

Ordinance for Enforcement of the Labor Standards Act

(Ordinance of the Ministry of Health and Welfare No. 23 of August 30, 1947)

Article 1 Deleted.

(Matters to Be Included in the Total Amount of Wages)

Article 2 (1) Matters to be included in the total amount of wages pursuant to the provision of paragraph (5) of Article 12 of the Labor Standards Act (Act No. 49 of 1947; hereinafter referred to as "the Act") shall be those other than currency paid according to laws and regulations or collective agreement made under the proviso of paragraph (1) of Article 24 of the Act.

(2) The appraised value of any of those other than currency set forth in the preceding paragraph shall be prescribed in a collective agreement except in case laws and regulations stipulate otherwise.

(3) When an appraised value prescribed in a collective agreement pursuant to the provision of the preceding paragraph is judged inappropriate, or an appraised value is not set forth in laws and regulations or collective agreement, the directors of the Prefectural Labor Offices may fix the appraised value of those other than currency.

(Average Wages)

Article 3 When some cause necessitating calculation of one's average wages occurs in his or her probationary period, the number of days and the wages during the period shall be respectively included in the period and the wages designated in the provision of paragraphs (1) and (2) of Article 12 of the Act notwithstanding the provision of paragraph (3) of the same Article.

Article 4 In the event that the periods stipulated in items (i) to (iv) inclusive of paragraph (3) of Article 12 of the Act are three months or more preceding the day on which there arises a need for calculation of a worker's average wage, or in the event there arises a need for calculation of a worker's average wage on the day that the worker is taken into employment, the average wage of the worker shall be stipulated by the directors of the Prefectural Labor Offices.

(Working Conditions)

Article 5 (1) The working conditions which the employer shall clearly indicate to the

worker pursuant to the provision of the first sentence of paragraph (1) of Article 15 of the Act shall be as follows; provided, however, that this shall not apply to matters listed in items (iv-ii) to (xi) inclusive if the employer makes no such rules:

- (i) Matters concerning term of labor contract
 - (i-ii) Matters concerning workplace and work engaged in
 - (ii) Matters concerning starting hour and closing hour, presence of labor to be done exceeding prescribed working hours, rest period, days off, leave, and the change in shifts (in case workers work in two or more shifts)
 - (iii) Matters concerning methods of determination, calculation, and payment of wages (except retirement allowances and those wages falling under item (v); hereinafter the same shall apply in this item), the dates for closing account for wages and for payment of wages, and increase in wages
 - (iv) Matters concerning retirement (including grounds for dismissal)
 - (iv-ii) Matters concerning the scope of workers covered, methods of determination of retirement allowances, calculation and payment of retirement allowances, and the dates for payment of retirement allowances
 - (v) Matters concerning special wages (except retirement allowances), bonuses, those wages listed in each item of Article 8, and minimum wages
 - (vi) Matters concerning expenses of food, supplies for work, and the like to be borne by workers
 - (vii) Matters concerning safety and health
 - (viii) Matters concerning vocational training
 - (ix) Matters concerning accident compensation and support for injury and disease incurred off duty
 - (x) Matters concerning commendation and sanction
 - (xi) Matters concerning administrative leave
- (2) The matters prescribed by Ordinance of the Ministry of Health, Labour and Welfare referred to in the provision of the second sentence of paragraph (1) of Article 15 of the Act shall be the matters listed in items (i) to (iv) inclusive of the preceding paragraph (except the matters concerning increase in wages).
- (3) The method prescribed by Ordinance of the Ministry of Health, Labour and Welfare referred to in the second sentence of paragraph (1) of Article 15 of the Act shall be to give a worker a document where the matters prescribed in the preceding paragraph are clearly described.

(Matters to Be Prescribed in Agreement for the Administration of Workers' Savings)

Article 5-2 When an employer intends to take charge of workers savings entrusted to the employer by workers, and in the event that the savings kept in custody constitute a deposit accepted, the employer shall fix, in an agreement concluded

pursuant to the provision of paragraph (2) of Article 18 of the Act, the following matters:

- (i) Scope of depositors
- (ii) Limit of deposit per depositor
- (iii) Method of calculating interest rates and interest
- (iv) Procedures in accepting and paying out deposits
- (v) Method of preserving deposits

(Notification)

Article 6 A notification pursuant to the provision of paragraph (2) of Article 18 of the Act shall be submitted, according to Form No.1, to the director of the labor standards office which has jurisdiction over the location of the said workplace (hereinafter referred to as "the director of the labor standards office concerned")

(A Representative of the Majority)

Article 6-2 (1) The person representing a majority of the workers (hereinafter referred to as "a representative of the majority" in this Article) prescribed in paragraph (2) of Article 18, the proviso of paragraph (1) of Article 24, paragraph (1) of Article 32-2, Article 32-3, paragraphs (1) and (2) of Article 32-4, paragraph (1) of Article 32-5, the proviso of paragraph (2) of Article 34, paragraphs (1), (3), and (4) of Article 36, paragraph (2) of Article 38-2, paragraph (1) of Article 38-3, item (i) of paragraph (2) of Article 38-4, paragraph (5) and the proviso of paragraph (6) of Article 39, and paragraph (1) of Article 90 of the Act shall fall under all the following items:

- (i) A person who is not in the position of supervision or management prescribed in item (ii) of Article 41 of the Act
 - (ii) A person who has been chosen according to the procedures such as vote and a show of hands after being clearly informed that a person who concludes agreements provided by the Act shall be chosen
- (2) When there is no person who falls under item (i) of the preceding paragraph in a workplace, the person representing a majority of the workers prescribed in paragraph (2) of Article 18, the proviso of paragraph (1) of Article 24, paragraph (5) and the proviso of paragraph (6) of Article 39, and paragraph (1) of Article 90 of the Act shall be deemed to fall under item (ii) of the preceding paragraph.
- (3) An employer shall not treat a worker disadvantageously on the grounds that he or she is a representative of the majority, attempted to become a representative of the majority, or acted justifiably as a representative of the majority.

(Order)

Article 6-3 An order pursuant to the provision of paragraph (6) of Article 18 of the

Act shall be issued in writing, according to Form No.1-3, by the director of the labor standards office concerned.

(Form)

Article 7 An approval pursuant to the provision of paragraph (2) of Article 19 of the Act or an approval set forth in the provision of paragraph (2) of Article 19 of the Act applied mutatis mutandis pursuant to the provision of paragraph (3) of Article 20 of the Act in case of the first half of the proviso of paragraph (1) of Article 20 of the Act shall be obtained according to Form No. 2, and a recognition set forth in the provision of paragraph (2) of Article 19 of the Act applied mutatis mutandis pursuant to the provision of paragraph (3) of Article 20 of the Act in case of the second half of the proviso of paragraph (1) of Article 20 of the Act from the director of the labor standards office concerned shall be obtained according to Form No. 3.

(Methods of Wage Payment)

Article 7-2 (1) With the worker's consent, an employer may pay a worker's wage by any of the following methods:

- (i) By transfer into the worker's account at a bank or other financial institution designated by the worker.
- (ii) By transfer into a worker's account at a securities company designated by the worker, provided such account shall satisfy all of the following requirements.
 - (a) The deposit in the account shall not be used to purchase anything other than beneficiary certificates for securities investment trusts (hereinafter referred to in this item as "securities investment trusts"), as such term is used under paragraph (4) of Article 2 of the Act on Investment Trusts and Investment Juridical Persons (Act No. 198 of 1951).
 - (b) The investment trust contract (as such term is used under paragraph (1) of Article 25 of the Act on Investment Trusts and Investment Juridical Persons) pertaining to the beneficiary certificates purchased with the deposit in the account shall include the following matters:
 - 1. That the trust properties shall be invested solely in the following securities (hereinafter referred to in 2. and 4. as "securities"), savings, negotiable instruments, specified money in trust and call loans.
 - i. Securities specified under item (i) of paragraph (1) of Article 2 of the Securities and Exchange Act (Act No. 25 of 1948; hereinafter referred to as "Securities and Exchange Act")
 - ii. Securities specified under item (ii) of paragraph (1) of Article 2 of the Securities and Exchange Act
 - iii. Securities specified under item (iii) of paragraph (1) of Article 2 of the

Securities and Exchange Act

- iv. Securities specified under item (iii-ii) of paragraph (1) of Article 2 of the Securities and Exchange Act (except specified bonds with subscription rights for new preferred equity investments that do not provide for the transfer of the subscription rights for new preferred equity investments independently from the bonds in the asset securitization plan)
 - v. Securities specified under item (iv) of paragraph (1) of Article 2 of the Securities and Exchange Act (except bonds with share option)
 - vi. Securities specified under item (viii) of paragraph (1) of Article 2 of the Securities and Exchange Act
 - vii. Securities specified under item (ix) of paragraph (1) of Article 2 of the Securities and Exchange Act (limited to those which have the same nature as any of the securities or certificate listed in i. to vi. inclusive above)
 - viii. Securities specified under item (x) of paragraph (1) of Article 2 of the Securities and Exchange Act
 - ix. Securities specified under item (xi) of paragraph (1) of Article 2 of the Securities and Exchange Act
 - x. Any right that shall be deemed as securities pursuant to Article 2 Paragraph (2) of the Securities and Exchange Act (limited to rights that shall be indicated in one of the securities listed in i. to viii. inclusive above, and the rights that are specified in items (i) and (ii) of paragraph (2) of Article 2 of the Securities and Exchange Act)
2. With regard to securities, savings, negotiable instruments, specified money in trust, and call loans which are objects of investment of trust property (hereinafter referred to as "securities, etc." in this item), the time period left to reach redemption or maturity (hereinafter referred to as "the remaining period" in this item) shall not exceed one year, and they shall be long-term investment securities (securities with one year or more period from the issue to the redemption; hereinafter the same shall apply in this item) with the third or higher grade of the designated rating prescribed in item (i)-v of paragraph (4) of Article 9-4 of the Cabinet Office Ordinance concerning Disclosure of Corporate Affairs, etc. (Ordinance of the Ministry of Finance No. 5 of 1973) (hereinafter referred to as "the designated rating" in this item) given by one or more specified rating organizations (the organizations prescribed in item (xiii-ii) of Article 1 of the said Ordinance; hereinafter the same shall apply in this item), short-term investment securities (securities with less-than-one year period from the issue to the redemption; hereinafter in this item

the same shall apply) with the second or higher of the specific rating given by the organizations, or the equivalent which securities investment trust management companies consider to be able to invest in as safely as or more safely than the said securities with the said grade of the specific rating.

