

# **Employment Security Law**

**(Law No. 141 of November 30, 1947)**

**THE JAPAN INSTITUTE OF LABOUR**  
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## CHAPTER I

### GENERAL PROVISIONS

(Purpose of the Law)

**Article 1.** The purposes of this Law are, together with the Employment Measures Law (Law No. 132 of 1966), to contribute to the security of employment and the progress of the national economy by providing every person with the opportunity to obtain a job suited to his or her ability, and thereby meet the labour needs of industries through Public Employment Security Offices and other employment security bodies, with the cooperation of related administrative agencies and organizations, serving the public by performing employment placement services and ensuring the appropriate operation of employment placement services, etc. performed by persons other than employment security bodies in consideration of the role they should fulfill in the appropriate and smooth adjustment of demand for and supply of the labour force.

(Freedom of Job Selection)

**Article 2.** Every person, may freely choose any job provided it does not conflict with the public welfare.

(Equal Treatment)

**Article 3.** No one shall be discriminated against in employment placement, vocational guidance, or the like, by reason of race, nationality, creed, sex, social status, family origin, previous profession, membership in a trade union, etc.; provided, however, that this shall not apply in the event that the terms of a collective agreement entered into between an employer and a trade union in accordance with the Trade Union Law provide otherwise.

(Definitions)

**Article 4.** The term "employment placement" in this Law means receiving applications for workers and for jobs and extending services to establish employment relationships between those seeking workers and those seeking jobs.

2. The term "free employment placement" in this Law means, with respect to employment placement, employment placement conducted without receiving commissions or other compensation in any guise.

3. The term "fee-charging employment placement" in this Law means employment placement other than free employment placement.

4. The term "vocational guidance" in this Law means guidance to those persons seeking to obtain jobs that, through practical training, courses, directions, advice, the provision of information and other methods, facilitates their choice of jobs compatible with their capabilities and to increases their adaptability to those jobs.

5. The term "labour recruitment" in this Law means that those who seek to employ workers invite, either by themselves or through a third party, those seeking to become workers to become their employees.

6. The term "labour supply" in this Law means having workers work under the direction and orders of another person based upon a supply contract, and does not include those corresponding to

labour dispatch as stipulated in Article 2, Item 1 of the Law for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (Law No. 88 of 1985; hereinafter referred to as the "Worker Dispatching Law").

7. The term "employment placement provider" in this Law means a person who either obtains the permit provided for in Article 30, paragraph 1 or Article 33, paragraph 1 or files the notification pursuant to the provisions of Article 33-2, paragraph 1 and conducts employment placement services.

8. The term "labor supply provider" in this Law means a trade union, etc. that conducts labour supply projects pursuant to the provisions of Article 45 (this means a trade union under the Trade Union Law or other entity corresponding thereto and which is provided for by order; hereinafter the same shall apply).

9. The term "personal information" in this Law means information concerning an individual that can identify a specific individual (including information that can identify a specific individual when collated with other information).

(Functions of the Government)

**Article 5.** The Government shall undertake the following matters in order to accomplish the purposes referred to in Article 1:

- (1) to seek to achieve an appropriate and smooth adjustment of demand for and supply of the labour force;
- (2) to establish and make efforts to implement necessary programs to provide the unemployed the opportunity to obtain jobs;
- (3) to establish free employment placement services to help applicants seeking work in promptly obtaining jobs compatible with their abilities, as well as to meet the labour force needs of employers seeking workers;
- (4) to direct and supervise employment placement, recruitment of workers, labour supply projects, and worker dispatch projects provided for in item 3 of Article 2 of the Worker Dispatching Law (referred to as "labour dispatch projects" hereinafter) operated by any person other than the Government in such a manner as to promote the welfare of workers and the public;
- (5) to provide job applicants with necessary vocational guidance;
- (6) to improve the operations of Public Employment Security Offices, with the cooperation of individuals, organizations, schools and related administrative agencies;
- (7) to provide employment placement or vocational guidance services to those who are entitled to receive benefits under the provisions of the Employment Insurance Law (Law No. 116 of 1974), and to seek the sound operation of the employment insurance system.

(Cooperation of Employment Security Agencies and Employment Placement Provider, Etc.)

**Article 5-2.** In order to promote the appropriate and smooth adjustment of demand for and supply of the labour force, employment security bodies, employment placement providers and labor supply providers shall make efforts to mutually cooperate with respect to the enrichment of employment information and the improvement of technology relating to demand for and supply of the labour force.

(Specification of Working Conditions, Etc.)

**Article 5-3.** Public Employment Security Offices, employment placement providers, persons

conducting recruitment of workers, commissioned recruiters (this means commissioned recruiters provided for in Article 39) and labour supply providers (referred to as "Public Employment Security Offices, Etc." in the following article) shall, in carrying out employment placement, recruitment of workers and labour supply, specify to those seeking jobs, those seeking to become workers in response to recruitment and supplied workers the contents, wages, working hours and other working conditions of the work such persons are to engage in.

2. Those seeking workers shall, in applying for workers, specify to Public Employment Security Offices and employment placement providers, and those seeking to receive labour supply shall specify in advance to labour supply providers the contents, wages, working hours and other working conditions of the work those seeking jobs and supplied workers are to engage in.

3. With respect to matters concerning wages, working hours and other matters provided for by Ordinance of the Ministry of Health, Labor & Welfare, the specifications provided for in the preceding two paragraphs shall be conducted pursuant to a method provided for by Ordinance of the Ministry of Health, Labor & Welfare.

(Treatment of Personal Information of Those Seeking Jobs, Etc.)

**Article 5-4.** With respect to their services, Public Employment Security Offices, Etc. shall, in collecting, keeping custody and using the personal information of those seeking jobs, those seeking to become workers in response to recruitment and supplied workers (hereinafter referred to in this article as "personal information of those seeking jobs, etc."), collect the personal information of those seeking jobs, etc. within the scope necessary to achieve the goals of their services and keep custody and use the same within the scope of the goals of said collection; provided, however, that this shall not apply in a case where the person concerned consents or there is other good cause.

2. Public Employment Security Offices, Etc. shall take necessary measures in order to appropriately control the personal information of those seeking jobs, etc.

(Applications for Workers)

**Article 5-5.** Public Employment Security Offices and employment placement providers shall accept all applications for workers; provided, however, that an application may be rejected if the contents of such application violate any law, if the wages, working hours or other working conditions are found to be substantially inappropriate compared to prevailing working conditions, or if those seeking workers fail to make the specifications provided for in Article 5-3, paragraph 2.

(Applications for Work)

**Article 5-6.** Public Employment Security Offices and employment placement providers shall accept all applications for work; provided, however, that an application may be rejected if the contents of such application violate any law.

2. Public Employment Security Offices and employment placement providers may carry out questioning and skill tests when deemed necessary for determining the suitability of applicants for special jobs.

(Referral, Etc. of Employment Compatible with the Abilities Those Seeking Jobs)

**Article 5-7.** Public Employment Security Offices and employment placement providers shall make efforts to refer to those seeking jobs employment that is compatible with their abilities and to refer to those seeking workers those seeking jobs who are compatible with the employment conditions thereof.

