

Résumé: legal guidance for professional diving

- 1) Labour Standards Act
- 2) Industrial Safety and Health Act
- 3) Order for Enforcement of Industrial Safety and Health Act
- 4) Ordinance on Industrial Safety and Health

Labour Standards Act

- Working conditions
 - determination: by both Workers and Employers on an equal basis,
 - Collective agreements, rules of employment and labor contracts (Article 2),
 - Contracts violating the Act are invalid (Article 13),
 - Clear indication of wages, working hours, etc.(Article 15).
- Working hours and days off
 - ≤ 40 hours/week, eight hours/day,
 - \geq one day/week.
- Restrictions on harmful jobs
not allowed to have workers engage in diving work:
 - under 18 years of age old (Article 62),
 - pregnant women and women within one year since childbirth (Article 64-3).

Industrial Safety and Health Act (1)

- Definition of diving operation as harmful job (Article 20 of Cabinet order)
 - the operation carried out in water using diving apparatus while receiving the air supply from an air compressor or by manual pump, or from a compressed-air cylinder.

Regardless of work type such as instruction /guide, construction work, fishing or researches.

- Organization for safety and health management
 - health officer for ≥ 50 workers (Article 12),
 - safety and health promoter for < 50 and ≥ 10 (Article 12-2),
 - industrial physician for ≥ 50 workers (Article 13),
 - health committee for ≥ 50 workers (Article 18), etc.

Those professionals and organization are to protect the workers' safety and health.

Industrial Safety and Health Act (2)

- Safety and health education
 - general education before engagement,
 - for diving work, special education focusing on diving before the placement (Article 59).

For divers, both general education and special education are required.
Record keeping required.
- Restrictions on engagement
 - only workers with license can be placed on diving,
 - only person with license is allowed on diving work (Article 61).

For diving operation, any person should possess the license.

Guide/instruction for leisure diving is a diving operation under the Act whereas diving for YOUR leisure is not.

Industrial Safety and Health Act (3)

- Medical examination
 - general medical examination every 12 months,
 - special medical examination very six months on diving (Article 66).

Periodical medical examination by physician required.

Your health symptoms can be detected to prevent from work injury.

Record keeping and reporting by employer required.

References

- For further information, visit our governmental legal website:
 - Labour Standards Act
http://www.japaneselawtranslation.go.jp/law/detail_main?id=5&vm=2&re
 - Industrial Safety and Health Act
http://www.japaneselawtranslation.go.jp/law/detail_main?re=&vm=&id=1926
 - Order for Enforcement of Industrial Safety and Health Act
<http://www.japaneselawtranslation.go.jp/law/detail/?printID=&id=2245&re=02&vm=02>
 - Ordinance on Industrial Safety and Health
http://www.japaneselawtranslation.go.jp/law/detail_main?re=01&ia=03&vm=02&id=1984
- Prepared by Industrial Health Division, Department of Industrial Safety and Health, Labour Standards Bureau, Ministry of Health, Labour and Welfare