

Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers

(Act No. 88 of July 5, 1985)

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to take measures for securing the proper operation of Worker Dispatching Undertakings for the proper adjustment of labor demand and supply, in conjunction with the Employment Security Act (Act No. 141 of 1947), as well as measures for securing improved working conditions for Dispatched Workers, and thereby to contribute to the stability of employment and otherwise to the promotion of the welfare of Dispatched Workers.

(Definitions)

Article 2 In this Act, the meanings of the terms listed in the following items shall be as prescribed respectively in said items:

- (i) "Worker Dispatching" means causing a worker(s) employed by one person so as to be engaged in work for another person under the instruction of the latter, while maintaining his/her employment relationship with the former, but excluding cases where the former agrees with the latter that such worker(s) shall be employed by the latter;
- (ii) "Dispatched Worker" means a worker, employed by an employer, who becomes the object of Worker Dispatching;
- (iii) "Worker Dispatching Undertaking" means carrying out Worker Dispatching in the course of trade;
- (iv) "General Worker Dispatching Undertaking" means a Worker Dispatching Undertaking other than a Specified Worker Dispatching Undertaking;
- (v) "Specified Worker Dispatching Undertaking" means a Worker Dispatching Undertaking in which the Dispatched Workers (limited to those who become the objects of Worker Dispatching carried out in the course of trade) are composed solely of regularly employed workers;
- (vi) "Employment Placement Dispatching" means a type of Worker Dispatching in which employment placement is carried out or is prepared to be carried out by a person who has received license under paragraph (1) of Article 5, (hereinafter referred to as a "business operator of a general dispatching undertaking") or a person who has submitted a written notice pursuant to

the provisions of paragraph (1) of Article 16 (hereinafter referred to as a "business operator of a specified dispatching undertaking"), either before or after the commencement of the provision of Worker Dispatching services, with regard to the Dispatched Worker(s) pertaining to said Worker Dispatching and the person(s) receiving the provision of Worker Dispatching services pertaining to said Dispatched Worker(s) (hereinafter referred to as the "client(s)" in this item), after having received license or submitted a written notice pursuant to the provisions of the Employment Security Act and other Acts, and shall include dispatching through said job introduction where the employment of said Dispatched Worker(s) by said client(s) is agreed upon between said Dispatched Worker(s) and said client(s) prior to the conclusion of the provision of said Worker Dispatching services.

(Exclusion from Application for Mariners)

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

**Chapter II Measures for Securing the Proper Operation of Worker
Dispatching Undertakings
Section 1 Scope of Designated Work**

Article 4 (1) No person shall be allowed to carry out a Worker Dispatching Undertaking with regard to services falling under any of the following items:

- (i) port transport services (which means port transport services prescribed in item (ii) of Article 2 of the Port Labor Act (Act No. 40 of 1988) and services designated by a Cabinet Order as services corresponding to port transport services carried out at ports other than those prescribed in item (i) of the same Article);
- (ii) construction work (which means work relating to civil engineering, construction, the building, remodeling, maintenance, repairing, renovation, wrecking or dismantling of a structure, or work preparatory to any of these);
- (iii) work listed in each item of paragraph (1) of Article 2 of the Security Services Act (Act No. 117 of 1972) and other work designated by a Cabinet Order as work for the proper performance of which it is considered inappropriate to allow Dispatched Workers to be engaged therein under arrangements for Worker Dispatching services carried out in the course of trade (simply referred to as "Worker Dispatching" in the following Section, paragraphs (2) and (3) of Article 23 and item (i) of paragraph (1) of Article 40-2).

(2) Before drafting a proposal for the establishment or revision of the Cabinet Order referred to in item (iii) of the preceding paragraph, the Minister of

Health, Labour and Welfare shall obtain the opinion of the Labor Policy Council.

- (3) A person who receives the provision of Worker Dispatching services from a business operator of a Worker Dispatching Undertaking shall not have, under his/her instruction, any Dispatched Worker under the Worker Dispatching arrangements engage in work falling under any of the items of paragraph (1).

Section 2 License for Worker Dispatching Undertakings, etc.

Subsection 1 General Worker Dispatching Undertakings

(License for General Worker Dispatching Undertakings)

Article 5 (1) Any person who intends to carry out a General Worker Dispatching Undertaking shall obtain a license from the Minister of Health, Labour and Welfare.

- (2) Any person who wishes to be granted the license set forth in the preceding paragraph shall submit to the Minister of Health, Labour and Welfare a written application form stating the following matters:
- (i) the applicant's name or title and address, and, in the case of a juridical person, the name of its representative;
 - (ii) in the case of a juridical person, the name and address of its officers;
 - (iii) the name and location of the place of business where the General Worker Dispatching Undertaking is carried out;
 - (iv) the name and address of the responsible person acting for the business operator of a dispatching undertaking as appointed pursuant to the provisions of Article 36.
- (3) The written application set forth in the preceding paragraph must be accompanied by a business plan for the undertaking for each place of business where the General Worker Dispatching Undertaking is carried out and other documents specified by an Ordinance of the Ministry of Health, Labour and Welfare.
- (4) In the business plans set forth in the preceding paragraph, the number of Dispatched Workers, the amount of the fee for Worker Dispatching, and other matters pertaining to Worker Dispatching for the undertaking must be stated for each place of business where the General Worker Dispatching Undertaking is carried out, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.
- (5) Before granting the license referred to in paragraph (1), the Minister of Health, Labour and Welfare shall obtain the opinion of the Labor Policy Council.

(Causes for Disqualification for License)

Article 6 A person who falls under any of the following items shall not be granted the license referred to in paragraph (1) of the preceding Article:

- (i) any person who was sentenced to imprisonment or a harsher punishment, or to a fine under the provisions of this Act or the provisions of other Acts relating to labor specified by a Cabinet Order (excluding the provisions referred to in the following item) or the provisions of the Act on the Prevention of Unjust Acts by Organized Crime Group Members (Act No. 77 of 1991) (excluding the provisions of Article 48 of the same Act) or for having committed an offense referred to in Article 204, 206, 208, 208-3, 222 or 247 of the Penal Code (Act No. 45 of 1907), in the Act on Punishment of Physical Violence and Other Related Matters (Act No. 60 of 1926) or in paragraph (1) of Article 73-2 of the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951), and for whom five years have not elapsed from the date of completion or punishment becomes no longer executable;
- (ii) any person sentenced to a fine under the provisions of Article 208, Article 213-2 or paragraph (1) of Article 214 of the Health Insurance Act (Act No. 70 of 1922), Article 68, Article 69-3 or paragraph (1) of Article 70 of the Mariners Insurance Act (Act No. 73 of 1939), the first sentence of Article 51 or paragraph (1) of Article 54 (limited to the part pertaining to the provisions of the first sentence of Article 51) of the Workers Accident Compensation Insurance Act (Act No. 50 of 1947), paragraph (1) of Article 102, Article 103-2, paragraph (1) of Article 104 (limited to the part pertaining to the provisions of paragraph (1) of Article 102 or Article 103-2), paragraph (1) or (2) of Article 182 or Article 184 (limited to the part pertaining to the provisions of paragraph (1) or (2) of Article 182) of the Welfare Pension Insurance Act (Act No. 115 of 1954), the first sentence of Article 46 or paragraph (1) of Article 48 (limited to the part pertaining to the provisions of the first sentence of Article 46) of the Act Concerning the Collection of Premiums on Labor Insurance (Act No. 84 of 1969) and Article 83 or Article 86 (limited to the part pertaining to the provisions of Article 83) of the Employment Insurance Act (Act No. 116 of 1974), and for whom five years have not elapsed from the date of completion or punishment becomes no longer executable;
- (iii) any person who is an adult ward or person under curatorship or bankrupt who has not had his/her rights restored;
- (iv) any person whose license for a General Worker Dispatching Undertaking was revoked under the provisions of paragraph (1) (excluding item (i) thereof) of Article 14 and for whom five years have not elapsed from the date of the revocation;
- (v) any minor who does not possess the same capacity for carrying out business as an adult and whose statutory representative falls under any of the preceding items;

(vi) any juridical person any of whose officers falls under any of the preceding items.

(Criteria for Granting a License)

Article 7 (1) The Minister of Health, Labour and Welfare shall not grant a license, unless the Minister considers that the application for a license referred to in paragraph (1) of Article 5 conforms to the criteria listed below:

- (i) that the undertaking concerned is not an undertaking carried out for the purpose of providing Worker Dispatching services solely to specified persons (excluding such case as is specified by an Ordinance of the Ministry of Health, Labour and Welfare as a case where such undertaking is necessary for the continued employment of those workers for whom the ensuring of an opportunity for employment is considered to be particularly difficult);
 - (ii) that the applicant has sufficient ability to properly manage the employment of Dispatched Workers of the undertaking concerned;
 - (iii) that necessary measures are taken to properly manage personal information (which means information concerning an individual by which it is possible to identify a specific person (including information that can be compared with other information and thereby make it possible to identify a specific person); the same shall apply hereinafter) and to protect the confidentiality of Dispatched Workers, etc.;
 - (iv) in addition to what is listed in the preceding two items, that the applicant has sufficient ability to carry out the undertaking concerned appropriately.
- (2) Where the Minister of Health, Labour and Welfare does not grant the license referred to in paragraph (1) of Article 5, the Minister shall notify the applicant to that effect, without delay, indicating the grounds therefor.

(License Certificate)

Article 8 (1) The Minister of Health, Labour and Welfare must, after granting the license referred to in paragraph (1) of Article 5, issue license certificates in accordance with the number of places of business where the General Worker Dispatching Undertaking is carried out, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

- (2) Any person who has been issued license certificates must keep them at each place of business where the General Worker Dispatching Undertaking is carried out and produce the certificates to the persons concerned at their request.
- (3) Any person who has been issued a license certificate shall, in the case where it is lost or destroyed, notify the Minister of Health, Labour and Welfare immediately to that effect and apply for reissuance of the license certificate.

(Conditions Attached to License)

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

(2) The conditions set forth in the preceding paragraph shall be limited to the minimum necessary in view of the purpose of the license concerned or for ensuring the implementation of matters related to the license concerned, and shall not be such as to impose any undue obligation upon the person who is granted the license.

(Valid Period, etc. of License)

Article 10 (1) The valid period of the license referred to in paragraph (1) of Article 5 shall be three years from the date of issuance.

(2) Any person who wishes to continue to carry out the General Worker Dispatching Undertaking covered by the license prescribed in the preceding paragraph after the expiration of the valid period of the license concerned (where the valid period of the license concerned has been renewed under the provisions of this paragraph, the renewed valid period of the license) shall obtain a renewal of the valid period of the license, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

(3) Where an application for the renewal of the valid period of the license prescribed in the preceding paragraph has been submitted, when the Minister of Health, Labour and Welfare considers that the application is not in conformity with the criteria listed in each item of paragraph (1) of Article 7, the Minister shall not renew the valid period of the license concerned.

(4) The valid period of the license referred to in paragraph (1) of Article 5 shall, where renewed under the provisions of paragraph (2), be five years from the day following the date of expiration of the valid period of the license before the renewal.

(5) The provisions of paragraphs (2) to (4) inclusive of Article 5, Article 6 (excluding item (iv) thereof) and paragraph (2) of Article 7 shall apply mutatis mutandis to the renewal of the valid period of the license referred to in paragraph (2).

(Notification of Changes)

Article 11 (1) A business operator of a general dispatching undertaking shall, where there has been a change in any of the matters listed in each item of paragraph (2) of Article 5 notify the Minister of Health, Labour and Welfare to that effect without delay. In this case, where the changed matters relate to the establishment of a new place(s) of business for carrying out the General Worker Dispatching Undertaking, the notification shall be accompanied by business plans pertaining to said place(s) of business and other documents

- specified by an Ordinance of the Ministry of Health, Labour and Welfare.
- (2) The provisions of paragraph (4) of Article 5 shall apply mutatis mutandis to the business plans in the preceding paragraph.
- (3) Upon receiving the notification of changes pertaining to the establishment of a place(s) of business for carrying out the General Worker Dispatching Undertaking filed under paragraph (1), the Minister of Health, Labour and Welfare shall issue a license certificate(s) in accordance with the number of places of business to be established, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.
- (4) Where a business operator of a general dispatching undertaking files a notification under paragraph (1), and when the matters pertaining to said notification fall under any of the matters stated in the license certificate, he/she shall apply for a revision of the license certificate, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

Article 12 Deleted

(Discontinuance of Undertaking)

- Article 13 (1) A business operator of a general dispatching undertaking shall, when he/she has discontinued the General Worker Dispatching Undertaking concerned, notify, without delay, the Minister of Health, Labour and Welfare to that effect, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.
- (2) When a notification has been filed under the provisions of the preceding paragraph, the license set forth in paragraph (1) of Article 5 shall lose its effect.