3. The average remaining period of securities, etc. included in trust property (the period that is calculated by dividing the total amount determined by multiplying the remaining period of each of securities, etc. by each amount of the securities, etc. included in trust property into the total amount of the said securities, etc. included) shall not exceed 90 days.
4. Of the total asset value of the trust property, any securities, etc. (except national government bonds, government guaranteed bonds, and call loans with five or less days (except closed days of companies entrusted with the said securities investment trust that give loans) left to become due; hereinafter referred to as "the specific call loans" in this item) issued or dealt with by any one juridical person or other organ (hereinafter referred to as "juridical person, etc." in this item) that are long-term investment securities with the second or higher grade of the specific rating given by two or more designated rating organizations, short-term investment securities with the first grade of the specific rating given by two or more designated rating organizations, or the equivalent which securities investment trust management companies consider to be able to invest in as safely as or more safely than the said securities with the said grade of the specific rating (hereinafter referred to as "the qualified securities, etc.") shall account for 5 percent or less of the values that form the basis of calculation of the total asset value of the trust property.
5. Of the total asset value of trust property, the value of securities, etc. (except national government bonds, government guaranteed bonds, specific call loans, and qualified securities, etc.; hereinafter the same shall apply in this item), that is the basis of the calculation of the said total net assets value, shall account for 5 percent or less.
6. Of the total asset value of the trust property, the value of securities, etc. issued or dealt with by one juridical person, etc. that is the basis of the calculation of the said total asset value, shall account for 1 percent or less.
7. Of the total asset value of the trust property, the value of the specific call loans dealt with by one juridical person, etc, that is the basis of the calculation of the said total asset value, shall account for 25 percent or

less.

(c) An investment contract (a contract pertaining to dealing of a deposit and purchase, etc. of beneficiary certificates conducted between a worker and a securities company) shall include the following items.

1. Payment may be made into the account in a unit of one yen.

2. Refund of a deposit and the equivalent amount to the beneficiary right of the security investment trust may be made in a unit of one yen on a day of the request.

(2) An employer may pay, with the consent of a worker, retirement allowances by any of the methods set forth in the following items as well as in the preceding paragraph:

(i) To deliver the worker a check which has been issued by a bank or some other financial institution and ought to be paid by itself.

(ii) To deliver the worker a check guaranteed by a bank or some other financial institution.

(iii) To deliver the worker a postal money order.

(3) With regard to the application of the provision of the preceding paragraph, when the provision of paragraph (1) of Article 24 of the Act applies to local public officers, "a check" referred to in item (i) of the preceding paragraph shall be replaced with "a check or a check issued by the local public entity concerned".

(Equivalents to Special Wages or Bonus)

Article 8 Those equivalent to special wages or bonus set forth in the proviso of paragraph (2) of Article 24 of the Act shall be listed as follows:

(i) Good attendance allowance paid on the basis of the good results of attendance for a period exceeding one month

(ii) Long-service allowance paid for a fixed period exceeding one month of continuous service

(iii) Encouragement or efficiency allowance paid by some reason for a period exceeding one month

(Emergency Payment)

Article 9 Those emergencies set forth in the provision of Article 25 of the Act shall be listed as follows:

(i) When one who makes a living from a worker's income gives birth to a child, suffers from illness, or meets disaster

(ii) When a worker himself or herself or one who makes a living from his or her income marries or dies

(iii) When a worker himself or herself or one who makes a living from his or her income is forced to return home for a week or more for an unavoidable reason

Articles 10 and 11 Deleted.

(Dissemination of Working Hours and Days Off)

Article 12 When an employer who regularly employs less than 10 workers adopts such rules that are referred to in paragraph (1) of Article 32-2 or paragraph (2) of Article 35 of the Act, the employer shall make such rules known to the workers, except in the case where such rules are adopted by a written agreement referred to in paragraph (1) of Article 32-2 of the Act (including any resolution set forth in paragraph (5) of Article 38-4 of the Act (such resolution shall hereinafter be referred to as a "resolution of a labor-management committee") of a committee referred to in paragraph (1) of the same Article (such committee shall hereinafter be referred to as a "labor-management committee") or resolution of a working hours reduction task force committee (such resolution shall hereinafter be referred to as a "resolution of a working hours reduction task force committee") set forth in Article 7 of the Act on Temporary Measures concerning the Promotion of Shorter Working Hours (Act No. 90 of 1992; hereinafter referred to as the "Shorter Working Hours Promotion Act").

(Initial Date of Reckoning for a Variable Working Hours or Days Off System)

Article 12-2 (1) When an employer causes his or her workers to work under the conditions pursuant to any of the provisions of Articles 32-2 to 32-4 inclusive of the Act, the employer shall clearly indicate the starting date of the period set forth in Articles 32-2 to 32-4 of the Act in the rules of employment or its equivalent or in a written agreement (including any resolution by a labor-management committee or a resolution by a working hours reduction task force committee).

(2) When an employer gives his or her workers holidays pursuant to the provision of paragraph (2) of Article 35 of the Act, the employer shall clearly indicate, in the rules of employment or some other equivalent, the initial date of reckoning for a four-week period in which the employer provides four or more days off.

(Notification, etc. of the One-Month Variable Working Hours System)

Article 12-2-2 (1) The written agreement (including resolutions by a labor-management or resolutions by a working hours reduction task force committee, except in case of a collective agreement) referred to in paragraph (1) of Article 32-2 of the Act shall set the valid period of the agreement.

(2) A notification pursuant to the provision of paragraph (2) of Article 32-2 of the Act shall be submitted according to Form No. 3-2 to the director of the labor standards office concerned.

(Matters to Be Prescribed in a Labor-Management Agreement on a Flexitime System)

Article 12-3 Matters prescribed by Ordinance of the Ministry of Health, Labour and Welfare referred to in item (iv) of Article 32-3 of the Act shall be listed as follows:

- (i) Standard daily working hours
- (ii) When a time period when workers have to work is fixed, from and to what time they have to do so shall be specified
- (iii) When a time period when workers may choose to work or not is limited, from and to what time they may do so shall be specified

(Limit, etc. to Working Hours under the One-Year Variable Working Hours System)

Article 12-4 (1) Matters prescribed by Ordinance of the Ministry of Health, Labour and Welfare pursuant to item (v) of paragraph (1) of Article 32-4 of the Act which shall be fixed by a written agreement pursuant to the provisions of paragraph (1) of Article 32-4 of the Act (including resolutions by a labor-management or resolutions by a working hours reduction task force committee, except when fixed by a collective agreement) shall be a stipulation for the valid period of the agreement.

- (2) Stipulations made pursuant to the provisions of paragraph (2) of Article 32-4 of the Act shall be set down in writing by the employer.
- (3) When the applicable period referred to in item (ii) of paragraph (1) of Article 32-4 of the Act (hereinafter referred to as "the applicable period" in this Article) exceeds three months, annual working days stipulated by Ordinance of the Ministry of Health, Labour and Welfare referred to in paragraph (3) of Article 32-4 of the Act shall be limited to 280 days in the applicable period. However, in case where the applicable period exceeds three months and there had been the other agreement (including resolutions by a labor-management or resolutions by a working hours reduction task force committee) (if there had been more than one agreement, an agreement just before the new agreement shall be applicable; hereinafter referred to in this paragraph as "the former agreement") under the provisions of paragraph (1) of Article 32-4 of the Act with its applicable period exceeding three months and containing one year or less whose last day is followed by the first day of the applicable period, yearly working days shall be shorter one, either days determined by subtracting one day from the yearly working days in the applicable period stipulated under the former agreement or 280 days, if the daily limited working hours exceed longer one, either the daily limited working hours stipulated under the former agreement or nine hours, or the weekly limited working hours exceed longer one, either the weekly limited working hours

stipulated under the former agreement or 48 hours.

- (4) Daily working hours and weekly working hours stipulated by Ordinance of the Ministry of Health, Labour and Welfare referred to in paragraph (3) of Article 32-4 of the Act shall be limited to 10 hours and 52 hours respectively. When the applicable period exceeds three months, both of the following items shall be conformed.
 - (i) In the applicable period, the number of consecutive weeks in which weekly working hours exceed 48 hours shall be three or less.
 - (ii) In each period determined by dividing the applicable period by every three months from the first day of the applicable period (if there is a period of less than three months, it shall be regarded as one period), the number of first days of weeks in which weekly working hours exceed 48 hours shall be three or less.
- (5) The number of consecutive days on which an employer may have workers work in the applicable period pursuant to Ordinance of the Ministry of Health, Labour and Welfare referred to in paragraph (3) of Article 32-4 of the Act shall be limited to six days; and the number of consecutive days on which an employer may have workers work in the specified period set forth under the written agreement referred to in paragraph (1) of the Article (including resolutions adopted by a labor-management committee and resolutions adopted by a working hours reduction task force committee) shall be limited to the number of days that shall enable workers to have one day off per week.
- (6) A notification pursuant to the provision of paragraph (2) of Article 32-2 of the Act applied mutatis mutandis pursuant to the provision of paragraph (4) of Article 32-4 of the Act shall be submitted according to Form No. 4 to the director of the labor standards office concerned.

