

2 Major Laws Enacted in FY 2008

Title: Act to Partially Amend the Act on Temporary Measures concerning Ex-Workers of Armed Forces Stationed in Japan and the Act on Temporary Measures concerning Retired Fishers Incidental to Conclusion of International Agreement	
Promulgation Date: April 18, 2008	Enforcement Date: April 18, 2008
Law number: 17	Division: Employment Development Division, Employment Security Bureau
Contents: 1 Partial Amendment to the Act on Temporary Measures concerning Ex-Workers of Armed Forces Stationed in Japan Act on Temporary Measures concerning Ex-Workers of Armed Forces Stationed in Japan was specified to cease to be effective on May 16, 2008, however, this date has changed to May 16, 2013. The expiry date of this law is extended for 5 years. 2 Partial Amendment to the Act on Temporary Measures for Retired Fishers Incidental to Conclusion of the International Agreement Act on Temporary Measures concerning Retired Fishers Incidental to Conclusion of International Agreement was specified to cease to be effective on June 30, 2008, but it is revised to cease to be effective at the end of June 30, 2013, and the expiry date of this law is extended for 5 years.	

Title: Act to Partially Amend the Act on Special Benefits for Parents and Other Relatives of the War Dead	
Promulgation Date: April 18, 2008	Enforcement Date: April 18, 2008
Law number: 20	Division: Relief Division, Social Welfare and War Victims' Relief Bureau
Contents: Japanese government bonds redeemable in 5 years without interest at face value of 1,000,000 yen shall be paid as another special benefit to the parents and other relatives of the war dead who have completed final redemption of Japanese government bonds.	

Title: Act to Partially Amend the Act Concerning the Prevention of Infectious Diseases and Medical Care for Patients Suffering Infectious Diseases and the Quarantine Act	
Promulgation Date: May 2, 2008	Enforcement Date: May 12, 2008
Law number: 30	Division: Tuberculosis and Infectious Disease Control Division, Health Service Bureau
<p>Contents:</p> <ol style="list-style-type: none"> 1) Act Concerning the Prevention of Infectious Diseases and Medical Care for Patients Suffering Infectious Diseases (Act No. 114 of 1998, hereinafter referred to as "Infectious Disease Law") categorizes avian influenza (H5N1) as Type 2 infectious disease, and provides the legal basis for hospitalization measures to fight said infectious disease. 2) Both the Infectious Disease Law and the Quarantine Act (Act No. 201 of 1951) categorize the new influenza and provide quarantine and hospitalization measures in order to implement countermeasures immediately after outbreak. 3) Improvement and expansion of preventive measures against epidemics, such as establishment of provisions for requesting health condition reports and a voluntary ban on leaving home from people suspected of the new influenza infection, and addition of non-medical facilities for isolation and detainment. 	