(Revocation of License, etc.)

- Article 14 (1) The Minister of Health, Labour and Welfare may revoke the license granted to a business operator of a general dispatching undertaking under the provisions of paragraph (1) of Article 5, where said operator falls under any of the following items:
- (i) when said operator falls under any of the items (excluding item (iv)) of Article 6;
 - (ii) when said operator violates the provisions of this Act (excluding the provisions of Section 4 of the following Chapter) or the Employment Security Act, or orders or dispositions based on these provisions;
 - (iii) when said operator violates any conditions attached to the license under the provisions of paragraph (1) of Article 9.
- (2) Where a business operator of a general dispatching undertaking falls under item (ii) or (iii) of the preceding paragraph, the Minister of Health, Labour and Welfare may order him/her to suspend the whole or a part of the operations of

the General Worker Dispatching Undertaking concerned for a stated period of time.

(Prohibition of Name Lending)

Article 15 A business operator of a general dispatching undertaking shall not allow any other person to conduct a General Worker Dispatching Undertaking under his/her name.

Subsection 2 Specified Worker Dispatching Undertakings

(Notification of Specified Worker Dispatching Undertaking)

Article 16 (1) Any person who intends to carry out a Specified Worker Dispatching Undertaking must submit to the Minister of Health, Labour and Welfare a written notice containing the matters listed in each item of paragraph (2) of Article 5. In this case, the term "General Worker Dispatching Undertaking" in item (iii) of the same paragraph shall be deemed to be replaced with "Specified Worker Dispatching Undertaking".

(2) The written notice set forth in the preceding paragraph must be accompanied by a business plan for the undertaking for each place of business where the Specified Worker Dispatching Undertaking is carried out and other documents specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(3) The business plan set forth in the preceding paragraph shall contain the number of Dispatched Workers, the amount of the fee for Worker Dispatching, and other matters pertaining to Worker Dispatching for the undertaking for each place of business where the Specified Worker Dispatching Undertaking is carried out, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

(Reasons for Disqualification from Commencing an Undertaking)

Article 17 A person who falls under any of the items of Article 6 shall not newly establish a place of business for nor carry out a Specified Worker Dispatching Undertaking.

(Keeping Documents, etc.)

Article 18 A business operator of a specified dispatching undertaking must keep, at each place of business where the Specified Worker Dispatching Undertaking is carried out, documents stating the fact that he/she has submitted a written notice and other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare, and must produce such documents to the persons concerned at their request.

(Notification of Changes)

Article 19 (1) A business operator of a specified dispatching undertaking shall, where there has been a change in any of the matters to be stated in the written notice referred to in paragraph (1) of Article 16, notify the Minister of Health, Labour and Welfare to that effect without delay. In this case, where the changed matter relates to the establishment of a new place(s) of business for carrying out the Specified Worker Dispatching Undertaking, the notification shall be accompanied by business plans pertaining to said place(s) of business and other documents specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(2) The provisions of paragraph (3) of Article 16 shall apply mutatis mutandis to the business plans referred to in the preceding paragraph.

(Discontinuance of Undertaking)

Article 20 A business operator of a specified dispatching undertaking shall, when he/she has discontinued the Specified Worker Dispatching Undertaking concerned, notify the Minister of Health, Labour and Welfare to that effect, without delay.

(Order to Discontinue or Suspend Undertaking, etc.)

Article 21 (1) When a business operator of a specified dispatching undertaking falls under any item (excluding item (iv)) of Article 6, the Minister of Health, Labour and Welfare may order him/her to discontinue the Specified Worker Dispatching Undertaking concerned. When a business operator of a specified dispatching undertaking falls under item (iv) of the same Article at the time of commencing the Specified Worker Dispatching Undertaking concerned (where he/she establishes two or more places of business, and carries out the Specified Worker Dispatching Undertakings, the Specified Worker Dispatching Undertaking at each place of business; hereinafter the same shall apply in this paragraph), the Minister of Health, Labour and Welfare may order him/her to discontinue the Specified Worker Dispatching Undertaking concerned.

(2) Where a business operator of a specified dispatching undertaking has violated the provisions of this Act (excluding the provisions of Section 4 of the following Chapter) or the Employment Security Act, or orders or dispositions based on these provisions, the Minister of Health, Labour and Welfare may order him/her to suspend the whole or a part of the operations of the Specified Worker Dispatching Undertaking concerned for a stated period of time.

(Prohibition of Name Lending)

Article 22 A business operator of a Specified Worker Dispatching Undertaking shall not allow any other person to carry out a Specified Worker Dispatching

Undertaking under his/her name.

Section 3 Auxiliary Provisions

(Business Reports, etc.)

Article 23 (1) A business operator of a general dispatching undertaking or of a specified dispatching undertaking (hereinafter referred to as a "dispatching business operator") shall prepare business reports for the undertaking and settlements of accounts for each place of business where the Worker Dispatching Undertaking is carried out and submit them to the Minister of Health, Labour and Welfare, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

(2) The business reports set forth in the preceding paragraph shall contain the number of Dispatched Workers, the number of persons who have received the Worker Dispatching services, the amount of the fee for Worker Dispatching, and other matters pertaining to Worker Dispatching for each place of business where the Worker Dispatching Undertaking is carried out, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

(3) Where any dispatching business operator intends to carry out Worker Dispatching in which Dispatched Workers will be engaged in work at places of business or other facilities located outside the enforcement area of this Act (hereinafter referred to as "overseas dispatching"), he/she shall notify the Minister of Health, Labour and Welfare to that effect, in advance, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

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

Article 24 The provisions of Article 20 of the Employment Security Act shall apply mutatis mutandis to Worker Dispatching Undertakings. In this case, in paragraph (1) of said Article, the term "The Public Employment Security Offices" shall be deemed to be replaced with "The dispatching business operator prescribed in paragraph (1) of Article 23 of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Act") (hereinafter simply referred to as a "dispatching business operator")" and the term "shall not introduce job seekers to a place of business" shall be deemed to be replaced with "shall not carry out Worker Dispatching prescribed in item (i) of Article 2 of the Worker Dispatching Act (hereinafter simply referred to as "Worker Dispatching") (where Worker Dispatching is actually carried out for the place of business at the time of said strike or lock-out, excluding said Worker Dispatching and arrangements equivalent thereto)"; in paragraph (2) of said Article, the term "unlimited introduction of

job seekers" shall be deemed to be replaced with "unlimited Worker Dispatching", the term "the Public Employment Security Office shall not introduce job seekers to that place of business" shall be deemed to be replaced with "the Public Employment Security Office shall notify the dispatching business operator to that effect, and the dispatching business operator, having received the notification, shall not carry out Worker Dispatching for the place of business concerned (where Worker Dispatching is actually carried out for the place of business at the time of the notification, excluding said Worker Dispatching and arrangements equivalent thereto)", the term "workers normally employed" shall be deemed to be replaced with "workers (including workers having been engaged in work under Worker Dispatching arrangements) normally employed", and the term "the introduction of workers" shall be deemed to be replaced with "the provision of Worker Dispatching services".

(Prohibition of Receiving Worker Dispatching Services from a Business Operator Who Carries Out a Worker Dispatching Undertaking Other Than a Dispatching Business Operator)

Article 24-2 Any person who receives Worker Dispatching services shall not receive Worker Dispatching services from a business operator who carries out a Worker Dispatching Undertaking other than a dispatching business operator.

(Handling of Personal Information)

Article 24-3 (1) With regard to collecting, retaining or using personal information of workers with regard to Worker Dispatching, a dispatching business operator must collect personal information of workers within the extent necessary for the achievement of the purpose of that business (including employment placement where Employment Placement Dispatching is carried out; the same shall apply in the following Article) and retain and use such information within the extent of the purpose of said collection. Provided, however, that this does not apply where consent has been given by the worker concerned or where there are other justifiable reasons.

(2) A dispatching business operator shall take measures necessary for the proper management of personal information of workers.

(Obligation of Confidentiality)

Article 24-4 A dispatching business operator, as well as his/her agent, employee or other worker, shall not disclose to another person a secret learned with regard to a matter he/she handled in the course of business, unless there are justifiable grounds. The same shall apply to any person who ceased to be a dispatching business operator or his/her agent, employee or other worker.

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

Article 25 In applying the provisions of this Act pertaining to Worker Dispatching Undertakings, the Minister of Health, Labour and Welfare shall take into consideration employment practices which are considered to contribute to the effective realization of the capacities of workers and the stability of their employment throughout their working lives, and, at the same time, shall give consideration so that the adjustment of labor demand and supply by means of Worker Dispatching Undertakings may be in harmony with the adjustment of labor demand and supply under the other systems specified in the Employment Security Act.

**Chapter III Measures for Securing Improved Working Conditions for
Dispatched Workers
Section 1 Worker Dispatch Contract**

(Contents of Contract, etc.)

Article 26 (1) The parties to a worker dispatch contract (meaning a contract by which one party to the contract agrees to carry out Worker Dispatching on behalf of the other; the same shall apply hereinafter) shall stipulate the following matters, as well as the number of workers to be dispatched, in accordance with the varying contents of the stipulated matters, upon conclusion of the contract concerned, pursuant to the provisions of an Ordinance of the Minister of Health, Labour and Welfare:

- (i) the contents of the work in which the Dispatched Workers are to be engaged;
- (ii) the name and location of the place of business where the Dispatched Workers are to be engaged in work under Worker Dispatching arrangements and other places where the Dispatched Workers are to be engaged in work under Worker Dispatching arrangements (hereinafter referred to as "dispatch work");
- (iii) matters relating to the person who directly instructs the Dispatched Workers, in the course of their work, on behalf of the person receiving Worker Dispatching services;
- (iv) the period of Worker Dispatching and the days on which the dispatch work is to be performed;
- (v) the hours of starting and ending the dispatch work and the time of rest breaks in such work;
- (vi) matters relating to the safety and health;
- (vii) matters relating to the handling of the complaints which have been submitted by the Dispatched Workers;

- (viii) matters relating to measures necessary for ensuring the employment security of the Dispatched Workers to be taken at the time of termination of a worker dispatch contract;
 - (ix) where the worker dispatch contract is for Employment Placement Dispatching, matters relating to said Employment Placement Dispatching;
 - (x) In addition to what is listed in each of the preceding items, matters specified by an Ordinance of the Ministry of Health, Labour and Welfare.
- (2) No dispatching business operator shall, with regard to the period of Worker Dispatching listed in item (iv) of the preceding paragraph (excluding the period of Worker Dispatching pertaining to work listed in items (iii) and (iv) of paragraph (1) of Article 40-2), stipulate a period exceeding the period that the Minister of Health, Labour and Welfare specifies in accordance with the kind of work and taking into consideration the situation of the labor demand and supply concerned and the state of progress of the work concerned, etc., where the Minister considers it necessary for the proper adjustment of the labor demand and supply concerned.
- (3) In addition to what is prescribed in the preceding two paragraphs, a dispatching business operator shall, when concluding a worker dispatch contract for overseas dispatching, stipulate that the person receiving such overseas dispatching services shall take the following measures, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare:
- (i) appointment of a responsible person acting for the client, as referred to in Article 41;
 - (ii) preparation of the client's record of management, as referred to in paragraph (1) of Article 42; entry in said record of the matters listed in each item of the same paragraph; and notification, in conformity with the conditions specified by an Ordinance of the Ministry of Health, Labour and Welfare, as referred to in paragraph (3) of the same Article;
 - (iii) any other measures specified by an Ordinance of the Ministry of Health, Labour and Welfare which are necessary for the proper performance of the dispatch work concerned.
- (4) In concluding a worker dispatch contract under the provisions of paragraph (1), a dispatching business operator shall clearly indicate to the other party to the contract, in advance, that he/she has obtained the license referred to in paragraph (1) of Article 5, or has submitted a written notice pursuant to the provisions of paragraph (1) of Article 16.
- (5) A person who intends to receive Worker Dispatching services from a dispatching business operator, with regard to work other than the work listed in each item of paragraph (1) of Article 40-2, based on a new worker dispatch contract, shall, in concluding the worker dispatch contract concerned pursuant to the provisions of paragraph (1), notify the dispatching business operator

concerned, in advance, of the first day on which receiving Worker Dispatching services will be in conflict with the provisions of paragraph (1) of the same Article with regard to the work concerned since the day on which provision of the Worker Dispatching services concerned commences.