(Business Categories, etc. in Which the Atypical Adjustable Working Hours System for a Week May Be Adopted)

- Article 12-5 (1) Businesses prescribed by Ordinance of the Ministry of Health, Labour and Welfare referred to in the provision of paragraph (1) of Article 32-5 of the Act shall be retail businesses, hotels, restaurants, and eating and drinking places.
- (2) The number prescribed by Ordinance of the Ministry of Health, Labour and Welfare referred to in the provision of paragraph (1) of Article 32-5 of the Act shall be 30 persons.
 - (3) A notice of working hours for each day of a week pursuant to the provision of paragraph (2) of Article 32-5 of the Act shall be given the workers concerned in writing at least before the first day of the week. When there is some emergency and unavoidable reason, however, the employer may change the working hours noticed in advance by notifying them in writing by the day prior to the date on

which the employer intends to change working hours.

- (4) A notification pursuant to the provision of paragraph (2) of Article 32-2 of the Act applied mutatis mutandis pursuant to the provision of paragraph (3) of Article 32-5 of the Act shall be submitted according to Form No. 5 to the director of the labor standards office concerned.
- (5) When an employer has workers work pursuant to the provision of Article 32-5, the employer shall endeavor to respect the workers' intention when fixing working hours for each day of a week.

(Careful Consideration for Those Who Need Take Care of Children, etc.)

Article 12-6 When an employer has workers work pursuant to the provision of Article 32-2, 32-4 or 32-5 of the Act, the employer shall give careful consideration to those who need to take care of children, those who need to take care of elderly persons, those who receive vocational training or education, and others who need special consideration so that they may secure their necessary time for child care, etc.

(Exceptions to the Rules for Working Hours and Days Off)

- Article 13 (1) The permission pursuant to the provision of the main clause of paragraph (1) of Article 33 of the Act shall be obtained from the director of the labor standards office concerned, and a notification pursuant to the provision of the same paragraph of the same Article shall be submitted to the director of the labor standards office concerned.
- (2) The permission or the notification set forth in the preceding paragraph shall be made pursuant to Form No. 6.

Article 14 The order set forth in the provision of paragraph (2) of Article 33 of the Act shall be issued in writing according to Form No.7 by the director of the labor standards office concerned.

(Agreement on Exceptions to the Rules for Simultaneous Rest Periods)

- Article 15 (1) When an employer makes an agreement pursuant to the provision of paragraph (2) of Article 34 of the Act, he or she shall clarify in the agreement the scope of workers whom the employer do not provide simultaneous rest periods and to the method of providing rest periods to the said workers.
- (2) The provision set forth in the preceding paragraph shall apply mutatis mutandis to any resolution by a labor-management committee or resolution by a working hours reduction task force committee.

(Agreement on Overtime Work and Work on Days Off)

Article 16 (1) When an employer makes an agreement pursuant to the provision of paragraph (1) of Article 36 of the Act, he or she shall clarify in the agreement specific reasons why workers are required to work overtime or on days off, type of jobs in which such workers are to be engaged, the number of such workers, hours for which such workers may work overtime in a day and a fixed period exceeding a day, and days off on which such workers may work.

(2) In an agreement concluded pursuant to the provision set forth in the preceding paragraph (except collective agreements), the valid period shall be prescribed.

(3) The two preceding paragraphs shall apply mutatis mutandis to any resolution of a labor-management committee or resolution of a working hours reduction task force committee.

(Notification of Overtime Work or Work on Days Off)

Article 17 (1) The notification provided in paragraph (1) of Article 36 of the Act shall be made to the director of the labor standards office concerned on Form No. 9 (or Form No. 9-2, in the case of a submission provided in paragraph (4) of Article 24-2 of a copy of the agreement described under paragraph (2) of Article 38-2 of the Act, or Form No.9-3, in the case of a submission of a resolution of the labor-management committee, or Form No.9-4, in the case of a submission of a resolution of the working hours reduction task force committee).

(2) When an agreement provided in paragraph (1) of Article 36 of the Act (including any resolution of a labor-management committee or resolution of a working hours reduction task force committee (hereinafter the same shall apply in this paragraph)) is to be renewed, an employer may satisfy the notification requirement provided in the preceding paragraph by submitting a copy of the agreement regarding such renewal to the director of the labor standards office concerned.

(Work with Restrictions on Overtime)

Article 18 Work for which overtime is restricted to two hours pursuant to the proviso of paragraph (1) of Article 36 of the Act shall be listed as follows:

(i) Work for which workers handle a large quantity of intensely heated materials, and work in an extremely hot place

(ii) Work for which workers handle a large quantity of cold materials, and work in an extremely cold place

(iii) Work for which workers are exposed to radium rays, X-rays, or some other injurious radioactive rays

(iv) Work in a place where a large quantity of dust or powder of earth, rocks, fur, or some other equivalent is scattered

(v) Work under unusual atmospheric pressure

- (vi) Work for which workers receive an extreme vibration by operating a rock drill, riveter, or some other equivalent
- (vii) Hard work such as those for which workers handle heavy materials
- (viii) Work such as boiler-manufacturing engaged in an extremely noisy place
- (ix) Work in a place where particulate, vapor or gas of lead, mercury, chrome, arsenic, phosphorus, fluorine, chlorine, hydrochloric acid, nitric acid, sulphur dioxide, sulphuric acid, carbon monoxide, carbon disulphide, hydrocyanic, benzene, aniline, or some other injurious material is generated
- (x) Work designated by the Minister of Health, Labour and Welfare other than those listed in the preceding items

(Calculation of the Amount of Wages Which Provides the Basis for Premium Wages)

Article 19 (1) The amount of wages for standard working hours or days pursuant to the provision of paragraph (1) of Article 37 of the Act shall be calculated by multiplying the amount fixed in any of the following items by the number of overtime hours pursuant to the provision of Article 33 or paragraph (1) of Article 36 of the Act, that of working hours on rest days, or that of working hours during the period between 10 p.m. and 5 a.m. (or the period between 11 p.m. and 6 a.m., when the Minister of Health, Labour and Welfare finds it necessary, in areas or during periods that are specified by the Minister):

- (i) When wages are determined on an hourly basis, the basis shall be the amount of hourly wages
- (ii) When wages are determined on a daily basis, the basis shall be obtained by dividing the amount of daily wages by the number of the prescribed working hours in a day (when the number of prescribed working hours varies daily, it is the average prescribed daily working hours for a week)
- (iii) When wages are determined on a weekly basis, the basis shall be obtained by dividing the amount of weekly wages by the number of the prescribed working hours in a week (when the number of prescribed working hours varies weekly, it is the average prescribed weekly working hours for four weeks)
- (iv) When wages are determined on a monthly basis, the basis shall be obtained by dividing the amount of monthly wages by the number of the prescribed working hours in a month (when the number of prescribed working hours varies monthly, it is the average prescribed monthly working hours for a year)
- (v) When wages are determined in accordance with a certain period other than a month or a week, the basis shall be the amount calculated in the same manner as any of the preceding items
- (vi) When wages are determined at piece rates or on some other contract basis, the basis shall be obtained by dividing the total amount of wages calculated

- accordingly (when the closing day for wage calculation is fixed, it is the period up to the date; hereinafter the same shall apply) by the total number of working hours during the period subject to the wage calculation
- (vii) When wages consist of two or more referred to in the preceding items, the basis shall be the total of those amounts each of which is calculated according to the items concerned
- (2) Those wages such as holiday allowances or some other equivalents which fall under none of the preceding items shall be deemed as those determined on a monthly basis in case of the calculation in any of the preceding items.

(Premium Wages for Midnight Work)

- Article 20 (1) When working hours extended pursuant to the provisions of Article 33 or paragraph (1) of Article 36 of the Act fall between 10 p.m. and 5 a.m. (or the period between 11 p.m. and 6 a.m. when the Minister of Health, Labour and Welfare finds it necessary, in areas or during periods that are specified by the Minister), the employer shall pay premium wages for work during such hours at a rate no lower than 50 percent over the amount calculated by multiplying the amount stipulated in items of paragraph (1) of the preceding Article by the number of working hours.
- (2) When working hours on days off pursuant to the provisions of Article 33 or paragraph (1) of Article 36 of the Act fall between 10 p.m. and 5 a.m. on a rest day (or the period between 11 p.m. and 6 a.m. when the Minister of Health, Labour and Welfare finds it necessary, in areas or during periods that are specified by the Minister), the employer shall pay premium wages for work during such hours at a rate no lower than 60 percent over the amount calculated by multiplying the amount stipulated in items of paragraph (1) of the preceding Article by the number of working hours.

(Wages Not Included in the Wage Calculation Basis for Premium Wages)

- Article 21 Pursuant to the provision of paragraph (4) of Article 37 of the Act, family allowances, commutation allowances, and other elements of wages listed in the following items shall not be included in the wage calculation basis for premium wages set forth in paragraphs (1) and (3) of the same Article:
- (i) Separation allowance
 - (ii) Child education allowance
 - (iii) Housing allowance
 - (iv) Special wages
 - (v) Wages paid at regular intervals of a period exceeding one month

Article 22 Deleted.

(Night or Day Duty)

Article 23 When an employer has obtained the approval from the director of the labor standards office concerned according to Form No. 10 pertaining to intermittent work to be done as night- or day-duty, he or she may employ such workers as are engaged in the work, notwithstanding the provision of Article 32 of the Act.

(Working Hours Calculation for Belowground Labor)

Article 24 When an employer has obtained the permission from the director of the labor standards office concerned according to Form No. 11 pertaining to the time between beginning and end of belowground labor groups to enter a pit, the time period between the end of entry into and the end of leaving from a pit of a belowground labor group shall be deemed as working hours of workers belonging to the group for the purpose of the provision of paragraph (2) of Article 38 of the Act.