Title: Act to Partially Amend the Long-Term Care Insurance Act and the Act for the Welfare of the Aged	
Promulgation Date: May 28, 2008	Enforcement Date: May 1, 2009
Law number: 42	Division: Promotion Division, Health and Welfare Bureau for the Elderly
<p>1. Purpose of the law In order to prevent recurrence of wrongful act cases by long-term care service providers and promote fair operation of long-term care businesses, the law requires improving operational control frameworks emphasizing compliance with the law. The law also implements necessary revisions such as establishment of the right to inspect the headquarters premises of businesses and enacts countermeasures against avoidance of disposition by business operators who committed wrongful acts.</p> <p>2. Revision outline (1) Partial amendment to the Long-Term Care Insurance Act</p> <p>① Review of regulations on long-term care service providers</p> <p>A) The law stipulates that long-term care service providers (hereinafter referred to as "providers") shall have an obligation to improve operational control frameworks and shall be required to report the improvement status to their guidance and supervision officer*.</p> <p>B) Guidance and supervision officers referred in (A) may, when they find necessary, conduct on-site inspections and issue recommendations or orders for rectification.</p> <p>* Minister of Health, Labour, and Welfare for providers with establishments in 2 or more prefectures Prefectural governor for providers with establishments within the same prefecture Mayor of municipality for providers operating community-based service only within the same municipality</p> <p>② Countermeasures against avoidance of disposition</p> <p>A) The new law requires providers to provide notification of business closure not ex-post but prior to the fact.</p> <p>B) If a provider notifies business closure during an on-site inspection, it shall be included in causes of disqualification for designation and renewal.</p> <p>C) If a provider whose designation was canceled tries to stay in business by transferring the business to someone with whom they have a close relationship, it shall be included in causes of disqualification for designation and renewal.</p> <p>③ Review of causes of disqualification upon designation and renewal</p> <p>The new law revises the system which does not allow designation and renewal of other establishments (so-called guilt-by-association) without exception due to a designation cancellation of one establishment, and stipulates that establishments qualified may be designated and renewed.</p> <p>④ Measures to ensure services</p> <p>A) The law stipulates that the provider is obligated to take measures to ensure services to the recipients upon closure of business.</p> <p>B) Responsible person may issue recommendations or orders for improvement when he or she finds the provider has not fulfilled the obligation specified in (A).</p> <p>C) Minister of Health, Labour, and Welfare, Prefectural governor, and Mayor of municipality shall perform liaison and coordination work between related parties such as the provider and the users to ensure services for the users.</p> <p>⑤ Other revisions Providers who have committed false remuneration for long-term care shall be subject to compulsory collection of repayment and/or additional charges.</p> <p>(2) Partial amendment to the Act for the Welfare of the Aged The same revisions as in (1) and ② A) were provided concerning notification of abolition for in-home living support business for the elderly and pay nursing homes.</p> <p>(3) Enforcement Date May 1, 2009</p>	

Title: Act to Partially Amend the Act on Asbestos Health Damage Relief		
Promulgation Date: June 18, 2008	Enforcement Date: December 1, 2008	
Law number: 77	Division:	Workers' Compensation Administration Division, Worker's Compensation Department, Labour Standards Bureau (co-jurisdiction with Ministry of the Environment)
<p>1 Extension of the benefit period for medical expenses and treatment allowances Medical expenses, Medical treatment allowances shall be paid from the start date of medical treatment. * However, retroactive allowances shall be limited to 3 years prior from the time of application for certification. * If the total amount of medical expenses, etc. (medical expenses+medical treatment allowances+funeral service fee) is less than the amount of special survivor condolence money (special survivor condolence money+special funeral service fee which totals approximately 3,000,000 yen), the balance shall be paid as relief benefit adjustment money.</p> <p>2 Handling the cases of deceased persons who had not filed an application after the establishment of the system</p> <p>(1) Period of Claims Period of claims shall be possible for 5 years after death.</p> <p>(2) Relief benefit to deceased persons who had not filed an application Special survivor condolence money (approximately 3,000,000 yen) shall be paid.</p> <p>3 Extension of due date for request for special survivor condolence money and special survivor benefits Extension of due date for request for special survivor condolence money and special survivor benefits shall be extended until March 27, 2012.</p> <p>4 Expansion of coverage for special survivor benefits Survivors who are entitled to receive special survivor benefit shall be expanded to those of workers (or special insured persons) who died on or before March 26, 2006. * Limited to cases in which the right of receiving the survivor compensation benefits pursuant to the provision of the Worker's Accident Insurance Act lapses due to prescription (5 years)</p> <p>5 Investigation of places of businesses Thorough implementation of state-enforced investigation of establishments which were using asbestos and publication of its results</p>		