- (6) When a dispatching business operator does not receive a notice under the provisions of the preceding paragraph from the person who intends to receive Worker Dispatching services with regard to work other than the work listed in each item of paragraph (1) of Article 40-2 based on a new worker dispatch contract, he/she shall not conclude a worker dispatch contract with regard to the work concerned with the person concerned.
- (7) A person who intends to receive Worker Dispatching services (excluding Employment Placement Dispatching services) shall, in concluding a worker dispatch contract, endeavor not to commit any act intended to specify the workers to be dispatched under the Worker Dispatching arrangements based on the worker dispatch contract concerned.

(Cancellation of a Contract, etc.)

Article 27 No person receiving Worker Dispatching services shall cancel a worker dispatch contract on the grounds of a Dispatched Worker's nationality, creed, sex or social status or his/her having engaged in proper labor union activities, etc.

Article 28 A business operator carrying out a Worker Dispatching Undertaking may, where a person receiving the Worker Dispatching services has violated, with regard to said dispatch work, the provisions of this Act or of Acts applied under the provisions of Section 4 (including the provisions of orders based on these provisions; the same shall apply in Article 31), suspend the Worker Dispatching services or cancel the worker dispatch contract concerned.

Article 29 The cancellation of a worker dispatch contract shall have only prospective effect.

Section 2 Measures to Be Taken by Dispatching Business Operators, etc.

(Promotion of the Welfare of Dispatched Workers, etc.)

Article 30 A dispatching business operator shall endeavor to promote the welfare of Dispatched Workers he/she employs or workers he/she intends to employ as Dispatched Workers, by taking necessary measures to secure employment opportunities and education and training opportunities meeting each worker's wishes and abilities, to improve their working conditions and otherwise to stabilize their employment.

(Securing Proper Dispatch Work)

Article 31 A dispatching business operator shall give such due consideration as taking necessary measures to ensure that a person receiving worker dispatch services performed by Dispatched Workers he/she employs (hereinafter referred to as a "client" except in Section 4), when making the Dispatched Workers work under the client's instruction, does not violate the provisions of this Act or Acts applied under the provisions of Section 4 with regard to the dispatch work concerned and otherwise to ensure that the dispatch work concerned is properly performed.

(Clear Indication to Workers about Being Employed as Dispatched Workers, etc.)

Article 32 (1) A dispatching business operator shall, when employing a worker as a Dispatched Worker, clearly indicate to the worker concerned to that effect, in advance (where he/she intends to employ the worker as a Dispatched Worker for Employment Placement Dispatching, including that fact).

(2) A dispatching business operator shall, when newly transferring an employee who he/she originally employed as a Dispatched Worker to be the subject of a Worker Dispatching arrangement, shall clearly indicate to the worker concerned to that effect, in advance (where he/she intends to newly transfer the worker to be the subject of Employment Placement Dispatching, including that fact) and obtain the worker's consent.

(Prohibition of Restrictions on Employment of Dispatched Workers)

Article 33 (1) A dispatching business operator shall not conclude, with a Dispatched Worker he/she employs or a worker he/she intends to employ as a Dispatched Worker, any contract which prohibits the worker, without any justifiable reason, from being employed, after the termination of the employment relationship with him/her, by the client to whom the worker is dispatched (including a person who was the client; the same shall apply in the following paragraph) or to whom the worker will be dispatched.

(2) A dispatching business operator shall not conclude, with a client to whom a Dispatched Worker he/she employs is or will be dispatched, any contract which prohibits the client, without justifiable reason, from employing the Dispatched Worker concerned after the termination of the worker's employment relationship with him/her.

(Clear Indication of Working Conditions, etc.)

Article 34 (1) Where a dispatching business operator intends to carry out Worker Dispatching, he/she must clearly indicate to the Dispatched Workers under

said Worker Dispatching arrangement, in advance, following matters, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare:

- (i) his/her intention to carry out said Worker Dispatching;
 - (ii) the matters pertaining to said Dispatched Workers listed in each item of paragraph (1) of Article 26 and other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare;
 - (iii) where carrying out Worker Dispatching for work other than the work listed in each item of paragraph (1) of Article 40-2, the first day on which the client will be in conflict with the provisions of those items with regard to the work in which said Dispatched Worker will be engaged.
- (2) When a dispatching business operator has received a notification pursuant to the provisions of paragraph (5) of Article 40-2 from a client, he/she shall, without delay, clearly indicate to the Dispatched Workers engaged in the work pertaining to said notification the first day on which the client will be in conflict with the provisions of paragraph (1) of the same Article with regard to said work, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

(Notification to Client)

Article 35 When a dispatching business operator carries out Worker Dispatching, he/she shall notify the following matters to the client, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare:

- (i) the names of the workers to be dispatched under the Worker Dispatching arrangement concerned;
- (ii) with regard to the workers to be dispatched under the Worker Dispatching arrangement concerned, matters specified by an Ordinance of the Ministry of Health, Labour and Welfare regarding whether there exists a confirmation of the acquisition of the qualification as an insured person under the provisions of paragraph (1) of Article 39 of the Health Insurance Act, a confirmation of the acquisition of the qualification as an insured person under the provisions of paragraph (1) of Article 18 of the Welfare Pension Insurance Act and a confirmation of the fact of having become an insured person under the provisions of paragraph (1) of Article 9 of the Employment Insurance Act;
- (iii) other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(Period of Worker Dispatching)

Article 35-2 (1) A dispatching business operator shall not, if a client receiving Worker Dispatching services from him/her comes into conflict with the provisions of paragraph (1) of Article 40-2, continue to carry out Worker

Dispatching from the first day the conflict arises.

- (2) A dispatching business operator must, within the period from the day one month before the first day the conflict arises as referred to in the preceding paragraph until the day before said first day the conflict arises, notify said client and the Dispatched Workers under said Worker Dispatching arrangement that he/she will not continue to carry out Worker Dispatching from the first day the conflict arises, in the manner specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(Responsible Person Acting for Dispatching Undertaking)

Article 36 A dispatching business operator shall, in order to carry out the following matters with regard to dispatch work, appoint a responsible person acting for the dispatching undertaking from among persons (excluding minors) who do not fall under items (i) to (iv) inclusive of Article 6, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare:

- (i) matters relating to those prescribed in Articles 32, 34, 35, paragraph (2) of the preceding Article and the following Article;
- (ii) giving necessary advice and guidance to the Dispatched Workers concerned;
- (iii) matters relating to the handling of the complaints submitted by the Dispatched Workers concerned;
- (iv) matters relating to the management of personal information of the Dispatched Workers concerned;
- (v) carrying out liaison and coordination with the person who oversees the administration of affairs relating to the safety and health of the workers at the place of business concerned and the client on matters relating to safety and health of the Dispatched Workers concerned;
- (vi) in addition to what is listed in the preceding item, matters relating to liaison and coordination with the client concerned.

(Management Record of Dispatching Undertaking)

Article 37 (1) A dispatching business operator shall prepare a management record with regard to dispatch work, and enter in the record concerned the following matters with regard to each Dispatched Worker, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare:

- (i) the name or title of the client;
- (ii) the location of the place of business and any other place where the dispatch work is to be carried out;
- (iii) the period of Worker Dispatching and the days on which the dispatch work is to be performed;
- (iv) the hours of starting and ending work;
- (v) the kind of work to be engaged in;

- (vi) matters relating to the handling of the complaints submitted by Dispatched Workers;
 - (vii) with regard to Dispatched Workers pertaining to Employment Placement Dispatching, matters relating to said Employment Placement Dispatching;
 - (viii) other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare.
- (2) A dispatching business operator shall retain the management record set forth in the preceding paragraph for three years.

(Application, Mutatis Mutandis)

Article 38 The provisions of Article 33 and paragraph (1) (excluding item (iii)) of Article 34 shall apply mutatis mutandis to a business operator, other than a dispatching business operator, who carries out Worker Dispatching. In this case, the term "client" in Article 33 shall be deemed to be replaced with "person receiving Worker Dispatching services".

Section 3 Measures to Be Taken by Clients, etc.

(Measures Concerning Worker Dispatch Contracts)

Article 39 A client shall take appropriate measures so that there will not be a violation of the stipulations of the worker dispatch contract concerning the matters listed in each item of paragraph (1) of Article 26 and other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(Securing Proper Dispatch Work, etc.)

Article 40 (1) When a client receives any complaint from a Dispatched Worker working under his/her instruction with regard to the dispatch work, he/she shall notify the dispatching business operator concerned of the contents of the complaint and shall endeavor, in good faith and without delay, to handle the complaint appropriately and promptly in close cooperation with the dispatching business operator concerned.

(2) In addition to what is prescribed in the preceding paragraph, the client shall, with regard to Dispatched Workers who are caused to work under his/her instruction, endeavor to take measures necessary for the proper and smooth performance of the dispatch work concerned, such as maintenance of the proper work environment and provision of convenient use of facilities such as the infirmary, food service facilities, etc., which are in fact usually used by the regular employees of the client concerned.

(Period of Receiving Worker Dispatching Services)

Article 40-2 (1) A client shall not receive Worker Dispatching services from a

dispatching business operator continuously for a period exceeding the period for which dispatching is possible for the same work at each of the client's places of business or any other places at which the dispatch work is to be performed (excluding the following types of work; the same shall apply in paragraph (3)):

- (i) work falling under (a) or (b) below which is specified by a Cabinet Order as work with regard to which the worker dispatch does not damage an employment practice that is considered to be conducive to the effective exhibition of the ability of the workers during the entire period of their employment careers and to the security of their employment;
 - (a) work which requires expert knowledge, technical skill or experience in order to perform it promptly and accurately;
 - (b) work which is considered to require special employment management with regard to the workers engaging in it because of the peculiarity of its work form, employment form, etc.;
 - (ii) in addition to what is listed in the preceding item, work falling under (a) or (b) below:
 - (a) work intended for the commencement, conversion, expansion, reduction or discontinuation of an undertaking that is scheduled to be completed within a certain period of time;
 - (b) work where the number of days on which that work is performed in a period of one month is considerably less than the normal prescribed number of working days per month for workers employed by the client pertaining to said dispatch work and is less than the number of days specified by the Minister of Health, Labour and Welfare;
 - (iii) work of a worker employed by the client concerned in the case where said worker takes leave under the provisions of paragraphs (1) and (2) of Article 65 of the Labor Standards Act (Act No. 49 of 1947), or takes child-care leave prescribed in item (i) of Article 2 of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave (Act No. 76 of 1991), as well as any other work of said worker in a case specified by an Ordinance of the Ministry of Health, Labour and Welfare as equivalent to the preceding case;
 - (iv) work of a worker employed by the client concerned in the case where said worker takes family care leave prescribed in item (ii) of Article 2 of the Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave and, as well as leave specified by an Ordinance of the Ministry of Health, Labour and Welfare as equivalent to the preceding leave.
- (2) The periods for which dispatching is possible set forth in the preceding paragraph shall be the periods prescribed respectively in the following items in

accordance with the categories for the cases listed in said items:

- (i) where the period for which the provision of Worker Dispatching services can be received is stipulated pursuant to the provisions of the following paragraph: the stipulated period;
 - (ii) in cases other than the case listed in the preceding item: one year.
- (3) A client shall, when intending to receive the provision of Worker Dispatching services from a dispatching business operator continuously for a period exceeding one year and less than three years, with regard to the same work at each of the client's places of business or any other places at which the dispatch work is to be performed, stipulate the period for which he/she intends to receive the provision of said Worker Dispatching services, in advance, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.
- (4) A client shall, when stipulating or intending to change the period set forth in the preceding paragraph, notify said period, in advance, where the client's place of business has a labor union comprising a majority of the workers, to said labor union, and where the client's place of business has no labor union comprising a majority of the workers, to a person who represents the majority of the workers and listens to the workers' opinions.
- (5) A client shall, when having stipulated the period referred to in paragraph (3) or changed it with regard to work pertaining to Worker Dispatching based on a worker dispatch contract after the conclusion of said worker dispatch contract, promptly notify the dispatching business operator carrying out the Worker Dispatching concerned of the first day the work concerned will come into conflict with the provisions of paragraph (1).
- (6) In making a proposal for enactment or amendment of a Cabinet Order set forth in item (i) of paragraph (1) or when intending to enact or amend an Ordinance of the Ministry of Health, Labour and Welfare set forth in item (iii) or (iv) of the same paragraph, the Minister of Health, Labour and Welfare shall obtain the opinion of the Labor Policy Council.

