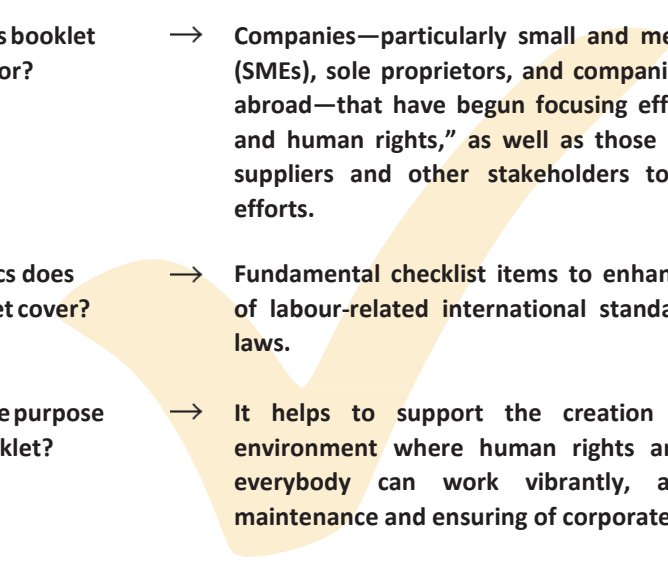


# Business and Human Rights at Work Checklist



## Overview of This Booklet

- 
- Who is this booklet intended for? → Companies—particularly small and medium enterprises (SMEs), sole proprietors, and companies doing business abroad—that have begun focusing efforts on “business and human rights,” as well as those encouraging their suppliers and other stakeholders to engage in such efforts.
  - What topics does this booklet cover? → Fundamental checklist items to enhance understanding of labour-related international standards and national laws.
  - What is the purpose of this booklet? → It helps to support the creation of a workplace environment where human rights are respected and everybody can work vibrantly, as well as the maintenance and ensuring of corporate competitiveness.

The Japanese government has established the National Action Plan on Business and Human Rights (2020-2025) and is committed to encouraging companies to honour the principles regarding fundamental workers’ rights as internationally recognized human rights, as outlined in the ILO Declaration on Fundamental Principles and Rights at Work. Additionally, the Japanese government promotes corporate awareness through the “Guidelines on Respecting Human Rights in Responsible Supply Chains” (2022). In this context, the study group organised by the Ministry of Health, Labour and Welfare called for the publication of an introductory awareness booklet on international labour standards to help companies understand “how to address specific challenges related to business and human rights” and “which human rights should be prioritized.”

We expect companies to use this booklet to gain a better understanding of the five priority areas of international labour standards (core labour standards) as human rights that should be respected in the labour sector: (1) freedom of association and the right to collective bargaining; (2) the elimination of forced labour; (3) the abolition of child labour; (4) the elimination of discrimination; and (5) occupational safety and health. We also hope that companies will promote their efforts related to “business and human rights” by using this booklet as an introductory tool for briefing suppliers or seeking their cooperation.

## How to Use This Booklet

- Determine whether each listed item applies to their offices and facilities, using this checklist.
- Please proceed with reviewing the workplace from the workers' perspective, while engaging in dialogues with trade unions and their representatives to the extent possible.
- For check items identified as **"the relevant practice should be reviewed,"** companies may create an environment where workers can speak up on an equal footing and discuss with them to determine the necessary corrective actions. In some cases, consulting with professionals is helpful. It may also be helpful to establish a committee comprising both workers and management to continuously verify the check items and contribute to improving the working environment.
- Encourage their suppliers to conduct similar assessment, sharing their company's experiences.

### Explanation



..... Reasons for constituting a violation of human rights.



..... Conventions and laws that should be referenced.



..... Examples of documents which companies can reference for each check item are provided. In addition to notifications, reports, and other forms specified in Japanese laws and regulations, documents that would typically be prepared or recorded within companies—though not explicitly required by statutes, are also included.

### - Notes -

To respect human rights of workers, companies would need to reference a broad range of international standards, as well as national laws and regulations, and take actions in line with, among others, the United Nation Guiding Principles on Business and Human Rights. However, this booklet does not cover all of them. In this booklet, we highlight the conventions, laws, and other regulations that should be referenced for each check item. This booklet does not provide the Japanese government's interpretations of those conventions. The checklist was created in collaboration with the ILO.

In the UN Guiding Principle 23 requires business enterprises to comply with all applicable laws and respect internationally recognized human rights, wherever they operate. Seeking ways to honour the principles of internationally recognized human rights is also required when faced with conflicting requirements.



# Business and Human Rights at Work Checklist



## Message to Readers

Major international standards cited in this booklet  
Corporate efforts to respect human rights

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## Child Labour

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## Forced Labour

10



## Freedom of Association and Collective Bargaining

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## Discrimination

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## Occupational Safety and Health

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## Message to Readers

Many people may feel confused when they hear the terms “international standards” and “human rights.” However, as globalization progresses, an increasing number of companies are placing greater emphasis on “human rights” under global standards as a core component of their sustainable corporate management strategies. (According to a Keidanren questionnaire survey published in 2024, 76% of respondents, primarily listed companies, are promoting the relevant efforts.) As a result, small and medium enterprises (SMEs) that have trading relationships with these companies are now expected to respect human rights. Additionally, in some cases, financial institutions providing loans require borrowers to adhere to the principle of respect for human rights. The government has also decided to incorporate human rights considerations into its public procurement processes. By contrast, many companies struggle to keep up with this trend, facing issues such as workforce outflows from workplace environments that lack human dignity and difficulties in hiring new employees. It can be said that we are now in an era where companies are chosen based on their commitment to respecting human rights.

The check items regarding respect for human rights addressed in this booklet focus on the most fundamental labour rights in accordance with international standards. By using this booklet with the following points in mind, we believe that companies can successfully deepen understanding within their own sites, as well as among their stakeholders, including companies in its supply chains.

- **The importance of bipartite dialogue between management and labour:** To ensure that human rights are respected in the workplace, it is essential to listen to workers’ voices and engage in bipartite dialogue between management and labour on an equal footing, allowing every employee to work with dignity. The right to organise and the right to collective bargaining—both fundamental to such equitable dialogue—hold significant importance. Ongoing dialogue will help prevent serious industrial disputes and facilitate the identification of workplace improvements, fostering a mutually beneficial relationship between labour and management.
- **Fair and equitable treatment:** Workplace issues vary across countries due to differences in legal systems and cultures. When employing foreign workers in Japan, it is essential to recognize and accommodate differences in language and culture to treat them appropriately. Whether in workplaces outside Japan or those accepting foreign workers within Japan, companies can aim to respect fundamental rights aligned with international standards and ensure fair and equitable treatment for foreign workers through the use of this booklet.
- **Approach to suppliers:** In business and human rights practices, it is essential to address human rights impacts not only within companies but also throughout their companies in its supply chains. Companies can improve the situation by collaborating with suppliers to access their workplaces based on this booklet. If any issues are identified, companies should prioritize providing active support for improvements through dialogue with suppliers and their workers (and/or worker groups), rather than simply suspending transactions.

Fostering a comfortable and attractive workplace, developing human capital, and enhancing the ability to recruit a workforce are key sources of corporate competitiveness and contribute to the sustainability of business operations. We hope that this booklet will help companies pass the baton to the next generation.

International Labour Organization (ILO) Office for Japan

## Major international standards cited in this booklet

- ILO Core Labour Standards: Fundamental rights of workers stated in “ILO Declaration on Fundamental Principles and Rights at Work”:
  1. **freedom of association and the effective recognition of the right to collective bargaining;**
  2. **the elimination of all forms of forced or compulsory labour;**
  3. **the effective abolition of child labour;**
  4. **the elimination of discrimination in respect of employment and occupation; and**
  5. **a safe and healthy working environment.**
- Universal Declaration of Human Rights
- ICCPR: International Covenant on Civil and Political Rights
- ICESCR: International Covenant on Economic, Social and Cultural Rights

## Corporate efforts to respect human rights

In accordance with the United Nations Guiding Principles on Business and Human Rights, companies are expected to fulfill their responsibility to respect human rights by engaging in efforts from the following three perspectives: (a) establishing and publicly announcing a human rights policy; (b) conducting human rights due diligence; and (c) ensuring access to remedy. This responsibility to respect human rights applies to all companies, regardless of size, industry, corporate activity status, ownership, or organisational structure. For more details on these efforts, refer to the Japanese government’s “Guidelines on Respecting Human Rights in Responsible Supply Chains” and their summary documents. The summary is available from the Ministry of Economy, Trade and Industry or the 2D code below.



# 1. Child Labour




Japan's national law, Labor Standards Act (Articles 56 through 64), and international standards such as ILO Convention No. 138 (Articles 2, 3, and 7), the ICESCR, and the Convention on the Rights of the Child prohibit child labour in almost similar ways.

The ILO Convention specifies a minimum age for admission to employment or work, which varies between developed and developing countries. Labor Standards Act includes provisions requiring employers who employ individuals under 18 years of age to impose restrictions on their engagement in dangerous and hazardous operation and to keep certificates verifying their ages at the workplace. When employers hire children or minors<sup>1</sup> in countries where they operate, they need to ensure compliance with international standards as well as with national laws and regulations of the relevant countries.

