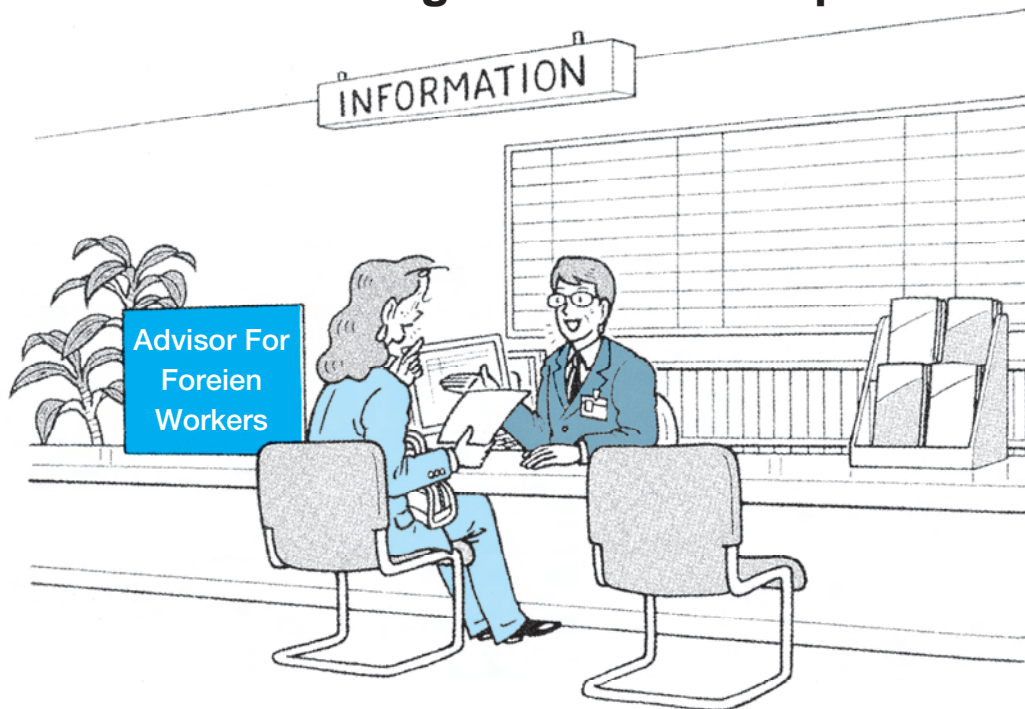


Are Your Working Conditions Fair?

For Foreign Workers in Japan



The laws and regulations related to labour standards, such as the Labour Standards Law, the Employment Contracts Act, the Minimum Wages Law, the Industrial Safety and Health Law, and the Workmen's Accident Compensation Insurance Law, apply to foreign workers in Japan, too.

In any of the following cases, please consult one of the "Advisors for Foreign Workers" who are stationed in the Inspection Division of Labour Standards Departments at the major Labour Bureaus throughout Japan, or a Labour Standards Inspection Office.

For instance:

- * You are not paid your wages.
- * You are not paid an overtime allowance.
- * You are dismissed while receiving medical treatment for injury caused by work.
- * You are dismissed suddenly and have not been paid a dismissal allowance.
- * You have suffered an accident at work but are not compensated for your medical fees or your days off.
- * Your wages, working hours and other working conditions are not specified when you sign a labour contract.
- * There is the risk of accidents at work because the safety and hygiene of workers are not protected adequately.
- * Other similar problems

The Advisors for Foreign Workers will accept inquiries and consultations about labour conditions in English, and in other languages depending upon the office.

In Japan, the following laws and regulations related to labour standards apply (extract):

1 Labour Standards Law

(1) Equal Treatment (Article 3)

An employer shall not engage in discriminatory treatment of workers by reason of nationality. The same prohibition also applies to discriminatory treatment on the grounds that the working conditions in the foreign worker's home country are inferior to those in Japan.

(2) Forced labor (Article 5)

It is prohibited to force workers to work against their will by means of unfair restraint on their mental or physical freedom.

