

Reference Materials

Labour Standards Act

(Clear Indication of Working Conditions)

Article 15

- 1 In concluding a labour contract, the employer shall clearly indicate the wages, working hours and other working conditions to the worker. In this case, matters concerning wages and working hours and other matters stipulated by Ordinance of the Ministry of Health, Labour and Welfare shall be clearly indicated in the manner prescribed by Ordinance of the Ministry of Health, Labour and Welfare.
- 2 In the event that the working conditions as clearly indicated under the provisions of the preceding paragraph differ from actual fact, the worker may immediately cancel the labour contract.
- 3 In a case under the preceding paragraph, in the event that a worker who has changed his or her residence for the work returns home within 14 days from the date of cancellation, the employer shall bear the necessary travel expenses for the worker.

(Payment of Wages)

Article 24

- 1 Wages shall be paid in currency and in full directly to the workers; provided, however, that payment other than in currency may be permitted in cases otherwise provided for by laws and regulations or collective agreement or in cases where a reliable method of payment of wages defined by Ordinance of the Ministry of Health, Labour and Welfare is provided for; and partial deduction from wages may be permitted in cases otherwise provided for by laws and regulations or in cases where there exists a written agreement with a labour union organized by a majority of the workers at the workplace (in the case that such a labour union is organized), or with a person representing a majority of the workers (in the case that such a labour union is not organized).
- 2 Wages shall be paid at least once a month at a definite date; provided, however, that this shall not apply to extraordinary wages, bonuses, and the like which will be defined by Ordinance of the Ministry of Health, Labour and Welfare (referred to as "special wages etc." in Article 89).

(Allowance for Absence from Work)

Article 26

In the event of an absence from work for reasons attributable to the employer, the employer shall pay an allowance equal to at least 60 percent of the worker's average

wage to each worker concerned during the period of absence from work.

(Working Hours)

Article 32

- 1 An employer shall not have a worker work more than 40 hours per week, excluding rest periods.
- 2 An employer shall not have a worker work more than 8 hours per day for each day of the week, excluding rest periods.

(Increased Wages for Overtime Work, Work on Days Off and Night Work)

Article 37

- 1 In the event that an employer extends the working hours or has a worker work on a day off pursuant to the provisions of Article 33 or paragraph (1) of the preceding Article, the employer shall pay increased wages for work during such hours or on such days at a rate no less than the rate stipulated by Cabinet Order within the range of no less than 25 percent and no more than 50 percent over the normal wage per working hour or working day. However, in the event that such extended working hours exceed 60 hours per month, the employer shall pay for such exceeding hours increased wages for work at a rate no less than 50 percent over the normal wage per working hour.
- 2 The Cabinet Order set forth in the preceding paragraph shall be set taking into consideration the welfare of workers, the trends of overtime work and of work on days off, and any other relevant circumstances.
- 3 In the event that an employer has stipulated, pursuant to a written agreement with a labour union organized by a majority of the workers at the workplace (in the case that such a labour union is organized), or with a person representing a majority of the workers (in the case that such a union is not organized), that a leave for which the normal wage per working hours is paid (excluding paid leave pursuant to the provisions of Article 39) will be granted, as provided for by Ordinance of the Ministry of Health, Labour and Welfare, to workers to whom increased wages shall be paid pursuant to the provisions of the proviso of paragraph 1 in lieu of the payment of increased wage, and that a worker in question takes such leave, the employer shall not be required to pay the increased wage pursuant to the provisions of the proviso of said paragraph for the hours of work corresponding to the leave taken as provided for by Ordinance of the Ministry of Health, Labour and Welfare within the hours of work of the worker in question exceeding the hours set forth in the proviso of said paragraph.
- 4 In the event that an employer has a worker work during the period between 10 p.m.

and 5 a.m. (or the period between 11 p.m. and 6 a.m., in the case that the Minister of Health, Labour and Welfare admits the necessity of the application of those hours for a certain area or time of the year), the employer shall pay increased wages for work during such hours at a rate no less than 25 percent over the normal wage per working hour.

- 5 Family allowances, commutation allowances, and other elements of wages as stipulated by Ordinance of the Ministry of Health, Labour and Welfare shall not be added to the base wages underlying the increased wages set forth in paragraph (1) and the preceding paragraph.

