

Dear Foreign Skill Interns ~ Laws relating to labour standards in Japan ~

The law regarding labour standards also applies to Foreign Skill Interns, and as a worker, the same working conditions shall be observed as for Japanese.

Examples of events that may be in violation of the law regarding Japanese labour standards.

① If company equipment is damaged, a fine is 50,000 yen shall apply.

→ go to 1.(5)

② Forced to save part of the wage, the employer keeps the saving book.

→ go to 1.(6)

③ The allotted pay date has passed, but the wage is still unpaid.

→ go to 1.(9)

④ The workday is more than 8 hours per day, but the overtime rate of pay is only paid at the rate of 350 yen per hour.

→ go to 1.(12)

⑤ Before leaving the dormitory, permission/consent shall be sought from an employer.

→ go to 1.(15)

⑥ The minimum wage set for an hour is 1,000 yen, but the actual wage is only paid 600 yen per hour.

→ go to 2

⑦ If working for more than 1 year as a skilled intern, but have not received a health check.

→ go to 3.(4)

⑧ If injured while at work, but are not compensated for medical treatment and leave.

→ go to 4



Laws relating to labour standards in Japan consist of those listed below (excerpt).

1. Labour standards Act.

(1) Prohibition of forced labor (Article 5)

Unintentional coercive labour with the threat of physical violence is strictly prohibited.

(2) Prohibition of intermediate exploitation (Article 6)

In addition to the cases permitted by law, all acts of interfering with the recruitment of other people's jobs for profit are prohibited.

<Example of violation>

The Management Union requires the employer to transfer a portion of the Skill Intern's wage to the Union account under its management and embezzlement.

(3) Invalidation of contract in violation of Labour standards Act. (Article 13)

Working conditions that do not meet standards set forth by Labour standards Act. are ineffective, and that voided portion shall be modified to comply with standards set forth by law on labour standards.

(4) Clarification of working conditions (Article 15)

When signing a labour contract for employees, it is necessary to clarify the working conditions by issuing a notice of working conditions in the following categories:

- ① Term of employment contract.
 - ② Standards in the case of an extension of a fixed-term labour contract (fixed-term labour contract).
 - ③ Place of work and work to be carried out.
 - ④ Working hours (starting/ending hours, breaks, days off, etc.).
 - ⑤ Wage (wage amount, form of payment, settlement date and pay date).
 - ⑥ Subjects related to retirement (with or without retirement, reasons for dismissal, etc.).
- ※ Request the agency that carries out the internship, in addition to making relevant documents in Japanese, to provide these documents in the Skill Intern's native language so that the Intern can fully understand the contents of this document.

<Example of violation>

An intern may not be notified in writing of the working conditions when entering into a labour contract with the internship agency.

(5) Prohibition of expected compensation (Article 16)

Prohibit the contract to prescribe the breach money because of failure to enforce the labour contract or the expected amount of compensation for damage. (Determination of the amount of compensation in advance is strictly prohibited, but in practice if the damage is caused by the employee's liability, the claim is not prohibited).

<Example of violation>

Requiring the intern to sign the contract before the contract pays 50,000 yen as a fine for damaging the company's equipment.

(6) Prohibition of forcing to save money (Article 18)

It is prohibited to sign contracts for savings associated with labour contracts or savings management contracts.

- ※ Do not prohibit the management of savings under certain requirements and receive any trust from the intern, but require the internship agency not to keep savings books etc., event at the intern's request.

<Example of violation>

The employer keeps part of the wage in a bank account in the name of the employee, and the employer keeps the saving book.

(7) Limits of dismissal (Article 19)

It is prohibited to dismiss an employee while on leave due to an occupational accident or illness that arises while working, or less than 30 days thereafter; and during maternity leave or less than 30 days thereafter.

<Example of violation>

When an employee takes leave due to work injury, when he/she returns to work in a workable state, he or she will be immediately dismissed.

※ In addition, the labour contract has a term such as a one-year contract etc., except for force majeure, it is not possible to dismiss the employee who is in the contract term. (Article 17 Clause 1 of Labour Contract Act.)