(3) Intermediate exploitation (Article 6)

Unless permitted by the Act, no person shall obtain profit by intervening in the employment of others.

(4) Contracts violating the Labor Standards Act (Article 13)

A labor contract which provides for working conditions not meeting the standards of the Labor Standards Act shall be invalid with respect to such portions. In such a case, the invalid portions shall be governed by the standards as specified in said Act.

(5) Period of contract (Article 14)

Labor contracts with a definite period shall not be concluded for a period exceeding three years in principle, with the following exceptions:

Labor contracts concluded with workers having expert knowledge, skills or experience

..... Maximum of five years

Labor contracts concluded with workers aged 60 or older Maximum of five years

Labor contracts with a definite period regarding the required completion of certain undertakings (e.g., construction work with a definite period) Such necessary period

(6) Clear Statement of Working Conditions (Article 15)

In concluding a labor contract, the employer shall clearly indicate the following matters by issuing a notice of working conditions to the workers:

· Contents of working conditions that should be clearly indicated in writing:

① Period of the labor contract

② Workplace and work in which workers are to be engaged

③ Working hours (e.g., opening and closing times, break times, leave)

④ Wages (amount of wages, method of payment, closing day for wage calculation and day of payment)

⑤ Matters related to retirement (e.g., whether age limit applies, grounds for dismissal)

· Contents of other working conditions that should be clearly indicated:

① Matters concerning increase in wages

② Special wages, expenses for food, dormitory, etc. to be borne by the workers, matters concerning compensation for industrial accidents, vocational training, commendation and sanction, administrative leave, etc., matters concerning travel expenses In case of provisions concerning these matters

③ For a labor contract with a definite period, whether the contract is subject to renewal, any standard for determining such renewal

(7) Ban on Predetermined Indemnity (Article 16)

An employer shall not make a contract which fixes in advance either a sum payable to the employer for breach of contract or an amount of indemnity for damages.

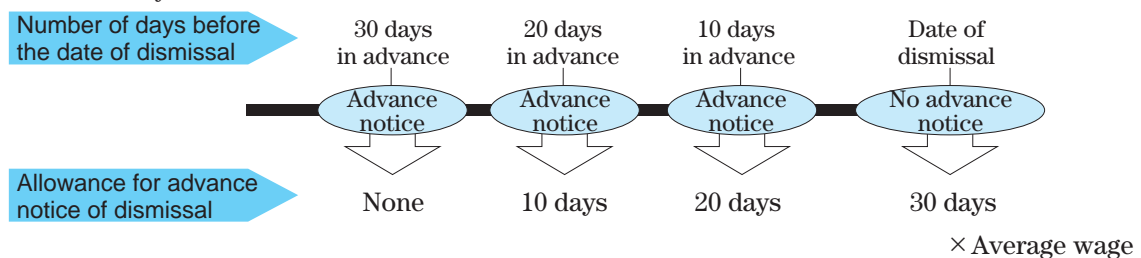
(It is prohibited to make a contract that fixes in advance an amount of compensation for damages. However, this does not prohibit the demand for any damage actually incurred due to a reason attributable to a worker.)

(8) Restrictions on Dismissal of Workers (Article 19)

An employer shall not dismiss a worker during a period of rest for medical treatment with respect to injuries or illness suffered in the course of duty nor within 30 days thereafter, and shall not discharge a woman during a period of rest before and after childbirth nor within 30 days thereafter.

(9) Notice of Dismissal (Articles 20 and 21)

In the event that an employer wishes to dismiss a worker, the employer shall provide in principle at least 30 days advance notice. However, the number of days of notice may be reduced in the event the employer pays the average wage for each day by which the period is reduced. An employer who does not give 30 days advance notice shall pay the average wages for a period of not less than 30 days.



(10) Certificate on Retirement, etc. (Article 22)

When a worker, upon leaving employment, requests a certificate stating the following matters, the employer shall deliver one without delay. Furthermore, a worker who has received prior notice of his or her dismissal may request a certificate stating the reason for dismissal. In this case, the employer shall issue said certificate without delay, even if the worker's request is made prior to dismissal. However, the employer shall not include in the certificate any matters that the worker does not request.