## CHAPTER II

### EMPLOYMENT PLACEMENT AND VOCATIONAL GUIDANCE BY EMPLOYMENT SECURITY AGENCIES

#### Section I General Provisions

(Authority of Director-General of the Employment Security Main Bureau)

**Article 6.** The Director-General of the Employment Security Main Bureau (i.e., the chief of the bureau, established as an internal bureau of the Ministry of Health, Labour and Welfare, supervising affairs concerning employment placement, employment guidance and other matters relating to security of employment; the same applies in Article 9 -- hereinafter referred to as the "Director-General of the Employment Security Main Bureau") shall, under the direction and supervision of the Minister of Health, Labour and Welfare, direct and supervise the Prefectural Labour Directors with respect to the implementation of this Law; establish standards for direction and supervision of the Public Employment Security Offices, establish and carry out programs to provide sufficient labor force for industry, establish and carry out programs to alleviate unemployment, determine the boundaries of major labour market areas to adjust the supply of and demand for labour, establish and carry out vocational guidance, and take responsibility for other business matters necessary for the implementation of this Law; and supervise the personnel under his or her jurisdiction.

(Authority of the Prefectural Labour Directors)

**Article 7.** The Prefectural Labour Directors shall, under the direction and supervision of the Director-General of the Employment Security Main Bureau, manage, with respect to matters concerning the implementation of this Law, matters concerning contact and coordination with the business of the Public Employment Security Offices, and direct and supervise its prefectural personnel and the Chiefs of the Public Employment Security Offices.

(Public Employment Security Offices)

**Article 8.** Public Employment Security Offices shall be agencies that perform necessary services and serve the public free of charge for the purpose of conducting employment placement, vocational guidance, employment insurance and other necessary matters to accomplish the purposes of this Law.

2. The Chief of a Public Employment Security Office shall, under the supervision and direction of the Prefectural Labour Directors, manage the affairs of the Public Employment Security Office and supervise the personnel under his or her jurisdiction.

(Qualification, Etc. of Personnel)

**Article 9.** So that the services of the Public Employment Security Offices and other employment security bodies may be achieved effectively, personnel of the Employment Security Main Bureau, Prefectural Labor Office and Public Employment Security Offices engaged

exclusively in duties of enforcing this Law shall be persons possessing the qualifications and experience stipulated by the National Personnel Authority.

**Article 9-2.** Employment promotion advisors shall be established in the Public Employment Security Offices.

2. Employment promotion advisors shall render vocational guidance based on their expert knowledge, primarily to those persons who have received instructions referred to in paragraph 1 or 2 of Article 16 of the Law Concerning Stabilization of Employment of Older Persons (Law No. 68 of 1971).

3 Apart from those matters provided for in the preceding two paragraphs, necessary matters concerning employment promotion advisors shall be prescribed by the Minister of Health, Labour and Welfare.

(Cooperation with Local Transportation Bureaus)

**Article 10.** The Public Employment Security Offices shall cooperate in the services of the Local Transportation Bureau Chiefs (including the chiefs of the Maritime Traffic Control Divisions) relating to the security of employment of mariners.

(Matters Handled by Municipalities)

**Article 11.** Mayors of municipalities with jurisdiction over areas that the Minister of Health, Labor & Welfare designates as those for which, due to the inconvenience of transportation to the Public Employment Security Offices, it is found difficult to make direct application to the Public Employment Security Offices concerned for workers or for jobs (hereinafter referred to in this paragraph as "designated areas") shall carry out the following matters:

- (1) acceptance for and transmission to the Public Employment Security Office of applications for workers from business establishments located in designated areas and applications for jobs from those seeking jobs who reside in designated areas;
- (2) investigation of necessary matters concerning the applicants for workers associated with business establishments located in designated areas and the employment placement of those seeking jobs who reside in designated areas, when requested by the Public Employment Security Office concerned;
- (3) publicizing of information from the Public Employment Security Office concerned concerning job openings or job applications to the applicants for workers associated with business establishments located in designated areas and those seeking jobs who reside in designated areas.

2. The chiefs of the Public Employment Security Offices concerned may give necessary directions to mayors of municipalities if they find it particularly necessary with respect to the matters provided for in the preceding paragraph.

3. The mayors of municipalities shall not collect, under any guise, actual expenses or any other fees for the services mentioned in paragraph 1, from applicants for either jobs or workers.

4. The matters designated to be handled by municipalities pursuant to the provisions of paragraph 1 shall be Item 1 Statutory Commissioned Matters provided for in Article 2, paragraph 9, Item 1 of the Local Autonomy Law (Law No. 67 of 1947).

(Employment Security Deliberative Councils)

**Article 12.** Regional Employment Security Deliberative Councils shall be established in

Prefectural Labour Offices to consider the duties of Public Employment Security Offices and other important matters concerning the enforcement of this Law.

2. In addition to the Deliberative Councils provided for in the preceding paragraph, the Minister of Health, Labour and Welfare may, when the Minister deems it necessary, establish District Employment Security Deliberative Councils with jurisdiction over a part of the district of one or more prefectures to consider the matters provided for in the preceding paragraph in Prefectural Labour Offices concerned (with respect to District Employment Security Deliberative Councils whose jurisdictional territory includes parts of the territories of two or more prefectures, the one among the Prefectural Labour Offices concerned designated by the Minister of Health, Labor & Welfare; the same shall apply in paragraph 8).

3. In addition to the matters stipulated in the preceding two paragraphs, the Regional Employment Security Deliberative Councils shall investigate and consider matters for which they have been given authority based on other laws; and the District Employment Security Deliberative Councils shall investigate and consider important matters concerning the implementation of the Harbor Labour Law (Law No. 40 of 1988) and other matters for which they have been given authority based on other laws.

4. The Regional Employment Security Deliberative Councils and District Employment Security Deliberative Councils (hereinafter referred to in this article as "Employment Security Deliberative Councils") shall, when requested by the Prefectural Labour Director concerned, investigate and consider the matters stipulated in the 3 preceding paragraphs, and, when necessary, may make proposals to the administrative offices concerned.

5. The Chief of a Public Employment Security Office may seek the opinions of the District Employment Security Deliberative Council concerned.

6. The Employment Security Deliberative Councils shall consist of the same number of representatives of workers, employers and the public interest.

7. One or more members of the Employment Security Councils shall be women.

8. The members of the Employment Security Deliberative Councils shall be appointed by the Prefectural Labour Director concerned.

(Form for Activity Reports)

**Article 13.** The Director-General of the Employment Security Main Bureau shall establish forms for activity reports of Prefectural Labour Offices and Public Employment Security Offices to be made pursuant to the provisions of this Law.

2. The Prefectural Labour Offices and the Public Employment Security Offices shall submit activity reports in accordance with the forms prescribed under the preceding paragraph.

(Survey, Etc. of Demand for and Supply of Labour)

**Article 14.** The Director-General of the Employment Security Main Bureau shall, in order to contribute to the appropriate and smooth adjustment of demand for and supply of the labour force, endeavour to take necessary measures to collect, through the surveys and reports of Prefectural Labour Offices and Public Employment Security Offices on the demand for and supply of labour, information concerning the circumstances of employment and unemployment and organize, analyze and publish said information.

(Standard Job Titles, Etc.)

**Article 15.** The Director-General of the Employment Security Main Bureau shall, based on the results of surveys and research on employment, prepare standard job titles, job descriptions and occupational classification tables to be utilized throughout employment placement services, recruitment of workers and labour supply projects and make efforts to publicize the same.

(Standards for Employment Placement, Etc.)

**Article 16.** The Minister of Health, Labor & Welfare may establish necessary standards concerning the implementation of employment placement and vocational guidance for the physically or mentally handicapped, those seeking to newly enter employment, middle-aged and older unemployed persons and others in need of special consideration with respect to obtaining employment

## Section II Employment Placement

(Area of Employment Placement)

**Article 17.** To the extent possible, Public Employment Security Offices shall make efforts to refer job applicants to positions that do not necessitate a change of residence.

2. Public Employment Security Offices shall conduct employment placement activities over wide areas if, within their jurisdictional territory, they cannot refer to those seeking jobs employment compatible with their wishes and abilities or cannot provide sufficient applicants that those seeking workers desire or sufficient numbers of job openings.

