

Employment Insurance Law

(Law No. 116 of December 28, 1974)

The Japan Institute of Labour
(Provisional translation by the specialist)

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Law No. 33 of May 27, 1976
Law No. 43 of May 20, 1977
Law No. 40 of May 8, 1978
Law No. 40 of June 8, 1979
Law No. 27 of Apr. 25, 1981
Law No. 54 of July 13, 1984
Law No. 87 of Dec. 25, 1984
Law No. 56 of June 8, 1985
Law No. 93 of Dec. 4, 1986
Law No. 23 of Mar. 31, 1987
Law No. 26 of May 6, 1988
Law No. 36 of June 28, 1989
Law No. 56 of May 2, 1991
Law No. 8 of Mar. 31, 1992
Law No. 23 of Mar. 31, 1992
Law No. 67 of June 3, 1992
Law No. 57 of June 29, 1994
Law No. 27 of Mar. 17, 1995
Law No. 42 of May 22, 1996
Law No. 82 of June 14, 1996
Law No. 18 of Mar. 31, 1997
Law No. 45 of May 9, 1997
Law No. 19 of Mar. 31, 1998
Law No. 20 of May 31, 1999
Law No. 87 of July 16, 1999
Law No. 160 of Dec. 22, 1999
Law No. 225 of Dec. 22, 1999
Law No. 16 of Mar. 31, 2000
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Chapter I. General Provisions

(Purpose)

Article1. The Purposes of the Employment Insurance are to stabilize living and employment of workers and to facilitate job-seeking activities by providing much needed benefits for workers who are unemployed, who are having trouble securing a living or who are receiving job-related training, and to prevent unemployment, redress employment situation, increase employment opportunities, develop and improve worker potential and promote the welfare of workers.

(Administration)

Article2. The Employment Insurance shall be administered by the government.

2. Parts of the administration of Employment Insurance may be delegated to prefectural governors in accordance with Cabinet orders.

(Employment Insurance Services)

Article3. In order to achieve the purposes set forth in Article 1, the Employment Insurance may, in addition to granting unemployment, etc. benefit, undertake services for the stabilization of employment, services for developing capacities and services for the welfare of employees.

(Definitions)

Article4. In this law, the term “insured person” means a worker who is employed in a covered undertaking other than a person listed in any item of Article 6.

2. In this law, the term “separation from employment” means the termination of the employment relationship of an insured person with his or her employer.

3. In this law, the term “unemployment” means the condition in which an insured person is separated from employment and cannot obtain employment in spite of the will and ability to work.

4. In this law, the term “wage” means the wage, salary, allowance, bonus and all other payments to the worker from the employer as remuneration for labour under whatever name these may be called (except wages which are paid in anything other than currency and are outside the scope provided for by Ordinance of the Ministry of Health, Labour & Welfare).

5. Necessary matters pertaining to the evaluation of wages paid to the worker other than in currency shall be prescribed by Ordinance of the Ministry of Health, Labour & Welfare.

Chapter II. Covered Undertakings, Etc.

(Covered Undertakings)

Article 5. In this law, undertakings in which a worker or workers are employed shall be covered undertakings.

2. The commencement and expiration of the insurance effect for the covered undertakings shall be as prescribed by the *Law concerning the Collection of Premiums on Labour Insurance* (Law No. 84 of 1969, hereinafter referred to as the "*Premiums Collection Law*").

(Exclusions from Application)

Article 6. This law shall not apply to those persons listed in any one of the following items:

- (1) Those persons who are employed after the day on which they reached 65 years of age (except those persons employed after the day on which they reached 65 years of age who have been continuously employed in a covered undertaking operated by the same employer from the day before the day on which they reached 65 years of age and those who, where this law applies, correspond to the specially insured persons in short-term employment provided for in Article 38 paragraph 1 or to the insured day labourers provided for in Article 43 paragraph 1);
- (1-2) Part-time workers who correspond to those provided for in the items of Article 38 paragraph 1 (meaning those whose prescribed weekly working hours are shorter than the prescribed weekly working hours of ordinary workers employed in the same covered undertaking and fewer than the number of hours fixed by the Minister of Health, Labour & Welfare; the same applies in Article 13 paragraph 1 item 1; and excepting those who would correspond to insured day labourers provided for in Article 43 paragraph 1 where this law is deemed to apply);
- (1-3) Day labourers prescribed in Article 42 who do not come under any of the items of paragraph 1 of Article 43 (except persons who have obtained an approval by the Chief of the Public Employment Security Office, in accordance with Ordinance of the Ministry of Health, Labour & Welfare);
- (2) Persons who are employed in a seasonal undertaking scheduled for a period not exceeding four months;
- (3) Persons insured under the Mariners Insurance under the provisions of Article 17 of the *Mariners Insurance Law* (Law No. 73 of 1939);
- (4) Persons who are employed by the national, prefectural or municipal governments or in the undertakings of equivalent bodies and who would, in the event of separation from employment, be entitled to receive payments on the basis of other laws, ordinances and regulations, etc. of benefits determined to exceed the level of job applicant benefits and employment promotion benefits and who are provided for by Ministry of Health, Welfare and Labour

ordinances.

(Notification of Insured Persons)

Article 7. An employer (where the original contractor is regarded as the employer pursuant to the provisions of Article 8 paragraph 1 or paragraph 2 of the *Premiums Collection Law*, in relation to those workers engaged in the said undertaking other than those employed by the original contractor, the sub-contractor who employs the said workers; hereinafter the same shall apply) must, in relation to workers in his or her employ, notify the Minister of Health, Labour & Welfare in accordance with Ministry of Health, Labour & Welfare ordinances, of those who have become insured workers, or ceased to be insured workers, with respect to a covered undertaking (where an undertaking carried out by means of successive contracts is regarded as a single undertaking pursuant to the provisions of Article 8 paragraph 1 or paragraph 2, in relation to those workers engaged in the said undertaking other than those employed by the original contractor, each undertaking concerned with the said successive contracts; hereinafter the same shall apply) carried out by the said employer and of other matters stipulated in Ministry of Health, Labour & Welfare ordinances. The same applies in respect of a Labour Insurance Affairs Association regulated by Article 33 paragraph 3 of the *Premiums Collection Law* that manages matters relating to the notifications referred to earlier in this paragraph on behalf of the said employer pursuant to Article 33 paragraph 1 of the *Premiums Collection Law* as part of the labour insurance matters that paragraph prescribes (hereinafter referred to as a “Labour Insurance Affairs Association”).

(Request for Confirmation)

Article 8. Any person who is or was an insured person may at any time request a confirmation under the provisions of the following article.

(Confirmation)

Article 9. A confirmation of the fact that workers have become insured persons or the fact that workers have ceased to be insured persons shall be made by the Minister of Health, Labour & Welfare on the basis of a notification under the provisions of Article 7 or a request under the provisions of the preceding article, or ex officio.

2. With respect to the confirmation referred to in the preceding paragraph, the provisions of Chapter III (except for Articles 12 and 14) of the *Administrative Procedural Law* (Law No.88 of 1993) shall not apply.

Chapter III. Unemployment, etc. Benefit

Section I. General Provisions

(Unemployment, Etc. Benefit)

Article 10. Unemployment, etc. benefit shall consist of the job applicant benefit, employment promotion benefit, educational training benefit and continuous employment benefit.

2. The job applicant benefit shall consist of the following allowances:

- (1) Basic allowance;
- (2) Skill acquisition allowance;
- (3) Lodging allowance;
- (4) Sickness and injury allowance.

3. Notwithstanding the provisions of the preceding paragraph, the job applicant benefit for the continuous insured older persons provided for in paragraph 1 of Article 37-2 shall be the job applicant benefits for older persons, the job applicant benefit for specially insured persons in short-term employment provided for in paragraph 1 of Article 38 shall be a special lump sum payment, and the job applicant benefit for the insured day labourers provided for in paragraph 1 of Article 43 shall be the job applicant benefits for day labourers.

4. The employment promotion benefit shall consist of the following allowances:

- (1) Re-employment allowances;
- (2) Outfit allowance for full-time employment;
- (3) Moving expenses;
- (4) Wide area job-seeking activity expenses.

5. Educational training benefits will be known as the Educational Training Benefit.

6. The continuous employment benefit shall consist of the following benefits:

- (1) Basic continuous employment benefits for older persons and re-employment benefits for older persons (hereinafter referred to as "continuous employment benefit for older persons" in Subsection I of Section IV);
- (2) Basic childcare leave benefits and re-engagement benefits for persons taking childcare leave (hereinafter referred to as "childcare leave benefit" in Subsection II of Section VI);
- (3) Family care leave benefit.

(Unpaid Unemployment, Etc. Benefit)

Article 10-2. Where a person eligible for benefits has died and part of the unemployment, etc. benefit remains unpaid, his or her spouse (including a person in a *de facto* relationship with the person, where the marriage has not been registered), children, parents, grandchildren, grandparents and brothers or sisters of the person, whose livelihood was the same as the said person at the time of the said person's

death, may demand payment of the said unpaid part of the unemployment, etc. benefit in their own name.

2. The order of priority in which persons shall receive the unpaid part of the unemployment, etc. benefit pursuant to the provisions of the preceding paragraph, shall be as prescribed in the same paragraph.

3. Where there are 2 or more persons of the same rank in the order of priority in which persons are to receive the unpaid part of the unemployment, etc. benefit pursuant to the provisions of paragraph 1, a demand made by any one of them shall be regarded as having been made on behalf of all with respect to the total amount claimable, and any payment made to one of them shall be regarded as having been made to all.

(Restitution Order, Etc.)

Article 10-3. Where a person has received unemployment, etc. benefits by means of said falsehood or other improper conduct, the government may order such person to return all or part of the unemployment, etc. benefit paid and the government may, in accordance with standards set by the Minister of Health, Labour & Welfare, order such person to pay a sum of money not exceeding an amount equivalent to the part of the benefit which was received through misconduct or other improper means.

2. Where the preceding paragraph applies, when the unemployment, etc. benefit was paid due to false notification, report or certification by the employer, the government may order the said employer to return the unemployment, etc. benefit, or pay a sum of money, as provided in the preceding paragraph, on a joint and several basis with the person who received the unemployment, etc. benefit.

3. The provisions of Article 26 and Article 41 paragraph 2 of the *Premiums Collection Law* shall apply *mutatis mutandis* to a case where the recipient or the employer concerned has failed to pay a sum of money whose return or payment has been ordered pursuant to the provisions of the preceding 2 paragraphs.

(Protection of the Right to Receive Benefits)

Article 11. The right to receive the unemployment, etc. benefit shall neither be transferable nor be offered as a security nor be subject to attachment.

(Prohibition of Public Imposts)

Article 12. Taxes and other public imposts shall not be imposed on the basis of the money received as unemployment, etc. benefit.

Section II. Job Applicant Benefit for Insured Persons in General

Subsection I. Basic Allowance

(Recipient Qualification for the Basic Allowance)

Article 13. Basic allowance shall be paid pursuant to the provisions of this subsection where an insured person who has, during the one-year period preceding

the day of separation from employment, been insured for a total period of 6 months or more pursuant to the provisions of the following article, becomes unemployed (for insured persons specified in the following items, during the period of one year plus the number of days specified in the said items (where the aggregate period exceeds 4 years, 4 years); referred to as the “period for calculation” in Article 17 paragraph 1):

- (1) For insured persons who were part-time workers (hereinafter referred to as “part-time insured workers”) for a period during the one-year period preceding the day of separation, the number of days from the day on which the said person became a part-time insured worker (when that day is not within the one-year period preceding the said day of separation from employment, from the day after the day one year preceding the day of separation) to the day before the day on which the person ceased to be a part-time insured worker;
- (2) For insured persons who were unable to receive their wages for 30 or more consecutive days due to illness or injury or other reason prescribed by Ministry of Health, Labour & Welfare ordinances during the one-year period preceding the day of separation from employment (for insured persons specified in the preceding item, for the period of one year plus the number of days specified in that item), the number of days for which they were unable to receive their wages for the said reason (for insured persons specified in the preceding item the number of days pursuant to this item plus the number of days specified in that item).

2. Confirmation of whether an insured person is a part-time insured worker shall be given by the Minister of Health, Labour & Welfare.

(Insured Period)

Article 14. Each period (limited to those periods with 14 or more days on the basis of which wages were paid) within the overall insured period when the person concerned was an insured person, counted backwards from the day on which the person ceased to be a said insured person or from the day before each day that corresponds to that day in each month and is within the overall insured period (for months that do not have a day corresponding to that day, the last day of the month; hereinafter in this paragraph referred to as the “substitute corresponding day”), to the substitute corresponding day in each previous month shall be counted as a full month. Other periods shall not be included in the overall insured period. Provided, however, that when the number of days in the period from the day on which the said person became an insured person, to the day before the first substitute corresponding day thereafter, is 15 days or more and the number of days in the period on the basis of which wages were paid is 14 days or more, the said period shall be counted as an insured period of a half month.

2. Where the insured period is a period in which the person concerned was a part-time insured worker, in relation to the application of the provisions of the preceding paragraph, the expressions “14 days”, “a full month” and “a half month” shall be “11 days” “a half month” and “a quarter of a month” respectively.

3. The periods listed in each of the following items shall not be included when

calculating the period in which the person concerned was an insured person provided for in the preceding 2 paragraphs pursuant to the provisions of the preceding 2 paragraphs:

- (1) Where the person concerned has obtained recipient qualification (meaning qualification for receiving the basic allowance pursuant to the provisions of paragraph 1 of the preceding article; hereinafter the same shall apply, except in the following Section through to Section IV), the recipient qualification for older persons prescribed in Article 37-3 paragraph 2 or the special recipient qualification prescribed in Article 39 paragraph 2, before the day on which he or she most recently became an insured person, the period during which he or she was an insured person preceding the day of separation from employment related to the said recipient qualification, recipient qualification for older persons or special recipient qualification;
- (2) The period when the person concerned was an insured person before the day 2 years preceding the day on which it was confirmed that the person had become an insured person pursuant to the provisions of Article 9.

(Recognition of Unemployment)

Article 15. The basic allowance shall be paid in respect of the days on which a person who has recipient qualification (hereinafter referred to as "qualified recipient" except in the following Section through Section IV) is unemployed (limited to those days in respect of which recognition of his or her unemployment has been obtained; hereinafter in this subsection the same shall apply).

2. To obtain the recognition of unemployment referred to in the preceding paragraph (hereinafter referred to as the "recognition of unemployment" in this subsection), a qualified recipient shall, after separation from employment, report in person to the Public Employment Security Office and apply for employment in accordance with Ministry of Health, Labour & Welfare ordinances .

3. The recognition of unemployment shall be given by the Public Employment Security Office to which a qualified recipient applied for employment once every 4 weeks calculated from the day on which he or she first reported in person after separation from employment, in respect of each of the 28 days immediately preceding. Provided, however, that the Minister of Health, Labour & Welfare may establish different standards with respect to the recognition of unemployment for qualified recipients taking public vocational training, etc. designated by the Chief of the Public Employment Security Office (meaning vocational training (including training conducted by Polytechnic universities) conducted by Public Human Resources Development Centers established by the state, prefectures or municipalities or the Employment and Human Resources Development Organization and other training or courses given pursuant to the provisions of laws and regulations, for assisting unemployed persons in adapting to the working environment or for having them acquire the knowledge and skills necessary for gaining employment and which are prescribed by Cabinet order; hereinafter the same shall apply) and for other qualified recipients specified by Ministry of Health, Labour & Welfare ordinances.

4. Notwithstanding the provisions of the preceding two paragraphs, in case a qualified recipient comes under any of the following items, he or she may obtain a recognition of unemployment by submitting a certificate in which the reason why he or she has been unable to report in person at the Public Employment Security Office is described, in accordance with Ordinance of the Ministry of Health, Labour & Welfare:

- (1) Where he or she has been unable to report in person at the Public Employment Security Office on account of sickness or injury and the period thereof has been less than fifteen consecutive days;
- (2) Where he or she has been unable to report in person at the Public Employment Security Office on account of calling on an employer to whom he or she has been referred by the Public Employment Security Office;
- (3) Where he or she has been unable to report in person at the Public Employment Security Office on account of receiving public vocational training, etc., designated by the Chief of the Public Employment Security Office;
- (4) Where he or she has been unable to report in person at the Public Employment Security Office on account of a natural disaster or other unavoidable reason.

(Daily Amount of Basic Allowance)

Article 16. The daily amount of basic allowance shall be an amount obtained by multiplying the daily amount of wages by 60 percent (for daily amounts of wages from 2,150 yen up to less than 4,290 yen (when those amounts are changed pursuant to the provisions of Article 18, the new amounts), 80 percent; and for daily amounts of wages from 4,290 yen up to no more than 10,370 yen (when those amounts are changed pursuant to the provisions of Article 18, the new amounts), the percentage prescribed by Ministry of Health, Labour & Welfare ordinances, gradually decreasing within the range of 80 percent to 60 percent in set proportion to the increase in the daily amount of wages.).

2. With respect to applying the provisions of the preceding paragraph for qualified recipients who are not less than sixty and not more than sixty-five years old on the day of separation from employment pertaining to their recipient qualification, the term "60 percent" in the same paragraph shall be read as "50 percent" and the term "not less than 4,290 yen and not more than 10,370 yen" shall be read as "not less than 4,290 yen and not more than 13,410 yen".