(8) Notice of dismissal (Article 20, Article 21)

In the case of dismissal, 30 days or more notice is required in principle. In the absence of prior notice, the employee may receive dismissal notice benefits equivalent to the average wage of 30 days or more (if the notice period is less than 30 days, the average wage will be paid for those missing days).

<Example of violation>

Despite immediate dismissal without prior notice, an employee will not be paid notice of dismissal benefits.

(9) Wage payment (Article 24)

Wages shall be paid in full in cash, directly to the employee, once a month or more, according to the specified date.

(Deductions from wages such as (taxes, social insurance, etc.) will be made in accordance with the law and those specified in the Labour Management Agreement (housing costs, actual meals etc.). However, it is not possible to deduct items that are not specifically used.

<Example of violation>

The payday is past but the wage is still unpaid.

※ In principle, the wage of a Skilled Intern shall be paid by bank transfer.
(Regulation on implementing the Law on Optimizing Skill intern Training Article 14)

(10) Leave allowance (Article 26)

In the event that the employee has to leave the job and the reason is the employer's responsibility, the employer shall pay a leave allowance (of 60% of the average wage or more).

<Example of violation>

Due to "no job", the employee shall take a few days off from work without paying the Leave Allowance corresponding to the number of days off.

(11) Working time (Article 32, Article 34, Article 35)

(This regulation does not apply to jobs in agriculture, animal husbandry and fisheries. In addition, for Foreign Skill Internships in the agricultural sector, this provision will apply under the guidance of the Ministry of Agriculture, Forestry and Fisheries, and the Skill Internship Training Plan shall also comply with this rule.)

In principle, it is strictly prohibited for employees to work more than 8 hours a day, 40 hours a week. In case of working more than 6 hours, a break of 45 minutes or more shall be provided, while those working more than 8 hours shall be given a break of 1 hour or more.

Employees shall take at least 1 day off per week and 4 or more days off for 4 weeks.

However, where the employer submits the application “Registration of overtime/labour agreement on holidays” with the competent Labour Standards Inspection Office, it is possible for the employee to do overtime work or work on days off within the scope of such agreement.

<Example of violation>

Force employees to work overtime beyond the time specified in "Agreement on overtime work/work on days off"

(12) Overtime wages, work on days off and work at night (Article 37)

(Regulations on overtime pay related to overtime, working on days off do not apply to the agriculture, livestock, and fisheries industries. However, the case of employees who have been working overtime or working on days off under the labour contract, the employer shall pay the corresponding additional wage. In addition, for Foreign Skill Interns in the agricultural sector, this provision will apply under the guidance of the Ministry of Agriculture, Forestry and Fisheries, and the Skill Internship Training Plan shall also comply with this rule.)

In the case where employees work overtime or work at night (from 10 p.m. to 5 a.m.) or on statutory days off, such extra pay shall be paid at the rate below:

• **Overtime pay: 25% or more.**

(It will be 50% if the number of overtime hours exceeds 60 hours per month. However, this application is still delayed by small and medium enterprises until March 31, 2023).

• **Overtime wage for night shift: 25% or more.**

• **Overtime pay on days off: 35% or more.**

※ Even with the Skilled Intern's own consent, it is still a violation of Labour standards Act. to pay the extra wage below the rate set by the law.

<Example of violation>

According to the contract of an 8-hour working day, and the employer forcing the employee to work more than 8 hours, but does not pay the additional wage for the overtime work at the rate of 25% or higher.

(13) Vacation days paid annually (Article 39)

Employees who work for 6 consecutive months and work more than 80% of the total working days shall be granted paid annual leave.

| Period of continuous work | 6 months | 1 year and 6 months | 2 years and 6 months |
|---------------------------|----------|---------------------|----------------------|
| Number of leave days | 10 | 11 | 12 |

<Example of violation>

Even though the employee has asked for the employer's permission and takes paid days off during the year, and is not paid that portion of the wage on the pay date.

