

# [4] Working Conditions/Labour Relations

## (1) Working Conditions

### Measures for Security and Improvement of Working Conditions

#### Overview Security and Improvement of Working Conditions

Approximately 52.93 million people are working at some 4.12 million workplaces in Japan (source: 2014 "Economic Census for Business Frame", Statistics Bureau, Ministry of Internal Affairs and Communications). In order to provide working environment in which workers can work without worries, it is crucial to secure the working conditions stipulated in the Labour Standards Act etc. and take measures to improve working conditions.

As means to achieve this goal, Labour Bureau is established in every prefecture, and Labour Standards Inspection Offices nationwide. On-site inspections are conducted in accordance with labour standards related laws to ensure that employers abide by the statutory working hours, occupational safety and health standards and the minimum wages as well as to secure and improve working conditions.

There are two types of inspections: regular inspection and inspection based on reports filed by workers. The former includes monthly planned inspection and so-called accident site investigation carried out when a serious industrial accident occurs or a workplace disaster such as fire and explosion takes place. Accident site investigation aims to investigate the cause of the industrial accident and prevent recurrence of similar accidents. Inspection based on reports from workers is conducted when a report is filed by workers, etc.

When labour standards inspectors find serious or gross violation case of labour standards related laws on inspection site, they investigate the case, as special judicial police officers, in accordance with the Code of Criminal Procedure to pursue criminal liability, and send the case to the Public Prosecutor's Office.

#### Detailed Data 1 Transition of the Number of Inspections

Year	Number of offices where on-site inspection was conducted			Inspection rate	Violation rate
	Regular inspection	Other inspection	Total		
	case	case	case	%	%
2003	121,031	43,474	164,505	3.6	65.6
2004	122,793	42,835	165,628	3.6	67.1
2005	122,734	41,407	164,141	3.7	66.3
2006	118,872	42,186	161,058	3.6	67.4
2007	126,499	42,234	168,733	4.1	67.9
2008	115,993	43,097	159,090	3.9	68.5
2009	100,535	46,325	146,860	3.6	65.0
2010	128,959	45,574	174,533	4.3	66.7
2011	132,829	42,703	175,532	4.1	67.4
2012	134,295	39,225	173,520	4.1	68.4
2013	140,499	37,634	178,133	4.2	68.0
2014	129,881	36,568	166,449	3.9	69.4
2015	133,116	36,120	169,236	4.0	69.1
2016	134,617	35,006	169,623	4.1	66.8
2017	135,785	34,413	170,198	4.1	68.3
2018	136,281	33,911	170,192	4.1	68.2
2019	134,981	32,577	167,558	4.1	70.9

Source: Labour Standards Bureau, MHLW

(Note) 1. "Violate rate" indicates the percentage of offices which committed violations among offices where regular inspections were conducted.

## Detailed Data 2 Transition of the Number of Inspection Based on Reports

Year	Cases to be inspected		Cases carried over from the previous year		Cases carried over from the previous year	
	Number of cases	Year-on-year change	Number of cases	Year-on-year change	Number of cases	Year-on-year change
2003	46,009	104.8	6,954	108.3	39,055	104.2
2004	43,423	94.4	6,795	97.7	36,628	93.8
2005	41,003	94.4	6,072	89.4	34,931	95.4
2006	40,234	98.1	5,442	89.6	34,792	99.6
2007	40,254	100.0	4,724	86.8	35,530	102.1
2008	44,432	110.4	5,145	108.9	39,287	110.6
2009	48,448	109.0	5,976	116.2	42,472	108.1
2010	44,736	92.3	6,588	110.2	38,148	89.8
2011	41,047	91.8	5,784	87.8	35,263	92.4
2012	37,253	90.8	5,901	102.0	31,352	88.9
2013	34,322	92.1	5,004	84.8	29,318	93.5
2014	31,709	92.4	4,620	92.3	27,089	92.4
2015	30,381	95.8	4,119	89.2	26,280	97.0
2016	29,773	98.0	4,073	98.9	25,700	97.8
2017	29,388	98.7	4,016	98.6	25,372	98.7
2018	28,874	98.3	4,086	101.7	24,788	97.7
2019	27,471	95.1	3,959	96.9	23,512	94.9

Source: Labour Standards Bureau, MHLW

## Detailed Data 3 Transition of the Number of Judicial Cases by Major Type of Business

Year	All industries	Manufacturing	Construction	Commerce
2003	1,399 (100.0)	346 (24.7)	593 (42.4)	122 (8.7)
2004	1,339 (100.0)	312 (23.3)	571 (42.6)	113 (8.4)
2005	1,290 (100.0)	303 (23.5)	525 (40.7)	106 (8.2)
2006	1,219 (100.0)	286 (23.5)	470 (38.6)	97 (8.0)
2007	1,277 (100.0)	308 (24.1)	458 (35.9)	122 (9.6)
2008	1,227 (100.0)	295 (24.0)	484 (39.4)	92 (7.5)
2009	1,110 (100.0)	285 (25.7)	375 (33.8)	114 (10.3)
2010	1,157 (100.0)	268 (23.2)	400 (34.6)	102 (8.8)
2011	1,064 (100.0)	253 (23.8)	352 (33.1)	98 (9.2)
2012	1,133 (100.0)	260 (22.9)	406 (35.8)	97 (8.6)
2013	1,043 (100.0)	231 (22.1)	369 (35.4)	79 (7.6)
2014	1,036 (100.0)	215 (20.8)	392 (37.8)	96 (9.3)
2015	966 (100.0)	241 (24.9)	336 (34.8)	85 (8.8)
2016	890 (100.0)	210 (23.6)	309 (34.7)	75 (8.4)
2017	896 (100.0)	195 (21.8)	307 (34.3)	79 (8.8)
2018	896 (100.0)	221 (24.7)	312 (34.8)	82 (9.2)
2019	821 (100.0)	169 (20.6)	307 (37.4)	63 (7.7)

Source: Labour Standards Bureau, MHLW

(Note) The figures in parentheses indicate the percentage among all industries.

# Measures for Working Hours

## Overview

## Major Measures for Working Hours

### Major efforts, etc., to achieve the realization of work-life balance

- Fostering social momentum toward the realization of work-life balance
- Support for promoting improvements in working hours and other settings
  - Dissemination of Act on Special Measures for Improvement of Working Hours Arrangements and "Guidelines on the Improvement of Working Hour Arrangements"
  - Support for improving the working hours arrangement
    - ▶ Work Style Reform Promotion Support Center
    - ▶ Subsidy for improving overtime work, etc.
    - ▶ Promotion of voluntary efforts especially for business owners of business establishments with long overtime
  - Promotion of review for trading practices that lead to long working hours

### Promotion of the specific measures for working hours

- Preparation of the implementation system of improvement of working hours arrangements
- Thorough compliance with statutory working hours
  - Thorough compliance with statutory working hours by continuing to provide group guidance, etc., in addition to disseminating the Labor Standards Act
- Reduction of overtime work
  - Optimization of working hours management, etc.
    - ▶ Guidance for proper management of working hours according to "Guidelines on measures that employers should take in order to properly ascertain work hours"
  - Optimization of the overtime and holiday work agreement (the 36 agreement)
    - ▶ Providing the necessary guidance on the contents of the 36 agreements when it is submitted to the jurisdictional Labour Standards Inspection Offices

#### 【Upper limit of overtime work with penalties】

- By law, the upper limit of overtime work is, in principle, 45 hours a month and 360 hours a year, which cannot be exceeded unless there are extraordinary special circumstances.
- Even if labor and management agree on extraordinary special circumstances (special provisions), the following must be complied.
  - ▶ Overtime work is within 720 hours a year
  - ▶ Overtime and holiday working hours are less than 100 hours a month
  - ▶ Regarding the total of overtime work and holiday work, it shall be within 80 hours a month by calculated in "2-month average", "3-month average", "4-month average", "5-month average" and "6-month average"
  - ▶ Overtime is allowed to exceed 45 hours a month only for up to 6 months a year
- Violations of the above may result in penalties (up to 6 months imprisonment or up to 300,000 yen fine).
- For the following businesses and operations, the application of the upper limit regulation is postponed as follows.

Business / operation	Handling during the grace period (Until March 31, 2024)	Handling after the grace period (After April 1, 2024)
Construction	The upper limit is not applied.	<ul style="list-style-type: none"> <li>• All upper limit is applied, except for disaster recovery and reconstruction projects.</li> <li>• Regulations which specify total of the overtime and holiday work as below are not applied to the disaster recovery and reconstruction projects.</li> <li>✓ Less than 100 hours a month</li> <li>✓ Within 80 hours on average for 2 to 6 months</li> </ul>
Automobile drivers		<ul style="list-style-type: none"> <li>• The upper limit of overtime hours per year shall be 960 hours per year, if the 36 agreement with special provisions is concluded.</li> <li>• Regulations which specify total of the overtime and holiday work as below are not applied.</li> <li>✓ Less than 100 hours a month</li> <li>✓ Within 80 hours on average for 2 to 6 months</li> <li>• The regulation that the overtime is allowed to exceed 45 hours a month only for up to 6 months a year is not applied.</li> </ul>
Doctors		The specific upper limit time shall be set by the Ministerial Ordinance in the future.
Sugar industry in Kagoshima and Okinawa prefectures	Regulations which specify total of the overtime and holiday work as below are not applied. <ul style="list-style-type: none"> <li>✓ Less than 100 hours a month</li> <li>✓ Within 80 hours on average for 2 to 6 months</li> </ul>	All upper limit regulations are applied.

- The application of the upper limit regulation is excluded for the research and development work of new technologies and new products.

- Ensuring proper operation of working hour systems such as the one-year variable working hour system
- Promoting the introduction of work time interval system
- Promoting the taking of annual paid leave
  - Ensuring for workers to take the annual paid leave of 5 days a year, etc.
  - Managing the number of days of annual paid leave taken by workers, etc.
  - Fostering momentum to promote annual paid leave usage
  - Prohibiting the disadvantageous treatment due to taking annual paid leave
  - Promoting the long-term leave system

## Improvement of working hour arrangements

- At the setting the matters related to working hours, such as working hours, start and end time of working, number of holidays, seasons of annual paid leaves, number of midnight works, intervals of working hours, etc., the health and life of workers shall be considered and, at the same time, such setting shall be improved to correspond to the various work styles.
- Employers are obliged to make efforts in taking necessary measures for improving working hour arrangements. In addition, when dealing with other employers, it is required to consider not to set short deadlines, not to change the order details frequently, and not to set transaction conditions which hinder the improvement of working hours setting by other employers.
- The Government must make efforts to support employers, etc. and promote necessary measures in an comprehensive and effective manner.

## Guidelines on the Improvement of Working Hour Arrangements

Matters which are stipulated so that employers etc. can appropriately deal with the obligation to make efforts to improve the setting of working hours, etc. (matters to be references for promoting specific efforts shall be also stipulated.)

## Committee on the Improvement of Working Hours, etc. Arrangements // Working Hours Setting Improvement Corporate Committee

- Established to create opportunities for discussions between labours and managements (obligation to make efforts).
- Exceptions of the Labour Standards Act, such as substitution effects of labour and management agreement and notification exemption, are applied to committees that meet specific requirements.

## Implementation plan for improvement of working hour arrangements

In case two or more employers jointly formulate the plan and receive ministerial approval, relevant ministers and the Fair Trade Commission shall check whether there's any violation of the Antimonopoly Act.

## Guidelines on the Improvement of Working Hour Arrangements (Main contents)

- It is important the executive officers take the lead in carrying out, and strive for raising awareness for the reform of working environments
- Taking measures in a systematic manner toward the realization of work-life balance according to the actual conditions of individual enterprises in light of the goals of the entire society provided in the "Action Policy for Promoting a Good Work-Life Balance" is important (Goals of the entire society)
  - To halve the ratio of workers who work for 60 hours or more per week by 2020
  - To raise the acquisition rate of annual paid leave to 70% by 2020

## [ Measures that are important for the realization of work-life balance ]

- (1) Development of opportunities for discussion between labour and management
  - Development of opportunities for discussion between labour and management such as Committee on the Improvement of Working Hours, etc. Arrangements
- (2) Development of environment where annual paid leave is easily taken
  - Utilization of annual paid leave management book
  - Pre-planned annual paid leave acquisition, continuous annual paid leave acquisition
  - Examination of hourly unit grant system, etc. for annual paid leave
  - Considering early provision of annual paid leave so that it will not be disadvantageous for changing jobs
  - Consideration for acquisition of annual paid leave matching to the child's school holidays, and etc.
- (3) Reduction of overtime and holiday work
  - Introduction and improvement of "no overtime day" and "no overtime week"
  - Control of long working hours based on the introduction of the upper limit regulation for overtime work
  - Utilization of teleworking, limit of the number of midnight work, interval between working, examination of morning working style, and etc.
- (4) Consideration for health and life of individual workers
  - Workers considered to be in particular need of maintaining their health
  - Workers that are raising their children or nursing their family members
  - Workers exercising civil rights, etc.
  - Business bachelors
  - Workers making voluntary efforts in vocational ability development
  - Consideration for workers engaged in local activities, etc.
- (5) Consideration in transactions with other employers
  - Optimizing delivery dates, curbing frequent order changes, improving ordering methods, and etc.

## Detailed Data 1

## Transition of Average Annual Hours Actually Worked per Person in 6 Major Countries

Year	(Hour)					
	Japan	United States	United Kingdom	Canada	Germany	France
2010	1754	1779	1467	1718	1350	1439
2011	1747	1788	1482	1718	1354	1445
2012	1765	1789	1498	1726	1336	1440
2013	1746	1787	1507	1721	1327	1427
2014	1741	1788	1513	1718	1334	1422
2015	1734	1788	1500	1718	1337	1422
2016	1724	1785	1513	1714	1334	1428
2017	1720	1783	1513	1705	1334	1414
2018	1706	1789	1511	1721	1336	1406
2019	1669	1785	1516	1682	1334	1418

Source: Database (<http://stats.oecd.org>) "Average annual hours actually worked per worker [Dependent employment]" as of July 2020

- (Note)
1. Including part-time workers, but excluding self-employed persons.
  2. The figures for Japan indicate hours worked by workers in offices with 5 or more workers. No limitation is imposed on the figures for other countries.
  3. Note that the data of Japan after 2012 have been changed to the re-aggregated value for "business establishments with 500 or more employees" (re-aggregated value) in Tokyo, and is not connected to the previously published value.
  4. 2015 value of France is an estimate.
  5. Note that statistical methods used for obtaining the data, including selection of the general population, are different in each country.