[Minimum age for admission to employment or work]

Type of work	ILO Convention No. 138		Labor Standards Act
	Developed countries	Developing countries	Japan
Normal work	15 years of age (The minimum age for admission to employment or work, however, shall not be less than age of completion of compulsory schooling.)	14 years of age	15 years of age (An employer must not employ a child until the end of the first 31st of March that falls on or after the day on which the child reaches 15 years of age.)
Dangerous and hazardous work	18 years of age	18 years of age	18 years of age
Light work	13 years of age	12 years of age	13 years of age

 ILO Convention No. 138 (Minimum Age Convention), Articles 2, 3 and 7; Labor Standards Act, Articles 56 and 61 through 63.

<sup>1</sup>Even if individuals under 18 years of age exceed the minimum age for admission to employment or work, engaging them in dangerous and hazardous work constitutes child labour under international conventions and national laws.

## 1 The company checks whether there are no workers below the minimum age for admission to employment or work as specified in international standards and national laws and regulations.



☐ Yes

☐ No

\*If "No" is selected, the relevant practice should be reviewed.



It is prohibited to have children below the minimum age for admission to employment or work as child labour. Employers must verify the type of work and the corresponding minimum age as stated in the table above. Available methods of verification include the use of official documents (certificate of entries in a residence record, official identity certificate, etc.).



ILO Convention No. 138 (Minimum Age Convention), Articles 2 through 7; Labor Standards Act, Article 56.



Certificate of entries in a residence record; official identity certificate, etc.

## 2 Individuals under 18 years of age may sometimes fall under any one of the following ("worst forms of child labour"):

☐ Taken through kidnapping or coercion

☐ Forced to work against their will

☐ Forced to work under debt bondage

☐ Forced into prostitution

☐ Coerced into performing in pornography or engaging in pornographic performances

☐ Involved in the production and trafficking of drugs

☐ Engaged in illicit activities

☐ Placed in circumstances that are harmful to the health, safety or morals of children



☐ Yes

☐ No

\*If "Yes" is selected, the relevant practice should be reviewed.



The ILO Convention prohibits engaging individuals under 18 years of age in the "worst forms of child labour." (For this purpose, a "child" refers to an individual under 18 years of age.) The worst forms of child labour consist of the following four forms:

- all forms of slavery or practices similar to slavery, such as trafficking of children, debt bondage and serfdom and forced or compulsory labour, including forced or compulsory recruitment of children for use in armed conflict;
- the use, procurement, or offering of a child for prostitution, for the production of pornography or for pornographic performances;
- the use, procurement, or offering of a child for illicit activities, in particular for the production and trafficking of drugs;
- work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety, or morals of children.



ILO Convention No. 182 (Worst Forms of Child Labour Convention), Articles 2 and 3.

## 3 The company identifies work that is designated as "dangerous and hazardous operations" under national law and regulations to ensure that children are not engaged in such operations.



☐ Yes


☐ No


\*If "No" is selected, the relevant practice should be reviewed.



In Japan, the "dangerous and hazardous operations" that employers are prohibited from allowing individuals under 18 years of age to perform tasks such as involving the operation and maintenance of power machines falling under certain requirements; handling hazardous substances, explosive materials, or heavy objects; working in places where dust or powder is dispersed or at heights; assembling scaffolding; working underground; slaughtering animals; engaging in customer entertainment, including at drinking establishments. Additionally, minors are separately restricted from working during late-night hours. At the international level, that work includes, inter alia, (a) work which exposes children to physical, psychological or sexual abuse; (b) work underground, under water, at dangerous heights or in confined spaces; (c) work with dangerous machinery, equipment and tools, or which involves the manual handling or transport of heavy loads; (d) work in an unhealthy environment which may, for example, expose children to hazardous substances, agents or processes, or to temperatures, noise levels, or vibrations damaging to their health;

(e) work under particularly difficult conditions such as work for long hours or during the night or work where the child is unreasonably confined to the premises of the employer.

 ILO Convention No. 182 (Worst Forms of Child Labour Convention), Article 3(d) and Article 4; ILO Recommendation No. 190 (Worst Forms of Child Labour Recommendation), Paragraphs 3 and 4; ILO Convention No. 138 (Minimum Age Convention), Article 3, paragraphs 1 and 2; ILO Recommendation No. 146 (Minimum Age Recommendation), Paragraphs 9 through 11; Labor Standards Act, Articles 61 through 63.

 Employment contract; notice of working conditions; rules of employment; application for permission to employ child; application for permission for shift-based night work; daily work report; attendance management documents, various reports under the Industrial Safety and Health Act and various business laws, etc.

4

#### The company complies with national laws and regulations when engaging individuals under 18 years of age in overtime work.


☐ Yes

☐ No

\*If “No” is selected, the relevant practice should be reviewed.



In Japan, as a general rule, employers are prohibited from engaging individuals under 18 years of age in overtime or work on days off. However, if the total number of working hours does not exceed 40 hours per week, and the number of working hours for any one day of the week is reduced to 4 hours or less, the working hours for other days of the week may be extended up to 10 hours. Additionally, a variable working hours system may be adopted, provided that the working hours do not exceed 48 hours per week and 8 hours per day. Employers are also prohibited, as a general rule, from having individuals under 18 years of age work between 10:00 pm and 5:00 am.



Labor Standards Act, Article 60, paragraphs (1) and (3), items (i) and (ii), and Article 61, paragraphs (1) and (3).



Employment contract; notice of working conditions; rules of employment; application for permission to employ child; application for permission for shift-based night work; daily work report; attendance management documents.

5

#### The company complies with international standards and national laws and regulations when employing children and minors for light work.


☐ Yes

☐ No

\*If “No” is selected, the relevant practice should be reviewed.



In Japan, an employer must not employ a child until the end of the first 31st of March that occurs on or after the day on which the child reaches 15 years of age. Outside of school hours, employers may employ a child of at least 13 years of age in an occupation involved in non-industrial businesses (i.e., businesses other than those set forth in items (i) through (v) of Appended Table 1 of Labor Standards Act) which involve light labour and are not harmful to the health and welfare of children, with the permission of a head of the competent labor standards inspection office. Employers may employ a child under 13 years of age in the production of motion pictures or theatrical performances, provided that the above-mentioned conditions are met.



According to the ILO Convention and Recommendation, an employer may permit children aged at least 13 years but under 15 to engage in light work, provided that it does not prejudice their attendance at school. However, they must not be engaged in dangerous and hazardous work. Special attention should be paid to the following: the provision of fair remuneration, bearing in mind the principle of equal pay for equal work; the strict limitation of the hours spent at work in a day and in a week and the prohibition of overtime work, so as to allow enough time for education and rest; the granting of a minimum consecutive period of 12 hours' night break and weekly holidays; and the granting of an annual paid leave of at least four weeks.



ILO Convention No. 138 (Minimum Age Convention), Article 7; ILO Recommendation No. 146 (Minimum Age Recommendation), Paragraphs 12 and 13; Labor Standards Act, Article 56, paragraphs (1) and (2); Article 60, paragraph (2); Article 61, paragraphs (1), (3) and (5).



Application for permission to employ a child; application for permission for shift-based night work; daily work report; attendance management documents; employment contract; notice of working conditions; rules of employment; wage ledger.

6

#### For the employment of individuals under 18 years of age, the company keeps documents at the workplace to verify the age in accordance with national laws and regulations.


☐ Yes

☐ No

\*If “No” is selected, the relevant practice should be reviewed.



The ILO Convention states that national laws or regulations or the competent authority shall prescribe the registers or other documents that must be kept and made available by the employer; such registers or

documents must contain the names and ages or dates of birth, duly certified wherever possible, of persons whom the employer employs or who work for the employer and who are less than 18 years of age. In Japan, when having individuals under 18 years of age work, employers must keep certain documents, including the certificate of entries in a residence record, at the workplace to confirm their age.

 ILO Convention No. 138 (Minimum Age Convention), Article 9, paragraph 3; Labor Standards Act, Article 57, paragraphs (1) and (2).

 Certificate of entries in a residence record, etc.

## 7 When employing a child under 15 years of age, the company keeps a document verifying the child's age, as required by national laws and regulations, along with certificates obtained from the child's school or parent/guardian, at the workplace.



☐ Yes


☐ No


\*If "No" is selected, the relevant practice should be reviewed.



In Japan, as a general rule, an employer must not employ an individual until the first 31st of March after the day on which the individual reaches 15 years of age. When having individuals under 18 years of age work, employers must also keep certain documents, including the certificate of entries in a residence record, at the workplace to confirm their age.

Outside of school hours, employers may employ a child of at least 13 years of age in an occupation involved in non-industrial businesses (i.e., businesses other than those set forth in items (i) through (v) of Appended Table 1 of Labor Standards Act) that involve light labour and are not harmful to the health and welfare of children, with the permission of a head of the competent labor standards inspection office. (Employers may employ a child under 13 years of age in the production of motion pictures or theatrical performances, provided that the above-mentioned conditions are met.) In this case, the employer must keep at the workplace a school principal's certificate evidencing no interference with schooling and the written consent of a person with parental authority, etc.

 Labor Standards Act, Article 56, paragraphs (1) and (2) and Article 57, paragraphs (1) and (2).

