

# List of Related Provisions of Relevant Laws



## Labour Standards Act

(Clear Indication of Working Conditions)

### Article 15

- 1 In concluding a labor contract, the employer shall clearly indicate the wages, working hours and other working conditions to the worker. In this case, matters concerning wages, working hours and other matters stipulated by Ordinance of the Ministry of Health, Labour and Welfare shall be clearly indicated in the manner prescribed by Ordinance of the Ministry of Health, Labour and Welfare.
- 2 In the event that the working conditions clearly indicated under the provisions of the preceding paragraph differ from actual fact, the worker may immediately cancel said labor contract.
- 3 In cases under the preceding paragraph, in the event that a worker who has changed his or her residence for the purpose of work returns home within 14 days from the date of contract cancellation, the employer shall bear the necessary travel expenses on behalf of the worker.

(Payment of Wages)

### Article 24

- 1 Wages shall be paid in currency and in full directly to workers; provided, however, that payment other than in currency may be permitted in cases otherwise provided for by laws and regulations or collective agreement, or in cases where a reliable method of payment of wages defined by Ordinance of the Ministry of Health, Labour and Welfare is provided for; and partial deduction from wages may be permitted in cases otherwise provided for by laws and regulations or in cases where there exists a written agreement with a labor union organized by a majority of the workers at the workplace (in cases where such labor union exists), or with a person representing a majority of the workers (in cases where such labor union does not exist).
- 2 Wages shall be paid at least once a month on a definite date; provided, however, that this shall not apply to extraordinary wages, bonuses, and their like as defined by Ordinance of the Ministry of Health, Labour and Welfare (referred to as "special wages etc." in Article 89).

(Allowance for Absence from Work)

### Article 26

In the event of an absence from work for reasons attributable to the employer, the employer shall pay an allowance equal to at least 60 percent of the worker's average wage to each worker concerned during the period of absence from work.

(Working Hours)

### Article 32

- 1 Employers shall not have workers work more than 40 hours per week, excluding rest periods.
- 2 Employers shall not have workers work more than 8 hours per day for each day of the week, excluding rest periods.

(Premium Wages for Overtime Work, Work on Days Off and Night Work)

### Article 37

- 1 If an employer extends the working hours or has a worker work on a day off pursuant to the provisions of Article 33 or paragraph (1) of the preceding Article, the employer shall pay premium wages for work during such hours or on such days at a rate no less than the rate stipulated by Cabinet Order within the range of no less than 25 percent and no more than 50 percent over the normal wage per working hour or working day; provided, however, that in cases when extended working hours exceed 60 hours per month, the employer shall pay premium wages for the excess working hours at a rate not less than 50 percent over the normal wage per working hour.
- 2 The Cabinet Order set forth in the preceding paragraph shall be set taking into consideration the welfare of workers, the trends of overtime work and of work on days off, and any other relevant circumstances.
- 3 If an employer stipulates that they will grant workers entitled to premium wages under the provisions of the proviso of paragraph (1) leave for which the normal wage per working hour is paid instead of paying them premium wages (excluding annual paid leave under the provisions of Article 39) as provided for by Ordinance of the Ministry of Health, Labour and Welfare, pursuant to a written agreement either with a labor union organized by a majority of the workers at the workplace concerned (in cases where such a labor union exists), or with a person representing a majority of the workers (in cases where such a labor union does not exist), if any such worker takes such leave, the employer is not required to pay premium wages under the provisions of the proviso of said paragraph for work performed during the hours prescribed by Ordinance of the Ministry of Health, Labour and Welfare as hours corresponding to such leave taken for said work in excess of the hours stipulated in the proviso of said paragraph.
- 4 In the event that an employer has a Worker work between 10 p.m. and 5 a.m. (or between 11 p.m. and 6 a.m., in cases when the Minister of Health, Labour and Welfare recognizes the necessity of the application of those hours at a certain area or time of year), the employer shall pay premium wages for work during such hours at a rate no less than 25 percent over the normal wage per working hour.
- 5 Family allowances, commutation allowances, and other elements of wages as stipulated by Ordinance of the Ministry of Health, Labour and Welfare shall not be added to the base wages underlying the premium wages set forth in paragraph (1) and the preceding paragraph.

(Roster of Workers)

**Article 107**

- 1 Employers shall prepare a roster of workers for each workplace with respect to each worker (excluding day laborers) and shall enter the worker's name, date of birth, personal history, and other matters as set forth by Ordinance of the Ministry of Health, Labour and Welfare.
- 2 In the event of a change in any of the matters entered pursuant to the provisions of the preceding paragraph, the employer shall make a correction without delay.