(Working Hours Calculation for Labor outside Workplace)

- Article 24-2 (1) The provision of paragraph (1) of Article 38-2 of the Act shall apply to the calculation of such working hours as are set forth in the provisions of Chapter 4 of the Act pertaining to working hours.
- (2) The valid period of an agreement concluded pursuant to the provisions of paragraph (2) of Article 38-2 of the Act (including resolutions by a labor-management and resolutions by a working hours reduction task force committee except when fixed by a collective agreement) shall be fixed.
- (3) A notification pursuant to the provision of paragraph (3) of Article 38-2 of the Act shall be given to the director of the labor standards office concerned according to Form No. 12. However, when the working hours determined in an agreement concluded pursuant to paragraph (2) of the same Article do not exceed the level prescribed in the provision of Article 32 or 40 of the Act, such a notification may not be required.
- (4) An employer may give notification to the director of the labor standards office concerned of the contents of an agreement concluded pursuant to the provisions of paragraph (2) of Article 38-2 of the Act by including the said contents with the notification pursuant to the provisions of paragraph (1) of Article 36 of the Act (except notification pertaining to resolutions by a labor-management and resolutions by a working hours reduction task force committee) instead of giving the notification referred to in the preceding paragraph.

(Calculation of Time under the Discretionary Labor System for Professional

Work)

Article 24-2-2 (1) The provisions under paragraph (1) of Article 38-3 of the Act shall apply to the calculation of working hours under Chapter 4 of the Act pertaining to application of the regulations concerning working hours.

(2) The business categories prescribed in Ordinance of the Ministry of Health, Labour and Welfare pursuant to item (i) of paragraph (1) of Article 38-3 of the Act shall be listed as follows:

(i) Research and development of new goods or new technologies; or research in the human or natural sciences

(ii) Analysis or design of information processing systems (the term, information processing systems, shall mean any architecture that combines multiple elements for information processing using computers, and the basis for program design)

(iii) Coverage or editing of articles at a newspaper or other publication business; coverage or editing for the purpose of producing broadcast programs as prescribed in item (iv) of Article 2 of the Broadcast Act (Act No. 132 of 1950), wire radio broadcast as prescribed in Article 2 of the Act concerning the Regulation of the Operation of Wire Radio Broadcasting Business (Act No. 135 of 1951), or cable television broadcast programs as prescribed in paragraph (1) of Article 2 of the Cable Television Broadcasting Act (Act No. 114 of 1972) (hereinafter all such broadcast shall be collectively referred to as "broadcast programs")

(iv) Work to develop new designs for apparel, interior decoration, industrial products, advertisements, etc.

(v) Work of a producer or director at a business that produces broadcast programs, motion pictures, etc.

(vi) Any other work designated by the Minister of Health, Labour and Welfare other than those listed in the preceding items

(3) The matters prescribed in Ordinance of the Ministry of Health, Labour and Welfare pursuant to item (vi) of paragraph (1) of Article 38-3 of the Act shall be listed as follows:

(i) The valid period of the agreement set forth in paragraph (1) of Article 38-3 of the Act (except the case where such agreement is made by collective agreement, but including the case where such agreement is made by resolution of a labor-management committee and a working hours reduction task force committee)

(ii) An employer shall preserve separate records on the following matters for each worker during the valid period and for three years after the expiration of the said period.

(a) The working hours of and the measures taken to ensure the health and welfare of the worker pursuant to item (iv) of paragraph (1) of Article 38-3 of

the Act

(b) The measures taken to cope with any complaint of the worker pursuant to item (v) of paragraph (1) of Article 38-3 of the Act

(4) A notification pursuant to item (iii) of Article 38-2 of the Act to be applied mutatis mutandis pursuant to item (ii) of Article 38-3 of the Act shall be made on Form No. 13 to the director of the labor standards office concerned.

(Matters to Be Determined by Resolution under the Discretionary Working System for Management-related Work)

Article 24-2-3 (1) A notification pursuant to paragraph (1) of Article 38-4 of the Act shall be made on Form No. 13-2 to the director of the labor standards office concerned.

(2) The provisions under paragraph (1) of Article 38-4 of the Act shall apply to the calculation of working hours under Chapter 4 of the Act pertaining to application of the regulations concerning working hours.

(3) The matters set forth in Ordinance of the Ministry of Health, Labour and Welfare pursuant to item (vii) of paragraph (1) of Article 38-4 of the Act shall be listed as follows.

(i) The valid period of the resolution set forth in paragraph (1) of Article 38-4 of the Act

(ii) An employer shall preserve separate records on the following matters for each worker during the valid period and for three years after the expiration of the said period.

(a) The working hours of and the measures taken to ensure the health and welfare of the worker pursuant to item (iv) of paragraph (1) of Article 38-4 of the Act

(b) The measures taken to cope with any complaint of the worker pursuant to item (5) of paragraph (1) of Article 38-4 of the Act

(c) The consent pursuant to item (vi) of paragraph (1) of Article 38-4 of the Act

(Designation of Members of the Labor-Management Committee, etc.)

Article 24-2-4 (1) The designation pursuant to item (i) of paragraph (2) of Article 38-4 of the Act shall be made to persons other than those in a supervisory or managerial position set forth in item (ii) of Article 41 of the Act.

(2) With respect to the preparation and preservation of minutes pursuant to item (ii) of paragraph (2) of Article 38-4 of the Act, an employer shall prepare minutes of each meeting of the labor-management committee and preserve such minutes for three years after the date of such meeting (or, in the case of the minutes of a meeting where a resolution provided under paragraph (1) of Article 38-4 of the Act, a resolution of the labor-management committee and a resolution by 80% or

more of the labor-management committee members pursuant to Article 25-2 are adopted, the date of completion (as provided for in item (v) of Article 56) of the documentation in relation to such resolution).

- (3) With respect to the requirement to make the minutes known to workers pursuant to item (ii) of paragraph (2) of Article 38-4 of the Act, an employer shall make the minutes of a labor-management committee known to the workers at the workplace by any of the following means.
- (i) To post or maintain a copy of such minutes at an easily viewable location at each workplace at all times
 - (ii) To deliver written copies of such minutes to the workers
 - (iii) To record such minutes on magnetic tape, magnetic disk or other equivalent, and provide appliances at each workplace such that the workers may check the content of the records at all times
- (4) The requirement set forth in Ordinance of the Ministry of Health, Labour and Welfare pursuant to item (iii) of paragraph (2) of Article 38-4 of the Act shall be that regulations shall be established with respect to the convocation of labor-management committee meetings, the quorum, the agenda and other matters necessary for the operation of the labor-management committee.
- (5) An employer shall obtain the consent of the labor-management committee in order to establish or amend the regulations referred to set forth in the preceding paragraph.
- (6) An employer shall not treat a worker disadvantageously on the grounds that he or she is a member of the labor-management committee or attempted to become a member of the committee, or acted justifiably as a member of the committee.

(Report)

Article 24-2-5 (1) A report pursuant to paragraph (4) of Article 38-4 of the Act shall be made on Form No. 13-4 to the director of the labor standards office concerned once within six months from the day following the date when a resolution is adopted pursuant to paragraph (1) of the same Article and once every year or less thereafter.

- (2) A report pursuant to paragraph (4) of Article 38-4 of the Act shall be made with respect to the working hours of and the status of implementation of the measures taken to ensure the health and welfare of the worker pursuant to item (iv) of paragraph (1) of Article 38-4 of the Act.

(Annual Paid Leave Proportionally Given to Workers Whose Prescribed Working Days Are Less)

Article 24-3 (1) The hours prescribed by Ordinance of the Ministry of Health, Labour and Welfare pursuant to paragraph (3) of Article 39 of the Act shall be 30

hours.

- (2) The number of days stipulated by Ordinance of the Ministry of Health, Labour and Welfare as the prescribed working days per week for ordinary workers under paragraph (3) of Article 39 of the Act shall be 5.2 days.
- (3) The number of days of annual paid leave prescribed by Ordinance of the Ministry of Health, Labour and Welfare with due consideration for the ratio of each worker's prescribed number of working days or average number of the prescribed working days per week to the number of days prescribed by Ordinance of the Ministry of Health, Labour and Welfare as the prescribed working days in a week for ordinary workers, under paragraph (3) of Article 39 of the Act, given to him or her according to his or her prescribed weekly working days listed (in the left columns) in the following table in case he or she falls under item (i) of the same paragraph or according to his or her prescribed yearly working days listed (in the middle columns) in the following table in case he or she falls under item (ii) of the same paragraph, shall be the number of days listed (in the right columns) in the following table according to his or her continuous service years counting from the employment day.
- (4) The number of days prescribed by Ordinance of the Ministry of Health, Labour and Welfare pursuant to item (i) of paragraph (3) of Article 39 of the Act shall be 4 days.
- (5) The number of days prescribed by Ordinance of the Ministry of Health, Labour and Welfare pursuant to item (ii) of paragraph (3) of Article 39 of the Act shall be 216 days.