 Certificate of entries in a residence records, etc.; school principal's certificate confirming no interference with schooling; written consent of a person with parental authority, etc.

To fulfill their responsibility to respect human rights, companies are expected to make their utmost efforts to align their corporate policies and procedures related to respect for human rights with international standards. It is essential to address the following items based on their actual corporate circumstances.

## 8 The company appropriately engages in dialogues with the workers, trade unions, and other relevant stakeholders of companies in its supply chains regarding the risk of child labour.



☐ Yes

☐ No

\*If "No" is selected, the relevant practice should be reviewed.



Companies have a responsibility to respect human rights by verifying whether their overseas entities and companies in its supply chains, including indirect suppliers, are involved in child labour or have any impact on the risk of child labour, in light of international standards. Engaging in dialogues with workers and trade unions of suppliers, as well as with NGOs and other organisations can help identify suppliers' working environments and actual conditions of human right risks.

## 9 The company has established a policy prohibiting and eliminating child labour and communicates it to suppliers.



☐ Yes

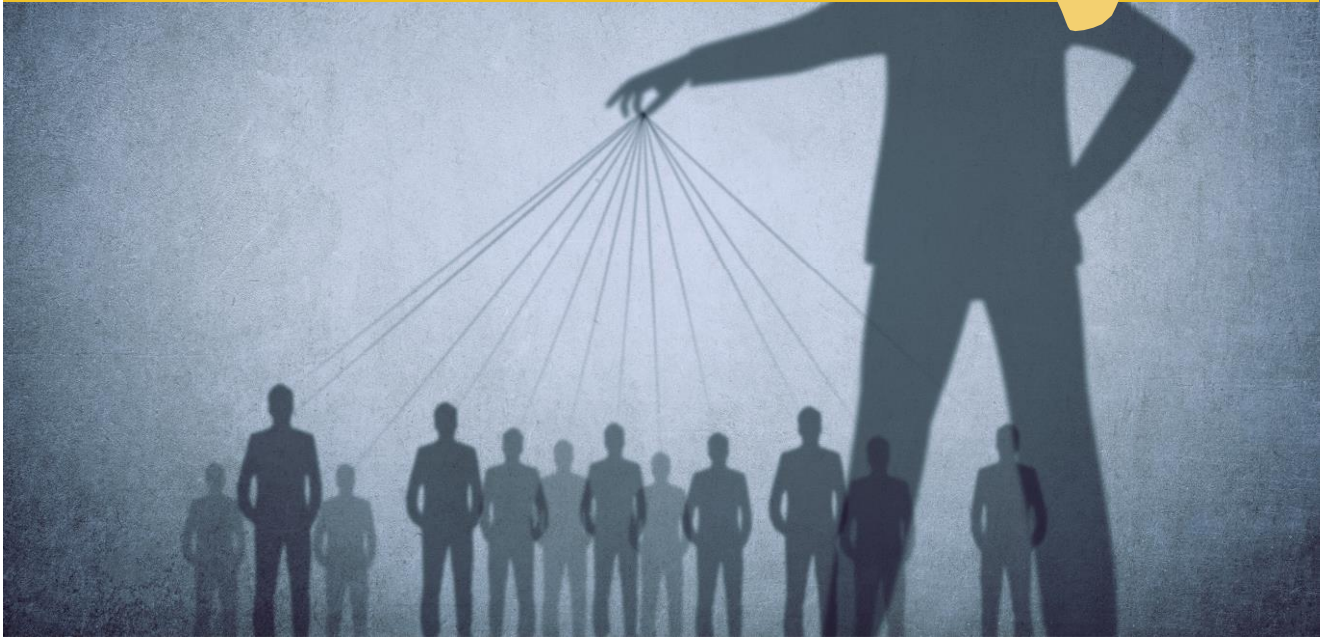
☐ No

\*If "No" is selected, the relevant practice should be reviewed.



It is preferable to ensure that elimination of child labour policies include, among other elements, the definition of child labour, the minimum employment age, specific details of prohibited dangerous and hazardous work, and a consultation desk where workers including relevant parties can seek remedial assistance if child labour is identified.

## 2. Forced Labour



Labor Standards Act, Article 5 states that “an employer must not force a worker to work against their will through the use of physical violence, intimidation, confinement, or any other means that unjustly restricts that worker’s mental or physical freedom.” Looking at international standards, ILO Convention No. 29, Articles 1 and 2 states that each ILO Member undertakes to suppress the use of forced or compulsory labour, which is defined as “all work or service which is exacted from any person under the menace of any penalty and for which the said person has not offered himself voluntarily.” Thus, forced labour is prohibited under both national laws and international standards, including the Universal Declaration of Human Rights and the ICCPR.

Additionally, the ILO publishes its indicators (called ILO Indicators of Forced Labour) and raises awareness about acts that suggest the existence of forced labour.

1

### The company compels workers to work through intimidation, character defamation, or discriminatory language.



☐ Yes

☐ No

\*If “Yes” is selected, the relevant practice should be reviewed.



Using language or behavior that offends workers’ character or is discriminatory or coercive to compel them to work may constitute one of the elements underlying forced labour.



ILO Convention No. 29 (Forced Labour Convention), Article 2; ILO Convention No. 105 (Abolition of Forced Labour Convention), Article 1; ILO Indicators of Forced Labour “Physical and sexual violence” and “Intimidation and threats”; Labor Standards Act, Article 5.



Records of reporting to the internal contact desk.

2

### The company may sometimes be forcing foreign workers to work by threatening them, saying, “We’ll send you back to your home country if you don’t do as we say.”



☐ Yes

☐ No

\*If “Yes” is selected, the relevant practice should be reviewed.



Compelling workers to perform labour through intimidation against their will constitutes one of the elements underlying forced labour. Additionally, under Act on Comprehensively Advancing Labor Measures, and Stabilizing the Employment of Workers, and Enriching Workers’ Vocational Lives, if a foreign national is separated from employment due to dismissal (excluding dismissal based on grounds attributable to his or her own fault) or for other reasons related to the employer’s convenience and wishes to seek new employment,

the employer has an obligation to make efforts to identify job openings and take other necessary measures to support the foreign national in securing new employment.

📖 ILO Convention No. 29 (Forced Labour Convention), Article 2; ILO Indicators of Forced Labour “Intimidation and threats”; Labor Standards Act, Article 5; Act on Comprehensively Advancing Labor Measures, and Stabilizing the Employment of Workers, and Enriching Workers’ Vocational Lives, Article 7.

### 3 The company restricts workers from leaving the workplace or dormitory, or monitors them, outside of working hours.



☐ Yes

☐ No

\*If “Yes” is selected, the relevant practice should be reviewed.



Restricting workers from leaving the district or area where the workplace, communal housing, or factory is located, or monitoring them, outside of working hours (including the break times) is considered deprivation of their freedom of movement and may constitute one of the elements underlying forced labour.



ILO Convention No. 29 (Forced Labour Convention), Article 2; ILO Indicators of Forced Labour “Restriction of movement” and “Isolation”; Labor Standards Act, Article 5; Act on Proper Technical Intern Training and Protection of Technical Intern Trainees, Articles 46, and 48, paragraph (2) (the same in that act as amended and renamed to Act on Employment for Skill Development (tentative) in 2024).



Employment contract; notice of working conditions; rules of employment, company dormitory regulations.

### 4 The company may sometimes compel workers to perform labour as a punishment for participating in a strike, expressing political views, or engaging in similar actions.



☐ Yes

☐ No

\*If “Yes” is selected, the relevant practice should be reviewed.



Requiring workers to perform labour as a punishment on the grounds that they participated in a strike, expressed political opinions, or engaged in similar actions may constitute one of the elements underlying forced labour.



ILO Convention No. 105 (Abolition of Forced Labour Convention), Article 1(a) and (d); ILO Indicators of Forced Labour “Abusive working and living conditions”; Labor Union Act, Article 7, item (i).



Rules of employment; disciplinary action records; records of reporting to the internal contact desk.

### 5 The company compels workers to perform labour without the right to free choice of employment (e.g., no choice to resign, incomplete wage payments, restriction of movement) due to their debt.



☐ Yes

☐ No

\*If “Yes” is selected, the relevant practice should be reviewed.



Being forced to work to repay a debt, thereby losing occupational freedom and rights, may constitute one of the elements underlying forced labour. In particular, migrant workers may borrow money to cover recruitment brokerage fees and related charges in order to secure a job. Labor Standards Act prohibits employers from offsetting a worker’s wages against money advanced to the worker (including those made to his or her family members) or other claim for advances that are conditioned on the worker’s performance of labour.



ILO Convention No. 29 (Forced Labour Convention), Article 2; ILO Indicators of Forced Labour “Debt bondage”; Labor Standards Act, Articles 5 and 17, and 24, paragraph (1)



Internal regulations regarding wage advances and internal loans; list of internal loans.

### 6 The company may sometimes bind workers with financial obligations or delay payments of wages to prevent them from quitting their jobs.



☐ Yes


☐ No


\*If “Yes” is selected, the relevant practice should be reviewed.



Intentionally delaying wage payments or imposing financial obligations on workers to retain them, thereby making it impossible for them to terminate their employment, may constitute one of the elements underlying forced labour. Labor Standards Act prohibits employers from entering into a contract that establishes


a penalty for non-performance of a labour contract or pre-determines compensation for loss or damage. Establishing a penalty for non-performance of a contract by migrant workers, their family members or others is prohibited by law and constitutes one of the elements underlying forced labour.