(Employment of Dispatched Workers)

Article 40-3 A client, when having received Worker Dispatching services from the dispatching business operator concerned continuously for a period exceeding one year and within the period for which dispatching is possible set forth in paragraph (1) of the preceding Article with regard to the same work (excluding the work listed in each item of paragraph (1) of the preceding Article) at each of the client's places of business or any other places at which the dispatch work is performed, and who intends to employ a worker on and after the day on which the period for receiving the provision of said worker dispatch services (hereinafter referred to as a "dispatch implementation

period" in this Article) expires for the purpose of continuing to have a worker engage in the same work concerned, shall endeavor to employ without delay the Dispatched Worker who has engaged in the same work concerned continuously for the dispatch implementation period and who conforms to each of the following items:

- (i) the person has notified the client concerned that he/she wishes to be employed by the client concerned and engage in the same work concerned by the day on which the dispatch implementation period expired;
- (ii) the employment relationship with the dispatching business operator concerned was terminated within seven days of the expiration of the dispatch implementation period.

Article 40-4 A client shall, when having received a notification under the provisions of paragraph (2) of Article 35-2 and when intending to employ the Dispatched Worker, for whom he/she has received the notification under the provisions of paragraph (2) of Article 35-2, continuously on and after the first day on which receipt of the provision of said Worker Dispatching services will be in conflict with the provisions of paragraph (1) of Article 40-2, offer an employment contract to the Dispatched Worker concerned who wishes to be employed by him/her by the day before the first day on which said conflict will arise.

Article 40-5 A client shall, with regard to the same work at each of the client's places of business and any other places at which dispatch work is performed (limited to work listed in each item of paragraph (1) of Article 40-2), when having received the provision of Worker Dispatching services pertaining to the same Dispatched Worker from the dispatching business operator concerned continuously for a period exceeding three years and when intending to employ the worker on and after the day on which said three years expire for the purpose of continuing to have the worker engage in the same work concerned, offer an employment contract to said same Dispatched Worker.

(Responsible Person Acting for Client)

Article 41 A client shall appoint a responsible person acting for the client so as to have the person carry out the following matters with regard to dispatch work, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare:

- (i) making the contents of the following matters known to persons empowered to instruct the performance of the work of the Dispatched Workers and to other persons concerned:
 - (a) the provisions of this Act and the Acts applied under the provisions of the

- following Section (including the provisions of orders based on these provisions);
- (b) the stipulations of the worker dispatch contract prescribed in Article 39, pertaining to the Dispatched Workers concerned;
 - (c) the notification under the provisions of Article 35, pertaining to the Dispatched Workers concerned;
- (ii) matters relating to those prescribed in paragraph (5) of Article 40-2 and the following Article;
 - (iii) matters relating to the handling of the complaints submitted by the Dispatched Workers concerned;
 - (iv) carrying out liaison and coordination with the person who oversees the administration of affairs relating to the safety and health of the workers at the place of business concerned and the dispatching business operator concerned on matters relating to the safety and hygiene of the Dispatched Workers concerned;
 - (v) in addition to what is listed in the preceding item, matters relating to liaison and coordination with the dispatching business operator.

(Management Record of Client)

Article 42 (1) A client shall prepare a management record with regard to dispatch work, and enter in the record the following matters with regard to each Dispatched Worker, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare:

- (i) the name or title of the dispatching business operator;
 - (ii) the days on which the dispatch work was performed;
 - (iii) the hours of starting and ending work and the time of rest breaks in such work, for each day on which the dispatch work was performed;
 - (iv) the kind of work in which the Dispatched Worker was engaged;
 - (v) matters pertaining to the handling of the complaints submitted by the Dispatched Workers;
 - (vi) with regard to Dispatched Workers for Employment Placement Dispatching, matters relating to said Employment Placement Dispatching;
 - (vii) other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare.
- (2) A client shall retain the management record set forth in the preceding paragraph for three years.
- (3) A client shall, as prescribed by Ministry of Health, Labor and Welfare Ordinance, notify a dispatching business operator of the matters listed in each item (excluding item (i)) of paragraph (1).

(Application, Mutatis Mutandis)

Article 43 The provisions of Article 39 shall apply mutatis mutandis to persons receiving Worker Dispatching services other than clients.

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

(Special Application of the Labor Standards Act)

Article 44 (1) With regard to dispatch work performed by a worker prescribed in Article 9 of the Labor Standards Act (excluding a person who is engaged in an undertaking where only relatives living together are engaged or a domestic servant), who is employed by a business operator of an undertaking prescribed in said Article (hereinafter referred to simply as an "undertaking" in this Section) (hereinafter such business operator shall be referred to simply as a "business operator" in this Article) and dispatched to said undertaking for the dispatch work for another business operator, and who is not employed by the other business operator concerned (hereinafter such business operator shall be referred to as a "client business operator" in this Article) (hereinafter such worker shall be referred to as a "worker under dispatching" in this Section), the provisions of Articles 3, 5 and 69 of the same Act (including penal provisions pertaining to these provisions) shall apply to the undertaking to which the worker under dispatching concerned is dispatched (hereinafter referred to as a "client undertaking" in this Section), by deeming it to also be an undertaking employing a worker under dispatching.

(2) With regard to dispatch work performed by a worker under dispatching, the provisions of Article 7, Article 32, paragraph (1) of Article 32-2, Article 32-3, paragraphs (1) to (3) inclusive of Article 32-4, Articles 33 to 35 inclusive, paragraph (1) of Article 36, Article 40, Article 41, Articles 60 to 63 inclusive, Article 64-2, Article 64-3 and Articles 66 to 68 inclusive of the Labor Standards Act and the provisions of orders based on said provisions (including penal provisions pertaining to these provisions) shall apply only to the client undertaking, by deeming it to be an undertaking employing a worker under dispatching. In this case, the term "at the workplace" in paragraph (1) of Article 32-2 of the same Act shall be deemed to be replaced with "at the workplace of a business of the dispatching undertaking (which means the dispatching undertaking prescribed in the same paragraph; the same shall apply hereinafter), where an employer of the dispatching undertaking prescribed in paragraph (3) of Article 44 of the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Act") (hereinafter such employer shall be simply referred to as a "dispatching employer")"; the term "pursuant to rules of employment or the

equivalent thereof" in Article 32-3 of the same Act shall be deemed to be replaced with "pursuant to rules of employment or the equivalent, a dispatching employer"; the term "a worker for whom" in the same Article shall be deemed to be replaced with "a worker who can be made to work for working hours under the provisions of Article 26 of the Worker Dispatching Act, based on the worker dispatch contract with regard to the worker concerned under paragraph (1) of the same Article"; the term "at the workplace concerned" in the same Article shall be deemed to be replaced with "at the workplace of a business of the dispatching undertaking, where the dispatching employer"; the term "at the workplace " in paragraphs (1) and (2) of Article 32-4 of the same Act shall be deemed to be replaced with "at the workplace of a business of the dispatching undertaking, where the dispatching employer"; the term "at the workplace" in paragraph (1) of Article 36 of the same Act shall be deemed to be replaced with "at the workplace of a business of the dispatching undertaking, where the dispatching employer"; and the term "this to the relevant government agency " in the same Article shall be deemed to be replaced with "and this to the relevant government agency".

- (3) The employer prescribed in Article 10 of the Labor Standards Act of an undertaking carried out by a business operator carrying out Worker Dispatching (hereinafter such undertaking shall be referred to as a "dispatching undertaking" in this Section) (hereinafter such employer shall be referred to as a "dispatching employer" in this Article) shall not carry out the Worker Dispatching concerned, where Worker Dispatching is carried out, and when, if a person deemed to be the employer prescribed in the same Article of an undertaking carried out by a business operator receiving Worker Dispatching services under the provisions of the preceding paragraph is to cause a Dispatched Worker under the Worker Dispatching arrangement concerned to work in accordance with the conditions of dispatch work stipulated in the worker dispatch contract for the Worker Dispatching concerned, this would result in conflict with the provisions of Article 32, Article 34, Article 35, the proviso to paragraph (1) of Article 36, Article 40, Articles 61 to 63 inclusive, Article 64-2 or Article 64-3 of the same Act, or the provisions of orders based on these provisions (referred to as "the provisions of the laws and regulations concerning labor standards" in the following paragraph), as applied under the provisions of the preceding paragraph.
- (4) When a dispatching employer has violated the provisions of the preceding paragraph (limited to a case where, with regard to a worker under dispatching under the Worker Dispatching arrangements concerned, the person deemed to be the employer prescribed in Article 10 of the Labor Standards Act, of the client undertaking concerned under the provisions of paragraph (2) has come to be in conflict with the provisions of the laws and regulations concerning the

labor standards concerned), the dispatching employer shall be deemed to have violated the provisions of the laws and regulations concerning the labor standards concerned and the provisions of Articles 118, 119 and 121 of the Labor Standards Act shall apply to said dispatching employer.

- (5) With regard to the special application of the Labor Standards Act under the provisions of each of the preceding paragraphs, the following provisions (including penal provisions relating to these provisions) shall be applied by replacing the following terms in the respective manners set forth below: the term "the workplace concerned" in paragraph (2) of Article 38-2 of said Act shall be deemed to be replaced with "the place of the business concerned (for the dispatch work prescribed in paragraph (1) of Article 26 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Act")), the place of business of the dispatching undertaking prescribed in paragraph (3) of Article 44 of the Worker Dispatching Act"; the term "in the event that the employer has assigned a worker" in paragraph (1) of Article 38-3 shall be deemed to be replaced with "in the event that the employer has assigned a worker (including cases where the client employer (which means the person deemed to be the employer prescribed in Article 10 of the Worker Dispatching Act of the client undertaking prescribed in paragraph (1) under the provisions of paragraph (1) or (2) of Article 44 of the same Act; the same shall apply hereinafter) has assigned a worker)"; the term "this Act" in paragraphs (1), (3) and (4) of Article 99, paragraphs (1) and (3) of Article 100 and Article 104-2 shall be deemed to be replaced with "this Act and the provisions of Article 44 of the Worker Dispatching Act"; the term "employer" in paragraph (1) of Article 101, paragraph (2) of Article 104, Article 104-2, Article 105-2, paragraph (1) of Article 106 and Article 109 shall be deemed to be replaced with "employer (including client employers)"; the term "a violation of this Act" in Article 102 shall be deemed to be replaced with "a violation (including a crime under Articles 118, 119 and 121 pursuant to the provisions of paragraph (4) of Article 44 of the Worker Dispatching Act) of this Act (including cases where this Act is applied under the provisions of the same Article)"; the term "this Act or an order issued pursuant to this Act" in paragraph (1) of Article 104 shall be deemed to be replaced with "this Act or the provisions of orders issued pursuant to this Act (including cases where this Act or the provisions of such orders are applied under the provisions of Article 44 of the Worker Dispatching Act) or the provisions of paragraph (3) of the same Article"; the term "this Act" in paragraph (1) of Article 106 shall be deemed to be replaced with "this Act (including the provisions of Article 44 of the Worker Dispatching Act; hereinafter the same shall apply in this paragraph)"; the term "the agreements stipulated in paragraphs (1) and (5) of

Article 38-4" in paragraph (1) of Article 106 shall be deemed to be replaced with "the agreements stipulated in paragraphs (1) and (5) of Article 38-4 (for the client employer, the substance of this Act and orders issued under this Act)"; and the term "this Act and orders issued under this Act" in Article 112 shall be deemed to be replaced with "this Act and the provisions of orders issued under this Act (including cases where this Act and the provisions of such orders are applied under the provisions of Article 44 of the Worker Dispatching Act) and the provisions of paragraph (3) of the same Article".

(6) Technical replacements and other necessary matters, in cases where the provisions of the Labor Standards Act and the provisions of orders issued based on this Act are applied under the provisions of this Article, shall be specified by an order.

