraph (2) of this Article, the items of Article 9, paragraph (2)) and other documents provided for in order of the competent ministries must be attached to the employment-for-skill-development plan.

(5) The persons stated in each of the following items must take the measures set forth in each item in order to make the content of the employment-for-skill-development plan more appropriate.

(i) An applicant seeking to provide supervising-organization-type employment for skill development is to prepare an employment-for-skill-development plan based on the guidance of the supervising and support organization from which it receives supervision and support.

(ii) A supervising and support organization is to provide information, advice, instructions, and other necessary guidance relating to the preparation of the employment-for-skill-development plan.

(6) The applicant must, as provided for in order of the competent ministries, pay the fee in the amount provided for in order of the competent ministries in consideration of actual costs.

(Request of Skill Development Employee for Change of Implementing Organization for Employment for Skill Development)

Article 8-2 (1) When a skill development employee requests a change of the implementing organization for employment for skill development, the employee may make a written request for change of the implementing organization for employment for skill development to either of the persons set forth opposite to the category of the skill development employees stated in the following items, as provided for in order of the competent ministries.

(i) individual-enterprise-type skill development employee: organization implementing individual-enterprise-type employment for skill development that provides individual-enterprise-type employment for skill development for the individual-enterprise-type skill development employee, or the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare.

(ii) supervising-organization-type skill development employee: organization implementing supervising-organization-type employment for skill development that provides supervising-organization-type employment for skill development for the supervising-organization-type skill development employee, or the supervising and support organization from which the organization implementing supervising-organization-type employment for skill development receives supervision and support, or the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare.

(2) When the organization implementing individual-enterprise-type employment for skill development receives a request under the preceding paragraph, it must, as provided for in order of the competent ministries, notify

the name of the individual-enterprise-type skill development employee who has made the request, and other particulars provided for in order of the competent ministries to the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare, without delay.

(3) When the organization implementing supervising-organization-type employment for skill development receives a request under paragraph (1), it must, as provided for in order of the competent ministries, give notice of the name of the supervising-organization-type skill development employee who has made the request, and other particulars provided for in order of the competent ministries to the supervising and support organization from which it receives supervision and support, without delay.

(4) If the employment for skill development provided by the implementing organization for employment for skill development that has received a request under the provision of paragraph (1) is the employment for skill development jointly provided by multiple corporations in Japan having a relationship of a parent company and its subsidiary or other close relationship as provided for in order of the competent ministries in paragraph (1) of the preceding Article (hereinafter referred to as "employment for skill development at a corporation with a close relationship"), the implementing organization for employment for skill development must, as provided for in order of the competent ministries, give notice of the name of the skill development employee who has made the request, and other particulars provided for in order of the competent ministries to other implementing organizations for employment for skill development that jointly provide the employment for skill development.

(5) If the supervising-organization-type employment for skill development provided by the organization implementing supervising-organization-type employment for skill development that has received a request under paragraph (1) is the supervising-organization-type employment for skill development through worker dispatch, etc., the organization implementing supervising-organization-type employment for skill development must, as provided for in order of the competent ministries, give notice of the name of the supervising-organization-type skill development employee who has made the request, and other particulars provided for in order of the competent ministries to other organizations implementing supervising-organization-type employment for skill developments that jointly provide the supervising-organization-type employment for skill development. In this case, if the organization implementing supervising-organization-type employment for skill development that has received the request is a client in Japan, the notice under paragraph (3) must be given by the staffing provider in Japan, etc., that has received the notice under the first sentence of this paragraph.

(6) When the supervising and support organization receives a request under paragraph (1), it must, as provided for in order of the competent ministries, give notice of the name of the supervising-organization-type skill development employee who has made the request and other particulars provided for in order of the competent ministries to the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare without delay, as well as to the organization implementing supervising-organization-type employment for skill development that provides employment for skill development for the supervising-organization-type skill development employee.

(7) When the supervising and support organization receives a notice under paragraph (3), it must, as provided for in order of the competent ministries, notify the name of the supervising-organization-type skill development employee who has made the request under paragraph (1) and other particulars provided for in order of the competent ministries to the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare without delay.

(Acceptance of Request, etc., by the Employment-for-Skill-Development Organization)

Article 8-3 (1) The Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare may entrust the administrative affairs relating to acceptance of the request under paragraph (1) of the preceding Article and acceptance of the notification under paragraphs (2), (6) and (7) of the preceding Article to the Employment-for-Skill-Development Organization (hereinafter referred to as the "ESDO" in this Chapter).

(2) When the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare entrust the administrative affairs relating to acceptance of the request or notification to the ESDO, a person who seeks to make a request under paragraph (1) of the preceding Article or submit a notification under either of paragraphs (2), (6) and (7) of the same Article must, notwithstanding these provisions, make the request or submit the notification under these provisions to the ESDO.

(3) If the ESDO has accepted the request or notification under the preceding paragraph, it must report to the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare to that effect.

(4) If the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare seek to entrust the administrative affairs relating to acceptance of the request or notification under paragraph (1) to the ESDO, or are to cease entrusting the administrative affairs relating to the acceptance of request or notification to the ESDO, they must issue public notice to that effect.

(Communication and Coordination When a Skill Development Employee Requests a Change of Implementing Organization for Employment for Skill Development)

Article 8-4 (1) When the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare have accepted the request under Article 8-2, paragraph (1), they are to give notice to that effect to the persons specified in the following items opposite to the category stated in each of these items, as provided for in order of the competent ministries.

(i) When they have accepted the request from an individual-enterprise-type skill development employee: the organization implementing individual-enterprise-type employment for skill development that provides individual-enterprise-type employment for skill development for the individual-enterprise-type skill development employee.

(ii) When they have accepted the request from a supervising-organization-type skill development employee: the organization implementing supervising-organization-type employment for skill development that provides supervising-organization-type employment for skill development for the supervising-organization-type skill development employee and the supervising and support organization from which the organization implementing supervising-organization-type employment for skill development receives supervision and support.

(2) When the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare have accepted the request under Article 8-2, paragraph (1) or the notification under either of paragraphs (2), (6) and (7) of the same Article, they are to give the ESDO notice to that effect, as provided for in order of the competent ministries; provided, however, that this does not apply when they have entrusted the administrative affairs relating to acceptance of the request and notification to the ESDO pursuant to the provision of paragraph (1) of the preceding Article.

(3) When the ESDO receives the notice under the preceding paragraph, it must respond to a request for consultation from the skill development employee and provide the employee with necessary information, advice, employment placement, or other assistance to enable the employee who has made the request or submitted the notification to continue the employment for skill development by becoming the subject of employment for skill development with another implementing organization for employment for skill development or otherwise.

(4) When the ESDO handles the administrative affairs relating to acceptance of the request under Article 8-2, paragraph (1) and the notification under paragraphs (2), (6) and (7) of the same Article, for the purpose of application of the provisions of paragraph (1) and the preceding paragraph, the phrase "the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare" in paragraph (1) is to be replaced with "the ESDO," and "When the ESDO receives the notice under the preceding paragraph" is to be replaced with "When the ESDO accepts/receives the request under Article 8-2,

paragraph (1) or the notification under either of paragraphs (2), (6) or (7) of the same Article."

(5) When the supervising and support organization receives the request under Article 8-2, paragraph (1) or the notice under paragraph (3) of the same Article or paragraph (1) of this Article (including as applied *mutatis mutandis* pursuant to the provision of the preceding paragraph following the deemed replacement of terms), it must make communication and coordination with another implementing organization, supervising and support organization, or other relevant persons, provide employment placement, or take other necessary measures to enable the supervising-organization-type skill development employee who has made the request or submitted the notice to continue the employment for skill development by becoming the subject of employment for skill development with another implementing organization for employment for skill development or otherwise.

(Accreditation of a New Employment-for-Skill-Development Plan)

Article 8-5 (1) A individual or corporation in Japan that seeks to newly provide employment for skill development for the skill development employee who has made the request under Article 8-2, paragraph (1) may, as provided for in order of the competent ministries, prepare a new employment-for-skill-development plan for that skill development employee, submit it to the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare, and receive accreditation to the effect that the plan is appropriate. In this case, the provision of Article 8, paragraph (2) applies *mutatis mutandis*.

(2) In the preceding paragraph, the employment-for-skill-development plan must include the particulars stated below:

(i) the name and address of a person who submits an application for accreditation under the preceding paragraph, and in the case of a corporation, the name of its representative;

(ii) the particulars stated in the items (excluding item (i)) of Article 8, paragraph (3);

(iii) the name of the implementing organization for employment for skill development that has provided employment for skill development for that skill development employee (or, if that skill development employees has multiple implementing organizations for employment for skill development because the employee was previously the subject of the employment for skill development under the employment-for-skill-development plans accredited under the preceding paragraph or paragraph (1) of the following Article, the employee's latest implementing organization for employment for skill development);

(iv) the period during which the implementing organization for employment for skill development set forth in the preceding item has provided employment for skill development for that skill development employee;

(v) A total of the periods during which that skill development employee has been the subject of employment for skill development (limited to the one in which the skills required for the duties to engage the employee and the employment-for-skill-development industrial fields related to those skills are the same as those specified in the previous accredited employment-for-skill-development plan (meaning the accredited employment-for-skill-development plan provided for in Article 11, paragraph (1); the same applies in paragraph (2), item (iv) of the following Article, Article 9-2, item (iii), and Article 9-3)).

(3) The provisions of Article 8, paragraphs (4) through (6) apply mutatis mutandis to the application for accreditation under paragraph (1). In this case, the phrase "the items of Article 9, paragraph (1) (or, in the case of paragraph (2) of this Article, the items of Article 9, paragraph (2))" in paragraph (4) of the same Article is deemed to be replaced with "the items of Article 9-2."

(Accreditation of a New Employment-for-Skill-Development Plan for Foreign National, etc., Whose Accreditation of Employment for Skill Development Was Revoked)

Article 8-6 (1) A individual or corporation in Japan that seeks to newly provide employment for skill development for the skill development employee who is no longer the subject of employment for skill development because the accreditation of employment for skill development referred to in Article 11, paragraph (1) was revoked pursuant to the provision of Article 16, paragraph (1) or the employee no longer has the employment-for-skill-development status of residence in the table of the Appended Table I (2) of the Immigration Control Act may prepare a new employment-for-skill-development plan for that foreign national, submit it to the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare, and receive accreditation to the effect that the plan is appropriate, as provided for in order of the competent ministries. In this case, the provision of Article 8, paragraph (2) applies mutatis mutandis.

(2) In the preceding paragraph, the employment-for-skill-development plan must include the particulars stated below:

(i) the name and address of a person who submits an application for accreditation under the preceding paragraph, and in the case of a corporation, the name of its representative;

(ii) the particulars stated in the items (excluding item (i)) of Article 8, paragraph (3);

(iii) the name of the implementing organization for employment for skill development that has provided employment for skill development for that foreign national (or, if that foreign national has multiple implementing organizations because that foreign national was previously the subject of the employment for skill development under the employment-for-skill-development plans accredited under paragraph (1) of the preceding Article or the preceding paragraph, that

foreign national's latest implementing organization for employment for skill development);

(iv) a total of the periods during which that foreign national has been the subject of employment for skill development (limited to the one in which the skills required for the duties to engage that foreign national and the employment-for-skill-development industrial fields related to those skills are the same as those specified in the previous accredited employment-for-skill-development plan); and

(v) the particulars stated below:

(a) whether that foreign national has actually departed from Japan (or, if the foreign national was permitted to reenter Japan pursuant to the provisions of Article 26, paragraph (1) of the Immigration Control Act (including the case where the foreign national is deemed to have been granted the permission under Article 26-2, paragraph (1) or Article 26-3, paragraph (1), limited to the actual departure in the case where the permission ceased to be effective while the foreign national was outside of Japan as a result of the departure);

(b) a total of the periods during which that foreign national was the subject of employment for skill development before the departure; and

(c) whether that foreign national has actually become the subject of employment for skill development after the departure.

(3) The provisions of Article 8, paragraphs (4) through (6) apply *mutatis mutandis* to the application for accreditation under paragraph (1). In this case, the phrase "the particulars stated in the items of Article 9, paragraph (1) (or, in the case of paragraph (2) of this Article, the items of Article 9, paragraph (2))" in paragraph (4) of the same Article is deemed to be replaced with "the particulars stated in the items of Article 9-3 (or, in the case of the proviso of the same Article, the particulars stated in the items (i) and (ii) of the same Article and the circumstances provided for in the proviso of the same Article)."