**Detailed Data 2 Annual paid leave usage <sup>1)</sup>**

Size of enterprise, industry, year	Days granted <sup>2)</sup>	Days acquired <sup>3)</sup>	Acquisition rate <sup>4)</sup>
2020	18.0	10.1	56.3
2019	18.0	9.4	52.4
2018	18.2	9.3	51.1
2017	18.2	9.0	49.4
2016	18.1	8.8	48.7
2019 Total	18.0	10.1	56.3
1,000 employees and over	18.9	11.9	63.1
300-999 employees	17.9	9.5	53.1
100-299 employees	17.6	9.2	52.3
30-99 employees	17.0	8.7	51.1
2019			
Mining and quarrying of stone and gravel	17.7	11.3	63.9
Construction	17.9	8.0	44.9
Manufacturing	18.6	11.9	64.1
Electricity, gas, heat supply and water	19.5	15.0	76.8
Information and communications	19.3	12.3	64.0
Transport and postal activities	17.7	10.0	56.5
Wholesale and retail trade	18.0	8.0	44.7
Finance and insurance	18.9	11.6	61.2
Real estate and goods rental and leasing	17.6	9.2	52.5
Scientific research, professional and technical services	18.6	11.8	63.2
Accommodations, eating and drinking services	16.2	6.7	41.2
Living-related and personal services and amusement services	16.8	7.8	46.7
Education, learning support	18.4	8.6	46.4
Medical, health care and welfare	16.7	8.9	53.4
Compound services business	19.5	14.2	72.7
Services (not elsewhere classified)	17.2	9.3	54.2

Source: "General Survey on Working Conditions", Wage and Labour Welfare Statistics Office to the Director-General for Statistics, Information Policy and Industrial Relations, MHLW

(Note) 1) Year in this table indicates implementation year, with the survey period covered being the previous year (or the fiscal year before the last)

2) "Days granted" exclude those carried over from the previous year.

3) "Days acquired" indicates the number of days actually acquired within a year.

4) "Acquisition rate" is calculated by (Total days acquired / Total days granted) × 100 (%).

# Wage Measures

## Overview Outline of Minimum Wage System

### 1. Minimum wage system

The minimum wage system is a system that employers are obliged to pay employees the amount no less than the minimum wages formulated by the government in accordance with the Minimum Wages Act.

Even the cases where the wages below the minimum wage is stipulated in the conditions of agreement with employees are considered invalid and the amount equal to the minimum wage is considered applicable. Employers that failed to pay the regional minimum wage are punishable by a fine not exceeding ¥500,000.

### 2. Types of the minimum wages

Two types of the minimum wages exist, namely the "regional minimum wages" that apply to all workers within the prefecture regardless of industry and profession and the "specified minimum wages" that are more expensive than the regional minimum wage and applies to core workers in specific industries (electromechanical apparatus manufacturing, retail trade of motor vehicles, etc.).

### 3. Comparing with the minimum wage

Wages paid and the minimum wage are compared using the following method. Of wages paid, however, [1] special wages (marriage allowance, etc.), [2] wages paid for a period exceeding that of one month (bonuses, etc.), [3] wages paid for hours worked that exceeded their prescribed working hours (premium wage for overtime work, etc.), [4] wages paid for days worked outside of prescribed working days (premium wage for working on days off, etc.), [5] portion of wages paid for hours worked between 22:00 and 05:00 that exceeds the amount of ordinary wages calculated for that hours (premium wage for night work), and [6] allowance for specific duty, commuting allowance, and family allowance were excluded from the abovementioned minimum wage comparison.

(1) In case of hourly wage:  $\text{hourly wage} \geq \text{minimum wage (per hour)}$

(2) In case of daily wage:  $\text{daily wage} / \text{daily average prescribed working hours} \geq \text{minimum wage (per hour)}$

(3) In case of monthly wage:  $\text{monthly wage} / \text{monthly average prescribed working hours} \geq \text{minimum wage (per hour)}$

(4) In case of combination with (1), (2) and (3) above: For example, in the case that basic salary is on a daily basis, each allowance (including job allowance) is a monthly basis, hourly rate is calculated on a basis of formula of (2) and (3). Therefore, the hourly rate combined with (2) and (3) is compared with the amount of the minimum hourly wage (per hour).



**Detailed Data 2**
**Results of Inspection Aimed at Securing the Observance of the Minimum Wages**
**Transition of results of inspection (2004-2019, nationwide total)**

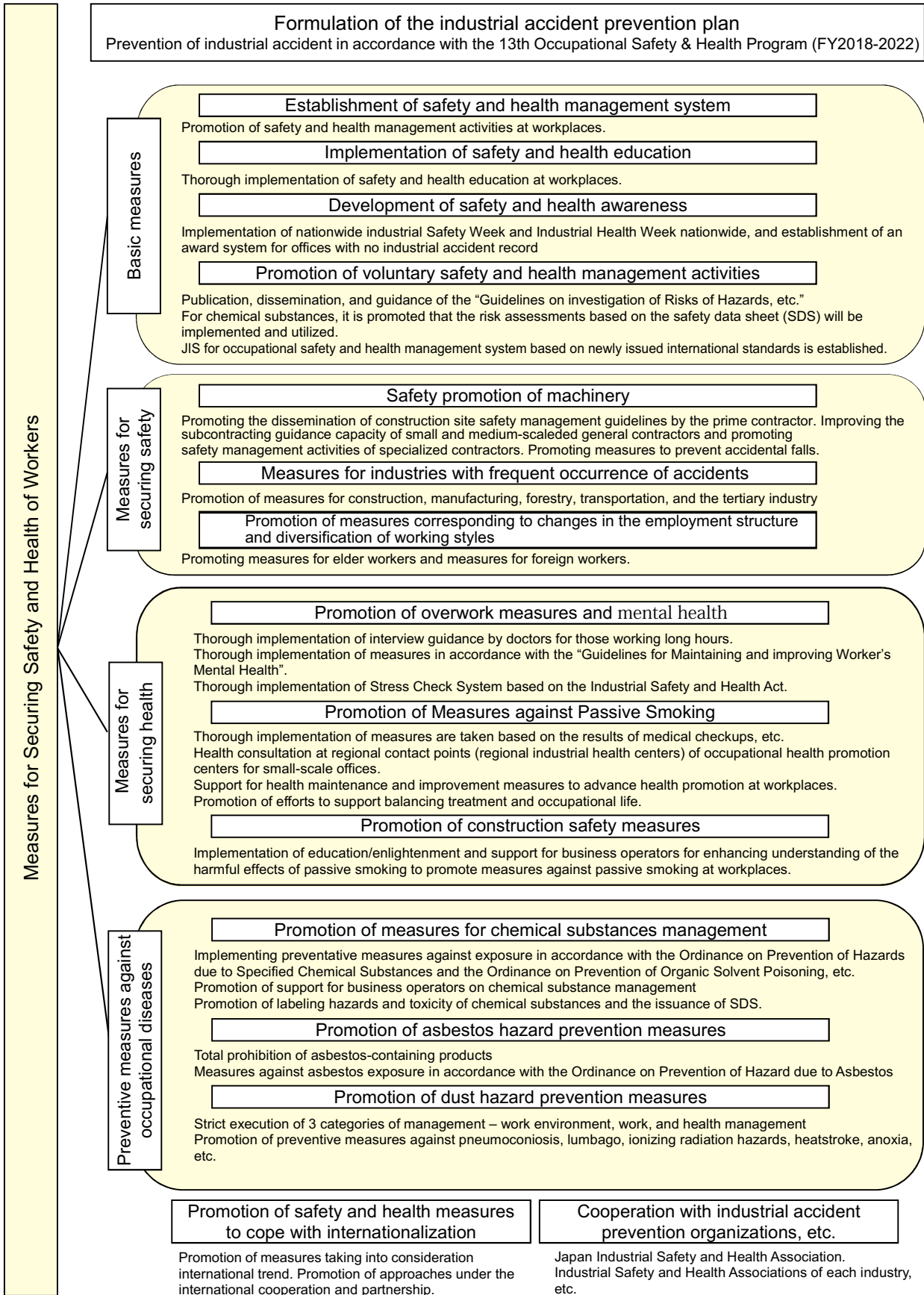
Matters Year	Violations of the law			Awareness in offices violating the law			Workers receiving less than the minimum wages		
	Number of workplaces inspected	Number of workplaces violating the obligation to pay the minimum wages	Violation rate (%)	Aware of the amount of the minimum wages being applied	Not aware of the amount of the minimum wages but aware of it being applied	Not aware of the minimum wages being applied	Number of workers in workplaces inspected	Number of workers receiving below minimum wages	Proportion of workers receiving below minimum wages (%)
2004	case 12,337	case 678	% 5.5	% 30.2	% 53.1	% 16.7	person 178,757	person 2,321	% 1.3
2005	11,820	753	6.4	30.9	50.5	18.6	177,086	2,087	1.2
2006	10,700	731	6.8	32.6	51.8	15.6	149,523	2,376	1.6
2007	20,362	1,399	6.9	33.4	56.0	10.7	299,402	4,241	1.4
2008	19,550	1,318	6.7	34.7	56.5	8.8	310,782	4,081	1.3
2009	9,743	833	8.5	32.5	59.7	7.8	150,126	3,393	2.3
2010	13,559	1,055	7.8	34.2	57.6	8.2	192,080	3,482	1.8
2011	14,398	1,481	10.4	41.3	51.8	6.9	201,362	5,275	2.6
2012	13,644	1,139	8.3	36.9	55.4	7.7	185,260	4,056	2.2
2013	13,946	1,343	9.6	40.9	50.7	8.4	190,386	4,079	2.1
2014	13,975	1,491	10.7	39.6	51.5	8.9	182,548	5,716	3.1
2015	13,295	1,545	11.6	40.1	52.2	7.6	161,377	5,262	3.1
2016	12,925	1,715	13.3	39.4	51.7	8.9	166,570	5,590	3.4
2017	15,413	2,166	14.1	41.8	52.3	5.9	196,039	6,853	3.5
2018	15,602	1,985	12.7	47.3	48.2	4.6	195,606	6,386	3.3
2019	15,600	2,080	13.3	55.9	38.6	5.5	185,239	5,910	3.2

(Note) The figures for the respective years indicate the results for the period between January and March.



# Measures for Securing Safety and Health of Workers

## Detailed Information 1 Structure of Safety and Health Measures



## Detailed Information 2 The 13th Occupational Safety & Health Program (Overview)

**Goals of the plan** Plan period: April 1, 2018 - March 31, 2023

### Overall

Fatal accidents: Reduction by 15% or more

Non fatal accidents: Reduction by 5% or more

### By industry

Construction, manufacturing, forestry: Reducing fatal accidents by more than 15%

Land transportation industry, retailers, social welfare facilities, restaurants: Reducing the non-fatal accidents by 5% or more at the rate in 1,000 persons a year

### Other goals

- Job-related anxiety, distress and stress: Increase the percentage of workers who have access to a consultant, including resources outside the workplace, to at least 90% (71.2% in 2016).
- Increase the percentage of business establishments that take mental health measures to at least 80% (56.6% in 2016)
- Increase the percentage of business establishments that conduct group analyses of stress check results and utilize the result to at least 60% (37.1% in 2016).
- Increase the percentage of sellers and suppliers of chemical substances who provide labeling or safety data sheets (SDS) for all chemical substances classified as hazardous or toxic by the Global Harmonized System (GHS), authorized for the classification and indication of chemical substances to at least 80% (labeling:60.0%,SDS:51.6% in 2016).
- Reduce casualties due to occupational back pain in tertiary and land transportation industries by at least 5% at the accident rate per 1,000 persons of casualties (relative to the 2017 level) by 2022.
- Reduce fatalities due to heat stroke at the workplace by at least 5% over the five years from 2018 to 2022 relative to the level during the five-year period from 2013 to 2017.

### Eight priority measures

- (1) Promotion of measures to eliminate fatal accidents
- (2) Promotion of measures to ensure the health of workers, including the prevention of karoshi, etc.
- (3) Promotion of measures to adapt to changes in the employment structure and diversified work styles
- (4) Promotion of measures to ensure the health of workers with diseases
- (5) Promotion of measures to prevent health disorders due to chemical substances, etc.
- (6) Reinforcement of efforts by companies and industries on safety and health
- (7) Reinforcement of safety and health management organizations and development of human resources
- (8) Improvement of nationwide awareness on safety and health

In order to prevent health disorders due to overwork, properly implementing measures for worker's health care is important in preventing worker from cumulative fatigue and eliminating such heavy long-time overwork that does not allow workers to recover from fatigue. For this reason, the Comprehensive Measures aim to prevent health problems caused by overwork with the formulation of the “measures that employers must take to prevent health disorders due to overwork” and compilation of necessary measures taken by the government, including thorough dissemination and guidance, etc.

#### Measures that employers must take to prevent health disorders due to overwork

##### (1) Reduction of overtime and holiday work hours

- Observance of the guideline for the 36 Agreement when concluding it (overtime holiday work agreement)
- Proper identification of working hours, etc.

##### (2) Promotion of taking annual paid leave

##### (3) improvement of working hour arrangements

##### (4) Thorough the implementation of health management measures for workers

- [1] Establishment of health management system and implementation of health checkups, etc.
  - Appointment of industrial doctors, health supervisors, and health promoters, etc. and implementation of health management by them
  - Development of health Management system, including establishment of health committees
  - Steady implementation of health checkups and subsequent measures, etc.
- [2] Interview and guidance for workers who had overtime and holiday work hours for a long time, etc.
  - Implementation of interview and guidance by doctors and subsequent measures, etc.
  - Development of procedures for implementing interview guidance, etc.
  - Utilization of regional industrial health centers to prompt implementation of interview and guidance, etc. at small-scale offices
- [3] Implementation of the mental health measures
- [4] Identification of causes and prevention of the recurrence in the case of occurrence of the occupational diseases due to over work
- [5] Handling of information on the physical and mental condition of workers

#### Necessary measures taken by the government

- Guidance to standardize the 36 Agreement at consultation desks, etc.)
- Inspection for offices that are suspected of having overtime/holiday work hours of over 45 hours per month
- Guidance for thorough implementation of the prevention of recurrence in the case of occurrence of the occupational disease due to overwork

## Detailed Information 4 Mental Health Measures at Workplaces

### I System Framework

#### 1. Measures of industrial safety and health laws and ordinances

- (1) "Stress check" to examine how much workers suffer from mental stress and interviews are to be implemented (being enacted as of December 1, 2015)
- (2) Conducting mental health checkups by doctors at the time of interview guidance for those working long hours
- (3) Conducting investigation and discussion at health committees, etc. for establishing mental health measures

#### 2. Measures to be taken by employers

- (1) Establishment of a stress checking system based on the Industrial Safety and Health Act (issued in June, 2014 and being enacted as of December 2015)

A stress checking system is primarily designed for primary prevention (of workers' mental health disorders) and to promote workers themselves to be aware of their stress load as well as improving the working environment leading to causing stress. To improve such, the following items are set.