3. Neighboring Public Employment Security Offices shall make efforts to cooperate to the extent possible with respect to the employment placement activities over wide areas provided for in the preceding paragraph.

4. Necessary matters concerning the employment placement activities over wide areas provided for in paragraph 2 shall be provided for by Ordinance of the Ministry of Health, Labor & Welfare.

(Development of Job Openings and Job Applications, Etc.)

**Article 18.** In addition to duties performed based on the provisions of other laws, Public Employment Security Offices shall, in accordance with the prescriptions of Ordinances of the Ministry of Health, Labor & Welfare, develop necessary job openings and job applications in order to give those seeking jobs the opportunity to obtain jobs suited to their abilities and to enable those seeking workers to secure the necessary labor force. .

2. Public Employment Security Offices may request the provision of information and other necessary communication and cooperation from local municipal entities, employer organizations, trade unions and other concerned persons with respect to the development of job openings and job applications provided for in the preceding paragraph.

(Assistance to Public Vocational Training)

**Article 19.** The Public Employment Security Offices shall assist job applicants in

undergoing vocational training conducted by human resources development centers (including training conducted by Polytechnic Universities).

(Non-Intervention in Labor Disputes)

**Article 20.** The Public Employment Security Offices, in order to maintain their neutrality in labour disputes, shall not refer job applicants to a workplace in which there is a strike or lock-out.

2. In a case other than those provided for in the preceding paragraph, in the event the Labour Relations Commission notifies the Public Employment Security Office that a dispute which is likely to develop into a strike or lock-out has arisen in a workplace and that unlimited referral of job applicants will hamper the settlement of the dispute, the Public Employment Security Office shall not refer applicants to that workplace; provided, however, that this shall not apply to the referral of workers up to the limit needed to maintain the number of workers normally employed prior to the time the dispute arose.

(Implementation Regulations)

**Article 21.** Procedures for employment placement and other necessary matters concerning employment placement shall be provided for by Ordinance of the Ministry of Health, Labor & Welfare.

### Section III Vocational Guidance

(Implementation of Vocational Guidance)

**Article 22.** The Public Employment Security Offices shall perform vocational guidance for the physically or mentally handicapped, those seeking to newly enter employment and others in need of special guidance with regard to obtaining employment.

(Aptitude Tests)

**Article 23.** When they deem it necessary, the Public Employment Security Offices may conduct aptitude tests with respect to those persons who receive vocational guidance.

(Alignment with Public Human Resources Development Facilities, Etc.)

**Article 24.** The Public Employment Security Offices may request necessary cooperation from public human resources development facilities and other persons concerned if it is found necessary to provide information, consult or provide other assistance to persons receiving vocational guidance concerning vocational training conducted by public human resources development facilities (including training conducted by Polytechnic Universities).

(Implementation Regulations)

**Article 25.** Methods of vocational guidance and other necessary matters concerning vocational guidance shall be provided for by Ordinance of the Ministry of Health, Labor & Welfare.

Section IV  
Employment Placement, Etc. for Students, Pupils or Graduates of Schools

(Employment Placement for Students, Pupils, Etc.)

**Article 26.** With respect to employment placement for students, pupils or graduates (except persons provided for by Cabinet Order; hereinafter referred to as "students, pupils, etc.") of schools provided for in Article 1 of the School Education Law (Law No. 26 of 1947) (hereinafter referred to as "schools"), the Public Employment Security Offices shall endeavour, in cooperation with the schools, to develop as many appropriate job openings as possible for students, pupils, etc. and to place them in jobs suited to their abilities by providing employment information and results of occupational surveys and research, giving vocational guidance, and maintaining contacts with other Public Employment Security Offices.

2. Public Employment Security Offices shall cooperate with vocational guidance that schools give to students and pupils.

3. Public Employment Security Offices shall cooperate with schools and other persons concerned so that vocational guidance to students, pupils, etc. is effectively and efficiently carried out and take necessary measures, such as creating opportunities for employment experiences, to deepen students' and pupils' understanding of and interest in choosing employment.

(Schools' Undertaking Functions of Public Employment Security Offices)

**Article 27.** The Chiefs of the Public Employment Security Offices may, when they deem it necessary for smoothly conducting employment placement for students, pupils, etc., have the heads of schools undertake a part of the functions of the Public Employment Security Offices, with the consent, or at the request, of the heads of those schools.

2. The functions that the Chiefs of the Public Employment Security Offices may have the heads of schools undertake under the provisions of the preceding paragraph shall be limited to the following matters:

- (1) receiving and processing applications for workers and forwarding those applications to the Public Employment Security Offices;
- (2) receiving and processing applications for jobs;
- (3) introducing applicants for jobs to applicants for workers;
- (4) conducting vocational guidance;
- (5) conducting guidance after placement;
- (6) rendering assistance for admission to public human resources development centers (including training conducted by Polytechnic Universities).

3. Heads of schools who undertake a part of the functions of the Public Employment Security Offices under the provisions of paragraph 1 (hereinafter referred to as "function-undertaking school heads") may decline to receive applications for workers or applications for jobs, with respect to jobs that are not relevant to the courses of education given by the schools, notwithstanding the provisions of the main clause of Article 5-5 and those of the main clause of Article 5-6, paragraph 1.

4. Function-undertaking school heads may, upon consultation with the Public Employment Security Office, appoint persons responsible for employment security from among the personnel of

the school and have them take charge of the functions provided for in all of the items of paragraph 2 and maintain contact with the Public Employment Security Office.

5. The Chiefs of the Public Employment Security Offices shall provide function-undertaking school heads with employment information, the results of surveys and research relating to employment and other assistance in the performance of the functions provided for in all of the items of paragraph 2 undertaken by function-undertaking school heads, and may also provide them with economic assistance, when deemed especially necessary.

6. Function-undertaking school heads shall comply with the standards established by the Minister of Health, Labour and Welfare, in consultation with the Minister of Education, Culture, Sports, Science and Technology concerning the performance of those functions.

7. When a function-undertaking school head has violated laws or ordinances or the standards provided in the preceding paragraph, the Chief of the Public Employment Security Office may suspend the functions provided for in all of the items of paragraph 2 undertaken by said function-undertaking school head.

8. The provisions of all of the preceding paragraphs shall not apply to the free employment placement service rendered by the heads of schools under the provisions of Article 33-2.

(Implementation Regulations)

**Article 28.** Methods of contact, assistance or cooperation between Public Employment Security Offices and schools and other necessary matters concerning employment placement for students, pupils, etc. shall be prescribed by Ordinance of the Ministry of Health, Labor & Welfare.

**Article 29.** Deleted.

## CHAPTER III

### EMPLOYMENT PLACEMENT BY PERSONS OTHER THAN EMPLOYMENT SECURITY AGENCIES

#### Section I

#### Free-Charging Employment Placement Projects

(Permit for Fee-Charging Employment Placement Projects)

**Article 30.** A person who seeks to carry on a fee-charging employment placement service shall obtain a permit from the Minister of Health, Labour and Welfare for each workplace.

2. A person who seeks to obtain the permit provided for in the preceding paragraph shall submit to the Minister of Health, Labor & Welfare an application that states the following matters:

- (1) the name, address and, if a juridical person, the name of its representative;
- (2) if a juridical person, the names and addresses of its officers;
- (3) the name and address of applicant's workplace;
- (4) the name and address of the employment placement manager appointed pursuant to the provisions of Article 32-14;
- (5) if the applicant conducts another business, the type of said business; and
- (6) other matters provided for by Ordinance of the Ministry of Health, Labor & Welfare.

3. The application provided for in the preceding paragraph shall be accompanied by a business plan and other documents provided for by Ordinance of the Ministry of Health, Labor & Welfare.