 ILO Convention No. 29 (Forced Labour Convention), Article 2; ILO Indicators of Forced Labour "Withholding of wages" and "Debt bondage"; Labor Standards Act, Articles 5, 16, and 24, paragraph (2); Act on Proper Technical Intern Training and Protection of Technical Intern Trainees, Article 47 (the same in that act as amended and renamed to Act on Employment for Skill Development (tentative) in 2024).

 Employment contract; wage ledger; pay slips; internal regulations regarding wage advances and internal loans; list of internal loans; records of personnel and other interviews.


7


### The company keeps workers' passports and residence cards, restricting workers from accessing them freely.

 ☐ Yes

☐ No

\* If "Yes" is selected, the relevant practice should be reviewed.

 When an employer withholds workers' identity documents, making it impossible for them to use their own documents freely, workers may be unable to find other jobs, access public services, or seek remedies. As a result, this practice may constitute one of the elements underlying forced labour. Identity documents include those such as birth certificates, work permits, and ID cards, in addition to passports and residence cards. Similarly, confiscating workers' mobile phones, thereby cutting off their access to the outside world and placing them in isolation, may also constitute one of the elements underlying forced labour.

 ILO Convention No. 29 (Forced Labour Convention), Article 2; ILO Indicators of Forced Labour "Retention of identity documents" and "Isolation"; Labor Standards Act, Article 5; Act on Proper Technical Intern Training and Protection of Technical Intern Trainees, Article 48, paragraph (1) (the same in that act as amended and renamed to Act on Employment for Skill Development (tentative) in 2024).

 Property management regulations; property management sheets; records of reporting to the internal contact desk.


8


### The company may sometimes deceive workers or fail to deliver what has been promised to the worker, either verbally or in writing.


 ☐ Yes

☐ No

\* If "Yes" is selected, the relevant practice should be reviewed.

 Giving deceitful or fraudulent assurances regarding working conditions or housing and living conditions may constitute one of the elements underlying forced labour. This is an abuse of vulnerabilities, particularly for migrant workers, who have relocated and may find it difficult to leave their employment even when conditions differ from what has been promised.

 ILO Convention No. 29 (Forced Labour Convention), Article 2; ILO Indicators of Forced Labour "Abuse of vulnerability," "Deception" and "Abusive working and living conditions"; Employment Security Act, Article 5-4; Act on Proper Technical Intern Training and Protection of Technical Intern Trainees, Article 16, paragraph (1).

 Recruitment terms; employment contract; notice of working conditions; documents in possession of brokerage agents; pay slips; attendance management documents; daily work reports; documents to check the status of employee dormitories; records of reporting to the internal contact desk.


9

### The company may sometimes require workers to perform excessive overtime work, operate without protective equipment in dangerous and hazardous conditions, or undertake tasks that undermine their self-esteem.

 ☐ Yes

☐ No

\* If "Yes" is selected, the relevant practice should be reviewed.

 Forcing workers to perform excessive overtime work beyond statutory working hours, placing them in situations where they cannot earn even the minimum wage without working overtime, or subjecting them to dangerous and hazardous work without protective equipment or tasks that undermine their self-esteem may constitute one of the elements underlying forced labour, if it interferes with their will to work freely. Under Labor Standards Act, employers are not permitted to require workers to work, as a general rule, beyond 45 hours of overtime per month or 360 hours of overtime per year, even if an agreement on overtime and work on days off (so-called Article 36 agreement) is in place to require them to work beyond statutory working hours.

- 📖 ILO Convention No. 29 (Forced Labour Convention), Article 2; ILO Indicators of Forced Labour “Excessive overtime” and “Abusive working and living conditions”; Labor Standards Act, Articles 32, 36; Industrial Safety and Health Act (general).
- 👉 Employment contract; notice of working conditions; Article 36 agreement; employees’ time card outputs; attendance management sheets; operation reports.

10

### The company requires workers to perform labour against their will, without granting days off, leave, or recess.



☐ Yes

☐ No

\*If “Yes” is selected, the relevant practice should be reviewed.



Requiring workers to perform labour against their will, without granting days off, leave, or recess as mandated by national laws, may constitute one of the elements underlying forced labour. Under Labor Standards Act, employers must grant workers either one day off per week or at least four days off over a four-week period. Additionally, employees who have worked continuously for six months from their hiring date and have attended at least 80% of total working days are entitled, in principle, to take ten days of annual paid leave. Employers must provide workers with a minimum of 45 minutes of break time during working hours if the working hours exceed 6 hours, and at least 1 hour of break time if the working hours exceed 8 hours.



ILO Convention No. 29 (Forced Labour Convention), Article 2; ILO Indicators of Forced Labour “Excessive overtime” and “Intimidation and threats”; Labor Standards Act, Articles 34 and 35, and 39, paragraph (1).



Attendance management sheets; paid annual leave management ledger.

To fulfill their responsibility to respect human rights, companies are expected to make their utmost efforts to align their corporate policies and procedures related to respect for human rights with international standards. It is essential to address the following items based on their actual corporate circumstances.

11

### The company appropriately engages in dialogues with the workers, trade unions, and other relevant stakeholders of companies in its supply chains regarding the risk of forced labour.



☐ Yes

☐ No

\*If “No” is selected, the relevant practice should be reviewed.



Companies have a responsibility to respect human rights by verifying whether their overseas entities and companies in its supply chains, including indirect suppliers, are involved in forced labour or have any impact on the risk of forced labour, in light of international standards. Engaging in dialogues with workers and trade unions of suppliers, as well as with NGOs and other organisations can help identify suppliers’ working environments and actual conditions of human right risks.

12

### The company has established a policy on forced labour risk and communicates it to suppliers.



☐ Yes

☐ No

\*If “No” is selected, the relevant practice should be reviewed.



It is preferable to ensure that elimination of forced labour policies include, among other elements, the definition of forced labour, prohibited acts, and a consultation desk where workers can seek remedial assistance if forced labour is identified.

### 3. Freedom of Association and Collective Bargaining



Article 28 of the Constitution of Japan states that the “right of workers to organise and to bargain and act collectively is guaranteed.” This right is specifically protected by labour-related laws, including “Labor Union Act.”

Major international standards include the ILO Conventions No. 87 (Freedom of Association and Protection of the Right to Organise Convention) and No. 98 (Right to Organise and Collective Bargaining Convention), the Universal Declaration of Human Rights, the ICCPR, and the ICESCR. When national laws and regulations regarding the freedom of association and the right to collective bargaining do not align with or are inconsistent with international standards, it is especially important for companies to seek ways to respect human rights based on these international standards, and to establish a grievance mechanism for workers and implement appropriate remedial measures.

#### 1 The company interferes with workers organising a trade union.

▶▶ ☐ Yes

☐ No

\*If “Yes” is selected, the relevant practice should be reviewed.

💡 Workers have the right to organise and join a trade union freely, without their employer’s permission. An employer preventing workers from organising a trade union constitutes a breach of the freedom of association. In Japan, if an employer treats workers disadvantageously for attempting to organise a union, makes non-membership in a trade union a condition of employment, or engages in any acts intended to control or otherwise interfere with a trade union, including illicit interference, it constitutes a violation of the right to organise and is considered an unfair labour practice.

📖 ILO Convention No. 87 (Freedom of Association and Protection of the Right to Organise Convention), Article 2; ILO Convention No. 98 (Right to Organise and Collective Bargaining Convention), Articles 1 and 2; The Constitution of Japan, Article 28; Labor Union Act, Article 7 (Unfair Labour Practices).

📁 Notice of organisation of a trade union; records of hearings from workers; other related documents.

#### 2 The company has dismissed or otherwise prejudiced a worker by reason of union membership or because of participation in legitimate union activities.

▶▶ ☐ Yes

☐ No

\*If “Yes” is selected, the relevant practice should be reviewed.

💡 Subjecting workers to disadvantageous or discriminatory treatment for joining a union or engaging in union activities constitutes a violation of the right to organise. Disadvantageous treatment can take various forms.

In Japan, it includes actions related to employment status (such as dismissal or refusal of reemployment), personnel treatment (such as reassignment, secondment, discrimination in salary increases or promotions, or disciplinary action), and other forms of factual disadvantage (such as exclusion from company events leading to bullying or harassment), all of which are considered unfair labour practices.

📖 ILO Convention No. 98 (Right to Organise and Collective Bargaining Convention), Article 1; The Constitution of Japan, Article 28; Labor Union Act, Article 7, item (i) (disadvantageous treatment).

👉 Various personnel materials; disciplinary action records; records of hearings from workers; other related documents.

3

### The company interferes with workers joining a trade union of their choice.



☐ Yes

☐ No

\*If “Yes” is selected, the relevant practice should be reviewed.



Similarly to preventing workers from organising a trade union, preventing them from joining a trade union of their choice is one of the practices that constitute a violation of workers’ right to organise. The act of unfairly inducing benefits for, or controlling or intervening in, workers and trade unions also constitutes a violation of this right and are considered an unfair labour practices in Japan.

