

# ● The Act Partially Amending the Construction Business Act and the Act for Promoting Proper Tendering and Contracting for Public Works

## Background/Necessity

- The construction industry has relatively low wages and long working hours compared with those for other industries, making it difficult to secure workers.

### (Reference 1) Wages and working hours in the construction industry

Construction\* 4.17 million yen/year (▲15.6%)  
 All industries 4.94 million yen/year  
 \*The wage represents the annual income of a construction worker.  
 Source: "Basic Survey on Wage Structure" (2022), Ministry of Health, Labour and Welfare

Construction 2,022 hours/year (+3.5%)  
 All industries 1,954 hours/year  
 Source: "Monthly Labour Survey" (FY2022), Ministry of Health, Labour and Welfare

### (Reference 2) Number of construction workers and the percentage they represent among all workers in all industries ( )

[1997] 6.85 million (10.4%) ⇒ [2022] 4.79 million (7.1%)

Source: Calculated by the Ministry of Land, Infrastructure, Transport and Tourism based on the Ministry of Internal Affairs and Communications' "Labour Force Survey."

- For the construction industry to fulfill its role as a "guardian of the community" and other duties, it needs to improve labor conditions, reform work styles, and increase productivity, while also complying with overtime and other regulations.

Improvement of labor conditions

Wage increases

Preventing labor budget from being reduced

Preventing rising material costs from negatively affecting labor budget

Work style reform productivity improvement

Improving working hours streamlining on-site management

Securing workers

Making the construction industry more sustainable

## Overview

### 1. Improvement of workers' labor conditions

- A construction business operator must make an effort to take measures to improve the labor conditions of its employees.

➡ The national government will inspect the progress of its effort, make it public, and report it to the Central Council on Construction Contracting Business.

- Recommendation on the standard labor budget

- The Central Council on Construction Contracting Business will create and recommend labor budget standards

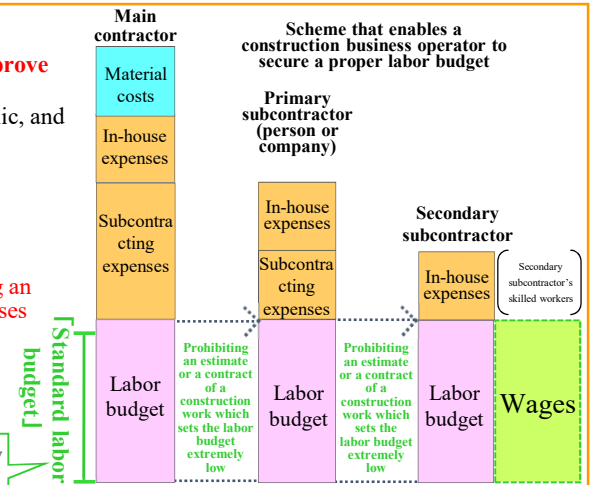
- Ensuring and promoting the use of appropriate labor budgets and other recommendations.

- Prohibit construction business operators from making an estimate or requesting an estimate of the construction work by setting their labor budget and other expenses extremely low.

➡ The Minister of Land, Infrastructure, Transport and Tourism and other authorities will warn the violators and publicly disclose their identities. (Violating construction business operators will be instructed and supervised in accordance with the current regulations.)

- Prohibition of below-cost contracts will apply to contractors as well as orderers

The Central Construction Industry Council's recommendation



### 2. Preventing rising material costs from negatively affecting labor budget

- Pre-Contract Rules

- Require contractors to provide information on events (risks) that may affect the contract price, such as rising material costs, to orderers.
- Require the parties to include a contract clause concerning the procedures to modify the contract price and other conditions if material costs rise sharply.

- Post-contract rules

- If the contractor requests the orderer to discuss the modification in the contract to address sharply rising material costs based on the modification clause, the orderer is obligated to make efforts to hold the discussion in good faith\*.

\*Public work orderer is obligated to hold the discussion in good faith when requested.

### 3. Reforming work styles and improving productivity

- Restraining long working hours

- Strengthening measures against the so-called "construction dumping"

(Signing contracts with extremely short construction periods are prohibited to the contractor as well as the orderer.)

- Enhanced productivity by utilizing ICT

- Streamlining the full-time obligations for on-site engineers (e.g., use of remote communication)

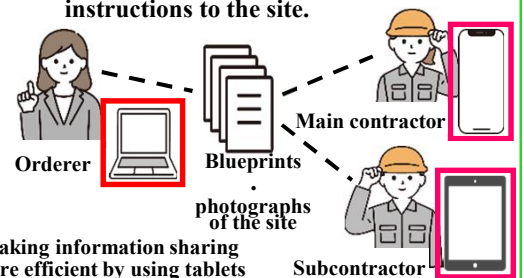
- The national government will develop ICT guidelines for on-site management (e.g., sharing data among ex-subcontractors).