(Special Application of the Industrial Safety and Health Act)

Article 45 (1) With regard to a client undertaking to which workers are dispatched for dispatch work in said undertaking, the provisions of paragraph (1) of Article 3, Article 4, Article 10, Articles 12 to 13 inclusive (excluding paragraph (2)), Article 13-2, Article 18, Article 19-2, paragraph (2) of Article 59, Article 60-2, Article 62, paragraph (1) of Article 66-5, Article 69 and Article 70 of the Industrial Safety and Health Act (Act No. 57 of 1972) (including penal provisions pertaining to these provisions) shall apply, by deeming the person carrying out said client undertaking to also be a business operator employing the workers under dispatching (which means a business operator prescribed in item (iii) of Article 2 of the same Act; hereinafter the same shall apply in this Article), and by deeming the workers under dispatching concerned to be workers also employed by the person carrying out the client undertaking concerned. In this case, in paragraph (1) of Article 10 of the same Act, the term "paragraph (2) of Article 25-2" shall be deemed to be replaced with "paragraph (2) of Article 25-2 (including cases where the provisions of said paragraph are applied under the provisions of paragraph (3) of Article 45 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Act")), and the term "the following matters" shall be deemed to be replaced with "the following matters (with regard to a worker under dispatching prescribed in paragraph (1) of Article 44 of the Worker Dispatching Act (hereinafter referred to simply as a "worker under dispatching"), the matters referred to in item (ii) (excluding those pertaining to special education on safety and/or health prescribed in paragraph (3) of Article 59), the matters referred to in item (iii) (limited to those matters pertaining to medical examinations under the provisions of paragraph (1) of Article 66 (including medical examinations under the provisions of the second sentence of

paragraph (2) of the same Article which are specified by an Ordinance of the Ministry of Health, Labour and Welfare), medical examinations pertaining to said medical examinations, under the provisions of paragraph (4) of the same Article, and medical examinations pertaining to those medical examinations under the provisions of the proviso to paragraph (5) of the same Article) and the matters referred to in item (v) (limited to those matters specified by an Ordinance of the Ministry of Health, Labour and Welfare) shall be excluded; such matters shall be referred to as "safety and health management at the client's place of business" in paragraph (1) of Article 12 and Article 12-2"); in paragraph (1) of Article 12 and in Article 12-2, the term "the matters listed in each item of paragraph (1) of Article 10" shall be deemed to be replaced with "safety and health management at the client's place of business," the term "paragraph (2) of Article 25-2" shall be deemed to be replaced with "paragraph (2) of Article 25-2 (including cases where the provisions of said paragraph are applied under the provisions of paragraph (3) of Article 45 of the Worker Dispatching Act)" and the term "in each item of paragraph (1) of said Article" shall be deemed to be replaced with "in each item of paragraph (1) of Article 25-2"; in paragraph (1) of Article 13, the term "health care for workers and (carry out) other matters provided for by the Ordinance of the Ministry of Health, Labour and Welfare (hereinafter" shall be deemed to be replaced with "health care for workers and (carry out) other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare (with regard to workers under dispatching, matters specified by an Ordinance of the Ministry of Health, Labour and Welfare shall be excluded from the matters concerned; in paragraph (3) and in the following Article"; and in paragraph (1) of Article 18, the term "the following matters" shall be deemed to be replaced with "the following matters (with regard to workers under dispatching, matters specified by an Ordinance of the Ministry of Health, Labour and Welfare shall be excluded from the matters concerned)".

- (2) With regard to the application of the provisions of paragraph (1) of Article 10, paragraph (1) of Article 12, Article 12-2, paragraph (1) of Article 13 and paragraph (1) of Article 18 of the Industrial Safety and Health Act concerning a dispatching undertaking in which workers employed in said undertaking are dispatched for dispatch work in a client undertaking, the term "the following matters" in paragraph (1) of Article 10 of said Act shall be deemed to be replaced with "the following matters (with regard to workers under dispatching prescribed in paragraph (1) of Article 44 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Act") (hereinafter such workers shall be referred to simply as "workers under dispatching"), excluding matters in which a person carrying

out a client undertaking prescribed in paragraph (1) of Article 44 of the Worker Dispatching Act has the general safety and health manager he/she has appointed exercise overall control under the provisions of this paragraph as applied by replacing the terms under the provisions of paragraph (1) of Article 45 of the Worker Dispatching Act; such matters shall be referred to as "safety and health management at the client's place of business" in paragraph (1) of Article 12 and in Article 12-2"; the term "the matters listed in each item of paragraph (1) of Article 10" in paragraph (1) of Article 12 and in Article 12-2 shall be deemed to be replaced with " safety and health management at the client's place of business"; the term "health care for workers and (carry out) other matters provided for by an Ordinance of the Ministry of Health, Labour and Welfare (hereinafter" in paragraph (1) of Article 13 shall be deemed to be replaced with "health care for workers and (carry out) other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare (with regard to workers under dispatching, limited to matters specified by an Ordinance of the Ministry of Health, Labour and Welfare among the matters concerned; in paragraph (3) and in the following Article"; and the term "the following matters" in paragraph (1) of Article 18 shall be deemed to be replaced with "the following matters (with regard to workers under dispatching, limited to those matters specified by an Ordinance of the Ministry of Health, Labour and Welfare among the matters concerned)".

- (3) With regard to a client undertaking to which workers are dispatched for dispatch work in said undertaking, the provisions of Article 11, Articles 14 to 15-3 inclusive, Article 17, Articles 20 to 27 inclusive, Articles 28-2 to 30-3 inclusive, Article 31-3, Article 36 (limited to those parts pertaining to the provisions of paragraphs (1) and (4) of Article 30, paragraphs (1) and (4) of Article 30-2, and paragraphs (1) and (4) of Article 30-3), Article 45 (excluding paragraph (2)), Articles 57-3 to 57-5 inclusive, paragraph (3) of Article 59, Article 60, paragraph (1) of Article 61, Articles 65 to 65-4 inclusive, the first sentence and the second sentence of paragraph (2) of Article 66 (limited to those parts pertaining to workers whom a person carrying out a client undertaking has caused to be engaged in work specified by a Cabinet Order referred to in the second sentence of the same paragraph (including workers under dispatching); hereinafter the same shall apply in this Article), paragraph (3) of Article 66, paragraph (4) of Article 66 (limited to those parts pertaining to the provisions of the first sentence and the second sentence of paragraph (2), and to paragraph (3) of the same Article; hereinafter the same shall apply in this Article) and paragraph (5) of Article 66 (limited to those parts pertaining to the provisions of the first sentence and the second sentence of paragraph (2), and to paragraphs (3) and (4) of the same Article; hereinafter the same shall apply in this Article), Article 66-3 (limited to those parts

pertaining to the provisions of the first sentence and the second sentence of paragraph (2), and to paragraphs (3), (4) and (5) of the same Article; hereinafter the same shall apply in this Article), Article 66-4, Article 68, Article 71-2, Section 1 of Chapter 9, Articles 88 to 89-2 inclusive of the Industrial Safety and Health Act and the provisions of orders based on the provisions concerned (including penal provisions pertaining to these provisions) shall apply, by deeming the person carrying out said client undertaking to be a business operator employing the workers under dispatching, and by deeming the workers under dispatching concerned to be workers employed by the person carrying out the client undertaking concerned. In this case, the term "the provisions of this Act or Order issued thereunder" in paragraph (1) of Article 29 of said Act shall be deemed to be replaced with "the provisions of this Act or orders issued based on this Act (including cases where these provisions are applied under the provisions of Article 45 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Act")), or the provisions of paragraph (10) of the same Article or orders based on the provisions of the same paragraph"; the term "the provisions of this Act or Order issued thereunder" in paragraph (2) of the same Article shall be deemed to be replaced with "the provisions of this Act or orders issued based on this Act (including cases where these provisions are applied under the provisions of Article 45 of the Worker Dispatching Act), or the provisions of paragraph (10) of the same Article or orders based on the provisions of the same paragraph"; the term "this Act and the provisions of ordinances based thereon" in item (v) of paragraph (1) of Article 30 and in paragraph (7) of Article 88 shall be deemed to be replaced with "the provisions of this Act or orders based on this Act (including cases where these provisions are applied under the provisions of Article 45 of the Worker Dispatching Act)"; and the term "paragraph (1) through (4) of Article 66, proviso in paragraph (5) or Article 66-2" in Article 66-4 shall be deemed to be replaced with "the first sentence or the second sentence of paragraph (2) of Article 66 (limited to those parts pertaining to workers whom a person carrying out a client undertaking has caused to be engaged in the work specified by a Cabinet Order referred to in the second sentence of the same paragraph (including workers under dispatching prescribed in paragraph (1) of Article 44 of the Worker Dispatching Act); hereinafter the same shall apply in this Article), paragraph (3) of Article 66, paragraph (4) of Article 66 (limited to those parts pertaining to the provisions of the first sentence and the second sentence of paragraph (2) and paragraph (3) of Article 66; hereinafter the same shall apply in this Article) or the proviso to paragraph (5) of Article 66 (limited to those parts pertaining to the provisions of the first sentence and the second sentence of paragraph (2),

paragraph (3) and paragraph (4) of Article 66)".

- (4) With regard to a person having been deemed, under the provisions of the preceding paragraph, to be the business operator employing the workers under dispatching, the provisions of paragraph (2) of Article 45 of the Industrial Safety and Health Act shall be applied by replacing the term "the business operator" in the same paragraph with "a person having been deemed to be the business operator employing workers under dispatching prescribed in paragraph (1) of Article 44 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers, pursuant to the provisions of paragraph (3) of Article 45 of the same Act".
- (5) With regard to the application of the provisions of the first sentence of paragraph (3) concerning a dispatching undertaking in which workers employed in said undertaking are dispatched for dispatch work in a client undertaking and of the provisions of paragraph (2) of Article 45 of the Industrial Safety and Health Act, the business operator of the dispatching undertaking concerned shall be deemed as not employing the worker under dispatching concerned, and the worker under dispatching concerned shall be deemed not to be employed by the business operator of the dispatching undertaking concerned.
- (6) A business operator of a dispatching undertaking shall not carry out the Worker Dispatching, when carrying out a Worker Dispatching, if the person deemed to be the business operator employing a worker dispatched for the dispatch work concerned in said undertaking under the provisions of paragraph (3), were to cause the Dispatched Worker under the Worker Dispatching arrangement concerned to work in accordance with the conditions of dispatch work stipulated in the worker dispatch contract for the worker dispatch concerned, and this would result in conflict with the provisions of paragraph (3) of Article 59, paragraph (1) of Article 61, Article 65-4 or Article 68 of the Industrial Safety and Health Act (referred to simply as "the provisions of the Industrial Safety and Health Act" in the following paragraph).
- (7) When a business operator of a dispatching undertaking has violated the provisions of the preceding paragraph (limited to a case where, with regard to a worker under dispatching under the Worker Dispatching arrangement concerned, the person deemed to be the business operator employing said worker under dispatching under the provisions of paragraph (3) has come to be in conflict with the provisions of the Industrial Safety and Health Act), the business operator of the dispatching undertaking concerned shall be deemed to have violated the provisions of the Industrial Safety and Health Act and the provisions of Articles 119 and 122 of the same Act shall apply.
- (8) With regard to a client undertaking to which workers are dispatched for

dispatch work in said undertaking, in addition to what is prescribed in paragraphs (1), (3) and (4), the following provisions shall be applied to the client undertaking by replacing the following terms in the respective manners set forth below: in paragraph (1) of Article 5 of the Industrial Safety and Health Act, the term "business operators" shall be deemed to be replaced with "business operators (including a person carrying out a client undertaking prescribed in paragraph (1) of Article 44 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Act") (hereinafter such business operator shall be referred to as a "client business operator"))"; in paragraph (4) of the same Article, the term "the business operator in the said undertaking " shall be deemed to be replaced with "the business operator of the undertaking concerned or the person deemed to be the business operator of the undertaking concerned under the provisions of Article 45 of the Worker Dispatching Act", the term "employed by the said representative alone" shall be deemed to be replaced with "employed by said representative and not employed by a person other than said representative out of the business operators of the undertakings concerned (including the client business operator)", and the term "this Act" shall be deemed to be replaced with "this Act (including cases where this Act is applied under the provisions of Article 45 of the Worker Dispatching Act)"; in paragraph (1) of Article 16, the term "paragraph (1) or (3) of Article 15" shall be deemed to be replaced with "paragraph (1) or (3) of Article 15 as applied pursuant to the provisions of paragraph (3) of Article 45 of the Worker Dispatching Act"; in Article 19 and in paragraph (4) of Article 17 as applied mutatis mutandis pursuant to paragraph (4) of Article 19, the term "the business operator" shall be deemed to be replaced with "the client business operator"; in paragraph (1) of Article 19, the term "Article 17 and the preceding Article" shall be deemed to be replaced with "Article 17 and the preceding Article as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act"; and in paragraphs (2) and (3) of Article 19 and in paragraphs (4) and (5) of Article 17 as applied mutatis mutandis pursuant to paragraph (4) of Article 19, the term "workers" shall be deemed to be replaced with "workers (including workers under dispatching prescribed in paragraph (1) of Article 44 of the Worker Dispatching Act)".