Title: Act to Partially Amend the Atomic Bomb Survivors' Assistance Act	
Promulgation Date: June 18, 2008	Enforcement Date: December 15, 2008
Law number: 78	Division: General Affairs Division, Health Service Bureau
<p>1 Purpose For those who do not reside or are not currently in the country, the law allows for them to apply for the official designation as Atomic bomb survivor, or hibakusha, outside Japan. This is in addition to the current ability to apply in Japan.</p> <p>2 Contents (The official designation as Atomic bomb survivor application of those who do not reside or are not currently in the country) For those who wish to be designated as Atomic bomb survivor and do not reside or are not currently in the country, the government ordinance specifies that the application shall be submitted to the prefectural governor (of Hiroshima or Nagasaki, or mayor of Hiroshima or Nagasaki) who exercise jurisdiction over the location of the site where the person was said to have been bombed.</p>	

Title: Act to Partially Amend the Act on Promotion of Resolution of Issues Related to Hansen's Disease	
Promulgation Date: June 18, 2008	Enforcement Date: April 1, 2009
Law number: 82	Division: Diseases Control Division, Health Service Bureau
<p>[Purpose] The law shall provide for necessary matters concerning promotion of resolution of persisting issues (issues related to Hansen's disease) in relation to welfare enhancement for former patients with Hansen's disease resultant of national quarantine policy.</p> <p>[Principal contents]</p> <p>1 Repeal of the "Act on Repeal of the Leprosy Prevention Act" (established in 1996) The new law repeals said law and re-establishes the provisions for grounds of guarantee of accommodation at the National Hansen's Disease Sanatorium in said law.</p> <p>2 Guarantee of accommodation and living standard at the National Hansen's Disease Sanatorium Implementation of the following new measures in addition to existing guarantee of accommodation and living standard to admitted or re-admitted patients</p> <p>① The new law stipulates that the ground and facilities of the National Hansen's Disease Sanatorium may be provided for local residents' use.</p> <p>② New "non-admitted patients" (*) may be admitted to the National Hansen's Disease Sanatorium if they wish.</p> <p>③ Improvement of the living and medical environment of the National Hansen's Disease Sanatorium (such as securing physicians, nurses, and caregivers)</p> <p>④ Ensuring that patients admitted at private Hansen's Disease sanatoriums can receive necessary medical care</p> <p>* "non-admitted patients" : those who are former patients with Hansen's disease who have never been admitted to the National Hansen's Disease Sanatorium before the repeal of the Leprosy Prevention Law (March 31, 1996) and provided by Minister of Health, Labour, and Welfare</p> <p>3 Promotion of social rehabilitation and support for life in the society Legal clarification concerning measures currently operated as budget measures, such as payments of preparation allowance for leaving the sanatorium, grant for dismissed and non-admitted patients, consultation and information services</p> <p>4 Restoration of honor, remembrance of the dead Enlightenment of history, establishment of a resource center of Hansen's disease, preservation of historic landmarks, remembrance of the dead, etc.</p>	

Title: Act to Partially Amend the Labor Standards Act	
Promulgation Date: December 12, 2008	Enforcement Date: April 1, 2010
Law number: 89	Division: Supervision Division, Labour Standards Bureau
<p>1 Purpose Corresponding to the continuing high percentage of people working long hours, required revisions were provided in order for people to be able to work securing living hours.</p> <p>2 Outline</p> <p>(1) Limitation on overtime work</p> <ul style="list-style-type: none"> ▪ Regarding statutory premium wage rate for overtime work which exceeds 60 hours in one month, the current rate of 25 % or more shall be raised to 50 % or more (application of the new rate shall be suspended for the time being for small-and-medium-sized businesses.) ▪ If a labour-management agreement can be concluded at the place of business, paid leave may be granted to workers who have worked more than 60 hours of overtime in one month in lieu of premium wage payment for the balance amount provided by the revised law (25 % representing the difference between the current rate of 25 % and the revised rate of 50 %). ▪ Following provisions are stipulated concerning “Standard of limit for overtime work” (Ministry of Labour Announcement No. 154 in 1998). <ul style="list-style-type: none"> ① Premium wage rate for overtime work exceeding the limit hours should be provided in overtime work agreement with special clause. ② The rate in ① should be ensured to be above the statutory premium wage rate (25 % or higher). ③ Overtime work exceeding the hours limit should be minimized. <p>(2) Annual paid leave</p> <ul style="list-style-type: none"> • Instead of acquiring annual paid leave by the day as is current practice, if a labour-management agreement is concluded at the place of business, paid leave may be acquired by the hour with limits of 5 days per year. 	