(14) Limits of sanctions (Article 91)

Wage reduction sanctions for employees each time shall not exceed half of the average wage of one day's wage, the total amount shall not exceed 1/10 of the total wage paid in a pay period.

<Example of violation>

If you attend work 1 hour late, you will be fined 1 days pay.

(15) Dormitory (Article 96 etc.)

In the case of a worker living in a dormitory, it is prohibited to take action that restricts the employees' freedom of life, for example when going out requires the employer's consent, etc. Specified equipment such as escape stairs or fire extinguishing equipment, etc are necessary.

※ “Dormitory” here is the case of living together in a dormitory prepared by the company, sharing the same facilities (toilet, kitchen, bathroom, sharing meals, etc.). If a private room is granted, each room has a separate toilet, kitchen, bathroom, etc., it is not considered living together and does not apply to “dormitory”.

<Example of violation>

The Interns living in the dormitory who want to go out or spend the night outside shall obtain the employer's consent.

2. Minimum wage Act.

Wage shall be at least the legal minimum wage. (Article 4).

For example, even if a labour contract is signed that sets the wage below the minimum wage, the wage becomes invalid and the wage payable will be the minimum wage.

※ There are 2 types of minimum wage. If both wages are applied at the same time, the higher minimum wage will be applied (Article 6).

- ① Minimum wage by region (minimum wage is set by province or district).
- ② The specific minimum wage (according to specific occupations), the minimum wage is set for regular employees of each particular job.

<Example of violation>

Although the minimum wage for specific areas is 1,000 yen/hour, only employees are paid under labour contracts with Skilled Interns at 600 yen/hour.

3. Industrial Safety and Health Act.

(1) Prevention of dangers etc. (Article 20 etc.)

For the purpose of preventing danger or harm to health, etc. the employer is equipped with the equipment specified by Industrial Safety and Health Act.

<Example of violation>

When working at a height of more than 2 meters, the handrails are not installed, or accident prevention equipment not used.
Mechanical presses are not equipped with safety equipment.
When arc welding indoors, do not install air vent equipment, and do not use a dust protective mask.

(2) Safety training (Article 59)

When recruiting employees or changing the job content, the employer shall carry out the necessary occupational safety and health training related to the work that the employee will do.

For employees to do harmful and dangerous jobs, the employer shall give special training to the employee when working in accordance with the law.

<Example of violation>

Even without special training, employees are still required to carry out duties such as driving a crane (lifting objects less than 5 tons), driving mobile cranes (lifting objects with a tonnage of less than 1 ton), slinging operation (lifting objects on a crane with a tonnage of over 1 ton, objects related to mobile cranes), assembling, disassembling metal molds for power press, arc welding, etc.

(3) Limit at work (Article 61)

An employer may not allow any worker other than certified or qualified employees to perform particularly hazardous work.

<Example of violation>

Even without the necessary professional certificate, employees are still required to carry out duties such as driving a crane (lifting objects with a tonnage of 5 tons or more), driving a mobile crane (lifting objects with a tonnage of 1 ton or more), slinging operation (lifting crane-related objects with a load of 1 ton or more, those related to mobile cranes), forklift driving (maximum load of 1 ton or more), (gas) welding, transportation of mechanical construction machinery (body load of 3 tons or more).

(4) Health check (Article 66)

The employer shall organize health checks for employees on recruitment and periodically (within 1 year or 6 months).

<Example of violation>

A Skilled Intern has worked for more than 1 year, but is not allowed to undergo health check.