📖 ILO Convention No. 87 (Freedom of Association and Protection of the Right to Organise Convention), Article 2; ILO Convention No. 98 (Right to Organise and Collective Bargaining Convention), Article 1; The Constitution of Japan, Article 28; Labor Union Act, Article 7, item (iii) (financial assistance or control/interference).

👉 Notice of participation in a trade union; records of hearings from workers; other related documents.

4

### The company provides workers with any type of benefit to induce them not to join a trade union or engage in union activities.



☐ Yes

☐ No

\*If “Yes” is selected, the relevant practice should be reviewed.



If an employer provides workers with any type of benefit for the purpose of preventing them from joining a trade union or engaging in union activities, or makes non-membership in a trade union a condition of employment, it constitutes a violation of the right of workers to organise. Such provision of benefit interferes with free activities of a trade union and is considered an unfair labour practice in Japan.

📖 ILO Convention No. 98 (Right to Organise and Collective Bargaining Convention), Article 1; The Constitution of Japan, Article 28; Labor Union Act, Article 7, item (i) (so-called “Yellow-Dog” contract) and (iii) (financial assistance).

👉 Records of hearings from workers; other related documents.

5

### The company has controlled or intervened in the establishment or administration of a trade union by workers.



☐ Yes

☐ No

\*If “Yes” is selected, the relevant practice should be reviewed.



A trade union has the right to engage in its activities without interference from an employer or other parties. An employer controlling or intervening in the management of a trade union’s activities through financial or other support hinders free activities of the trade union and is considered an unfair labour practice in Japan.

📖 ILO Convention No. 98 (Right to Organise and Collective Bargaining Convention), Article 2; The Constitution of Japan, Article 28; Labor Union Act, Article 7, item (iii) (financial assistance or control/interference).

👉 Proposals from a trade union.

6

### The company does not respond to a request for collective bargaining from a trade union.



☐ Yes


☐ No


\*If “Yes” is selected, the relevant practice should be reviewed.



A trade union has the authority to negotiate with an employer. An employer’s refusal to engage in collective bargaining without justifiable cause constitutes a violation of the trade union’s right to collective bargaining and is considered an unfair labour practice in Japan. Furthermore, when participating in collective bargaining, they must do so in good faith. In Japan, judicial precedents and labour relations commission

orders have established that an employer's failure to engage in collective bargaining in good faith—such as by “sending a representative without the authority to negotiate or make decisions,” “unilaterally repeating their own assertions and pushing their conclusions,” “refusing to affix a name and seal to an agreed-upon agreement without justifiable cause,” or “making unilateral decisions on the matter and implementing them before collective bargaining has sufficiently progressed”—constitutes a refusal to engage in collective bargaining and is considered to constitute an unfair labour practice.

 ILO Convention No. 98 (Right to Organise and Collective Bargaining Convention), Article 4; The Constitution of Japan, Article 28; Labor Union Act, Article 7, item (ii) (refusal of collective bargaining).

 Proposal for collective bargaining; collective bargaining agreement.


7


### Workers are free to make preparations for collective bargaining without the presence of their employer's representative(s).

 ☐ Yes

☐ No

\*If “No” is selected, the relevant practice should be reviewed.


 A trade union must be able to conduct its activities autonomously and freely, independent from the employer. Employers must not interfere with or intervene in these activities. If an employer requires a trade union to make preparations for collective bargaining in the presence of its representative(s), it constitutes an intervention of the employer in the union's activities and is considered an unfair labour practice in Japan.

 ILO Convention No. 98 (Right to Organise and Collective Bargaining Convention), Article 2; The Constitution of Japan, Article 28; Labor Union Act, Article 7, item (iii) (control/interference).

 Proposal for collective bargaining; collective bargaining agreement.


8

### In a company without a trade union, workers may elect representatives to negotiate with their employer in a democratic manner.


 ☐ Yes

☐ No

\*If “No” is selected, the relevant practice should be reviewed.

 Even in the absence of a trade union, workers are free to elect their own representatives to negotiate with their employer. An employer's designation of worker representatives prevents workers from electing their own representatives. Individuals appointed by the employer or those who work with management to determine working conditions of employees may not act in the interests of workers. Workers' representatives must be individuals who act for and in the interests of workers.

 ILO Convention No. 87 (Freedom of Association and Protection of the Right to Organise Convention), Article 3.

 Materials relating to the procedures for election of workers' representatives.


9


### The company abolished a union dues check-off system (the deduction of union dues from wages) that was in effect, for its own convenience and without the trade union's consent.

 ☐ Yes

☐ No

\*If “Yes” is selected, the relevant practice should be reviewed.

 A check-off system is an arrangement in which an employer deducts union dues and relevant charges from employees' wages and remits them in a lump sum to the union, based on an agreement between the union and the employer. In Japan, employers are allowed to deduct union dues from employees' wages, along with taxes and social insurance premiums, if a written labour-management agreement is in place. The employer's unilateral abolition of the check-off system, which was in effect, for its own convenience and without a trade union's assent, would impact the trade union's organisational management and financial foundation. Therefore, it constitutes a violation of workers' right to organise and is considered an unfair labour practice.

 ILO Convention No. 98 (Freedom of Association and Protection of the Right to Organise Convention), Article 2; ILO Convention No. 87 (Freedom of Association and Protection of the Right to Organise Convention), Article 11; Labor Standards Act, Article 24, paragraph (1); The Constitution of Japan, Article 28; Labor Union Act, Article 7, item (iii) (financial assistance).

 Materials relating to the status of collection of union dues.

## 10 The company prevents workers from taking part in a strike.



☐ Yes

☐ No

\* If “Yes” is selected, the relevant practice should be reviewed.



In Japan, a strike by workers is an exercise of their right to organise. An employer preventing it without justifiable cause constitutes a violation of the right to engage in labour disputes. Additionally, an employer is not entitled to seek damages from a trade union or its members by alleging that the employer has suffered damage due to a justifiable strike.



The Constitution of Japan, Article 28; Labor Union Act, Article 1, paragraph (2), Article 7, item (iii) (control/interference), and Article 8.



Prior notice of labour dispute.

To fulfill their responsibility to respect human rights, companies are expected to make their utmost efforts to align their corporate policies and procedures related to respect for human rights with international standards. It is essential to address the following items based on their actual corporate circumstances.

## 11 The company appropriately engages in dialogues with the workers, trade unions, and other relevant stakeholders of companies in its supply chains regarding the human rights risks of companies in its supply chains, including indirect suppliers.



☐ Yes

☐ No

\* If “No” is selected, the relevant practice should be reviewed.



When identifying risks affecting companies in its supply chains, it is advisable to check whether they engage in such dialogues with their workers and whether there is a mechanism in place to listen to workers’ voices regarding the working environment or human rights risks.

## 12 When trade union activists associated with a company or its supply chains are repressed in any way by public authorities, the company engages in acts that contribute to or promote such repression.



☐ Yes

☐ No

\* If “Yes” is selected, the relevant practice should be reviewed.



Even in cases where a company has not only been directly involved in human rights violations but also has promoted violations of human rights by others, its responsibility to respect human rights is called into question. Depending on applicable laws and regulations, a company may be held legally liable for having “taken part in” such repression. Trade union activities may face repression by public authorities or similar entities. However, no company is allowed to engage in any acts that take part in or promote such repression. It is advisable to pay attention to whether companies themselves or their companies in its supply chains take part in or promote the repression of trade union activists.

## 13 The company makes every effort to ensure that the freedom of association, as required by international standards, is guaranteed for your overseas entities and companies in its supply chains, including indirect suppliers, operating in countries where this freedom is not sufficiently upheld.



☐ Yes

☐ No

\* If “No” is selected, the relevant practice should be reviewed.



Companies have a responsibility to respect human rights by verifying whether their overseas entities and companies in its supply chains, including indirect suppliers, are involved in violations of the freedom of association or the right to collective bargaining, or have any impact on such risk, in light of international standards. In some countries, the freedom of association recognized by domestic laws and regulations is insufficiently guaranteed in light of international standards. Therefore, merely complying with domestic laws and regulations may not be adequate. It is advisable for companies to ensure that their overseas entities and companies in its supply chains, including indirect suppliers, can identify violations of the freedom of association and, when violations are identified, make efforts to correct or remedy them, for example, by engaging in dialogues with workers’ organisations and establishing a grievance mechanism.

## 4. Discrimination



Article 14 of the Constitution of Japan, which states that “All of the people are equal under the law and there shall be no discrimination in political, economic, or social relations because of race, creed, sex, social status, or family origin,” prohibits discrimination. Furthermore, Labor Standards Act, Employment Security Act, and Act on Equal Opportunity and Treatment between Men and Women in Employment prohibit discrimination in the labour sector.

Globally, the ILO has established Conventions No. 100 (Equal Remuneration Convention) and No. 111 (Discrimination (Employment and Occupation) Convention) as international standards.

\*When it comes to discrimination, equal rights are protected across various fields, not in the labour sector alone, although explanations in this section focus on the labour sector. Companies must take actions in compliance with international standards while carefully monitoring anti-discrimination laws and regulations in countries where they operate.

1

**The company unjustly discriminates in terms of wages, working hours, and other working conditions on the basis of race, colour, sex, religion, political opinion, national extraction or social origin.**



☐ Yes

☐ No

\*If “Yes” is selected, the relevant practice should be reviewed.