4. The business plan provided for in the preceding paragraph shall, in accordance with the prescriptions of Ordinance of the Ministry of Health, Labor & Welfare, shall state the number of projected job applicants involved in said project and other matters concerning employment placement.

5. The Minister of Health, Labor & Welfare shall, prior to issuing the permit provided for in paragraph 1, shall consult with the Labor Policy Council in advance.

6. A person who wishes to obtain the permit provided for in paragraph 1 shall pay the permit fee determined by the Minister of Health, Labour and Welfare, taking actual expenses into account.

(Standards, Etc. for Permits)

**Article 31.** The Minister of Health, Labor & Welfare shall issue the permit provided for in paragraph 1 of the preceding article if the Minister finds that the application for said permit complies with the following standards:

- (1) the applicant has a sufficient financial basis to soundly perform the project concerned;
- (2) the applicant has taken necessary measures to appropriately control personal information and keep the secrets of those seeking workers and those seeking jobs.
- (3) the applicant does not come under the category of persons provided for in Article 33-4; and
- (4) In addition to the matters prescribed in the preceding three items, the applicant has the ability

to appropriately perform the project concerned.

2. If the Minister of Health, Labor & Welfare does not issue the permit provided for in paragraph 1 of the preceding article, the Minister shall give notice to such effect to the applicant concerned, stating the reasons therefor, without delay.

(Reasons for Disqualification of Permit)

**Article 32.** Notwithstanding the provisions of paragraph 1 of the preceding article, the Minister of Health, Labor & Welfare shall not issue the permit provided for in Article 30, paragraph 1 to a person to whom any of the following items applies:

- (1) a person who has been punished by imprisonment or greater; or who has been punished by a fine [a] pursuant to [1] the provisions of this Law or those of another law concerning labour that are prescribed by Cabinet Order or [2] the provisions of the Law for the Prevention of Wrongful Acts by Organized Crime Groups (Law No. 77 of 1991) (except the provisions of Article 48 thereof), or [b] for having committed an offense under Article 204, Article 206, Article 208, Article 208-2, Article 222 or Article 247 of the Penal Code (Law No. 45 of 1907) or under the Law for the Punishment of Acts of Violence (Law No. 60 of 1926), and with respect to whom five years has not yet passed calculated from the day execution of said fine was completed or said person's liability to be fined ended;
- (2) an adult ward, a person under conservatorship or a bankrupt whose civil rights have not been restored;
- (3) a person whose permit for an employment placement service was revoked pursuant to the provisions of Article 32-9, paragraph 1 (including where these are applied mutatis mutandis in Article 33, paragraph 4), and with respect to whom five years has not yet passed calculated from the day of the said revocation;
- (4) a minor who does not possess the business abilities of an adult and to whose legal representative comes under any of the preceding items; or
- (5) a juridical person any of whose officers comes under any of the preceding items.

(Security Deposit)

**Article 32-2.** A person who obtains a permit under Article 30, paragraph 1 (hereinafter referred to as "fee-charging employment placement provider") shall deposit as a security deposit the amount determined by Ordinance of the Ministry of Health, Labor & Welfare, taking into consideration the actual state of collection of commissions stipulated under the following article and the protection of those seeking jobs and those seeking workers, as an amount to be used for payment of compensation as specified in the following paragraph.

2. A person who suffers harm as a result of a violation of a provision of this Law or an order based on this Law by a fee-charging employment placement provider shall be entitled to receive compensation from the security deposit provided for in the preceding paragraph and deposited by the fee-charging employment placement provider concerned.

(Fees)

**Article 32-3.** Except in the following cases, a fee-charging employment placement provider shall not receive actual expenses or other commission or compensation under any guise whatsoever with respect to employment placement:

- (1) a case where a commission of a type and amount determined by Ordinance of the Ministry of

Health, Labor & Welfare, taking into consideration expenses ordinarily necessary for employment placement, is collected; and

- (2) a case where a commission is collected based on a confirmation reported in advance to the Minister of Health, Labor & Welfare (this means a schedule that fixes the types and amounts of commissions and other matters concerning commissions).

2. Notwithstanding the provisions of the preceding paragraph, a fee-charging employment placement provider shall not collect any commissions from those seeking jobs; provided, however, that, only in the cases provided for in the items of the preceding paragraph, a commission may be collected if prescribed by Ordinance of the Ministry of Health, Labor & Welfare as a case where the collection of such commission from job applicants is found necessary for the welfare of the job applicants concerned.

3. The confirmation provided for in paragraph 1, item 2 shall be prepared by a method prescribed by Ordinance of the Ministry of Health, Labor & Welfare.

4. If the Minister of Health, Labor & Welfare finds that a commission based on the confirmation provided for in paragraph 1, item 2 comes under any of the following items, the Minister may order the fee-charging employment placement provider concerned to change such commission within a set due date:

- (1) the commission wrongfully discriminates against particular persons; or
- (2) the Minister of Health, Labor & Welfare finds that, in the light of standards set in consideration of the circumstances the collection of the commission at the fee-charging employment placement service, the commission concerned is substantially wrongful.

(Confirmation)

**Article 32-4.** If the Minister of Health, Labor & Welfare issues the permit provided for in Article 30, paragraph 1, then, in accordance with the prescriptions of Ordinance of the Ministry of Health, Labor & Welfare, the Minister shall deliver a confirmation.

2. A person who obtained a confirmation shall post said confirmation at the workplace concerned and present it upon demand by a person concerned.

3. If the confirmation concerned is lost or destroyed, the person who obtained the confirmation shall promptly notify the Minister of Health, Labor & Welfare to such effect and obtain a replacement thereof.

(Condition on License)

**Article 32-5.** The permit provided for in Article 30, paragraph 1 may be issued upon conditions, which conditions may be amended.

2. The conditions provided for in the preceding paragraph shall be restricted to the minimum necessary to promote the sure implementation of matters relating to said permit in the light of the purpose of the permit provided for in Article 30, paragraph 1, and shall not place any undue obligation on the person who obtained the confirmation concerned.

(Term of Validity, Etc. of Permit)

**Article 32-6.** The effective term of the permit provided for in Article 30, paragraph 1 shall be three years calculated from the day of issuing thereof.

2. A person who wishes to continue to carry on a fee-charging employment placement service connected with a permit after the expiration of the term of validity of a permit provided for in the

preceding paragraph (in case the term of validity of said permit has been renewed as stipulated in this paragraph, then the term of validity of the permit as so renewed) shall obtain renewal of the term of validity of the permit.

3. Upon receipt of an application for renewal of the term of validity of the permit provided for in the preceding paragraph, the Minister of Health, Labor & Welfare shall renew the term of validity of said permit if the Minister finds that application complies with the standards set forth in each of the items of Article 31, paragraph 1.

4. A person seeking renewal of the term of validity of a permit as stipulated in paragraph 2 shall pay a renewal fee in the amount determined by the Minister of Health, Labour and Welfare, taking actual expenses into consideration.

5. The term of validity of the permit provided for in Article 30, paragraph 1 in a case where renewal thereof is obtained pursuant to the provisions of paragraph 2 shall be five years calculated from the day following the day of expiration of the term of validity of the permit concerned prior to renewal.

6. The provisions of Article 30, paragraph 2 through paragraph 4, Article 31, paragraph 2 and Article 32 (except item 3) shall apply mutatis mutandis to renewal of the term of validity of a permit provided for in paragraph 2.