(Criteria for Accreditation)

Article 9 (1) When an application for accreditation as provided for in Article 8, paragraph (1) has been made (excluding the case in which the employment-for-skill-development plan to be accredited under the same paragraph is intended for supervising-organization-type employment for skill development through worker dispatch, etc.), and the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare find that it conforms to all of the following items, they are to accredit the employment-for-skill-development plan:

(i) the fields of skills required for the duties to be conducted are the employment-for-skill-development industrial fields;

(ii) the duties to be conducted, skills required for those duties, Japanese language proficiency, or other particulars specified as employment-for-skill-development goals and contents conform to the criteria provided for in order of

the competent ministries opposite to the category of employment for skill development;

(iii) the period of employment for skill development is a maximum of three years;

(iv) the evaluation of the skills acquired by the skill development employee and the Japanese language proficiency of the skill development employee are to be conducted at the time and in the manner provided for in order of the competent ministries before the completion of the employment for skill development;

(v) the system for providing employment for skill development and the equipment of the places of business where it is to be provided conform to the criteria provided for in order of the competent ministries;

(vi) a person responsible for implementation of the employment for skill development has been appointed at each place of business where the employment for skill development is to be provided, as provided for in order of the competent ministries;

(vii) in the case of individual-enterprise-type employment for skill development, the system for conducting audit into the organization implementing individual-enterprise-type employment for skill development with regard to implementation of individual-enterprise-type employment for skill development conforms to the criteria provided for in order of the competent ministries;

(viii) in the case of supervising-organization-type employment for skill development, the applicant receives supervision and support from the supervising and support organization from which the applicant received guidance on preparation of the employment-for-skill-development plan;

(ix) the amount of remuneration paid to a skill development employee is equivalent to or greater than the amount of remuneration paid to a Japanese national for the duties, and other terms of treatment of the skill development employees conform to the criteria provided for in order of the competent ministries;

(x) if the applicant provides employment for skill development to multiple skill development employees at a time during the employment-for-skill-development period, the number of those employees does not exceed that provided for in order of the competent ministries; and

(xi) if the plan relates to a foreign national intermediated by a foreign sending organization (meaning a person that satisfies the requirements as provided for in order of the competent ministries as a person who is allowed to appropriately intermediate job applications for supervising-organization-type employment for skill development from foreign nationals who seek to become the subject of supervising-organization-type employment for skill development to a supervising and support organization; hereinafter the same applies in this item, Article 23, paragraph (2), item (v), and Article 25, paragraph (1), item (vi)), the amount paid to the sending organization by that foreign national conforms to the criteria

provided for in order of the competent ministries as appropriate from the viewpoint of protecting skill development employees.

(2) When an application for accreditation as provided for in Article 8, paragraph (1) has been made (limited to the case in which the employment-for-skill-development plan to be accredited under the same paragraph is intended for supervising-organization-type employment for skill development through worker dispatch, etc.), and the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare find that it conforms to all of the following items, they are to accredit the employment-for-skill-development plan:

(i) the plan falls under all of items (ii) through (iv), item (vi), item (viii), item (ix) and item (xi) of the preceding paragraph;

(ii) the fields of skills required for the duties to be conducted are the employment-for-skill-development industrial fields through worker dispatch, etc.;

(iii) any places of business which employ the foreign national undertake to engage the foreign national in the duties requiring the skills in the same employment-for-skill-development industrial fields through worker dispatch, etc., and other details of employment for skill development conform to the criteria provided for in order of the competent ministries as those that will not hinder the employment for skill development jointly provided by a staffing provider in Japan, etc., and a client in Japan from the viewpoint of the proper implementation of employment for skill development and the protection of skill development employees;

(iv) the system for providing employment for skill development and the equipment of the places of business where it will be provided conform to the criteria provided for in order of the competent ministries at each of a staffing provider in Japan, etc., and a client in Japan;

(v) a person responsible for implementation of the employment for skill development has been appointed at each place of business that conducts the duties relating to employment for skill development of a staffing provider in Japan, etc. (excluding the place of business providing employment for skill development), as provided for in order of the competent ministries; and

(vi) if the applicant provides employment for skill development to multiple skill development employees at a time during the employment-for-skill development period, the number of those employees does not exceed the number provided for in order of the competent ministries in light of the total number of employees of a staffing provider in Japan, etc., providing employment for skill development and the total number of employees of a client in Japan.

(Accreditation Criteria under Article 8-5, paragraph (1))

Article 9-2 When an application for accreditation as provided for in in Article 8-5, paragraph (1) has been made, and the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare find that the applied

employment-for-skill-development plan conforms to all of the following items, they are to accredit that plan:

- (i) the plan conforms to all of the items (excluding items (iii) and (xi)) of paragraph (1) of the preceding Article (or, in the case of Article 8, paragraph (2) as applied mutatis mutandis pursuant to Article 8-5, paragraph (1), the items (or, in the case of item (i), excluding the parts relating to paragraph (1), items (iii) and (xi) of the same Article) of paragraph (2) of the preceding Article);
- (ii) the aggregate employment-for-skill-development period is a maximum of three years (or, when the employment-for-skill-development period is extended pursuant to the provision of Article 11, paragraph (1), a maximum of four years), including the period set forth in Article 8-5, paragraph (2), item (v);
- (iii) the skills required for the duties to be conducted and the employment-for-skill-development industrial fields related to those skills are the same as those specified in the previous accredited employment-for-skill-development plan.
- (iv) the plan conforms to all of the following (a) to (c); provided, however, that this does not apply when it is found that there is an unavoidable circumstance as provided for in order of the competent ministries for newly providing employment for skill development for the skill development employees relevant to the application.
  - (a) the period set forth in Article 8-5, paragraph (2), item (iv) exceeds the period provided for in order of the competent ministries by one year or more but two years or less, in consideration of the nature of duties conducted by the skill development employee;
  - (b) the skills acquired by the skill development employee, and the Japanese language proficiency and other development levels of the skill development employee conform to the criteria provided for in order of the competent ministries; and
  - (c) a person who seeks to provide employment for skill development conforms to the criteria provided for in order of the competent ministries in connection with results of implementation of employment for skill development, financial capacity of employment-for-skill-development costs and expenses, and other particulars necessary for the proper implementation of employment for skill development.

(Accreditation Criteria under Article 8-6, paragraph (1))

Article 9-3 When an application for accreditation as provided for in Article 8-6, paragraph (1) has been made, and the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare find that the applied employment-for-skill-development plan conforms to all of the following items, they are to accredit that plan; provided, however, that when an unavoidable circumstance provided for in order of the competent ministries is found for engaging the skill development employee in the duties requiring skills that are

not the same as those specified in the previous accredited employment-for-skill-development plan or the operations requiring skills in the employment-for-skill-development industrial fields that are not the same as the employment-for-skill-development industrial fields specified in the previous accredited employment-for-skill-development plan when the fact referred to in paragraph (2), item (v), subitem (a) of the same Article is found, the period referred to in subitem (b) of the same item does not exceed two years, and the fact referred to in subitem (c) of the same item is not found, the plan is not required to conform to item (iii).

(i) the plan conforms to all of the items (excluding item (iii)) of Article 9, paragraph (1) (or, in the case of Article 8, paragraph (2) as applied mutatis mutandis pursuant to Article 8-6, paragraph (1), the items of Article 9, paragraph (2) (or, in the case of item (i), excluding the parts relating to paragraph (1), item (iii) of the same Article);

(ii) the aggregate employment-for-skill-development period is a maximum of three years (or, when the employment-for-skill-development period is extended pursuant to the provision of Article 11, paragraph (1), a maximum of four years), including the period set forth in Article 8-6, paragraph (2), item (iv);

(iii) the plan conforms to both of the following (a) and (b);

(a) the skills required for the duties to be conducted and the employment-for-skill-development industrial fields related to those skills are the same as those specified in the previous accredited employment-for-skill-development plan; and  
(b) it is found that there is an unavoidable circumstance as provided for in order of the competent ministries for newly providing employment for skill development for foreign national relevant to the applicant who is no longer the subject of employment for skill development.

(Reasons for Not Qualifying for Accreditation)

Article 10 (1) If a person falls under any of the following items, that person is not able to obtain the accreditation set forth under Article 8, paragraph (1); Article 8-5, paragraph (1), and Article 8-6, paragraph (1):

(i) a person who has been sentenced to imprisonment or a heavier punishment, and for whom five years have not yet passed since the completion of the sentence or since the day on which the person ceased to be subject to the execution of the sentence;

(ii) a person subject to a fine under the provisions of this Act, the provisions of other laws specified by Cabinet Order relating to immigration or labor (excluding the provisions prescribed in item (iv)), or any order under these provisions, if five years have not yet passed since the completion of the sentence or since the date on which the person ceased to be subject to the sentence;

(iii) a person subject to a fine under the provisions of the Act on Prevention of Unjust Acts by Organized Crime Group Members (Act No. 77 of 1991)(excluding the provisions of Article 50 (limited to the part related item (ii)) and Article 52 of

the same Act), or subject to a fine for having committed an offence under Article 204, Article 206, Article 208, Article 208-2, Article 222, or Article 247 of the Penal Code (Act No. 45 of 1907) or the Act on Punishment of Physical Violence and Other Related Matters (Act No. 60 of 1926), if five years have not yet passed since the completion of the sentence or since the date on which the person ceased to be subject to the sentence;

(iv) a person subject to a fine under the provisions of Article 208, Article 213-2, or Article 214, paragraph (1) of the Health Insurance Act (Act No. 70 of 1922), Article 156, Article 159, or Article 160, paragraph (1) of the Mariners Insurance Act (Act No. 73 of 1939), the first sentence of Article 51 or Article 54, paragraph (1) (limited to the part related to the first sentence of Article 51) of the Workers Accident Compensation Insurance Act (Act No. 50 of 1947), Article 102, Article 103-2, or Article 104, paragraph (1) (limited to the part related to the first sentence of Article 102 or Article 103-2) of the Welfare Pension Insurance Act (Act No. 115 of 1954), the first sentence of Article 46 or Article 48, paragraph (1) (limited to the part related to the first sentence of Article 46) of the Act Concerning the Collection of Premiums on Labor Insurance (Act No. 84 of 1969), or Article 83 or Article 86 (limited to the part related to the first sentence of Article 83) of the Employment Insurance Act (Act No. 116 of 1974), if five years have not yet passed since the completion of the sentence or since the date on which the person ceased to be subject to the sentence;

(v) a person provided for in order of a competent ministry as a person who is unable to properly perform the responsibilities as an organization implementing employment for skill development due to a physical or mental disorder;

(vi) a person that has received an order to commence bankruptcy proceedings and has yet to have their rights restored;

(vii) a person whose accreditation of employment for skill development under paragraph (1) of the following Article was revoked under the provisions of Article 16, paragraph (1) and for whom five years have not yet passed since the date of revocation (excluding a person who has provided the employment for skill development at a corporation with a close relationship or the supervising-organization-type employment for skill development through worker dispatch, etc., and is provided for in order of the competent ministries as reasonable to hold that the person does not fall under this item in consideration of whether and how much the person is responsible for the fact constituting the reason for the revocation);

(viii) if an organization whose accreditation of employment for skill development referred to in paragraph (1) of the following Article was revoked pursuant to the provisions of Article 16, paragraph (1) is a corporation (if the accreditation of employment for skill development was revoked under the provisions of Article 16, paragraph (1), item (iii), this is limited to when the corporation falls under a

person prescribed in item (ii) or (iv)), a person who was actually the officer (meaning members, directors, executive officers or any other equivalent persons executing business, including consultants, advisers, or any other persons who, irrespective of their title, are found to have the power of control that is equivalent to or greater than members, directors, executive officers or other equivalent persons executing business over the corporation; the same applies in item (xii); Article 25, paragraph (1), item (v); Article 26, item (v); and Article 39, paragraph (5)) of the corporation at the time of the occurrence of the event that caused the corporation to be subject to the revocation, and for whom five years have not yet passed since the date of the revocation (excluding a person who has provided the employment for skill development at a corporation with a close relationship or the supervising-organization-type employment for skill development through worker dispatch, etc., and is provided for in order of the competent ministries as reasonable to hold that the person does not fall under this item in consideration of whether and how much the person is responsible for the fact constituting the reason for the revocation);

(ix) a person for whom five years have not yet passed since the day on which the person has committed a wrongful or significantly unjust act with regard to the laws or regulations related to immigration or labor;

(x) a person that is a member of an organized crime group as prescribed in Article 2, item (vi) of the Act on Prevention of Unjust Acts by Organized Crime Group Members (hereinafter referred to as "organized crime group member" in this item); or who was a member of the organized crime group if five years have not yet passed since that person ceased to be that member (those persons are referred to as "organized crime group member, etc." in item (xiii) of this Article and Article 26, item (vi));

(xi) a minor who does not possess the same capacity to act as an adult with regard to business, and whose legislative representative falls under any of the preceding items or the following item;

(xii) a corporation in which one of its officers falls under any of the preceding items; or

(xiii) a person whose business activities are controlled by a member of an organized crime group, etc.

(Changes to Employment-for-Skill-Development Plans)

Article 11 (1) When an implementing organization for employment for skill development seeks to make changes (excluding minor changes provided for in order of the competent ministries) to any particulars stated in the employment-for-skill-development plan accredited under Article 8, paragraph (1); Article 8-5, paragraph (1); or Article 8-6, paragraph (1) (including an accreditation of the change under the provision of this paragraph; hereinafter referred to as "accreditation of employment for skill development") (hereinafter referred to as

"accredited employment-for-skill-development plan") under the items (excluding item (v)) of Article 8, paragraph (3); Article 8-5, paragraph (2), items (i) and (ii) (excluding the parts related to Article 8, paragraph (3), item (v)); or Article 8-6, paragraph (2), items (i) and (ii) (excluding the parts related to Article 8, paragraph (3), item (v)), it must receive accreditation from the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare. In this case, when the employment for skill development provided by the implementing organization for employment for skill development is the employment for skill development at a corporation with a close relationship or the supervising-organization-type employment for skill development through worker dispatch, etc., all of the relevant implementing organizations must jointly apply for the accreditation.

(2) The provisions of Article 8, paragraphs (4) through (6) (including as applied mutatis mutandis pursuant to Article 8-5, paragraph (3) and Article 8-6, paragraph (3)) apply mutatis mutandis to the application for accreditation under the preceding paragraph, and the provisions of Article 9 through the preceding Article apply mutatis mutandis to the accreditation under the same paragraph, respectively. In this case, the phrase "a maximum of three years" set forth in Article 9, paragraph (1), item (iii) is deemed to be replaced with "a maximum of three years (or, when it is provided for in order of the competent ministries as there being reasonable grounds for extension of the employment-for-skill-development period, a maximum of four years"; the term "an applicant" set forth in items (viii) and (x) of the same paragraph, and paragraph (2), item (vi) of the same Article is deemed to be replaced with "a person who applies for accreditation under Article 11, paragraph (1)"; and the phrase "when the employment-for-skill-development period is extended pursuant to the provision of Article 11, paragraph 1" in Article 9-2, item (ii) and Article 9-3, item (ii) is deemed to be replaced with "when it is provided for in order of the competent ministries as there being reasonable grounds for extension of the employment-for-skill-development period."