(Roster of Workers)

Article 107

- 1 The employer shall prepare a roster of workers for each workplace with respect to each worker (excluding day labourers) and shall enter the worker's name, date of birth, personal history, and other matters as prescribed by Ordinance of the Ministry of Health, Labour and Welfare.
- 2 In the event of a change in any of the matters entered pursuant to the provisions of the preceding paragraph, the employer shall make a correction without delay.

(Payroll Books)

Article 108

The employer shall prepare payroll books for each workplace and shall enter the facts upon which wage calculations are based, the amount of wages, and other matters as prescribed by Ordinance of the Ministry of Health, Labour and Welfare without delay each time wage payments are made.

Industrial Safety and Health Act

(Measures to Be Taken by Employers, etc.)

Article 22 The employer shall take necessary measures for preventing health impairment as follows:

- (i) Health impairment due to exposure to raw materials, gases, vapors, dust particles, pathogens, insufficient oxygen in air, etc.
- (ii) Health impairment due to exposure to radiation, high temperatures, low temperatures, ultrasonic waves, noises, vibration, abnormal atmospheric pressure, etc.
- (iii) Health impairment due to operations such as gauge monitoring, precision work, etc.
- (iv) Health impairment due to exposure to exhaust fumes, waste fluid or solid wastes.

(Safety and Health Education)

Article 59

- 1 The employer shall, when a new worker is employed, give the said worker education for safety and/or health concerning work operations in which the worker is to be engaged, as provided for by Ordinance of the Ministry of Health, Labour and Welfare.
- 2 The provisions of the preceding paragraph shall apply mutatis mutandis when the contents of the operations have been changed.
- 3 The employer shall, when a worker is to be engaged in dangerous or harmful operations provided for by Ordinance of the Ministry of Health, Labour and Welfare, give the worker the special education for safety and/or health concerning the said operations, as provided for by Ordinance of the Ministry of Health, Labour and Welfare.

(Medical Examination)

Article 66

- 1 The employer shall, as provided for by Ordinance of the Ministry of Health, Labour and Welfare, have medical examinations of workers conducted by a physician.
- 2 The employer shall, as provided for by Ordinance of the Ministry of Health, Labour and Welfare, have medical examinations on specified items conducted by a physician on the workers engaged in harmful work operations defined by Cabinet Order. The same shall apply to the workers who have engaged in harmful work operations defined by Cabinet Order and are currently in employment.
- 3 The employer shall, as provided for by Ordinance of the Ministry of Health, Labour and Welfare, have a dentist perform medical examinations on the workers engaged in the harmful work operations defined by Cabinet Order.
- 4 The Director of the Prefectural Labour Bureau may, when it is deemed necessary for maintaining the health of workers, instruct employers on the basis of the opinion of the Medical Advisor in Industrial Health and as provided for by Ordinance of the Ministry of Health, Labour and Welfare to conduct a special medical examination and other necessary matters.
- 5 Workers shall undergo the medical examinations conducted by the employer under provisions of the preceding paragraphs, provided that this shall not apply in the case where a worker who does not desire to undergo the medical examinations by the physician or dentist designated by the employer, submits a document to the employer to certify that the said worker has undergone medical examinations by another

physician or dentist equivalent to the medical examinations under these provisions.

[Ionizing Radiation Ordinance for Decontamination]

(Dose measurement)