- Employers shall conduct mental health examinations (stress checking)\*<sup>1</sup> for their workers by doctors, public health nurses and others based on the Ordinance of MHLW\*<sup>2</sup>.
- Stress check results are notified to test takers by doctors and others who conducted tests. Such results are not subject to be notified to employers without the prior consent of the test takers themselves.
- Employers shall conduct a doctor's interview based on the Ordinance of MHLW in case they receive an offer from workers pertinent to the conditions\*<sup>3</sup> set by the Ordinance of MHLW, who received a stress check test result.
- Employers shall not treat a given test taker disadvantageously as a result of an offer from such test taker.
- Employers shall hear the doctor's opinion based on the results of interview guidance by the Ordinance of MHLW, and take appropriate measures for working conditions\*<sup>4</sup> if necessary, after considering the doctor's opinion.
- The minister of MHLW shall issue guidelines about the implementation of appropriate and effective measures which business owners should take.

\*1 Performers of stress checks are dentists, nurses, psychiatric social workers, and certified public psychologists who have received a certain level of training, in addition to doctors and public health nurses.

\*2 Items examined are standardized "simple questionnaires on professions" (57 items) and should be conducted once a year.

\*3 Stress checks should be conducted only for persons whom a performer deems necessary, even if the test-taker's stress level is high.

\*4 Measures on professions include changing the working location, work and shortening working hours and decreasing number of late-night overtime considering a worker's actual situation.

- (2) Formulation of the "Guidelines for Maintaining and Improving Workers' Mental Health" (Amendment in November 2015)  
The Guidelines provide the following matters as general implementation methods of mental health care that employers should take.

1. Investigation and discussion at health committees, etc.
2. Formulation of mental health promotion plans
3. Promotion of four types of mental health care
  - (1) Self-care
  - (2) Care by management supervisors
  - (3) Care by industrial health staffs, etc. placed at offices
  - (4) Care by external resources
4. Concrete procedures of mental health care
  - (1) Educational training and information provision
  - (2) Identification and improvement of working environment, etc.
  - (2) Detecting and responding to mental health disorders
  - (4) Support for returning to work
5. Consideration to personal information protection
6. Prevention of disadvantageous treatment due to information on mental health.
7. Matters requiring attention for efforts made in small-scale offices

\* External resources: refers to institutions or experts that provide support for mental health care outside offices

- (3) Formulation of "Prevention of and Countermeasures against Suicide at Workplaces" (Suicide Prevention Manual) (revised in September 2020)
- (4) Formulation of "Support Guide for Workers Absent from Work due to Mental Health Problems to Return to Workplaces" (revised in July 2012)

### 3. Guidance by Prefectural Labour Bureaus and Labour Standards Inspection Offices

Employers are provided with guidance on measures that conforms to the Guidelines for offices.

### II The government support for promoting mental health measures at workplaces

#### 1. Comprehensive support

Establishment and operation of Mental Health Measures Support Centers, etc.

Implementation of comprehensive support for efforts being made by employers in mental health measures, and from prevention of mental health disorders, their early detection, and appropriate treatment, through to support for absent workers to return to their workplaces

- [1] Responses to consultation requests from employers
- [2] Visit support at individual workplaces (including support for introduction of "Stress Check System")
- [3] Support for the formulation of programs on returning to workplaces
- [4] Education for managers/supervisors, etc.
- [5] Implementation of training on mental health to the occupational health staff, etc.

#### 2. Information provision

Establishment of a mental health portal site "Ears of the Heart" (October 2009; <http://kokoro.mhlw.go.jp/>)

In addition to providing comprehensive information on mental health measures at the workplace, the phone/mail consultation window was opened concerning the mental and physical health problems due to overwork

#### 3. Other

Payment of industrial health care related subsidies by the Japan Organization of Occupational Health and Safety

## Detailed Information 5 Guidelines for supporting treatment and work integration in the workplace

The guidelines summarizing the efforts to be taken at workplaces were formulated in February 2016. The guidelines aim to take appropriate occupational measures for workers who have diseases that require treatment such as cancers, strokes, cardiovascular diseases, diabetes and hepatitis and to give consideration to treatment at workplaces. (Revised in March 2021) (<https://www.mhlw.go.jp/content/11200000/000621298.pdf>)

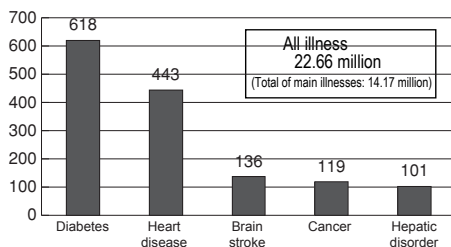
In addition, as reference materials for the guidelines, "Companies and Medical Institutions Collaboration Manual" which can be used as a reference when companies and medical institutions exchange information and points to note regarding major diseases has been prepared.

### I Outline of Guidelines for supporting treatment and work integration in the workplace Background and current situations

- Cancers have changed from "incurable disease" to "something we live with for a long period of time" due to the progress of treatment techniques (Example: The 5-year relative survival rate of cancers has improved from 53.2% (1993~1996) to 64.1% (2009~2011))
  - It is possible for workers to receive treatment while continuing to work (Example: The number of persons who work and visit hospitals for cancer treatment was 325,000 in 2010)
  - In some cases, workers cannot receive appropriate treatment for reasons relating to their work (Example: About 8% of diabetic patients stopped visiting hospitals. The most common reason (24%) was "I am busy due to my work (study)")
- ⇒ The balance between treatment and occupational life of workers who are affected by diseases is an important issue
- Many employers have a problem with how to balance treatment and occupational life (Example: Of the establishments that are making efforts to integrate treatment and work, the percentage of establishments that may find difficulties or challenges in making efforts is 76.1%.)
- ⇒ It is necessary to formulate guidelines which employers can refer to

About one third of Japanese working population work with some kind of illness

○ Number of workers with illness (main illnesses)  
(10,000 persons)



Source: FY2019 Comprehensive Survey of Living Conditions, MHLW

### Environmental improvement for providing support for balancing treatment and occupational life

- Expression of basic policy and dissemination to workers, by business operators
- Raising awareness by providing trainings for workers and management-level employees
- Clarifying consultation counters where workers can receive consultation services and make a declaration without fear
- Improve the system and structure for providing support for balancing treatment and occupational life (improve leave and working hour system and collaboration between workers and the management)

### Process of providing support for balancing treatment and occupational life

- (1) A worker notifies his/her employer
  - The worker submits to his/her doctor the content of duties using a certain form.
  - Based on this information, the doctor prepares a document describing symptoms (symptoms that can affect commuting and task implementation, etc.), the treatment plan, whether the worker can continue to work, desirable occupational measures to be taken and matters requiring consideration using a certain form.
  - The worker submits the document prepared by the doctor to his/her employer.
- (2) The employer hears opinions from an industrial doctor
  - The employer provides the industrial doctor with information from his/her doctor submitted by the worker to hear opinions regarding whether the worker can continue to work, occupational measures to be taken and consideration to be given to treatment at workplace.
- (3) The employer decides and implements occupational measures to be taken
  - The employer takes opinions of the doctor and the industrial doctor into consideration and hears opinions of the worker to decide whether the worker can continue to work and the content of consideration to be given for treatment (securing of time for seeing a doctor, etc.) and to implement occupational measures (reallocation, etc.)

\* In this case, it is desirable to prepare a "support plan for balanced life" which summarizes specific contents of the above support measures.

## II Government's support measures for promoting efforts based on the guidelines for supporting treatment and work integration in the workplace

### 1 Comprehensive support

- The Japan Organization of Occupational Health and Safety serves as a contact point and subsidizes the "Subsidy for Supporting Balance between Treatment and Work (Environmental Improvement Course / System Utilization Course)".
- The Industrial Health Care Comprehensive Support Center throughout the country, etc. began to implement various supports below from FY2016 to support the companies' efforts based on the guidelines.
  1. Holding seminars and specialized training on support for balancing treatment and work
  2. Providing the visit guidance to business establishments working on supporting medical and work balance
  3. Response to stakeholders' consultation
  4. Support for individual adjustment between patient (worker) and company

### 2 Providing information

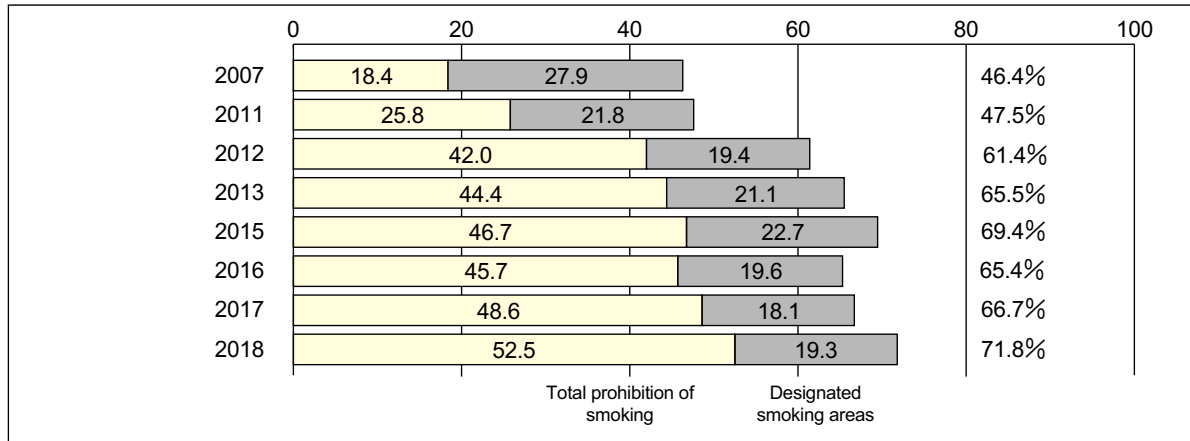
- Compiled "Workplace Creation Case Collection" that summarizes the examples of efforts for supporting treatment compatible with occupational life at workplaces. (<http://www.mhlw.go.jp/file/06-Seisakujouhou-11200000-Roudoukijunkyoku/0000159796.pdf>)
- Established "Medical and Work Balance Support Navigation" to centralize and provide information on the balance support (<https://chiryoutoshigoto.mhlw.go.jp/>)

## Detailed Information 6 Preventive measures against passive smoking at workplaces

According to "Partial amendment for 'Industrial Safety and Health Act' to be made Act" (Act No. 82 of 2014) enforced as of June 1, 2015, from the perspective of enhancing workers' health maintenance, employers are required to take appropriate preventive measures against passive smoking according to actual situation for both employers and workplaces.

With regard to the status of efforts of preventive measures against passive smoking at workplaces, according to the 2018 Survey on Industrial Safety and Health (actual condition survey), the percentage of workplaces that adopt total prohibition of smoking or designated smoking areas was 71.8% and is rising when compared to similar surveys in the past.

### Percentage of workplaces taking measures of total prohibition of smoking or designated smoking areas



Source: Created with reference to the "Survey on Industrial Safety and Health", Wage and Labour Welfare Statistics Office to the Director-General for Statistics, Information Policy and Industrial Relations, MHLW

The Ministry of Health, Labour and Welfare provides the following support to promote efforts of preventive measures against passive smoking by employers.

### Support for preventive measures against passive smoking at workplaces provided by the Ministry of Health, Labour and Welfare 1.

#### 1. Subsidies for preventive measures against passive smoking

- Employers covered: Business owners of existing specified food and beverage supplying facility
- Subject to subsidies: Expenses for establishing smoking rooms
- Subsidy rate/amount: 2/3 of the expenses of preventive measures against passive smoking (it shall be 1/2 except food and beverage supplying facility)

#### 2. Technical consultation services/briefing sessions (free of charge)

- Implementation of telephone consultations by experts on various inquiries (on-site instruction at request)
- Holding briefing sessions on preventive measures against passive smoking for management executives and persons in charge of safety and health management
- MHLW shall explain about passive smoking by sending an instructor to a meeting or training program organized by companies/organizations.

#### 3. Lending tobacco smoke measuring devices (free of charge)

- Lending devices for measuring the tobacco smoke concentration and the ventilation status of smoking rooms
- Explanations on how to use the devices lent out or evaluation methods may be provided over the telephone or on-site as requested by clients

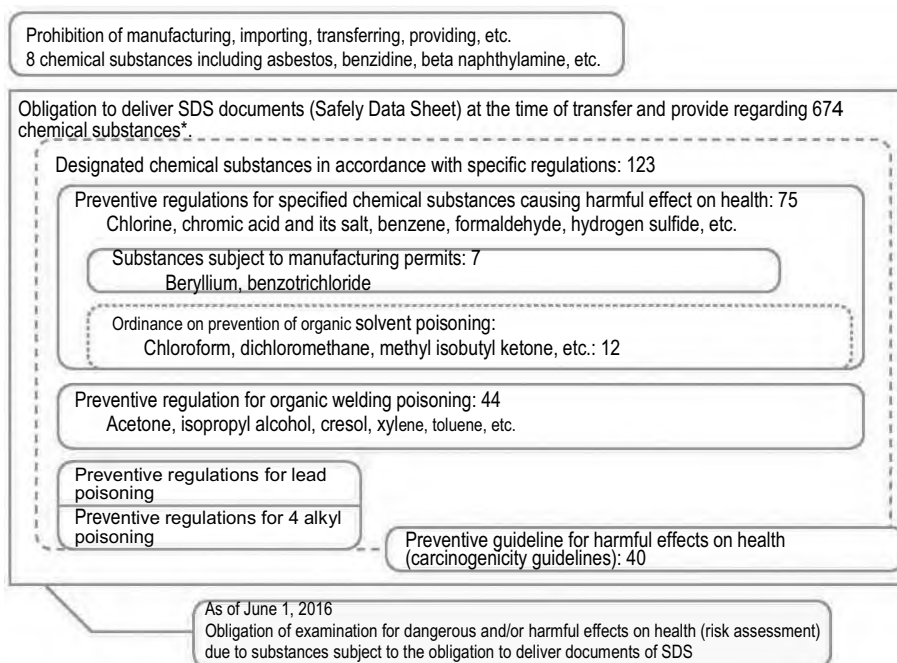
## Detailed Information 7 Measures to prevent industrial accidents due to chemical substances

Chemical substances have significantly contributed to the development of industry and modern life, making them indispensable in our daily lives. However, many of them are not only useful but also hazardous and toxic, and inappropriate handling of chemical substances can cause harmful effects to our health. Therefore, when using chemical substances, it is crucial to manage them properly.