➡ Requiring specified construction companies\* and public work contractors to make efforts to do efficient site management \*Construction companies that use many subcontractors

- Streamlining the requirement to submit the work ledger for the construction work to public work orderers (Submission is not required if the construction system can be confirmed by utilizing ICT)



Engineers check camera images and give instructions to the site.



### [Goals and effects]

(KPI)

- Achieve wage growth rates higher than those of all other industries (FY2024-2029)

- In principle, 100% of skilled workers and engineers will have two days off per week (FY2029)

# ●建設業法及び公共工事の入札及び契約の適正化の促進に関する法律の一部を改正する法律

## 背景・必要性

- 建設業は、他産業より賃金が低く、就労時間も長いいため、**担い手の確保が困難**。

### (参考1) 建設業の賃金と労働時間

建設業※	417万円/年	(▲15.6%)	2,022時間/年	(+3.5%)
全産業	494万円/年		1,954時間/年	

※賃金は「生産労働者」の値  
 出典：厚生労働省「賃金構造基本統計調査」(令和4年) 出典：厚生労働省「毎月勤労統計調査」(令和4年度)

### (参考2) 建設業就業者数と全産業に占める割合( )内

[H9] 685万人(10.4%) ⇒ [R4] 479万人(7.1%)

出典：総務省「労働力調査」を基に国土交通省算出

- 建設業が「地域の守り手」等の役割を果たしていけるよう、時間外労働規制等にも対応しつつ、**処遇改善**、**働き方改革**、**生産性向上**に取り組む必要。

処遇改善

賃金の引上げ

労務費への  
しわ寄せ防止

資材高騰分の転嫁

働き方改革  
生産性向上

労働時間の適正化  
現場管理の効率化

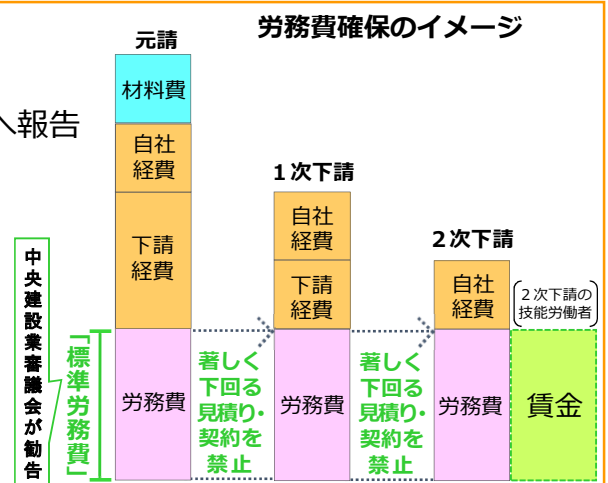
担い手の確保

持続可能な建設業へ

## 法律の概要

### 1. 労働者の処遇改善

- 労働者の**処遇確保**を建設業者に**努力義務化**  
 →国は、取組状況を調査・公表、中央建設業審議会へ報告
- 標準労務費の勧告**  
 ・中央建設業審議会が「労務費の基準」を作成・勧告
- 適正な労務費等の確保と行き渡り**  
 ・著しく低い労務費等による**見積り**や**見積り依頼**を禁止  
 →国土交通大臣等は、**違反発注者**に**勧告・公表**  
 (違反建設業者には、現行規定により**指導監督**)
- 原価割れ契約の禁止**を受注者にも導入



### 2. 資材高騰に伴う労務費へのしわ寄せ防止

- 契約前のルール**
  - 資材高騰など請負額に影響を及ぼす事象(リスク)の**情報**は、受注者から注文者に**提供**するよう**義務化**
  - 資材が高騰した際の**請負代金**等の「**変更方法**」を**契約書記載事項**として**明確化**
- 契約後のルール**
  - 資材高騰が顕在化した場合に、受注者が「**変更方法**」に従って**契約変更協議**を申し出たときは、注文者は、**誠実に協議に応じる努力義務**※ ※公共工事発注者は、誠実に協議に応ずる義務

### 3. 働き方改革と生産性向上

- 長時間労働の抑制**
  - 工期ダンピング対策**を強化  
 (著しく短い工期による**契約締結**を受注者にも禁止)
- ICTを活用した生産性の向上**
  - 現場技術者**に係る**専任義務**を**合理化**(例. 遠隔通信の活用)
  - 国が**現場管理**の「**指針**」を作成(例. 元下間でデータ共有)  
 →特定建設業者※や公共工事受注者に**効率的な現場管理**を**努力義務化** ※多くの下請業者を使う建設業者
  - 公共工事発注者への**施工体制台帳**の**提出義務**を**合理化**  
 (ICTの活用で施工体制を確認できれば提出を省略可)



技術者が、カメラ映像を確認し、現場へ指示



- 【目標・効果】** ・全産業を上回る賃金上昇率の達成 (2024~2029年度)  
**(KPI)** ・技能者と技術者の週休2日の割合を原則100% (2029年度)