(Daily Amount of Wages)

Article 17. The daily amount of wages shall be the amount obtained by dividing by 180 the total amount of wages (except wages paid temporarily and wages paid periodically once in a period of more than three months; the same applies in the following paragraph and Section VI) paid during the last six months in the period for calculation that have been counted as the insured period under the provisions of Article 14 (except the proviso to paragraph 1 [including cases where that proviso applies pursuant to paragraph 2 of the same article as rephrased therein]) (in case said last six months include an insured period counted as a half month under the provisions of paragraph 1 of Article 14 as applied pursuant to paragraph 2 thereof, as

rephrased therein, the last six months counted as the insured period when said half month is deemed to be one month in counting the insured period).

2. In case the amount calculated under the provisions of the preceding paragraph is less than the amount listed in each of the following items, the daily amount of wages (except those related to qualified recipients who were part-time insured workers on the day of separation from employment pertaining to their recipient qualifications) shall, notwithstanding the provisions of the preceding paragraph, be the amount listed in each said items:

- (1) Where wages are calculated by the days or hours worked, or are determined by a piece rate or other contract system, the amount equivalent to 70 percent of the amount obtained by dividing the total amount of wages paid during the last 6 months stipulated in the preceding paragraph by the number of days worked during the said last 6 months;
- (2) Where a portion of wages is fixed by the month, the week or any other set period, the total of the amount obtained by dividing the total sum of the portion by the number of days in the period concerned (where a portion of wages is fixed by the month, a month shall be regarded as 30 days) and the amount listed in the preceding item.

3. Where it is difficult to calculate the daily amount of wages pursuant to the provisions of the preceding 2 paragraphs or where it is determined to be inappropriate that the amount calculated pursuant to the provisions of the preceding 2 paragraphs be the daily amount of wages, the amount calculated in accordance with the specifications of the Minister of Health, Labour and Welfare shall be deemed to be the daily amount of wages.

4. Notwithstanding the provisions of the preceding three paragraphs, in case the daily amount of wages calculated under these provisions is less than the amount listed in item 1, the amount listed therein and in case the above daily amount of wages exceeds the amount listed in item 2, the amount listed therein, shall respectively be the daily amount of wages:

- (1) In accordance with the classification of qualified recipients listed in the following a or b, the amount fixed in said a or b (in case these amounts are changed under the provisions of the following article, respectively new amount);
 - a. As for a qualified recipient who was a part-time insured worker on the day of separation from employment pertaining to recipient qualification, 2,150 yen;
 - b. As for a qualified recipient not falling under a, 4,290 yen;
- (2) In accordance with the classification of qualified recipients listed in the following a to d, the amount fixed in said a to d (in case these amount are changed under the provisions of the following article, respectively new amount);
 - a. As for a qualified recipient who was not less than sixty years of age and not more than sixty-five years of age on the day of separation from employment

- pertaining to recipient qualification, 19,620 yen;
- b. As for a qualified recipient who was not less than forty-five years of age and not more than sixty years of age on the day of separation from employment pertaining to recipient qualification, 17,960 yen;
- c. As for a qualified recipient who was not less than thirty years of age and not more than forty-five years of age on the day of separation from employment pertaining to recipient qualification, 16,350 yen;
- d. As for a qualified recipient who was less than thirty years of age on the day of separation from employment pertaining to recipient qualification, 14,720 yen.

(Automatic Revision of the Daily Amount of Wages used in Calculating the Daily Amount of Basic Allowance)

Article 18. When the Minister of Health, Labour & Welfare determines that average earnings (the average amount earned per worker based on the average amount of regular earnings for workers indicated in the Monthly Labour Statistics compiled by the Ministry of Health, Labour & Welfare, calculated in accordance with Ministry of Health, Labour & Welfare ordinances, hereinafter the same shall apply) of the fiscal year (meaning April 1 to March 31 of the following year, hereinafter the same shall apply) have either exceeded or fallen below the average earnings for the fiscal year starting April 1, 1998 (when the amount subject to automatic revision has been changed in accordance with the provisions of this article, the fiscal year preceding the fiscal year when the said change was implemented), the Minister must amend the daily amount of wages subject to automatic revision applicable from August 1 of the following fiscal year in accordance with the rate of increase or decrease.

2. Where there is a fractional amount of 1 to 4 yen in the amount subject to automatic revision amended pursuant to the provisions of the preceding paragraph, the amount shall be rounded down to the nearest 10 yen. A fractional amount of 5 to 9 yen shall be rounded up to the nearest 10 yen.

3. "The amount subject to automatic revision" pursuant to the preceding two paragraphs shall mean the amounts used in calculating the daily amount of basic allowance pursuant to Article 16 paragraph 1 (including those cases where the same provisions are applied *mutatis mutandis* pursuant to paragraph 2 of the same article), being the daily wage range of 2,150 yen to less than 4,290 yen, which is multiplied by 80 percent pursuant to the provisions of paragraph 1 of the same article and the daily wage range of 4,200 yen to less than 10,370 yen, which is multiplied by a rate from 80 percent to 60 percent pursuant to the provisions of the same article and the amounts listed in the items of paragraph 4 of the preceding article.

(Reduction in the Amount of Basic Allowance)

Article 19. Where a qualified recipient has earned money by his or her labour during a period for which he or she has obtained recognition of unemployment, payment of the basic allowance for the number of days on which those earnings have been based (hereinafter in this paragraph referred to as the "number of basis days")

shall be governed by the following provisions:

- (1) Where the total of the amount obtained by deducting 1,413 yen (where the amount is changed pursuant to the provisions of the following paragraph, the new amount; hereinafter referred to as the “deducted amount” in this paragraph), from the amount equivalent to the daily amount of earnings (meaning the amount obtained by dividing the total earnings by the number of basis days) and adding the daily amount of basic allowance (“the total” in the following item), does not exceed an amount equivalent to 80 percent of the daily amount of wages, the amount obtained by multiplying the daily amount of basic allowance by the number of basis days shall be paid;
- (2) Where the total exceeds an amount equivalent to 80 percent of the daily amount of wages (except where the following item applies), the amount obtained by multiplying the remainder after deducting the said amount by which it exceeds 80 percent of the daily amount of wages (“the excess” in the following item) from the daily amount of basic allowance by the number of basis days shall be paid;
- (3) Where the excess is more than the daily amount of basic allowance, the basic allowance for the number of basis days shall not be paid.

2. Where the average earnings for the fiscal year have exceeded or fallen below the average earnings for the fiscal year starting April 1, 1998 (where the deducted amount has been changed in accordance with the provisions of this paragraph, the fiscal year preceding the fiscal year when the said change was implemented), the Minister of Health, Labour & Welfare must amend the deducted amount applicable from August 1 of the following fiscal year in accordance with that rate of increase or decrease.

3. In case a qualified recipient has earned money by his or her labour during a period for which he or she has obtained the recognition of unemployment, he or she shall submit a report on the amount of earnings and other matters to the Chief of the Public Employment Security Office, in accordance with Ordinance of the Ministry of Health, Labour & Welfare.

(Benefit Period and the Duration of Benefit)

Article 20. The basic allowance shall be paid, unless otherwise provided for in this law, according to the classifications of qualified recipients listed in the following items, for the days of unemployment within the period prescribed in each of the said items (where a qualified recipient, who is unable to work for a continuous period of 30 days or more within the said period due to pregnancy, childbirth or childcare or for other reasons prescribed by the Ministry of Health, Labour & Welfare, has reported the same to the Chief of the Public Employment Security Office in accordance with Ministry of Health, Welfare & Labour ordinances, the number of days for which the person was unable to work due to the said reason shall be added to the periods prescribed and where the total period after that addition exceeds four years, the prescribed period shall be four years), within the limit of the number of benefit days corresponding to the prescribed duration of benefits provided for in

Article 22 paragraph 1.

- (1) For qualified recipients other than those within items 2 and 3 below, a year calculated from the day after the day of separation from employment in respect to qualification for the said basic allowance (hereafter in this subsection "the basis day");
- (2) For qualified recipients whose basis day places them within item 1-a of paragraph 2 of Article 22, a period of a year plus sixty days calculated from the day after the basis day;
- (3) For specially qualified recipients prescribed in paragraph 3 of Article 23 whose basis day places them within item 2-a of paragraph 1 of Article 23, a period of a year plus thirty days calculated from the day after the basis day.

2. Where a qualified recipient whose separation from employment pertaining to the said recipient qualification is due to reaching retirement age (limited to retirement ages equal to or exceeding the ages fixed by the Ordinance of the Ministry of Health, Labour & Welfare) or other reasons specified by the Ordinance of the Ministry of Health, Labour & Welfare, does not wish to make the said apply for employment, as prescribed by paragraph 2 of Article 15, during a certain period after the said separation from employment, and makes a report to this effect to the Chief of the Public Employment Security Office, in accordance with the Ordinance of the Ministry of Health, Labour & Welfare, the expressions "period provided in each of the following items according to the classifications of qualified recipients listed in each said items" and "within the said period" in the preceding paragraph shall be read respectively as "the total of the period provided in each of the following items according to the classifications of qualified recipients listed in each said items plus the period equivalent to that certain period (limited to one year) during which he or she does not wish to apply for employment, as provided for in the following paragraph (in case he or she applies for employment as prescribed in paragraph 2 of Article 15 during said certain period in which he or she does not wish to apply for employment, a total of the period provided in each of the said items plus a period corresponding to the period from the day after the day of separation from employment for the purposes of qualification for the said basic allowance (hereinafter in this subsection referred to as "the basis day") until the day before the said application for employment is made" and "within the said total period"; the expression "the day of separation from employment for the purposes of qualification for the said basic allowance (hereinafter in this subsection referred to as "the basis day")" in item 1 of the same paragraph shall be read as "the basis day".

3. Where the two preceding paragraphs apply, when a person who has a recipient qualification referred to in paragraph 1 (hereinafter in this paragraph referred to as "previous recipient qualification") has newly obtained a recipient qualification, a recipient qualification for older person specified in paragraph 2 of Article 37-3 or a special recipient qualification specified in paragraph 2 of Article 39 during the period under the provisions of the two preceding paragraphs, the basic allowance based on the previous recipient qualification shall not be paid as from the

date of obtaining such qualification.

(Waiting Period)

Article 21. The basic allowance shall not be paid unless a qualified recipient has been unemployed for a period of seven days in total (including days on which he or she is unable to take employment on account of sickness or injury) as from the day of the first application for employment to the Public Employment Security Office after separation from employment related to the recipient qualification for the basic allowance concerned.

(Prescribed Duration of Benefit)

Article 22. The number of days for which the basic allowance is payable on the basis of a single recipient qualification (hereinafter referred to as the "prescribed duration of benefit") shall be the number of days provided for in each of the following items according to the classifications of qualified recipients listed in each of the said items:

- (1) For qualified recipients other than those listed in the following item, the number of days specified in the following sub-items a to d, in accordance with the classification of the basic period for calculation listed in said sub-items a to d:
 - a. Twenty years or more-180 days;
 - b. Ten years or more and less than twenty years-150 days;
 - c. Five years or more and less than ten years-120 days;
 - d. Less than five years-90 days
- (2) For qualified recipients who were part-time insured workers on the basis day, the number of days specified in the following sub-items a to c, in accordance with the classification of the basic period for calculation listed in said sub-items a to c:
 - a. Twenty years or more-150 days;
 - b. Ten years or more and less than twenty years-120 days;
 - c. Less than ten years-90 days.

2. The prescribed duration of benefit for qualified recipients specified in the preceding paragraph who have difficulty in finding employment for reasons prescribed by the Ordinance of the Ministry of Health, Labour & Welfare shall be, notwithstanding the provisions of that paragraph, for qualified recipients with a basic period of calculation equal to or exceeding one year, the number of days specified in the following item according to the classification of qualified recipients listed in the said item and for qualified recipients with a basic period of calculation less than one year, 150 days:

- (1) For qualified recipients other than those listed in the following item, on the number of days set forth in the following sub-item a or b, in accordance with the classification of qualified recipients specified in said sub-item a or b:
 - a. For qualified recipients who are forty-five years of age or more and less than sixty-five years of age on the basis day-360 days;
 - b. For qualified recipients who are less than forty-five years of age on the

basis day-300 days.

- (2) For qualified recipients who were part-time insured workers on the basis day, the number of days specified in the following sub-items a and b, in accordance with classification of qualified recipients, listed in said sub-items a and b:
 - a. For qualified recipients who are thirty years of age or more and less than sixty-five years of age on the basis day-270 days;
 - b. For qualified recipients who are less than thirty years of age on the basis day-240 days.

3. The basic period for calculation referred to in the preceding two paragraphs shall be the period in which a qualified recipient specified in those provisions has been employed as an insured person in a covered undertaking by the same employer continuously until the basis day (as for a person who was an insured person before he or she became an insured person pertaining to said employment period, the total of said employment period and the period for which he or she was such insured person). Provided, however, that in case said period includes periods specified in the following items, the period shall be that calculated by excluding all the periods corresponding to periods listed in each item:

- (1) Where the day on which a person most recently ceased to be an insured person immediately preceding the day on which the said person became an insured person in relation to the said insured period or the said employment period, is not within the one-year period preceding the day on which the said person became an insured person, the insured period preceding that immediately prior said day on which he or she most recently ceased to be an insured person;
- (2) For those persons who received the basic allowance or a special lump sum payment before the day on which they became insured persons in relation to the said employment period, the period during which they were insured persons before the day of their separation from employment pertaining to the recipient qualification for these benefits or to the special recipient qualification prescribed in Article 39 paragraph 2.

4. With respect to a single insured period, where the day on which a person became an insured person was before the day 2 years preceding the day on which confirmation of the person's status as an insured person was given pursuant to Article 9, the calculations pursuant to the preceding paragraph shall be carried out by regarding the said person as having become an insured person on the day 2 years preceding the day of the said confirmation.

Article 23. Notwithstanding the provisions of paragraph 1 of the preceding article, the prescribed duration of benefit for specially qualified recipients (limited to cases where the basic period for calculation (hereinafter in this article referred to simply as "basic period for calculation") exceeds one year (five years for the specially qualified recipients listed in item 3, ten years for the specially qualified recipients listed in item 4)) shall, according to the classifications of the said specially qualified recipients listed in the following items, be the number of days specified in the said item.

- (1) For specially qualified recipients who are sixty years of age or more and less than sixty-five years of age on the basis day, the number of days specified in the following sub-items a to d, in accordance with the classification of the basic period for calculation listed in said sub-items a to d:
 - a. Twenty years or more-240 days;
 - b. Ten years or more and less than twenty years-210 days;
 - c. Five years or more and less than ten years-180 days;
 - d. One year of more and less than five years-150 days.
- (2) For specially qualified recipients who are forty-five years of age or more and less than sixty years of age on the basis day, the number of days specified in the following sub-items a to d, in accordance with the classification of the basic period for calculation listed in said sub-items a to d:
 - a. Twenty years or more-330 days;
 - b. Ten years or more and less than twenty years-270 days;
 - c. Five years or more and less than ten years-240 days;
 - d. One year of more and less than five years-180 days.
- (3) For specially qualified recipients who are thirty years of age or more and less than forty-five years of age on the basis day, the number of days specified in the following sub-items a to c, in accordance with the classification of the basic period for calculation listed in said sub-items a to c:
 - a. Twenty years or more-240 days;
 - b. Ten years or more and less than twenty years-210 days;
 - c. Five years or more and less than ten years-180 days.
- (4) For specially qualified recipients who are less than thirty years of age on the basis day, the number of days specified in the following sub-items a or b, in accordance with the classification of the basic period for calculation listed in said sub-items a or b:
 - a. Twenty years or more-210 days;
 - b. Ten years or more and less than twenty years-180 days.

2. Notwithstanding the provisions of paragraph 1 of the preceding article and paragraph 1 of this article, the prescribed duration of benefit for specially qualified recipients who were part-time insured workers on their basis day (limited to cases where the basic period for calculation exceeds one year (five years for the specially qualified recipients listed in item 3, ten years for the specially qualified recipients listed in item 4)), shall, according to the classifications of the said specially qualified recipients listed in the following items, be the number of days specified in the said item:

- (1) For specially qualified recipients who are sixty years of age or more and less than sixty-five years of age on the basis day, the number of days specified in the following sub-items a to c, in accordance with the classification of the basic period for calculation listed in said sub-items a to c:
 - a. Twenty years or more-210 days;
 - b. Ten years or more and less than twenty years-180 days;

- c. One year or more and less than ten years-150 days.
- (2) For specially qualified recipients who are forty-five years of age or more and less than sixty years of age on the basis day, the number of days specified in the following sub-items a to d, in accordance with the classification of the basic period for calculation listed in said sub-items a to d:
 - a. Twenty years or more-300 days;
 - b. Ten years or more and less than twenty years-240 days;
 - c. Five years or more and less than ten years-210 days;
 - d. One year of more and less than five years-180 days
- (3) For specially qualified recipients who are thirty years of age or more and less than forty-five years of age on the basis day, the number of days specified in the following sub-items a to c, in accordance with the classification of the basic period for calculation listed in said sub-items a to c:
 - a. Twenty years or more-210 days;
 - b. Ten years or more and less than twenty years-180 days;
 - c. Five years or more and less than ten years-150 days.
- (4) For specially qualified recipients who are less than thirty years of age on the basis day, the number of days specified in the following sub-items a or b, in accordance with the classification of the basic period for calculation listed in said sub-items a or b:
 - a. Twenty years or more-180 days;
 - b. Ten years or more and less than twenty years-150 days.