(Notification of Change)

**Article 32-7.** In the event that there is a change to any matter listed in the items of Article 30, paragraph 2 (except one prescribed by Ordinance of the Ministry of Health, Labor & Welfare), a fee-charging employment placement provider shall give notification to such effect to Minister of Health, Labor & Welfare without delay; provided, however, that if a fee-charging employment placement provider that has obtained the permit provided for in paragraph 1 of the same article with respect to two or more workplaces has given notification of a change to a matter provided for in item 1 or item 2 of paragraph 2 of the same article concerning one workplace relating to the permit concerned, the foregoing shall not apply with respect to changes to said matters as they relate to any additional workplaces.

2. If, in a case where notification pursuant to the preceding paragraph is given, the matters involved in the notification concerned are matters stated on the confirmation, the fee-charging employment placement provider shall obtain a renewal in accordance with Ordinance of the Ministry of Health, Labor & Welfare.

(Discontinuation of Project)

**Article 32-8.** If the fee-charging employment placement service concerned is discontinued, the fee-charging employment placement provider shall, in accordance with Ordinance of the Ministry of Health, Labor & Welfare, give notification to such effect to Minister of Health, Labor & Welfare without delay.

2. Upon receipt of the notification provided for in the preceding paragraph, the permit provided for in Article 30, paragraph 1 shall become invalid.

(Revocation, Etc. of Permit)

**Article 32-9.** The Minister of Health, Labor & Welfare may revoke the permit provided for in Article 30, paragraph 1 if a fee-charging employment placement provider comes under any of the following items:

- (1) any of the items of Article 32 (except item 3) applies;
- (2) the service violates any provision of this Law or the Worker Dispatching Law (except a provision of Chapter 3, section 4) or any order or disposition based on such provision; or
- (3) the service violates any condition provided for in paragraph 1 of Article 32-5.

2. If a fee-charging employment placement provider comes under item 2 or 3 of the preceding paragraph, the Minister of Health, Labor & Welfare may order the suspension of all or part of the fee-charging employment placement service concerned for a set period.

(Prohibition on Lending Name)

**Article 32-10.** A fee-charging employment placement provider shall not permit another person to use the provider's own name to conduct a fee-charging employment placement service.

(Scope of Employment Dealt with)

**Article 32-11.** A fee-charging employment placement provider shall not refer to those seeking jobs any employment in which they perform port transport work (this means port transport work provided for in Article 2, item 2 of the Port Labor Law or work prescribed by Ordinance of the Ministry of Health, Labor & Welfare as work corresponding to said work that is performed at a port other than a port provided for in item 1 of the same article), any employment in which they perform construction work (this means work in connection with civil engineering, architecture and other work of constructing, remodeling, preserving, repairing, modifying, demolishing or dismantling a structure or any work in preparation therefor) or any other employment prescribed by Ordinance of the Ministry of Health, Labor & Welfare as one in which the assistance of a fee-charging employment placement service presents the risk of interfering with the protection of workers who obtain such employment.

(Restriction on Scope of Employment Dealt with)

**Article 32-12.** The Minister of Health, Labor & Welfare may, based on the application of a person seeking to conduct fee-charging employment placement service or a fee-charging employment placement provider, prescribe the scope of employment to be dealt with by the fee-charging employment placement services these persons conduct and the scope of other functions.

2. In a case where the Minister of Health, Labor & Welfare prescribes the scope of employment to be dealt with by the fee-charging employment placement services or the scope of other functions pursuant to the provisions of the preceding paragraph, the provisions of Article 5-5 and Article 5-6, paragraph 1 shall apply only within such scope.

(Specification of Scope, Etc. of Employment Dealt with)

**Article 32-13.** Fee-charging employment placement providers shall, in accordance with Ministry of Health, Labour and Welfare Ordinance, specify to those seeking workers and those seeking jobs such matters prescribed by Ministry of Health, Labour and Welfare Ordinance as appropriate for those seeking workers and those seeking jobs to be informed of in advance; i.e., the scope of employment to be dealt with and the scope of other functions, matters concerning commissions, matters concerning the handling of complaints and the contents of other functions of the employment placement service concerned.

(Employment Placement Manager)

**Article 32-14.** Fee-charging employment placement providers shall, in accordance with

Ministry of Health, Labour and Welfare Ordinance, appoint an employment placement manager from among persons (except minors) who do not come under items 1 through 3 of Article 32 in order to have the following matters concerning employment placement performed:

- (1) the handling of complaints received from those seeking workers and those seeking jobs;
- (2) matters concerning the control of information on those seeking workers (limited to information relating to employment placement) and the personal information of those seeking jobs;
- (3) arranging and planning the improvement of the functions of receiving applications from those seeking workers and those seeking jobs, giving advice and guidance to those seeking workers and those seeking jobs, and other functions of fee-charging employment placement services; and
- (4) matters concerning communication and coordination with employment security agencies.

(Keeping of Books)

**Article 32-15.** Fee-charging employment placement providers shall prepare books and records prescribed by Ordinance of the Ministry of Health, Labor & Welfare with respect to their functions and keep same at their workplaces.

(Project Reports)

**Article 32-16.** Fee-charging employment placement providers shall, in accordance with Ministry of Health, Labour and Welfare Ordinance, draft project reports and submit to the Minister of Health, Labor & Welfare.

2. The project reports provided for in the preceding paragraph shall, in accordance with Ministry of Health, Labour and Welfare Ordinance, state the number of those seeking jobs through the project, the amount of commissions from employment placement and other matters concerning employment placement.

## Section II

### Free Employment Placement Projects

(Free Employment Placement Projects)

**Article 33.** Except in cases conducted pursuant to the provisions of the following article, person who seeks to carry on a free employment placement service (except one conducted by a employment security agency; hereinafter the same shall apply) shall obtain a permit from the Minister of Health, Labour and Welfare for each workplace.

2. Prior to issuing the permit referred to in the preceding paragraph, the Minister of Health, Labour and Welfare shall consult with the Labor Policy Council; provided, however, that this shall not apply in the case of issuing a permit to a trade union.

3. The term of validity of the permit referred to in paragraph 1 shall be five years calculated from the day of issuing thereof.

4. The provisions of Article 30, paragraphs 2 through 4; Article 31; Article 32; Article 32-4;

Article 32-5; Article 32-6, paragraphs 2, 3 and 5; Articles 32-7 through 32-10; and Articles 32-12 through 32-16 shall apply mutatis mutandis with respect to the free employment placement service conducted under the permit provided for in paragraph 1 and the person who obtained said permit. In this case, the phrase "the permit provided for in the preceding paragraph" in Article 30, paragraph 2, the phrase "the permit provided for in paragraph 1 of the preceding article" in Article 31, the phrase "the permit provided for in Article 30, paragraph 1" in Article 32, Article 32-4, paragraph 1, Article 32-5, Article 32-6, paragraph 5, Article 32-8, paragraph 2 and Article 32-9, paragraph 1, and the phrase "the permit provided for in paragraph 1 of the same article" in Article 32-7, paragraph 1 shall be read as "the permit provided for in Article 33, paragraph 1"; the phrase "preceding paragraph" in Article 32-6, paragraph 2 shall be read as "Article 33, paragraph 3"; the phrase "matters concerning commissions, " in Article 32-13 shall be deleted; the phrase ", the amount of commissions from employment placement" in Article 32-16, paragraph 2 shall be deleted.

5. The provisions of Article 30, paragraphs 2 through 4, Article 31, paragraph 2 and Article 32 (except item 3) shall apply mutatis mutandis with respect to renewal of the term of validity of the permit provided for in Article 32-6, paragraph 2 as applied mutatis mutandis in the preceding paragraph.

(Free Employment Placement Projects Conducted by Schools, etc.)