When determining wages, working hours, and other working conditions, taking into account factors unrelated to workers’ aptitude and abilities, as well as matters related to personal thoughts and beliefs, which should inherently be free is prohibited as discrimination.

ILO Convention No. 111 prohibits discrimination on the basis of “race, colour, sex, religion, political opinion, national extraction or social origin,” while ILO Convention No. 100 establishes the principle of equal remuneration for men and women for work of equal value. Additionally, the International Covenants on Human Rights prohibits discrimination. In particular, the ICCPR extends this prohibition to discrimination based on language, property, and other factors, in addition to the elements mentioned above.

Discrimination based on national extraction includes discrimination related to birthplace, family origin, or foreign origin of workers. More specific examples of targeted groups include national or linguistic minorities, nationals who obtained citizenship through naturalization, and descendants of foreign migrants. Discrimination based on social origin includes discrimination related to social class, socio-occupational class, and castes. This form of discrimination includes refusing certain groups of people access to specific occupations or limiting their jobs to particular types of activities. Victims of discrimination based on social origin are no longer able to move between economic classes and social levels. For example, in certain parts of the world, individuals from certain “castes,” which are regarded as inferior, have no choice but to perform only the simplest tasks.

Labor Standards Act prohibits discriminatory treatment in terms of wages, working hours, and other working conditions on the grounds of “nationality, creed, or social status.” (Discrimination between men and women is covered under Act on Equal Opportunity and Treatment between Men and Women in Employment. Labor Standards Act also prohibits employers from engaging in discriminatory wage treatment between men and women based on the fact that a worker is a woman.) “Creed” refers to certain religious or political belief, while “social status” refers to ascribed status, which is interpreted to include race.

Additionally, efforts to eliminate discrimination based on sexual orientation or gender identity are being observed throughout the international community, led by the United Nations. In Japan, the Act on Promoting Citizens’ Understanding Regarding the Diversity of Sexual Orientation and Gender Identity has come into force, and employers must address gender-based discrimination by referring to both national laws and international standards.

📖 ILO Convention No. 100 (Equal Remuneration Convention), Article 2; ILO Convention No. 111 (Discrimination (Employment and Occupation) Convention) (not yet ratified by Japan; the same applies hereinafter), Articles 1, 2 and 3; Labor Standards Act, Articles 3 and 4; Act on Equal Opportunity and Treatment between Men and Women in Employment, Article 6 and related provisions.

📁 Rules of employment and various regulations; rosters of workers; wage ledgers; employment contracts; notice of working conditions; records of whistleblowing reports; published materials relating to wage differences between men and women.

## 2 When hiring workers, the company takes into account race, colour, sex, religion, political opinion, national extraction or social origin.



☐ Yes

☐ No

\*If “Yes” is selected, the relevant practice should be reviewed.



Discrimination in hiring limits applicants’ freedom to choose employment for unreasonable cause. While companies have the freedom to hire, using criteria based on factors for which applicants are not responsible (such as birthplace), attributes that they cannot change at will, or matters that should inherently be free (such as religion) may lead to employment discrimination.

📖 ILO Convention No. 111 (Discrimination (Employment and Occupation) Convention), Articles 1, 2 and 3; Employment Security Act, Article 3; Act on Equal Opportunity and Treatment between Men and Women in Employment, Article 5; Act on Comprehensively Advancing Labor Measures, and Stabilizing the Employment of Workers, and Enriching Workers’ Vocational Lives, Article 9.

📁 Recruitment information, application documents, recruitment interview minutes, or other documents related to hiring criteria; materials relating to lawsuits or complaints previously raised by interview candidates, if applicable.

## 3 The company asks for personal information unrelated to job performance during recruitment interviews.



☐ Yes

☐ No

\*If “Yes” is selected, the relevant practice should be reviewed.



Asking about the matters mentioned in item 2. above in this section 4 during applicant interviews may lead to employment decisions based on personal circumstances unrelated to job performance of duties, which is considered as discriminatory. In Japan, employers must evaluate applicants based on their abilities and aptitude necessary for performing job duties.

📖 ILO Convention No. 111 (Discrimination (Employment and Occupation) Convention), Articles 1, 2 and 3; Employment Security Act, Articles 3 and 5-5; Act on Equal Opportunity and Treatment between Men and Women in Employment, Article 5.

📁 Application documents; recruitment interview minutes; other documents related to hiring criteria.

## 4 The company has made statements or taken actions that harm or discriminate against workers, or has exhibited biased treatment based on prejudice or traditional values.



☐ Yes


☐ No

\*If “Yes” is selected, the relevant practice should be reviewed.



Employers are not only prohibited from discriminating against workers in hiring and employment conditions but also from engaging in character-offending or discriminatory language or behavior. All humans are equal by virtue of their humanity. Therefore, each person has inherent dignity as an individual, regardless of their appearance or beliefs. Discrimination and character defamation deprive individuals of their dignity, have a

severely adverse impact on their lives of their own and those of their family members, and create disharmony in the workplace.

 ILO Convention No. 111 (Discrimination (Employment and Occupation) Convention), Articles 1, 2 and 3; Act on Equal Opportunity and Treatment between Men and Women in Employment, Articles 5, 6, 7 and 9.

5

**When dismissing workers, the company takes into account race, colour, sex, religion, political opinion, national extraction or social origin.**



☐ Yes

☐ No

\*If "Yes" is selected, the relevant practice should be reviewed.



A dismissal carried out by taking these elements into account is prohibited and may be deemed invalid. Labor Standards Act also prohibits dismissal on the grounds of nationality, creed or social status of workers.



ILO Convention No. 111 (Discrimination (Employment and Occupation) Convention), Articles 1, 2 and 3; Labor Standards Act, Article 3; Act on Equal Opportunity and Treatment between Men and Women in Employment, Article 6.



Materials relating to lawsuits or complaints previously raised by current/former workers, if applicable; records of personnel and other interviews; retirement-related criteria.

6

**The company disadvantages workers on the grounds of race, colour, sex, religion, political opinion, national extraction or social origin in educational and training sessions to provide promotion opportunities and improve skills.**



☐ Yes

☐ No

\*If "Yes" is selected, the relevant practice should be reviewed.



This action constitutes discrimination, disregarding equality in occupational opportunities and treatment. In Japan, it is also considered discriminatory to limit the scope of promotion opportunities based on marital status, age, parental status, disability, nationality, or other factors, or require women to serve as department managers as a condition for promotion while not imposing the same on men. Moreover, it is essential to consider the impact of holding educational and training sessions for promotion opportunities or skill improvement on weekday nights, as this may effectively exclude individuals who cannot attend due to childcare or family care responsibilities, thereby leading to indirect discrimination.



ILO Convention No. 111 (Discrimination (Employment and Occupation) Convention), Articles 1, 2 and 3; Act to Facilitate the Employment of Persons with Disabilities, Article 35; Act on Equal Opportunity and Treatment between Men and Women in Employment, Article 6.



Written training plans; training implementation reports.

7

**The company dismisses or otherwise disadvantages employees due to pregnancy or childbirth.**



☐ Yes

☐ No

\*If "Yes" is selected, the relevant practice should be reviewed.



Any dismissal or other disadvantageous treatment based on pregnancy or childbirth is prohibited and may be deemed invalid.



ILO Convention No. 111 (Discrimination (Employment and Occupation) Convention), Articles 1, 2 and 3; Act on Equal Opportunity and Treatment between Men and Women in Employment, Article 9; Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members, Article 10.



Materials relating to lawsuits or complaints previously raised by current/former workers, if applicable; records of personnel and other interviews; retirement-related criteria.

8

**The company terminates employment within a certain period of time after an employee returns from childbirth.**



☐ Yes



☐ No

\*If "Yes" is selected, the relevant practice should be reviewed.



Termination of employment within a certain period of time after returning from childbirth is prohibited and may be deemed invalid. In Japan, the dismissal of pregnant workers or workers for whom one year has not yet passed since childbirth is considered invalid, except in cases where companies certify that the dismissal is

unrelated to pregnancy or childbirth.

-  Act on Equal Opportunity and Treatment between Men and Women in Employment, Article 9.
-  Materials relating to lawsuits or complaints previously raised by current/former workers, if applicable; records of personnel and other interviews; retirement-related criteria.

9

**The company grants maternity leave of absence to pregnant workers, and childcare or family care leave of absence to workers who have submitted a request for childcare or family care leave of absence.**



☐ Yes

☐ No

\*If "No" is selected, the relevant practice should be reviewed.



Pregnant workers are entitled to take maternity leave. Disadvantageous treatment of pregnant workers for taking such leave constitutes discrimination and is prohibited. Article 4 of ILO Convention No. 183 recognizes women's right to maternity leave of not less than 14 weeks. While there is no explicit provision for childcare leave in conventions, the ILO Recommendation No. 191 states that "should be entitled to parental leave during a period following the expiry of maternity leave." Therefore, employers must take this into account while ensuring compliance with domestic laws and regulations.



ILO Convention No. 111 (Discrimination (Employment and Occupation) Convention), Article 3; ILO Recommendation No. 191 (Maternity Protection Recommendation), paragraphs 4(3) and 4(4); Labor Standards Act, Article 65; Act on Equal Opportunity and Treatment between Men and Women in Employment, Article 9; Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members, Articles 6 and 10.