3. The specially qualified recipients in paragraph 2 are qualified recipients who come under either of the following items (except qualified recipients regulated by paragraph 2 of the preceding article).

- (1) Persons whose separation from employment pertaining to qualification for basic allowance has been designated by Ordinances of the Ministry of Labour, Health and Welfare as accompanying the bankruptcy (meaning insolvency, initiation of an application to re-establish, initiation of an application to rectify, a liquidation initiation or special winding-up initiation declaration or other situations correspond to reasons regulated by Ordinances of the Ministry of Health Welfare and Labour), downsizing or discontinuance of the enterprise of the person's employer.
- (2) In addition to the provisions of the preceding item, persons who have been dismissed (except those who have been dismissed for significant reasons for which they themselves should be responsible) or separated from employment for other reasons regulated by Ordinances of the Ministry of Labour, Health and Welfare.

(Extended Training Benefit)

Article 24. Where a qualified recipient takes public vocational training, etc. as directed by the Chief of the Public Employment Security Office (except where the duration exceeds that prescribed by Cabinet order; hereinafter in this article, Article 36 paragraphs 1 and 2 and Article 41 paragraph 1 the same shall apply), the basic

allowance may be paid to that person for a period in excess of the prescribed duration of benefit (where the number of days for which the said qualified recipient has received the basic allowance within the period provided for in Article 20 paragraphs 1 and 2, is less than the prescribed duration of benefit, the said number of days for which he or she has received the basic allowance; hereinafter in this section, except in Article 33 paragraph 3 the same shall apply), for days the person is unemployed during the duration of the said public vocational training, etc. (including periods of time that person spends waiting to receive the said public vocational training, etc. (within the period prescribed by Cabinet order)).

2. Where the Chief of the Public Employment Security Office finds, in the light of criteria established by Cabinet order, that a qualified recipient receiving public vocational training, etc. as directed by the Chief of the Public Employment Security Office (limited to qualified recipients for whom the remaining number of basic allowance benefit days as at the day of completion of the said public vocational training, etc. (meaning the number of days for which the basic allowance is payable within the period (meaning the period for which the basic allowance is payable for days of unemployment within the said period; hereinafter the same shall apply) from the day after the day of completion of the said course of public vocational training, etc. to the last day of the benefit period in cases where the provisions of paragraph 4 do not apply; hereinafter in this paragraph and paragraph 4 the same shall apply) is less than the number of days prescribed by Cabinet order), is a person who has difficulty in finding employment even after completion of the said public vocational training, etc., the basic allowance may be paid to that person in excess of the prescribed duration of benefit for the days of unemployment within the period stipulated in paragraph 4. Where this applies, the number of days for which the basic allowance is payable in excess of the prescribed duration of benefit shall be limited to the number of days obtained by deducting the remaining number of benefit days from the number of days prescribed by Cabinet order earlier in this paragraph.

3. Where a qualified recipient, who receives payment of the basic allowance pursuant to the provisions of paragraph 1, takes public vocational training, etc. as directed by the Chief of the Public Employment Security Office for a period in exceeding that provided for in Article 20 paragraphs 1 and 2, that person's benefit period shall, notwithstanding these provisions, be the period until the day of completion of the said public vocational training, etc.

4. The benefit period for a qualified recipient who receives payment of the basic allowance under the provisions of paragraph 2 shall, notwithstanding the provisions of Article 20 paragraphs 1 and 2, be the total of the period specified in these provisions plus the number of days obtained by deducting the remaining number of benefit days from the number of days prescribed by Cabinet order regulated by the first part of paragraph 2 of this article (for persons who take public vocational training, etc. as directed by the Chief of the Public Employment Security Office for a period exceeding that specified in paragraphs 1 and 2 of the same article and who are qualified to receive payment of the basic allowance pursuant to the

provisions of paragraph 1 in relation to the day of completion of the said public vocational training, etc. the period from that day until the day on which the number of days prescribed by Cabinet order regulated by the first part of paragraph 2 have elapsed.).

(Wide Area Extended Benefit)

Article 25. In cases where the Minister of Health, Labour & Welfare has made a determination on the basis of employment and other conditions in respect of a particular area accepting that it is difficult for resident job applicants to gain employment, plans will be formed in respect of these areas, promoting the employment of job applicants in other areas and where the Prefectural Labour Director and the Chief of the Public Employment Security Offices concerned have been required to carry out employment placement activities over a wide area under these plans (hereinafter in this article referred to as "wide area employment placement activities") and the Minister deems it necessary in light of standards fixed by Cabinet order, in respect of the said area covered by the wide area employment placement activities, the Minister may make a decision on measures for the payment of the basic allowance to a qualified recipient, whom the Chief of the Public Employment Security Office finds as being appropriate for referral to employment through wide area employment placement activities for said area, in excess of the prescribed duration of benefit, in respect of the days of unemployment within the period provided for in paragraph 4, but limited to the period designated by the Minister of Labour. Where this applies, the number of days for which the basic allowance is payable in excess of the prescribed duration of benefit shall be limited to the number of benefit days prescribed by Cabinet order.

2. In the event that a person who is qualified to receive the payment of the basic allowance on the basis of the measure referred to in the preceding paragraph (hereinafter referred to as the "wide area extended benefit") has moved his or her domicile or address to a place within the area designated by the Minister of Health, Labour & Welfare, the basic allowance may continue to be paid on the basis of said measure.

3. In making a finding on whether or not it is appropriate for a qualified recipient to be referred to employment through wide area employment placement activities, the Chief of the Public Employment Security Office shall conform to the standards set by the Minister of Health, Labour & Welfare.

4. The benefit period for a qualified recipient who is to receive the wide area extended benefit shall, notwithstanding the provisions of paragraphs 1 and 2 of Article 20, be the total of the period specified under those provisions plus the number of days fixed by Cabinet order as provided for in the latter part of paragraph 1.

Article 26. The basic allowance based on the measures referred to in paragraph 1 of the preceding article shall not be paid to a qualified recipient who, on or after the day on which the decision on the said measures was made, has moved from another area to the area covered by the said measures and has been found to have no special reason for the move.

2. The finding of whether or not there is a special reason for the move of a qualified recipient prescribed in the preceding paragraph shall be made by the Chief of the Public Employment Security Office in accordance with the standards set by the Minister of Health, Labour & Welfare.

(National Extended Benefit)

Article 27. The Minister of Health, Welfare & Labour may, where there has been severe nationwide worsening of unemployment, so that it is equivalent to the standard prescribed by Cabinet order and the Minister considers it necessary from the perspective of employment prospects for qualified recipients, for a limited period designated by the Minister, decide on measures for the payment of the basic allowance to qualified recipients in excess of the prescribed duration of benefit, for the days of unemployment within the period regulated by paragraph 3. Where this applies, the number of days in excess of the prescribed duration of benefit for which the basic allowance is payable shall be limited to the number of days prescribed by Cabinet order.

2. The Minister of Health, Labour & Welfare may, when the Minister considers it necessary in light of the standards prescribed by Cabinet order after having made a decision on the measure referred to in the preceding paragraph, extend the period (when the period has been extended under the provisions of this paragraph, the extended period) designated under the provisions of the preceding paragraph.

3. The benefit period for a qualified recipient who is qualified to receive the basic allowance on the basis of the measure referred to in paragraph 1 (hereinafter referred to as the "national extended benefit") shall, notwithstanding the provisions of paragraphs 1 and 2 of Article 20, be the total of the period specified under those provisions plus the number of days fixed by Cabinet order as provided for in the latter part of paragraph 1.

(Adjustment of Extended Benefits)

Article 28. With respect to qualified recipients receiving the wide area extended benefit, unless said wide area extended benefit has ended, the national extended benefit and the training extended benefit (which means the payment of the basic allowance under the provisions of Article 24, paragraph 1 or 2; hereinafter the same shall apply) shall not be paid; with respect to qualified recipients receiving the national extended benefit, unless said national extended benefit has ended, the training extended benefit shall not be paid.

2. When it has been decided that the wide area extended benefit or the national extended benefit is to be paid to a qualified recipient receiving the training extended benefit, the training extended benefit shall not be paid to said person as long as these extended benefits are being paid; in case it has been decided that the wide area extended benefit is to be paid to a qualified recipient receiving the national extended benefit, the national extended benefit shall not be paid to said person as long as the wide area extended benefit is being paid.

3. Apart from those matters provided for in the preceding two paragraphs, the number of days for which the basic allowance is payable, the benefit period, and

other matters necessary for the adjustment of extended benefits for qualified recipients who consecutively receive various extended benefits provided for in paragraph 1, shall be prescribed by Cabinet order.

(Restriction on Benefit in Case the Duration of Benefits Has Been Extended)

Article 29. In case a qualified recipient receiving the training extended benefit (limited to the payment of the basic allowance under the provisions of Article 24, paragraph 2; in Article 32 paragraph 1, the same applies), the wide area extended benefit or the national extended benefit, has refused, without valid reason, to take employment to which he or she has been referred by the Public Employment Security Office, to take a course of public vocational training, etc., as directed by the Chief of the Public Employment Security Office or to receive vocational guidance necessary to facilitate re-employment given by the Public Employment Security Office in accordance with standards set by the Minister of Health, Labour & Welfare, the basic allowance shall not be paid as from the date of such refusal. Provided, however, that this shall not apply to such person who has newly obtained a recipient qualification.

2. The finding of whether or not there is a valid reason referred to in the preceding paragraph shall be made by the Chief of the Public Employment Security Office in accordance with the standards set by the Minister of Health, Labour & Welfare.

(Method and Date of Payment)

Article 30. The basic allowance shall be paid once every four weeks, in respect of the days for which recognition of unemployment has been made, in accordance with Ordinance of the Ministry of Health, Labour & Welfare. Provided, however, that the Minister of Health, Labour & Welfare may establish different standards for the payment of the basic allowance to qualified recipients taking a course of public vocational training, etc., as directed by the Chief of the Public Employment Security Office and to other qualified recipients as prescribed by Ordinance of the Ministry of Health, Labour & Welfare.

2. The Chief of the Public Employment Security Office shall fix the date of the payment of the basic allowance for each qualified recipient and inform such recipient thereof.

(Claiming for Unpaid Basic Allowance)

Article 31. A person, who demands, pursuant to the provisions of Article 10-2 paragraph 1, the payment of the basic allowance for a period for which recognition of unemployment could not be obtained due to the death of the qualified recipient, must obtain recognition of unemployment for the said qualified recipient in accordance with Ministry of Health, Labour & Welfare ordinances.

2. Where a qualified recipient referred to in the preceding paragraph comes under the provisions of Article 19 paragraph 1, a person who is to be paid the unpaid part of the basic allowance pursuant to the provisions of Article 10-2 paragraph 1 must, in accordance with Ministry of Health, Labour & Welfare ordinances, report the amount of earnings referred to in Article 19 paragraph 1 and other matters to the Chief of the Public Employment Security Office.

(Restriction on Benefit)

Article 32. In case a qualified recipient (except one who is receiving the training extended benefit, wide area extended benefit or national extended benefit; hereinafter in this article the same shall apply) has refused to take employment to which he or she has been referred by the Public Employment Security Office or to take a course of public vocational training, etc., as directed by the Chief of the Public Employment Security Office, the basic allowance shall not be paid for one month as from the date of such refusal. Provided, however, that this shall not apply in case said person comes under any one of the following items:

- (1) Where it is found that the employment to which the qualified recipient has been referred, or the occupation for which he or she has been directed to take public vocational training, etc. is not appropriate in the light of his or her abilities;
- (2) Where a change in current domicile or address would be required in order to take up the employment or take the public vocational training, etc. and it is found that the change would be difficult;
- (3) Where the wage offered by the employer is unjustifiably low in comparison to the wage level usual for work of the same degree of skill in the same kind of business in the same locality;
- (4) Where he or she has been referred to a business which comes under the provisions of Article 20 (except the proviso to paragraph 2) of the *Employment Security Law* (Law No. 141 of 1947);
- (5) Where there is other just cause.

2. In case a qualified recipient has refused, without valid reason, to receive vocational guidance necessary for facilitating re-employment given by the Public Employment Security Office in accordance with standards set by the Minister of Health, Labour & Welfare, the basic allowance shall not be paid during the period fixed by the Chief of the Public Employment Security Office within the maximum of one month calculated from the day of such refusal.

3. The Chief of the Public Employment Security Office shall determine whether a qualified recipient comes under any of the items of paragraph 1 and whether the just cause referred to in the preceding paragraph exists in accordance with the standards set by the Minister of Health, Labour & Welfare.

Article 33. Where an insured person has been discharged due to grave reasons for which he or she should bear responsibility or has resigned voluntarily without just cause, the basic allowance shall not be paid for a period fixed by the Chief of the Public Employment Security Office of more than one month and less than 3 months, following the expiry of the period provided for in Article 21. Provided, however that this shall not apply to a period during which he or she takes public vocational training, etc. as directed by the Chief of the Public Employment Security Office, nor to the period after the day of completion of the said public vocational training, etc..

2. The finding of whether or not a qualified recipient comes under any of the cases set forth in the preceding paragraph shall be made by the Chief of the Public

Employment Security Office in accordance with the standards set by the Minister of Health, Labour & Welfare.

3. In cases where the basic allowance is not payable under the provisions of paragraph 1 relating to the separation from employment pertaining to recipient qualification for the basic allowance and the total of the period in which the said basic allowance is not payable, plus the 7 to 30 day period prescribed by the Ordinance of the Ministry of Health, Labour & Welfare and the number of days equivalent to the prescribed duration of benefit related to said recipient qualification, exceeds one year, (item 1-a of paragraph 2 of Article 22 provides, in relation to the day of separation from employment pertaining to recipient qualification for the basic allowance that, for the said qualified recipients this is a period of one year plus 60 days), then the benefit period for the said qualified recipient shall, notwithstanding the provisions of paragraphs 1 and 2 of Article 20, be the total of the period specified under those provisions plus the period in excess of one year.

4. With respect to qualified recipients coming under the provisions of the preceding paragraph, the expression "paragraphs 1 and 2 of Article 20" in paragraph 1 of Article 24 shall be read as "paragraph 3 of Article 33".

5. In the event that a qualified recipient coming under the provisions of paragraph 3 receives a wide area extended benefit, a national extended benefit or a training extended benefit, necessary matters concerning adjustments of the benefit period for such person shall be fixed by Ordinance of the Ministry of Health, Labour & Welfare.

Article 34. The basic allowance shall not be paid to a person who has received or attempted to receive job applicant benefits or employment promotion benefits by means of falsehood or other improper conduct, as from the day on which said person received or attempted to receive these benefits. Provided, however, that, in case there are unavoidable reasons, the whole or a part of the basic allowance may be paid.

2. In case a person mentioned in the preceding paragraph has newly obtained a recipient qualification after the day referred to in that paragraph, the basic allowance on the basis of the newly obtained qualification shall be paid, notwithstanding the provisions of the preceding paragraph.

3. Even where a qualified recipient has, due to having had payment of the basic allowance withheld pursuant to the provisions of paragraph 1, become unable to receive the basic allowance for the entire number of benefit days for which it would have been payable, he or she shall be regarded, with respect to the application of the provisions of Article 22 paragraph 3, as having been paid the basic allowance based on these recipient qualifications.

4. In case a qualified recipient has been subjected to the non-payment of the basic allowance under the provisions of paragraph 1 and has become unable to receive the basic allowance, as from the day mentioned in that paragraph, for all or a part of the number of benefit days for which he or she would otherwise have been qualified to receive the payment of the basic allowance on the basis of these recipient qualifications, he or she shall be regarded, with respect to the application of the

provisions of Article 37, paragraph 4, as having been paid the basic allowance for the number of benefit days for which it has been decided that the basic allowance is not payable.

(Exceptions in the Case, etc., where Insured Persons other than Part-time Insured Workers have become Part-time Insured Workers without Interruption)

Article 35. Where the following grounds have arisen during a period in which an insured person was continuously employed in the same employer's covered undertaking, the said insured person shall, with respect to the application of the provisions of this subsection (except Article 15 paragraphs 2 and 3, Article 20 paragraph 2, Article 21, Article 23 and Article 33), be regarded as having separated from employment on the day before the day on which the said grounds arose:

- (1) Where an insured person other than a part-time insured worker has become a part-time insured worker;
- (2) Where a part-time insured worker has become an insured person other than a part-time insured worker.

2. Where the preceding paragraph applies, the said insured person shall, with respect to the application of the provisions of Article 14, be regarded as having ceased to be an insured person on the day on which the grounds mentioned in each item of that paragraph arose and as having newly become an insured person on the same day.

3. Where paragraph 1 applies, the expression "the period prescribed in each of the said items (within the said period)" in Article 20 paragraph 1 shall be "the period which is the total of the period prescribed in each of the said items plus the period equivalent to the period from the day after the said day of separation from employment until the last day of the period in which the person concerned was continuously employed as an insured person in the same said employer's covered undertaking (when that period exceeds 3 years, 3 years) (within the said total period)".