(Wage Ledger)

**Article 108**

Employers shall prepare a wage ledger for each workplace and shall enter the facts upon which wage calculations are based, the amount of wages, and other matters as set forth by Ordinance of the Ministry of Health, Labour and Welfare without delay each time wage payments are made.

(Measures to Be Taken by Employers, etc.)

**Article 22**

The employer shall take necessary measures for preventing health impairment as follows::

- (i) Health impairment due to raw materials, gases, vapors, dusts, insufficient oxygen in air, pathogens, etc.
- (ii) Health impairment due to radiation, high temperatures, low temperatures, ultrasonic waves, noises, vibration, abnormal atmospheric pressure, etc.
- (iii) Health impairment due to operations such as gauge monitoring, precision work, etc.
- (iv) Health impairment due to exhaust fumes, waste fluid or solid wastes.

(Safety and Health Education)

**Article 59**

- 1 The employer shall, when a new worker is employed, give the said worker education for safety and/or health concerning work operations in which the worker is to be engaged, as provided for by Ordinance of the Ministry of Health, Labour and Welfare.
- 2 The provisions of the preceding paragraph shall apply mutatis mutandis when the contents of the operations have been changed.
- 3 The employer shall, when a worker is to be engaged in dangerous or harmful operations provided for by Ordinance of the Ministry of Health, Labour and Welfare, give the worker the special education for safety and/or health concerning the said operations, as provided for by Ordinance of the Ministry of Health, Labour and Welfare.

(Medical Examination)

**Article 66**

- 1 The employer shall, as provided for by Ordinance of the Ministry of Health, Labour and Welfare, have medical examinations of workers conducted by a physician.
- 2 The employer shall, as provided for by Ordinance of the Ministry of Health, Labour and Welfare, have medical examinations on specified items conducted by a physician on the workers engaged in harmful work operations defined by Cabinet Order. The same shall apply to the workers who have engaged in harmful work operations defined by Cabinet Order and are currently in employment.
- 3 The employer shall, as provided for by Ordinance of the Ministry of Health, Labour and Welfare, have a dentist perform medical examinations on the workers engaged in the harmful work operations defined by Cabinet Order.
- 4 The Director of the Prefectural Labour Bureau may, when it is deemed necessary for maintaining the health of workers, instruct employers on the basis of the opinion of the Medical Advisor in Industrial Health and as provided for by Ordinance of the Ministry of Health, Labour and Welfare, to conduct a special medical examination and other necessary matters.
- 5 Workers shall undergo the medical examinations conducted by the employer under provisions of the preceding paragraphs, provided that this shall not apply in the case where a worker who does not desire to undergo the medical examinations by the physician or dentist designated by the employer, submits a document to the employer to certify that the said worker has undergone medical examinations by another physician or dentist equivalent to the medical examinations under these provisions.

Ordinance on Prevention of Ionizing Radiation Hazards at Work to Decontaminate Soil and Wastes Contaminated by Radioactive Materials Resulting from the Great East Japan Earthquake and Related Works (Ionizing Radiation Ordinance for Decontamination)

(Dose Measurement)