(Accreditation by the ESDO)

Article 12 (1) The Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare may entrust all or a part of the administrative affairs relating to the accreditation of employment for skill development (hereinafter referred to as "administrative affairs for accreditation" in this Article, Article 14, paragraph (1), and Article 87, paragraph (1), item (i), sub-item (c)) to the ESDO.

(2) If the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare entrust all or a part of the administrative affairs for accreditation to the ESDO pursuant to the provisions of the preceding paragraph, that Commissioner or Minister is not to perform the relevant administrative

affairs for accreditation that they entrusted in whole or in a part.

(3) For the purpose of application of the provisions of Article 8, paragraphs (1) and (2); Article 8-5, paragraph (1); Article 8-6, paragraph (1); Articles 9 through 9-3; and paragraph (1) of the preceding Article when the ESDO handles all or a part of the administrative affairs for accreditation, the phrase "the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare" in Article 8, paragraph (1) is to be replaced with "the ESDO (meaning the organization provided for in Article 8-3, paragraph (1); the same applies in the following paragraph)," and the phrase "the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare" in paragraph (2) of the same Article; Article 8-5, paragraph (1); Article 8-6, paragraph (1); Articles 9 through 9-3; and paragraph (1) of the preceding Article is to be replaced with the "ESDO."

(4) If the ESDO has issued the accreditation of employment for skill development, it must inform the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare to that effect without delay.

(5) If the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare entrust all or a part of the administrative affairs for accreditation to the ESDO pursuant to the provisions of paragraph (1), a person who applies for accreditation of employment for skill development must pay the fee prescribed in Article 8, paragraph (6) (including as applied *mutatis mutandis* pursuant to Article 8-5, paragraph (3); Article 8-6, paragraph (3); and paragraph (2) of the preceding Article) to the ESDO, as provided for in order of the competent ministries.

(6) Any fees paid to the ESDO pursuant to the provisions of the preceding paragraph are considered as revenue of the ESDO.

(7) If the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare have entrusted all or a part of the administrative affairs of accreditation to the ESDO pursuant to the provisions of paragraph (1), or if they are to cease entrusting all or a part of the administrative affairs of accreditation that had been entrusted to the ESDO, they must give public notice to that effect.

(Suspension and Resumption of Accreditation)

Article 12-2 (1) When finding under the field-specific operation policies that human resources required in the individual employment-for-skill-development industrial fields have been secured, the head of the relevant administrative organ with jurisdiction over the individual employment-for-skill-development industrial fields is to request the competent ministers to take measures to temporarily suspend the accreditation of employment for skill development (excluding that related to the skill development employee and the foreign

national who is no longer the subject of employment for skill development because the accreditation of employment for skill development has been revoked pursuant to the provision of Article 16, paragraph (1)).

(2) If a request pursuant to the provisions of the preceding paragraph has been made, the competent ministers are to take measures to temporarily suspend the accreditation under the same paragraph in accordance with the field-specific operation policies.

(3) When the measures to suspend have been taken pursuant to the provisions of the preceding paragraph, and the head of the relevant administrative organ with jurisdiction over the individual employment-for-skill-development industrial fields finds a human resource shortage in the individual employment-for-skill-development industrial fields under the field-specific operation policies, the head may request the competent ministers to take measures to resume the accreditation of employment for skill development.

(4) If a request pursuant to the provisions of the preceding paragraph has been made, the competent ministers may take measures to resume the accreditation under the same paragraph in accordance with the field-specific operation policies.

(Collection of Reports)

Article 13 (1) Within the extent necessary for enforcing the provisions of this Chapter (excluding the following Section), the competent ministers may order a current or former implementing organization for employment for skill development (hereinafter referred to as "implementing organization for employment for skill development, etc." in this paragraph and in paragraph (1) of the following Article), a current or former supervising and support organization (hereinafter referred to as "supervising and support organization, etc." in this paragraph, paragraph (1) of the following Article, and Article 35, paragraph (1)), or a current officer or employee of an implementing organization for employment for skill development, etc., or supervising and support organization, etc. (hereinafter referred to as "employee or officer" in this paragraph), or a former employee or officer (hereinafter referred to as "employee or officer, etc." in this paragraph and in paragraph (1) of the following Article) to make a report or submit or present books and documents, or request the appearance of the implementing organization for employment for skill development, etc., or employee or officer, etc., or have officials of the competent ministries ask questions to relevant persons or enter the premises of the places of business of the implementing organization for employment for skill development, etc., or the supervising and support organization, etc., or other sites related to the employment for skill development to inspect their facilities, books, documents, or other items.

(2) In cases of questioning or on-site inspection under the provisions of the

preceding paragraph, the official of the competent ministry must carry an identification card showing their official status and present it to the relevant person upon request.

(3) The authority under the provisions of paragraph (1) must not be construed as authorization for the purpose of a criminal investigation.

(Implementation of Administration Affairs by the ESDO)

Article 14 (1) If the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare have entrusted all or part of the administrative affairs of accreditation to the ESDO pursuant to the provisions of Article 12, paragraph (1), they may have the ESDO perform the following administrative affairs to the extent necessary to enforce the provisions of this Section:

(i) administrative affairs requesting the implementing organization for employment for skill development, etc., or the supervising and support organization, etc., or employee or officer, etc., to make the necessary reports or submit or present the necessary books and documents; and

(ii) administrative affairs to have their officials ask questions to relevant persons or conduct on-site inspections of the facilities, books, documents, or other items of the implementing organization for employment for skill development, etc., or the supervising and support organization, etc.

(2) If the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare have the ESDO request the relevant person to make a report or submit or to present books and documents, or have it conduct the questioning or on-site inspection pursuant to the provisions of the preceding paragraph, they are to indicate the necessary particulars to the ESDO and instruct it to carry them out.

(3) If the ESDO requests the relevant person to make a report or submit or present books and documents or conducts the questioning or inspection as prescribed in the provisions of paragraph (1) in accordance with the instructions set forth under the preceding paragraph, it must report the results thereof to the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare.

(Orders for Improvement)

Article 15 (1) If the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare find that an implementing organization for employment for skill development has not provided employment for skill development in accordance with the accredited employment-for-skill-development plan, or an implementing organization for employment for skill development is in violation of the provisions of this Act or other laws related to immigration or labor, or any order based on these provisions, and it is necessary to ensure the proper implementation of employment for skill development, they may order the

implementing organization for employment for skill development to take necessary measures to improve the situation by a set deadline.

(2) If the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare have issued an order pursuant to the provisions of the preceding paragraph, they must give public notice to that effect.

(Revocation of Accreditation)

Article 16 (1) The Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare may revoke the accreditation of employment for skill development, when any of the following items applies:  
(i) the Commissioner and the Minister find that the implementing organization for employment for skill development has not provided employment for skill development in accordance with the accredited employment-for-skill-development plan;

(ii) the Commissioner and the Minister find that the accredited employment-for-skill-development plan no longer conforms to any of the items of Article 9, paragraph (1) or (2), the items of Article 9-2 or the items of Article 9-3;

(iii) the implementing organization for employment for skill development has come to fall under one of the items of Article 10;

(iv) the implementing organization for employment for skill development has omitted giving a report or submitting or presenting books and documents under Article 13, paragraph (1), has given a false report or submitted or presented false books and documents, or has not given an answer or has given a false answer to questions under the same paragraph, or refused, interfered with or evaded an inspection under the same paragraph;

(v) the implementing organization for employment for skill development has made a false report or submitted or presented false books and documents in response to a request from the ESDO to make the report or submit or present books and documents pursuant to the provisions of Article 14, paragraph (1), or has given a false answer to questions asked by the ESDO's staff pursuant to the provisions of the same paragraph;

(vi) the implementing organization for employment for skill development has violated the order prescribed under the provisions of paragraph (1) of the preceding Article; or

(2) If the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare have revoked the accreditation of employment for skill development pursuant to the provisions of the preceding paragraph, they must issue public notice to that effect.

(Notification of Implementation)

Article 17 (1) If an implementing organization for employment for skill development has provided employment for skill development for the first time after it comes to serve as the implementing organization for employment for skill

development, it must notify the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare of the date of the commencement of employment for skill development and other particulars as provided for in order of the competent ministries without delay after the commencement.

(2) The provisions of Article 8-3 apply mutatis mutandis to the administrative affairs relating to acceptance of the notification under the preceding paragraph. (Effect of Accreditation)

Article 18 The accreditation of employment for skill development related to the previous accredited employment-for-skill-development plan when a skill development employee becomes the subject of employment for skill development under the employment-for-skill-development plan newly accredited under Article 8-5, paragraph (1) (hereinafter referred to as "new employment-for-skill development plan" in this Article) is to cease to be effective on the date of the commencement of employment for skill development specified in the new employment-for-skill-development plan; provided, however, that this does not apply when the notification or notice under paragraph (1) or (2) of the following Article has been submitted by the implementing organization for employment for skill development whose new employment-for-skill-development plan has been accredited by that date, or if the notification under Article 33, paragraph (1) has been submitted by the supervising and support organization from which the implementing organization for employment for skill development receives supervision and support.

(Notification of Difficulty in Providing Employment for Skill Development)

Article 19 (1) If an organization implementing individual-enterprise-type employment for skill development faces difficulty in providing individual-enterprise-type employment for skill development, it must, without delay, notify the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare of the names of its individual-enterprise-type skill development employees for whom it has become difficult to provide individual-enterprise-type employment for skill development, the measures to be taken to ensure the continuation of employment for skill development for those individual-enterprise-type skill development employees, and other particulars as provided for in order of the competent ministries.

(2) If an organization implementing supervising-organization-type employment for skill development faces difficulty in providing supervising-organization-type employment for skill development, it must, without delay, give the supervising and support organization from which it receives supervision and support notice of the names of its supervising-organization-type skill development employees for whom it has become difficult to provide supervising-organization-type employment for skill development, the measures to be taken to ensure the

continuation of employment for skill development for those supervising-organization-type skill development employees, and other particulars as provided for in order of the competent ministries.

(3) If the employment for skill development provided by the implementing organization for employment for skill development facing difficulty in providing the employment for skill development is the employment for skill development at a corporation with a close relationship, the notification under paragraph (1) or the notice under the preceding paragraph must be submitted or given jointly by all of the relevant implementing organizations for employment for skill development that jointly provide the employment for skill development.

(4) If the employment for skill development provided by the organization implementing supervising-organization-type employment for skill development facing difficulty in providing the supervising-organization-type employment for skill development is the supervising-organization-type employment for skill development through worker dispatch, etc., the organization implementing supervising-organization-type employment for skill development must immediately give notice to that effect to other organizations implementing supervising-organization-type employment for skill development that jointly provide the supervising-organization-type employment for skill development. In this case, if the organization implementing supervising-organization-type employment for skill development facing difficulty in providing the supervising-organization-type employment for skill development is a client in Japan, the notice under paragraph (2) must be given by the staffing provider in Japan, etc., that has received the notice under the first sentence of this paragraph.

(5) The provisions of Article 8-3 apply mutatis mutandis to the administrative affairs relating to acceptance of the notification under paragraph (1).

(Keeping of Books)

Article 20 (1) Implementing organizations for employment for skill development (limited to those providing employment for skill development at those places of business) must prepare books and documents provided for in order of the competent ministries in connection with employment for skill development and keep them at those places of business.

(2) If the employment for skill development provided by implementing organizations for employment for skill development is the supervising-organization-type employment for skill development through worker dispatch, etc., staffing providers in Japan, etc. out of those implementing organizations for employment for skill development must prepare books and documents provided for in order of the competent ministries in connection with the employment for skill development of skill development employees as the subject of worker dispatch, etc., and keep them at the places of business where the duties related to the employment for skill development are conducted (excluding the places of

business providing employment for skill development that do not carry out operations related to the worker dispatch, etc.).

(Reporting on the Status of Implementation)

Article 21 (1) If an implementing organization for employment for skill development has provided employment for skill development, it must prepare a report on the status of implementation of employment for skill development and submit it to the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare, as provided for in order of the competent ministries. In this case, when the employment for skill development provided by the implementing organization for employment for skill development is the employment for skill development at a corporation with a close relationship or the supervising-organization-type employment for skill development through worker dispatch, etc., all of the relevant implementing organizations for employment for skill development must jointly prepare and submit the report.

(2) The provisions of Article 8-3 apply mutatis mutandis to the administrative affairs relating to acceptance of the report and its retention under the preceding paragraph. In this case, the phrase "request under paragraph (1) of the preceding Article or notification under either of paragraphs (2), (6) or (7) of the same Article," the term "these," and the phrase "the request or the notification" in paragraph (2) of the same Article are deemed to be replaced with "the submission of the report under the provision of Article 21, paragraph (1)", "the same paragraph", and "the submission of the report," respectively. The phrase "request or notification" and "to that effect" in paragraph (3) of the same Article are deemed to be replaced with "the report" and "to that effect and the content of the report," respectively.

(Delegation to Orders of Competent Ministries)

Article 22 Beyond what is stated in this Section, the necessary particulars relating to the implementation of procedures for accreditation of employment-for-skill-development plans and other provisions of this Section are provided for in order of the competent ministries.

## **Section 2 Supervising and Support Organizations**

(License of Supervising and Support Organization)

Article 23 (1) A person seeking to conduct the business of providing supervision and support (hereinafter referred to as "supervision and support business" in this Section, Article 109, item (i), and Article 112, paragraph (1), item (xi)) must obtain a license from the competent ministers.