4. Where paragraph 1 applies, the expression "Article 20 paragraph 1" appearing in and with respect to the application of the provisions of Article 24 paragraphs 1, 3 and 4, Article 25 paragraph 4, Article 27 paragraph 3 and Article 33 paragraphs 3 and 4, shall be "Article 20 paragraph 1 (including where it is applied by reading it in accordance with Article 35 paragraph 3)" and the expression "paragraph 1 of the same article" in Article 24 paragraph 4 shall be "Article 20 paragraph 1 (including where it is applied by reading it in accordance with Article 35 paragraph 3)" and the expression "Article 24 paragraph 1" in Article 33 paragraph 4 shall be "Article 24 paragraph 1 applied by being read in accordance with Article 35 paragraph 4" and the expression "Article 33 paragraph 3" shall be "Article 33 paragraph 3 (including where it is applied by reading it in accordance with Article 35 paragraph 4)".

Subsection II. Skill Acquisition Allowance and Lodging Allowance

(Skill Acquisition Allowance and Lodging Allowance)

Article 36. In the event that a qualified recipient takes a course of public vocational training, etc., as directed by the Chief of the Public Employment Security Office, a skill acquisition allowance shall be paid for the period of said course.

2. Where a qualified recipient takes up lodging separately from relatives with whom he or she has been residing and whom he or she is supporting financially (including a person with whom a marriage is not registered but with whom he or she is, on the facts, in a *de facto* marital relationship, the same applies in Article 58 paragraph 2) in order to take public vocational training, etc. as directed by the Chief of the Public Employment Security Office, a lodging allowance shall be paid for the period of lodging.

3. The skill acquisition allowance and the lodging allowance shall not be paid for a period for which the basic allowance is not to be paid in accordance with the provisions of Article 32, paragraphs 1 and 2, and Article 33, paragraph 1.

4. The requirements for payment and the amount of the skill acquisition allowance and of the lodging allowance shall be specified by Ordinance of the Ministry of Health, Labour & Welfare.

5. The provisions of Article 34, paragraphs 1 and 2, and the preceding article shall apply *mutatis mutandis* to the skill acquisition allowance and the lodging allowance.

Subsection III. Sickness and Injury Allowance

(Sickness and Injury Allowance)

Article 37. Where a qualified recipient becomes unable to take up employment due to sickness or injury after reporting in person and applying for employment at the Public Employment Security Office following separation from employment, a sickness and injury allowance shall be paid, within the limit of the number of days equivalent to the number of days provided for in paragraph 4, in respect of the days within the period provided for in Article 20 paragraph 1 (including where it is applied by reading it in accordance with Article 35 paragraph 3; the same applies in Article 56-2 paragraph 1 and Article 78) and Article 20 paragraph 2 (for those coming under the provisions of Article 33 paragraph 3 (including where it is applied by reading it in accordance with Article 35 paragraph 4; hereinafter in this paragraph and Article 56-2 paragraph 1 the same shall apply), the period stipulated in Article 33 paragraph 3), during which payment of the basic allowance could not be received due to the said sickness or injury (limited to those days in respect of which recognition of the fact that he or she cannot receive payment of the basic allowance due to sickness or injury has been received.).

2. The recognition referred to in the preceding paragraph shall be made by the Chief of the Public Employment Security Office, in accordance with Ordinance of the Ministry of Health, Labour & Welfare.

3. The daily amount of the sickness and injury allowance shall be the amount equivalent to the daily amount of basic allowance under the provision of Article 16.

4. The number of days for which the sickness and injury allowance is payable shall be the number of days obtained by deducting from the prescribed duration of benefit for the qualified recipient having obtained the recognition referred to in paragraph 1 the number of days for which the basic allowance has already been paid to said qualified recipient on the basis of the recipient qualification concerned.

5. The sickness and injury allowance shall not be paid for a period for which the basic allowance is not to be paid in accordance with the provisions of Article 32, paragraphs 1 and 2, and Article 33, paragraph 1.

6. Where the sickness and injury allowance has been paid, it shall be regarded, in relation to the application of the provisions of this law (except the provisions of Articles 10-3 and 34), as the basic allowance has been paid for the number of days equivalent to the number of days for which the said sickness and injury allowance was paid.

7. The sickness and injury allowance shall be paid, in accordance with Ministry of Health, Labour & Welfare ordinances, for the days in respect of which the recognition in paragraph 1 has been received, on the day on which payment of the basic allowance is due for the first time after the reason that the person concerned cannot take up employment has ceased to exist (where there is no day on which payment of the basic allowance is due after the reason that the person concerned cannot take up employment has ceased to exist, the day designated by the Chief of the Public Employment Security Office). Provided, however, that the Minister of Health, Welfare and Labour, may, when it is deemed necessary, establish different standards for the payment of the sickness and injury allowance.

8. The sickness and injury allowance shall not be paid where a qualified recipient, who has received the recognition in paragraph 1 is able, in respect of the days for which the said recognition was received, to receive the sickness and injury allowance provided for in Article 45 of the *Health Insurance Law* (Law No. 70 of 1922), the temporary disability compensation provided for in Article 76 of the *Labour Standards Law* (Law No. 49 of 1947), the temporary disability compensation benefit or the temporary disability benefit provided for in the *Workers' Accident Compensation Insurance Law* (Law No. 50 of 1947) or other corresponding benefits that are prescribed by Cabinet order from among the benefits provided pursuant to laws (including regulations or rules enacted pursuant to the provisions of laws).

9. The provisions of Article 19, Article 21, Article 31 and Article 34, paragraphs 1 and 2 shall apply *mutatis mutandis* to the sickness and injury allowance. Where this applies, the expression "recognition of unemployment" in Article 19, paragraph 1 and 3 and Article 31, paragraph 1, shall be read as "recognition referred to in Article 37, paragraph 1".

Section II-2. Job Applicant Benefit for Continuous Insured Older Persons

(Continuous Insured Older Persons)

Article 37-2. The job applicant benefits for older persons shall be paid, in accordance with this Section, where an insured person, who has been continuously employed in the same employer's covered undertaking from the day before he or she reached 65 years of age to the day after he or she reached 65 years of age (except specially insured persons in short-term employment provided for in Article 38 paragraph 1 and insured day labourers provided for in Article 43 paragraph 1; hereinafter referred to as "continuous insured older persons"), has become unemployed.

2. The provisions of the preceding Section (except paragraph 2 of Article 13 and Article 14), the following Section and Section IV shall not apply to continuous insured older persons.

(Recipient Qualification for Older Persons)

Article 37-3. The job applicant benefits for older persons shall be paid, in accordance with the following article, where a continuous insured older person becomes unemployed and the total insured period in accordance with the provisions of Article 14 during the one-year period preceding the day of separation from employment (for continuous insured older persons listed in each of the following items, the period of one year plus the number of days fixed in the said items (where the period exceeds 4 years, 4 years)) is 6 months or more:

- (1) For a continuous insured older person who was a part-time insured worker for a period during the one-year period preceding the day of separation from employment, the number of days from the day on which he or she became a said part-time insured worker (when that day is not within the one-year period preceding the day of separation from employment, the day after the day one year before the day of the said separation from employment) until the day before the day on which he or she ceased to be a said part-time insured worker;
- (2) For a continuous insured older person who was continuously unable to receive payment of wages for more than 30 days due to sickness, injury or other reasons provided for by Ministry of Health, Labour & Welfare ordinances during the one-year period preceding the day of separation from employment (for an insured person who is a continuous insured older person listed in the preceding item, the total of the number of days prescribed by that item plus one year), the number of days for which he or she was unable to receive wages for the said reason (for an insured person who is a continuous insured older person listed in the preceding item, the number of days in that item plus the number of days prescribed by this item).

2. In the event that a person, (hereinafter referred to as "older qualified

recipient”) having a qualification for receiving the job applicant benefits for older persons under the provisions of the preceding paragraph (hereinafter referred to as "recipient qualification for older person"), took employment without receiving the job applicant benefits for older persons during the period prescribed in paragraph 4 of the following Article and thereafter again became unemployed (except the case where he or she has newly obtained a special recipient qualification prescribed in paragraph 2 of Article 39), if such person has obtained the recognition referred to in paragraph 4 of the following article after reporting in person at the Public Employment Security Office and applying for employment during said period, he or she may receive job applicant benefits for older persons on the basis of said recipient qualification for older person.

(Job Applicant Benefits for Older Persons)

Article 37-4. The amount of the job applicant benefits for older persons shall be the amount obtained by multiplying the daily amount of the basic allowance to be paid where the provisions of Articles 16 through 18 (except for Article 17 paragraph 4 item 2) are applied to qualified recipients by regarding older qualified recipients as qualified recipients provided for in Article 15 paragraph 1, by the number of days specified in the items below in accordance with the classification of the basic period for calculation contained in the said items (where the number of days from the day on which the recognition referred to in paragraph 4 was obtained until the final day of the period provided for in that paragraph is less than the number of days specified in the said items, the number of days equivalent to the number of days from the day on which the said recognition was obtained until the said final day):

- (1) Five years or more--75 days (as for older qualified recipients who were part-time insured workers on the day of separation from employment pertaining to the recipient qualification for older person (referred to as "older part-time qualified recipient" in the following item), 50 days);
- (2) One year or more and less than five years--60 days (as for older part-time qualified recipients, 50 days);
- (3) Less than one year--30 days.

2. Notwithstanding the provisions of the preceding paragraph, in case the daily amount of wages for older qualified recipients calculated by the provisions of the same paragraph has exceeded the amount listed in item 2-d of paragraph 4 of Article 17 (in a case where the amount is changed by the provisions of Article 18, the new amount), this amount shall be the daily amount of wages.

3. The basic period for calculation referred to in paragraph 1 shall be the period equivalent to the period calculated when the said older qualified recipients are regarded as qualified recipients provided for by Article 15 paragraph 1 and the provisions of Article 22 paragraphs 3 and 4 are applied, regarding the day of separation from employment related to the said recipient qualification for older persons as the basis day provided for in Article 20 paragraph 1 item 1. Where this applies, for a period during a period of continuous employment in the same employer's covered undertaking, after the day on which the person reached 65 years

of age until the basis day stipulated in paragraph 3 of that article, the said period shall be the period obtained by multiplying the said period by a rate fixed by Ministry of Health, Labour & Welfare ordinances, up to a limit of 100 percent.

4. An older qualified recipient seeking to obtain the payment of job applicant benefits for older persons shall report in person at the Public Employment Security Office, by the day on which one year will have elapsed from the day following the day of separation from employment, apply for employment, and then obtain a recognition of unemployment, in accordance with Ordinance of the Ministry of Health, Labour & Welfare.

5. The provisions of Article 21, Article 31 paragraph 1, Article 32, Article 33 paragraphs 1 and 2 and Article 34 paragraph 1 shall apply *mutatis mutandis* in respect of the job applicant benefits for older persons. Where this applies, the expressions “qualified recipients” and “recipient qualification” in these provisions shall be read respectively as “older qualified recipients” and “recipient qualification for older persons”; in Article 31 paragraph 1 the expressions “a period for which recognition of unemployment could not be obtained” and “must obtain recognition of unemployment” shall be read respectively as “older qualified recipients where the recognition in Article 37-4 paragraph 4 could not be obtained” and “must obtain the recognition in that paragraph” and the expression “the period according to the provisions of Article 21” in Article 33 paragraph 1 shall be read as “the period according to the provisions of Article 21 applied *mutatis mutandis* under Article 37-4 paragraph 5”.

(Exceptions in the Cases where Continuous Insured Older Persons other than Part-time Insured Workers Have Become Continuous Insured Older Part-time Workers without Interruption)

Article 37-5. With respect to the application of the provisions of Article 14, paragraph 1 of Article 37-3, and the preceding Article (except paragraph 4), in cases where the causes listed below have arisen during the period in which a continuous insured older person was continuously employed in a covered undertaking by the same employer (limited to the period following the day on which said older person reached 65 years of age), said continuous insured older person shall be regarded as having been separated from employment on the day before the said cause arose:

- (1) In case a continuous insured older person other than a part-time insured worker has become a continuously insured older part-time worker;
- (2) In case a continuous insured older part-time worker has become a continuous insured older person other than a part-time insured worker.

2. With respect to the application of the provisions of Article 14 where the provisions of the preceding paragraph apply, the said continuous insured older person shall be regarded as having ceased to be an insured person on the day on which the grounds in the items of that paragraph arose and to have newly become an insured person on the same day.

3. With respect to the application of the provisions of paragraph 5 of the preceding article where paragraph 1 applies, the expression “in Article 31 paragraph

1” in that paragraph shall be “‘separation from employment’ in Article 21 shall be read as ‘separation from employment (except where a person is regarded as having been separated from employment pursuant to the provisions of Article 37-5 paragraph 1)’ in Article 31 paragraph 1”.

4. Necessary matters concerning the application of the provisions of Article 14 and the preceding article in cases where causes listed in the items of paragraph 1 of Article 35 have arisen during the period before a continuously insured older person reached 65 years of age shall be determined by Ordinance of the Ministry of Health, Labour & Welfare.

Section III. Job Applicant Benefit for Specially Insured Persons in Short-Term Employment

(Specially Insured Persons in Short-Term Employment)

Article 38. In the event that an insured person who comes under any of the following items (except insured day labourers provided for in Article 43, paragraph 1; hereinafter referred to as “specially insured person in short-term employment”) has been unemployed, a special lump sum payment shall be made, in accordance with this Section:

- (1) A person employed seasonally (except persons listed in the following item);
- (2) A person who is normally engaged in short-term employment (meaning employment where the term for which such person is employed continuously by the same employer as an insured person is less than one year).

2. The confirmation of whether or not an insured person comes under any of the items of the preceding paragraph shall be made by the Minister of Health, Labour & Welfare.

3. The provisions of Section II (except paragraph 2 of Article 13 and Article 14 [including cases where applied in accordance with the provisions of paragraph 2 of Article 35]), the preceding Section and the following Section shall not apply to specially insured persons in short-term employment.

(Special Recipient Qualification)

Article 39. A special lump sum payment shall be made in accordance with the following article where a specially insured person in short-term employment has become unemployed and his or her total insured period during the one-year period preceding the day of separation of employment has been 6 months or more (for insured persons who are specially insured persons in short-term employment listed in the following items, the period of one year plus the number of days prescribed in the said items (where the total period exceeds 4 years, 4 years)):

- (1) For a specially insured person in short-term employment who was a part-time insured worker for a period during the one-year period preceding the day of separation from employment (except the period from the day on which he or

she most recently became an insured person until the day of the said separation from employment), the number of days from the day on which he or she became a said part-time insured worker (where that day is not within the one-year period preceding the day of the said separation from employment, the day after the day one year before the day of the said separation from employment), until the day before the day on which he or she ceased to be a said part-time insured worker;

- (2) For a specially insured person in short-term employment who was continuously unable to receive payment of wages for 30 days or more due to sickness, injury or other reasons prescribed by Ministry of Health, Labour & Welfare ordinances during the one-year period preceding the day of separation from employment (for an insured person who is a specially insured person in short-term employment listed in the preceding item, the period of one year plus the number of days stipulated in that item), the number of days for which he or she was unable to receive payment of wages due to the said reason (for an insured person who is a specially insured person in short-term employment listed in the preceding item, that number of days plus the number of days stipulated in the preceding item).

2. In the event that a person who has a qualification (hereinafter referred to as “special recipient qualification”) to receive the special lump sum payment under the provisions of the preceding paragraph (hereinafter referred to as “specially qualified recipient”) has obtained employment without receiving the special lump sum payment within the period provided for in paragraph 3 of the following article and has subsequently become unemployed again (except cases where such person has newly obtained a recipient qualification provided for in Article 14, paragraph 3, item 1, a recipient qualification for older person or a special recipient qualification), when he or she, within said period, has obtained the recognition referred to in paragraph 3 of the following article after reporting in person at the Public Employment Security Office and applying for employment, such person shall be entitled to receive the special lump sum payment on the basis of said special recipient qualification.

(Special Lump Sum Payment)

Article 40. The amount of the special lump sum payment shall be the amount equivalent to the daily amount of basic allowance which would be payable to a specially qualified recipient if said recipient were regarded as a qualified recipient provided for in Article 15, paragraph 1, and the provisions of Articles 16 to 18 were applied to the recipient, multiplied by fifty days (in case the number of days from the day on which a recognition provided for in paragraph 3 was made until the last day of the period provided for in that paragraph is less than fifty days, the number of days equivalent to that number of days).

2. In case of the provisions of the preceding paragraph, with respect to applying the provisions of paragraph 4 of Article 17, the expression “less than thirty years of age” in item 2-d of the same paragraph shall be read as “less than thirty years of age or sixty-five years of age or older”.

3. A specially qualified recipient who seeks to receive the special lump sum payment shall, before the day on which six months will have elapsed from the day following the day of separation from employment and in accordance with Ordinance of the Ministry of Health, Labour & Welfare, obtain a recognition of unemployment upon reporting in person at the Public Employment Security Office and applying for employment.

