

正社員・非正規雇用労働者間の不合理な待遇差の解消（同一労働同一賃金）

同一企業内における正社員と非正規雇用労働者との間の不合理な待遇の差をなくし、どのような雇用形態を選択しても待遇に納得して働き続けられるようにすることで、多様で柔軟な働き方を「選択できる」ようにする。

不合理な待遇差の禁止（パート・有期法8条、9条）

- 同一企業内において、正社員とパート・有期雇用労働者との間で、基本給や賞与などのあらゆる待遇について、不合理な待遇差を設けることを禁止
- 裁判の際に判断基準となる「均衡待遇」（法8条）、「均等待遇」（法9条）を規定

均衡待遇：待遇ごとに、その性質・目的に照らして、
①職務内容 ②職務内容・配置の変更範囲（人材活用の仕組み） ③その他の事情のうち
適切と認められる事情を考慮して、**不合理な待遇差を禁止**

均等待遇：①職務内容 ②職務内容・配置の変更範囲（人材活用の仕組み）が同じ場合は、
パート・有期雇用労働者であることを理由とした**差別的取扱いを禁止**

※ 「職務内容」とは、業務の内容+責任の程度をいう。

※ 「その他の事情」として、職務の成果、能力、経験、労使交渉の経緯などが考慮され得る。

労働者に対する待遇に関する説明義務（パート・有期法14条）

- 非正規雇用労働者は、「正社員との待遇差の内容や理由」などについて、事業主に説明を求めることができ、事業主は、非正規雇用労働者から求めがあった場合は、説明をしなければならない。

◆ 派遣労働者については労働者派遣法において同様に規定

◆ 同一労働同一賃金は、令和2年4月1日から施行（中小企業におけるパートタイム・有期雇用労働法の適用は令和3年4月1日）

Eradication of Irrational Gaps in Treatment between Regular and Non-regular Employees (Equal Work Equal Pay)

With a view to making it possible for anyone to “choose” a different and flexible work style, eliminate irrational gaps in treatment between regular and non-regular employees working for a same employer so that people can work, being satisfied with their treatment irrespective of the employment types they choose.

Ban on irrational gaps in treatment (Article 8 and 9 of Part-Time/Fixed-Term Employment Act)

- The law prohibits irrational gaps in any rules on the treatment including those for base pay and bonus between regular employees and part-time /fixed-term employees working for a same employer.
- Article 8 and Article 9 stipulate the definition of balanced treatment (Art.8) and equal treatment (Art.9), which are to be considered when making court decisions.

Balanced treatment: With respect to **each rule on treatment**, in light of the **nature and design of each**, employers are **not allowed to neglect gaps that are deemed irrational** after taking into consideration any of the following conditions as appropriate, ①**duties** ② **allowance levels in changing duties and the location of workplace (employment management structure)** ③**other conditions**

Equal treatment : Employers are **not allowed to neglect discriminatory treatment** on the ground that a worker is a part-time or fixed-term employee when **the following conditions are equal**. ①**duties** ②**allowance levels in changing task duties and the location of workplace)**

- ※ The term, “duties”, includes the work contents and the responsibility level of the duties
- ※ Other conditions can include achievement, performance, experience, and the details of labor management negotiations.

Obligation to explain the rules on treatment to workers (Article 14 of Part-Time/ Fixed-Term Employment Act)

- Non-regular employees are entitled to an explanation from their employers about the specifics of and the reasons for the difference in treatment between regular and non-regular employees. Employers are required to give an explanation when their non-regular employees ask them to do so.
- ◆ An equivalent stipulation for dispatched workers is provided in the Worker Dispatch Act
- ◆ Equal work equal pay rules took effect on April 1,2020. (The Part-Time/ Fixed-Term Employment Act has not been applied to SMEs until April 1, 2021)