**Article 33-2.** The heads of the facilities listed in the following items may conduct, with notification to the Minister of Health, Labour and Welfare, free employment placement services for the persons stipulated in the respective items:

- (1) schools (excluding primary schools and kindergartens) -- Students or pupils of said schools or graduates of said schools;
- (2) special schools -- students of said special schools or graduates of said special schools;
- (3) facilities listed in items, paragraph 1 of Article 15-6 of the Human Resources Development Promotion Law (Law No. 64 of 1969) -- Those receiving vocational training conducted by said facilities or those who have completed said vocational training;
- (4) Polytechnic University -Those receiving vocational training conducted by said polytechnic university or instructor training provided for in Article 27, paragraph 1 of Human Resources Development Promotion Law, or those who have completed said vocational training or said instructor training.

2. The heads of the facilities stipulated in the items of the preceding paragraph operating free employment placement services under the provisions of that paragraph may designate persons to be in charge of matters concerning the employment placement service from among the personnel of said facilities, and may have those persons conduct such matters in place of the heads of the facilities.

3. The Minister of Health, Labour and Welfare may establish standards concerning the execution of the business matters for free employment placement service operated by the heads of the facilities stipulated in the items of paragraph 1 under the provisions of that paragraph.

4. The Minister of Health, Labour and Welfare shall consult with the Minister of Education, Culture, Sports, Science and Technology prior to establishing standards under the preceding paragraph relating to the heads of the facilities listed in item 1 and item 2 of paragraph 1.

5. The head of a facility listed in any of the items of paragraph 1 that seeks to conduct a free

employment placement service provided for in the same paragraph may determine the scope of employment placement the facility will deal with and give the notification provided for in the same paragraph.

6. In a case where the head of a facility listed in any of the items of paragraph 1 determines the scope of employment placement and gives notification as provided for in the preceding paragraph, the provisions of Article 5-5 and Article 5-6, paragraph 1 shall apply only within such scope.

7. The provisions of Article 32-8, paragraph 1, Article 32-9, paragraph 2, Article 32-10, Article 32-13, Article 32-15 and Article 32-16 shall apply mutatis mutandis with respect to the free employment placement service that the head of a facility listed in any of the items of paragraph 1 seeks to conduct pursuant to the same paragraph. In this case, the phrase "item 2 or 3 of the preceding paragraph" in Article 32-9, paragraph 2 shall be read as "item 2 of the preceding paragraph"; the phrase "matters concerning commissions, " in Article 32-13 shall be deleted; and the phrase ", the amount of commissions from employment placement" in Article 32-16, paragraph 2 shall be deleted.

8. In the event that the Minister of Health, Labor & Welfare intends to order the head of a facility listed in item 1 or 2 of paragraph 1 that is conducting a free employment placement service pursuant to the provisions of the same paragraph to suspend such project pursuant to the provisions of Article 32-9, paragraph 2 as applied mutatis mutandis in the preceding paragraph, the Minister shall notify the educational administrative office in advance.

(Assistance by Public Employment Security Offices)

**Article 33-3.** Public Employment Security Offices may give assistance to persons who conduct free employment placement services upon obtaining the permit provided for in Article 33, paragraph 1 or giving the notification pursuant to the provisions of paragraph 1 of the preceding article by providing employment information, the results of surveys and research relating to employment and other assistance with respect to the operation of said free employment placement services.

### Section III Supplementary Rules

(Prohibition of Side Business)

**Article 33-4.** A person who carries on a restaurant, eating or drinking establishment, inn, second - hand shop, pawn - shop, money lending business, money changing business or the like, shall not carry on an employment placement service.

(Obligation of Employment Placement Provider)

**Article 33-5.** In operating a project concerned, employment placement providers shall, in cooperation with employment security agencies, make efforts to take necessary measures to promote the improvement thereof.

(Guidance, Etc. of the Minister of Health, Labor & Welfare)

**Article 33-6.** If particularly necessary for the adjustment of demand for and supply of the labour force, the Minister of Health, Labor & Welfare may, in accordance with Ordinance of the Ministry of Health, Labor & Welfare, give necessary guidance, advice and recommendations to employment placement providers concerning the scope, timing, means, number of cases and other methods of conducting employment placement.

(Mutatis Mutandis Application)

**Article 34.** The provisions of Article 20 shall apply mutatis mutandis to cases where an employment placement provider conducts an employment placement service. In this case, the phrase "Public Employment Security Offices" in paragraph 1 of the same article shall read "employment placement providers" and the phrase "the Public Employment Security Office" in paragraph 2 of the same article shall read "the Public Employment Security Office shall report to such effect the employment placement provider, and the employment placement provider who receives said report".

(Implementation Regulations)

**Article 35.** In addition to provisions set forth in this Chapter, procedures for applying for permits for employment placement services and other necessary matters concerning employment placement services shall be stipulated by Ordinance of the Ministry of Health, Labor & Welfare.

## CHAPTER III-II

### LABOUR RECRUITMENT

#### (Commissioning of Recruitment)

**Article 36.** When a person seeking to employ workers wishes to have a person other than a person in his or her own employ engage in labour recruitment, he or she shall obtain a permit from the Minister of Health, Labour and Welfare.

2. When a person who seeks to have a person other than a person in his or her own employ engage in recruitment of workers intends to pay compensation to such other person, he or she shall obtain the advance approval of the Minister of Health, Labour and Welfare with respect to the amount of said compensation.

#### (Restrictions on Recruitment)

**Article 37.** When, in accordance with Ministry of Health, Labour and Welfare Ordinance, special necessity exists in order to adjust the demand for and supply of labour, the Minister of Health, Labour and Welfare or the Chiefs of the Public Employment Security Offices may restrict the time of recruiting, the number of persons to be recruited, the recruitment area and other recruiting methods, indicating the reasons for such restriction, with respect to labour recruitment of workers (except recruitment pursuant to the provisions of paragraph 1 of the preceding article).

2. In cases of granting permits for labour recruitment under the provisions of paragraph 1 of the preceding Article, the Minister of Health, Labour and Welfare may give the person seeking to conduct the labour recruitment necessary directives concerning the time of recruiting, the number of persons to be recruited, the recruitment area and other recruiting methods.

#### (Principles on Recruitment Area)

**Article 38.** A person seeking to conduct labour recruitment shall endeavour to recruit workers from the area within which regular commuting is possible and, in cases where it is difficult to recruit workers from said area, to recruit workers from neighboring areas.

#### (Prohibition on Receipt of Compensation)

**Article 39.** Persons who carry on labour recruitment and persons engaged in labour recruitment under the provisions of Article 36, paragraph 1 (hereinafter referred to as "commissioned recruiters") shall not receive any compensation, under whatever guise, with respect to that recruitment from a worker so recruited.

#### (Prohibition on Granting Compensation)

**Article 40.** A person carrying on labour recruitment shall not grant to a person in his or her employ engaged in said labour recruitment or any commissioned recruiter any compensation except payment of wages or salaries paid to employees and the equivalent thereof or the granting of compensation relating to the approval provided for in Article 36, paragraph 2.

#### (Revocation, Etc. of Permit)

**Article 41.** In the event that a person conducting labour recruitment under the permit provided for in Article 36, paragraph 1 or a commissioned recruiter violates any provision of this Law or the Worker Dispatching Law (except a provision of Chapter 3, section 4) or any order or

disposition based on such provision, the Minister of Health, Labor & Welfare may revoke the permit provided for in the same paragraph or order the suspension of the functioning of the labour recruitment concerned for a set period.

(Accurate Description of Details of Recruitment)

**Article 42.** A person seeking to conduct labour recruitment by means of placing advertisements in newspapers, magazines or other publications, or by posting or distributing written materials, or other methods prescribed by Ordinance of the Ministry of Health, Labor & Welfare shall, in order to contribute to the proper selection of occupations by workers, , in clearly stating the contents, etc. of the work in which workers would be engaged under said recruitment pursuant to the provisions of Article Article 5-3, paragraph 1, endeavour to provide accurate explanations by using plain expressions and the like so as not to cause misunderstanding by workers responding to said recruitment.