4. The provisions of Article 21, Article 31 paragraph 1, Article 32, Article 33 paragraphs 1 and 2 and Article 34 paragraphs 1 to 3 shall apply *mutatis mutandis* to the special lump sum payment. Where this applies, the expressions “qualified recipient” and “recipient qualification” in Article 21 shall be read as “specially qualified recipient” and “special recipient qualification” respectively; the expressions “qualified recipient”, “a period for which recognition of unemployment could not be obtained” and “must obtain recognition of unemployment” in Article 31 paragraph 1 shall be read as “specially qualified recipient”, “the said specially qualified recipients where recognition of unemployment pursuant to Article 40 paragraph 3 could not be obtained” and “must obtain recognition of unemployment pursuant to that paragraph” respectively; the expression “qualified recipient” in Article 32 shall be read as “specially qualified recipient”; the expressions “shall not be paid” and “Provided, however, that this shall not apply to a period during which he or she takes public vocational training, etc. as directed by the Chief of the Public Employment Security Office, nor to the period after the day of completion of the said public vocational training, etc.” in Article 33 paragraph 1 shall be read as “shall not be paid”; the expression “qualified recipient” in paragraph 2 of the same article shall be read as “specially qualified recipient”; the expression “recipient qualification” in Article 34 paragraph 2 shall be read as “special recipient qualification” and the expressions “qualified recipient” and “recipient qualification” in paragraph 3 of the same article shall be read as “specially qualified recipient” and “special recipient qualification” respectively.

(Case of Taking a Course of Public Vocational Training, Etc.)

Article 41. In the event that a specially qualified recipient is to take a course of public vocational training, etc. (except one for a period which is less than that fixed by Cabinet order), as directed by the Chief of the Public Employment Security Office, before receiving the special lump sum payment on the basis of the special recipient qualification concerned, the special lump sum payment shall, notwithstanding the provisions of Article 10, paragraph 3 and the three preceding articles, not be paid; and the job applicant benefit shall be paid, in accordance with the provisions of Section II (except the provisions of proviso of paragraph 1 of Article 33), deeming such person to be a qualified recipient provided for in Article 15, paragraph 1, limited to the period until the day of completion of said course of public vocational training, etc..

2. A specially qualified recipient referred to in the preceding paragraph shall be qualified to receive the job applicant benefit under the provisions of that paragraph, even where such person had been found unable to receive the basic allowance

pursuant to the provisions of Article 29, paragraph 1, or Article 34, paragraph 1, before the day on which he or she became an insured person in respect to the special recipient qualification concerned.

Section IV. Job Applicant Benefit for Insured Day Labourers

(Day Labourer)

Article 42. In this Section the term "day labourer" means a worker who comes under any of the following items (except a person who has been employed in a covered undertaking of the same employer for eighteen days or more in each of the preceding 2 months [except a person who has obtained the approval referred to in paragraph 2 of the following article]):

- (1) Persons who are employed by the day;
- (2) Persons who are employed for a fixed period of employment of thirty days or less.

(Insured Day Labourers)

Article 43. In the event that a day labourer who is an insured person and comes under any of the following items or has obtained the approval referred to in item 1-3 of Article 6 (hereinafter referred to as "insured day labourer") has become unemployed, job applicant benefits for day labourers shall be paid in accordance with this Section:

- (1) A person who resides in a special ward or an area of a municipality in which a Public Employment Security Office is located (except areas designated by the Minister of Health, Labour & Welfare) or in the entire area of or parts of neighboring municipalities designated by the Minister of Health, Labour & Welfare (hereinafter referred to as the "covered area" in this paragraph) and is employed in a covered undertaking;
- (2) A person who resides outside the covered area and is employed in a covered undertaking which is located inside the covered area;
- (3) A person who resides outside the covered area and is employed in a covered undertaking located outside the covered area which has been designated by the Minister of Health, Labour & Welfare on the basis of the situation in the day labour market and other circumstances.

2. Where an insured day labourer was employed in a covered undertaking of the same employer for eighteen days or more in each of the preceding 2 months, when said day labourer has obtained an approval by the Chief of the Public Employment Security Office, in accordance with Ordinance of the Ministry of Health, Labour & Welfare, said day labourer may continue to be an insured day labourer.

3. Where an insured day labourer, who was employed in the same employer's covered undertaking for 18 days or more in each of the preceding 2 months, has separated from employment in the first month in which he or she was not treated as

an insured day labourer due to not having received the approval in the preceding paragraph and become unemployed, that person shall be regarded as an insured day labourer in relation to the payment of the job applicant benefits for day labourers during the month in which he or she became unemployed.

4. The provisions of Article 6 (limited to item 2), Articles 7 to 9 and the preceding three Sections shall not apply to insured day labourers.

(Insured Day Labourer's Benefits Book)

Article 44. An insured day labourer shall, in accordance with Ordinance of the Ministry of Health, Labour & Welfare, receive the insured day labourer's benefits book at the Public Employment Security Office.

(Recipient Qualification for the Job Applicant Benefits for Day Labourers)

Article 45. Where an insured day labourer becomes unemployed, and when the stamp premiums referred to in item 4 of paragraph 2 of Article 10 of the *Premiums Collection Law* (hereinafter referred to as "stamp premiums") were paid with respect to such person for 26 days or more in total during the period of 2 months before the month containing the date of unemployment, the job applicant benefits for day labourers shall be paid in accordance with the provisions of Articles 47 to 52.

Article 46. Where a person who is entitled to receive the job applicant benefits for day labourers under the provisions of the preceding article is a qualified recipient provided for in Article 15, paragraph 1, the job applicant benefits for day labourers shall not be paid in respect of the days for which he or she has received the basic allowance, and the basic allowance shall not be paid in respect of the days for which he or she has received the job applicant benefits for day labourers.

(Recognition of Unemployment of an Insured Day Labourer)

Article 47. The job applicant benefits for day labourers shall be paid in respect of the days on which an insured day labourer is unemployed (limited to those days in respect of which a recognition of unemployment has been obtained; in Article 54, item 1, the same applies).

2. A person who seeks to obtain the recognition of unemployment referred to in the preceding paragraph (hereinafter referred to as "recognition of unemployment" in this Section) shall report in person at the Public Employment Security Office and apply for employment, in accordance with Ordinance of the Ministry of Health, Labour & Welfare.

3. The Minister of Health, Labour & Welfare may, when he or she deems it necessary, establish different standards for the recognition of unemployment of insured day labourers, notwithstanding the provisions of the preceding paragraph.

(Daily Amount of Job Applicant Benefits for Day Labourers)

Article 48. The daily amount of Job applicant benefits for day labourers shall be the amount provided for in the following items according to the classification provided for in the item concerned:

(1) Where stamp premiums (hereinafter referred to as "first class stamp premiums") of the amount specified in Article 22, paragraph 1, item 1, of the *Premiums Collection Law* (where the amount has been changed under the

provisions of paragraph 2 or 4 of the same article, the amount as thus changed) out of the stamp premiums paid during the preceding 2 calendar months are for twenty-four days or more—7,500 yen (where this amount has been changed under the provisions of paragraph 1 of the following article, the amount as thus changed);

- (2) Where coming under any one of the following sub-items—6,200 yen (where this amount has been changed under the provisions of paragraph 1 of the following article, the amount as thus changed):
 - a. Where the first class stamp premiums and the stamp premiums (hereinafter referred to as "second class stamp premiums") of the amount specified in Article 22, paragraph 1, item 2 of the *Premiums Collection Law* (in case the amount has been changed under the provisions of paragraph 2 or 4 of the same article, the amount as thus changed) out of the stamp premiums paid during the preceding 2 calendar months are for twenty-four days or more (except cases coming under the preceding item);
 - b. Where, of the stamp premiums paid during the preceding 2 months, the first class stamp premiums and the second class stamp premiums are for less than 24 days and when the amount obtained by dividing by 24 the total of the first class stamp premiums amount paid and the second class stamp premiums paid plus the amount paid for the number of days equivalent to the number of days after deducting, from 24 days, the number of days for which first class stamp premiums and second class stamp premiums were paid, of the stamp premiums specified in Article 22 paragraph 1 item 3 of the *Premiums Collection Law* (hereinafter referred to as the "third class stamp premiums") (where the amount has been changed pursuant to the provisions of paragraphs 2 or 4 of the same article, the changed amount), is not less than the daily amount of second class stamp premiums.
- (3) Where not coming under any one of the preceding two items--4,100 yen (where this amount has been changed under the provisions of paragraph 1 of the following article, the amount as thus changed).

(Automatic Revision of the Daily Amounts, etc. of Job Applicant Benefits for Day Labourers)

Article 49. When average regular earnings (the average regular earnings referred to in Article 18 paragraph 1, hereinafter in this paragraph the same shall apply) have either exceeded 120 percent or fallen below 83 percent of the average regular earnings of September, 1994 (based on the provisions of this paragraph, where the daily amounts, etc. of the job applicant benefits for day labourers have been changed, the average regular earnings which were the basis of the most recent said amendment), and the situation is regarded as likely to persist, the Minister of Health, Labour & Welfare must amend the daily amount, etc. of job applicant benefits for day labourers in accordance with the rate of increase or decrease.

2. The "daily amounts, etc. of job applicant benefits for day labourers" in the preceding paragraph shall mean the daily amount of the amount of job applicant

benefits for day labourers fixed in item 1 of the preceding article (referred to as "first class benefits" in the following paragraph and Article 54), the daily amount of the amount of job applicant benefits for day labourers fixed in item 2 of the preceding article (referred to as "second class benefit" in the following paragraph and Article 54), the daily amount of the amount of job applicant benefit for day labourers fixed in item 3 of the preceding article (referred to as "third class benefits" in the following paragraph and Article 54) and, of the daily amounts of wages related to the divisions according to amounts of stamp premiums regulated by paragraph 1 of Article 22 of the *Premium Collection Law*, the daily amount of wages related to the first and second class stamp premium divisions (where the amounts have been changed pursuant to the provisions of the preceding paragraph, the changed amounts; referred to in the following paragraph as the "daily amounts of wages related to the first and second class stamp premium divisions") and the daily amount of wages related to the second and third class stamp premium divisions (where the amounts have been changed pursuant to the provisions of the preceding paragraph, the changed amounts; referred to in the following paragraph as the "daily amounts of wages related to the second and third class stamp premium divisions".).

3. In the event that the daily amounts of the first class premium, the second class premium and the third class premium prescribed in paragraph 2 of Article 22 of the *Premiums Collection Law* have been changed under the provisions of paragraph 5 of that article, the Minister of Health, Labour & Welfare shall not carry out changes in the daily amounts of the first class benefit, the second class benefit or the third class benefit nor of the daily amount of wage related to the division between the first and second class stamp premiums or of wage related to the division between the second and third class stamp premiums pursuant to the provisions of paragraph 1, during the period from the date of such change until the day before the day on which one year will have elapsed from the date of such change (where there has been a Diet decision with respect to the change concerned before said day, the day before the day of such decision).

(Duration, etc., of the Job Applicant Benefits for Day Labourers)

Article 50. The job applicant benefits for day labourers shall be paid for the days in the month for which recognition of unemployment was obtained, within the limit of 13 benefit days in total when stamp premiums have been paid for an insured day labourer for less than 28 days in total during the 2 month period before the month containing the day he or she became unemployed and within the limit of the number of benefit days obtained by adding one day to the 13 days above for every 4 days in excess of the said 28 days when stamp premiums have been paid for that person for more than 28 days in total. Provided, however, that the job applicant benefit for day labourers shall not be paid for more than 17 days in total for that month.

2. The job applicant benefits for day labourers shall not be paid for the first day in each week (meaning the 7 day period from Sunday to Saturday) on which the insured day labourer did not find employment.

(Method of Payment for the Job Applicant Benefits for Day Labourers, etc.)

Article 51. The job applicant benefits for day labourers shall be paid at the Public Employment Security Office on the day on which recognition of unemployment is made.

2. The Minister of Health, Labour & Welfare may, when he or she deems it necessary, establish different standards for the payment of the job applicant benefits for day labourers, notwithstanding the provisions of the preceding paragraph.

3. The provisions of Article 31, paragraph 1 shall apply *mutatis mutandis* to the job applicant benefits for day labourers. Where this applies, the expressions "qualified recipient" and "recognition of unemployment" in the same paragraph shall be read as "person qualified to receive the job applicant benefits for day labourers" and "recognition of unemployment referred to in Article 47, paragraph 2", respectively.

(Restriction on Benefits)

Article 52. In case a day labourer who is entitled to receive the job applicant benefits for day labourers has refused to take employment to which he or she was referred by the Public Employment Security Office, the job applicant benefits for day labourers shall not be paid for seven days as from the day on which he or she refused to take employment. Provided, however, when he or she comes under any of the following items, this shall not apply:

- (1) In case it is found that the employment to which he or she was referred is unsuitable to such person's ability;
- (2) In case the wage of the employment to which he or she was referred is unreasonably lower than the prevailing wage for other workers of the same kind and with the same level of skill in the locality;
- (3) In case he or she was referred to an establishment coming under the provisions of Article 20 of the *Employment Security Law* (except the proviso to paragraph 2);
- (4) In case there is any other valid reason.

2. The finding of whether or not a person who is qualified to receive the job applicant benefits for day labourers comes under any of the items of the preceding paragraph shall be made by the Chief of the Public Employment Security Office in conformity with the standards established by the Minister of Health, Labour & Welfare.

3. In case a person qualified to receive the job applicant benefits for day labourers has received or attempted to receive job applicant benefits and employment promotion benefits by means of falsehood or other improper conduct, the job applicant benefits for day labourers shall not be paid to such person for the month for which he or she received, or attempted to receive, the job applicant benefits and the employment promotion benefits, and for the period of three months as from the month following said month. Provided, however, that, in case there are unavoidable reasons, the whole or a part of the job applicant benefits for day labourers may be paid.

(Special Provisions concerning the Job Applicant Benefits for Day Labourers)

Article 53. Where an insured day labourer has become unemployed and comes under all of the following items, he or she may make a notification thereof to the Chief of the Public Employment Security Office and receive the job applicant benefits for day labourers provided for in the following article:

- (1) That stamp premiums have been paid for said insured day labourer for eleven days or more in each month and for 78 days or more in total during six consecutive months;
- (2) That he or she has not received the job applicant benefits for day labourers under the provisions of Article 45 during the last five months out of the six consecutive months referred to in the preceding item (hereinafter referred to as the "basis period");
- (3) That he or she has not received the job applicant benefits for day labourers under the provisions of Article 45 during the period of 2 months as from the month following the last month of the basis period (when the date of the notification comes under said 2 month period, the period up to the date of the notification).

2. The notification referred to in the preceding paragraph shall be made within the period of four months as from the month following the last month of the basis period.

Article 54. The payment of the job applicant benefits for day labourers to a person who has made the notification mentioned in paragraph 1 of the preceding article shall, notwithstanding the provisions of Article 48 and Article 50, paragraph 1, be in accordance with the following items:

- (1) The period during which and the number of days for which the job applicant benefits for day labourers may be received shall be limited to sixty days in total, with respect to days of unemployment within the period of four months as from the month following the last month of the basis period;
- (2) The daily amount of job applicant benefits for day labourers shall be the amount provided for, respectively, in sub-items a to c below, in accordance with the classification listed in sub-items a to c:
 - a. In case the first class stamp premiums out of the stamp premiums paid during the basis period have been for 72 days or more, the daily amount of first class benefit;
 - b. In cases coming under any one of the following, the daily amount of second class benefit:
 - (i) In case the first class stamp premiums and the second class stamp premiums out of the stamp premiums paid during the basis period have been for 72 days or more (except cases coming under sub-item a);
 - (ii) Where, of the stamp premiums paid in the basis period, the first class stamp premiums and second class stamp premiums have been for less than 72 days and when the amount obtained by dividing by 72 the total of the first class stamp premiums amount paid and the second class stamp premiums amount paid plus the amount for the number of days

equivalent to the number of days after deducting, from 72 days, the number of days for which first class stamp premiums and second class stamp premiums were paid, of third class stamp premiums paid, is not less than the daily amount of the second class stamp premium.

- c. In cases not coming under sub-items a or b, the daily amount of the third class benefit.

Article 55. With respect to a person who has made the notification referred to in Article 53, paragraph 1, within the period of 2 months following the last month of the basis period, the job applicant benefits for day labourers under the provisions of Article 45 shall not be paid until the day on which said 2 months have elapsed.

2. In case a person who has made the notification referred to in Article 53, paragraph 1, has received the job applicant benefits for day labourers under the provisions of Article 45 in the third or fourth month as from the month following the last month of the basis period, the job applicant benefits for day labourers under the provisions of the preceding article shall not be paid in respect of the days for which said job applicant benefits for day labourers was paid; and where the person has received the job applicant benefits for day labourers under the provisions of the preceding article, the job applicant benefits for day labourers under the provisions of Article 45 shall not be paid in respect of the days for which said job applicant benefits for day labourers was paid.

3. In applying the provisions of Article 53, paragraph 1, item 2, to a person who, after having received the job applicant benefits for day labourers under the provisions of the preceding article, makes the notification referred to in paragraph 1 of Article 53, the person shall be regarded as having received the job applicant benefits for day labourers under the provisions of Article 45.

4. The provisions of Article 46, Article 47, Article 50, paragraph 2, and Articles 51 and 52 shall apply *mutatis mutandis* to the job applicant benefits for day labourers under the provisions of the preceding article.

(Special Provisions concerning the Insured Period, etc. with Respect to a Person Who Had Been an Insured Day Labourer)

Article 56. In case an insured day labourer had been employed in a covered undertaking of the same employer for eighteen days or more in each of 2 months and was separated from employment in or after the following month, said 2 months may be calculated as 2 months of the insured period under the provisions of Article 14. Provided, however, that this shall not apply in case the provisions of Article 43, paragraph 2 or 3, have been applied to said person.