- (9) With regard to the application of the provisions of paragraph (1) of Article 19 of the Industrial Safety and Health Act concerning a dispatching undertaking in which workers employed in said undertaking are dispatched for dispatch work in a client undertaking, the term "Article 17 and the preceding Article" in the same paragraph shall be deemed to be replaced with "Article 17 and the preceding Article as applied pursuant to the provisions of Article 45 of the Act

for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers".

- (10) A person deemed to be a business operator employing workers under dispatching pursuant to the provisions of paragraph (3) (including a person deemed to be such business operator under the provisions of paragraph (4) of Article 5 of the Industrial Safety and Health Act which are applied by replacing the terms pursuant to the provisions of paragraph (8)) shall, when he/she has conducted a medical examination of the workers under dispatching under the provisions of paragraph (2), (3) or (4) of Article 66 of the same Act as applied pursuant to the provisions of paragraph (3), or when documents certifying the results of the medical examination under the provisions of the proviso to paragraph (5) of the same Article have been submitted by the workers under dispatching, prepare documents stating the result of such medical examination based on the records under the provisions of Article 66-3 for the workers under dispatching, and send the documents to the business operator of the dispatching undertaking concerned, without delay, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.
- (11) The business operator of the dispatching undertaking who has received the documents referred to in the preceding paragraph under the provisions of the same paragraph shall retain the documents concerned, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.
- (12) Any person who has violated the provisions of the preceding two paragraphs shall be punished by a fine of not more than 300,000 yen.
- (13) In the case where a representative of a juridical person, or an agent, employee or other worker of a juridical person or a natural person has committed a violation under the preceding paragraph, with regard to the business of said juridical person or said natural person, not only the offender shall be punished but also said juridical person or individual shall be punished by the fine prescribed in the same paragraph.
- (14) The person referred to in paragraph (10) shall, when he/she has obtained the opinion of a physician or dentist under the provisions of Article 66-4 of the Industrial Safety and Health Act as applied to the workers under dispatching pursuant to the provisions of paragraph (3), notify the business operator of the dispatching undertaking of such opinion, without delay, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.
- (15) With regard to the special application of the Industrial Safety and Health Act under the provisions of each of the preceding paragraphs, the following provisions (including penal provisions related to these provisions) shall be applied by replacing the following terms in the respective manners set forth below: the term "business operators" in Article 9 of the same Act shall be deemed to be replaced with "business operators (including persons carrying out

a client undertaking prescribed in paragraph (1) of Article 44 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Act") (hereinafter such business operator shall be referred to as a "client business operator"); hereinafter the same shall apply in this Article); the term "business operators" in paragraph (4) of Article 28, paragraphs (1) to (4) inclusive of Article 32, paragraph (1) of Article 33, Article 34, Article 63, paragraph (3) of Article 66-5, paragraph (2) of Article 70-2, paragraph (2) of Article 71-3, Article 71-4, paragraphs (2) and (3) of Article 93, paragraph (2) of Article 97, paragraph (1) of Article 98, paragraph (1) of Article 99, paragraphs (1) and (2) of Article 99-2, Articles 100 to 102 inclusive, paragraph (1) of Article 103, paragraph (1) of Article 106 and paragraph (3) of Article 108-2 shall be deemed to be replaced with "business operators (including client business operators)"; the term "workers, employed by" in paragraph (1) of Article 31 shall be deemed to be replaced with "workers (including workers under dispatching prescribed in paragraph (1) of Article 44 of the Worker Dispatching Act (hereinafter referred to simply as "workers under dispatching"), employed by"; the term "workers" in Article 31-2 and paragraphs (4), (6), and (7) of Article 32 shall be deemed to be replaced with "workers (including workers under dispatching)"; the term "the provisions of this Act or of orders based on it " in Article 31-4 and the term "the provisions of this Act or orders thereunder" in paragraph (1) of Article 97 shall be deemed to be replaced with "the provisions of this Act or of orders issued based on this Act (including cases where these provisions are applied under the provisions of Article 45 of the Worker Dispatching Act) or the provisions of paragraph (6), (10) or (11) of the same Article or the provisions of orders based on these provisions"; the term "this Act" in Article 90, paragraph (1) of Article 91 and Article 100 shall be deemed to be replaced with "this Act and the provisions of Article 45 of the Worker Dispatching Act"; the term "a violation of this Act" in Article 92 shall be deemed to be replaced with "a violation (including a crime under Articles 119 and 122 pursuant to the provisions of paragraph (7) of Article 45 of the Worker Dispatching Act) of this Act (including cases where this Act is applied under the provisions of the same Article) and crimes referred to in paragraphs (12) and (13) of Article 45 of the Worker Dispatching Act"; the term "Article 34" in paragraph (1) of Article 98 shall be deemed to be replaced with "Article 34 (including cases where these provisions are applied under the provisions of Article 45 of the Worker Dispatching Act)"; the term "this Act" in paragraph (1) of Article 101 of the same Act shall be deemed to be replaced with "this Act (including the provisions of Article 45 of the Worker Dispatching Act)"; the term "the provisions of this Act or of orders based on this Act" in paragraph (1) of Article 103 shall be deemed to be replaced with

"the provisions of this Act or of orders based on this Act (including cases where these provisions are applied under the provisions of Article 45 of the Worker Dispatching Act)"; and the term "(excepting the provisions of Chapter II)" in paragraph (1) of Article 115 shall be deemed to be replaced with "(excluding the provisions of Chapter II) and the provisions of Article 45 of the Worker Dispatching Act".

- (16) With regard to the application of the provisions of the Industrial Safety and Health Act to a person who has violated the Industrial Safety and Health Act or the provisions of orders based on the same Act which are applied pursuant to the provisions of paragraphs (1) to (5) inclusive, paragraphs (7) to (9) inclusive and the preceding paragraph, or a person who has violated the provisions of paragraph (6), (10) or (11) or the provisions of orders based on these provisions: the term "the provisions of this Act or of orders based on this Act" in item (i) of paragraph (2) of Article 46 of the same Act shall be deemed to be replaced with "the provisions of this Act or of orders based on this Act (including cases where these provisions are applied under the provisions of Article 45 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Act")), or the provisions of paragraph (6), (10) or (11) of the same Article or the provisions of orders based on these provisions"; the term "the provisions of paragraph (1) or (2) of Article 45 or the orders issued based on these provisions" in item (i) of paragraph (2) of Article 54 shall be deemed to be replaced with "the provisions of paragraph (1) or (2) of Article 45 or of orders issued based on these provisions (including cases where these provisions are applied under the provisions of Article 45 of the Worker Dispatching Act) "; the term "the provisions of this Act or of orders based on this Act or administrative disposition under these provisions" in paragraph (6) of Article 56 shall be deemed to be replaced with "the provisions of this Act or of orders based on this Act (including cases where these provisions are applied under the provisions of Article 45 of the Worker Dispatching Act), dispositions based on these provisions, or the provisions of paragraph (6), (10) or (11) of the same Article or the provisions of orders based on these provisions"; the term "the provisions of this Act or of orders based on this Act" in item (ii) of paragraph (2) of Article 74, item (iii) of paragraph (2) of Article 75-3 (including cases where the provisions of this item are applied mutatis mutandis under Article 83-3 and Article 85-3), item (ii) of paragraph (2) of Article 84 and paragraph (1) of Article 99-3 shall be deemed to be replaced with "the provisions of this Act or of orders based on this Act (including cases where these provisions are applied under the provisions of Article 45 of the Worker Dispatching Act) or the provisions of paragraph (6), (10) or (11) of the same Article or the provisions of orders based on these

provisions"; the term "this Act (including the orders issued or dispositions taken thereunder)" in paragraph (2) of Article 75-4 (including cases where the provisions of this paragraph are applied mutatis mutandis under Article 83-3 and Article 85-3) and paragraph (4) of Article 75-5 (including cases where the provisions of this paragraph are applied mutatis mutandis under Article 83-3) shall be deemed to be replaced with "the provisions of this Act or of orders based on this Act (including cases where these provisions are applied under the provisions of Article 45 of the Worker Dispatching Act), dispositions based on these provisions, or the provisions of paragraph (6), (10) or (11) of the same Article or the provisions of orders based on these provisions"; and the term "this Act and orders based on this Act" in item (iii) of paragraph (2) of Article 84 shall be deemed to be replaced with "this Act and orders based on this Act (including cases where these provisions are applied under the provisions of Article 45 of the Worker Dispatching Act), and the Worker Dispatching Act (limited to the provisions of paragraphs (6), (10) and (11) of the same Article) and orders issued thereunder".

- (17) Technical replacements and other necessary matters, in cases where the provisions of the Industrial Safety and Health Act and of orders based on this Act are applied under the provisions of this Article, shall be specified by an order.

(Special Application of the Pneumoconiosis Act)

Article 46 (1) With regard to a client undertaking involving dust work prescribed in item (iii) of paragraph (1) of Article 2 of the Pneumoconiosis Act (Act No. 30 of 1960) (hereinafter such work shall be referred to as "dust work" in this Article), to which workers are dispatched for dispatch work in said undertaking, the provisions of Articles 5 to 9-2 inclusive, Articles 11 to 14 inclusive, paragraph (3) of Article 15, Articles 16 to 17 inclusive and Article 35-2 of said Act (including penal provisions pertaining to these provisions) shall be applied to such undertaking, by deeming the person carrying out the client undertaking to be the business operator, as prescribed in item (v) of paragraph (1) of Article 2 of said Act, employing the workers under dispatching (limited to those who are or have been regularly engaged in dust work; hereinafter the same shall apply up to paragraph (4) and in paragraph (7)) (hereinafter such business operator shall be referred to simply as a "business operator" in this Article), and by deeming the workers under dispatching to be workers employed by the person carrying out the client undertaking concerned. In this case, the term "separation from employment" in paragraph (1) of Article 9-2 shall be deemed to be replaced with "separation from employment (with regard to a worker under dispatching prescribed in paragraph (1) of Article 46 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and

Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Act"), the termination of the provision of Worker Dispatching services, as prescribed in item (i) of Article 2 of the Worker Dispatching Act, pertaining to the worker under dispatching concerned; hereinafter the same shall apply in this paragraph);" and the term "this Act" in Article 35-2 shall be deemed to be replaced with "this Act (including the provisions of Article 46 of the Worker Dispatching Act)".

- (2) With regard to the application of the provisions listed in the first sentence of the preceding paragraph concerning a dispatching undertaking (limited to that involving dust work) in which workers employed in said undertaking are dispatched for dispatch work in a client undertaking (limited to that involving dust work), the business operator of the dispatching undertaking concerned shall be deemed not to be employing the workers under dispatching concerned and the workers under dispatching concerned shall be deemed not to be employed by the business operator of the dispatching undertaking concerned.
- (3) Where the provisions of the Pneumoconiosis Act are applied under paragraph (1), the provisions of Article 10 of said Act shall be applied by replacing the following terms in the respective manners set forth below: in the same Article, the term "A business operator may, where he or she has conducted a pneumoconiosis examination" shall be deemed to be replaced with "A person carrying out a client undertaking prescribed in paragraph (1) of Article 44 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter such undertaking shall be referred to simply as a "client undertaking") may, where he/she has conducted a pneumoconiosis examination for workers under dispatching prescribed in paragraph (1) of Article 46 of the same Act"; and the term "in paragraph (1) or (2) of Article 66 of the Industrial Safety and Health Act" shall be deemed to be replaced with "in paragraph (1) or (2) of Article 66 of the Industrial Safety and Health Act in the case of a person carrying out a dispatching undertaking prescribed in paragraph (3) of Article 44 of the same Act, and in paragraph (2) of the same Article in the case of a person carrying out a client undertaking".
- (4) With regard to dispatch work in an undertaking involving dust work in which workers under dispatching are engaged, the provisions of Articles 20-2 to 21 inclusive and Article 22-2 of the Pneumoconiosis Act (including penal provisions pertaining to the provisions of Article 21 of the same Act) shall apply, by deeming the person carrying out the dispatching undertaking concerned (excluding a person who is a business operator; the same shall apply in the following paragraph and paragraph (6)) to be the business operator, by deeming the person carrying out the client undertaking concerned to also be a business operator employing the workers under dispatching concerned, and by

deeming the workers under dispatching concerned to be workers also employed by the person carrying out the client undertaking concerned.