To prevent industrial accidents due to chemical substances, it is necessary to know appropriate information on what kinds of chemical substances are used at a workplace. Based on this knowledge, it is necessary to take appropriate measures to display such information. Therefore, MHLW promotes measures to prevent industrial accidents due to chemical substances through the following:

- Development of a system providing a label attached on the surface of containers, and SDS (safety data sheet) indicating information on dangerous and toxic chemical substances.
- Promotion of conducting surveys (risk assessments) about dangerous and harmful effects based on the SDS information etc.
- With regard to high risk work generating harmful effects on workers' health, preventive measures against industrial accidents shall be obligated in accordance with special regulations under the ordinance on Prevention of Hazards due to Specified Chemical Substances,(and the government itself shall conduct risk assessments and review regulations based on the newest knowledge).
- A notification system of new chemical substances (notifying survey results on harmful effects by employers to the nation)

- \* In accordance with the Industrial Safety and Health Act revised in June 2014, with regard to the SDS delivery obligation for chemical substances, implementing the risk assessments was obligated accordingly (enforced on June 1, 2016). At the same time, the target for labeling on containers, etc. at delivery/provision was expanded to those substances for the SDS delivery obligation.
- \* According to the revision of the government ministry ordinance of December 2020, benzyl alcohol was added and in total 674 substances are subject to labeling and SDS requirement (effective January 1, 2021).



Asbestos is fibrous mineral produced from natural environment, hazardous for human health and may cause lung cancer and mesothelioma after decades of latent period when inhaling its dust particle.

#### Measures to prevent future damage

1. Total ban on manufacturing asbestos (Industrial Safety and Health Act)
  - Based on the "Asbestos Comprehensive Measures" (Meeting on asbestos issue by concerned ministers on December 27, 2005), manufacture, import, transfer, provision and use of asbestos-containing products has been totally prohibited with exception of several kinds of products (products of exclusion from application of prohibition) since September 1, 2006
  - Manufacturing the products of exclusion from application of prohibition is to be gradually banned after the safety of the substitutes is confirmed, and manufacturing, etc. is fully prohibited on March 1, 2012
2. Prevention measures of diffusion and exposure at demolition work, etc. (Ordinance on Prevention of Hazards due to Asbestos)
  - Measures have been intensified with the establishment of the "Ordinance on Prevention of Hazards due to Asbestos" in February, 2005.
  - ← • Asbestos was formally controlled under the Ordinance on Prevention of Hazards due to Specified Chemical Substances.

[Outline of Ordinance on Prevention of Hazards due to Asbestos]

Pre-examination of construction materials, registration to the authorities, isolation of working sites, use of respiratory protective equipment, keeping working records, health check-ups, etc.

#### Response to anxiety of the people

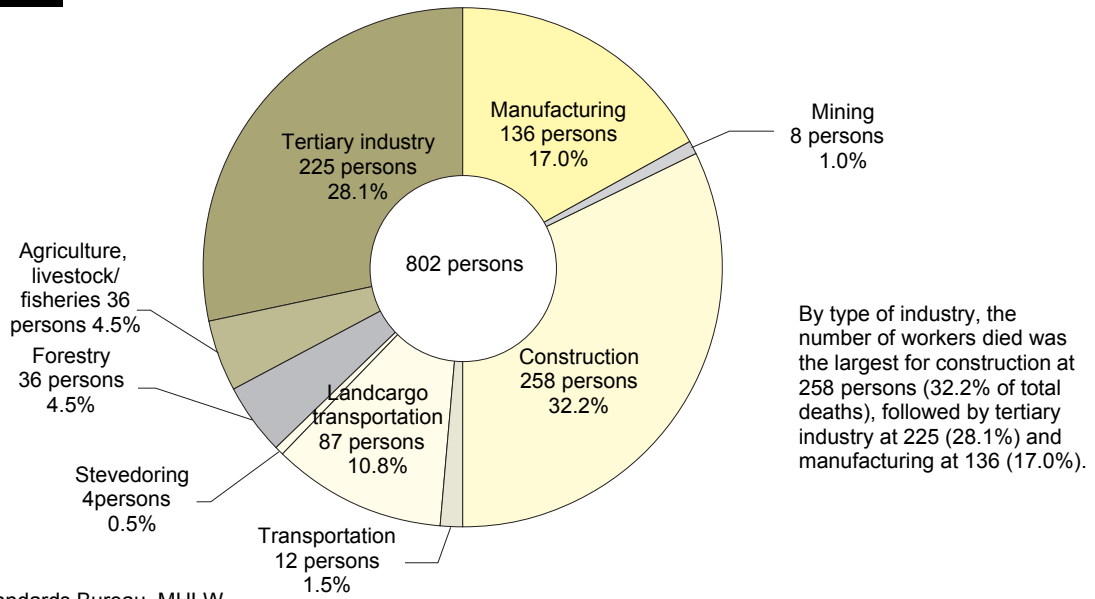
3. Health management of resignees (Personal Health Record System in accordance with the Industrial Safety and Health Act)
  - Personal Health Record is issued for those who have been engaged in handling asbestos for a certain period (Health check-ups by the government's burden (every 6 months))
4. Publication of information on asbestos related industrial diseases, such as workplaces where workers whose disease were acknowledged as industrial disease were employed

#### Relief of the victims without a gap

5. Relief based on Industrial Accident Compensation Insurance Act
  - Insurance benefits for victims and the bereaved families afflicted with employment injuries by asbestos
6. Relief based on Act on Asbestos Health Damage Relief
  - Payment of the special survivor benefits to those who have lost the right to receive the survivor compensation benefits pursuant to lapses due to prescription based on the industrial accidents insurance

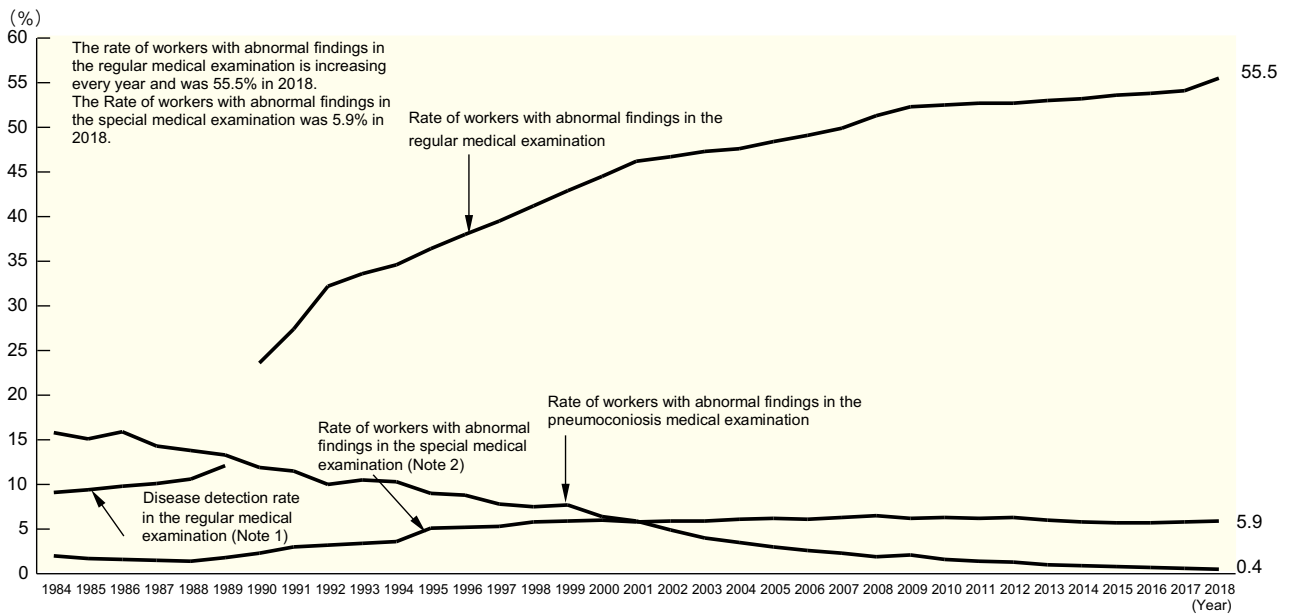


## Detailed Data 1 Fatal industrial Accidents by Industry (FY 2020)



Source: Labour Standards Bureau, MHLW

## Detailed Data 2 Annual Medical Examination Results

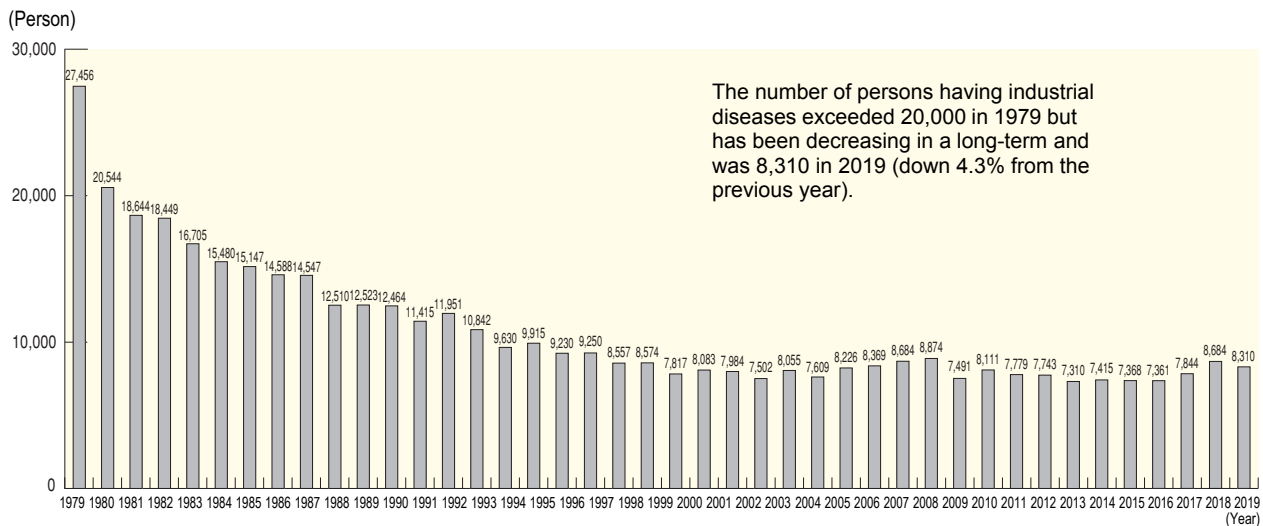


Source: Labour Standards Bureau, MHLW

- (Note)
1. Items covered by the regular medical examination were revised in 1989.
  2. Items covered by the organic solvent and lead medical examination were revised in 1989.
  3. Tabulation methods for the special medical examination were changed in 1995.
  4. Items covered by regular medical examination were revised in January 1999.

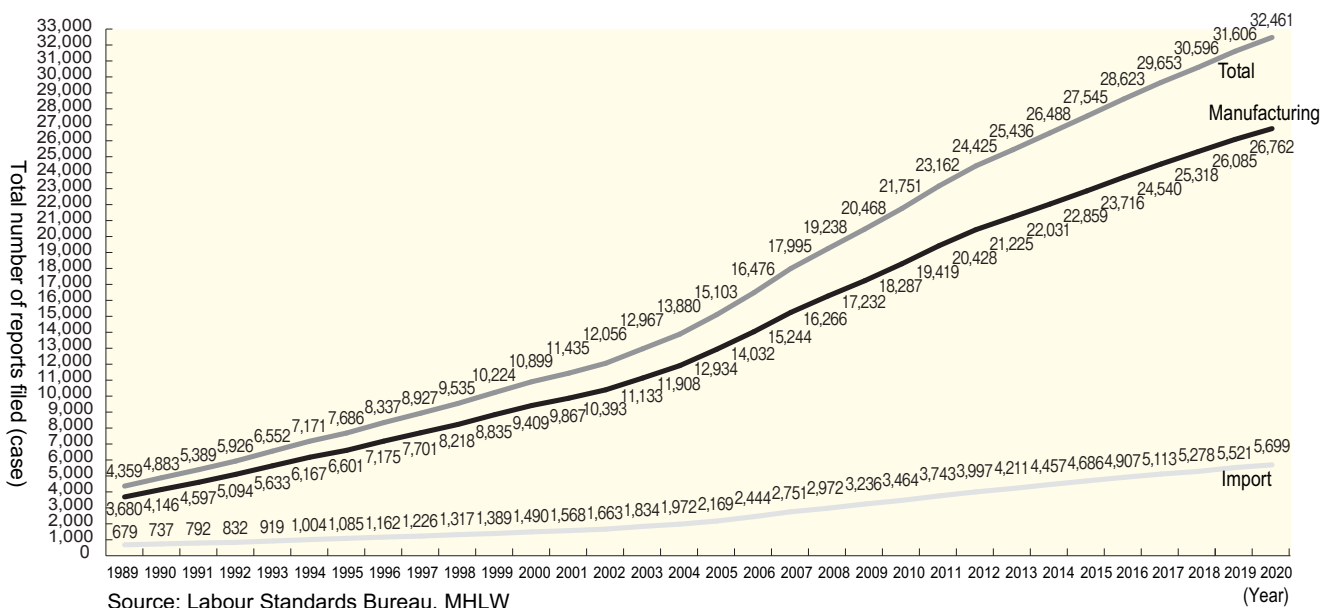
\*The figures are being scrutinized for 2016 and later (except for the rate of workers with abnormal findings in the pneumoconiosis medical examination in 2018)

### Detailed Data 3 Annual Number of Person Having Industrial Diseases



### Detailed Data 4 Reports Filed for Manufacturing and Importing New Chemical Substances

At present roughly tens of thousands of types of major chemical substances are being used or have been used in industries in Japan. With the diversity of demands, approximately 1,000 new chemical substances are produced every year. In particular, in recent years, types of new chemical substances whose consumption is very small are increasing.