Title: Act to Partially Amend the Act on Employment Promotion etc. of Persons with Disabilities	
Promulgation Date: December 26, 2008	Enforcement Date: April 1, 2009 (See below for amendments with separate enforcement dates)
Law number: 96	Division: Employment Measures for Persons with Disabilities Division, Employment Security Bureau
<p>Contents:</p> <p>The law was revised to further promote employment of disabled persons by promoting employment of the disabled in small and medium-sized businesses and taking an approach to part-time work system. The outline is as follows:</p> <p>1 Promotion of employment of disabled persons in small and medium-sized businesses</p> <p>①Expansion of the scope of application for disabled persons' employment payment system Subjects to disabled persons' employment payment system are expanded in stages to small and medium-sized companies with 101 or more regular workers (for employers with 201 or more regular workers from July 2010, and employers with 101 or more regular workers from April 2015)</p> <p>②Special measures concerning calculation in disabled persons' employment rate system Establishment of a structure which enables calculation combining both actual employment rates from cooperative business associations and from small and medium-sized companies which are members of associations, if small and medium-sized companies take advantage of cooperative business associations, employ disabled persons and associate on a conjoint basis.</p> <p>2 Review of employment rate system corresponding to part-time work system Part-time workers shall be included as subjects to employment obligation and counted as 0.5 persons in disabled persons' employment rate system</p> <p>3 Other Establishment of a structure which enables calculation of actual employment rates of the whole business group even if there are no special subsidiary companies (Effective April, 2009)</p>	

Title: Act to Partially Amend the National Health Insurance Act	
Promulgation Date: December 26, 2008	Enforcement Date: April 1, 2009
Law number: 97	Division: National Health Insurance Division, Health Insurance Bureau
Contents: Regarding handling of the certificate of qualification issued due to delinquency in payment of an insurance premium, the certificate of qualification shall not be issued to the insured in middle school and younger in a household to which certification of qualification is issued, but an insurance card valid for 6 months shall be issued	

Title: Act to Partially Amend the Employment Insurance Act	
Promulgation Date: March 30, 2009	Enforcement Date: March 31, 2009
Law number: 5	Division: Employment Insurance Division, Employment Security Bureau
<p>(Contents)</p> <p>In the light of the current stringent employment and unemployment situation, the following revisions were provided regarding the employment insurance system in order to reinforce the safety net for irregular workers and re-employment support for the unemployed.</p> <p>1 Reinforcement of the safety net for irregular workers Workers who had terminable contracts and left work because their contracts were not renewed shall be qualified after 6 months of insured period since the coverage is extended by relaxing the operational standard from "likely to be employed for one or more years" to "for 6 months or longer", and at the same time, number of benefit days shall be the same as of the unemployed who were laid off.</p> <p>2 Reinforcement of support in the case of difficulty in seeking employment If reemployment is especially difficult for the unemployed who left work due to lay-offs or their work contracts not being renewed, considering their age and location, number of payment days shall be extended for 60 days,</p> <p>3 Reinforcement of incentives for stable reemployment As for reemployment allowance, the benefit rate shall be raised and the qualifications for payment shall be relaxed. As for preparation allowance for permanent employment, the benefit rate shall be raised and the coverage shall be expanded for more people.</p> <p>4 Review of child-care leave benefit Temporary measures raising the benefit rate until the end of March 2010 shall be extended for the time being, and the benefit which is paid in two separate payments during the leave and after returning to work shall be consolidated into one payment and paid during the leave.</p> <p>5 Reduction of employment insurance rate Employment insurance rate concerning unemployment benefits shall be reduced from current rate of 1.2 % to 0.8 %, for FY 2009.</p>	