- 1) Period of employment, 2) Kind of occupation, 3) Position in the enterprise, 4) Wages, and
- 5) Cause of retirement (including the reasons in the event that the cause of retirement is dismissal)

(11) Return of money and goods (Article 23)

Upon a worker's leaving of employment, the employer shall pay unpaid wages and other due amounts within 7 days of his or her request for payment.

(12) Payment of wages (Article 24)

Wages must be paid 1) in cash, 2) directly to the workers, 3) in full, 4) at least once a month, and 5) on a definite date.

(13) 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 the worker an allowance for absence from work (60% of the worker's average wage).

If a worker dispatch contract is terminated before its expiration, the contract between the dispatched worker and the dispatching entity shall continue until expiration of the period of employment, and the dispatching entity shall pay the dispatched worker his/her wage.

In case early termination of a worker dispatch contract has caused the worker to be absent from work, such absence is generally considered to fall under absence from work for reasons attributable to the employer; therefore, the employer shall pay the worker an allowance for absence from work.

(14) Working hours (Articles 32, 34 and 35) (These provisions do not apply to agriculture, the livestock industry, and fishery.)

In principle, an employer shall not have a worker work for more than 40 hours per week or more than eight hours per day.

An employer shall provide workers with 45 minutes of rest periods during more than six working hours, and one hour during more than eight working hours.

An employer shall provide workers with at least one day off per week or four days off or more during a four-week period.

In case an employer is to have a worker work in excess of the statutory working hours or on a statutory day off, the employer must enter into a written agreement concerning overtime work and work on days off, and report the agreement to the relevant Labor Standards Office.

(15) Increased wages for overtime work, work on days off, and night work (Article 37)

In case an employer requires a worker to work overtime, at night (10:00 p.m. to 5:00 a.m.) or on a statutory day off, the employer must pay the worker an increased wage in accordance with the following increase rate:

Increased wage for overtime work Rate of at least 25%

Increased wage for night work Rate of at least 25%

Increased wage for work on a statutory day off Rate of at least 35%

Due to a revision of the Labor Standards Act, the statutory rate of increased wages for work exceeding 60 hours per month has been changed to 50%. However, for medium and small enterprises, said change in the statutory rate of increased wages is granted a reprieve for the time being.

(16) Annual Paid Leave (Article 39)

An employer shall grant annual paid leave to workers who have been employed continuously for six months calculated from the day of their being hired and who have reported for work on at least 80 percent of the total working days.

Prescribed working time per week	Prescribed number of working days per week	Prescribed number of working days per year	6 months	1 and a half years	2 and a half years	3 and a half years	4 and a half years	5 and a half years	6 and a half years or more
30 hours or more			10 days	11 days	12 days	14 days	16 days	18 days	20 days
Less than 30 hours	5 days or more	217 days or more	7 days	8 days	9 days	10 days	12 days	13 days	15 days
	4 days	169 to 216 days	5 days	6 days	6 days	8 days	9 days	10 days	11 days
	3 days	121 to 168 days	3 days	4 days	4 days	5 days	6 days	6 days	7 days
	2 days	73 to 120 days	1 day	2 days	2 days	2 days	3 days	3 days	3 days
	1 day	48 to 72 days							

In case the granting of annual paid leave in the requested period would interfere with normal operation of the enterprise, the employer shall have the right to change the dates of leave.

By entering into a labor-management agreement, workers may acquire up to five days of annual paid leave by hours.

Annual paid leave shall lapse when two years has passed from the time when the right for it arose.

An employer shall not treat in any disadvantageous manner a worker who has acquired annual paid leave.

(17) Rules of employment (Article 89)

An employer who continuously employs 10 or more workers shall draw up rules of employment (regulations pertaining to working time, wages, retirement, etc.) and shall report the document to the relevant government agency.

An employer shall make public the rules of employment to workers by posting the same at an appropriate place or otherwise so that the documents will be accessible by the workers.

(18) Restrictions on Sanction Provisions (Article 91)

In the event the rules of employment provide for a decrease in wages as a sanction to a worker,