Irrational gaps between regular and non-regular workers will be prohibited!

The updated law will organize the following regulations 1 through 3 uniformly for non-regular workers (part-time workers, fixed-term workers, dispatched workers*1).

*1 The Act on Improvement, etc. of Employment Management for Part-Time Workers will now include fixed-term workers. The title of the Act will also be changed to "The Act on improvement, etc. of Employment Management for Part-Time and Fixed-Term Workers" (so-called Part-Time / Fixed-Term Employment Act).

Enforced from April 2020: *The Act will apply to small and medium enterprise on April 1, 2021 onward

1 Prohibiting irrational gaps

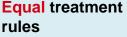
Irrational gaps with regard to <u>all kinds of treatments</u>, including basic salary and bonuses, will be prohibited between regular and non-regular workers within the same company. The act will include balanced / equal treatment rules, used as court case criteria. The guideline* 2 will clarify what kind of treatment gaps are considered irrational.

*2 The primary line of thinking and examples are shown, concerning what gaps are considered irrational or not. (For more detail) http://www.mhlw.go.jp/stf/seisakunitsuite/bunya/0000190591.html

Balanced

treatment rules

(Prohibiting irrational gaps)



(Prohibiting discriminatory treatment)



(1) Job Description *3, (2) Range of the change in Job Description and assignment, and (3) Other circumstances are taken into consideration to prohibit irrational gaps



If (1) Job Description *3 and (2) Range of the change in Job Description and assignment are the same, discriminatory treatment will be prohibited

*3 Job Description means the content of work and level of responsibility.

For dispatched workers, employers must ensure either of the following.

- (1) Balanced and equal treatment as the workers at the workplace the worker is dispatched to
- (2) Treatment that satisfies certain conditions, in compliance with the labour-management agreement.
- ★ Business operators who accept dispatched workers will now be required to provide worker treatment information to the staff dispatching company.

[Before the update \rightarrow After the update] \bigcirc : Regulated \triangle : Considerations regulated \times : Not regulated \odot : Clarifying regulation interpretation

	Part-time Fixed-term		Dispatched workers	
Balanced treatment rules	\bigcirc \rightarrow \bigcirc	\bigcirc \rightarrow \bigcirc	△ → ○+ Labour/management agreement	
Equal treatment rules	\bigcirc \rightarrow \bigcirc	× → ○	× → ○+ Labour/management agreement	
Guideline	× → ○	× → ○	× → ○	

2 Enhancing accountability about worker treatment

Non-regular workers can legally demand the business operators to explain the content and reason of treatment gaps between them and regular workers.

[Before the update→After the update] ○: Accountability regulated ×: No accountability regulation

	Part-time	Fixed-term	Dispatched workers
Content of measures taken for employment management ^{*4} (at employment)	$\circ \rightarrow \circ$	× → ○	$\circ \rightarrow \circ$
Matters considered in decision of treatment (if requested)	\bigcirc \rightarrow \bigcirc	× → ○	\bigcirc \rightarrow \bigcirc
Content and reasons of treatment gaps (if requested)	× → ○	× → ○	× → ○
Prohibition of disadvantageous treatment	× → ○	× → ○	× → ○

^{*4} Including wage, welfare and benefits, education and training

3 Provision of advice and guidance etc. to business operators and organizing alternative public dispute resolutions (ADR)*5

*5 Procedure to resolve disputes between business operators and workers without a trial.

The Prefectural Labour Bureau will deal with free / undisclosed dispute resolution procedures. Alternative public dispute resolutions are also provided for balanced treatment, as well as the content and reason of treatment gaps.

[Before the update→After the update] ○ : Regulated △ : Partially regulated (excludes balanced treatment) × : Not regulated

	Part-time	Fixed-term	Dispatched workers
Public advice / guidance etc.	\bigcirc \rightarrow \bigcirc	× → ○	$\circ \rightarrow \circ$
Alternative public dispute resolutions	$\triangle \rightarrow \bigcirc$	× → ○	× → ○

Inquiries

■ Part-Time/Limited-Term Employment Act and The Worker Dispatching Act

Employment Environment and Equal Employment Division/office, Prefectural Labour Bureau (Part-Time/Fixed-Term Employment Act)

Demand and Supply Adjustment Division/Office, Prefectural Labour Bureau (The Worker Dispatching Act)

http://www.mhlw.go.jp/kouseiroudoushou/shozaiannai/roudoukyoku/

Inquiries about actual employment management methods
 Work-Style Reform Promotion Support Center

http://www.mhlw.go.jp/stf/seisakunitsuite/bunya/0000198331.html



