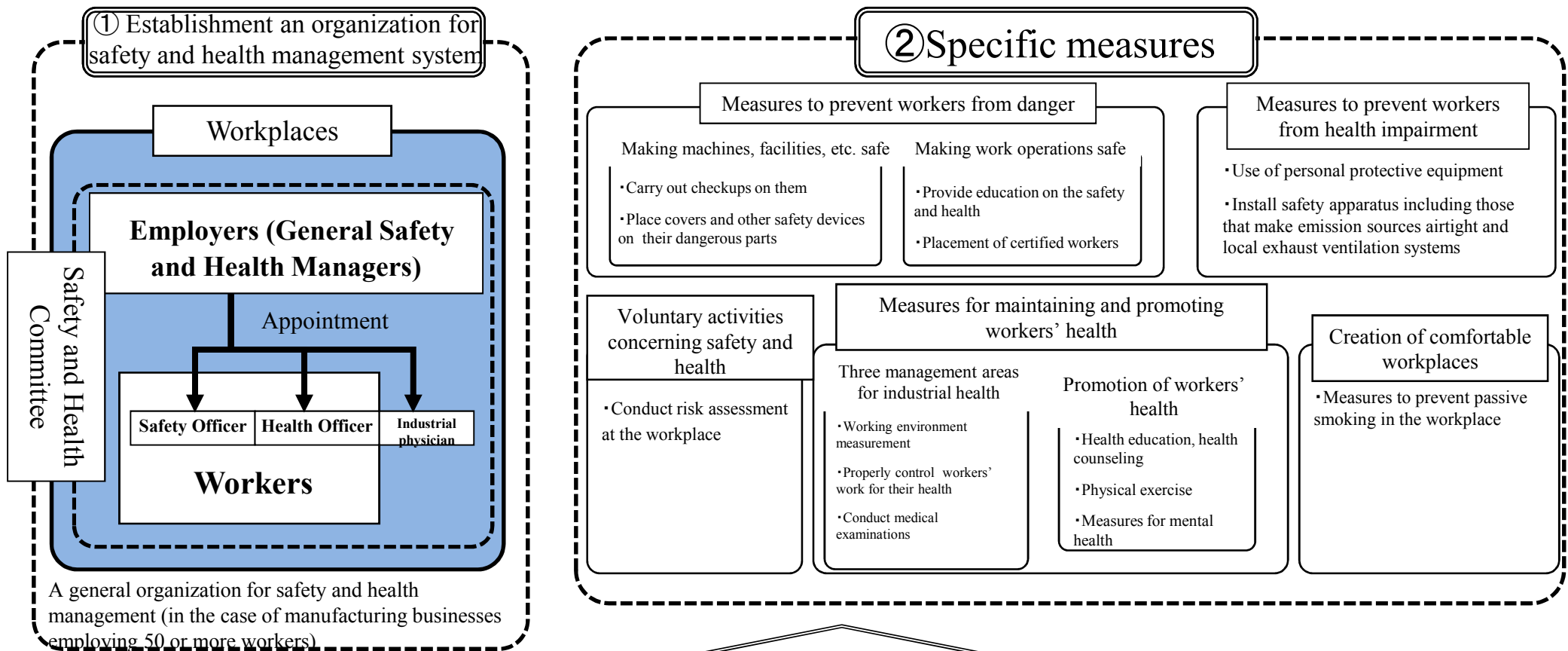


Overview of the Legal Structure of the Industrial Safety and Health Act

Employers must ensure the safety and health of workers in the workplace.

Employers are legally obligated to:

- ①establish an organization for safety and health management ②implement specific measures to prevent industrial accidents



Supervision and instructions of Labour Standards Inspectors and other relevant officers
(at the Prefectural Labour Bureaus and the Labour Standards Inspection Offices)

Outline of the Act for Partial Revision of the Industrial Safety and Health Act

Improve a mechanism to prevent industrial accidents in light of the recent situation of their occurrence, such as the occupational biliary tract cancer cases where workers' health impairment caused by chemical substances became a social issue.

- Occurrence of cases on biliary tract cancer due to chemical substances not regulated by the Ordinance on Prevention of Hazards Due to Specified Chemical Substances ⇒ Need to detect in advance and respond to the risks of chemical substances
- Increase in the number of cases recognized as work-related mental health disorders ⇒ Need to assess workers' health conditions and respond before they develop into mental health problems
- Occurrence of the same types of industrial accidents within the same company ⇒ Need to prevent the occurrence of industrial accidents in its other business offices etc.

1. Review of Chemical Hazards Control

- Employers are obliged to investigate the danger or harm or toxicity, etc. of chemical substances (risk assessments) not subject to the Ordinance on Prevention of Hazards Due to Specified Chemical Substances but, among others, pose certain health risks to workers.

2. Creation of a Stress Check System

- To assess the level of psychological stress on workers in the workplace, employers are obliged to conduct medical examinations on them (stress checks), to be carried out by physicians, health nurses, etc. However, for businesses with less than 50 employees, they will only be required to make efforts, for the time being.
- If the workers notified of the results of the examinations request, employers must provide them with physicians' face-to-face guidance. Then, based on the physicians' opinions, if deemed necessary, the employers must take appropriate work-related measures for the workers, such as, changing their work contents, shortening their working hours, and others.

3. Promotion of measures for the prevention of passive smoking

- Stipulate a provision that obliges employers to take appropriate measures for the prevention of passive smoking according to the actual situation at the workplaces.

4. Measures against companies who repeat serious industrial accidents

- The Minister of Health, Labour and Welfare can instruct such companies to prepare a plan to improve the safety and health in the workplace. (The Minister can issue a recommendation to companies who do not to follow such an instruction and others to take necessary measures to prevent recurrence of industrial accidents. The names of the companies will be made public if they still do not comply with such a recommendation.)

5. Measures for manufacturing inspection agencies located overseas

- In consideration of the global trend, the manufacturing inspection agencies located in foreign countries may be registered to conduct inspections on boilers and other machines that require dangerous operations.

6. Revision of notification obligations

- Abolish a provision stipulating an obligation for employers to notify their plans of constructing buildings, setting machines, and others to the Labour Standard Inspection Offices, in advance (Art. 88, Para. 1).
- Add respiratory protective equipment, whose use is required when working under high concentrations of dust, to those machines currently subject to type examinations and transfer restrictions under the Act.

Dates of enforcement: 6., 3.-5., 2., and 1. will be put into force within six months, one year, one and half year, and two years, respectively, from the date of promulgation, as to be fixed under the Cabinet Order.