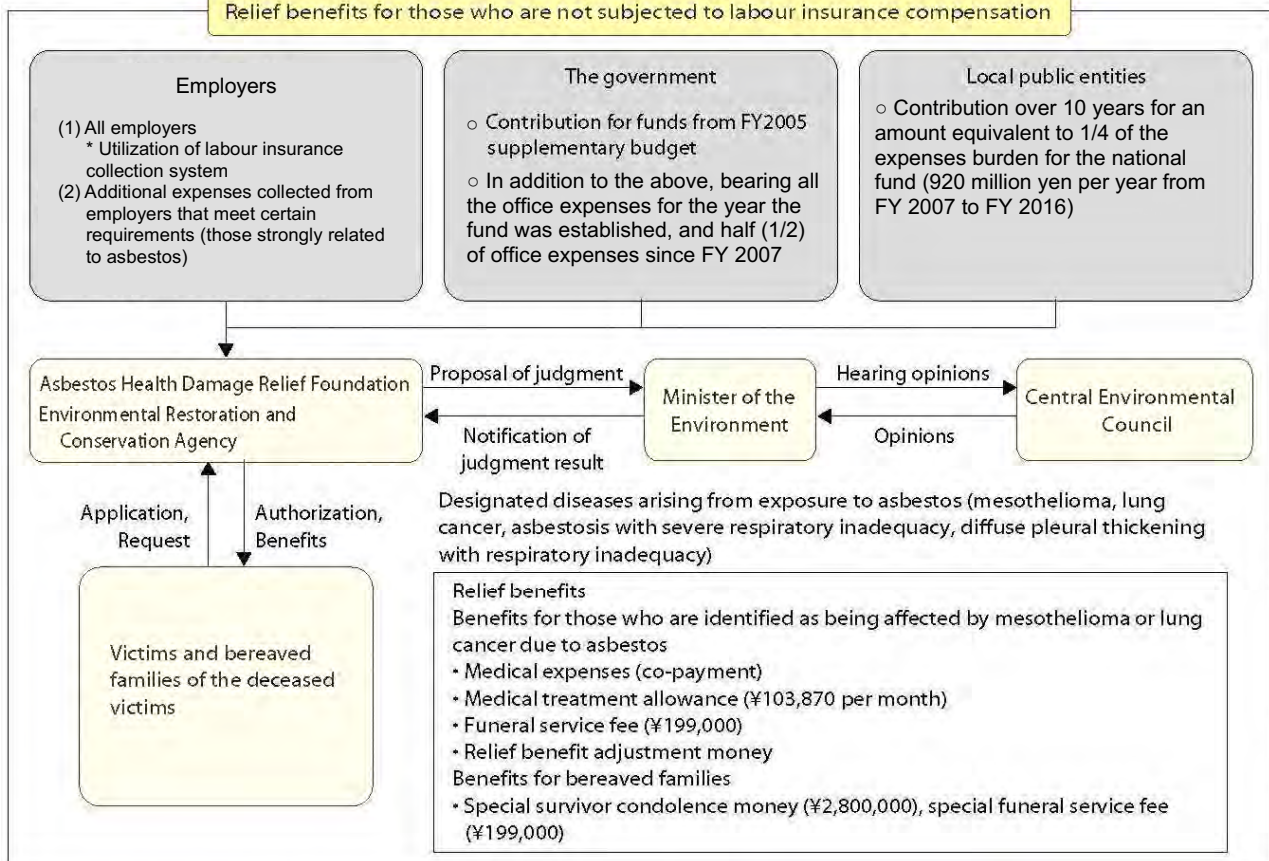
# Asbestos Health Damage Relief

## Overview

## Outline of the Act on Asbestos Health Damage Relief

Purpose:	The purpose of this Act is to provide prompt relief to persons who sustain health damage from asbestos, etc. in view of the special characteristics of asbestos health damage.		
Effective date:	Establishment of funds	Feb. 10, 2006	
	Provision of relief benefits and special survivor benefits	Mar. 27, 2006	
	Collection of expenses from employers	Apr. 1, 2007	
	Extension of payment period of medical expenses, etc.	Dec. 1, 2008	
	Addition of designated diseases (revision of Cabinet Order)	July 1, 2010	
	Extension of the application due date for the special bereaved survivor condolence money / special bereaved survivor, etc.	Aug 30, 2011	
	Review of lung cancer criterion	Jun. 18, 2013	
	Revision of general contribution rate (Notification revision)	April 1, 2014	

### Relief benefits for those who are not subjected to labour insurance compensation



### Relief measures for bereaved families of workers who died without receiving labour insurance compensation

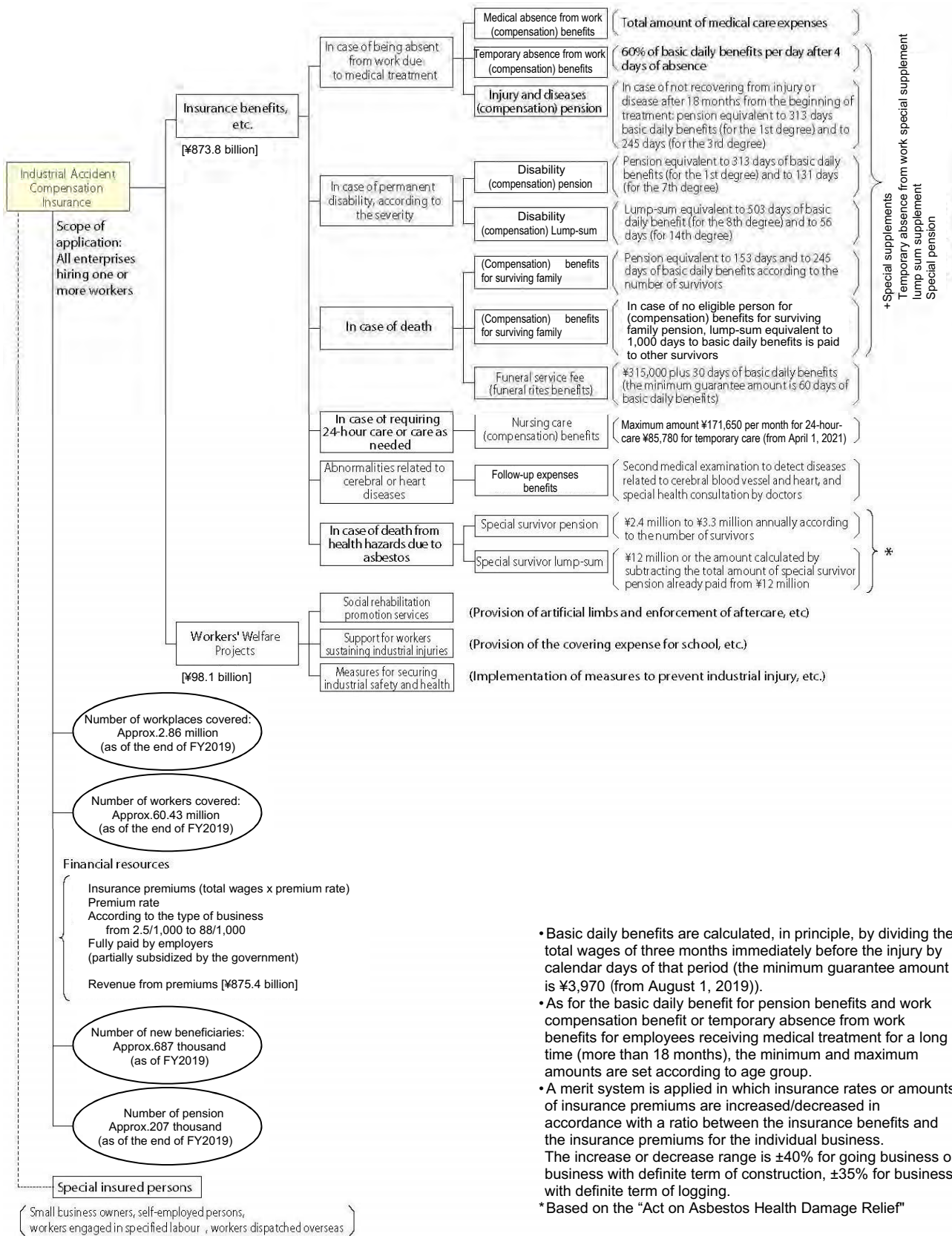
[Provision of special survivor benefits]

- (1) Subjects: The bereaved families of workers (including special affiliates) who die no later than March 26, 2016 because of designated diseases, etc. and that lost their right to receive the bereaved family compensation benefits under the Worker's Accident Insurance Act due to expiration of the prescription.
- (2) Amount of benefits: Special survivor pension ¥2.4 million in principle per year
  - \* Bereaved families that are not subjected to the provision of special survivor pension are provided with lump sum payment
- (3) Application due date: March 27, 2022
- (4) Resource: It is burdened by the Accident Account of Special Account for Labour Insurance

# Industrial Accident Compensation Insurance System

## Overview

## Outline of Industrial Accident Compensation Insurance System (FY 2021 budget based)



**Detailed Data** Financial Status of Industrial Accident Compensation Insurance

(Unit: ¥100 million)

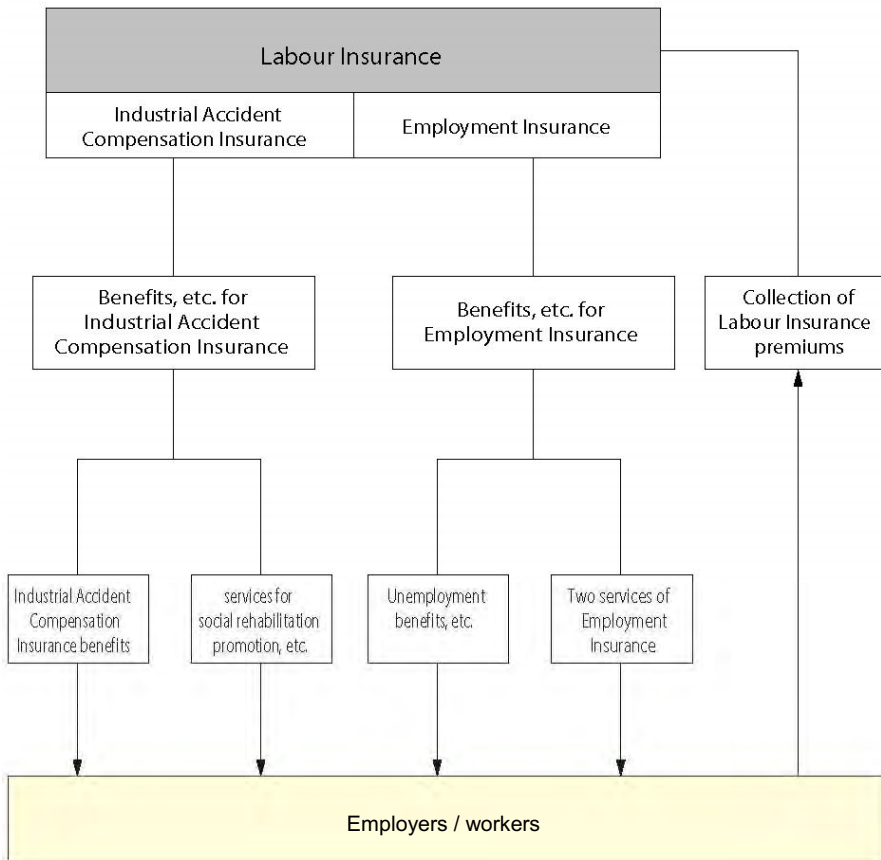
Category	FY2014	FY2015	FY2016	FY2017	FY2018	FY2019
[1] Revenue	12,239	12,200	12,237	12,177	11,705	12,036
Insurance premiums (included)	8,668	8,632	8,717	8,686	8,249	8,621
Interest revenue (included)	1,319	1,320	1,305	1,286	1,256	1,203
[2] Expenditure	11,967	11,864	11,914	11,999	12,151	12,467
Insurance benefits (included)	7,513	7,400	7,357	7,380	7,461	7,556
Payment of special supplements (included)	1,011	977	955	937	935	940
Expenses for social rehabilitation promotion services (included)	570	591	607	642	662	802
Fiscal balance ([1]-[2])	272	336	323	178	△446	△431
Total of reserve funds	78,280	78,616	78,938	79,117	78,670	78,239

- (Note) 1. Reserve funds of the Industrial Accident Compensation Insurance are used as the resource for the payment of pension benefits of Industrial Accident Compensation Pension in the future.  
2. The figures may not add up to the total number due to rounding.

# Labour Insurance Application and Contribution Collection Systems

## Overview

## Labour Insurance Application and Contribution Collection Systems



[Labour Insurance]

Industrial Accident Compensation Insurance and Employment Insurance are collectively referred to as the Labour Insurance. Insurance benefits of these systems are paid individually while the insurance premiums are collected, in principal, as the unified Labour Insurance premiums. The amount of insurance premiums collected is calculated by multiplying the total amount of wages paid by employers by the sum of the premium rate of Industrial Accident Compensation Insurance and that of Employment Insurance.

Employers, excluding those in certain businesses in agriculture, forestry, or fisheries, that employ one or more worker must establish insurance relation and pay the premiums.

### Application of Labour Insurance and Obligation of Collection

#### 1. Labour Insurance

Industrial Accident Compensation Insurance (Industrial Accident Insurance) and Employment Insurance are collectively referred to as the "Labour Insurance".

The Labour Insurance shall be applied to all businesses where one employee or more are employed in principal.

\* Number of undertakings covered by the Labour Insurance is approx. 3.30 million (as of the end of FY2019)

#### 2. Labour Insurance premium

The insurance premiums are collected, in principal, as the unified Labour Insurance premiums which include Industrial Accident Compensation Insurance (Industrial Accident Insurance) and Employment Insurance.

The amount of the insurance premiums are calculated by multiplying the total amount of wages paid by employers by the premium rate.

Labour insurance premium = Total amount of wages in the entire business × Premium rate (Employment Insurance premium rate + Industrial Accident Insurance premium rate)

Industrial Accident Insurance premium rate:	2.5/1,000-88/1000 depending on the business type	(FY2019)
Employment Insurance premium rate:	9/1000 (general business), 11/1000 (agriculture, forestry, fishery and sale brewing), 12/1000 (construction)	

Bearing of the Labour Insurance premiums is as follows.