(Calculation of Wages to Be Paid During the Period of Paid Leave)

Article 25 The amount of wages normally paid for the prescribed working hours pursuant to the provision of paragraph (6) of Article 39 of the Act shall be calculated according to the methods prescribed in any of the following items:

- (i) When wages are determined on an hourly basis, they shall be calculated by multiplying the amount of hourly wages by the number of the prescribed working hours of the day
- (ii) When wages are determined on a daily basis, they shall be the amount of daily wages
- (iii) When wages are determined on a weekly basis, they shall be calculated by dividing the amount of weekly wages by the number of the prescribed working days of the week
- (iv) When wages are determined on a monthly basis, they shall be calculated by dividing the amount of monthly wages by the number of the prescribed working days of the month
- (v) When wages are determined in accordance with a certain period other than a

month or a week, they shall be calculated in the same manner as any of the preceding items

- (vi) When wages are determined at piece rates or on some other contract basis, they shall be calculated by multiplying the total amount for the wage calculation period concerned (when there exist no wages whose amount is calculated at a piece rate or on some other contract basis in the wage calculation period concerned, the amount of wages paid last time for the wage calculation period shall be adopted. Hereinafter the same shall apply.) divided by the total number of working hours in the wage calculation period concerned by the average daily prescribed working hours during the period subject to the wage calculation
- (vii) When wages consist of two or more referred to in the preceding items, they shall be the total of those amounts each of which is calculated according to the item concerned

(Special Provision on Working Hours)

Article 25-2 (1) An employer who usually employs less than 10 workers in a business stipulated in items (viii), (x) (except businesses producing motion pictures), (xiii), and (xiv) of appended table 1 of the Act may have a worker work up to 44 hours in a week and up to 8 hours in a day, notwithstanding the provisions of Article 32 of the Act.

- (2) With regard to the business prescribed in the preceding paragraph, when an employer has stipulated that the average weekly working hours in a period not exceeding one month shall not exceed 44 hours in a written agreement either with a labor union organized by a majority of the workers at the workplace concerned where such a labor union exists or with a person representing a majority of the workers at a workplace where no such labor union exists (including resolutions unanimously adopted by a labor-management, and resolutions unanimously adopted by all the members of a working hours reduction task force committee referred to in the provisions of Article 7 of the Shorter Working Hours Promotion Act; hereinafter the same shall apply in this Article), the rules of employment, or the equivalent, the employer may have a worker work in excess of 44 hours in a specified week or in excess of 8 hours in a specified day in accordance with the stipulation, notwithstanding the provisions of Article 32 of the Act.
- (3) With regard to workers in the business referred to in paragraph (1) who have been given the right to decide the starting and finishing time of work pursuant to the rules of employment or the equivalent, when an employer has stipulated the following items in a written agreement either with the labor union organized by a majority of the workers at the workplace concerned where such a labor union

exists or with a person representing a majority of the workers at a workplace where no such labor union exists, notwithstanding the provisions of the paragraph (1), the employer may have a worker work in excess of 44 hours in a week or in excess of 8 hours in a day, provided the average working hours per week for the period prescribed in the said agreement as the settlement period stipulated in item (ii) below do not exceed 44 hours:

- (i) The scope of workers who may work under the working hour provisions of this paragraph
 - (ii) Settlement period (limited to a period not exceeding one month during which the average working hours per week do not exceed 44 hours; the same shall apply in the following item)
 - (iii) Total working hours for the settlement period
 - (iv) Standard daily working hours
 - (v) If a time period when workers have to work is fixed, from and to what time they have to do so shall be specified
 - (vi) If a time period when workers may choose to work or not is limited, from and to what time they may do so shall be specified
- (4) When an employer makes workers work pursuant to the provision of Article 32-4 or 32-5 of the Act, the provisions of the three preceding paragraphs do not apply to those businesses set forth in paragraph (1).

Article 25-3 (1) The provisions of paragraph (1) of Article 6-2 shall be applied mutatis mutandis to the person representing a majority of the workers prescribed in paragraphs (2) and (3) of the preceding Article; the provisions of paragraph (3) of Article 6-2 shall be applied mutatis mutandis to the employer prescribed in paragraphs (2) and (3) of the preceding Article; the provisions of Article 12 and paragraph (1) of Article 12-2 shall be applied mutatis mutandis to the stipulation prescribed in paragraphs (2) and (3) of the preceding Article; the provisions of paragraph (1) of Article 12-2-2 shall be applied mutatis mutandis to the written agreement prescribed in paragraph (2) of the preceding Article; and the provisions of Article 12-6 shall be applied mutatis mutandis to the employer prescribed in paragraph (2) of the preceding Article.

- (2) An employer shall submit the written agreement referred to in paragraph (2) of the preceding Article according to Form No. 3-2 to the director of the labor standards office concerned.

(Working Hours of Reserve Crew Members of A Train, etc.)

Article 26 With regard to those workers who work on board of a train, diesel railcar, or electric railcar as reserve crew members, an employer who runs any of those businesses designated in item (iv) of appended table 1 of the Act may make them

work for a period exceeding 40 hours a week or a period exceeding 8 hours a day, notwithstanding the provision of paragraph (1) of Article 32-2 of the Act, unless the average weekly working hours for a fixed period of one month or less exceed 40 hours.

Articles 27 to 30 Deleted.

(Exemption from the Rules concerning Rest Periods)

Article 31 The provision of paragraph (2) of Article 34 of the Act shall not apply to those businesses designated in any of items (iv),(viii),(ix),(x),(xi), (xiii), and (xiv) of appended table 1 of the Act and businesses of public agencies (except the businesses designated in appended table 1).

(Rest Periods of Crew Members, etc.)

Article 32 (1) With regard to those engineers of a train, diesel railcar, electric railcar, automobile, ship or aircraft, drivers, pilots, conductors, train masters, baggagemen, trainmen, stewards, air conditioning engineers and power supply officers (hereinafter referred to as "crew members") who continuously work on board over a long distance for the businesses designated in item (iv) of appended table 1 of the Act, or those workers who are employed for the postal, mail delivery, telegraphic, or telephone businesses a post office having less than 30 indoor workers for the enterprises designated in item (xi) of the same table, an employer may give them no rest periods notwithstanding the provision of Article 34 of the Act.

(2) With regard to those crew members who do not fall under the provision of the preceding paragraph, an employer may give them no rest periods when the employer finds it impossible to give them no recess from the viewpoint of the nature of their work, notwithstanding the provision of Article 34 of the Act, if the total of stoppage time, waiting time for turning back and some other equivalent while on duty is equal to the rest period set forth in paragraph (1) of Article 34 of the Act.

(Exemptions from the Rule concerning Free-Use-of-Rest-Period)

Article 33 (1) The provision of paragraph (3) of Article 34 of the Act shall not apply to those workers who fall under any of the following items:

- (i) Police officials, fire fighting officials, full-time firefighters, and workers of institutions to support resocialization of minors who live together with consigned children
- (ii) Workers of an infant home, home for dependent, neglected, and abused children, facility for children with intellectual disabilities, home for blind, deaf,

and dumb children, and home for limb or body disabled children who live together with consigned children

- (2) An employer who employs those workers falling under item (ii) of the preceding paragraph shall obtain, in advance, the permission of the director of the labor standards office concerned for the number of workers, the number of consigned children and the working mode, according to Form No. 13-5.

(Permission for Exemption from the Application)

Article 34 A permission pursuant to the provision of item (iii) of Article 41 of the Act shall be obtained from the director of the labor standards office concerned for the working mode and the number of workers according to Form No. 14.

Article 34-2 The working hours set forth in Ordinance of the Ministry of Health, Labour and Welfare pursuant to item (ii) of paragraph (3) of Article 60 of the Act shall be 48 hours.

(Period of Labor Contract for Trainees)

Article 34-2-2 The period of a labor contract pertaining to a worker who receives vocational training (hereinafter referred to as "trainee") from an employer who has obtained the permission pursuant to the provision of Article 71 of the Act may be determined according to the level of the vocational training course the trainee receives, within the period stipulated by item (iv) of paragraph (1) of Article 10, item (iii) of paragraph (1) of Article 12, or item (iii) of paragraph (1) of Article 14 of Ordinance for Enforcement of the Vocational Ability Development and Promotion Act (Ordinance of the Ministry of Labor No. 24 of 1969) (in the case where the training period is reduced under the provision of Article 21 of the same Ordinance or paragraph (2) of Article 2 of the supplementary provisions of Ordinance of the Ministry of Labor for Making a Partial Revision of the Ordinance for Enforcement of the Vocational Training Act (Ordinance of the Ministry of Labor No. 37 of 1978; hereinafter referred to as "the 1978 Revised Training Rules"), the reduced period shall be deducted). In this case, the training period prescribed by the workplace shall not be exceeded.

(Cases Where an Employer May Have Trainees Engage in Dangerous Work)

Article 34-3 (1) When an employer finds it necessary so as to make trainees learn skills, the employer may make trainees under 18 years of age engage in some dangerous and injurious work designated in Article 62 of the Act or have trainees of 16 years of age or more engage in belowground labor.

- (2) When an employer have trainees engage in some dangerous and injurious work or belowground labor set forth in the provision of the preceding paragraph, the

employer shall take necessary preventive measures against danger.

(3) Dangerous and injurious work or belowground labor set forth in paragraph (1), and the preventive measures to be taken by an employer pursuant to the provision of the preceding paragraph shall be shown in appended table 1.

(Permission for Employing Trainees)

Article 34-4 The permission pursuant to the provision of Article 71 of the Act shall be obtained according to Form No. 14-2 (written application for the permission to be exempted from the rules) by the directors of the Prefectural Labor Offices having jurisdiction over the location of a workplace.

(Notice of Permission, etc. for Employing Trainees)

Article 34-5 When the director of a Prefectural Labor Office has given or not, or rescinded permission to an application pursuant to the provision of the preceding Article, he or she shall give notice to the effect to the prefectural governor concerned.

(Scope of Illness in the Course of Employment)

Article 35 The scope of illness in the course of employment pursuant to the provision of paragraph (2) of Article 75 of the Act shall be shown in appended table 1-2.

(Scopes of Illness in the Course of Employment and of Medical Treatment)

Article 36 The scope of medical treatment pursuant to the provision of paragraph (2) of Article 75 of the Act shall be those which are found necessary for medical care among those listed as follows:

- (i) Medical examination
- (ii) Provision of medicine or some other treatment material
- (iii) Medical measure, operation, or some other remedy
- (iv) Caretaking for recuperation at home and relevant help and other nursing care
- (v) Hospitalization for medical treatment and relevant help and other nursing care in hospitals or clinics
- (vi) Transportation

(Diagnosis)

Article 37 When a worker is injured, gets ill, or dies on the job or in the workplace, or in auxiliary buildings of the business, the employer shall make a medical doctor diagnose the worker without delay.

