

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 all kinds of treatments, 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)



(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

Equal treatment rules
(Prohibiting discriminatory treatment)



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→After the update] ○ : Regulated △ : Considerations regulated × : Not regulated ◎ : Clarifying regulation interpretation

	Part-time	Fixed-term	Dispatched workers
Balanced treatment rules	○ → ◎	○ → ◎	△ → ○ + Labour/management agreement
Equal treatment rules	○ → ○	× → ○	× → ○ + 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)	○ → ○	× → ○	○ → ○
Matters considered in decision of treatment (if requested)	○ → ○	× → ○	○ → ○
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.	○ → ○	× → ○	○ → ○
Alternative public dispute resolutions	△ → ○	× → ○	× → ○

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>



Please note: Interpreters are not provided. Please bring someone who can interpret for you