Industrial Accident Insurance: Borne by **employers**

Employment Insurance: Unemployment benefit portion is evenly shared by labour and management, two service portion is borne by **employers**

Insurance premium revenue: approx. ¥2.5 trillion, collection rate: 98.9% (as of the end of FY2018)

**Detailed Data 1 Coverage of Labour Insurance**

(Unit: 10 thousand)

End of FY Category	2014	2015	2016	2017	2018	2019
Number of businesses covered by Labour Insurances	306	312	319	326	329	330
Number of businesses covered by Industrial Accident Compensation Insurance	271	275	279	283	285	286
Number of businesses covered by Employment Insurance	208	213	217	222	225	227

Source: Surveyed by Labour Standards Bureau, MHLW

**Detailed Data 1 Collection of Labour Insurance Premiums**

(Unit: ¥100 million)

End of FY Category	2014	2015	2016	2017	2018	2019
Total amount	30,380	31,022	27,557	24,560	24,873	25,264
Industrial Accident Compensation Insurance	8,434	8,373	8,528	8,686	8,558	8,621
Employment insurance	21,946	22,649	19,029	15,875	16,315	16,643

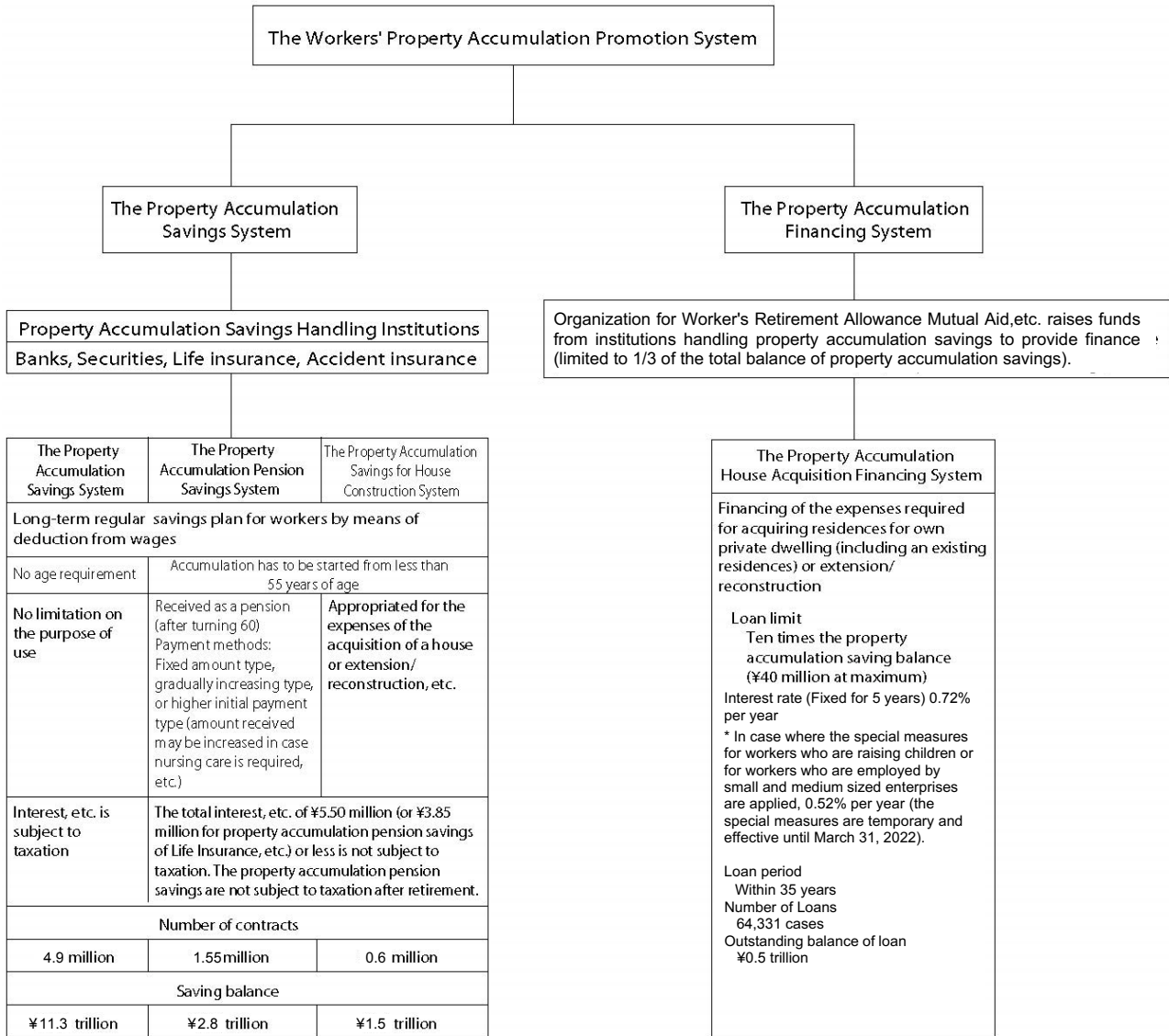
Source: Surveyed by Labour Standards Bureau, MHLW

# Improved Welfare for Workers

## Overview

## Outline of the Workers' Property Accumulation Promotion System

The Workers' Property Accumulation Promotion System was founded in accordance with the Workers' Property Accumulation Promotion Act enacted in 1971. It is the system that the government and employers provide support for and cooperate in the efforts of workers to make properties such as savings and acquisition of their own houses.



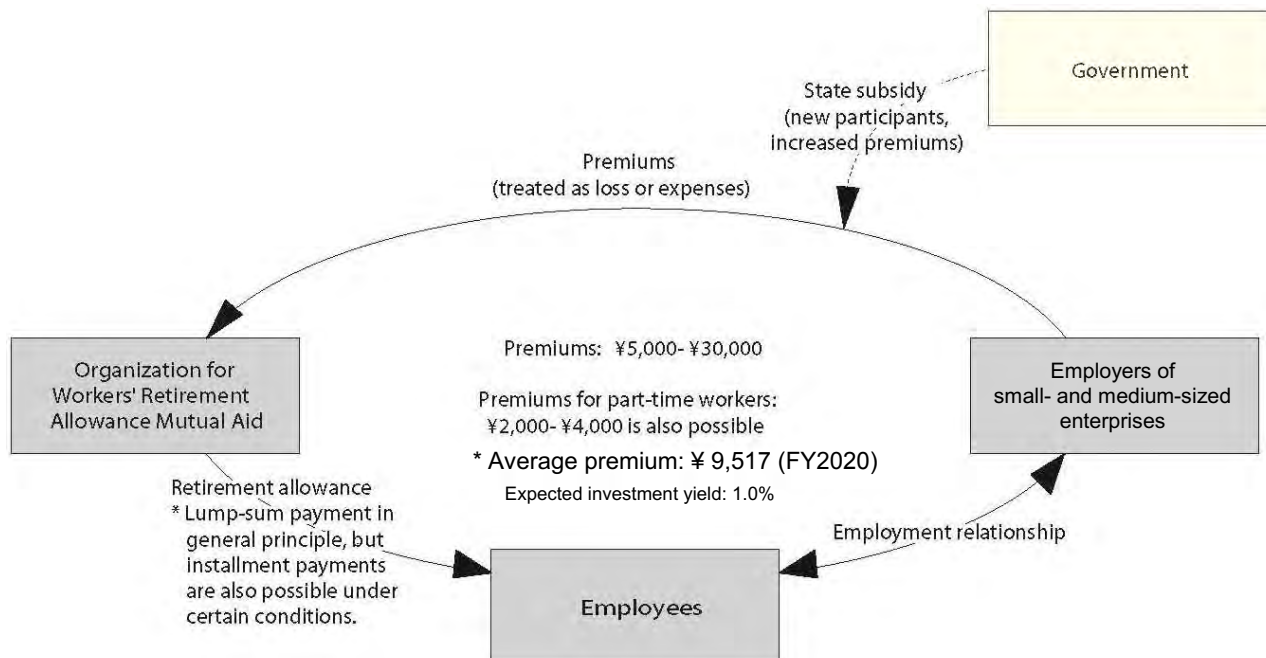
The interest rates are as of April 1, 2021.  
The saving balance and outstanding balance of loan are as of March 31, 2021.



## The Small- and Medium-Sized Enterprises' Retirement Allowance Mutual Aid System

The Small- and Medium-sized Enterprises' Retirement Allowance Mutual Aid System provides small- and medium-sized enterprises that cannot establish their own retirement allowance systems, creating a common retirement allowance system based on mutual aid among such enterprises with the government aid. This system aims to improve welfare of workers of small- and medium sized enterprises and contribute to the growth of small- and medium-sized enterprise businesses.

### Structure of The Small- and Medium-Sized Enterprise Retirement Allowance Mutual Aid System for general industries



### Number of Participants and Amount of Payment (FY2020)

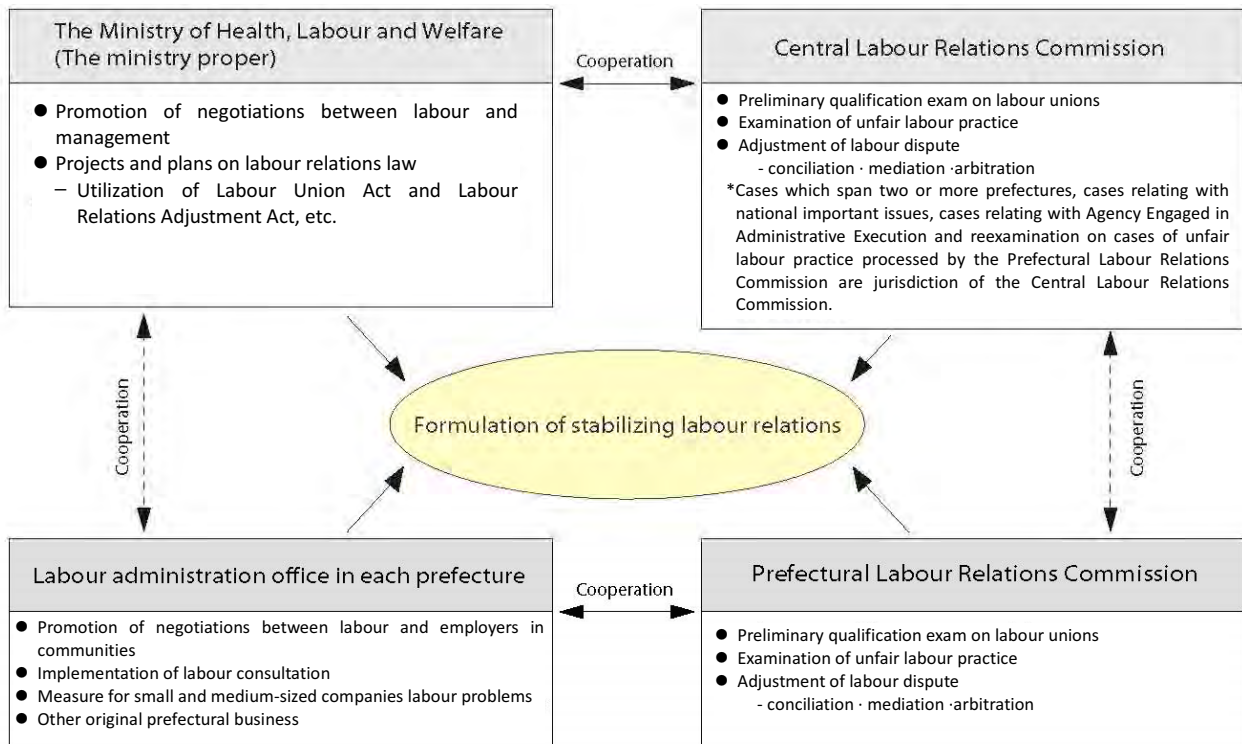
	The Small- and Medium-Sized Enterprises' Retirement Allowance Mutual Aid System for general industries	Retirement Allowance Mutual Aid System for specified industries		
		Construction	Sake maker	Forestry
Target	Mainly for regular workers	For workers employed during a specific period in each industry (fixed-term worker)		
Mutual aid contractors Number of employers (case)	373,314	173,538	1,815	3,241
Mutual aid members Number of workers (person)	3,536,953	2,169,812	4,323	21,405
Retirement allowance, etc. Number of payments (case)	260,888	54,075	188	1,262
Retirement allowance, etc. Amount of payment (¥1,000)	368,926,578	50,007,657	203,301	1,330,021

(Note) The number of mutual aid contractors and the number of mutual aid members are as of the end of FY2020.

## (2) Labour Relations

### Stable Labour-Management Relations

#### Overview The System of the Labour Relations Plan



#### Detailed Information 1 The Labour Commission System and the Adjustment of Labour Dispute

##### ○ What is the Central Labour Relations Commission?

The Central Labour Relations Commission is one of administrative organ's commissions described in paragraph 2 of Article 3 of the National Government Organization Act, established in 1946 on the basis of the Labour Union Act, and it is the center organ to deal with labour-management dispute. The Central Labour Relations Commission is composed of total 45 members (15 members from each representative), such as those who are representative of the public interests (public members), those who are representative of labour (the labour members) and those who are representative of employers (employer members).

Also, for labour-management dispute handling organs in local areas, Prefectural Labour Relations Commission of 47 exists in the same constitution composed of three representatives of public-labour-employers like the Central Labour Relations Commission as administrative commissions in each prefecture.

The Central Labour Relations Commission shall have the right to handle following matters in chief like labour-employers dispute and others in accordance with the law on labour relations, such as the Labour Union Act, the Labour Relations Adjustment Act and the Act on Labour Relations of Agency Engaged in Administrative Execution.

##### [1] Examination into cases of unfair labour practice

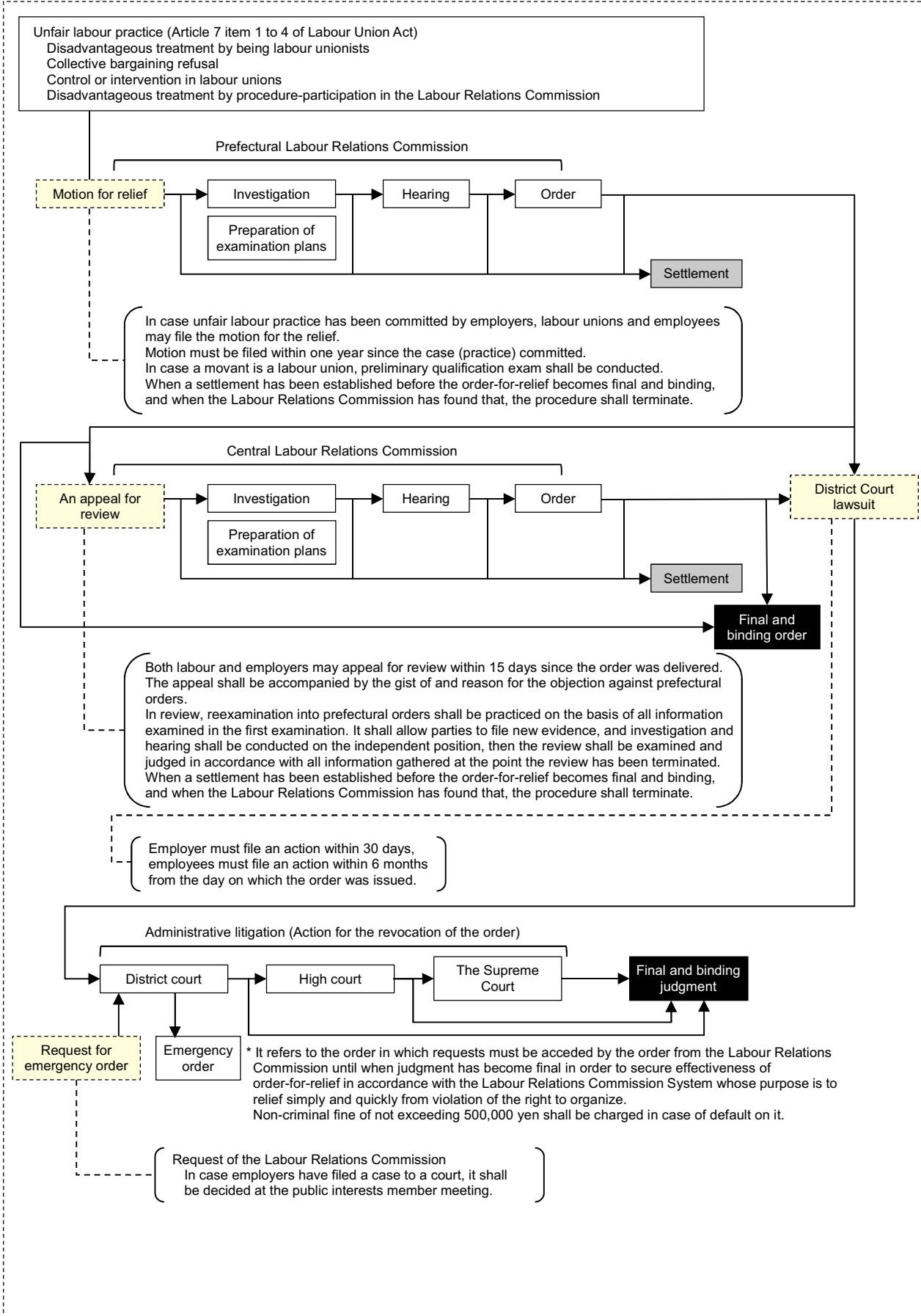
Procedure of the unfair labour practice examination applies two-tiered system in principle and the Central Labour Relations Commission reexamines into objections raised by parties against judgment of the first hearing of Prefectural Labour Relations Commission (relief order). Besides, it provides the first trial (in this case, it refers to the first trial system) on national important cases and the cases of unfair labour practice relating to the Agency Engaged in Administrative Execution.