Personnel and general administration documents relating to maternity leave and childcare leave, respectively.

10

**The company may sometimes refuse a request from persons with disabilities for reasonable accommodation, such as maintenance of facilities necessary for the smooth performance of duties that reflect consideration for the characteristics of disabilities, assignment of supporters, and other necessary arrangements.**



☐ Yes

☐ No

\*If "Yes" is selected, the relevant practice should be reviewed.



The Convention on the Rights of Persons with Disabilities ("CRPD") states that State Parties shall ... by taking appropriate steps, including through legislation, to, inter alia: ... i. Ensure that reasonable accommodation is provided to persons with disabilities in the workplace. In Japan, employers are obliged to take measures to ensure equal opportunities for persons with and without disabilities in employment. However, this obligation does not apply if such measures would impose an excessive burden on the employer. In such cases, it is essential for workers with disabilities and their employer to maintain open communication to clarify the extent to which reasonable accommodation can be provided.



Convention on the Rights of Persons with Disabilities, Article 27; Act to Facilitate the Employment of Persons with Disabilities, Articles 36-2 through 36-4.



Reports on the status of employment of persons with disabilities; records of personnel and other interviews.

11

**The company disadvantages persons with disabilities in recruitment, hiring, or other employment conditions, such as by excluding them solely because of their disabilities.**



☐ Yes

☐ No

\*If "Yes" is selected, the relevant practice should be reviewed.



CRPD prohibits discrimination on the basis of disability with regard to recruitment, hiring, and other employment conditions. In Japan, unjust discriminatory treatment between persons with and without disabilities on the basis of disability, when recruiting and hiring them or establishing working conditions, constitutes discrimination.



Convention on the Rights of Persons with Disabilities, Article 27; Act to Facilitate the Employment of Persons with Disabilities, Articles 34 and 35.



Reports on the status of employment of persons with disabilities; records of personnel and other interviews.


To fulfill their responsibility to respect human rights, companies are expected to make their utmost efforts to align their corporate policies and procedures related to respect for human rights with international standards. It is essential to address the following items based on their actual corporate circumstances.


## 12 The company appoints responsible personnel to address discrimination, harassment, diversity, equity, and inclusion, and provides educational and training programs for top management, those in managerial positions, and employees.

 ☐ Yes


☐ No

\*If "No" is selected, the relevant practice should be reviewed.

 As a part of building a corporate structure, appointing responsible officers and providing educational and training programs aimed to eliminate preconceptions and unconscious biases help eliminate discrimination. To secure future human resources and strengthen corporate competitiveness, it is desirable to recognize and embrace various differences among individual workers (diversity), foster an equitable environment where all workers can maximize their potential (equity), and create a working environment where every worker feels psychologically safe and a sense of belonging to the company (inclusion).


 Relevant training materials; lists of responsible persons.

## 13 The company appropriately engages in dialogues with the workers, trade unions, and other relevant stakeholders of companies in its supply chains regarding the risk of discrimination.


 ☐ Yes

☐ No

\*If "No" is selected, the relevant practice should be reviewed.


 Companies have a responsibility to respect human rights by verifying whether their overseas entities and companies in its supply chains, including indirect suppliers, are involved in discrimination or have any impact on the risk of discrimination, in light of international standards. To verify the existence of discrimination against workers in particularly vulnerable positions, engaging in dialogues with workers and trade unions of suppliers, as well as with NGOs and other organisations can help identify suppliers' working environments and actual conditions of human right risks. This approach ensures that issues are identified from the standpoint of the parties involved.


## 14 The company establishes policies and statements that explicitly prohibit all forms of discrimination and communicates them to its suppliers.

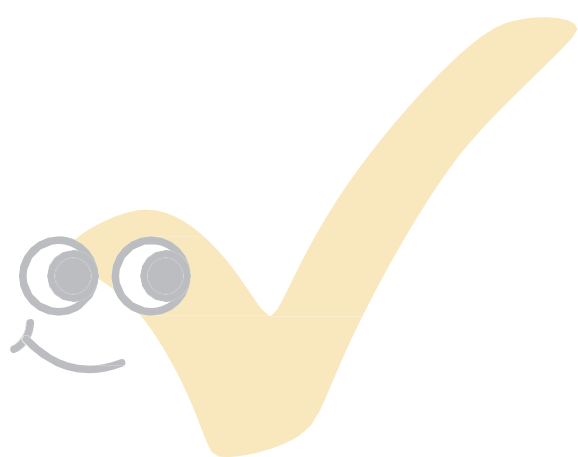
 ☐ Yes

☐ No

\*If "No" is selected, the relevant practice should be reviewed.

 Companies should establish a human rights policy and express a commitment to respecting internationally recognized human rights, including prohibition of discrimination, as outlined in the International Bill of Human Rights and the ILO core labour standards. Additionally, it is important for a company to seek understanding and support from its employees, and suppliers, trade unions, and other stakeholders to ensure that the human rights policy is reflected in its specific corporate activities.

 Minutes of board of directors meetings; policy on respect for human rights; internal related regulations.



## 5. Occupational Safety and Health



To prevent industrial injuries, Japan's national law, Industrial Safety and Health Act, requires employers and other relevant parties to ensure workers' safety and health in the workplace and to implement safety and health measures aimed at facilitating the creation of a comfortable work environment.

At the international level, in 2022 the ILO International Labour Conference decided<sup>(\*)1</sup> to newly include a "safe and healthy working environment" (occupational safety and health) in the ILO's framework of fundamental principles and rights at work. Additionally, in 2023 the ILO Governing Body adopted the Global Strategy on Occupational Safety and Health<sup>(\*)2</sup>. As a result, efforts to achieve healthy working environments are accelerating.

<sup>\*1</sup>. In 1998, the ILO International Labour Conference adopted the "Declaration on Fundamental Principles and Rights at Work," requiring all ILO Member States to respect four fundamental principles and rights at work: "freedom of association and the effective recognition of the right to collective bargaining," "elimination of all forms of forced or compulsory labour," "effective abolition of child labour," and "elimination of discrimination in respect of employment and occupation." The eight ILO Conventions that embody these four principles were referred to as the ILO Fundamental Conventions. Subsequently, in 2022, the ILO International Labour Conference decided to newly include a "safe and healthy working environment (occupational safety and health)" as the fundamental principles and rights at work, and to add two ILO Conventions (No. 155 and 187) to the ILO Fundamental Conventions.

<sup>\*2</sup>. Global Strategy on Occupational Safety and Health 2024-30 and Plan of Action for its Implementation.

1

**The company implements measures to prevent workers from dangers due to machinery, dangerous goods, or electricity and other energy.**



☐ Yes

☐ No

\*If "No" is selected, the relevant practice should be reviewed.



Employers must implement the necessary measures to prevent workers from dangers caused by machines, ignitable, combustible, or inflammable materials, electricity, heat or other energy sources.



ILO Convention No. 155 (Occupational Safety and Health Convention) (not yet ratified by Japan, approved for ratification in the Diet in 2025; the same applies hereinafter), Article 16; Industrial Safety and Health Act, Article 20.



Related general forms under the Ordinance on Industrial Safety and Health and other relevant ordinances, including various equipment installation notifications, work notifications, license-related documents.

## 2 The company has taken the measures to prevent workers' health impairments due to hazardous raw materials, gases, vapors, dusts, or other equivalent substances.



☐ Yes

☐ No

\*If "No" is selected, the relevant practice should be reviewed.



Employers must take the necessary measures to prevent the impairment of workers' health caused by raw materials, gas, vapor, dusts, or other equivalent substances of organic solvents and chemical substances.



ILO Convention No. 155 (Occupational Safety and Health Convention), Article 16; Industrial Safety and Health Act, Article 22.



Related general forms under the Ordinance on Industrial Safety and Health and other relevant ordinances, including reports on various health examination results, license-related documents.

## 3 Considering workers' health, the company adjusts working hours, break times, and workloads to be more appropriate, and properly manages the tasks in which workers engage.



☐ Yes

☐ No

\*If "No" is selected, the relevant practice should be reviewed.



ILO Convention No. 155 requires national governments (or authorized bodies), in consultation with the most representative organisations of employers and workers, to formulate and implement national policies on occupational safety and health, as well as the working environment in general. These policies should take into account the adaptation of working hours, organisation of work, and work processes to align with the physical and mental capacities of workers. In Japan, the Industrial Safety and Health Act requires employers to manage the working environment as outlined in items 1 and 2 above and to appropriately supervise work. More specifically, employers must consider workers' health and strive to adjust consecutive work hours, break times, and workloads to be more appropriate, and otherwise improve workers' working postures. Employers are also required to provide health examinations, which helps in the maintenance and management of workers' health. Restrictions on working hours are addressed by Labor Standards Act.



ILO Convention No. 155 (Occupational Safety and Health Convention), Articles 4 and 5; Industrial Safety and Health Act, Articles 65-3, 65-4, and 66.



Reports on various health examination results; documents related to the Regulation for Enforcement of the Working Environment Measurement Act; reports on inspection results to grasp the degree of psychological stress.

## 4 When engaging workers in hazardous work, the company provides appropriate protective equipment and ensures it is available for use by workers.