(Mutatis Mutandis Application)

**Article 42-2.** The provisions of Article 20 shall apply mutatis mutandis to labour recruitment. In this case, in paragraph 1 of the same article, the phrase "Public Employment Security Offices" shall read "person who conducts labour recruitment (except a person prescribed by Ordinance of the Ministry of Health, Labor & Welfare; the same applies in the following paragraph) and commissioned recruiter (this means a commissioned recruiter provided for in Article 39; the same applies in the same paragraph)" and the phrase "shall not refer job applicants to a workplace" shall read "shall not conduct labour recruitment for work in a workplace"; in paragraph 2 of the same article, the phrase "unlimited referral of job applicants" shall read "unlimited recruitment of workers" and the phrase "the Public Employment Security Office shall not refer applicants to that workplace" shall read "the Public Employment Security Office shall report to persons who conduct labour recruitment and commissioned recruiters to such effect, and persons who conduct labour recruitment and commissioned recruiters who receive said report shall not conduct labour recruitment for work in said workplace"; and the phrase "referral" in the proviso of the same paragraph shall read "recruitment".

(Implementation Regulations)

**Article 43.** Procedures for applying for permission for labour recruitment and other necessary matters concerning labour recruitment shall be stipulated by Ordinance of the Ministry of Health, Labour and Welfare.

## CHAPTER III-III

### LABOUR SUPPLY PROJECTS

(Prohibition of Labour Supply Projects)

**Article 44.** No person shall carry on a labour supply project or have workers supplied by a person who carries on a labour supply project work under his or her own directions or orders, except in cases provided for in the following Article.

(Permission to Carry on a Labour Supply Project)

**Article 45.** A trade union, etc. may carry on a free labour supply project where it has obtained a permit from the Minister of Health, Labour and Welfare.

(Mutatis Mutandis Application)

**Article 46.** The provisions of Article 20, Article 33-3 and Article 41 shall apply mutatis mutandis to a labour supply project conducted by a trade union, etc. under the provisions of the preceding Article. In this case, in paragraph 1 of Article 20, the phrase "Public Employment Security Offices" shall read "labour supply providers" and the phrase "shall not refer job applicants" shall read "shall not supply workers"; in paragraph 2 of the same article, the phrase "unlimited referral of job applicants" shall read "unlimited supply of workers" and the phrase "the Public Employment Security Office shall not refer applicants to that workplace" shall read "the Public Employment Security Office shall report to labour supply providers to such effect, and labour supply providers who receive said report shall not supply workers to said workplace"; in the proviso of the same paragraph, the phrase "referral" shall read "supply"; and in Article 41, the phrase "the permit provided for in the same paragraph" shall read "the permit provided for in the same article," the phrase "the functioning of the labour recruitment concerned" shall read "all or part of said labour supply project".

(Implementation Regulations)

**Article 47.** Procedures for applying for permission for a labour supply project and other necessary matters concerning labour supply projects shall be stipulated by Ordinance of the Ministry of Health, Labour and Welfare.

CHAPTER III-IV

WORKER DISPATCHING PROJECTS

(Worker Dispatching Projects)

**Article 47-2.** Worker dispatching projects shall be governed by the provisions of the Worker Dispatching Law and the Port Labor Law.

## CHAPTER IV

### MISCELLANEOUS PROVISIONS

(Guidelines)

**Article 48.** The Minister of Health, Labor & Welfare may announce necessary guidelines with respect to matters prescribed in Article 3, Article 5-3, Article 5-4, Article 33-5 and Article 42 in order that employment placement providers, persons who conduct labour recruitment, commissioned recruiters and labour supply providers manage appropriately.

(Guidance and Advice)

**Article 48-2.** If the Minister of Health, Labor & Welfare finds it necessary with respect to the implementation of this Law, the Minister may give necessary guidance and advice to employment placement providers, persons who conduct labour recruitment, commissioned recruiters and labour supply providers in order to secure the appropriate operation of their functions.

(Improvement Order)

**Article 48-3.** If, in a case where an employment placement provider, a person who conducts labour recruitment, a commissioned recruiter or a labour supply provider violates any provision of this Law or any order based on this Law in connection with one's functions, the Minister of Health, Labor & Welfare finds it necessary in order to secure the appropriate operation thereof, the Minister may order the party concerned to take necessary measures to improve the operation of said functions.

(Notice to the Minister of Health, Labor & Welfare)

**Article 48-4.** In a case where an employment placement provider, a person who conducts labour recruitment, a commissioned recruiter or a labour supply provider violates any provision of this Law or any order based on this Law, a job applicant who applied for a job with the employment placement provider concerned, a worker who responded to the recruitment concerned, or a worker supplied by labour supply provider concerned may make a notice of such fact to the Minister of Health, Labor & Welfare and request that appropriate measures be taken.

2. Upon receipt of the notice provided for in the preceding paragraph, the Minister of Health, Labor & Welfare shall conduct necessary investigation. If the Minister finds the contents of the notice to be true, the Minister shall take measures based on this Law and other appropriate measures.

(Request for Reports)

**Article 49.** The administrative offices may, where they deem it necessary, have persons who employ workers submit reports necessary for employment security on such matters as the circumstances of hiring and separation of workers, wages and other working conditions.

(Reports and Inspections)

**Article 50.** To the extent necessary for implementation of this Law, administrative offices may, in accordance with Ministry of Health, Labour and Welfare Ordinance, have persons who carry on employment placement services, labour recruitment or labour supply projects report on necessary matters.

2. To the extent necessary for implementation of this Law, administrative offices may have their employees visit the workplaces or other facilities of persons who carry on employment placement services, labour recruitment or labour supply projects, question persons concerned and inspect books and documents as well as other articles.

3. The employees who conduct the on-the-spot inspections provided for in the preceding paragraph shall carry identification cards certifying their positions and present them to persons concerned.

4. The authority for on-the-spot inspections pursuant to the provisions of paragraph 2 shall not be construed as approved for the purposes of criminal investigation.

(Duty to Maintain the Confidentiality of Secrets)

**Article 51.** No fee-charging employment placement provider or any agent or employee thereof shall, without good cause, divulge any personal secret learned with respect to any matter handled in the course of one's work. The same shall apply even after a person ceases to be a fee-charging employment placement provider or any representative, employee or servant thereof.

2. Other than the secrets provided for in the preceding paragraph, no fee-charging employment placement provider or any representative or employee thereof shall, without permission, inform anyone else of any personal information learned concerning one's work or any other information concerning persons prescribed by Ordinance of the Ministry of Health, Labor & Welfare. The same shall apply even after a person ceases to be a fee-charging employment placement provider or any representative, employee or servant thereof.

**Article 51-2.** No person who conducts a free employment placement service upon obtaining the permit provided for in Article 33, paragraph 1 or giving notification pursuant to the provisions of Article 33-2, paragraph 1, person who conducts labour recruitment, commissioned recruiter or labour supply provider (hereinafter in this article, referred to as "free employment placement provider, etc."), person who engages in the work of a Public Employment Security Office or person who engages in the work of a free employment placement provider, etc. shall, without permission, inform anyone else of any personal information learned concerning one's work or any other information concerning persons prescribed by Ordinance of the Ministry of Health, Labor & Welfare. The same shall apply even after a person ceases to be a free employment placement provider, etc., a person who engages in the work of a Public Employment Security Office or person who engages in the work of a free employment placement provider, etc.

(Consultation and Assistance)

**Article 51-3.** Public Employment Security Offices may offer consultation, necessary advice and other assistance to those seeking jobs, etc. with respect to matters concerning employment placement, labour recruitment and labour supply.