(5) With regard to dispatch work in an undertaking involving dust work in which workers under dispatching are engaged, the provisions of Article 22 of the Pneumoconiosis Act (including penal provisions pertaining to the provisions of the same Article) shall apply, by deeming the person carrying out the dispatching undertaking to be the business operator.

(6) With regard to persons other than workers regularly engaged in dust work (excluding persons regularly engaged in work other than dust work in the client undertaking concerned), among those workers actually employed by a person carrying out a dispatching undertaking who have been regularly engaged in dust work in the client undertaking, the provisions of Articles 8 to 14 inclusive, paragraph (3) of Article 15, Articles 16 to 17 inclusive, Article 20-2, Article 22-2, and Article 35-2 of the Pneumoconiosis Act (including penal provisions pertaining to these provisions) shall apply, by deeming the person carrying out the dispatching undertaking to be the business operator. In this case, in Article 10 of the same Act, the term "A business operator may, where he or she has conducted a pneumoconiosis examination" shall be deemed to be replaced with "A person carrying out a dispatching undertaking prescribed in paragraph (3) of Article 44 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Act") (hereinafter such undertaking shall be referred to simply as a "dispatching undertaking") may, where he/she has conducted a pneumoconiosis examination for workers under dispatching prescribed in paragraph (1) of the same Article or for those who have been such workers under dispatching prescribed in the same paragraph" and the term "in paragraph (1) or (2) of Article 66 of the Industrial Safety and Health Act" shall be deemed to be replaced with "in paragraph (1) or (2) of Article 66 of the Industrial Safety and Health Act in the case of a person carrying out a dispatching undertaking and in paragraph (2) of Article 66 of the Industrial Safety and Health Act in the case of a person carrying out a client undertaking prescribed in paragraph (1) of Article 44 of the Worker Dispatching Act"; and the term "this Act" in Article 35-2 shall be deemed to be replaced with "this Act (including the provisions of Article 46 of the Worker Dispatching Act)".

(7) A person deemed to be a business operator employing workers under dispatching under the provisions of paragraph (1) shall, when he/she has conducted a pneumoconiosis examination for the workers under dispatching or when he/she has received documents certifying the results of pneumoconiosis examinations and other documents submitted by the workers under dispatching under the provisions of the proviso to Article 11 of the

Pneumoconiosis Act as applied under the provisions of paragraph (1), prepare documents stating the results of the pneumoconiosis examinations concerned based on the records prepared under the provisions of paragraph (1) of Article 17 of the same Act as applied under the provisions of paragraph (1) pertaining to the workers under dispatching concerned, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare, and shall, when he/she has received notification under the provisions of paragraph (1) of Article 14 of the same Act (including cases where these provisions are applied mutatis mutandis under paragraph (3) of Article 15, paragraph (2) of Article 16 and paragraph (2) of Article 16-2 of the same Act) as applied under the provisions of paragraph (1), prepare documents stating the contents of the notification concerned, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare, and, without delay, send those documents to the person carrying out the dispatching undertaking concerned.

- (8) The person carrying out the dispatching undertaking who has received the documents referred to in the preceding paragraph under the provisions of the same paragraph shall retain the documents, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.
- (9) A person carrying out a dispatching undertaking shall, when a worker under dispatching, who is engaged in dispatch work in an undertaking involving dust work and who is regularly engaged in dust work (excluding a worker whose classification for supervision of pneumoconiosis has been determined to be No. II, No. III or No. IV), has been diagnosed in a medical examination referred to in paragraph (1) or (2) of Article 66 of the Industrial Safety and Health Act (excluding one conducted by the person carrying out the client undertaking), as being affected by pneumoconiosis prescribed in item (i) of paragraph (1) of Article 2 of the Pneumoconiosis Act (hereinafter referred to simply as "pneumoconiosis"), or as being suspected of having contracted pneumoconiosis, inform the person carrying out the client undertaking concerned to that effect, without delay.
- (10) Any person who has violated the provisions of the preceding three paragraphs shall be punished by a fine of not more than 300, 000 yen.
- (11) In case where a representative of a juridical person, or an agent, employee or other worker of a juridical person or a natural person has committed a violation under the preceding paragraph, with regard to the business of said juridical person or said natural person, not only the offender shall be punished but also said juridical person or individual shall be punished by the fine prescribed in the same paragraph.
- (12) With regard to the special application of the Pneumoconiosis Act under the provisions of each of the preceding paragraphs, the following provisions (including penal provisions relating to these provisions) shall be applied by

replacing the following terms in the respective manners set forth below: the term "the business operator" in paragraph (1) of Article 32 of the same Act shall be deemed to be replaced with "the business operator (including a person deemed to be the business operator under the provisions of Article 46 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Act"); referred to as "the business operator and the equivalent" in paragraph (2) of Article 43-2 and Article 44)"; the term "This Act" in paragraphs (2) and (3) of Article 39 shall be deemed to be replaced with "This Act (including cases where the provisions of this Act are applied under the provisions of Article 46 of the Worker Dispatching Act)"; the term "paragraph (4) of Article 21" in paragraph (3) of the same Article shall be deemed to be replaced with "paragraph (4) of Article 21 (including cases where these provisions are applied under the provisions of paragraph (4) of Article 46 of the Worker Dispatching Act)"; the term "the place of business where dust work is performed" in paragraph (1) of Article 40 shall be deemed to be replaced with "the place of business where dust work is performed (including the place of business of a person deemed to be the business operator under the provisions of Article 46 of the Worker Dispatching Act; the same shall apply in paragraph (1) of Article 42)"; the term "this Act" in Article 41 and paragraph (1) of Article 42 shall be deemed to be replaced with "this Act and the provisions of Article 46 of the Worker Dispatching Act"; the term "a violation of the provisions of this Act" in Article 43 shall be deemed to be replaced with "a violation of the provisions of this Act (including cases where these provisions are applied under the provisions of Article 46 of the Worker Dispatching Act) and the crimes referred to in paragraphs (10) and (11) of the same Article"; the term "the provisions of this Act or of orders based on this Act" in paragraph (1) of Article 43-2 shall be deemed to be replaced with "the provisions of this Act or of orders based on this Act (including cases where these provisions are applied under the provisions of Article 46 of the Worker Dispatching Act), or the provisions of paragraphs (7) to (9) inclusive of the same Article or the provisions of orders based on these provisions"; and the term "the business operator" in paragraph (2) of the same Article and Article 44 shall be deemed to be replaced with "the business operator and equivalent".

- (13) With regard to the application of the provisions of Article 10 of the Pneumoconiosis Act, where a person carrying out a dispatching undertaking is a business operator and has conducted a pneumoconiosis examination for workers under dispatching, the term "The business operator" in the same Article shall be deemed to be replaced with "A person carrying out a dispatching undertaking prescribed in paragraph (3) of Article 44 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved

Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Act") (hereinafter such undertaking shall be referred to simply as a "dispatching undertaking"); and the term "in paragraph (1) or (2) of Article 66 of the Industrial Safety and Health Act" shall be deemed to be replaced with "in paragraph (1) or (2) of Article 66 of the Industrial Safety and Health Act in the case of a person carrying out a dispatching undertaking and in paragraph (2) of Article 66 of the Industrial Safety and Health Act in the case of a person carrying out a client undertaking prescribed in paragraph (1) of Article 44 of the Worker Dispatching Act".

- (14) Technical replacements and other necessary matters, in cases where the provisions of the Pneumoconiosis Act and the provisions of orders based on this Act are applied under the provisions of this Article, shall be specified by an order.

(Special Application of the Working Environment Measurement Act)

Article 47 (1) With regard to a person deemed to be a business operator employing workers under dispatching under the provisions of paragraph (3) of Article 45, the provisions of Chapter I, paragraph (2) of Article 8 (including cases where said provisions are applied mutatis mutandis under paragraph (2) of Article 34 of the Working Environment Measurement Act (Act No. 28 of 1975)), and Chapters 4 and 5 of the same Act shall apply, by deeming such person to be included in the concept of the business operator prescribed in item (i) of Article 2 of said Act. In this case, the term "paragraph (1) of Article 65 of the Industrial Safety and Health Act" in paragraph (1) of Article 3 of the Working Environment Measurement Act shall be deemed to be replaced with "paragraph (1) of Article 65 of the Industrial Safety and Health Act (including cases where said provisions are applied under the provisions of paragraph (3) of Article 45 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers; the same shall apply in the following Article)".

- (2) With regard to the application of the provisions of the Working Environment Measurement Act to persons who have violated the provisions of the Industrial Safety and Health Act or orders based on the same Act as applied under the provisions of Article 45, the provisions of paragraph (6), (10) or (11) of the same Article or the provisions of orders based on these provisions, or the provisions of the Working Environment Measurement Act or of orders based on the same Act as applied under the provisions of the preceding paragraph, the term "the provisions of this Act or of the Industrial Safety and Health Act (including orders based on these Acts)" in item (iii) of Article 6 of the Working Environment Measurement Act shall be deemed to be replaced with "the provisions of this Act or of the Industrial Safety and Health Act or of orders

based on these Acts (including cases where these provisions are applied under the provisions of Article 45 or 47 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Act")), or the provisions of paragraph (6), (10) or (11) of Article 45 of the Worker Dispatching Act or the provisions of orders based on these provisions"; the term "the provisions of this Act or of the Industrial Safety and Health Act (including orders based on these Acts)" in (a) of item (v) of paragraph (2) of Article 21 of the Working Environment Measurement Act (including cases where these provisions are applied mutatis mutandis under paragraph (4) of Article 32-2 of the same Act) shall be deemed to be replaced with "the provisions of this Act or of the Industrial Safety and Health Act or of orders issued based on these Acts (including cases where these provisions are applied under the provisions of Article 45 or 47 of the Worker Dispatching Act), or the provisions of paragraph (6), (10) or (11) of Article 45 of the Worker Dispatching Act or the provisions of orders based on these provisions"; the term "this Act or the Industrial Safety and Health Act (including orders or dispositions under these Acts) in paragraph (2) of Article 23 (including cases where these provisions are applied mutatis mutandis under paragraph (4) of Article 32-2) and paragraph (4) of Article 24 of the Working Environment Measurement Act shall be deemed to be replaced with "the provisions of this Act or of the Industrial Safety and Health Act or of orders based on these Acts (including cases where these provisions are applied under the provisions of Article 45 or Article 47 of the Worker Dispatching Act), or dispositions under these provisions, or the provisions of paragraph (6), (10) or (11) of Article 45 of the Worker Dispatching Act or the provisions of orders based on these provisions", and the term "this Act or the Working Environment Measurement Act (Act No. 28 of 1975), or of orders under these Acts" in paragraph (3) of Article 32 and paragraph (1) of Article 34 of said Act shall be deemed to be replaced with "this Act or the Working Environment Measurement Act or the provisions of orders based on these Acts (including cases where these provisions are applied under the provisions of Article 45 or 47 of the Worker Dispatching Act), or the provisions of paragraph (6), (10) or (11) of Article 45 of the Worker Dispatching Act or the provisions of orders under these provisions".

- (3) Technical replacements and other necessary matters, in cases where the provisions of the Working Environment Measurement Act are applied under the provisions of this Article, shall be specified by an order.

(Special Application of the Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment)

Article 47-2 With regard to work performed by Dispatched Workers whom a

person receiving Worker Dispatching services causes to work under his/her instruction under a Worker Dispatching arrangement, the provisions of paragraph (3) of Article 9, paragraph (1) of Article 11, Article 12 and paragraph (1) of Article 13 of the Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment (Act No. 113 of 1972) shall be applied to said person receiving Worker Dispatching services, by deeming him/her to be a business operator employing said Dispatched Workers. In this case, the term "in terms of employment management" in paragraph (1) of Article 11 of the same Act shall be deemed to be replaced with "in terms of employment management and instruction".