4. Industrial Accident Compensation Insurance Law

Where an employee has an accident while at work, on the way to work or on the way home, based on the claims of the victim and his family, the worker can receive the main subsidy as follows:

- ① **In case of need for convalescence or treatment, medical service is provided for free: Convalescence (Compensation) Benefit**
- ② **In case of inability to receive wage due to inability to work due to convalescence, from fourth day on, 80% of the daily basic allowance will be paid : Leave (Compensation) Benefit**
- ③ **In case of disability after being treated, the employee will be paid Disability Pension, or a lump-sum payment, dependent on the level of the disability. : Disability (Compensation) Benefit**
- ④ **In the event of death, receive Pension, or a lump-sum payment corresponding to the number of surviving family members : Surviving Family (Compensation) Benefit**

※ In addition, after the commencement of convalescence, for a certain period of time(fixed condition) but still not healed and have serious remaining handicap, employee can be paid Injury and Disease (Compensation) Pension, and/or because of serious remaining handicap that requires family or care services, if eligible, employee will receive a insurance subsidy such as Nursing Care (Compensation) Benefit, etc. In addition, for disease caused by specific chemicals, etc., the Intern may claim compensation even after returning home because there are cases of illness after an incubation periods.

Introducing a counseling line for foreign employees

The Japanese Ministry of Health, Labor and Welfare has established a "Consultation Line for Foreign Employees" to answer questions from foreign employees in the following 13 languages other than English and Chinese.

This helpline will assist in explaining laws and regulations as well as making referrals to relevant agencies, etc. on issues related to working conditions.

Calls to "Consultation Line for Foreign Employees" will be charged at 8.5 yen/180 seconds if calling by landline (tax included), 10 yen/180 seconds if calling by mobile phone (tax included).

| Language | Working day | Working time | Phone number |
|----------------------|------------------------------|---|--------------|
| English | Monday ~ Friday | From 10am to 3pm (Lunch break from 12am to 1pm) | 0570-001-701 |
| Chinese | | | 0570-001-702 |
| Portuguese | | | 0570-001-703 |
| Spanish | | | 0570-001-704 |
| Phillipinese | Monday ~ Friday | | 0570-001-705 |
| Vietnamese | Monday ~ Friday | | 0570-001-706 |
| Burmese | Monday | | 0570-001-707 |
| Nepali | Tuesday, Wednesday, Thursday | | 0570-001-708 |
| Korean | Thursday, Friday | | 0570-001-709 |
| Thai | Wednesday | | 0570-001-712 |
| Indonesian | | | 0570-001-715 |
| Cambodian (Khmer) | | | 0570-001-716 |
| Kalmuck | Friday | | 0570-001-718 |

Introducing hotline to advise on working conditions

"Working conditions hotline" is a project commissioned by the Japanese Ministry of Health, Labor and Welfare. This is a free line that allows you to make free calls from anywhere in Japan in any form: landline, mobile phone or public phone.

In addition to Japanese, English and Chinese, this hotline also offers consultation in 14 languages as below. If you want to receive advice outside of working hours or on holidays from your local Department of Labor or Labor Standards Supervision Department, you can call this line for advice, explanation of law, regulations, as well as referrals to relevant authorities, etc. on issues related to working conditions.

| Language | Working day | Working time | Phone number |
|----------------------|------------------------------|--|--------------|
| Japanese | Monday ~ Sunday | ○ Weekday (Monday to Friday) From 5 pm to 10 pm ○ Saturday, Sunday, public holidays From 9am to 9pm | 0120-811-610 |
| English | | | 0120-531-401 |
| Chinese | | | 0120-531-402 |
| Portuguese | | | 0120-531-403 |
| Spanish | Tuesday, Thursday ~ Saturday | | 0120-531-404 |
| Phillipinese | Tuesday, Wednesday, Saturday | | 0120-531-405 |
| Vietnamese | Wednesday, Friday, Saturday | | 0120-531-406 |
| Burmese | Wednesday, Sunday | | 0120-531-407 |
| Nepali | | | 0120-531-408 |
| Korean | Thursday, Sunday | | 0120-613-801 |
| Thai | | | 0120-613-802 |
| Indonesian | | | 0120-613-803 |
| Cambodian (Khmer) | Monday, Saturday | | 0120-613-804 |
| Kalmuck | | | 0120-613-805 |

※ The time of receiving advice of "Consultation Line for Foreign Employees" and "Working Condition Hotline" may change.

Please visit the following website for the latest information.

<https://www.check-roudou.mhlw.go.jp/soudan/foreigner.html>