**Article 5**

- 1 Employers shall measure the external exposure dose received by decontamination workers while they are engaged in decontamination-related work (excluding workers engaged in the handling of designated contaminated soil and wastes only at the locations where the average ambient dose rate is 2.5  $\mu\text{Sv/h}$  or less; the same shall apply in paragraph (6) and paragraph (8) of the next Article and Article 27, paragraph (2)).
- 2 In addition to dose measurement pursuant to the provisions of the preceding paragraph, employers shall measure the internal exposure dose received by decontamination workers while they are engaged in decontamination-related work in the special decontamination areas, etc. (limited to the locations where the average ambient dose rate is above 2.5  $\mu\text{Sv/h}$ ; the same shall apply in paragraph (8) and Article 10) or provide such workers with examinations for internal exposure according to the following specifications:
  - (i) With regard to decontamination workers engaged in the handling of contaminated soil, etc., removed soil, or contaminated wastes, etc. (limited to soil and wastes containing accident-derived radioactive materials that exceed 500,000 (Bq/Kg) of cesium 134 and cesium 137 determined by the methods specified by the Minister of Health, Labour and Welfare; these shall be referred to as "highly contaminated soil and wastes" in the next item) at the locations where dust concentration exceeds 10  $\text{mg/m}^3$ , their internal exposure dose must be measured once every three months (or once per month for female workers whose monthly effective dose is likely to exceed 1.7 mSv (excluding infertile female workers) and for pregnant female workers);
  - (ii) Decontamination workers engaged in work as set forth in (a) or (b) below shall be provided with examinations for internal exposure by the methods specified by the Minister of Health, Labour and Welfare:
    - (a) The handling of highly contaminated soil and wastes at locations where the dust concentration is 10  $\text{mg/m}^3$  or less;
    - (b) The handling of contaminated soil, etc., removed soil, or contaminated wastes other than highly contaminated soil and wastes at locations where the dust concentration exceeds 10  $\text{mg/m}^3$ .
- 3 When the internal exposure dose exceeds the standards specified by the Minister of Health, Labour and Welfare in the results of the examinations undergone by decontamination workers in accordance with the provisions of item (ii) of the preceding paragraph, employers shall measure the internal exposure dose of the relevant decontamination workers by the method specified in item (i) of said paragraph.
- 4 The measurement of the external exposure dose pursuant to the provisions of paragraph (1) shall be conducted for a 1-cm dose equivalent rate.
- 5 The measurement of the external exposure dose pursuant to the provisions of paragraph (1) shall be conducted by having male workers and infertile female workers wear radiation monitors on the chest and having fertile female workers wear radiation monitors on the abdomen.
- 6 Regardless of the provisions of the preceding two paragraphs, employers may measure the external exposure dose specified in paragraph (1) received by decontamination workers while they are engaged in decontamination-related work in the special decontamination areas etc. (limited to the locations where the

average ambient dose rate is 2.5 µSv/h or less) by the methods specified by the Minister of Health, Labour and Welfare.

- 7 The measurement of the internal exposure dose pursuant to the provisions of paragraph (2) shall be conducted by the methods specified by the Minister of Health, Labour and Welfare.
- 8 Decontamination workers shall wear radiation monitors in the special decontamination areas, etc. where they engage in decontamination-related work.

(Preliminary Survey, etc.)

#### **Article 7**

- 1 When implementing decontamination work (excluding the handling of designated contaminated soil and wastes), employers shall conduct a preliminary survey in advance regarding the matters set forth in the following items at the sites where decontamination-related work (excluding decontamination-related work pertaining to the handling of designated contaminated soil and wastes (hereinafter referred to as "work involving the handling of designated contaminated soil and wastes"; hereinafter the same shall apply in this paragraph and paragraph (3)) is to be implemented and record the results of the survey:
  - (i) Conditions of the sites for the decontamination-related work;
  - (ii) Average ambient dose rates at the sites for the decontamination-related work;
  - (iii) Concentrations of cesium 134 and cesium 137 determined by the methods specified by the Minister of Health, Labour and Welfare of the accident-derived radioactive materials contained in contaminated soil, etc., removed soil, or contaminated wastes subject to the decontamination-related work.
- 2 When implementing the handling of designated contaminated soil and wastes, employers shall conduct a preliminary survey on the matters set forth in the preceding paragraph and record the results of the survey for the sites where the work involving the handling of designated contaminated soil and wastes is implemented prior to commencing said work and every two weeks thereafter.
- 3 When employers have their workers engaged in decontamination-related work, they shall clearly show the completion date of the survey described in paragraph (1), and provide a summary of the methods and the results to the workers in advance.
- 4 When employers have their workers engaged in work involving the handling of designated contaminated soil and wastes, they shall clearly show the completion date of the survey described in paragraph (2) and provide a summary of the methods and the results to the workers prior to commencing said work and every two weeks thereafter.

(Operation Leader)

#### **Article 9**

When implementing decontamination work, employers shall appoint an operation leader for the decontamination-related work from among workers who are deemed to have the competence and leadership for directing decontamination-related work, and have the appointed leader lead the decontamination-related work in accordance with the work plan described in paragraph (1) of the preceding Article and implement all of the following matters:

- (i) Define the procedures of the decontamination-related work and allocation of decontamination workers;

- (ii) Inspect the machinery and other tools to be used for the decontamination-related work and eliminate defects;
- (iii) Supervise the usage of radiation monitors and protective equipment;
- (iv) Keep the unauthorized personnel off the areas where the decontamination-related work is implemented.