Chapter IV Miscellaneous Provisions

(Guidelines)

Article 47-3 With regard to measures to be taken by a dispatching business operator and a client under the provisions of Article 24-3 and Sections 1 to 3 inclusive of the preceding Chapter, the Minister of Health, Labour and Welfare shall publish the guidelines necessary for the proper and effective implementation of such measures.

(Guidance, Advice and Recommendation)

Article 48 (1) The Minister of Health, Labour and Welfare may, when he/she finds it necessary for the enforcement of this Act (excluding the provisions of Section 4 of the preceding Chapter; the same shall apply in paragraph (1) of Article 49-3, Article 50 and paragraph (1) of Article 51), give to business operators carrying out Worker Dispatching and persons receiving Worker Dispatching services the guidance and advice necessary for securing the proper operation of Worker Dispatching Undertakings or proper dispatch work.

(2) The Minister of Health, Labour and Welfare may, when he/she finds it necessary for the proper adjustment of labor demand and supply in cases where a Worker Dispatching Undertaking is carried out with the object of providing Worker Dispatching services solely to specified persons (excluding cases specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in item (i) of paragraph (1) of Article 7), recommend the dispatching business operator concerned to change the object and the contents of the Worker Dispatching Undertaking.

(Order for Improvement, etc.)

Article 49 (1) Where a dispatching business operator has violated the provisions of this Act or other Acts relating to labor (including the provisions of orders based on these provisions) with regard to the Worker Dispatching Undertaking

concerned, the Minister of Health, Labour and Welfare may, when he/she finds it necessary for securing proper dispatch work, order the dispatching business operator concerned to improve his/her method of employment management for Dispatched Workers and otherwise to take necessary measures to improve the operation of the Worker Dispatching Undertaking.

- (2) Where a client violates the provisions of paragraph (3) of Article 4, the Minister of Health, Labour and Welfare may, when he/she finds it materially inappropriate to permit the dispatch work in violation of the provisions of the same paragraph to continue, order the dispatching business operator who dispatches workers to the client concerned to suspend the worker dispatch which has been carried out under the worker dispatch contract for the dispatch work concerned.

(Publication etc.)

Article 49-2 (1) Where the Minister of Health, Labour and Welfare has given guidance or advice under the provisions of paragraph (1) of Article 48 to a person violating the provisions of paragraph (3) of Article 4, Article 24-2, paragraph (1) of Article 40-2, Article 40-4 or Article 40-5, and considers that said person is continuing to violate the provisions of paragraph (3) of Article 4, Article 24-2, paragraph (1) of Article 40-2, Article 40-4 or Article 40-5 or is likely to do so, the Minister may recommend that said person take measures necessary for correcting the dispatch work violating the provisions of paragraph (3) of Article 4, Article 24-2 or paragraph (1) of Article 40-2 or measures necessary for preventing the carrying out of such dispatch work or that an offer of an employment contract be made pursuant to the provisions of Article 40-4 or Article 40-5.

- (2) Where a client is receiving Worker Dispatching services in violation of the provisions of paragraph (1) of Article 40-2 and the Dispatched Worker pertaining to the provision of said Worker Dispatching services wishes to be employed by said client, the Minister of Health, Labour and Welfare may, if said client, although the Minister has given guidance or advice to him/her to employ the Dispatched Worker concerned under the provisions of paragraph (1) of Article 48, has not complied with such guidance or advice, recommend that said client employ the Dispatched Worker concerned.

- (3) Where the Minister of Health, Labour and Welfare has given recommendations under the provisions of the preceding two paragraphs, the Minister may, when the person receiving such recommendation has not complied with it, publish such fact.

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

Article 49-3 (1) Where a business operator carrying out Worker Dispatching or a

person receiving Worker Dispatching services violates this Act or the provisions of orders based on this Act, a Dispatched Worker may notify the Minister of Health, Labour and Welfare of such fact.

- (2) Neither a business operator carrying out Worker Dispatching nor a person receiving Worker Dispatching services shall discharge or otherwise treat disadvantageously a Dispatched Worker on the grounds of his/her having made the notification referred to in the preceding paragraph.

(Reporting)

Article 50 The Minister of Health, Labour and Welfare may, within the limits necessary for the enforcement of this Act, order business operators carrying out Worker Dispatching Undertakings and persons receiving Worker Dispatching services from said business operators to report on necessary matters, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

(On-site Inspections)

Article 51 (1) The Minister of Health, Labour and Welfare may, within the limits necessary for the enforcement of this Act, have Ministry officials enter the place of business or other facilities of a business operator carrying out a Worker Dispatching Undertaking or a person receiving worker dispatch services from said business operator, question the persons concerned or inspect the books, documents and other articles.

- (2) An official making an on-site inspection pursuant to the provisions of the preceding paragraph shall carry a certificate certifying his/her status and show it to the persons concerned.

- (3) The authority to conduct on-site inspections under the provisions of paragraph (1) shall not be construed as being the authority to conduct criminal investigations.

(Counseling and Assistance)

Article 52 The Public Employment Security Office may, with regard to matters relating to dispatch work, respond to a request for counsel from a worker, etc. and give necessary advice or other assistance.

(Supporters of Proper Operation of Worker Dispatching Undertakings)

Article 53 (1) The Minister of Health, Labour and Welfare may commission persons, from among those who enjoy public confidence and have expert knowledge and experience concerning the operation of Worker Dispatching Undertakings and concerning dispatch work, to act as Supporters of Proper Operation of Worker Dispatching Undertakings.

- (2) A Supporter of Proper Operation of Worker Dispatching Undertakings shall, in cooperation with the administrative measures concerning the securing of proper operation of Worker Dispatching Undertakings and proper dispatch work, respond to a request for counsel from, and give expert advice to, business operators carrying out Worker Dispatching, persons receiving Worker Dispatching services and workers, etc.
- (3) A Supporter of Proper Operation of Worker Dispatching Undertakings shall not disclose to another person any secret learned in the course of his/her duties unless there is a justifiable reason. The same shall apply after he/she ceased to be a Supporter of Proper Operation of Worker Dispatching Undertakings.
- (4) A Supporter of Proper Operation of Worker Dispatching Undertakings shall not receive any remuneration from the State for his/her duties.
- (5) A Supporter of Proper Operation of Worker Dispatching Undertakings may receive payment of the expenses required for the execution of his/her duties within the limits of the budget.

(Fees)

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

- (i) a person who wishes to obtain the license referred to in paragraph (1) of Article 5;
- (ii) a person who wishes to obtain reissuance of a license certificate under the provisions of paragraph (3) of Article 8;
- (iii) a person who wishes to obtain the renewal of the valid period of a license under the provisions of paragraph (2) of Article 10;
- (iv) a person who wishes to obtain the rewriting of a license certificate under the provisions of paragraph (4) of Article 11.

(Delegation of Transitional Measures to Orders)

Article 55 Where a Cabinet Order or an Ordinance of the Ministry of Health, Labour and Welfare is established, amended or repealed under the provisions of this Act, necessary transitional measures (including transitional measures on penal provisions) may be specified by a Cabinet Order or an Ordinance of the Ministry of Health, Labour and Welfare, respectively, within limits considered reasonably necessary in connection with the establishment, amendment or repeal concerned.

(Delegation of Authority)

Article 56 (1) Part of the authority of the Minister of Health, Labour and Welfare specified in this Act may be delegated to the Prefectural Labor Director, pursuant to the provisions of an Ordinance of the Ministry of Health,

Labour and Welfare.

(2) The authority delegated to the Prefectural Labor Director under the provisions of the preceding paragraph may be delegated to the chief of the Public Employment Security Office, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

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

Article 57 In addition to what is provided by this Act, procedures and other matters necessary for the enforcement of this Act shall be specified by an Ordinance of the Ministry of Health, Labour and Welfare.

Chapter V Penal Provisions

Article 58 Any person, who has carried out Worker Dispatching with the intention of inducing workers to engage in work injurious to public health or public morals, shall be punished by imprisonment with work of not less than one year and not more than ten years, or a fine of not less than 200,000 yen and not more than 3,000,000 yen.

Article 59 Any person who falls under any of the following items shall be punished by imprisonment with work of not more than one year or a fine of not more than 1,000,000 yen:

- (i) a person who has violated the provisions of paragraph (1) of Article 4 or Article 15;
- (ii) a person who has carried out a General Worker Dispatching Undertaking without obtaining the license referred to in paragraph (1) of Article 5;
- (iii) a person who has obtained the license referred to in paragraph (1) of Article 5 or the renewal of the valid period of a license under the provisions of paragraph (2) of Article 10, by deception or other wrongful act;
- (iv) a person who has violated a disposition under the provisions of paragraph (2) of Article 14 or Article 21.

Article 60 Any person who falls under any of the following items shall be punished by imprisonment with work of not more than six months or a fine of not more than 300,000 yen:

- (i) a person who has carried out a Specified Worker Dispatching Undertaking without submitting a written notice prescribed in paragraph (1) of Article 16;
- (ii) a person who has violated the provisions of Article 22 or paragraph (2) of Article 49-3;
- (iii) a person who has violated a disposition under the provisions of Article 49.

Article 61 Any person who falls under any of the following items shall be punished by a fine of not more than 300,000 yen:

- (i) a person who has submitted a written application prescribed in paragraph (2) of Article 5 (including cases where these provisions are applied *mutatis mutandis* under paragraph (5) of Article 10) containing a false entry, documents prescribed in paragraph (3) of Article 5 (including cases where these provisions are applied *mutatis mutandis* under paragraph (5) of Article 10) containing a false entry, a written notice prescribed in paragraph (1) of Article 16 containing a false entry or documents prescribed in paragraph (2) of the same Article containing a false entry;
- (ii) a person who has failed to submit a notification or has submitted a false notification under the provisions of paragraph (1) of Article 11, paragraph (1) of Article 13, paragraph (1) of Article 19, Article 20 or paragraph (3) of Article 23 or who has made a false entry in and submitted documents prescribed in paragraph (1) of Article 11 or paragraph (1) of Article 19;
- (iii) a person who has violated the provisions of Article 34, Article 35, paragraph (1) of Article 35-2, Article 36, Article 37, Article 41 or Article 42;
- (iv) a person who has failed to submit a report or has submitted a false report under the provisions of Article 50;
- (v) a person who has refused, impeded or evaded the entry or inspection under the provisions of paragraph (1) of Article 51, or who has failed to reply or has given false replies to questions under the provision of the same paragraph.

Article 62 In the case where a representative of a juridical person or an agent, employee or other worker, of a juridical person or a natural person has committed a violation under Article 58 to the preceding Article inclusive, with regard to the business of said juridical person or said natural person, not only the offender shall be punished but also said juridical person or individual shall be punished by the fine prescribed in the same Articles.

Supplementary Provisions

- (1) This Act shall come into force as from the date specified by a Cabinet Order within a period not exceeding one year from the date of promulgation.
- (2) In addition to what is prescribed in the following paragraph, transitional measures necessary for the enforcement of this Act shall be specified by a Cabinet Order.
- (3) With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.
- (4) With regard to the application of the provisions of paragraph (2) of Article 5,

for the time being, the term "location" in item (iii) of the same paragraph shall be deemed to be replaced with "the location, and in the case where a General Worker Dispatching Undertaking is conducted at the place of business concerned, with regard to the services of manufacturing products (which means services regarding work in the process of manufacturing of melting, casting, processing, assembling, washing, painting and transporting products, etc.) which are specified by an Ordinance of the Ministry of Health, Labour and Welfare, taking into consideration the actuality of the employment of the workers engaged in said services, together with the effect on the securing of working conditions for Dispatched Workers pertaining to said services and on the proper adjustment of labor demand and supply (hereinafter referred to as "specified manufacturing services"), such fact".

- (5) With regard to the application of the provisions of paragraph (2) of Article 40-2 during the period until the day on which three years have elapsed from the day of the enforcement of the Act for Partial Revision of the Employment Security Act and the Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (Act No. 82 of 2003), the term "the periods prescribed respectively in the following" in the same paragraph shall be deemed to be replaced with "one year with regard to specified manufacturing services, and with regard to services other than specified manufacturing services, the periods prescribed respectively in the following".