Article 5

- 1 Employers shall measure the external exposure dose received by workers while they are engaged in decontamination work (excluding workers engaged in handling designated contaminated soil and wastes only at the locations where the average ambient dose rate is 2.5 μ Sv/h or less. The same shall apply for Paragraph 6 and Paragraph 8 of the next Article and Paragraph 2 of Article 27).
- 2 In addition to dose measurement pursuant to the provisions of the preceding paragraph, employers shall measure the committed dose received by decontamination workers engaged in decontamination work in the special decontamination areas, etc. (Limited to the locations above 2.5 μ Sv/h. The same shall apply to Paragraph 8 and Article 10) or provide examinations for internal exposure according to the following specifications:
 - (i) Workers engaged in decontamination at the locations where dust concentration exceeds 10 mg/m^3 and handle contaminated soil, removed soil, or contaminated wastes, etc. (Limited to those containing the accident discharged radioactive materials that exceeds 500,000 (Bq/Kg) of cesium 134 and cesium 137 determined by the methods specified by the Minister of Health, Labour and Welfare. These will be referred to as “highly contaminated soil and wastes with radioactivity” in the next item) shall be measured for the committed dose once every three months, and every month for female workers who are likely to receive effective dose of 1.7 mSv or more (excluding infertile female workers), and once per month for pregnant workers.
 - (ii) Workers engaged in decontamination work described in (a) or (b) shall be provided with examinations for internal exposure with the methods specified by the Minister of Health, Labour and Welfare.
 - (a) Work involving handling highly contaminated soil and wastes with radioactivity at the locations where the dust concentration is 10 mg/m^3 or less.
 - (b) Work involving handling of contaminated soil and wastes, removed soil, or contaminated wastes other than highly contaminated soil and wastes with radioactivity at the locations where the dust concentration exceeds 10 mg/m^3 .
- 3 When the committed dose exceeds the standards specified by the Minister of Health, Labour and Welfare in the results of examinations received by workers engaged in decontamination work in accordance with the provisions of item (ii) in the preceding paragraph, employers shall measure the committed dose of workers engaged in decontamination work with the method specified in item (i) of the same paragraph.

- 4 The measurement of the external exposure dose pursuant to the provision of Paragraph 1 shall be conducted by the 1 cm dose equivalent rate.
- 5 The measurement of the external exposure dose pursuant to the provision of Paragraph 1 shall be conducted with radiation monitors on the chest for male workers and infertile female workers and on the abdomen for fertile female workers.
- 6 Regardless of the provisions in the two preceding paragraphs, employers may measure the external exposure dose specified in Paragraph 1 received by workers engaged in decontamination work in the special decontamination areas etc. during decontamination work (Limited to the locations of 2.5 µSv/h or less) with the methods specified by the Minister of Health, Labour and Welfare.
- 7 The internal exposure dose pursuant to the provisions of Paragraph 2 shall be measured with the methods specified by the Minister of Health, Labour and Welfare.
- 8 Workers engaged in decontamination work shall wear radiation monitors in the special decontamination areas, etc. where decontamination work is implemented.

(Preliminary survey)

Article 7

- 1 When conducting decontamination work employers shall (excluding Work for Handling Designated Contaminated Soil and Wastes) conduct a preliminary survey in advance regarding the matters listed in the following items at the sites where decontamination related work have been implemented excluding decontamination pertaining to work for handling designated contaminated soil and wastes (hereinafter referred to as “work on designated contaminated soil and wastes.”). The same shall apply in this Paragraph and Paragraph 3. The records of the results of the survey on the following matters shall be stored:
 - (i) Conditions of the decontamination work sites
 - (ii) Average ambient dose rates of the decontamination related work sites
 - (iii) Concentrations of cesium 134 and cesium 137 determined by the methods specified by the Minister of Health, Labour and Welfare of the accident discharged radioactive materials contained in contaminated soil and wastes, removed soil, or contaminated wastes collected during decontamination related work
- 2 When implementing work involving handling designated contaminated soil and wastes, employers shall conduct a preliminary survey and store the records of the matters listed in the items in the preceding paragraph for the sites where the work on designated contaminated soil and wastes are implemented prior to commencing work and every two weeks thereafter.
- 3 When employers have their workers engaged in decontamination related work employers shall specify the completion date of the survey described in Paragraph 1, and the summary of the

methods and the results to the workers in advance.

- 4 When they have their workers engaged in work on designated contaminated soil and wastes, employers shall specify the completion date of the survey described in Paragraph 2 and the summary of the methods and the results to the workers prior to commencing work and every two weeks thereafter.

(Operation leader)

Article 9

Employers shall appoint an operation leader for the decontamination related work from workers who have the competence and leadership in directing decontamination related work. The employers shall have the appointed leader lead the decontamination related work in accordance with the work plan described in Paragraph 1 of the preceding Article and have him/her implement all of the following matters:

- (i) Define the procedures of the decontamination related work and allocate responsibilities to workers who will engage in decontamination work.
- (ii) Inspect machineries to be used for the decontamination related work and eliminate defects.
- (iii) Supervise the usage of radiation monitors and protective gears.
- (iv) Keep the unauthorized personnel off the decontamination related work areas

(Contamination screening of workers leaving the site for the day)

