

Ordinance for Enforcement of the Act on the Securing, Etc. of Equal Opportunity and Treatment of Men and Women in Employment
(Ordinance No. 2 of the Ministry of Labor, January 27, 1986)

Article 1 (Fringe Benefits)

Fringe benefits prescribed by ordinance of the Ministry of Health, Labor and Welfare provided for in Article 6 item 2 of the Act on the Securing, Etc. of Equal Opportunity and the Treatment of Men and Women in Employment (hereinafter referred to as the "Act") shall be as follows:

- (i) Loan of funds for living expenses, funds for education expenses and other funds for the purpose of promoting workers' welfare;
- (ii) Regular payment of moneys for the purpose of promoting workers' welfare;
- (iii) Payment of moneys for the purpose of asset formation by the workers; and
- (iv) The lending of housing itself.

Article 2 (Measures that may Cause Virtual Discrimination on the Basis of Sex)

Measures prescribed by ordinance of the Ministry of Health, Labor and Welfare provided for in Article 7 of the Act shall be as follows:

- (i) Measures which concern the recruitment and employment of workers and which apply a criterion concerning the worker's height, weight or physical strength;
- (ii) Measures which concern the recruitment and employment of workers (limited to measures taken for the personnel track intended for workers who engage in planning, sales, research and development, and other key matters related to the business of the employer concerned, when the employer establishes multiple personnel tracks for its employed workers based on the type of job, qualifications, etc. of the workers, and implements a different form of employment management according to the personnel track) and which apply a criterion concerning the worker's availability for reassignment that results in the relocation of the worker's residence; and
- (iii) Measures which concern the promotion of workers and which apply a criterion concerning the worker's experience of having been reassigned to a workplace other than the workplace where the worker had formerly worked.

Article 2-2 (Reasons related to Pregnancy or Childbirth)

Reasons related to pregnancy or childbirth prescribed by ordinance of the Ministry of Health, Labor and Welfare provided for in Article 9, paragraph 3 of the Act shall be as follows:

- (i) Pregnancy;
- (ii) Childbirth;
- (iii) Requesting a measure pursuant to Article 12 or Article 13 Paragraph 1 of the

Act, or having received such a measure;

- (iv) Being unable to take a job or having been absent from work pursuant to the provisions of Article 64-2 item 1 or Article 64-3, paragraph 1 of the Labor Standards Act (Act No. 49 of 1947), or making an offer pursuant to the provision of Article 64-2 item 1 of the same Act or Article 2, Paragraph 2 of the Ordinance on Labor Standards for Women (Ordinance of Ministry of Labor No. 3 of 1986) or having been absent from work pursuant to these provisions;
- (v) Requesting a leave pursuant to Article 65, Paragraph 1 of the Labor Standards Act or having taken a leave pursuant to the same paragraph, or being unable to work pursuant to the provision of Paragraph 2 of the same article or having taken a leave pursuant to the same paragraph;
- (vi) Making a request pursuant to Article 65, Paragraph 3 of the Labor Standards Act or having been transferred to other light activities pursuant to the provisions of the same paragraph;
- (vii) Making a request pursuant to Article 66, Paragraph 1 of the Labor Standards Act, or having not worked in excess of the working hours set forth in Article 32, Paragraph 1 of the same Act per week or in excess of the working hours set forth in Paragraph 2 of the same article per day pursuant to Article 66, Paragraph 1, making a request pursuant to Article 66, paragraph 2 of the same Act, or having not worked overtime nor worked on days off pursuant to the provisions of the same paragraph, or making a request pursuant to the provisions of Article 66, Paragraph 3 of the same Act or having not worked at night pursuant to the provisions of the same paragraph;
- (viii) Making a request pursuant to Article 67, Paragraph 1 of the Labor Standards Act or having taken a child care leave pursuant to paragraph 2 of the same article; and
- (ix) Being unable or having been unable to provide labor service, or experiencing a decline in labor efficiency due to a symptom that is attributable to pregnancy or childbirth.

Article 2-3 (Measures referred to Article 12 of the Act)

Employers shall, pursuant to the provisions of following items, secure the necessary time off so that women workers they employ may receive health guidance and medical examinations:

- (i) When the woman worker concerned is pregnant, the employer shall secure the necessary time off once according to the number of weeks shown in the right-hand column of the table below for the applicable number of weeks of pregnancy shown in the left-hand column of the table. However, in the event that a doctor or midwife gives different instructions, the employer shall take measures to enable the woman worker concerned to secure the stated necessary time in accordance

with these instructions.

Weeks of Pregnancy	Period
Up to and including 23 weeks	4 weeks
From 24 weeks to 35 weeks	2 weeks
From 36 weeks to delivery	1 week

- (ii) When the woman worker concerned is within one year after childbirth, if a doctor or midwife instructs her to receive health guidance or medical examinations, the employer shall secure the necessary time in accordance with these instructions.

Article 3 (Chief of the Conciliation Commission)

- (1) The chairperson of the Disputes Adjustment Commission (hereinafter referred to as the "Commission") shall designate one of the conciliation commissioners (hereinafter referred to as the "Chief of the Conciliation Commission") to be in charge of and preside over meetings held as authorized pursuant to the provisions of Article 18, paragraph 1 of the Act to conciliate any dispute prescribed in the same paragraph (hereinafter referred to as the "Equal Opportunity Conciliation Conference").
- (2) In the event that the Chief of the Conciliation Commission is prevented by unavoidable circumstances from performing his/her duties, a conciliation commissioner who has been designated in advance by the Chief of the Conciliation Commission shall serve as his/her deputy.