Further, parties can file of an action with the court for the revocation of the order of the Labour Relations Commission.

##### [2] Conciliation, mediation of labour disputes

According to the Labour Relations Adjustment Act, in case labour dispute has occurred between parties relating to labour matters, it plans to settle that. Prefectural Labour Relations Commission handles cases relating to only a single prefecture. However, the Central Labour Relations Commission handles cases which span 2 or more prefectures, cases included in national important issues and cases relating to the Agency Engaged in Administrative Execution.

○ Outline of procedures of unfair labour practice



○ **What is adjustment of labour dispute?**

In adjustment of labour dispute handled by the Labour Relations Commission, there are conciliation, mediation and arbitration. Among them, "conciliation" is the adjustment measure used most. These adjustments shall be begun by requests of parties in principle.

The basis of adjustment conducted by the Labour Relations Commission shall plan to resolve it by giving advice as a fair third party and voluntary promoting compromise between labour and employers.

Although there might be cases that proposals are presented to parties of labour and employers while the Labour Relations Commission is advancing its adjustment, they shall not compel to accept it. However, for arbitration, once awards have been gone into effect, the parties are regarded to conclude collective agreement including the award's content. Therefore, they shall be bound by the awards.

**Features of conciliation, mediation and arbitration**

	Conciliation	Mediation	Arbitration
Grounds for beginning	<ul style="list-style-type: none"> <li>• One-way request</li> <li>• Mutual request</li> <li>• Chairperson's authority*1</li> </ul>	<ul style="list-style-type: none"> <li>• Mutual application</li> <li>• One-way application in accordance with collective agreement</li> <li>• Any of following items relate to public utilities and Agency Engaged in Administrative Execution                             <ul style="list-style-type: none"> <li>• One-way application</li> <li>• Decision of Commission based on ex officio</li> <li>• Request from ministers*2 or governors</li> </ul> </li> <li>• Any of following items relate to local public enterprises                             <ul style="list-style-type: none"> <li>• Decision made by the Commission based on one-way application</li> <li>• Decision of the Commission</li> <li>• Request from the Minister of Health, Labour and Welfare or governors</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Mutual application</li> <li>• One-way application in accordance with collective agreement</li> </ul> <p>*3</p>
Adjustment subjects of the Labour Relations Commission	Conciliation members	Mediation Committee (Consisted of representatives of public, labour and management)	Arbitration committee (Consisted of 3 or more odd public interest members *4)
Presentation of proposal	There are cases presenting them.	Presentation in principle	Presentation in principle
Acceptance of proposal	Voluntary	Voluntary	To bind parties by the same effect with collective agreement

\*1 As for industrial disputes in Agencies Engaged in Administrative Execution, "decision of the Commission."

\*2 As for public utilities, the "Minister of Health, Labour and Welfare" and as for Agencies Engaged in Administrative Execution, the "competent minister."

\*3 As for industrial disputes in Agencies Engaged in Administrative Execution and local public enterprises, any of the following items ; one-way application 2 months after conciliation or mediation started, decision of the Commission (cases which are being conciliated or mediated), or request from the minister (in case of any Agency Engaged in Administrative Execution, "the competent minister," and of any local public enterprise, "the Minister of Health, Labour and Welfare.")

\*4 As for Agencies Engaged in Administrative Execution, entire public interest members responsible for the agencies (5 members) or 3 members.

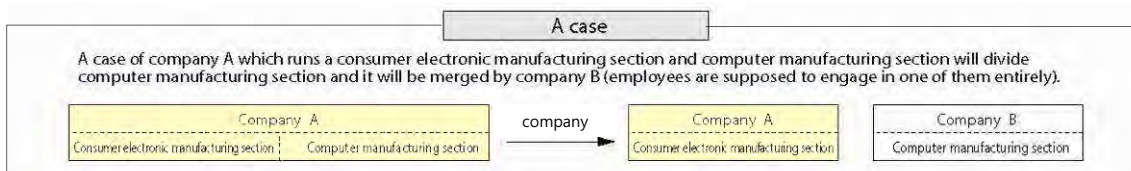
**Detailed Information 2 Effort to Labour Problems Attendant on Reorganization of Cooperate Organization**

○ **Outline**

Under the social affairs where international competition of companies has been getting harder, the legal system for reorganization of cooperate organization has been conducted, so that organizations can reorganize in a flexible manner. Opening of pure holding companies by the revision of Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (1997), introduction of corporate division system by amendment to the Commercial Code (2001) and introduction of an abbreviated organizational restructuring system by the enactment of the Companies Act (2006) can be cited as examples.

As for the company split system, the Act on the Succession to Labor Contracts upon Company Split (Act No. 103 of 2000) was enacted, and the related ministerial ordinance and guidelines were formulated. Also, for assignment of business and mergers, since there are many cases that they greatly affect workers' employment and working conditions, guidelines (MHLW public notice No. 318 of FY2016) were formulated on matters to be taken by companies, etc. in assignment of business and mergers in FY2016.

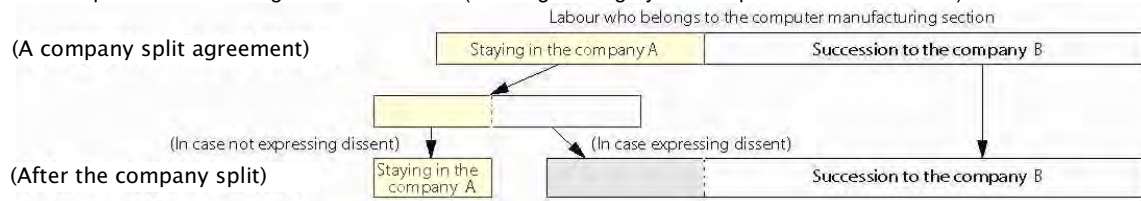
○ **Labour protection at concrete procedure for corporate division (in case of absorption-type company split)**



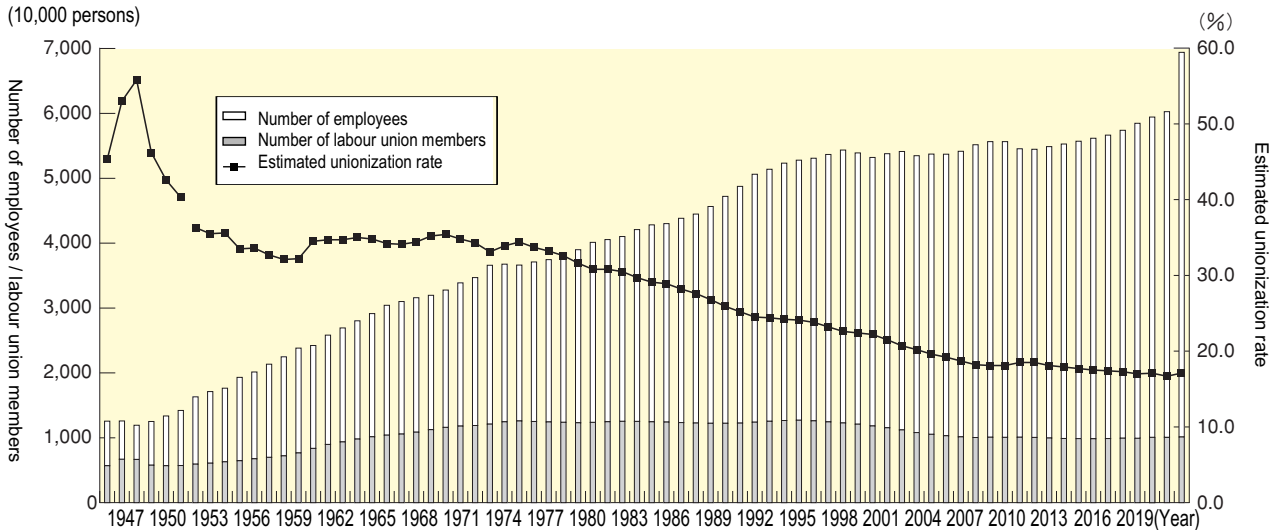
As the company A conducts company, it concludes a split agreement with the company B. The split agreement is provided so as to specify names of all labour, who are succeeded to the company B from the company A, and the labour contract which provides wage and working hours are succeeded to the company B in the same condition when they worked at the company A by that the split agreement has been approved by a general meeting of stockholders. As the company A conducts company split, it concludes a split agreement with the company B. The split agreement is provided so as to specify names of all labour, who are succeeded to the company B from the company A, and the labour contract which provides wage and working hours are succeeded to the company B in the same condition when they worked at the company A by that the split agreement has been approved by a shareholders meeting.

The labour who engaged in the computer manufacturing section before the corporate division is informed within definite period from the company A about which company they will belong to and rules of the split agreement after the company has been divided.

The labour who were informed to stay in the company A and to be cut off from the work in the computer manufacturing section which they had engaged in can be succeeded to the company B by expressing dissent against the company A within definite period, and can work in the computer manufacturing section on and on (referring to the gray-shaded part on the below chart).



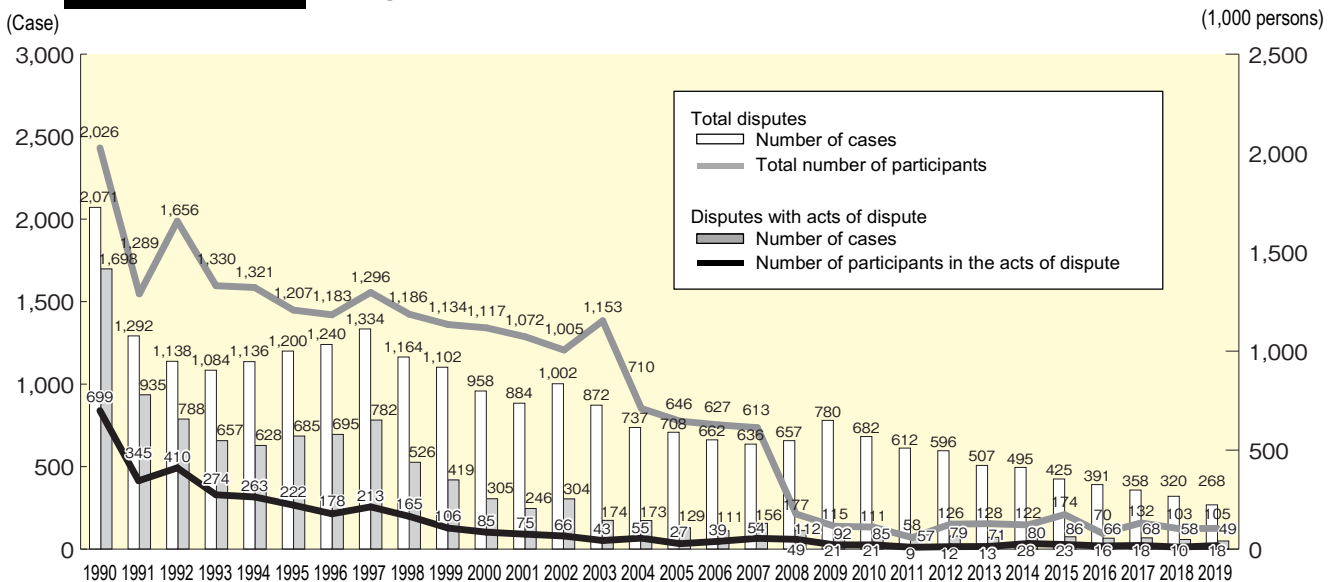
## Detailed Data 1 Current State of Labour Unions



Source: "Basic Survey on Labour Unions", Employment, Wage and Labour Welfare Statistics Office to the Director-General for Statistics, Information Policy and Industrial Relations, MHLW  
 "Labour Force Survey", Statistics Bureau, Ministry of Internal Affairs and Communications

- (Note)
1. The number of employees indicates the figures for June in the respective years of the Labour Force Survey.
  2. "Estimated unionization rate" was calculated by dividing the number of labour union members by number of employees.
  3. The number of labour union members indicates that of unit labour unions up to 1952 and that of unitary labour unions from 1953 onward. The same applies to the calculation of "the estimated unionization rate". The survey method of "the Labour Force Survey" (Statistics Bureau, Ministry of Internal Affairs and Communications) that investigates "the number of employees" was revised in 1953 and 1967, and the differences in the number of employees due to the 1967 revision was retroactively applied to that of 1953 and later years.
  4. The number of employees and estimated unionization rate in 2011 were calculated using estimated figures of June 2011 from the "Complementary Estimate of the Great East Japan Earthquake for the Labour Force Survey" published in April 2012 by the Statistics Bureau of the Ministry of Internal Affairs and Communications. Care should therefore be taken with time-series comparison.

## Detailed Data 2 Changes in Number of Disputes, etc.



Source: "Survey on Labour Disputes", Employment, Wage and Labour Welfare Statistics Office to the Director-General for Statistics, Information Policy and Industrial Relations, MHLW

- (Note)
1. "Total disputes" indicates the total of the number of disputes that had acts of dispute, and disputes that had no acts of dispute but had an involvement of a third party such as Labour Relations Commissions, etc.
  2. "Total number of participants" indicates the maximum number of members of unions or dispute parties during the duration of the labour dispute regardless of whether the person participated in an act of dispute or not.
  3. "Acts of dispute" indicates the act or counteract hampering the normal business operation performed by the parties concerned with labour relations with the purpose of attaining their respective claims (strike for half a day or more, lock-out, strike for less than half a day, slowdown, or operation management, etc.).
  4. "Number of participants in the acts of dispute" indicates the number of persons that actually performed the acts of dispute.