(Case Where an Employer May Make No Compensation for Absence from Work)

Article 37-2 When a worker falls under any of the following items, his or her employer may make no compensation for absence from work:

- (i) When a worker is detained in a penal institution (including a juvenile training school in the event of an execution of a sentence in the juvenile training school pursuant to the provision of paragraph (3) of Article 56 of the Juvenile Act (Act No.168 of 1948)) due to the execution of a sentence of imprisonment with or without work, or misdemeanor detention or after having received a death penalty; when a worker is detained in a detention in workhouse in lieu of payment of fine after having received a sentence of detention in workhouse; or when a worker is detained in a detention room for being tried
- (ii) When a worker is referred to and detained in a juvenile training school or institutions to support resocialization of minors for protective measure pursuant to the provision of Article 24 of the Juvenile Act; or when a worker is detained in a women's reformatory for punishment pursuant to the provision of Article 17 of the Anti-Prostitution Act (Act No. 118 of 1956)

(Compensation for Absence from Work)

Article 38 When a worker only works for part of the prescribed working hours because he or she has been injured or gotten ill on the job, the employer shall pay, as a compensation for absence from work, 60 percent of the difference between his or her average wages and those paid for the hours for which he or she has worked.

(Number of Workers Which Is Treated as the Standard When the Amount of Compensation for Absence from Work Is Adjusted)

Article 38-2 Those workplaces which usually employ less than 100 workers pursuant to paragraph (2) of Article 76 of the Act shall be defined as those whose figure obtained by dividing the aggregate number of workers who have been employed from April 1 to March 31 each year by the number of the prescribed working days for the year concerned is less than 100.

(Calculation of Ordinary Wages)

Article 38-3 The ordinary wages paid to workers engaged in the same type of work in the same workplace for the prescribed working hours pursuant to the provision of paragraph (2) of Article 76 of the Act shall be calculated in the same manner as the method set forth in the provision of Article 25.

(Adjustment of the Amount of Compensation for Absence from Work)

Article 38-4 If there exists no worker whose job and working conditions are the

same as those of a worker who has been injured or gotten ill on the job in a workplace which usually employs 100 workers or more, the amount of the compensation for absence from work paid to the worker shall be adjusted when the quarterly average of the ordinary wages paid to all the workers in a workplace for the prescribed working hours is increased or decreased.

(Adjustment of the Amount of Compensation for Absence from Work Which Has Been Once Adjusted)

Article 38-5 Adjustment of a once adjusted amount of compensation for absence from work pursuant to the provision of the second sentence of paragraph (2) of Article 76 of the Act shall be made on the basis of the quarterly average compensation which has been used as a basis.

(Method of Calculating the Ratio of the Average Compensation Amount)

Article 38-6 When the increasing or decreasing rate of quarterly average compensation is calculated pursuant to the provisions of paragraphs (2) and (3) of Article 76 of the Act, any fraction less than 1 percent of the rate shall be truncated.

(Adjusted Rate of the Amount of Compensation for Absence from Work)

Article 38-7 As for compensation for absence from work made in a workplace which usually employs less than 100 workers, the rate by which 60 percent of the amount of average wages is multiplied (when a workplace has adjusted the amount of compensation for absence from work like that which usually employs 100 workers or more, the adjusted amount shall be adopted) shall be fixed by public notice in the Official Gazette on the basis of the ratio of the average wages during a quarter of monthly regular wage in each industry under the Monthly Labor Survey compiled by the Ministry of Health, Labour and Welfare (hereinafter referred to as "Monthly Labor Survey") to those during the preceding quarter for calculating the amount of compensation for absence from work.

Article 38-8 (1) When the industry to which a workplace usually employing less than 100 workers belongs is not included in the industry classification listed in the Monthly Labor Survey, the amount of compensation for absence from work shall be calculated by multiplying 60 percent of the amount of average wages (when a workplace has adjusted the amount of compensation for absence from work like that which usually employs 100 workers or more, or according to Monthly Labor Survey, the adjusted amount shall be adopted.) by the rate prescribed by public notice.

(2) With regard to workers hired on a daily basis, an amount of compensation for absence from work shall be calculated by multiplying 60 percent of the amount of average wages by the rate prescribed by public notice.

(Method of Public Notice)

Article 38-9 A public notice pursuant to the provision of the preceding two Articles shall be given every quarter.

(Adjustment of the Amount of Compensation for Absence from Work in Special Cases)

Article 38-10 When it is difficult to adjust the amount of compensation for absence from work pursuant to the provisions of Articles 38-4, 38-5, 38-7 and 38-8, it shall be adjusted by the Minister of Health, Labour and Welfare.

(Number of Medical Compensation, etc.)

Article 39 Payments for medical compensation and compensation for absence from work shall be made once or more per month.

(Grades of the Physically Disabled)

Article 40 (1) The grades of physically disabled persons eligible for compensation for disabilities shall be listed in appended table 2.

(2) When a worker suffers from two or more physical disabilities among those listed in appended table 2, his or her disability grade shall be the one for the most serious disability.

(3) In any of the following cases, a physical disability grade determined pursuant to the preceding paragraphs shall be raised as follows. However, the amount of a disability compensation for a raised grade shall not exceed the total amount of all disability compensations for the grades concerned:

(i) When a worker suffers from two or more physical disabilities corresponding to Grade 13 or above: Grade 1

(ii) When a worker suffers from two or more physical disabilities corresponding to Grade 8 or above: Grade 2

(iii) When a worker suffers from two or more physical disabilities corresponding to Grade 5 or above: Grade 3

(4) With regard to a worker who suffers from some physical disabilities other than any of those listed in appended table 2, disability compensation shall be made according to the degree of the disability, and in the same manner as disabilities listed in appended table 2.

(5) When a physically disabled worker has aggravated his or her existing disability due to an injury or illness, the difference between the amount of compensation

corresponding to the existing disability grade and that corresponding to the worsened one shall be paid.

(Recognition of Negligence)

Article 41 The recognition pursuant to the provision of Article 78 of the Act shall be obtained according to Form No. 15 by the director of the labor standards office concerned. In this case, the employer shall submit a written document at the same time to prove the fact that there has been gross negligence prescribed in the provision of the same Article.

(Persons Receiving Compensation for Bereaved Family)

Article 42 (1) The person who should be given compensation for bereaved family shall be the spouse of a worker (including the person who has de facto marital relations with him or her even without a marriage notification; hereinafter the same rule shall apply).

(2) When a worker has no spouse, the persons who should be given compensation for bereaved family shall be his or her children, parents, grandchildren, and grandparents, in this priority order, who made a living from the worker's income, or who lived on common living expenses at the time when the worker died. As for parents, adoptive parents shall have priority over blood parents.

(Beneficiaries of Compensation for Bereaved Family and Their Order)

Article 43 (1) When a worker has no one who falls under the provision of the preceding Article, the person who should be given compensation for bereaved family shall be his or her children, parents, grandchildren, and grandparents who do not fall under the provision of paragraph (2) of the preceding Article, and his or her brothers and sisters, in this priority order. As for brothers and sisters, those who made a living from the worker's income, or who lived on common living expenses at the time when the worker died shall have priority.

(2) When a worker has designated a specific person among those who fall under the provision set forth in the preceding paragraph in his or her will or an advance notice to his or her employer, the person who should be given compensation for survivor shall be the designated one notwithstanding the provision set forth in the preceding paragraph.

(Equally Dividing of Compensation for Bereaved Family)

Article 44 When there are two or more persons of the same priority rank who should be given compensation for bereaved family, the compensation shall be equally divided by the number of the persons.

(Extinction of the Right to Receive Compensation for Bereaved Family)

Article 45 (1) When the person who should be given compensation for bereaved family has died, his or her right to receive it shall cease to exist.

(2) In the cases referred to set forth in the preceding paragraph, an employer shall give compensation for bereaved family to persons other than the one who has died after excluding the dead from the priority order under the provisions of any of the three preceding Articles.

(Lump-Sum Payment of Installment Compensation)

Article 46 After the commencement of the payment of compensation in installments pursuant to the provision of Article 82 of the Act, an employer may pay the residual amount of the compensation in a lump sum, according to appended table 3, with the consent of the person who should be given the compensation.

(Payment of Compensation)

Article 47 (1) Compensation for physical disabilities shall be made within seven days from the date when the disability grade has been determined after a worker had recovered from the injury or illness.

(2) Compensation for bereaved family and funeral rites expenses shall be paid within seven days from the date when persons eligible for the compensation and the expenses have been determined after a worker dies.

(3) The second or later installments of compensation shall be paid every year in the month corresponding to the month when the first installment of compensation has been paid.

(Date When a Cause Has Arisen)

Article 48 When accident compensation is made, the date when the accident causing death or injury has occurred or the date which is confirmed by diagnosis as that of the outbreak of the illness shall be the date when a cause has arisen to calculate average wages.

(Businesses to Which the Exceptional Rules concerning Contract for Work Shall Apply)

Article 48-2 The businesses set in forth in Ordinance of the Ministry of Health, Labour and Welfare pursuant to the provision of paragraph (1) of Article 87 of the Act shall be those businesses listed in item (iii) of appended table 1 of the Act.

(Notification of Rules of Employment)

Article 49 (1) When an employer has come to usually employ ten or more workers, the employer shall submit the rules of employment, pursuant to the provision of

Article 89 of the Act, to the director of the labor standards office concerned without delay.