Article 4 (Equal Opportunity Conciliation Conference)

- (1) The Chief of the Conciliation Commission shall convene the Equal Opportunity Conciliation Conference.
- (2) The Equal Opportunity Conciliation Conference shall not be convened unless at least two conciliation commissioners are present.
- (3) The Equal Opportunity Conciliation Conference shall not be open to the public.

Article 5 (Administrative Work of the Equal Opportunity Conciliation Conference)

The administrative work of the Equal Opportunity Conciliation Conference shall be handled by the Equal Employment Department of the prefectural Labor Office at which it is established.

Article 6 (Application for Conciliation)

A person who intends to apply for conciliation set forth in Article 18, paragraph 1 of the Act (hereinafter referred to as "Conciliation") shall submit a written

application for Conciliation (appended form) to the Director of the prefectural Labor Office having jurisdiction over the location of the business establishment that includes the worker who is one of the Parties Concerned in the dispute for which Conciliation is being requested (which means the worker and his/her employer; the same shall apply hereinafter).

Article 7 (Decision to Commence Conciliation)

- (1) When the Director of the prefectural Labor Office decides to refer to the Commission for Conciliation, he or she shall notify the chairperson and the Chief of the Conciliation Commission to this effect without delay.
- (2) The Director of the prefectural Labor Office shall notify, in writing and without delay, both of the Parties Concerned upon deciding to refer a dispute to the Commission for Conciliation, and the party or parties of the Parties Concerned who applied for Conciliation upon deciding not to refer a dispute to the Commission for Conciliation.

Article 8 (Hearing on the Circumstances from the Parties Concerned, Etc.)

- (1) A person whose attendance is requested by the Commission pursuant to the provision of Article 20, paragraph 1 or 2 of the Act shall attend the Equal Opportunity Conciliation Conference. In this case, such a person may, with permission of the Chief of the Conciliation Commission, be accompanied by an assistant.
- (2) The assistant may, with permission of the Chief of the Conciliation Commission, make a statement.
- (3) Any person whose attendance is requested pursuant to the provision of Article 20, paragraph 1 or 2 of the Act may, with permission of the Chief of the Conciliation Commission, state his/her opinions on the case in question. In this case, the a person whose attendance is requested pursuant to the provision of Article 20, paragraph 1 may, with permission of the Chief of the Conciliation Commission, be represented by another person.
- (4) Any person who intends to obtain the permission of the Chief of the Conciliation Commission to be represented by another person pursuant to the provision of the preceding paragraph shall submit the name, address and occupation of the desired representative in writing to the Chief of the Conciliation Commission, together with a document that certifies that the right of representation has been granted to the representative.

Article 9 (Submission of Documents, Etc.)

If the Commission finds it necessary to investigate the facts of the case in question, it may request the Parties Concerned to submit documents or articles

related to the case.

Article 10 (Referral of Implementing the Conciliation Procedures)

- (1) If the Commission finds it necessary, it may have a specified conciliation commissioner conduct part of the procedures for Conciliation. In this case, the provisions of Article 4, Paragraphs 1 and 2, shall not apply, and with regard to the provisions of Article 8, the term "Chief of the Conciliation Commission" in the same article shall be replaced with a "specified Conciliaion Commisioner."
- (2) If the Commission finds it necessary, it may entrust the investigation of the facts of the case in question to the personnel of the Equal Employment Department of the prefectural Labor Office.

Article 11 (Designation of Representatives by the Relevant Workers' or Employers' Organizations)

- (1) If the Commission finds it necessary to hear the opinions of representatives pursuant to the provision of Article 21 of the Act, it shall request the major organization of workers or employers in the jurisdictional district of the prefectural Labor Office where the Commission concerned is established to designate a representative of the workers concerned or a representative of the employers concerned by a given date.
- (2) Upon receiving a request set forth in the preceding paragraph, the workers' organization or employers' organization concerned shall notify the Commission of the name and address of the person who are to state his/her opinions on the case in question.

Article 12 (Recommendation for Acceptance of a conciliation proposal)

- (1) A conciliation proposal shall be prepared by unanimous agreement of all the conciliation commissioners.
- (2) If the Commission recommends acceptance of a conciliation proposal, it shall make a recommendation to both of the Parties Concerned, specifying a date by which they should accept it.
- (3) If the Parties Concerned accept the conciliation proposal, they shall submit to the Commission documents in writing to this effect with their names and seals.

Article 13 (Measures for Women Workers Engaged in Night Work)

Employers shall, for the purpose of promoting a full working life for women workers, endeavor to take necessary measures to secure the woman worker's safety during commuting and the performance of her business for the time being in cases where the employer requires a woman worker to engage in night work.

Article 14 (Delegation of Authority)

The authority of the Minister of Health, Labor and Welfare prescribed in Article 29, Paragraph 1 of the Act, except where it concerns cases that the Minister finds to be of national importance, shall be granted to the Director of the prefectural Labor Office that has jurisdiction over the location of the business establishment of the employer.