2. Where the daily amount of wages provided for in Article 17 is calculated for a person who has obtained a recipient qualification, recipient qualification for older persons or special recipient qualification provided for in Article 14 paragraph 3 item 1 by, in accordance with the preceding paragraph, calculating the 2 months provided for in that paragraph as the insured period, the amount obtained by dividing the amount of the stamp premiums paid in each of those 2 months by the rate fixed by Ministry of Health, Labour and Welfare ordinances shall be regarded as the amount

of wages paid in each month.

3. The provisions of paragraph 1 shall apply *mutatis mutandis* to the calculation of the basis period for calculation under the provisions of paragraph 3 of Article 22. Where this applies, the expression "said 2 months may be calculated as 2 months of the insured period under the provisions of Article 14" shall be read as "said employed period may be calculated as a period coming under the period in which said person was employed as an insured person in a covered undertaking by the same employer continuously until the basis day stipulated in paragraph 3 of Article 22".

Section V. Employment Promotion Benefit

(Re-employment Allowance)

Article 56-2. A re-employment allowance shall be paid where a qualified recipient has taken stable employment and when the Chief of the Public Employment Security Office determines it necessary in accordance with the standard fixed by Ministry of Health, Labour & Welfare ordinances. Provided, however, that this shall not apply to qualified recipients for whom the remaining number of payment days for the basic allowance as at the day before the day on which he or she entered the said employment (meaning the number of days for which the basic allowance would have been payable to the person, assuming he or she had not taken the employment, during the period between the day after the day on which he or she took the said employment and the final day of the period provided for in Article 20 paragraphs 1 and 2 related to the said recipient qualification (for qualified recipients coming under the provisions of Article 33 paragraph 3, the period according to the provisions of that paragraph) hereinafter the same shall apply), is less than one-third of the prescribed duration of benefit based on the said recipient qualification and qualified recipients for whom it is not less than one-third of the prescribed duration of benefit but less than 45 days.

2. In case a qualified recipient has received the payment of a re-employment allowance or an outfit allowance for full-time employment in respect to the employment during the period fixed by Ordinance of the Ministry of Health, Labour & Welfare before the day on which he or she took stable employment, the re-employment allowance shall not be paid, notwithstanding the provisions of the preceding paragraph.

3. The amount of the re-employment allowance shall be an amount, in accordance with the remaining number of payment days, fixed by Ministry of Health, Labour and Welfare ordinances within the range of not less than the amount obtained by multiplying by 15 the daily amount of the basic allowance provided for in Article 16 and not more than the amount obtained by multiplying the said daily amount by 120.

4. When a re-employment allowance has been paid, in relation to the

application of the provisions of this law (except the provisions of Articles 10-3 and 34), the basic allowance shall be regarded as having been paid for the number of days equivalent to the number of days obtained by dividing the amount of the said re-employment allowance by the daily amount of the basic allowance provided for in Article 16.

(Outfit Allowance for Full-Time Employment)

Article 57. The outfit allowance for full-time employment shall be paid when the Chief of the Public Employment Security Office determines it is necessary in accordance with the standards set by Cabinet order, where a qualified recipient, a specially qualified recipient (including a person who has received the special lump sum payment and for whom 6 months calculated from the day after the day of separation from employment related to the special recipient qualification concerned have not elapsed; hereinafter the same shall apply) or a qualified day labourer recipient (meaning a person qualified to receive the job applicant benefits for day labourers pursuant to the provisions of Article 45 or 54; hereinafter the same shall apply) classified by Cabinet order as a physically disabled person or other person who has difficulty finding employment, has entered stable employment. Provided, however, that this shall not apply to those who are qualified to receive payment of re-employment allowance pursuant to the provisions of the preceding article.

2. In a case when a qualified recipient, a specially qualified recipient or a day labourer qualified recipient (hereinafter referred to as "qualified recipient, etc." in the following article and paragraph 1 of Article 59) have received a re-employment allowance or an outfit allowance for full-time employment in connection with having taken employment within the period of three years before the day on which he or she obtained stable employment, the outfit allowance for full-time employment shall not be paid, notwithstanding the provisions of the preceding paragraph.

3. The amount of the outfit allowance for full-time employment shall be the amount fixed by Ordinance of the Ministry of Health, Labour & Welfare within the limit of the amount obtained by multiplying by 30 the daily amount of basic allowance provided for in Article 16 (in the case of a specially qualified recipient, the daily amount of basic allowance which would be payable to such person, if he or she were regarded as a qualified recipient of the basic allowance and the provisions of Articles 16 to 18 were applied; and in the case of a qualified recipient who is a day labourer, the daily amount of job applicant benefits for day labourers provided for in Article 48 or Article 54, item 2).

(Moving Expenses)

Article 58. Where a qualified recipient, etc., changes his or her domicile or address to take employment to which he or she was referred by the Public Employment Security Office or to take a course of public vocational training, etc., as directed by the Chief of the Public Employment Security Office and the Chief of the Public Employment Security Office deems it necessary in accordance with the standards set by the Minister of Health, Labour & Welfare, moving expenses shall be paid.

2. The amount of the moving expenses shall be fixed by Ordinance of the Ministry of Health, Labour & Welfare, taking into account the expenses normally required for removal of qualified recipients, etc., and the relatives who live with and are supported by them.

(Wide Area Job-Seeking Activities Expenses)

Article 59. Where a qualified recipient, etc., engages in wide area job-seeking activities through the referral by the Public Employment Security Office and the Chief of the Public Employment Security Office deems it necessary in accordance with the standards set by the Minister of Health, Labour & Welfare, wide area job-seeking activities expenses shall be paid.

2. The amount of the wide area job-seeking activities expenses shall be fixed by Ordinance of the Ministry of Health, Labour & Welfare, taking into account the expenses normally required for the job-seeking activities referred to in the preceding paragraph.

(Restriction on Benefits)

Article 60. The employment promotion benefit shall not be paid to a person who received or attempted to receive job applicant benefit or employment promotion benefit by means of falsehood or other improper act, as from the day on which he or she received or attempted to receive these benefits. Provided, however, that, in case there are unavoidable reasons, the whole or a part of the employment promotion benefits may be paid.

2. If a person provided for in the preceding paragraph has newly obtained a recipient qualification or a special recipient qualification on or after the day provided for in that paragraph, the employment promotion benefits on the basis of said recipient qualification or special recipient qualification shall be paid, notwithstanding the provisions of that paragraph.

3. Where a person provided for in paragraph 1, who has been disqualified from receiving the job applicant benefits for day labourers pursuant to the provisions of Article 52 paragraph 3 (including where the said provisions are applied *mutatis mutandis* pursuant to Article 55 paragraph 4; the same applies in the following paragraph), is, or has become, after the expiry of the period of disqualification for that payment, a qualified day labourer recipient, the employment promotion benefit shall be paid on the basis of that qualification as a qualified day labourer recipient, notwithstanding the provisions of paragraph 1.

4. In the event that a person prescribed in paragraph 1 (except a person who was regarded as not being entitled to receive the job applicant benefits for day labourers pursuant to the provisions of Article 52, paragraph 3) has newly become a day labourer qualified recipient, the employment promotion benefits on the basis of the qualification as said day labourer qualified recipient shall be paid to said person, notwithstanding the provisions of paragraph 1.

5. When a qualified recipient has, due to being denied payment of the employment promotion allowance pursuant to the provisions of paragraph 1, been disqualified from receiving the whole or part of the re-employment allowance based

on the recipient qualification concerned, the whole or part of the re-employment allowance that the person was disqualified from receiving shall be regarded as having been paid in relation to the application of the provisions of Article 56-2 paragraph 4.

Section V-2 Educational Training Benefit

(Educational Training Benefits)

Article 60-2. The educational training benefits shall be paid in cases where persons coming under either of the following items, undertake and complete educational training prescribed by the Minister of Health, Labour & Welfare as job-related educational training necessary for employment security and promotion of job placement in accordance with Ordinances of the Ministry of Health, Labour & Welfare, and the required period for payment exceeds five years:

- (1) Persons insured (except those continuous insured older persons, specially insured persons in short-term employment and insured day labourers; referred to as “generally insured persons” in the next item) on the day of commencing the said educational training (hereafter referred to as "the basis day" in this article);
- (2) Persons other than those coming under the previous item, whose basis day is within the period specified by the Ministry of Health, Labour & Welfare from the day on which they ceased being generally insured immediately before the said basis day.

2. The required payment period for paragraph 1 shall be the period within the period before the basis day until a person listed in the items in paragraph 1, is employed continuously as an insured person by the same employer at the same company (except those continuous insured older persons, hereinafter in the following paragraphs the same shall apply) in an applicable employer project (for persons who were insured before the day they became a person insured in relation to the said period of employment, the period will be an aggregate of the said period of employment and the said period of insurance). However, when the periods listed in the next item are included in the said period, the period shall be calculated excluding all periods covered by the said item.

- (1) When the said period of employment or the day, related to the period the said person was insured, when the person insured ceased being insured immediately before the day they became insured, is not within the year prior to the day the said person became insured, the period shall be the said period the person was insured immediately prior to ceasing being insured;
- (2) When educational training benefit has been received prior to the basis day, the period shall be the period the person was insured prior to the basis day related to the said benefits.

3. The provisions of paragraph 4 of Article 22 apply *mutatis mutandis* to the

calculations of the required benefit period in the preceding paragraph.

4. The amount of the educational training benefit shall be an amount calculated as 80 percent of the training fees (limited to an extent determined by the Ordinances of the Ministry of Health, Labour & Welfare) paid by the persons listed in the items of paragraph 1 for educational training prescribed in that paragraph (when the amount exceeds the amount determined by the Ordinances of the Ministry of Health, Labour & Welfare, the amount determined).

5. Notwithstanding the provisions of paragraph 1 and the preceding paragraph, when the amount calculated as educational training benefit under the provisions of those paragraphs does not exceed the amount determined by the Ordinances of the Ministry of Health, Labour & Welfare, the educational training benefit shall not be paid.

(Restriction on Benefits)

Article 60-3. The educational training benefits shall not be paid to a person who has received or attempted to receive educational training benefits by means of falsehood or other improper conduct, as from the day on which said person received or attempted to receive said benefits. Provided, however, that, if there are unavoidable reasons, whole or part of the educational training benefits may be paid.

2. In the event that a person not receiving payment of the educational training benefits under the provisions of the preceding paragraph has newly become a person eligible for payment of educational training benefits, notwithstanding the provisions of the same paragraph, the educational training benefits shall be paid.

3. Even in a case where a person has become unable to receive the educational training benefits under the provisions of paragraph 1, he or she shall be regarded, with respect to the application of the provisions of paragraph 2 of the preceding article, as having been paid the benefits concerned.

Section VI. Continuous Employment Benefits

Subsection I. Continuous Employment Benefits For Older Persons

(Basic Continuous Employment Benefits For Older Persons)

Article 61. Basic continuous employment benefits for older persons shall be paid for months subject to payment where the amount of wages paid (where there are wages, payment of which could not be received in months subject to payment due to misconduct, sickness or other reasons prescribed by Ministry of Health, Labour & Welfare ordinances, the amount calculated by regarding those wages as having been paid; hereinafter in this paragraph, the items of paragraphs 4 and 5 the same shall apply (including where the same provisions are applied *mutatis mutandis* pursuant to paragraph 3 of the following article) and paragraph 1 of the same article), to an insured person (except specially insured persons in short-term employment and

insured day labourers; hereinafter in this subsection the same shall apply) in the said month subject to payment (when the said insured person has ceased to come under item 1, the months subject to payment after the month subject to payment containing the day on which he or she ceased to come under that item), has fallen below an amount equivalent to 85 percent of the amount obtained by multiplying by 30 an amount (hereinafter in this article referred to as the “amount regarded as the daily amount of wages”) equivalent to the daily amount of wages calculated where the provisions of Article 17 (except paragraph 3), are applied regarding the said insured person as a qualified recipient and the day on which the said insured person reached 60 years of age (when the said insured person has ceased to come under item 1, the day on which he or she ceased to come under that item), as the day of separation from employment related to the recipient qualification. Provided, however, that this shall not apply when any of the following items apply:

- (1) When the period equivalent to the period to be calculated when the provisions of Article 22 paragraphs 3 and 4 have been applied regarding the insured person as a qualified recipient and the day on which the said insured person reached 60 years of age or the day in the said month subject to payment corresponding to that day (for a month which does not have a day corresponding to that day, the last day of that month), as the basis day provided for in Article 20 paragraph 1 item 1, is less than five years;
- (2) When the amount of wages paid in the said month subject to payment is 392,485 yen or more (when that amount has been changed pursuant to the provisions of paragraph 7, the changed amount; hereinafter in this subsection referred to as the “payment amount limit” in this subsection).

2. In this article, “months subject to payment” shall mean the months in the period from the month containing the day on which the insured person reached 60 years of age until the month containing the day on which he or she reached 65 years of age (limited to months in which he or she was continuously insured from the first to the last day of the month and in which he or she did not take leave for which he or she could receive payment of basic childcare leave benefit or family care leave benefit).

3. Where the amount regarded as the daily amount of wages is calculated pursuant to the provisions of paragraph 1, applying the provisions of Article 17 paragraph 4, “the provisions of the preceding three paragraphs” in that paragraph shall be “the provisions of paragraphs 1 and 2”.

4. When it is not possible to or difficult to calculate the amount regarded as the daily amount of wages pursuant to the provisions of paragraph 1, or where it is determined that it is not appropriate to apply the provisions of that paragraph using the amount regarded as the daily amount of wages calculated pursuant to the provisions of that paragraph, the amount regarded as the daily amount of wages shall be an amount calculated in accordance with the determinations of the Minister of Health, Labour & Welfare. Where this applies, the provisions of Article 17 paragraph 4 shall apply *mutatis mutandis* to the amount regarded as the daily amount of wages

calculated pursuant to the provisions of this paragraph.

5. The amount of the basic continuous employment benefit for older persons for a single month subject to payment shall be the amount obtained, in accordance with the classification in the following items, by multiplying the amount of wages paid in the said month subject to payment by the rates prescribed in the said items. However, where the amount obtained by adding the said amount of wages to that amount exceeds the payment amount limit, it shall be the amount obtained by deducting the said amount of wages from the payment amount limit:

- (1) Where the said amount of wages is less than the amount equivalent to 64 percent of an amount obtained by multiplying the amount regarded as the daily amount of wages by 30--25 percent;
- (2) Where the preceding item does not apply; a rate determined by Ministry of Health, Labour and Welfare ordinances so as to gradually decrease from 25 percent in set proportion in relation to the degree of gradual increase in the proportion of the said amount of wages to the amount obtained by multiplying the amount regarded as the daily amount of wages by 30.

6. Notwithstanding the provisions of paragraph 1 and the preceding paragraph, the basic continuous employment benefit for older persons shall not be paid for the month subject to payment where the amount calculated as the amount of basic continuous employment for older persons benefit for the said month subject to payment does not exceed the amount equivalent to 80 percent of the amount in Article 17 paragraph 4 item 1-a (where that amount is changed pursuant to the provisions of Article 18, the changed amount).

7. Where average earnings for the fiscal year have either exceeded or fallen below the average earnings for the year beginning April 1, 1998 (where the payment amount limit is changed pursuant to the provisions of this paragraph, the fiscal year preceding the fiscal year of the most recent change), the Minister of Health, Labour & Welfare must amend the payment amount limit applicable from August 1 of the following fiscal year on the basis of that rate of increase or decrease.

(Re-employment Benefits for Older Persons)

Article 61-2. The re-employment benefit for older persons shall be paid for months subject to payment after re-employment, where a qualified recipient (limited to those whose basic period for calculation pursuant to the provisions of Article 22 paragraph 3 as at the day of separation from the employment related to that recipient qualification is not less than 5 years and who have received payment of the basic allowance based on the said recipient qualification) has become an insured person due to entering stable employment after the day on which he or she reached 60 years of age, when the amount of wages paid to the said insured person in months subject to payment after re-employment has fallen below the amount equivalent to 85 percent of the amount obtained by multiplying the daily amount of wages, which was the basis of the calculation of the daily amount of the said basic allowance, by 30. Provided, however, that this shall not apply when any of the following items apply:

- (1) When the remaining number of payment days as at the day before the day on

which he or she entered the said employment (hereinafter in the next paragraph referred to as the “employment day”) is less than 100 days;

(2) Where the amount of wages paid in the months subject to payment after the said re-employment is not less than the payment amount limit.

2. The "months subject to payment after re-employment" in the preceding paragraph, shall mean the months within the period until the month (where this month is a month after the month in which the insured person under the same paragraph reaches the age of 65, the month in which the age of 65 is reached) in which the day marking the passing of 2 years (for insured persons under the same paragraph who have less than 200 remaining number of payment days as of the day before the said employment day, one year) from the month of employment, calculated from the day after the said employment day (limited to months in which he or she was insured continuously from the first to the last day of the month and in which he or she did not take leave for which basic childcare leave benefit or family care benefit would be payable).