- (2) A written document stating opinions to be attached to a notification set forth in the provision of the preceding paragraph, pursuant to the provision of paragraph (2) of Article 90 of the Act, shall have the signature or name and seal affixed by the representative of the workers.

(Order to Change Rules of Employment)

Article 50 The order to change rules of employment under the provision of paragraph (2) of Article 92 of the Act shall be given in writing according to Form No. 17 by the director of the labor standards office concerned.

(Businesses Involving Dangerous Activities, etc. Set Forth in Ordinance of the Ministry of Health, Labour and Welfare)

Article 50-2 Businesses involving dangerous activities or those involving activities harmful to health set forth in Ordinance of the Ministry of Health, Labour and Welfare pursuant to the provision of paragraph (1) of Article 96-2 of the Act shall be listed as follows:

- (i) Businesses falling under any of those designated by items (i) to (iii) inclusive of appended table 1 of the Act where the total rated output of motors to be used is 2.2 kw or more
- (ii) Businesses where the total rated output of motors to be used is 1.5 kw or more for a job falling under any of those listed as follows
 - (a) Work of processing materials by presser or shear
 - (b) Work of cutting or drying and grinding metals
 - (c) Work of cutting and processing woods
 - (d) Work of carding cotton, ginning cotton, hackling flax, raising nap or reclaiming wool
- (iii) Businesses where a job falling under any of the following items is chiefly done
 - (a) Work falling under any of those listed in appended table 8 of the Industrial Safety and Health Regulations (Ordinance of the Ministry of Labor, No. 32 in 1972)
 - (b) Work of handling skyline logging cranes or logging cableways falling designated in item (iii) of Article 6 of the Order for Enforcement of the Industrial Safety and Health Act (Cabinet Order No. 318, 1972)
- (iv) Other types of work designated by Minister of Health, Labour and Welfare

Article 51 Deleted.

(Identification Card Which Labor Standards Inspectors Shall Carry)

Article 52 The Identification card which a labor standards inspector shall carry pursuant to the provision of paragraph (2) of Article 101 of the Act shall be made according to Form No. 18.

(Methods of Making Laws and Regulations, etc. Public)

Article 52-2 The methods set forth in Ordinance of the Ministry of Health, Labour and Welfare pursuant to paragraph (1) of Article 106 of the Act shall be listed as follows:

- (i) To post or maintain a copy of such laws and regulations, etc. at an easily viewable location at each workplace at all times
- (ii) To deliver written copies to the workers
- (iii) To record them on magnetic tape, magnetic disk or other equivalent, and provide appliances at each workplace such that the workers may check the content of the records at all times

(Matters to Be Entered into a Roster of Workers)

Article 53 (1) Matters to be entered into a roster of workers (Form No. 19) pursuant to paragraph (1) of Article 107 of the Act shall be those listed as follows in addition to those provided by the same paragraph of the same Article:

- (i) Sex
 - (ii) Present address
 - (iii) Type of work engaged in
 - (iv) Date of hiring
 - (v) Date and reason of retirement (in the case where the cause of the retirement is dismissal, the reason shall be included.)
 - (vi) Date and cause of death
- (2) A workplace which usually employs less than 30 workers may not enter matters listed in item (iii) of the preceding paragraph.

(Matters to Be Entered into a Wage Ledger)

Article 54 (1) An employer shall enter the following matters into the wage ledger for each worker under the provision of Article 108 of the Act:

- (i) Name
- (ii) Sex
- (iii) Wage calculation period
- (iv) Working days
- (v) Working hours
- (vi) When an employer makes a worker work overtime, or work on a day off pursuant to the provision of Article 33 or paragraph (1) of Article 36 of the Act,

or during the period between 10 p.m. and 5 a.m. (or the period between 11 p.m. and 6 a.m. when the Minister of Health, Labour and Welfare finds it necessary, in areas or during periods that are specified by the Minister), the number of overtime hours, that of working hours on days off or that of night working hours

(vii) Respective amounts of basic wages, allowances, and other wages

(viii) When partial amount is deducted from wages pursuant to the provision of paragraph (1) of Article 24 of the Act, the said amount

(2) When a workplace sets forth its prescribed working hours and days off in its rules of employment different from those stipulated under the provisions of the Act, each number under item (vi) of the preceding paragraph may be replaced by each number calculated according to the rules of employment.

(3) When wages paid in some form other than currency are included in those referred to in item (vii) of paragraph (1), the total appraised amount of the wages shall be shown.

(4) With regard to workers hired on a daily basis (except those who continue to be employed for a period exceeding one month), item (iii) of paragraph (1) shall not be required to be stated.

(5) With regard to those workers falling under any of the items of Article 41 of the Act, items (v) and (vi) of paragraph (1) shall not be required to be stated.

(Form of Wage Ledger)

Article 55 A wage ledger pursuant to the provision of Article 108 of the Act shall be made for regular workers (including those hired on a daily basis who continue to be employed for a period exceeding one month) according to Form No. 20, and for daily workers according to Form No. 21.

(Combination and Preparation of the Roster of Workers and the Wage Ledger)

Article 55-2 An employer may combine and prepare the roster of workers pursuant to Article 53 and the wage ledger pursuant to Article 55.

(Starting Date of a Preservation Period of Records)

Article 56 The starting point of a preservation period of records under Article 109 of the Act shall be as follows:

(i) Date of the death, retirement, or dismissal of a worker for a roster of workers

(ii) Date when the last entry has been made, for a wage ledger

(iii) Date of the retirement or death of a worker for documents concerning the hiring or retirement of a worker

(iv) Date when accident compensation has been completed, for documents concerning accident compensation

- (v) Date when the employment contract of a worker has been terminated, for important documents concerning wages or other labor relationship

(Matters to Be Reported)

Article 57 (1) When an employer falls under any of the following items, the employer shall report each fact to the director of the labor standards office concerned without delay according to Form No. 23-2 for item (i), according to Form No. 22 of the Industrial Safety and Health Regulations for item (ii), and according to Form No. 23 of the Industrial Safety and Health Regulations for item (iii):

- (i) When an employer has commenced a business
 - (ii) When a fire or an explosion has arisen in an auxiliary dormitory, or it has been collapsed
 - (iii) When a worker has died or been absent from work due to an injury, suffocation or acute toxication in an auxiliary dormitory
- (2) When the number of absences is less than four days in the case designated in item (iii) of the preceding paragraph, any employer shall report, according to Form No. 24 of the Industrial Safety and Health Regulations, to the director of the labor standards office concerned those facts having arisen from January to March, from April to June, from July to September, and from October to December, by the end of the month after the last month of each period every year notwithstanding the provision of the preceding paragraph.
- (3) An employer who accepts a worker's deposit based on an agreement submitted under the provisions of paragraph (2) of Article 18 of the Act shall report on the state of the savings management for the twelve month period ending on 31 March each year to the director of the labor standards office concerned according to Form No. 24.

Article 58 An administrative government agency, when having an employer or worker submit a report on necessary matters or ordering them to appear to the premises of the agency pursuant to the provisions of paragraph (1) of Article 104-2 of the Act, shall give notice of the following items:

- (i) Reasons for having the employer or worker submit a report or appear
- (ii) Matters to be heard when ordering them to appear

(Number of Copies of Written Applications, etc. to Be Submitted)

Article 59 Applicants shall submit two copies each of written applications for permission, approval, recognition, or designation stipulated by the Act and orders pursuant to the Act.

(Voluntariness of Form)

Article 59-2 (1) The forms (except Form No. 24) of an application of permission, approval, recognition, or designation, a notification, a report, a roster of workers, or a wage ledger prescribed by the Act and orders pursuant to the Act show what should be written as a minimum, and shall not preclude the use of vertical or horizontal writing, or some other forms.

(2) An employer may submit an application of permission or recognition, a notification, or a report to the administrative government agency according to the Form prescribed by the Act and orders pursuant to the Act, writing his or her signature on it instead of printing the name and affixing a seal on it.

Supplementary Provisions (Excerpts)

Article 60 This Ordinance of the Ministry shall come into force as from September 1, 1947.

Article 65 With regard to a worker who engages in a workplace located in a place designated by the Minister of Health, Labour and Welfare as a region requiring curtailment of the activities in winter and work designated by the Minister of Health, Labour and Welfare as work requiring outdoor performance and causing the worker difficulties to engage in winter because of its nature in a workplace located in a region designated by the Minister of Health, Labour and Welfare as a region with significantly high snow accumulation, daily working hours and weekly working hours set forth in Ordinance of the Ministry of Health, Labour and Welfare pursuant to paragraph (3) of Article 32-4 of the Act shall be limited to 10 hours and 52 hours respectively for the time being, notwithstanding the provisions of paragraph (4) of Article 12-4.

Article 66 With regard to a worker who engages in work to drive a four- or more-wheeled automobile (that is used in a general passenger automobile carrier business - the business referred to in item (i)-(c) of Article 3 of the Road Transportation Act (Act No. 183 of 1951); hereinafter the same shall apply in this Article - except a case where the automobile is used when requests for carrier service are accepted only at a business office of a carrier company) in a general passenger automobile carrier business and engages in work falling under both of the following items, daily working hours set forth in Ordinance of the Ministry of Health, Labour and Welfare pursuant to paragraph (3) of Article 32-4 of the Act shall be limited to 16 hours for the time being, notwithstanding the provisions of paragraph (4) of Article 12-4.

- (i) Work with an interval of 20 hours or more between the ending time of the working hours and the starting time of the next working hours (including extended working hours in the event that an employer has extended working hours of a worker and working hours for days off in the event that an employer has had a worker work on days off pursuant to the provisions of Article 33 and paragraph (1) of Article 36 of the Act; hereinafter the same shall apply in this item)
- (ii) Work whose starting time and ending time are not on the same day

Article 66-2 When applying the provision of paragraph (1) of Article 24-2-5, the term therein that reads "once within six month and once every year or less thereafter" shall for the time being be "once every six months or less".