(2) A person seeking to obtain the license under the preceding paragraph (hereinafter referred to as the "license" in this Section (excluding Article 27, paragraph (2)) (referred to as the "applicant" in paragraph (7), the following Article, and Article 25) must submit a written application describing the

particulars stated below to the competent ministers, as provided for in order of the competent ministries:

(i) its name and address, and name of its representative;

(ii) names and addresses of its officers;

(iii) name and address of the place of business where the supervision and support business is conducted;

(iv) name and address of the supervision and support manager appointed pursuant to the provisions of Article 40, paragraph (1);

(v) If the person seeks to ask a foreign sending organization to intermediate job applications for supervising-organization-type employment for skill development from foreign nationals who seek to become the subject of supervising-organization-type employment for skill development, the name and address of that foreign sending organization and, in the case of a corporation, the name of its representative; and

(vi) other particulars provided for in order of the competent ministry;

(3) The written application set forth under the preceding paragraph must have a business plan on supervision and support business for each place of business where the supervision and support business is conducted, documents certifying the particulars listed in the items of Article 25, paragraph (1), and other documents as provided for in order of the competent ministries attached to it.

(4) In the business plan set forth under the preceding paragraph, the expected number of organizations implementing supervising-organization-type employment for skill development which are to be subject to supervision and support for each place of business where the supervision and support business is to be conducted, the expected number of supervising-organization-type skill development employees at the organizations implementing supervising-organization-type employment for skill development, and other particulars related to the supervision and support business must be described, as provided for in order of the competent ministries.

(5) If the competent ministers have accepted an application for a license, the ministers are to investigate the facts with regard to the written application as provided for in paragraph (2) and the documents as provided for in paragraph (3).

(6) If the Minister of Health, Labour and Welfare grants the license, the Minister must hear the opinion of the Labour Policy Council in advance.

(7) The applicant must pay the fee in the amount provided for in order of the competent ministry based on consideration of the actual costs.

(Implementation of Investigations into Facts by the ESDO)

Article 24 (1) Competent ministers may entrust their investigation into the facts provided for in paragraph (5) of the preceding Article to the ESDO in whole or in part.

(2) If the competent ministers entrust all or a part of investigations to the ESDO pursuant to the provisions of the preceding paragraph, the ministers are not to perform the relevant investigations in whole or in part by themselves. In this case, when the competent ministers grant the license, they must consider results of the investigations reported by the ESDO pursuant to the provisions of paragraph (4).

(3) If the competent ministers have entrusted the investigation to the ESDO pursuant to the provisions of paragraph (1) in whole or in part, the applicant must submit the written application as provided for in paragraph (2) of the preceding Article to the ESDO and undergo the ESDO investigation, notwithstanding the provisions of the same paragraph.

(4) If the ESDO has accepted the written application as provided for in the preceding paragraph, it must report to that effect to the competent ministers; and if it has conducted the investigation set forth under the same paragraph, it must report the results to the competent ministers without delay.

(5) If the competent ministers have entrusted the investigation to the ESDO pursuant to the provisions of paragraph (1) in whole or in part, the applicant must pay the fee in the amount provided for in order of the competent ministry based on consideration of the actual costs.

(6) Any fees paid to the ESDO under the provisions of the preceding paragraph are considered as revenue of the ESDO.

(7) If the competent ministers have entrusted the investigation to the ESDO pursuant to the provisions of paragraph (1) in whole or in part, or are to cease entrusting all or a part of an investigation that had been entrusted to the ESDO, they must give public notice to that effect.

(Criteria for Licenses)

Article 25 (1) If an application for the license has been filed, the competent ministers must not grant the license unless they find that the applicant conforms to all of the following items:

(i) it is a Japanese nonprofit corporation as provided for in order of the competent ministry;

(ii) it conforms to the criteria provided for in order of the competent ministries as a person who has sufficient capability to conduct the supervision and support business appropriately.

(iii) it conforms to the criteria provided for in order of the competent ministries as a person who has a sufficient financial base to conduct the supervision and support business in a sound manner.

(iv) it has taken the necessary measures to properly manage personal information (meaning information relating to individuals which may be used to identify a specific individual (including information that can be used to identify a specific individual through a cross check against other information); the same

applies in Article 40, paragraph (1), item (iv) and Article 43), and to protect the confidentiality of the organization implementing the supervising-organization-type employment for skill development, etc., and the supervising-organization-type skill development employees, etc.;

(v) In addition to auditing by inspectors and persons responsible for auditing the business of the corporation, it has taken measures to have a person who has no close relationship as provided for in order of the competent ministries with the organization implementing supervising-organization-type employment for skill development, possess knowledge or experiences, etc., to fairly and properly audit the execution of duties, and satisfies other requirements provided for in order of the competent ministries audit officers' execution of duties related to the supervision and support business, as provided for in order of the competent ministries;

(vi) if it seeks to ask a foreign sending organization to intermediate job applications for supervising-organization-type employment for skill development from foreign nationals who seek to become the subject of supervising-organization-type employment for skill development, it has entered into a contract with the foreign sending organization for such intermediation;

(vii) beyond what is stated in the preceding items, it possesses the capability to perform the supervision and support business appropriately.

(2) If the competent ministers do not grant the license, they must give notice to that effect to the applicant, stating the reasons therefor, without delay.

(3) If the competent ministers have entrusted the investigation pursuant to the provisions of paragraph (1) of the preceding Article to the ESDO in whole or in part, they must give the notice set forth under the preceding paragraph via the ESDO.

(Grounds for Non-Approval of Licenses)

Article 26 (1) If a person falls under any of the following items, the person may not receive the license:

(i) a person that comes under Article 10, item (ii), item (iv) or item (xiii);

(ii) a person whose license has been revoked pursuant to the provisions of Article 37, paragraph (1), and for whom five years have not yet passed since the date of that revocation;

(iii) a person who submitted a notification of discontinuation of the supervision and support business pursuant to the provisions of Article 34, paragraph (1) during the period from the date of receiving a notice under Article 15 of the Administrative Procedure Act (Act No. 88 of 1993) of the determination to revoke the license pursuant to Article 37, paragraph (1) of this Act until the date of implementation of that determination or the date of the decision not to implement that determination (excluding the person for whom there were reasonable grounds for discontinuation of that business), and for whom five years

have not yet passed since the date of that notification;

(iv) a person for whom five years have not yet passed since the day on which the person has committed a wrongful or significantly unjust act with regard to the laws or regulations related to immigration or labor;

(v) a person in which its officer comes to fall under any of the following:

(a) the officer in question comes to fall under Article 10, item (i), item (iii), item (v), item (vi), item (x) or item (xi);

(b) the officer in question comes to fall under item (i) (excluding the part relating to Article 10, item (xiii)) or the preceding item;

(c) if another person's license was revoked pursuant to the provisions of Article 37, paragraph (1) (or if another person's license was revoked pursuant to the provisions of item (ii) of the same paragraph, the relevant case is limited to cases in which the other person came to fall under item (i) (excluding the part relating to Article 10, item (xiii)), the officer who held the same position in that other person at the time of the occurrence of the event that led to the revocation, and for whom five years have not yet passed since the date of the revocation; or

(d) if another person made a notification of discontinuation of the supervision and support business pursuant to the provisions of Article 34, paragraph (1)

within the period provided for in item (iii), the officer who held the same position in the other person within 60 days prior to the date of the notice set forth under the same item (excluding persons for whom there were reasonable grounds for discontinuation of the supervision and support business), and for whom five years have not yet passed since the date of that notification; or

(vi) the person that is likely to employ a member of an organized crime group, etc., in the business or use a member of an organized crime group, etc., as an assistant in that business.

(Special Provisions for the Employment Security Act)

Article 27 (1) Notwithstanding the provisions of Article 30, paragraph (1) and Article 33, paragraph (1) of the Employment Security Act (Act No. 141 of 1947), the supervising and support organization may engage in the business of conducting the employment placement services for employment for skill development (meaning engaging in the business of accepting applications for recruitment and job seeking by exclusively designating organizations implementing supervising-organization-type employment for skill development, etc. for which it conducts supervision and support (excluding those who provide or seek to provide supervising-organization-type employment for skill development through worker dispatch, etc., as clients in Japan) as recruiters, and exclusively designating supervising-organization-type skill development employees, etc., for whom it conducts supervision and support as job seekers, and arrange the establishment of an employment relationship related to employment for skill development between recruiters and job seekers; hereinafter the same

applies in this Article).

(2) With regard to the employment-for-skill-development placement services conducted by a supervising and support organization, the supervising and support organization is deemed to be the employment placement service provider provided for in Article 4, paragraph (10) of the Employment Security Act, the provider of paid employment placement services provided for in Article 32-3, paragraph (1) of the same Act or the person who obtained the license under Article 33, paragraph (1) of the same Act, or the employment placement agency provided for in Article 2 of the Act on Comprehensively Advancing Labor Measures, and Stabilizing the Employment of Workers, and Enriching Workers' Vocational Lives (Act No. 132 of 1966), and the following provisions apply: Article 5-2; Article 5-3; Article 5-4, paragraphs (1) and (3); Articles 5-5 through 5-8; Articles 32-12 and Article 32-13 (including as applied mutatis mutandis pursuant to Article 33, paragraph (4); hereinafter the same applies in this paragraph); Article 33-5, and Article 33-6; Article 20 as applied mutatis mutandis pursuant to Article 34; Article 48; Article 48-3, paragraphs (2) and (3); and Article 51, paragraph (2) of the Employment Security Act; and Chapter III of the Act on Comprehensively Advancing Labor Measures, and Stabilizing the Employment of Workers, and Enriching Workers' Vocational Lives. In this case, the term "order of the Ministry of Health, Labour and Welfare" in Article 5-3, paragraphs (3) and (4); Article 5-4, paragraphs (1) and (3); Article 5-5, paragraph (1); Article 5-6, paragraph (1), item (iii); Article 32-13; Article 33-6, and Article 51, paragraph (2) of the Employment Security Act is to be replaced with "order of the competent ministries"; the term "paid employment placement services" in Article 32-12, paragraph (1) of the same Act is to be replaced with the "employment-for-skill-development placement services (provided for in Article 27, paragraph (1) of the Act on Proper Implementation of Employment for Skill Development and Protection of Skill Development Employees (Act No. 89 of 2016); hereinafter the same applies)"; the term "the Minister of Health, Labour and Welfare" in the same paragraph, paragraph (3) of the same Article; Articles 33-6 and 48, and Article 48-3, paragraphs (2) and (3) of the same Act, and Article 11 and Article 12, paragraph (1) of the Act on Comprehensively Advancing Labor Measures, and Stabilizing the Employment of Workers, and Enriching Workers' Vocational Lives is to be replaced with "the competent ministers"; the term "paid employment placement services" in Article 32-12, paragraphs (2) and (3) is to be replaced with "employment-for-skill-development placement services"; the phrase "Articles 3, 5-3 through 5-5, 33-5, 42, 43-8, and 45-2" in Article 48 of the same Act is to be replaced with "Articles 5-3 through 5-5, and 33-5"; the phrase "..., job posters, persons recruiting workers, commissioned recruiters, persons offering the service of providing recruitment/candidate information, providers of worker supply services, and persons intending to receive worker supply" in the same

Article of the same Act is to be replaced with "and job posters"; the phrase "a job poster or person intending to receive worker supply" in Article 48-3, paragraph (2) of the same Act is to be replaced with "a job poster"; "... has issued an order under the provisions of paragraph (1) or a recommendation under the provisions of the preceding paragraph to a person recruiting workers" in paragraph (3) of the same Article of the same Act is replaced with "a recommendation under the provisions of the preceding paragraph"; and "the order or recommendation" in paragraph (3) of the same Article of the same Act is replaced with "the recommendation."

(3) The provisions of Article 8-3 apply mutatis mutandis to the administrative affairs relating to acceptance of the notification under Article 32-12, paragraph (1) of the Employment Security Act (including as applied mutatis mutandis pursuant to Article 33, paragraph (4) of the same Act) as applied pursuant to the preceding paragraph following the deemed replacement of terms.

(4) Beyond what is stated in the preceding three paragraphs, any other necessary particulars relating to the employment-for-skill-development placement services are provided for in order of the competent ministries.

(Fees for Supervision and Support)

Article 28 (1) Supervising and support organizations must not receive any fees or remuneration for their supervision and support business, under any name, from organizations implementing supervising-organization-type employment for skill development, etc., supervising-organization-type skill development employees, etc., or any other relevant persons.

(2) Notwithstanding the provisions of the preceding paragraph, supervising and support organizations may collect fees for supervision and support of an appropriate type and amount as provided for in order of the competent ministries based on the general expenses and other costs ordinarily considered necessary for the supervision and support business from organizations implementing supervising-organization-type employment for skill development, etc., after clearly indicating the uses and amounts of those fees.

(Licenses)

Article 29 (1) If the competent ministers have granted a license, they must issue the license certificates corresponding to the number of places of business where the supervision and support business is to be conducted.

(2) A person that has been granted the license must keep the license certificate at each place of business where the supervision and support business is conducted, and must present it upon the request of a relevant person.

(3) If a certificate has been lost or destroyed, the person that was issued the certificate must promptly notify the competent ministers to that effect and must have the certificate reissued.

(4) The competent ministers may entrust the administrative affairs relating to

issuing certificates pursuant to the provisions of paragraph (1) or reissuance of the certificate pursuant to the provisions of the preceding paragraph to the ESDO.

(5) If the competent ministers have entrusted the administrative affairs relating to issuance or reissuance of the license certificate pursuant to the provisions of paragraph (1) and paragraph (3) to the ESDO, or if they are to cease entrusting the administrative affairs relating to issuance or reissuance of the license certificate pursuant to the provisions of paragraph (1) and paragraph (3) to the ESDO, they must give public notice to that effect.

(License Conditions)

Article 30 (1) The license may be subject to conditions, and those conditions may be subject to change.