Article 14

- Employers shall establish a radiation contamination screening station at or near the site, where decontamination work is implemented and inspect the levels of contamination in decontamination workers' bodies, clothing, shoes, protective equipment, and other equipment (hereinafter in this article referred to as "Equipment") that came in contact with their bodies before they leave their work sites for the day.
- 2 Employers shall not allow the decontamination workers to leave their work site when the levels of contamination in their bodies or the Equipment exceed 40 Bq/cm², when assessed in accordance with the provision in the preceding paragraph, until the following measures are taken at the contamination screening station:
 - (i) If workers' bodies are contaminated, they need to reduce their levels of contamination to 40 Bq/cm² or less.
 - (ii) If the equipment attached to the workers are contaminated, the workers need to take off or remove the contaminated Equipment.
- 3 Workers engaged in decontamination work shall wash their bodies, take off or remove the Equipment as instructed by the employers pursuant to the provisions of the preceding paragraph.

(Contamination screening of items to be removed)

Article 15

- 1 Employers shall survey contamination of the items to be taken out from the site where decontamination work is conducted at the contamination screening station established in accordance with the requirements in Paragraph 1 of the preceding Article. This shall not apply when the containers in the main Paragraph 1 of Article 13 are used or measures in the proviso in the same paragraph are taken to transport them to the other sites where decontamination work is conducted.

- 2 Employers and workers shall not remove the items if they are determined to be contaminated above 40 Bq/cm² during surveying in the preceding paragraph. This shall not apply when the containers in the main Paragraph 1 of Article 13 are used, or measures in the proviso in the same paragraph are taken to transport them to the decontamination facilities, storage facilities, disposal facilities, or other sites where decontamination work is conducted.

(Protective equipment)

Article 16

- 1 Before decontamination workers start their work specified in the items in Paragraph 2 of Article 5, employers shall prepare effective respiratory protective equipment such as dust masks, protective clothing effective against contamination, gloves, or footwear and ensure the appropriate use of these protection by the decontamination workers when they conduct decontamination work, according to the classification of the decontamination work specified by the Minister of Health, Labour and Welfare.

- 2 Workers engaged in decontamination work shall use the protective Equipment in the preceding paragraph when implementing work in the same paragraph.

(Special education regarding decontamination work)

Article 19

- 1 Employers shall provide special education to the workers regarding the following topics:
 - (i) Effects of ionizing radiation on organisms, and the methods for controlling exposure doses.
 - (ii) Methods and procedures of the decontamination and other related work.
 - (iii) How machineries and other tools used for decontamination and other related work is structured and how to use them. (Limited to the knowledge about the name and usage of the machineries used for workers engaged in handling designated contaminated soil and wastes).
 - (iv) Relevant laws and regulations

- (v) Methods and procedures concerning decontamination and other related work including how to use machineries and other tools. (Limited to the procedures for work involving handling designated contaminated soil and wastes.)
- 2 Necessary matters for implementing the special education program shall be provided by the Minister of Health, Labour and Welfare, in addition to the matters specified in Article 37, Article 38, and the preceding paragraph of Ordinance on Industrial Safety and Health (Ordinance of the Ministry of Health, Labour and Welfare No. 32 of 2009).

(Medical examinations)

Article 20

- 1 Employers shall provide workers who are regularly engaged in decontamination work with medical examinations by medical doctors when they assign workers to decontamination work, regarding the matters listed in the following items at the time of employment and periodically once every six months thereafter and at the time of reallocation:
 - (i) Investigation and evaluation of the exposure history (If the workers had the exposure history, confirm the location, nature of work, duration, and other details concerning radiation exposure, in addition to existence of subjective symptoms)
 - (ii) Examinations of leukocyte count and classifications
 - (iii) Examinations of red blood cell count and hemoglobin contents or hematocrit values
 - (iv) Examinations of eyes for cataract
 - (v) Skin examinations
- 2 Regardless of the provisions of the preceding paragraph, the requirements described in (ii) through (v) in the preceding paragraph can be exempted if medical doctors determine those examinations are unnecessary for the workers whose effective doses did not exceed 5 mSv in the year before the medical examinations (limited to periodical examinations. The same shall apply to the present item), and their effective doses are not likely to exceed 5 mSv in the year the medical examinations will be conducted.

(Providing radiation measurement instruments)

Article 26

Employers shall provide radiation measurement instruments to the workers necessary to fulfill the duties specified herein. However, this provision shall not apply if arrangements have already been made to make radiation measurement.