3. The provisions of paragraphs 5 and 6 of the preceding article shall apply *mutatis mutandis* to the amount of re-employment benefits for older persons. Where this applies, the expressions in paragraph 5 of the same article “in respect to the month subject to payment”, “the said month subject to payment” and “the amount regarded as the daily amount of wages” shall be read as “ in respect to the months subject to payment after re-employment (meaning the months subject to payment after re-employment pursuant to the provisions of paragraph 2 of the following article; the same applies in paragraph 6 applied *mutatis mutandis* pursuant to paragraph 3 of the following article)”, “the said months subject to payment following re-employment” and “the daily amount of wages in paragraph 1 of the following article” respectively; the expressions in paragraph 6 of the same article “paragraph 1” and “the month subject to payment” shall be read as “paragraph 1 of the following article” and “the month subject to payment after re-employment”.

(Restriction of Benefit)

Article61-3. The continuous employment benefits for older person provided in the each items concerned shall not be paid to a person who received or attempted to receive unemployment, etc. benefit, listed in the following items by means of falsehood or other improper conduct, as from the day on which he or she received or attempted to receive said benefit. Provided, however, that, in case there are unavoidable reasons, whole or part of the said continuous employment benefit for older person may be paid:

- (1) Basic continuous employment benefits for older person-- basic continuous employment benefits for older person;
- (2) Re-employment benefits for older person or job applicant benefit or employment promotion benefit based on the recipient qualification associated with said benefit-- re-employment benefit for older person.

Subsection II. Childcare Leave Benefit

(Basic Childcare Leave Benefits)

Article 61-4. Basic childcare leave benefits shall be paid for the payment unit period where an insured person (except continuously insured older persons, specially insured persons in short-term employment and insured day labourers; hereinafter in this and the following subsection the same shall apply), in accordance with Ministry of Health, Labour & Welfare ordinances, has taken leave to take care of his or her child under the age of one, when the period regarded as the insured period is a total of not less than 12 months of the 2 years period preceding the day on which the said leave was commenced (for an insured person who was unable to receive payment of wages for more than 30 days due to sickness, injury or other reasons provided for by Ministry of Health, Labour & Welfare ordinances during the 2-year period preceding the day on which leave commenced, the total of the number of days for which payment of wages could not be received due to the said reason plus 2 years (when that total period exceeds 4 years; 4 years)).

2. The “period regarded as the insured period” in the preceding paragraph shall be the period equivalent to the insured period calculated where the provisions of Article 14 (except paragraph 2) are applied regarding, pursuant to the provisions of that paragraph, the day on which leave commenced as the day on which the person ceased to be an insured person. Where this applies, with respect to the application of the provisions of paragraphs 1 and 3 of the same article, the expression “14 days” in paragraph 1 of the same article shall be “11 days”; the expressions “of the preceding 2 paragraphs” and “in the preceding 2 paragraphs” in paragraph 3 of the same article shall be “paragraph 1” and “in the same paragraph”.

3. The “payment unit period” in this article and in paragraph 2 of the following article shall mean a single period where the period of leave taken pursuant to the provisions of paragraph 1 has been classified as each period from the said day on which leave commenced or the day corresponding to that day in each month (for a month which does not have a day corresponding to that day, the last day of that month; hereinafter in this paragraph referred to as the “corresponding leave commencement day”), and the days within the said period of leave, until the day before (for the month containing the day on which leave was concluded, the day on which leave was concluded), the day corresponding to the day on which leave commenced in each successive month, according to the said classification.

4. The basic childcare leave benefit amount for a single payment unit period, shall be an amount equivalent to 30 percent of the amount obtained by multiplying by 30 the amount equivalent to the daily amount of wages calculated where the provisions of Article 17 are applied (hereinafter in this subsection referred to as the “daily amount of wages at commencement of leave”) regarding the person qualified to receive payment of the basic childcare leave benefit as a qualified recipient and the day before the day on which the said qualified recipient commenced the leave related

to the payment of the said basic childcare leave benefit as the day of separation from employment related to the recipient qualification. Where this applies, with respect to the application of the provisions of the same article, the expression “where it is difficult” in paragraph 3 of the same article shall be “when it is not possible or difficult”; the expression “item 2” in paragraph 4 of the same article shall be “item 2-c”.

5. Notwithstanding the provisions of the preceding paragraph, where wages have been paid in the payment unit period, to the insured person who has taken leave provided for in paragraph 1, by the employer who employs the said insured person, when the amount obtained by adding the basic childcare leave benefit amount for the said payment unit period to the said amount of wages is not less than the amount equivalent to 80 percent of the amount obtained by multiplying by 30 the daily amount of wages at commencement of leave, the amount obtained by deducting the said amount of wages from the amount equivalent to 80 percent of the amount obtained by multiplying by 30 the daily amount of wages at commencement of leave, shall be the amount of basic childcare leave benefit for the said payment unit period. Where this applies, when the said amount of wages is not less than the amount equivalent to 80 percent of the amount obtained by multiplying by 30 the daily amount of wages at commencement of leave, notwithstanding the provisions of the same paragraph, the basic childcare leave benefit shall not be paid for the payment unit period for which the said wages were paid.

(Re-engagement Benefits for Persons Taking Childcare Leave)

Article 61-5. The re-engagement benefits for persons taking childcare leave shall be paid when an insured person qualified to receive basic childcare leave benefits, has been continuously employed by the employer who employed him or her as an insured person during the period of leave related to the basic childcare leave benefit for which he or she is qualified for payment, for not less than 6 months after the day on which the said leave concluded.

2. The amount of re-engagement benefits for persons taking childcare leave shall be the amount obtained by multiplying the amount equivalent to 10 percent of the amount obtained by multiplying by 30 the daily amount of wages at commencement of leave related to the basic childcare leave benefit for which he or she is qualified for payment in the said payment unit period, by the number of payment unit periods (limited to periods for which payment of the basic childcare leave benefit can be received) within the period of leave taken in the preceding paragraph.

(Restriction of Benefits)

Article 61-6. The childcare leave benefit shall not be paid to a person who has received or attempted to receive the basic childcare leave benefits by means of falsehood or other improper conduct, as from the day on which he or she received or attempted to receive said benefits. Provided, however, that, in case there are unavoidable reasons, whole or part of the childcare leave benefit may be paid.

2. In the event that a person not receiving payment of the childcare leave

benefits under the provisions of the preceding paragraph has taken leave under the provisions of paragraph 1 of Article 61-4 following the day provided in the same paragraph and become a person eligible for payment of basic childcare leave benefits, notwithstanding the provisions of the preceding paragraph, the childcare leave benefits associated with said leave shall be paid.

Subsection III. Family Care Leave Benefit

(Family Care Leave Benefits)

Article 61-7. Family care leave benefit shall be paid for the payment unit period where the insured person has, in accordance with the Ordinances of the Ministry of Health, Labour & Welfare, taken leave to care for specified family members (the said insured person's spouse (including where the legal registration of marriage has not taken place but the spouse is actually living in a *de facto* relationship with the insured person, hereinafter in this paragraph the same shall apply), parents, children (including those treated as such in the Ordinances of the Ministry of Health, Labour & Welfare) and the parents of the insured person's spouse, hereinafter in this article the same shall apply), when the period regarded as the insured period is a total of not less than 12 months of the 2 years period preceding the day (in respect of insured persons who were unable to receive wages for a continuous period of over 30 days during the 2 years prior to commencing the said leave due to illness, injury of other reasons in the Ordinances of the Ministry of Health, Welfare and Labour, the period of 2 years plus the number of days during which wages could not be received due to the said reason (when the total period exceeds 4 years, 4 years)) on which the leave was commenced.

2. The period regarded as the insured period pursuant to the preceding paragraph shall be the period equivalent to the insured period calculated where the provisions of Article 14 (except paragraph 2) are applied regarding the day on which leave pursuant to the provisions of the same paragraph as the day on which the person ceased to be an insured person. Where this applies, with respect to the application of the provisions of paragraphs 1 and 3 of the same article, the expression "14 days" in paragraph 1 of the same article shall be "11 days"; the expressions "of the preceding 2 paragraphs" and "in the preceding 2 paragraphs" in paragraph 3 of the same article shall be "paragraph 1" and "in the same paragraph" respectively.

3. The payment unit period in this article shall mean one period of leave taken under the provisions of paragraph 1 (limited to the period until the day on which three months has passed since leave was commenced, calculated from the day leave taken in order to care for the said specified family members was commenced), classified according to the said classification as, the day the said leave was commenced or the corresponding day in each month, and the period from the days within the said leave (if there are no such days in a month, the last day of that month, hereinafter in this

paragraph "the corresponding leave commencement day") until the day before the corresponding leave commencement day in each following month (for the last month in which the said leave is taken, the last day of the said leave taken).

4. The family care leave benefit amount for a single payment unit period shall be the amount equivalent to 40 percent of the amount obtained by multiplying by 30 the amount equivalent to the daily amount of wages calculated where the provisions of Article 17 are applied (hereinafter in the next paragraph referred to as the "daily amount of wages at commencement of leave"), regarding an insured person qualified to receive payment of family care leave benefit as a qualified recipient and the day before the day on which the said insured person commenced the leave related to payment of the said family care leave benefit as the day of separation from employment related to the recipient qualification. Where this applies, with respect to the application of the provisions of the same article, the expression "where it is difficult" in paragraph 3 of the same article shall be "when it is not possible or difficult"; the expression "item 2" in paragraph 4 of the same article shall "item 2-c".

5. Notwithstanding the provisions of the previous paragraph, where wages have been paid in the payment unit period to the insured person who has taken leave provided for in paragraph 1 by the employer who employs the said insured person, when the amount obtained by adding the family care leave benefit amount for the said payment unit period to the said amount of wages is not less than the amount equivalent to 80 percent of the amount obtained by multiplying by 30 the daily amount of wages at commencement of leave, the amount obtained by deducting the said amount of wages from the amount equivalent to 80 percent of the amount obtained by multiplying by 30 the daily amount of wages at commencement of leave, shall be the amount of family care leave benefit for the said payment unit period. Where this applies, when the said amount of wages is not less than the amount equivalent to 80 percent of the amount obtained by multiplying by 30 the daily amount of wages at commencement of leave, notwithstanding the provisions of the same paragraph, the basic family care leave benefit shall not be paid for the payment unit period for which the said wages were paid.

6. Notwithstanding the provisions of paragraph 1, when an insured person has received family care leave benefit in relation to leave taken to care for prescribed family members under the provisions of this subsection, where the said insured person takes leave after the day on which three months has passed since the said leave was commenced in order to care for the said prescribed family members, family care leave benefit shall not be paid.

(Restriction on Benefit)

Article 61-8. The family care leave benefits shall not be paid to a person who received or attempted to receive family care leave benefits by means of falsehood or other improper conduct, as from the day on which he or she received or attempted to receive said benefits. Provided, however, that, in case there are unavoidable reasons, whole or part of the family care leave benefits may be paid.

2. In the event that a person, not receiving payment of the family care leave

benefits under the provisions of the preceding paragraph, has taken leave under the provisions of paragraph 1 of the preceding article following the day provided in the same paragraph and become a person eligible for payment of family care leave benefits, notwithstanding the provisions of the preceding paragraph, the family care leave benefits associated with said leave shall be paid.

Chapter IV. Services for the Stabilization of Employment, Etc.

(Services for the Stabilization of Employment)

Article 62. The government may undertake the following services in relation to insured persons and those who were insured persons (hereinafter in this chapter referred to as “insured persons, etc.”), as services for the stabilization of employment, with a view to preventing unemployment, redressing the employment situation, increasing employment opportunities and otherwise stabilizing employment.

- (1) Providing necessary assistance and aid for employers who lay off workers or take measures necessary for stabilizing worker employment where employers have been compelled to curtail business activities due to changes in the economy or in the industrial structure or other economic reasons;
- (2) In cases where separating from employment has been unavoidable, providing necessary aid and assistance to employers who provide leave to workers under the provisions of paragraph 1 of Article 26 of the *Employment Measures Law* (Law No. 132 of 1966) or who take measures necessary to promote the re-employment of workers;
- (3) Providing necessary aid and assistance to employers who raise the retirement age, extend the employment of older people according to the continuous employment system etc. introduced in the provisions of Article 4-2 of the *Law Concerning Stabilization of Employment of Older Persons* (Law No. 618 of 1971), assist older persons, etc. regulated by the provisions of paragraph 2 of Article 2 of the same law (hereinafter in this item referred to as simply "older persons, etc.") or hire older persons, etc., and to employers who take other measures necessary for stabilizing the employment of older persons, etc.;
- (4) Providing necessary aid and assistance to employers who newly employ workers through relocating business premises to areas where there is a need for increased employment opportunities, employers who employ throughout the year people who become unemployed on a seasonal basis in areas where many such people reside, or employers who take other measures necessary for stabilizing worker employment in areas where improvement in the conditions relating to employment is necessary;
- (5) In addition to the matters set forth in the preceding each items, other services, as prescribed by Ordinance of the Ministry of Health, Labour & Welfare, which are necessary for promoting the employment of physically disabled persons and others having difficulty in finding employment, for promoting the employment of workers in case the status of employment has become agitated nationwide and for stabilizing the employment of insured persons, etc.

2. Necessary standards for the implementation of the services provided for in the items of the preceding paragraph shall be established by Ordinance of the Ministry of Health, Labour & Welfare.

3. The government shall entrust part of the services listed in the items of

paragraph 1 to the Employment and Human Resources Development Organization, in accordance with the *Employment and Human Resources Development Organization Law* (Law No. 20 of 1999) and the orders issued hereunder.

(Services for Developing Ability)

Article 63. The government may undertake the following services, as services for developing ability, for the insured persons, etc., with a view to promoting the development and the improvement of their ability throughout their working lives:

- (1) Providing the employers and the like prescribed in Article 13 of the *Human Resources Development Promotion Law* (Law No. 64 of 1969) and persons engaged in activities for the promotion of vocational training, with the aid and assistance necessary for the promotion of vocational training based on the scheme provided for in Article 11 of the same law, authorized vocational training prescribed in Article 24 paragraph 3 of the same law (including where it is applied *mutatis mutandis* pursuant to Article 27-2 paragraph 2 of the same law) (“authorized vocational training” in item 5) or other vocational training provided by the said employers and the like and providing aid to prefectures that provide the aid and assistance necessary for the promotion of the said vocational training for the whole or a part of the expenditure required for this aid and assistance;
- (2) Establishing or operating public human resources development facilities (including lodging facilities for persons undertaking vocational training conducted by public human resources development facilities; hereinafter in this item the same shall apply) or Polytechnic universities (including lodging facilities for persons undertaking instructor training or vocational training conducted by Polytechnic universities), conducting the vocational training provided for in the proviso to Article 15-6 paragraph 1 of the *Human Resources Development Promotion Law* and providing aid for the whole or a part of the necessary expenditure for prefectures establishing or operating public human resources development facilities;
- (3) Implementing training allowing adaptation to the work environment and courses allowing the acquisition of skills and knowledge necessary for facilitating re-employment (“vocational courses” in item 5) for job applicants and persons planning to retire;
- (4) Providing necessary aid and assistance to employers who grant the paid educational training leave provided for in Article 10-3 paragraph 2 of the *Human Resources Development Promotion Law*;
- (5) Providing workers, who undertake vocational training (limited to that provided by public human resources development facilities or Polytechnic universities) or a vocational course, with a grant necessary in order to facilitate or promote their undertaking the said vocational training or vocational course and providing necessary aid to employers (limited to employers who pay workers the wages usually payable for prescribed working hours, for the period during which they undertake vocational training) who allow their employed workers

to undertake vocational training, authorized vocational training or vocational training based on the scheme provided for in Article 11 of the *Human Resources Development Promotion Law*;

- (6) Bearing the necessary expenses for the implementation of trade skill testing, providing necessary aid for the promotion of trade skill testing to juridical person and other organizations that conduct trade skill testing and the provision of aid to prefectures that provide the aid and assistance necessary for the promotion of trade skill testing, for the whole or a part of the expenditure required for this aid and assistance;
- (7) In addition to the matters set forth in the preceding items, other services necessary for the development and improvement of workers' abilities, as prescribed by Ordinance of the Ministry of Health, Labour & Welfare.

2. With respect to necessary standards for the implementation of the services listed in each of the items of the preceding paragraph, those relating to the subsidy for expenditures to be given to prefectures under the provisions of item 2 of that paragraph shall be established by Cabinet order and those relating to other services shall be established by Ordinance of the Ministry of Health, Labour & Welfare.

3. The provisions of paragraph 3 of the preceding article shall apply *mutatis mutandis* to the implementation of a part of the services listed in the each items of paragraph 1.

(Employment Welfare Services)

Article 64. The government may undertake the following services, as employment welfare services, for the insured persons, etc., with a view to improving environmental conditions of their working lives, assisting them in finding employment and otherwise promoting their welfare:

- (1) Providing of counseling and other assistance services for the employment, hiring and posting, etc., of workers; and the establishment and operation of facilities for the purpose of said assistance;
- (2) Providing of necessary assistance including loaning of funds and providing personal references, in order to assist job applicants in obtaining employment;
- (3) Carrying out surveys, research and the collection and analysis of materials on the adaptability of workers to occupations and other matters relating to the stability of employment;
- (4) In addition to the matters set forth in the preceding three items, other services, as prescribed by Ordinance of the Ministry of Health, Labour & Welfare, which are necessary to promote the welfare of the insured persons, etc.

2. The provisions of paragraph 3 of Article 62 shall apply *mutatis mutandis* to the implementation of the whole or a part of the services listed in the items of the preceding paragraph.

(Utilization of the Services, etc.)