(2) The conditions as provided for in the preceding paragraph are to be limited to the minimum degree necessary in light of the purpose of the license or necessary to ensure the reliable implementation of particulars relating to the license, and must not impose undue obligations on the person that is to receive the license.

(Period of Validity of Licenses)

Article 31 (1) The validity period of the license (or a renewed validity period, if the validity period of the license has been renewed pursuant to the provisions of the following paragraph; hereinafter the same applies in this Article) must be a period of not less than three years from the date of the granting of that license (or from the day after the date of the expiration of the period prior to renewal, if the validity period of the license has been renewed pursuant to the provisions of the following paragraph; hereinafter the same applies in this paragraph) as specified by Cabinet Order; provided, however, that if an application for license (including an application for renewal of the validity period of the license under the provision of the following paragraph) is made, and the competent ministers find that the person who has made the application conforms to the criteria provided for in order of the competent ministries in connection with the audit of the status of implementation of the supervising-organization-type employment for skill development and other duties, the validity period of the license is to be a period of not less than five years from the date of the granting of that license as specified by Cabinet Order.

(2) A person that seeks to continue conducting the supervision and support business under the license after the expiration of the validity period of the license must obtain a renewal of the validity period of that license.

(3) If an application for renewal of the validity period of the license has been made and the competent ministers find that the person who has made the application does not conform to one of the items of paragraph (1) of Article 25, the competent ministers must not renew the validity period of the license.

(4) A person that wishes to renew the period of validity of the license must pay

the fee provided for in order of the competent ministry based on consideration of the actual costs.

(5) The provisions of Article 23, paragraphs (2) through (5), Article 24, Article 25, paragraph (2) and paragraph (3), Article 26 (excluding item (ii), item (iii) and item (v), (d) and (e)) and Article 29 apply mutatis mutandis to the renewal of the period of validity of the license.

(Notification of Change)

Article 32 (1) If a change has been made in the particulars (excluding those provided for in order of the competent ministries) stated in the items of Article 23, paragraph (2), the supervising and support organization must notify the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare to that effect within one month of the date of the change. In this case, if the particulars subject to the relevant change relate to the establishment of a new place of business where the supervision and support business is to be conducted, the business plan and other documents provided for in order of the competent ministries for the new place of business must be attached to that notification.

(2) The provisions of Article 23, paragraph (4) apply mutatis mutandis to the business plan provided for in the preceding paragraph.

(3) If the competent ministers have accepted a notification under paragraph (1) of the change related to the establishment of a new place of business where the supervision and support business is to be conducted, they must issue the license certificates corresponding to the number of newly established places of business.

(4) If a supervising and support organization makes the notification under paragraph (1) and the particulars related to the notification are described on the license certificate, it must have its license certificate updated.

(5) The provisions of Article 8-3 apply mutatis mutandis to the administrative affairs relating to acceptance of the notification under paragraph (1), and the provisions of Article 29, paragraphs (4) and (5) apply mutatis mutandis to the administrative affairs relating to issuance of the license certificate under paragraph (3).

(Notification of Difficulty in Implementing Employment for Skill Development)

Article 33 (1) If the supervising and support organization receives a notice under Article 19, paragraph (2) or otherwise finds that it is difficult for an organization implementing supervising-organization-type employment for skill development for which it conducts supervision and support to provide the supervising-organization-type employment for skill development, the supervising and support organization must, without delay, notify the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare of the particulars relating to that notice and other particulars as provided for in order of the competent ministries.

(2) The provisions of Article 8-3 apply mutatis mutandis to the administrative affairs relating to the acceptance of the notification under the preceding paragraph.

(Suspension and Discontinuation of Business)

Article 34 (1) If a supervising and support organization seeks to discontinue its supervision and support business or to suspend it in whole or in part, the supervising and support organization must notify the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare to that effect at least one month prior to the date of that discontinuation or suspension, and must notify them of the measures to be taken to ensure the continuation of the supervising-organization-type employment for skill development related to an organization implementing the supervising-organization-type employment for skill development for which it conducts supervision and support, and other particulars as provided for in order of the competent ministries.

(2) The provisions of Article 8-3 apply mutatis mutandis to the administrative affairs of acceptance of the notification under the preceding paragraph.

(Collection of Reports)

Article 35 (1) Within the extent necessary for enforcing the provisions of this Section, the competent ministers may order a person related to the supervising-organization-type employment for skill development (meaning a supervising and support organization, etc., or a current or former organization implementing supervising-organization-type employment for skill development; hereinafter the same applies in this paragraph), a current officer or employee of a person related to supervising-organization-type employment for skill development (hereinafter referred to as "employee or officer" in this paragraph) or a former officer or employee (that current officer or employee, and that former officer or employee are hereinafter collectively referred to as "employee or officer, etc." in this paragraph) to make a report, submit or present books and documents; may request the appearance of the person related to the supervising-organization-type employment for skill development or the employee or officer, etc.; may have an official of the competent ministry question relevant persons; or may have them enter the premises of the places of business of the organization implementing supervising-organization-type employment for skill development or other sites related to the supervising-organization-type employment for skill development, to inspect their facilities, books, documents, or other items.

(2) The provisions of Article 13, paragraph (2) apply mutatis mutandis to the questioning or on-site inspection under the preceding paragraph, and the provisions of paragraph (3) of the same Article apply mutatis mutandis to the authority under the preceding paragraph.

(Orders for Improvement)

Article 36 (1) If a supervising and support organization has violated the provisions of this Act, the provisions of other laws related to immigration or labor, or any order based on these provisions, and the competent ministers find it necessary in order to secure the proper operation of the supervision and support business, they may order the supervising and support organization to take the necessary measures to improve the management of the supervision and support business by a set deadline.

(2) If the competent ministers have issued an order under the preceding paragraph, they must give public notice to that effect.

(Revocation of Licenses)

Article 37 (1) The competent ministers may revoke the license if the supervising and support organization falls under any of the following items:

(i) it is found that the supervising organization no longer conforms to any of the items of paragraph (1) of Article 25;

(ii) the supervising organization falls under one of the items of Article 26 (excluding item (ii), item (iii), and item (v), (c) and (d));

(iii) the supervising and support organization has violated the conditions attached pursuant to the provisions of Article 30, paragraph (1) to the license;

(iv) the supervising organization has violated the provisions of this Act, the provisions of laws specified by Cabinet Order relating to immigration or labor, or any order or administrative actions based on these provisions; or

(2) If the competent ministers find that a supervising and support organization falls under any of the provisions of item (i), item (iii), or item (iv) of the preceding paragraph, they may order the suspension of all or a part of the supervision and support business for a set period of time.

(3) If the competent ministers have revoked a license pursuant to the provisions of paragraph (1), or issued an order pursuant to the provisions of the preceding paragraph, they must give public notice to that effect.

(Prohibition of Name Lending)

Article 38 A supervising and support organization must not have any other person conduct the supervision and support business using that organization's name.

(Supervision and Support in Accordance with the Accredited Employment-for-Skill-Development Plan)

Article 39 (1) The supervising and support organization must, in accordance with the accredited employment-for-skill-development plan, conduct supervision and support of supervising-organization-type employment for skill development related to the supervising-organization-type skill development employees.

(2) The supervising and support organization must provide the necessary guidance and advice to the organization implementing supervising-organization-type employment for skill development under its supervision and support when

that organization conducts an evaluation of the skills acquired by the supervising-organization-type skill development employees.

(3) The supervising and support organization must properly take the measures provided for in Article 8-4, paragraph (5) and Article 51, paragraphs (1) and (2) and other necessary measures in accordance with the criteria provided for in order of the competent ministries.

(4) Beyond what is stated in the preceding three paragraphs, the supervising and support organization must conduct its operations in accordance with the criteria as provided for in order of the competent ministries with regard to the audit of the status of implementation of the supervising-organization-type employment for skill development and other operations.

(5) The supervising and support organization must not engage officers or employees who have a close relationship, as provided for in order of the competent ministries, with an organization implementing supervising-organization-type employment for skill development in the implementation of the operations provided for in the preceding paragraphs that are provided for in order of the competent ministries.

(Appointment of a Supervision and Support Manager)

Article 40 (1) The supervising and support organization, as provided for in order of the competent ministries, must appoint a supervision and support manager at each place of business where the supervision and support business is conducted to have that manager generally supervise the particulars stated below:

(i) preparations for acceptance of supervising-organization-type skill development employees;

(ii) particulars related to guidance and advice provided to organizations implementing supervising-organization-type employment for skill development with regard to the acquisition of skills by the supervising-organization-type skill development employees, and communication and coordination with the organizations implementing supervising-organization-type employment for skill development;

(iii) particulars related to the protection of skill development employees provided for in the following Section, and the protection of other supervising-organization-type skill development employees;

(iv) particulars related to the management of personal information relating to the organization implementing supervising-organization-type employment for skill development, etc. and supervising-organization-type skill development employees, etc.;

(v) particulars related to communication and coordination with the manager provided for in Article 9, paragraph (1), item (iv) and paragraph (2), item (v) of the same Article in relation to labor conditions for, industrial safety for, and occupational health of the supervising-organization-type skill development

employees; and

(vi) particulars related to communication and coordination with the national and local government agencies which have jurisdiction over the administrative affairs relating to employment for skill development, the ESDO, and other relevant organizations.

(2) The supervision and support manager must be a person other than those stated below:

(i) a person who falls under any of the provisions of Article 26, item (v), (a) (excluding the parts related to Article 10, item (xi)) or (b) through (d);

(ii) a person who has committed a wrongful or significantly unjust act with regard to laws or regulations related to immigration or labor within five years prior to the date of appointment under the preceding paragraph, or on or after the date of appointment; or

(iii) a minor.

(3) The supervising and support organization must have the supervision and support manager provide the necessary guidance to ensure that an organization implementing supervising-organization-type employment for skill development does not violate the Labor Standards Act, the Industrial Safety and Health Act, or other laws and regulations relating to labor.

(4) If the supervising and support organization finds that an organization implementing supervising-organization-type employment for skill development has violated the Labor Standards Act, the Industrial Safety and Health Act, or other laws and regulations related to labor in connection with the supervising-organization-type employment for skill development, it must have the supervision and support manager issue the necessary instructions for corrective purposes.

(5) If the supervising and support organization has issued the instructions provided for in the preceding paragraph, it must promptly inform the relevant administrative organs to that effect.

(Keeping of Books and Documents)

Article 41 The supervising and support organization must prepare books and documents relating to the supervision and support business provided for in order of the competent ministries, and must keep them at the place of business where the supervision and support business is conducted.

(Audit Reports)

Article 42 (1) If the supervising and support organization has conducted an audit of an organization implementing supervising-organization-type employment for skill development for which it conducts supervision and support in accordance with the criteria provided for in order of the competent ministries set forth in Article 39, paragraph (4), it must prepare an audit report without delay after it has completed the audit and must submit it to the Commissioner of the

Immigration Services Agency and the Minister of Health, Labour and Welfare.

(2) The supervising and support organization must prepare a business report on the supervision and support business for each place of business where the supervision and support business is conducted, and must submit it to the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare, as provided for in order of the competent ministries.

(3) The provisions of Article 8-3 apply mutatis mutandis to the administrative affairs relating to the acceptance and retention of the audit report under paragraph (1) and the acceptance and retention of the business report under the preceding paragraph. In this case, the phrases "request under paragraph (1) of the preceding Article or notification under either of paragraphs (2), (6) and (7) of the same Article" and "the request or the notification" in paragraph (2) of the same Article are deemed to be replaced with "the submission of the audit report under the provision of Article 42, paragraph (1) or the submission of the business report under paragraph (2) of the same Article," respectively. The phrases "the request or notification" and "to that effect" in paragraph (3) of the same Article are deemed to be replaced with "the audit report or the business report" and "to that effect and the content of the audit report or the business report," respectively.

(Handling of Personal Information)

Article 43 (1) When a supervising and support organization collects, retains, or uses the personal information of an organization implementing supervising-organization-type employment for skill development, etc., and a supervising-organization-type skill development employee, etc. in connection with the supervision and support business, it must collect that information only within the scope necessary to achieve the objectives of the supervision and support business, and must retain and use it only within the scope of the purposes for which it was collected; provided, however, that this does not apply when the relevant person gave consent or there are otherwise reasonable grounds.

(2) The supervising and support organization must take the necessary measures to properly manage personal information related to the organizations implementing supervising-organization-type employment for skill development, etc., and supervising-organization-type skill development employees, etc.

(Obligation of Confidentiality)

Article 44 The officers and employees or former officers and employees of the supervising and support organization must not divulge or misappropriate any confidential information which they come to know in connection with their operations, without reasonable grounds.

(Delegation to Orders of the Competent Ministry)

Article 45 Beyond what is stated in this Section, the licensing procedures and other necessary particulars relating to implementation of this Section are

provided for in order of the competent ministries.

### **Section 3 Protection of Skill Development Employees**

(Prohibited Acts)

Article 46 A supervising and support organization or other person conducting supervision and support (referred to as "supervisor and supporter" in Article 48, paragraph (1)) or its officer or employee (referred to as "supervisor and supporter, etc." in the following Article) must not force the skill development employees to engage in employment for skill development against their will through the use of assault, intimidation, confinement, or any other means which unfairly restrict the mental or physical freedom of the skill development employee.

Article 47 (1) The supervisor and supporter, etc., must not enter into an employment-for-skill-development contract that stipulates penalties or liquidated damages in the event of non-performance with skill development employees, etc. (meaning skill development employees or foreign nationals who seek to become the subject of employment for skill development; hereinafter the same applies), their spouses, their lineal relatives, their relatives cohabiting with the skill development employees, etc., or any other person who has a close personal relationship with the skill development employees, etc. in their social lives.