**Detailed Data 3**
**International Comparison of Number of Labour Disputes, Workers Involved, and Working Days Lost**
**Number of labour disputes**

(Case)

Country/region	2005	2010	2013	2014	2015	2016	2017	2018	2019
Japan <sup>1)</sup>	50	38	31	27	39	31	38	26	27
United States <sup>2)</sup>	22	11	15	11	12	15	7	20	
Canada <sup>3)</sup>	260	174	165	153	237	189	192	170	
United Kingdom <sup>4)</sup>	116	92	114	155	106	101	79	81	
Germany <sup>5)</sup>	270	131	1,384	637	1,618	718	1,170	1,528	
France <sup>6)</sup>	699	—	—	—	—	—	—	—	
Sweden <sup>7)</sup>	14	5	11	—	—	—	6	1	
Russia <sup>8)</sup>	2,575	—	3	2	5	3	1	2	
Hong Kong <sup>9)</sup>	1	3	7	3	2	3	—	—	
Korea <sup>10)</sup>	287	86	72	111	105	120	101	134	
Malaysia <sup>11)</sup>	3	2	0	0	—	—	—	—	
Thailand	9	3	11	8	6	6	5	—	
Indonesia	96	82	239	233	10	—	—	—	
Philippines <sup>12)</sup>	26	8	1	2	5	15	—	—	
India <sup>13)</sup>	456	371	258	287	128	102	—	—	
Australia <sup>14)</sup>	462	215	215	187	224	254	154	158	
New Zealand <sup>15)</sup>	60	18	6	13	5	3	6	—	

**Number of workers involved**

(1,000 persons)

Country/region	2005	2010	2013	2014	2015	2016	2017	2018	2019
Japan <sup>1)</sup>	4	2	2	15	13	2	8	1	5
United States <sup>2)</sup>	100	45	55	34	47	99	25	485	
Canada <sup>3)</sup>	199	58	206	80	429	44	206	84	
United Kingdom <sup>4)</sup>	93	133	395	733	81	154	33	39	
Germany <sup>5)</sup>	17	12	67	58	230	215	61	682	
France <sup>6)</sup>	60	—	—	—	—	—	—	—	
Sweden <sup>7)</sup>	1	3	3	—	—	—	0	0	
Russia <sup>8)</sup>	85	—	0	1	1	0	0	—	
Hong Kong <sup>9)</sup>	0	0	1	0	0	0	—	—	
Korea <sup>10)</sup>	118	40	113	133	77	226	130	81	
Malaysia <sup>11)</sup>	1	0	0	0	—	—	—	—	
Thailand	3	2	8	4	2	3	2	—	
Indonesia	57	2	32	16	4	—	—	—	
Philippines <sup>12)</sup>	8	3	0	0	1	3	—	—	
India <sup>13)</sup>	2,914	1,074	1,838	1,159	744	579	—	—	
Australia <sup>14)</sup>	241	55	132	56	73	106	67	58	
New Zealand <sup>15)</sup>	18	—	0	2	2	0	0	—	

**Number of working days lost**

(1,000 days)

Country/region	2005	2010	2013	2014	2015	2016	2017	2018	2019
Japan <sup>1)</sup>	6	23	7	20	15	3	15	1	11
United States <sup>2)</sup>	1,736	302	290	200	740	1,543	440	2,815	
Canada <sup>3)</sup>	4,148	1,202	1,499	1,711	1,846	632	1,201	1,131	
United Kingdom <sup>4)</sup>	224	365	444	788	170	322	276	273	
Germany <sup>5)</sup>	19	25	150	155	1,092	209	129	571	
France <sup>6)</sup>	1,997	3,850	—	1,026	—	—	—	—	
Sweden <sup>7)</sup>	1	29	7	—	—	—	3	0	
Russia <sup>8)</sup>	86	—	0	5	10	0	0	—	
Hong Kong <sup>9)</sup>	0	0	13	0	0	0	—	—	
Korea <sup>10)</sup>	848	511	638	651	447	2,035	862	552	
Malaysia <sup>11)</sup>	5	0	0	0	—	—	—	—	
Thailand	46	50	93	175	88	33	62	—	
Indonesia	766	11	131	149	37	—	—	—	
Philippines <sup>12)</sup>	123	34	1	1	5	117	25	—	
India <sup>13)</sup>	29,665	23,131	12,645	11,095	2,921	1,272	—	—	
Australia <sup>14)</sup>	228	127	131	71	83	125	148	106	
New Zealand <sup>15)</sup>	30	—	0	1	0	0	0	—	

Source: Japan: "Survey on Labour Disputes (time series schedule)" (2020.8), MHLW

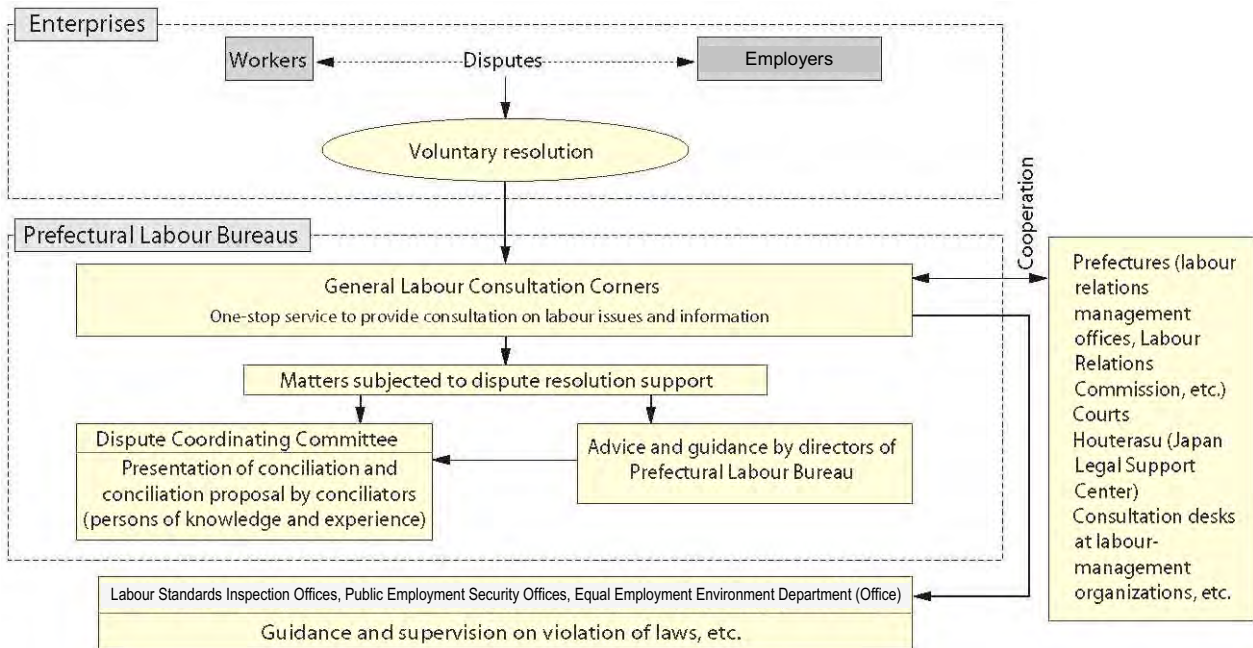
 Others: ILOSTAT (<http://www.ilo.org/ilostat>) as of August 2019; "Report on Conditions Overseas", MHLW; websites of statistics bureaus and labour bureaus of the respective countries

- (Note)
- 1) The number of labour disputes indicates the number of strikes and lockouts involving at least half a day. The number of workers involved indicates the number of those that actually participated in the disputes.
  - 2) Excluding disputes involving less than 1,000 workers or that were shorter than a day. The number of disputes and workers involved indicates that of disputes commencing in the respective years.
  - 3) Disputes that lasted more than half a day and the number of working days lost exceeded 10. The number of workers involved indicates the number of those that actually participated in the disputes.
  - 4) Excluding disputes shorter than a day or involving less than 10 workers if the number of working days lost exceeded 100 included, however. The number of labour disputes excludes political strikes.
  - 5) Participants were more than 10. And disputes are more than 1 day.
  - 6) The number of labour disputes is counted per office. The number of labour disputes and the number of workers involved for 2005 indicates that of 2004. The figures for 2010 and later years indicate those of enterprises with 10 or more employees and including public enterprises
  - 7) The number of workers indicates the actual number of participating workers in disputes.
  - 8) For 2005, excluding disputes that lasted less than half a day.
  - 9) Covering the private sector. The number of workers involved indicates the number of those that actually participated in the disputes.
  - 10) Strikes less than 8 hours since 2013 are excluded. The number of workers involved reflects the actual number of participating workers in disputes.
  - 11) Including strikes only. The number of workers involved indicates the number of those that actually participated in the disputes.
  - 12) Excluding disputes that lasted less than a day. The number of workers involved indicates the number of those that actually participated in the disputes.
  - 13) Excluding political strikes and disputes that involved less than 10 workers. Values of 2015 and 2016 are provisional.
  - 14) Excluding disputes that lasted less than 10 days. The figures are as of December of the respective years.
  - 15) For 2010, the number of disputes excludes disputes that involved less than 5 working days lost. Partial strikes and lockouts are included.



# Individual Labour Dispute Resolution System

## Overview Individual Labour Dispute Resolution System



## Detailed Data 1

## FY2019 Outline Table of Individual Labour Dispute Resolution System

(April 1, 2019 - March 31, 2020)

1. Number of cases of consultation delivered to General Labour Consultation Corner: 1,188,340					
[1] Type of those requested for consultation					
Workers	658,142 (55.4%)	Employers	378,221 (31.8%)	Others	151,977 (12.8%)
② Breakdown of consultation (* some cases are included in multiple categories, thus the breakdown figures add up to 1,322,312 cases)					
Legal system inquiries	769,705 (58.2%)	Those suspected of violating the Labor Standards Act, etc.	196,272 (14.8%)		
Civil individual labor consultation	279,210 (21.1%)	Others	77,125 (5.8%)		
2. Number of cases of consultation on civil individual labour dispute: 279,210					
[1] Type of those requested for consultation					
Workers	233,206 (83.5%)	Employers	26,893 (9.6%)	Others	19,111 (6.8%)
[2] Employment status of workers					
Regular workers	106,240 (38.1%)	Short time workers	39,460 (14.1%)	Dispatched workers	14,606 (5.2%)
Fixed-term employment workers	29,466 (10.6%)	Others	89,438 (32%)		
[3] Details of disputes (* some cases are included in multiple categories, thus the breakdown figures add up to 342,966 cases)					
Ordinary dismissal	27,663 (8.1%)	Layoff	3,270 (1.0%)	Punitive dismissal	3,628 (1.1%)
End of Employment	13,110 (3.8%)	Encouragement to retire	22,752 (6.6%)	Informal job offer cancellation	1,995 (0.6%)
Voluntary resignation	40,081 (11.7%)	Temporary transfer/reshuffling	10,163 (3.0%)	Worsened working conditions	29,258 (8.5%)
Other working conditions	52,487 (15.3%)	Bullying/harassment	87,570 (25.5%)	Employment management, etc.	7,107 (2.1%)
Recruitment/adoption	2,803 (0.8%)	Others	41,079 (12.0%)		
3. Number of cases of advice/guidance provided by the directors of Prefectural Labour Bureaus					
(1) Number of applicants: 9,874					
[1] Type of applicants					
Workers	9,839 (99.6%)	Employers	35 (0.4%)		
[2] Employment status of workers					
Regular workers	5,102 (51.7%)	Short time workers	1,863 (18.9%)	Dispatched workers	687 (7.0%)
Fixed-term employment workers	1,783 (18.1%)	Others or unknown	439 (4.4%)		
[3] Details of disputes (* some cases are included in multiple categories, thus the breakdown figures add up to 10,706 cases)					
Ordinary dismissal	768 (7.2%)	Layoff	106 (1.0%)	Punitive dismissal	75 (0.7%)
End of Employment	525 (4.9%)	Encouragement to retire	613 (5.7%)	Informal job offer cancellation	86 (0.8%)
Voluntary resignation	892 (8.3%)	Temporary transfer/reshuffling	527 (4.9%)	Worsened working conditions	878 (8.2%)
Other working conditions	2,253 (21.0%)	Bullying/harassment	2,592 (24.2%)	Employment management, etc.	374 (3.5%)
Recruitment/adoption	78 (0.7%)	Others	939 (8.8%)		
(2) Number of cases processed 9,902					
[1] Completion status					
Advice given	9,510 (96.0%)	Guidance given	2 (0.1%)	Others	11 (0.1%)
Withdrawn	257 (2.6%)	Discontinued	122 (1.2%)		
[2] Processing period					
within 1 month	9,620 (97.2%)	More than 1 month and less than 2 months	240 (2.4%)	More than 2 months	42 (0.4%)
4. Number of cases of conciliation by the Dispute Coordinating Committee					
(1) Number of applications 5,187					
[1] Type of applicants					
Workers	5,102 (98.4%)	Employers	83 (1.6%)	Both labour and management	2 (0.1%)
[2] Employment status of workers					
Regular workers	2,559 (49.3%)	Short time workers	984 (19.0%)	Dispatched workers	416 (8.0%)
Fixed-term employment workers	971 (18.7%)	Others or unknown	257 (5.0%)		
[3] Details of disputes (* some cases are included in multiple categories, thus the breakdown figures add up to 5,454 cases)					
Ordinary dismissal	943 (17.3%)	Layoff	92 (1.7%)	Punitive dismissal	38 (0.7%)
End of Employment	479 (8.8%)	Encouragement to retire	352 (6.5%)	Informal job offer cancellation	107 (2.0%)
Voluntary resignation	143 (2.6%)	Temporary transfer/reshuffling	138 (2.5%)	Worsened working conditions	345 (6.3%)
Other working conditions	638 (11.7%)	Bullying/harassment	1,837 (33.7%)	Employment management, etc.	84 (1.5%)
Recruitment/adoption	258 (4.7%)				
(2) Number of cases processed: 5,163 (of which 2,907 were held by both parties participating in the mediation events)					
[1] Completion status					
Agreement reached	1,869 (36.2%)	Of which agreed without holding a mediation event	56 (1.1%)		
Withdrawn	243 (4.7%)	Others	8 (0.2%)		
Discontinued	3,043 (58.9%)	Discontinued due to non-participation	1,938 (37.5%)		
[2] Processing period					
within 1 month	2,024 (39.2%)	More than 1 month and less than 2 months	2,276 (44.1%)	More than 2 months	863 (16.7%)

※ ( ) Is the each percentage in total number. The total value may not be 100% due to rounding.