☐ Yes

☐ No

\*If "No" is selected, the relevant practice should be reviewed.



When engaging workers in hazardous work, the employer provides appropriate protective clothing, protective eyewear, respiratory protective equipment, protective equipment to prevent skin disorders, and protective gear to mitigate noise-related hazards, and ensures they are available for use by workers. (Providing appropriate protective equipment and making it available for use by workers constitutes one of the "measures" the employer is required to take, as outlined in items 1 and 2 above.) When workers are instructed to use protective equipment, they must follow such instructions.



ILO Convention No. 155 (Occupational Safety and Health Convention), Articles 16 and 19; Industrial Safety and Health Act, Articles 20 through 24 (Ordinance on Industrial Safety and Health, Articles 593 through 598).



Written confirmations of various work statuses; worker's opinion hearing documents.

5

**The company provides workers' representatives with necessary information on, and opportunities to have discussions with management about, measures to ensure safety and health.**


☐ Yes

☐ No

\*If "No" is selected, the relevant practice should be reviewed.



Under ILO Convention No. 155, workers' representatives must be given adequate information on measures taken by the employer to ensure occupational safety and health. In Japan, employers are required to establish a safety committee and/or health committee, depending on the number of workers and the industry. These committees serve as forums where workers and management collaborate to investigate and deliberate safety and health issues. They are not intended for collective bargaining. Workers and management should have discussions until both are satisfied and act based on their consensus. Even when the establishment of such committees is optional, it is essential to ensure that workers are fully informed about safety and health measures and have the opportunity to express their opinions in regular or ad hoc meetings.



ILO Convention No. 155 (Occupational Safety and Health Convention), Article 19; Industrial Safety and Health Act, Articles 17 through 19 (Ordinance on Industrial Safety and Health, Article 23-2).



Minutes of committee meetings; worker's opinion hearing documents.

6

**The company provides the necessary training (and educational) programs on safety and health.**


☐ Yes

☐ No

\*If "No" is selected, the relevant practice should be reviewed.



In Japan, when hiring workers, changing work details, or involving them in dangerous and hazardous work, employers are required to provide health and/or safety education relevant to their work. It is essential for workers to perform their duties using knowledge for preventing industrial accidents. Regular training sessions and awareness-raising programs are effective for preventing industrial accidents.



ILO Convention No. 155 (Occupational Safety and Health Convention), Article 19; Industrial Safety and Health Act, Article 59.



Reports on results of implementation of safety and health education.

7

**The company has taken adequate measures, including evacuation procedures and first-aid treatment, to handle emergencies or accidents (i.e., if such a situation occurs, the company is prepared to respond, even during normal operations).**


☐ Yes

☐ No

\*If "No" is selected, the relevant practice should be reviewed.



ILO Convention No. 155 requires employers to implement measures to handle emergencies and accidents, and ensures that workers who have evacuated due to emergencies are protected from undue consequences. In Japan, in the event of an imminent danger resulting from an industrial accident, employers must immediately halt operations, evacuate workers from the workplace, and take other necessary measures. Employers must also provide first-aid supplies necessary for treating the injured and ensure that workers understand how to use them. In the construction and other industries, employers must take measures, such as providing machines necessary for rescue operations and conducting drills to prevent industrial accidents caused by explosions, fires, or other hazards.



ILO Convention No. 155 (Occupational Safety and Health Convention), Articles 13, 18, and 19; Labor Standards Act, Article 89; Industrial Safety and Health Act, Articles 3 and 20 through 24.



Rules of employment; evacuation drill manuals.

8

## The company requires workers to bear the costs and expenses related to safety and health measures.



☐ Yes

☐ No

\*If "Yes" is selected, the relevant practice should be reviewed.



In Japan, employers are responsible for implementing safety and health measures. The costs and expenses for protective equipment and other necessary items for those measures should be borne by employers. If an employer requires workers to bear the costs and expenses of work-related articles, this must be explicitly stated in the rules of employment.



ILO Convention No. 155 (Occupational Safety and Health Convention), Article 21; Labor Standards Act, Article 89; Industrial Safety and Health Act, Articles 3 and 20 through 24.



Rules of employment; worker's opinion hearing documents.

9

## When a worker is injured or contracts a disease in the course of work, the company submits a report in accordance with national laws and regulations.



☐ Yes

☐ No

\*If "No" is selected, the relevant practice should be reviewed.



ILO Convention No. 155 requires national governments (or authorized bodies) to establish procedures for the notification of occupational accidents and diseases and to produce annual statistics on them. Employers must require supervisors to submit a report on any serious dangers perceived by workers. In the event of an industrial accident or other hazard, employers must submit a report to the designated authorities in accordance with domestic laws and regulations. In Japan, if a worker dies or is absent from work due to an industrial accident, or other injury, suffocation or acute poisoning occurring in the course of work or in the workplace or an annexed building, the employer is required to submit a report to a head of the competent labor standards inspection office.



ILO Convention No. 155 (Occupational Safety and Health Convention), Articles 4, 11, and 19; Industrial Safety and Health Act, Article 100 (Ordinance on Industrial Safety and Health, Articles 96, 97, and related provisions).



Reports on death, illness, or injuries of workers; worker's opinion hearing documents.

10

## The company has established a system and designated persons in charge, both responsible for promoting safety and health initiatives.



☐ Yes

☐ No

\*If "No" is selected, the relevant practice should be reviewed.



Independent corporate activities are essential for preventing industrial accidents. Employers are responsible for defining the framework of responsibilities, taking action to create a comfortable working environment, and improving working conditions. ILO Convention No. 155 mandates cooperation between management and workers in corporate safety and health measures. In Japan, corporate safety and health management operations are expected to be integrated with those of production lines. Given this, in workplaces of a certain scale or larger, employers are required to appoint persons as general safety and health managers to supervise and manage business operations and designate support personnel, such as safety managers, health managers, industrial physicians, and other relevant staff. Companies are expected to independently carry out safety and health activities in collaboration with the safety and other committees as investigative and deliberative bodies for safety and health issues (see item 5 above).



ILO Convention No. 155 (Occupational Safety and Health Convention), Articles 19 and 20; Industrial Safety and Health Act, Articles 3 and 10 through 19.



Reports on appointment of general safety and health managers, safety managers, health managers, and industry physicians.

To fulfill their responsibility to respect human rights, companies are expected to make their utmost efforts to align their corporate policies and procedures related to respect for human rights with international standards. It is essential to address the following items based on their actual corporate circumstances.

11

**The company checks with companies in its supply chains how they are addressing safety and health efforts, including the status of industrial accidents.**

▶▶ ☐ Yes

☐ No

\*If "No" is selected, the relevant practice should be reviewed.

💡 In the field of "business and human rights," companies should strive to promote respect for human rights initiatives not only independently but also in collaboration with group companies, suppliers, and other relevant stakeholders. Regarding safety and health measures, a report by the Ministry of Health, Labour and Welfare's Study Group for Addressing International Issues through the Use of Policy Measures in the Domestic Labour Sector (Business and Human Rights Study Group), dated December 13, 2023, presented a finding that "safety and health measures (measures to prevent industrial accidents) in Japan often exceed international standards, and Japanese companies implementing similar levels of safety and health measures abroad are valued by local workers." It would be advisable for companies to share safety and health measures they implement in accordance with national laws and regulations with companies in its supply chains and provide them with necessary assistance.

12

**The company appropriately engages in dialogues with the workers, trade unions, and other relevant stakeholders of companies in its supply chains regarding the safety and health measures implemented by those companies.**

▶▶ ☐ Yes

☐ No

\*If "No" is selected, the relevant practice should be reviewed.

💡 Companies have a responsibility to respect human rights by verifying whether their overseas entities and companies in its supply chains, including indirect suppliers, are involved in dangerous labour or have any impact on the risk of such labour, in light of international standards. Engaging in dialogues with the workers and trade unions of suppliers, as well as with NGOs and other organisations, can help identify suppliers' actual conditions of safety and health measures.

13

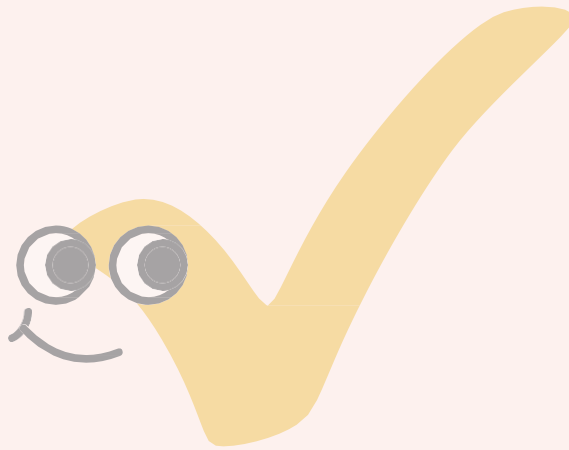
**The company has established a policy on occupational safety and health and communicates it to suppliers.**

▶▶ ☐ Yes

☐ No

\*If "No" is selected, the relevant practice should be reviewed.

💡 In addition to the above-mentioned safety measures, it is preferable to ensure that workplace safety and health policies include a consultation desk where workers can seek remedial assistance if they are forced to work in dangerous conditions or in an extremely poor environment.



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## **Business and Human Rights at Work Checklist**