(2) The supervisor and supporter, etc., must not have a skill development employee, etc., enter into a savings contract incidental to the contract for employment for skill development nor enter into a contract assuming control of the savings with the skill development employee, etc.

Article 48 (1) An implementing organization for employment for skill development, or other person seeking to provide employment for skill development, or supervisor and supporter, or their officer or employee (referred to as "persons associated with employment for skill development" in the following paragraph) must not retain passports (meaning the passports provided for in the provisions of Article 2, item (v) of the Immigration Control Act; the same applies in Article 111, item (v)) or residence cards (meaning the residence cards provided for in the provisions of Article 19-3 of the Immigration Control Act; the same applies in the same item) of skill development employees, etc.

(2) Persons associated with employment for skill development must not unreasonably restrict the freedom of skill development employees, etc., to go out, or otherwise impose unfair restrictions on their freedom in their personal lives.

(Reporting to the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare)

Article 49 (1) If an implementing organization for employment for skill development, supervising and support organization, or officers or employees thereof (referred to as "implementing organization, etc." in the following

paragraph) is in violation of the provisions of this Act or any order based thereon, the skill development employee may report that fact to the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare.

(2) The implementing organization for employment for skill development, etc., must not suspend the employment for skill development for the skill development employee or subject that employee to other disadvantageous treatment, due to the skill development employee having given the report provided for in the preceding paragraph.

#### **Section 4 Auxiliary Provisions**

(Guidance and Advice)

Article 50 (1) If it is found necessary for the enforcement of the provisions of this Chapter, the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare may provide the implementing organizations for employment for skill development with the necessary guidance or advice to secure the proper implementation of employment for skill development and the protection of the skill development employees, and the competent ministers may provide the supervising and support organizations with the same.

(2) The Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare must provide necessary information, advice, or other assistance in response to consultations from skill development employees for the purpose of the proper implementation of employment for skill development and the protection of the skill development employees.

(Communication and Coordination)

Article 51 (1) If an implementing organization for employment for skill development or supervising and support organization seeks to submit a notification or notice under Article 19, paragraphs (1) through (4) or a notification under Article 33, paragraph (1) or Article 34, paragraph (1), it must communicate and coordinate with other implementing organizations for employment for skill development, supervising and support organizations, or other relevant persons and must take other necessary measures to ensure that the skill development employees relevant to the implementing organizations for employment for skill development or the supervising and support organizations who wish to continue with the employment for skill development are able to do so.

(2) A supervising and support organization must, when the accreditation of employment for skill development for a foreign national who is the subject of supervising-organization-type employment for skill development and for whom it conducts supervision and support is revoked pursuant to the provision of Article 16, paragraph (1), communicate and coordinate with other implementing organizations for employment for skill development or supervising and support

organizations or other relevant persons and take other necessary measures to ensure that the foreign national may newly become the subject of employment for skill development when the foreign national wishes to do so.

(3) If it is found necessary for smooth implementation of the measures provided for in Article 8-4, paragraph (v) or the preceding two paragraphs, or for any other purpose, the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare may give the necessary guidance and advice to the persons stated in (i), and the competent ministers may give the necessary guidance and advice to the persons stated in item (ii):

(i) implementing organizations for employment for skill development and other relevant persons (except for relevant persons of supervising and support organizations); or

(ii) supervising and support organizations, persons relevant to those organizations, and other relevant persons (except for the persons stated in the preceding item).

(Employment-for-Skill-Development Evaluation Examinations)

Article 52 (1) The competent ministers must endeavor to promote employment-for-skill-development evaluation examinations, in order to ensure the smooth evaluation of skills by implementing organizations for employment for skill development.

(2) The competent ministers must establish the standards for employment-for-skill-development evaluation examinations provided for in the competent ministries, in order to ensure that fair employment for-skill-development evaluation examinations are conducted.

(Requests to Heads of Field-Specific Administrative Organs)

Article 53 If the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare find it to be necessary for the proper implementation of employment for skill development and the protection of skill development employees, they may request necessary cooperation in relation to the employment for skill development regarding the individual employment-for-skill-development industrial fields from the head of a relevant administrative organ with jurisdiction over individual employment-for-skill-development industrial fields (referred to as the "head of a field-specific administrative organ" in paragraph (1) of the following Article).

(Field-Specific Council)

Article 54 (1) The head of a field-specific administrative organ may organize a council composed of that head and implementing organizations for employment for skill development or supervising and support organizations related to the individual employment-for-skill-development industrial fields under the jurisdiction of the head (hereinafter referred to as "field-specific council" in this Article).

(2) The field-specific council may, when it deems necessary, appoint the ESDO or other persons it considers necessary as its members.

(3) A field-specific council is to share useful information for the proper implementation of employment for skill development and the protection of the skill development employees, through mutual communication among its members, work toward close cooperation among its members, and discuss initiatives to contribute to the proper implementation of employment for skill development and the protection of the skill development employees in light of the actual conditions of the individual employment-for-skill-development industrial fields.

(4) Any persons who perform or previously performed administrative affairs of the field-specific council must not divulge or misappropriate any confidential information which they came to know of in connection with the administrative affairs, without reasonable grounds.

(5) Beyond what is stated in the preceding paragraphs, any other necessary particulars relating to the organization and management of the field-specific council are established by the field-specific council.

(Requests Related to Implementation of Measures Based on the Provisions of Other Laws)

Article 55 (1) If the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare find it necessary for the proper implementation of employment for skill development and the protection of the skill development employees, they may provide the heads of the relevant administrative organs with information that contributes to the proper implementation of employment for skill development and the protection of the skill development employees.

(2) If the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare find that there are measures based on the provisions of other laws that may be implemented for the proper implementation of employment for skill development and the protection of the skill development employees, and that those measures need to be implemented promptly for the proper implementation of employment for skill development and the protection of the skill development employees, they may demand that the ministers with jurisdiction over the administrative affairs relating to the implementation of those measures promptly implement those measures.

(3) If, as provided for in the preceding paragraph, the Commissioner of the Immigration Services Agency and the Minister of Health, Labour and Welfare have made a request for the prompt implementation of measures set forth under the same paragraph, they may make a request to the relevant minister set forth in the same paragraph for a report on the status of implementation of those measures.

(Regional Council)

Article 56 (1) National government agencies with jurisdiction over the administrative affairs relating to employment for skill development within a region may organize a council made up of those agencies, local government agencies, and other relevant agencies (hereinafter referred to as a "regional council" in this Article).

(2) A regional council may add the ESDO or other persons as members if the regional council finds this necessary.

(3) A regional council is to share useful information for the proper implementation of employment for skill development and the protection of the skill development employees, through mutual communication among its members, work toward close cooperation among its members, and discuss initiatives to contribute to the proper implementation of employment for skill development and the protection of the skill development employees in light of the actual conditions of the region.

(4) Any person who performs or previously performed administrative affairs of a regional council must not divulge or misappropriate any confidential information which they came to know of in connection with the administrative affairs, without reasonable grounds.

(5) Beyond what is provided for in the preceding items, any other necessary particulars for organization and management of the regional council are established by the regional council.

### **Chapter III Employment-for-Skill-Development Organization**

#### **Section 1 General Provisions**

(Purpose of the ESDO)

Article 57 The purpose of the Employment-for-Skill-Development Organization (hereinafter referred to as the "ESDO") is to ensure the proper implementation of employment for skill development and the protection of skill development employees, thereby contributing to the development of human resources with skills requiring considerable knowledge or experience in the employment-for-skill-development industrial fields, and to securing human resources in the employment-for-skill-development industrial fields.

(Legal Personality)

Article 58 The ESDO is a corporation.

(Number)

Article 59 Only one ESDO is to be established.

(Capital)

Article 60 (1) The stated capital of the ESDO is to be the total amount contributed by the government and non-governmental persons for its incorporation.

(2) The ESDO may increase its stated capital, if necessary, with the

authorization of the competent ministers.

(Name)

(Registration)

Article 62 (1) The ESDO must be registered pursuant to Cabinet Order.

(2) The particulars required to be registered pursuant to the provisions of the preceding paragraph may not be duly asserted against a third party before they have been registered.

(The Act on General Incorporated Associations and General Incorporated Foundations as Applied Mutatis Mutandis)

Article 63 The provisions of Article 4 and Article 78 of the Act on General Incorporated Associations and General Incorporated Foundations (Act No. 48 of 2006) apply mutatis mutandis to the ESDO.

## **Section 2 Incorporation**

(Incorporators)

Article 64 Three or more incorporators with specialized knowledge and experience on employment for skill development are required in order to incorporate the ESDO.

(Preparation of Articles of Incorporation)

Article 65 (1) Incorporators must promptly prepare articles of incorporation for the ESDO, and must solicit capital contributions for the ESDO from non-governmental persons.

(2) The articles of incorporation referred to in the preceding paragraph must include the following:

(i) purpose;

(ii) name;

(iii) location of offices;

(iv) particulars relating to stated capital and capital contribution;

(v) particulars relating to officers;

(vi) particulars relating to the board of councilors;

(vii) particulars relating to operations and their execution;

(viii) particulars related to finance and accounting;

(ix) particulars relating to amendment of the articles of incorporation; and

(x) method of giving public notices.

(Authorization for Incorporation)

Article 66 (1) Upon the completion of the solicitation under paragraph (1) of the preceding Article, incorporators must promptly submit the articles of incorporation to the competent ministers and apply for authorization for incorporation.

(2) The competent ministers nominate a person to be the president and persons to be inspectors of the ESDO.

(3) The person nominated to be the president and the inspectors of the ESDO

pursuant to the provisions of the preceding paragraph are considered to have been respectively appointed as president and inspectors at the time of the establishment of the ESDO pursuant to the provisions of Article 71, paragraph (1).

(Transfer of Administrative Affairs)

Article 67 (1) Upon obtaining the authorization set forth under paragraph (1) of the preceding Article, the incorporators must, without delay, transfer their administrative affairs to the person nominated to be the president of the ESDO pursuant to paragraph (2) of the same Article.

(2) When the person nominated pursuant to paragraph (2) of the preceding Article to be the president of the ESDO has taken over the administrative affairs pursuant to the preceding paragraph, that person must request the payment of capital contributions, without delay, from the National Government and from persons other than the National Government that have responded to the solicitation of capital contributions.

(Registration of Incorporation)

Article 68 (1) If capital contributions have been paid pursuant to the provisions of paragraph (2) of the preceding Article, the person nominated pursuant to the provisions of Article 66, paragraph (2) to be the president of the ESDO must, without delay, register the incorporation of the ESDO pursuant to Cabinet Order.

(2) The ESDO is to be established upon the registration of its incorporation.

### **Section 3 Officers**

(Officers)

Article 69 The ESDO is to have one president, no more than three directors, and no more than two inspectors as its officers.

(Duties and Authority of the Officers)

Article 70 (1) The president represents the ESDO and presides over its operations.

(2) The directors, as determined by the president, represent the ESDO, assist the president in administering the operations of the ESDO, act on behalf of the president if the president is unavailable, and perform the duties of the president if the post is vacant.

(3) The inspectors inspect the ESDO's operations.

(4) The inspectors may submit their opinions to the president or the competent minister if they find it necessary based on the results of an inspection.

(Appointment of Officers)

Article 71 (1) The president and the inspectors are to be appointed by the competent ministers.

(2) The directors are to be appointed by the president with the authorization of the competent ministers.

(Term of Office of Officers)

Article 72 (1) The term of office of officers is to be two years; provided, however, that the term of office of an officer who is appointed to fill a vacancy is to be the remaining term of office of that officer's predecessor.

(2) An officer may be reappointed.

(Officer Disqualification Clause)

Article 73 An employee of the government or local government (except a part-time employee) is ineligible for the position of an officer.

(Dismissal of Officers)

Article 74 (1) The competent minister or the president must dismiss an officer whom they have appointed, if that officer comes to fall under the preceding Article.

(2) In accordance with the rules under the provisions of Article 71, the competent ministers or the president may dismiss an officer whom they have appointed, if that officer comes to fall under any of the following items, or if the competent ministers or the president finds that it is inappropriate for that officer to remain an officer:

(i) the officer has been issued an order to commence bankruptcy proceedings;

(ii) the officer has been sentenced to imprisonment or a heavier punishment;

(iii) the officer has been found incapable of performing their duties due to a mental or physical disorder; or

(iv) the officer has breached an obligation in the course of their duties.

(Prohibition of Officers Concurrently Holding Offices)

Article 75 Officers of the ESDO (not including officers in part-time positions) must not become an officer of a for-profit organization, and must not themselves engage in a profit-making business; provided, however, that this does not apply if the officer obtains the approval of the competent ministers.

(Prohibition of Inspectors Concurrently Holding Offices)

Article 76 An inspector must not concurrently hold the position of the president, director, councilor, or employee of the ESDO.

(Restrictions on the Right to Representation)

Article 77 The president and directors do not have the right to representation with respect to a matter involving a conflict of interest between the president or any director and the ESDO. In such a case, the inspectors represent the ESDO.

(Appointment of Agents)

Article 78 The president may appoint, from among the employees of the ESDO, an agent with the authority to undertake all acts in or out of court involving part of the ESDO's business.

(Appointment of Employees)

Article 79 The ESDO's employees are appointed by the president.

(Duty of Confidentiality of Officers and Employees)

Article 80 No officer or employee of the ESDO, or person who has held any of those positions may divulge or misappropriate any confidential information that they came to know of in the course of their duties, without justifiable reason.

(Status of Officers and Employees)

Article 81 With respect to the application of the Penal Code and any other penal provisions, the ESDO's officers and employees are deemed to be employees engaged in public service under the laws and regulations.

#### **Section 4 Board of Councilors**

(Establishment)

Article 82 (1) The ESDO has a board of councilors in order to ensure smooth management of the operations specified in Article 87 (excluding the operations stated in paragraph (1), item (i) of the same Article and their ancillary operations; hereinafter the same applies in this Article).