(Education and Training of Personnel)

**Article 52.** The Government shall formulate a plan and establish necessary facilities for the education and training of personnel engaged in employment placement, vocational guidance and other matters concerning the enforcement of this Law conducted by the Government.

(Publicizing of Services)

**Article 52-2.** The Government shall formulate and endeavour to effectuate a plan for publicizing employment placement, vocational guidance and employment insurance conducted by

the Government and for publicizing the purposes of this Law.

(Contact Among Governmental Authorities)

**Article 53.** When deemed necessary for coordinating matters concerning employment placement, vocational guidance, surveys of labour supply and demand or labour recruitment provided for in this Law among related governmental authorities and for consulting on methods to realize the most effective utilization of the nation's labour resources, the Government may establish a coordination council.

(Contact or Cooperation of Minister of Justice)

**Article 53-2.** In striving for appropriate and smooth regulation of supply and demand in the labour force, a request shall be made by the Minister of Health, Labour and Welfare to the Minister of Justice for necessary contact and cooperation regarding the migration of foreigners who reside in Japan for the purpose of employment.

2. Should the Minister of Justice receive a request regarding the contact or cooperation referred to in the preceding paragraph, the Minister shall respond to the request in a way which does not interfere with the performance of his or her duties.

(Guidance Concerning Hiring Methods, etc.)

**Article 54.** In order to improve methods of hiring workers and to settle labour at enterprises and thereby to improve the efficiency of production, the Minister of Health, Labour and Welfare may give guidance to factories, workplaces, etc.

**Articles 55 to 59 are deleted.**

(Delegation of Authority)

**Article 60.** The authority of the Minister of Health, Labour and Welfare provided for in this Law may be delegated by Ordinance of the Ministry of Health, Labour and Welfare to the Director-General of the Employment Security Main Bureau or the Prefectural Labour Director.

(Delegation to Ordinance of the Ministry of Health, Labor & Welfare)

**Article 61.** In addition to the matters prescribed in this Law, procedures and other matters necessary for the implementation of this Law shall be prescribed by Ordinance of the Ministry of Health, Labor & Welfare.

(Exception for Mariners)

**Article 62.** This Law shall not apply to mariners provided for in Article 6, paragraph 1 of the Mariners' Employment Security Law.

## CHAPTER V

### PENAL PROVISIONS

**Article 63.** A person who falls under any of the following items shall be punished with penal servitude of not less than one year and not more than ten years or a fine of not less than two hundred thousand yen and not more than three million yen:

- (1) a person who has carried on or engaged in employment placement, labour recruitment or labour supply by means of violence, intimidation, imprisonment or other restraint on mental or physical freedom;
- (2) a person who has carried on or engaged in employment placement, labour recruitment or labour supply with an intention of having workers do work injurious to public health or morals.

**Article 64.** A person who falls under any of the following items shall be punished with penal servitude of not more than one year or a fine of not more than one million yen:

- (1) a person who has violated the provisions of Article 30, paragraph 1;
- (1-2) a person who has obtained, through a falsehood or other improper act, a permit under Article 30, paragraph 1, a renewal of the term of validity of a permit under the provisions of Article 32-6, paragraph 2 (including a case where it is applied mutatis mutandis in Article 33, paragraph 4), a permit under Article 33, paragraph 1, a renewal of the term of validity of a permit under the provisions of paragraph 4 of that Article, a permit under Article 36-1, paragraph 1, or a permit under Article 45;
- (2) a person who has violated of an order for suspension of the project or business pursuant to the provisions of Article 32-9, paragraph 2 (including cases where it is applied mutatis mutandis in Article 33, paragraph 4 and Article 33-2, paragraph 7);
- (3) a person who has violated the provisions of Article 32-10 (including cases where it is applied mutatis mutandis in Article 33, paragraph 4 and Article 33-2, paragraph 7);
- (4) a person who has violated the provisions of Article 32-11;
- (5) a person who has violated the provisions of Article 33, paragraph 1;
- (6) a person who has violated the provisions of Article 36, paragraph 1;
- (7) a person who has violated of an order for suspension of labour recruitment business or labour supply project pursuant to the provisions of Article 41 (including cases where it is applied mutatis mutandis in Article 46); or
- (8) a person who has violated the provisions of Article 44.

**Article 65.** A person who falls under any of the following items shall be punished with penal servitude of not more than six months or a fine of not more than three hundred thousand yen:

- (1) a person who has violated the provisions of Article 11, paragraph 2;
- (2) a person who has violated the provisions of Article 32-3, paragraph 1 or 2;
- (3) a person who has carried on a free employment placement service without making a notification as provided for in Article 33-2 paragraph 1;
- (4) a person who has violated the provisions of Article 33-4;

- (5) a person who has violated the provisions of Article 36-2;
- (6) a person who has not observed the restrictions or has not followed the directives provided for in Article 37;
- (7) a person who has violated the provisions of Article 39 or 40;
- (8) a person who has violated an order pursuant to the provisions of Article 48-3;
- (9) a person who has carried on or engaged in employment placement, labour recruitment or labour supply by making a false advertisement or giving false information regarding conditions;
- (10) a person who has carried on or engaged in employment placement, labour recruitment or labour supply for factories, workplaces, etc. where the working conditions are in violation of laws and ordinances.

**Article 66.** A person who falls under any of the following items shall be punished with a fine of not more than three hundred thousand yen:

- (1) a person who has submitted a false statement in an application provided for in the provisions of Article 30, paragraph 2 (including cases where it is applied mutatis mutandis in Article 32-6, paragraph 6 and Article 33, paragraphs 4 and 5) or a document provided for in Article 30, paragraph 3 (including cases where it is applied mutatis mutandis in Article 32-6, paragraph 6 and Article 33, paragraphs 4 and 5);
- (2) a person who has violated an order pursuant to the provisions of Article 32-3, paragraph 4;
- (3) a person who has failed to make a notification provided for in Article 32-7, paragraph 1 (including cases where it is applied mutatis mutandis in Article 33, paragraph 4) or has made a false such notification;
- (4) a person who has failed to make a notification provided for in Article 32-8, paragraph 1 (including cases where it is applied mutatis mutandis in Article 33, paragraph 4 and Article 33-2, paragraph 7) or has made a false such notification;
- (5) a person who has violated a provision of Article 32-14 (including cases where it is applied mutatis mutandis in Article 33, paragraph 4);
- (6) a person who has failed to prepare or keep books and documents in violation of Article 32-15 (including cases where it is applied mutatis mutandis in Article 33, paragraph 4 and Article 33-2, paragraph 7), has failed to keep them at one's workplace or has prepared false books and documents;
- (7) a person who has failed to make a report provided for in Article 49 or Article 50, paragraph 1, or has made a false such report;
- (8) a person who has refused, obstructed or evaded a visit or inspection pursuant to the provisions of Article 50, paragraph 2, or failed to answer a question or made a false statement during the course of such visit or inspection; or
- (9) a person who has violated a provision of Article 51, paragraph 1.

**Article 67.** In a case where the representative of a juridical person or agent, employee or other servant of a juridical person or a natural person has committed an act in violation of Article 63 through the preceding article with respect to the business of that juridical person or natural person, in addition to the punishment of the perpetrator, the juridical person or the natural person shall also be sentenced to a fine under the provisions of each relevant Article.

## **SUPPLEMENTARY PROVISIONS**

1. This law shall come into effect December 1, 1947.

2. In enforcing this law, those actually involved in employment placement or worker supply projects, after receiving the approval of the administrative offices, shall continue to implement these projects within a limit of 3 months after enactment of this law.

3. Methods of employment placement shall be abolished.

(The rest omitted.)