(Contamination Screening of Workers Leaving the Site for the Day)

**Article 14**

- 1 Employers shall establish a contamination screening station at or near the site where decontamination work is implemented and inspect the levels of contamination of the decontamination workers' bodies, clothing, shoes, protective equipment, and other equipment that came into contact with their bodies (hereinafter referred to as the "equipment" in this Article) before they leave their work site for the day.
- 2 When the inspection set forth in the preceding paragraph reveals that the levels of contamination of the decontamination workers' bodies or the equipment exceed 40 Bq/cm<sup>2</sup>, employers shall not allow said decontamination workers to leave their work site as set forth in said paragraph, until the following measures are taken at the contamination screening station set forth in said paragraph:
  - (i) If workers' bodies are contaminated, have them wash their bodies or otherwise reduce their levels of contamination to 40 Bq/cm<sup>2</sup> or less;
  - (ii) If the equipment is contaminated, have the workers take off or remove the contaminated equipment.
- 3 Decontamination workers shall wash their bodies, take off or remove the equipment as instructed by the employers pursuant to the provisions of the preceding paragraph.

(Contamination Screening of Items to be Removed)

**Article 15**

- 1 Employers shall inspect the levels of contamination of the items to be taken out from the site where decontamination work is implemented at the contamination screening station set forth in paragraph (1) of the preceding Article; provided, however, that this shall not apply when the containers set forth in the main clause of Article 13, paragraph (1) are used or measures in the proviso to said paragraph are taken to transport them to the other sites where decontamination work is implemented.
- 2 Employers and workers shall not remove the aforesaid items if the inspection set forth in the preceding paragraph reveals that the levels of contamination of the items exceed 40 Bq/cm<sup>2</sup>; provided, however, that this shall not apply when the containers set forth in the main clause of Article 13, paragraph (1) are used, or measures in the proviso to said paragraph are taken to transport them to the decontamination facilities, storage facilities, disposal facilities, or other sites where decontamination work is implemented.

(Protective Equipment)

**Article 16**

- 1 When having decontamination workers engage in the decontamination-related work prescribed in the items of Article 5, paragraph (2), employers shall prepare effective respiratory protective equipment such as dust masks, protective clothing effective against contamination, gloves, or footwear and ensure the appropriate use of such protective equipment by the decontamination workers who will engage in the

decontamination-related work, according to the classification of the decontamination-related work specified by the Minister of Health, Labour and Welfare.

- 2 Decontamination workers shall use the protective equipment set forth in the preceding paragraph when engaging in the work set forth in said paragraph.

(Special Education regarding Decontamination Work)

**Article 19**

- 1 When having workers engage in decontamination work, employers shall provide a special education program to the workers regarding the following topics:
  - (i) Knowledge on the effects of ionizing radiation on organisms, and the methods for controlling exposure doses;
  - (ii) Knowledge on the methods of the decontamination-related work;
  - (iii) Knowledge on the structure and handling methods for using the machinery and other tools for the decontamination-related work (limited to knowledge on the name and usage of the machinery and other tools to be used for work involving the handling of designated contaminated soil and wastes, when having workers engage in the handling of designated contaminated soil and wastes);
  - (iv) Relevant laws and regulations;
  - (v) Methods and procedures concerning the decontamination-related work and the handling of machinery and other tools to be used therefor (limited to methods and procedures for work involving the handling of designated contaminated soil and wastes, when having workers engage in the handling of designated contaminated soil and wastes).
- 2 In addition to what are provided for in Article 37 and Article 38 of the Ordinance on Industrial Safety and Health (Ordinance of the Ministry of Labour No. 32 of 1972) and in the preceding paragraph, necessary matters for providing a special education program as set forth in said paragraph shall be specified by the Minister of Health, Labour and Welfare.

(Medical Examinations)

**Article 20**

- 1 Employers shall provide decontamination workers who are regularly engaged in decontamination work with medical examinations by medical doctors regarding the matters set forth in the following items at the time of their employment or at the time of a reallocation and periodically once every six months thereafter:
  - (i) Investigation and evaluation of any history of exposure (for workers who have a history of exposure, the location, details, and duration of the work, and other details concerning radiation exposure, in addition to the existence of subjective symptoms);
  - (ii) Examinations of leukocyte counts and classifications;
  - (iii) Examinations of red blood cell counts and hemoglobin contents or hematocrit values;
  - (iv) Examinations of eyes for cataracts;
  - (v) Skin examinations.
- 2 Regardless of the provisions of the preceding paragraph, the matters set forth in item (ii) to item (v) of said paragraph can be exempted from medical examinations (limited to periodical examinations; hereinafter the same shall apply in this item) for workers whose annual effective dose did not exceed 5 mSv in the year before the year that contains the scheduled date of said medical examinations and whose annual effective

doses are not likely to exceed 5 mSv in the year that contains the scheduled date of said medical examinations, if medical doctors find them to be unnecessary.