(2) The board of councilors deliberates on important particulars relating to the management of the operations specified in Article 87.

(3) In addition to those particulars provided for in the preceding paragraph, the board of councilors may submit its opinion on important particulars related to the management of the operations specified in Article 87, in response to a consultation by the president, and may make a proposal on particulars considered necessary to the president.

(Organization)

Article 83 The board of councilors consists of up to 15 councilors.

(Councilors)

Article 84 (1) The councilors are appointed by the president, with the authorization of the competent ministers, from among persons representing workers, persons representing employers, and persons with specialized knowledge and experience relating to employment for skill development.

(2) The numbers of the councilors representing workers and employers are to be the same.

(3) The term of office of councilors is four years; provided, however, that the term of office of a councilor who is appointed to fill a vacancy is the remaining term of office of their predecessor.

(4) A councilor may be reappointed.

(Dismissal of Councilors)

Article 85 The president may dismiss a councilor in accordance with the rules under the provisions of paragraph (1) of the preceding Article, if the councilor comes to fall under any item of paragraph (2) of Article 74.

(Duty of Confidentiality of Councilors)

Article 86 The provisions of Article 80 and Article 81 apply mutatis mutandis to the councilors.

#### **Section 5 Operations**

(Scope of Operations)

Article 87 The ESDO conducts the following operations in order to achieve the purposes specified in Article 57:

- (i) the operations stated below to be conducted in relation to the employment for skill development:
  - (a) accept requests, notifications, reports, audit reports or business reports and retain those reports, audit reports or business reports pursuant to the provisions of Article 8-3, paragraph (1) (including as applied mutatis mutandis pursuant to the provisions of Article 17, paragraph (2); Article 19, paragraph (5); Article 21, paragraph (2); Article 27, paragraph (3); Article 32, paragraph (5); Article 33, paragraph (2); Article 34, paragraph (2); and Article 42, paragraph (3));
  - (b) give notice pursuant to the provision of paragraph (1) of Article 8-4 as applied pursuant to the provision of paragraph (4) of the same Article following the deemed replacement of terms, and provide necessary information, advice, employment placement, and other assistance in response to consultations from skill development employees pursuant to the provision of paragraph (3) of the same Article (including as applied pursuant to the provision of paragraph (4) of the same Article following the deemed replacement of terms);
  - (c) perform the administrative affairs for accreditation pursuant to the provisions of Article 12, paragraph (1);
  - (d) request reports or submission or presentation of books and documents pursuant to the provisions of Article 14, paragraph (1), or have its employee ask a question or conduct an inspection;
  - (e) conduct investigations into the facts pursuant to the provisions of Article 24, paragraph (1) (including as applied mutatis mutandis pursuant to Article 31, paragraph (5));
  - (f) accept written applications pursuant to the provisions of Article 24, paragraph (3) (including as applied mutatis mutandis pursuant to Article 31, paragraph (5)); and
  - (g) perform the administrative affairs for issuing or reissuing the certificates pursuant to the provisions of Article 29, paragraph (4) (including as applied mutatis mutandis pursuant to Article 31 and Article 32, paragraph (5));
- (ii) the operations of providing necessary information, advice and other assistance in response to consultations from skill development employees for the proper implementation of employment for skill development and the protection of skill development employees (excluding those falling under the operations stated in the following item);
- (iii) the following operations contributing to skill development employees, etc., becoming the subject of employment for skill development or continuing employment for skill development:
  - (a) provide necessary information, advice and other assistance in response to

consultations from skill development employees, etc.;

(b) provide implementing organizations for employment for skill development, supervising and support organizations, or other relevant persons with necessary guidance and advice;

(c) accept applications for recruitment and job seeking by exclusively designating implementing organizations for employment for skill development or persons seeking to provide employment for skill development (excluding those who provide or seek to provide supervising-organization-type employment for skill development through worker dispatch, etc., as clients in Japan; hereinafter the same applies in paragraph (1) of the following Article) as recruiters, and exclusively designating skill development employees, etc., as job seekers, and arrange the establishment of an employment relationship related to employment for skill development between recruiters and job seekers, when it is necessary to provide employment placement to ensure that skill development employees, etc., become the subject of employment for skill development; and

(d) provide necessary information pursuant to the provision of Article 106, paragraph (4).

(iv) the operations to conduct studies and research relating to employment for skill development;

(v) other operations relating to the proper implementation of employment for skill development and the protection of the skill development employees;

(vi) the operations to collect fees for the operations provided for in each of the preceding items (including operations incidental thereto, but excluding the operations provided for in order of the competent ministry); and

(vii) the operations incidental to each of the preceding items.

(2) The ESDO is to conduct the operations provided for in Article 69-2-2 of the Immigration Control Act, in addition to the operations listed in the preceding paragraph.

(Special Provisions of the Employment Security Act and the Mariners' Employment Security Act)

Article 87-2 (1) Notwithstanding the provisions of Article 33, paragraph (1) of the Employment Security Act and Article 34, paragraph (1) of the Mariners' Employment Security Act, the ESDO may conduct the ESDO-led employment placement services (meaning that the ESDO engages in the businesses of accepting applications for recruitment and job seeking by exclusively designating implementing organizations for employment for skill development or persons seeking to provide employment for skill development as recruiters, and exclusively designating skill development employees, etc., as job seekers, and of arranging the establishment of an employment relationship related to employment for skill development between recruiters and job seekers; hereinafter the same applies in the following paragraph).

(2) With regard to the ESDO-led employment placement services, the ESDO is deemed to be the employment placement service provider provided for in Article 4, paragraph (10) of the Employment Security Act or the person who obtained the license under Article 33, paragraph (1) of the same Act, the free mariners employment placement service provider provided for in Article 6, paragraph (4) of the Mariners' Employment Security Act, or the employment placement agency provided for in Article 2 of the Act on Comprehensively Advancing Labor Measures, and Stabilizing the Employment of Workers, and Enriching Workers' Vocational Lives, and the following provisions apply: Article 5-2; Article 5-3; Article 5-4, paragraphs (1) and (3); and Articles 5-5 through 5-8 of the Employment Security Act; Article 32-13 of the same Act as applied mutatis mutandis pursuant to Article 33, paragraph (4) of the same Act; Article 33-5 of the same Act; Article 20 of the same Act as applied mutatis mutandis pursuant to Article 34 of the same Act; Article 48 of the same Act; Article 48-3, paragraphs (2) and (3); and Article 51, paragraph (2) of the same Act; Article 7 of the Mariners' Employment Security Act; Articles 15 through 20 and Article 22 as applied mutatis mutandis pursuant to Article 42, paragraph (1) of the same Act; Article 96, paragraph (1), Article 98, paragraphs (2) and (3), and Article 104 of the same Act; and Chapter III of the Act on Comprehensively Advancing Labor Measures, and Stabilizing the Employment of Workers, and Enriching Workers' Vocational Lives. In this case, the term "order of the Ministry of Health, Labour and Welfare" in Article 5-3, paragraphs (3) and (4); Article 5-4, paragraphs (1) and (3); Article 5-5, paragraph (1); and Article 5-6, paragraph (1), item (iii) of the Employment Security Act; Article 32-13 of the same Act as applied mutatis mutandis pursuant to Article 33, paragraph (4) of the same Act; and Article 51, paragraph (2) of the same Act is to be replaced with "order of the competent ministries"; the term "the Minister of Health, Labour and Welfare" in Article 48 and Article 48-3, paragraphs (2) and (3) of the same Act and Article 11 and Article 12, paragraph (1) of the Act on Comprehensively Advancing Labor Measures, and Stabilizing the Employment of Workers, and Enriching Workers' Vocational Lives is to be replaced with "the competent ministers." The phrases "Articles 3, 5-3 through 5-5, 33-5, 42, 43-8, and 45-2" and ", job posters, persons recruiting workers, commissioned recruiters, persons offering the service of providing recruitment/candidate information, providers of worker supply services, and persons seeking to receive worker supply" in Article 48 of the Employment Security Act is to be replaced with "Articles 5-3 through 5-5, and 33-5" and "and job posters," respectively. The phrase "a job poster or person seeking to receive worker supply" in Article 48-3, paragraph (2) of the same Act is to be replaced with "a job poster." The phrases "... has issued an order under the provisions of paragraph (1) or ... under the provisions of the preceding paragraph to a person recruiting workers" and "the order or recommendation" in

paragraph (3) of the same Article is to be replaced with "... under the provisions of the preceding paragraph" and "the recommendation," respectively. The term "Order of the Ministry of Land, Infrastructure, Transport and Tourism" in Article 15, paragraph (1), item (iii); Article 16, paragraphs (2) and (3); Article 18; Article 19, paragraph (1); and Article 20 of the Mariners' Employment Security Act, as applied mutatis mutandis pursuant to Article 42, paragraph (1) of the same Act and Article 104 of the same Act is to be replaced with "order of the competent ministries." The term "Minister of Land, Infrastructure, Transport and Tourism" in Article 96, paragraph (1) and Article 98, paragraphs (2) and (3) of the same Act is to be replaced with "the competent ministers." The phrases "the provision of Article 4, and the provisions of Articles 16 and 19 (including as applied mutatis mutandis pursuant to Article 42, paragraph (1), Article 48, and Article 52)," and ", job posters, persons recruiting mariners, providers of free mariner supply services, and persons seeking to receive mariner supply" in Article 96, paragraph (1), item (i) of the same Act is to be replaced with "the provisions of Articles 16 and 19 as applied mutatis mutandis pursuant to Article 42, paragraph (1)" and "and job posters," respectively. The phrases "in ...48, 49 and 52" and "free mariners' employment placement service providers, persons recruiting mariners, persons offering the service of providing mariners' recruitment/candidate information (excluding local governments; hereinafter the same applies in the following Article, Article 98, paragraph (1), and Article 102, paragraphs (1) and (2)), and providers of free mariner supply services" in item (ii) of the same paragraph of the same Act are to be replaced with "in ..." and "free mariners' employment placement service providers," respectively. The phrases "job posters or persons seeking to receive mariner supply" in Article 98, paragraph (2) of the same Act, "... has issued an order under the provisions of paragraph (1) or a recommendation under the provisions of the preceding paragraph to a person recruiting mariners (excluding commissioned recruiters)" in paragraph (3) of the same Article, and "the order or recommendation" in paragraph (3) of the same Article are to be replaced with "job posters," "a recommendation under the provisions of the preceding paragraph to a person recruiting mariners (excluding commissioned recruiters)," and "the recommendation," respectively.

(Entrustment of Operations)

Article 88 (1) The ESDO may entrust part of the operations set forth in Article 87 (excluding the operations stated in paragraph (1), item (i) of the same Article, and their ancillary operations) with the authorization of the competent ministers.

(2) The provisions of Article 80 and Article 81 apply mutatis mutandis to a person entrusted with the operations under the preceding paragraph (or their officers, if that person is a corporation), the relevant person's employees, and

other persons engaging in the entrusted operations.

(Statement of Operation Procedures)

Article 89 (1) When the ESDO commences its operations, it must prepare a statement of operation procedures and obtain the authorization of the competent minister. The same applies if the ESDO intends to modify that statement of operation procedures.

(2) The statement of operation procedures set forth under the preceding paragraph must include the particulars provided for in order of the competent ministry.

(Request for Delivery of Materials)

Article 90 (1) If the ESDO finds it to be particularly necessary in conducting its operations and makes a request, the National Government or a local government may deliver the necessary materials to the ESDO or make them available for viewing by the ESDO.

(2) If the ESDO finds it necessary in conducting its operations, it may request the head of a national administrative organ, the head of a local government, or other executive agencies to provide materials, present opinions, give explanations or otherwise cooperate as necessary.

## **Section 6 Finance and Accounting**

(Fiscal Year)

Article 91 The fiscal year of the ESDO commences on April 1 of each year and ends on March 31 of the following year.

(Authorization of Budgets)

Article 92 (1) The ESDO must prepare a budget and business plan for each fiscal year, and obtain the authorization of the competent ministers prior to the commencement of that fiscal year. The same applies if the ESDO intends to modify that budget and business plan.

(2) If the competent ministers intend to give the authorization set forth under the preceding paragraph, the competent ministers must consult the Minister of Finance in advance.

(Financial Statements, Etc.)

Article 93 (1) The ESDO must prepare a balance sheet, profit and loss statement, other documents specified by order of the competent ministry, and the annexed detailed statements thereof (hereinafter referred to in this Article as "financial statements") for each business year, and must submit them to the competent ministers within three months of the end of that fiscal year and receive their approval.

(2) If the ESDO submits the financial statements to the competent ministers pursuant to the provisions of the preceding paragraph, it must attach thereto a business report for that fiscal year, a report of its accounts based on its budget classification, and the inspectors' written opinion on the financial statements and

statement of its accounts.

(3) If the ESDO receives the approval of the competent ministers pursuant to the provisions of paragraph (1), it must give public notice of the financial statements in the Official Gazette without delay, and must keep the financial statements, business report, statement of its accounts, and the inspectors' written opinion set forth under the preceding paragraph (hereinafter referred to in this Article as "financial statements, etc.") at each office, and must make them available for public inspection for a period of time provided for in order of the competent ministry.

(4) Financial statements, etc., may be prepared in the form of an electronic or magnetic record (meaning a record in the electronic form, magnetic form or any other form not recognizable to human perception to be used in information processing by computers, as provided for in order of the competent ministry; the same applies hereinafter).

(5) If the financial statements, etc., are prepared in the form of an electronic or magnetic record, the ESDO may take the measures specified by order of the competent ministry as measures enabling information recorded in that electronic or magnetic record available to the general public by electronic or magnetic means (meaning means provided for in order of the competent ministry using an electronic data processing system or other information and communication technology), at its office. In that case, the financial statements, etc., are deemed to have been kept and made available for public inspection pursuant to the provisions of paragraph (3).