Article 67 (1) Persons set forth in Ordinance of the Ministry of Health, Labour and Welfare pursuant to Article 133 of the Act shall be the following:

- (i) Workers who take care of children who have not attained the school age
 - (ii) Workers who take care of any of the following persons who always needs nursing care for two weeks or more because of his or her injury, illness, or physical or mental disability
 - (a) Spouse, parents or children, or spouse's parents
 - (b) Grandparents, siblings, or grandchildren whom the said workers live with and support
- (2) The period set forth in Ordinance of the Ministry of Health, Labour and Welfare pursuant to the order set forth in Article 133 of the Act shall be from April 1, 1999 to March 31, 2002.

Table 1. (Re: Art. 34-3)

- (i) The scope of dangerous and injurious work, and belowground labor to which trainees may be assigned shall be listed in the middle columns of the following table in accordance with the training course to which they belong: those necessary to carry out the exercises comprising the practical training for the subjects set forth in item (i) of Article 3 of the Ordinance for Enforcement of the Vocational Training Act prior to they were revised by the 1978 revised Training Rules, which are applied in the standards on the basic training of the training courses set forth in item (ii), paragraph (1) of Article 10 or item (ii), paragraph (1) of Article 12 of the Ordinance for Enforcement of the Vocational Ability Development and Promotion Act or paragraph (1) of Article 2 of the supplementary provisions of the 1978 revised Training Rules.
- (ii) The following shall be the standards on the measures to be taken by employers:
 - (a) Standards on general measures

1. Employers shall have vocational training instructors provide trainees with the necessary instructions to prevent danger during the work.
2. They shall provide the trainees with prior education on safety or healthy working methods necessary for the work.
3. They shall always give heed to improving the work environment.
4. They shall always pay attention to the trainees' condition of health and endeavor to improve it.

(b) Standards on individual measures

The standards shall be those prescribed in the right columns of the following table regarding job prescribed in the middle columns.

Table 1-2. (Re: Art. 35)

- (i) Illness resulting from injuries incurred in the course of duty
- (ii) The following illness due to physical factors:
 - (a) Illness in the anterior part of the eye or of the skin due to work exposed to ultraviolet rays
 - (b) Eye illness such as retinal burns and cataract or skin illness due to work exposed to infrared rays
 - (c) Eye illness such as retinal burns or skin illness due to work exposed to laser beams
 - (d) Eye illness such as cataract due to work exposed to microwaves
 - (e) The following illness due to work exposed to ionizing radiation: radio dermatitis such as acute radiation illness and ulceration, eye illness due to radiation such as cataract, radiation fibrosis of the lung, troubles of the blood dyscrasia such as aplastic anemia, bone necrosis, and other illness due to radiation
 - (f) Caisson disease or diver's disease due to operations in high-pressure rooms or diving
 - (g) Mountain sickness or aircraft dysbarism due to work done in low- pressure places
 - (h) Heat stroke due to work done in hot places
 - (i) Burns due to jobs to handle extremely heated materials
 - (j) Frostbite due to jobs done in cold places or to handle cold materials
 - (k) Hearing disability such as deafness due to jobs done in noisy places
 - (l) Necrosis such as of finger tissues due to jobs exposed to supersonic waves
 - (m) In addition to the illness prescribed in (a) to (l) inclusive their annexed illness and other illness which clearly result from jobs exposed to physical factors
- (iii) The following illness caused by a form of jobs which involve extreme physical tension:
 - (a) Muscle, tendon, bone, or joint illness or prolapse of internal organs due

- to strenuous jobs
- (b) Low back pain due to jobs to handle heavy objects, those done in unnatural postures or others which involve excessive tension to low back
 - (c) Peripheral circulatory failure, peripheral nerve disorder, or motive organ disorder of fingers or forearm etc. due to jobs which vibrates the body due to use of equipment or machinery such as rock drills, rivetters, or chain saws
 - (d) Cramping of fingers, inflammation of tendons, sheath of tendons or four parts around tendons of fingers or forearms etc. or shoulder-arm-neck syndromes due to jobs such as jobs of punching, typing, telephone switchboard operation, or stenography, those to use cash registers, those to use tools having triggers, or others which involve excessive tension to the upper limbs
 - (e) In addition to the illness listed in (a) to (d) inclusive their annexed illness and other illness which clearly result from jobs executed in ways which involve excessive tension to the body
- (iv) The following illness due to chemical substances etc:
- (a) Illness designated by the Minister of Health, Labour and Welfare due to jobs exposed to simple chemical substances or compounds (including alloys) designated by the Minister of Health, Labour and Welfare
 - (b) Inflammation of mucous membranes of the eyes or respiratory troubles such as inflammation of mucous membranes of the respiratory organs due to jobs exposed to pyrolytic products of synthetic resins such as of fluoric resin, vinyl chloride resin, or acrylic resin
 - (c) Skin illness due to jobs exposed to resin hardeners manufactured from soot, mineral oil, lacquer, tar, cement, or amine or some other equivalent
 - (d) Skin illness, conjunctivities or respiratory illness such as rhinitis or asthma bronchiale due to jobs exposed to proteolytic enzymes
 - (e) Respiratory illness such as allergic rhinitis or asthma bronchiale due to jobs done in places where particulate of lumber or fur or some other equivalent are scattered or those exposed to antibiotics or some other equivalent
 - (f) Respiratory illness due to jobs done in places where particulate of cotton waste or some other equivalent are scattered
 - (g) Hypoxia due to jobs done in places with low oxygen content
 - (h) In addition to the illness listed in (a) to (g) inclusive their annexed illness and other illness which clearly result from jobs exposed to chemical substances
- (v) Pneumoconiosis or illness listed in the items of Article 1 of the Ordinance for Enforcement of the Pneumoconiosis Act (Ordinance No. 6 of the Ministry of, Labor 1960) which are complication of pneumoconiosis prescribed by the

Pneumoconiosis Act (Act No. 30, 1960) due to jobs done in places where particulate is scattered.

- (vi) The following illness due to pathogens such as bacteria and viruses:
 - (a) Infectious diseases due to treating or nursing patients or jobs to handle pathogens for research and other purposes
 - (b) Infectious diseases such as brucellosis and anthrax due to jobs to handle animals and their carcasses, fur, hide, other animal materials, or rags and other old cloth
 - (c) Leptospirosis such as Weil disease due to jobs in damp places
 - (d) Tsutsugamushi disease due to outdoor jobs
 - (e) In addition to the illness listed in (a) to (d) inclusive their annexed illness and others which clearly result from jobs exposed to pathogens such as bacteria and viruses
- (vii) The following illness due to carcinogen, carcinogenic agent, or jobs done in the carcinogenic processes:
 - (a) Tumor of urinary tract due to jobs exposed to benzidine
 - (b) Tumor of urinary tract due to jobs exposed to betanaphthylamine
 - (c) Tumor of urinary tract due to jobs exposed to 4-aminodiphenyl
 - (d) Tumor of urinary tract due to jobs exposed to 4-nitrodiphenyl
 - (e) Lung cancer due to jobs exposed to his (chloromethyl) ether
 - (f) Lung cancer due to jobs exposed to benzotrichloride
 - (g) Lung cancer or methotelioma due to jobs exposed to asbestos
 - (h) Leukemia due to jobs exposed to benzene
 - (i) Angiosarcoma of liver due to jobs exposed to vinyl chloride
 - (j) Leukemia, lung cancer, skin cancer, osteosarcoma, or thyroid carcinoma due to jobs exposed to ionizing radiation
 - (k) Tumors of urinary tract due to jobs the auramine manufacturing process
 - (l) Tumors of urinary tract due to jobs in the magenta manufacturing process
 - (m) Lung cancer due to jobs in the coke or producer gas manufacturing process
 - (n) Lung cancer or cancer in the upper respiratory organs due to jobs in the chromate or bichromate manufacturing process
 - (o) Lung cancer or cancer in the upper respiratory organs due to jobs in the nickel smelting or refining process
 - (p) Lung or skin cancer due to jobs in the processes to manufacture or refine metals using ores containing arsenic or those in inorganic arsenic compounds in manufacturing process
 - (q) Skin cancer due to jobs exposed to soot, mineral oil, tar, pitch, asphalt, or paraffin
 - (r) In addition to the illness listed in (a) to (q) inclusive their annexed illness and others which clearly result from jobs exposed to carcinogen, carcinogenic

agent, or jobs done in the carcinogenic processes

(viii) In addition to the illness listed in the preceding items those designated by the Minister of Health, Labour and Welfare.

(ix) Other illness which clearly result from operations.

Appended Table 2 (Re: Art. 40)

Table of Disability Grades

Remarks

- (1) Vision shall be measured in accordance with international visual acuity measurement standards. The vision of those with some abnormality in refraction shall be measured in relation to corrected vision.
- (2) "Those who have lost fingers" means "those who have lost, for the thumb, the part upward of the thumb joint, and for the other fingers, the parts upward of the first joint".
- (3) "Those who have lost the use of the fingers" means "those who have lost half or more of the finger tip" or "those who are left with serious mobility impairment to the middle finger joints or the first finger joints (for the thumb, the thumb joint)".
- (4) "Those who have lost the toes" means "those who have lost all the toes".
- (5) "Those who have lost the use of the toes" means "those who have lost, for the large toe, half or more of the tip of the toe, and for the other toes, the part above the toe tip joint", or "those who are left with serious mobility impairment in the middle toe joints or the first toe joints (for the large toe, the toe joint)"

Appended Table 3 (Re: Art. 46)

(Brought down from former Appended Table 2 in Ordinance No. 16 of the Ministry of Labour, 1958; and partially revised in Ordinance No. 7 of the Ministry of Labour, 1975)

Table of Remainders of Difference concerning Payment of Compensation
Installments