(Handling of Profits and Losses)

Article 94 (1) If a profit arises in the calculation of profits and losses for a fiscal year, the ESDO must thereby offset any loss carried over from the previous fiscal year, and any surplus that may remain even after offsetting the loss must be kept as reserve funds.

(2) If a loss is incurred based on the calculation of profits and losses for a fiscal year, the ESDO must account for the loss by reducing the amount of the reserve funds prescribed under the preceding paragraph, and if there is any deficit remaining thereafter, the ESDO must account for the amount of deficit as a loss carried forward.

(3) The ESDO may allocate the reserve funds specified in the provisions of paragraph (1) to expenses required for the operations set forth in Article 87, within the limits of the amount specified in the budget.

(Borrowing of Funds)

Article 95 (1) The ESDO may make short-term borrowings with the authorization of the competent ministers if it is necessary to allocate funds to expenses required for its operations.

(2) The short-term borrowings under the preceding paragraph must be

reimbursed within the fiscal year concerned; provided, however, that if the short-term borrowings cannot be reimbursed due to a lack of funds, only the amount that cannot be reimbursed may be refinanced with the authorization of the competent ministers.

(3) The short-term borrowings that have been refinanced pursuant to the provisions of the proviso to the preceding paragraph must be reimbursed within one year.

(4) If the competent ministers intend to give the authorization set forth under the provisions of paragraph (1) and paragraph (2), the competent ministers must consult with the Minister of Finance in advance.

(5) The ESDO may neither make long-term borrowings nor issue bonds.

(Grants)

Article 96 The government is to grant the ESDO the amount of money equivalent to the expenses required for its business, within the limits of the budget.

(Investment of Surplus Funds)

Article 97 The ESDO must not invest any surplus funds arising in the course of its operations other than through the following means:

(i) holding of government bonds and other securities designated by the competent ministers;

(ii) depositing of surplus funds in a financial institution designated by the competent ministers; and

(iii) other means provided for in order of the competent ministry.

(Delegation to Order of the Competent Ministry)

Article 98 Beyond what is provided for in this Act, the necessary particulars for the enforcement of the provisions of this Section are provided for in order of the competent ministry.

## **Section 7 Supervision**

(Supervision)

Article 99 (1) The ESDO is supervised by the competent minister.

(2) If the competent minister finds it necessary for the enforcement of this Act, they may issue an order as necessary for the supervision of the ESDO's operations.

(Collection of Reports and On-site Inspections)

Article 100 (1) If the competent minister finds it necessary for the enforcement of this Act, they may order the ESDO to submit a report on its operations, or may have officials enter the ESDO's offices to inspect the ESDO's books, documents and other items.

(2) The provisions of Article 13, paragraph (2) apply mutatis mutandis to the on-site inspection under the preceding paragraph, and the provisions of Article 13, paragraph (3) apply mutatis mutandis to the authority under the preceding paragraph.

## **Section 8 Auxiliary Provisions**

(Changes to the Articles of Incorporation)

Article 101 Changes to the ESDO's articles of incorporation do not come into effect without the authorization of the competent ministers.

(Dissolution)

Article 102 (1) If the ESDO is dissolved and there are residual assets even after it has paid its debts, the ESDO must distribute them to each contributor in amounts proportionate to the amount of each capital contribution.

(2) Beyond what is provided for in the preceding paragraph, particulars concerning the dissolution of the ESDO are provided for separately by law.

## **Chapter IV Miscellaneous Provisions**

(Competent Minister)

Article 103 (1) The competent ministers referred to in this Act are the Minister of Justice and the Minister of Health, Labour and Welfare.

(2) The order of the competent ministry referred to in this Act is an order issued by the competent ministers.

(Delegation of Authority)

Article 104 (1) Pursuant to the provisions of Cabinet Order, the competent ministers may delegate, to the Minister of Land, Infrastructure, Transport and Tourism, part of their authorities over the collection of reports, the order to submit or present books and records, the request for appearance, the questioning, or the on-site inspection under Article 35, paragraph (1) (limited to those conducted for the enforcement of the provisions of Article 40, paragraphs (3) through (5)), supervision under Article 99, paragraph (1) (limited to a request for appearance), order under paragraph (2) of the same Article (limited to an order for submission or presentation of books and documents), and collection of reports or on-site inspection under Article 100, paragraph (1) (hereinafter referred to as the "collection of reports, etc." in the following paragraph and in the following Article).

(2) If the Minister of Land, Infrastructure, Transport and Tourism performs the collection of reports, etc. under the authority delegated to the Minister pursuant to the provisions of the preceding paragraph, the Minister is to report the results to the competent ministers promptly.

(3) The Minister of Land, Infrastructure, Transport and Tourism may delegate the authority which has been delegated to the Minister pursuant to the provisions of paragraph (1), to the Director of the District Transport Bureau (including the Chief of the Maritime Traffic Control Division; the same applies in the following paragraph) pursuant to Cabinet Order.

(4) The authority delegated to the Director of the District Transport Bureau pursuant to the provisions of the preceding paragraph may be delegated to the Chief of the Transport Bureau Branch, or the head of the office of the District

Transport Bureau, Maritime Traffic Control Division or Transport Bureau Branch, pursuant to Cabinet Order.

(5) The authorities of the Minister of Justice provided for in this Act (excluding those under Article 7, paragraphs (3) through (5) (including as applied mutatis mutandis pursuant to paragraph (6) of the same Article), Article 7-2, paragraphs (1), and (3) through (5) (including as applied mutatis mutandis pursuant to paragraph (6) of the same Article), and Article 12-2, paragraphs (2) and (4), and those delegated to the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provision of paragraph (1)) may be delegated to the Commissioner of the Immigration Services Agency as provided for in Cabinet Order.

(6) The authorities of the Commissioner of the Immigration Services Agency provided for in this Act (including that delegated to the Commissioner of the Immigration Services Agency pursuant to the provisions of the preceding paragraph) and the authorities of the Minister of Health, Labour and Welfare (excluding those under Article 7, paragraphs (3) through (5) (including as applied mutatis mutandis pursuant to paragraph (6) of the same Article), Article 7-2, paragraphs (1), and (3) through (5) (including as applied mutatis mutandis pursuant to paragraph (6) of the same Article), and Article 12-2, paragraphs (2) and (4), and those delegated to the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provision of paragraph (1)) may be delegated to the head of a local branch office as provided for in order of the competent ministries. (Exercising Authority)

Article 105 (1) The competent ministers may have a labor standard inspector perform what is under the authority of the officials of the competent ministers provided for in Article 35, paragraph (1), for the administrative affairs relating to the collection of reports, etc.

(2) If the authority of the competent minister is delegated to the Minister of Land, Infrastructure, Transport and Tourism pursuant to the provisions of paragraph (1) of the preceding Article, the Minister of Land, Infrastructure, Transport and Tourism may have an officer in charge of the labor affairs of mariners perform what is under the authority of the officials of the competent ministers provided for in Article 35, paragraph (1), for the administrative affairs relating to the collection of reports, etc.

(Coordination between the National Government and Others)

Article 106 (1) The national government, local governments and the ESDO are to endeavor to exchange the necessary information and to otherwise ensure close mutual coordination in order to ensure that the employment for skill development is conducted smoothly.

(2) The ESDO must provide the competent ministers and the Commissioner of the Immigration Services Agency with necessary information relating to the

exercise of authority by the competent ministers and the Commissioner of the Immigration Services Agency for the coordination provided for in the preceding paragraph.

(3) The ESDO and public employment security offices or District Transport Bureaus (including the Maritime Traffic Control Division; the same applies in the following paragraph) must cooperate and coordinate with one another so that the measures provided for in Article 8-4, paragraph (3) (including as applied pursuant to the provision of paragraph (4) of the same Article following the deemed replacement of terms) and Article 51, paragraphs (1) and (2), and the operations under Article 87, paragraph (1), item (iii) are conducted smoothly.

(4) The ESDO must provide public employment security offices or district transport bureaus with the necessary information, as provided for in order of the competent ministries, to facilitate cooperation under the preceding paragraph. (Delegation to Order of the Competent Ministry)

Article 107 Beyond what is provided for in this Act, the necessary particulars for the enforcement of the provisions of this Act are specified by order of the competent ministry.

#### **Chapter V Penal Provisions**

Article 108 Any person who has violated the provisions of Article 46 is subject to imprisonment for not less than one year but not more than 10 years, or a fine of not less than 200,000 yen but not more than 3,000,000 yen.

Article 109 Any person falling under any of the following items is subject to imprisonment for not more than one year or a fine of not more than 1,000,000 yen:

- (i) a person who has conducted the supervision and support business without the license under Article 23, paragraph (1);
- (ii) a person who has, by deception or some other wrongful act, obtained the license under Article 23, paragraph (1) or a renewal of the validity period of the license under in Article 31, paragraph (2);
- (iii) a person who has violated the order prescribed under the provisions of Article 37, paragraph (2); or
- (iv) a person who has violated the provisions of Article 38;

Article 110 Any person who has violated the provisions of Article 44 is subject to imprisonment for not more than one year or a fine of not more than 500,000 yen.

(2) Any person who has violated the provisions of Article 54, paragraph (4); Article 56, paragraph (4); or Article 80 (including as applied mutatis mutandis pursuant to Article 86 and Article 88, paragraph (2)) is subject to imprisonment for not more than one year or a fine of not more than 500,000 yen.

Article 111 Any person falling under any of the following items is subject to imprisonment for not more than six months or a fine of not more than 300,000 yen:

- (i) a person who has violated the order under Article 15, paragraph (1);
- (ii) a person who has violated the provisions of Article 28, paragraph (1);
- (iii) a person who has violated the order prescribed under the provisions of Article 36, paragraph (1);
- (iv) a person who has violated the provisions of Article 47;
- (v) a person who has kept the passport or residence card of a skill development employee, etc. against the intention of that skill development employee, etc., in violation of Article 48, paragraph (1);
- (vi) a person who has, in violation of Article 48, paragraph (2), notified a skill development employee, etc., to the effect that the employee is prohibited from communicating with or meeting others or going outside during any hours other than their employment for skill development hours, in whole or in part, through threatening them with dismissal or other disadvantages in the labor relationship, collection of a penalty, or other financial disadvantages; or
- (vii) a person who has violated the provisions of Article 49, paragraph (2).

Article 112 Any person falling under any of the following items is subject to a fine of not more than 300,000 yen:

- (i) a person who has not made the notification provided for in Article 8-2, paragraph (2), (6) or (7), or has made a false notification;
- (ii) a person who has not given the notice provided for in Article 8-2, paragraphs (3) through (5), or has given a false notice;
- (iii) a person who has failed to make a report or to submit or present books and documents as provided for in Article 13, paragraph (1) or Article 35, paragraph (1); has made a false report, or submitted or presented false books and documents; has refused to answer to questions under these provisions or given a false answer to them; or has refused, interfered with, or evaded an inspection under these provisions;
- (iv) a person who has not made the notification provided for in Article 17, paragraph (1), or has made a false notification;
- (v) a person who has not made the notification provided for in Article 19, paragraph (1) or (3), or has made a false notification;
- (vi) a person who has not given the notice provided for in Article 19, paragraphs (2) through (4), or has given a false notice;
- (vii) a person who, in violation of Article 20, paragraph (1) or (2), has failed to prepare books and documents, has failed to keep them at its place of business, or has prepared false books and documents;
- (viii) a person who has submitted the written application provided for in Article 23, paragraph (2) (including as applied mutatis mutandis pursuant to Article 31, paragraph (5)) or the document provided for in Article 23, paragraph (3) (including as applied mutatis mutandis pursuant to Article 31, paragraph (5)) which contains a false statement;

(ix) a person who has not made the notification provided for in Article 32, paragraph (1), or has made a false notification, or has submitted the document provided for in the same paragraph which contains a false statement;

(x) a person who has not made the notification provided for in Article 33, paragraph (1), or has made a false notification;

(xi) a person who has discontinued the supervision and support business or has suspended that business in whole or in part without the notification provided for in Article 34, paragraph (1) or with a false notification;

(xii) a person who has violated the provisions of Article 40, paragraph (1); or

(xiii) a person who, in violation of Article 41, has failed to prepare books and documents, has failed to keep them at its place of business, or has prepared false books and documents.

(2) When an officer or employee of the ESDO has failed to make a report under Article 100, paragraph (1), or has made a false report, or has refused, interfered with, or evaded an inspection under the same paragraph, the officer or employee who has committed the violation is to be subject to a fine of not more than 300,000 yen.

Article 113 If the representative of a corporation, the agent or employee of a juridical or natural person, or any other person working for a juridical or natural person has committed a violation set forth under Article 108, Article 109, paragraph (1) of Article 110, Article 111, or paragraph (1) of the preceding Article in connection with the business of the corporation or individual, in addition to the offender being subject to punishment, the corporation or individual is also subject to the fine set forth under the relevant Article.

Article 114 If coming under any of the following items, the officer of the ESDO who has committed the relevant violation is subject to a civil fine of not more than 200,000yen:

(i) failure to receive authorization from or approval of the competent ministers if the authorization or approval is required pursuant to the provisions of Chapter III;

(ii) failure to be registered in violation of Cabinet Order under Article 62, paragraph (1);

(iii) engaging in business other than that provided for in Article 87;

(iv) failure to keep documents or to make them available for public inspection in violation of Article 93, paragraph (3);

(v) investing surplus funds from the business in violation of Article 97; or

(vi) violation of the order of the competent ministers provided for in Article 99, paragraph (2).

Article 115 Any person who has violated the provisions of Article 61, paragraph (2) is subject to a civil fine of not more than 200,000 yen.