Article 65. The services provided for in the preceding three Articles and the facilities related to said services may be made available to persons other than the insured persons, etc., insofar as it does not constitute a hindrance to the use by the

insured persons, etc., and does not harm their interests.

Chapter V. Bearing of Expenses

(Expenditures of the National Treasury)

Article 66. The National Treasury shall bear a part of the necessary expenses for the job applicant benefit (except job applicant benefits for older persons; the same applies in item 1) and continuous employment benefit, in accordance with the classifications in the following:

- (1) With respect to the job applicant benefit other than the job applicant benefits for day labourers, one-fourth of the expenses necessary for the payment of said job applicant benefit;
- (2) With respect to the job applicant benefits for day labourers, one-third of the expenses necessary for the payment of said job applicant benefits for day labourers;
- (3) With respect to the continuous employment benefit, one-eighth of the expenses necessary for the payment of said continuous employment benefit.

2. The National Treasury shall, in every fiscal year, with respect to the job application benefit referred to in item 1 of the preceding paragraph, where the total amount of general premiums collected is exceeded by the amount equivalent to three-quarters of the total amount of the said job applicant benefits paid pursuant to the provisions of the *Premiums Collection Law*, in relation to the said excess amount, in addition to the amount the National Treasury bears pursuant to the provisions of that item, bear an amount up to the amount equivalent to one-third of the total amount of the said job applicant benefit paid during the said fiscal year, notwithstanding the provisions of that item.

3. The amount of general premiums referred to in the preceding paragraph shall be the amount obtained by deducting the total of the amounts listed in items 2 and 3 from the amount listed in item 1:

- (1) The total of the amounts listed below (hereinafter in this article and in Article 68, paragraph 2 referred to as the "amount of general premiums collected"):
 - a. The amount (where the amount of general premiums for an undertaking that employs older workers is, pursuant to the provisions of Article 11-2 of the *Premiums Collection Law*, deemed to be the amount in accordance with the same article, the amount obtained by deducting the older worker exemption amount from the amount that is the portion corresponding to the employment insurance rate of the amount that is the older worker exemption amount (limited to that related to undertakings listed in Article 12 paragraph 1 item 1 of the *Premiums Collection Law*; hereinafter in this item the same shall apply) provided for in Article 12 paragraph 6 of the *Premiums Collection Law* added to the said general premiums), of the general premiums collected in accordance with the provisions of the *Premiums Collection Law* related to the undertakings listed in Article 12 paragraph 1 item 1 of the *Premiums Collection Law*, that is the portion

corresponding to the employment insurance rate (when that rate has been changed in accordance with the provisions of Article 12 paragraph 5 or paragraph 7 of the *Premiums Collection Law*, the changed amount; hereinafter in this article the same shall apply);

b. The amount of general premiums in respect of the undertakings listed in Article 12, paragraph 1, item 3, of the *Premiums Collection Law*.

(2) The amount obtained by multiplying the amount equivalent to the amount of stamp premiums collected under the provisions of the *Premiums Collection Law* by the rate fixed by the Minister of Health, Labour & Welfare in consultation with the Minister of Finance;

(3) The amount obtained by deducting the amount referred to in the preceding item from the amount of general premiums collected and multiplying by the rate (the "three-program rate" in paragraph 5 and Article 68 paragraph 2) obtained by dividing the rate of 0.35 percent (the rate of 0.45 percent for the undertakings listed in Article 12 paragraph 4 item 3 of the *Premiums Collection Law*) by the employment insurance rate.

4. In case the employment insurance rate is changed pursuant to the provisions of Article 12, paragraph 7, of the *Premiums Collection Law*, the words "0.35 percent" and "0.45 percent" in item 3 of the preceding paragraph shall be read as "0.3 percent" and "0.4 percent", respectively.

5. With respect to the job applicant benefits for day labourers, the National Treasury shall, in each fiscal year, where the amount listed in item 1 below exceeds the amount listed in item 2 below, bear the amount (in case this amount is less than the amount equivalent to one fourth of the total amount of the job applicant benefits for day labourers paid during the fiscal year concerned, said amount equivalent to one-fourth of the total amount of the job applicant benefits for day labourers paid during the fiscal year concerned) obtained by deducting the amount equivalent to said excess from the amount of the expenditure of the National Treasury provided for in item 2 of paragraph 1, notwithstanding the provisions of that item:

(1) The total of the amounts listed below:

a. The amount of stamp premiums collected under the provisions of the *Premiums Collection Law*;

b. The amount when an amount is obtained by multiplying an amount equivalent to the amount in sub-item a. by the rate referred to in paragraph 3 item 2 determined by the Minister of Health, Labour & Welfare in consultation with the Minister of Finance and the amount obtained by multiplying that amount by the three-program rate is deducted.

(2) The amount equivalent to two thirds of the total amount of the job applicant benefits paid for day labourers.

6. In addition to the matters set fourth in the preceding paragraphs, the National Treasury shall bear the expenses necessary for the administration of the Employment Insurance Services, within the budgetary limits for each fiscal year.

Article 67. Where the measures in Article 25 paragraph 1 have been decided

on, the National Treasury shall, notwithstanding the provisions of item 1 of paragraph 1 of the preceding article, bear one-third of the necessary expenditure for the payment of the job applicant benefit related to those receiving the wide area extended benefit. Where this applies, the expressions "the total amount of the said job applicant benefits paid" and "where the total amount of general premiums is exceeded" in paragraph 2 of the preceding article shall be read as "the amount when the total amount of the job applicant benefits related to those who receive the wide area extended benefit is deducted from the total amount of the said job applicant benefits paid" and "where the amount when the amount equivalent to two-thirds of the total amount of the job applicant benefits related to those who receive the wide area extended benefit is deducted from the total amount of general premiums is exceeded" respectively.

(Premiums)

Article 68. The premiums to be collected by the government for the purpose of meeting the expenses necessary for the Employment Insurance Services shall be governed by the provisions of the *Premiums Collection Law*.

2. Of the premiums in the preceding paragraph, the total of the amount equivalent to the stamp premiums amount and the amount when the amount obtained by multiplying the amount of general premiums collected by the three-program rate is deducted from that amount of general premiums collected, shall be allocated for the necessary expenditure for unemployment, etc. benefits and the amount obtained by multiplying the general premiums amount by the three-program rate shall be allocated for the necessary expenditure for services for the stabilization of employment, services for developing capacities and services for the welfare of employees.

Chapter VI. Raising of Objections and Lawsuits

(Raising of Objections)

Article 69. A person who has an objection to a confirmation pursuant to the provisions of Article 9, an action relating to unemployment, etc. benefit or other payments or an action pursuant to the provisions of paragraph 1 or paragraph 2 of Article 10-3, may make a request for examination of the Employment Insurance Referee; a person who has an objection to that decision may make a request of the Labour Insurance Appeal Committee for re-examination.

2. Persons making a request for examination in paragraph 1 may, if there is no decision on the request for examination after three months calculated from the day after the request for examination was made have passed, in relation to the resolution of the said request for examination, bypass that decision and make a request to the Labour Insurance Appeal Committee for re-examination.

3. The request for examination in paragraph 1 and the request for re-examination in the preceding 2 paragraphs shall be regarded as requests for court action in relation to the suspension of the statute of limitations.

4. The provisions of Sections 1, 2 (except Articles 18 and 19) and 5 of Chapter II of the *Administrative Complaint Examination Law* (Law No. 160 of 1962) shall not apply to a request for examination referred to in paragraph 1 and re-examination referred to in paragraph 1 or 2.

(Limitation on Reasons for an Objection)

Article 70. Where an action for confirmation under the provisions of Article 9 has become final, an objection to said action shall not be permitted as a reason for an objection to an action for the payment of unemployment, etc. benefit based on said action.

(Relation between the Raising of an Objection and a Lawsuit)

Article 71. A lawsuit for the revocation of an action provided for in Article 69 paragraph 1 cannot be instituted until a determination has been made by the Labour Insurance Appeal Committee in relation to the request for re-examination of the said action. Provided, however, that this shall not apply when either of the following items applies:

- (1) Where there is no decision on the re-examination after three months, calculated from the day after the request for re-examination was made, have passed;
- (2) Where there is a need for urgency in order to avoid conspicuous harm that would occur through awaiting the decision on the request for re-examination or there are other appropriate reasons for bypassing the decision.

Chapter VII. Miscellaneous Provisions

(Consultation with the Labour Policy Council)

Article 72. The Minister of Health, Labour & Welfare must inquire as to the opinion of the Labour Policy Council in advance when setting the standards in Article 25 paragraph 1, paragraph 1 or paragraph 2 of Article 27 or Article 57 paragraph 1 or determining the persons who have difficulty in finding employment referred to in the same paragraph by Cabinet order; when determining the grounds in Article 13 paragraph 1 item 2, paragraph 1 or paragraph 2 of Article 20, Article 22 paragraph 2, Article 37-3 paragraph 1 item 2, Article 39 paragraph 1 item 2, Article 61-4 paragraph 1 or Article 61-7 paragraph 1 by Ministry of Health, Labour & Welfare ordinance; when determining the number of hours referred to in Article 6 item 1-2 or determining the standards in Article 10-3 paragraph 1, Article 25 paragraph 3, Article 26 paragraph 2, Article 29 paragraph 2, Article 32 paragraph 3 (including where it is applied *mutatis mutandis* pursuant to Article 37-4 paragraph 5 and Article 40 paragraph 4), Article 33 paragraph 2 (including where it is applied *mutatis mutandis* pursuant to Article 37-4 paragraph 5 and Article 40 paragraph 4), Article 52 paragraph 2 (including where it is applied *mutatis mutandis* pursuant to Article 55 paragraph 4) or Article 56-2 paragraph 1 or when making decisions on other important matters pertaining to the operation of this law.

2. In addition to responding to the Minister of Health, Labour & Welfare's requests for consultation, the Labour Policy Council may, as necessary, make suggestions to the administrative agencies concerned, or may request their reports, concerning the administration of the Employment Insurance Services.

(Prohibition of Disadvantageous Treatment)

Article 73. The employer shall not dismiss workers or treat them in a disadvantageous manner by reason of their having requested a confirmation under the provisions of Article 8.

(Statute of Limitations)

Article 74. The right to receive payment of the unemployment, etc. benefit, or to obtain a refund of the same and the right to collect an amount, the payment of which has been ordered pursuant to the provisions of paragraph 1 or paragraph 2 of Article 10-3, shall be extinguished in accordance with the statute of limitations when 2 years have elapsed.

(Free Certification of Matters on Family Register)

Article 75. The head of a municipality (the head of a ward in a special ward and designated cities pursuant to Article 252-19 paragraph 1 of the *Local Autonomy Law* (Law No. 67 of 1947)), may, in accordance with the provisions of the by-laws of the said municipality (including a special ward), issue a certificate relating to the family register of a person who receives the job applicant benefit or employment promotion benefit to the administrative office or to the person who receives the job applicant benefit or employment promotion benefit, free of charge.

(Reports, etc.)

Article 76. The administrative office may, in accordance with Ministry of Health, Labour & Welfare ordinances, order an employer who employs or has employed insured persons or qualified recipients, older qualified recipients, specially qualified recipients or qualified day labourer recipients (hereinafter referred to as “qualified recipients, etc.”) or a person provided for in Article 60-2 paragraph 1 (hereinafter referred to as an “educational training benefit recipient”), a Labour Insurance Affairs Association or an organization that was a Labour Insurance Affairs Association, to make a report, submit a document or appear in person as may be necessary for the enforcement of this law.

2. Those who have been separated from employment may, in accordance with Ordinance of the Ministry of Health, Labour & Welfare, request previous employer or a labour insurance affairs association conducting business concerning the issuance of certificates necessary for receiving the job applicant benefit, as a part of business concerning labour insurance referred to in Article 33, paragraph 1, of the *Premiums Collection Law*, upon being entrusted therewith by said employer, as provided for in the same paragraph, to issue a certificate necessary for receiving the job applicant benefit. Said employer or labour insurance affairs association shall, when so requested, issue the certificate as requested.

3. The provisions of the preceding paragraph shall apply *mutatis mutandis* to a request concerning the issuance of certificates necessary for receiving the continuous employment benefit. In this case, "those who have been separated from employment" and "previous employer" in the preceding paragraph shall be read respectively as "insured persons or those who were insured persons" and "employers who employed insured persons concerned or employed those who were insured persons."

Article 77. The administrative office may order, an insured person, qualified recipients, etc., educational training benefit recipient or a person requesting the payment of unpaid part of the unemployment, etc. benefit, to make a report, submit a report or report in person, as may be necessary for the enforcement of this law.

(Medical Diagnosis)

Article 78. The administrative office may, when it is determined to be necessary to implement the payment of the job applicant benefit, order a person who pursuant to the provisions of Article 15 paragraph 4 item 1, receives or seeks to receive the recognition of unemployment provided for in paragraph 2 of that article, a person who has made a report pursuant to the provisions of Article 20 paragraph 1 or a person who receives or seeks to receive payment of the sickness and injury allowance, to undergo diagnosis by a designated physician.

(On-the-spot Inspection)

Article 79. The administrative office may, when deemed necessary for the enforcement of this law, have personnel thereof enter the establishment which belongs to the employer who employs or has employed insured person, qualified recipients, etc., or educational training benefit recipient or the office of labour insurance affairs association or the organization's office which was a labour

insurance affairs association, and question the persons concerned or inspect the books and documents.

2. The personnel making an on-the-spot inspection under the provisions of the preceding paragraph shall carry a certificate showing their status and show it to the persons concerned.

3. The authority to conduct on-the-spot inspections under the provisions of paragraph 1 shall not be interpreted as authority for criminal investigation.

(Delegation to Orders for Transitional Measures)

Article80. Where a Cabinet order or an Ordinance of the Ministry of Health, Labour & Welfare is established, amended or abrogated under the provisions of this law, necessary transitional measures may be laid down by said Order or Ordinance of the Ministry of Health, Labour & Welfare, respectively, within limits rationally deemed to be necessary. The same shall apply to the cases where the Minister of Health, Labour & Welfare fixes, amend or abrogate the subject amount of automatic revisions under the provisions of paragraph 3 of Article 18 and other matters.

(Delegation of Authority)

Article81. Part of the authority vested in the Minister of Health, Labour & Welfare provided for in this law may be delegated to the Prefectural Labour Director, in accordance with Ministry of Labour Ordinance.

2. The authority delegated to the Prefectural Labour Director under the provisions of the preceding paragraph may be delegated to the chief of the Public Employment Security Office, in accordance with Ministry of Health, Labour & Welfare.

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

Article82. Apart from those matters provided for in this law, procedural and other matters which may be necessary for the implementation of this law shall be prescribed by Ordinance of the Ministry of Health, Labour & Welfare.

Chapter VIII. Penal Provisions

Article83. In case an employer comes under any one of the following items, he or she shall be sentenced to penal servitude of not more than six months or to a fine not exceeding 300,000 yen:

- (1) In the event that he or she has made no notification or has made a false notification in violation of the provisions of Article 7;
- (2) In the event that he or she has violated the provisions of Article 73;
- (3) In the event that he or she has made no report or has made a false report, or has submitted no document or has submitted a document containing a false entry, in violation of an order under the provisions of paragraph 1 of Article 76;
- (4) In the event that he or she has refused to issue a certificate in violation of the provisions of Article 76, paragraph 2 (including cases where it is applied *mutatis mutandis* pursuant to paragraph 3 of the same article);
- (5) In the event that he or she has made no answer or has made a false answer to a question by the personnel concerned under the provisions of paragraph 1 of Article 79, or has refused, impeded or evaded inspection under the provisions of the same paragraph.

Article84. In case a labour insurance affairs association comes under any one of the following items, the representative, agent, or other employee or worker of the association who has perpetrated such violation shall be sentenced to penal servitude of not more than six months or to a fine of not more than 300,000 yen:

- (1) In the event that it has made no notification or has made a false notification in violation of the provisions of Article 7;
- (2) In the event it has made no report or has made a false report, or has submitted no document or has submitted a document containing a false entry, in violation of an order under the provisions of paragraph 1 of Article 76;
- (3) In the event that it has refused to issue a certificate in violation of the provisions of paragraph 2 of Article 76 (including cases where it is applied *mutatis mutandis* pursuant to paragraph 3 of the same article);
- (4) In the event that it has made no answer or has made a false answer to a question by the personnel concerned under the provisions of paragraph 1 of Article 79, or has refused, impeded or evaded inspection under the provisions of the same paragraph.

Article85. In case an insured person, qualified recipients, etc., an educational training benefit recipient or a person who requests the payment of unemployment, etc. benefit unpaid, or any other person concerned comes under any one of the following items, he or she shall be sentenced to penal servitude of not more than six months, or to a fine of not more than 200,000 yen:

- (1) In the event that he or she has obtained an insured day labourer's benefits book by means of falsehood or other improper act in violation of the provisions of Article 44;

- (2) In the event that he or she has made no report or has made a false report, or has submitted no document or has submitted a document containing a false entry, or has not reported in person, in violation of an order under the provisions of Article 77;
- (3) In case he or she has made no answer or has made a false answer to a question by the personnel concerned under the provisions of paragraph 1 of Article 79, or has refused, impeded or evaded inspection under the provisions of the same paragraph.

Article 86. In case a representative of a juridical person (including a labour insurance affairs association which is not a juridical person: hereinafter in this paragraph the same shall apply), or an agent, employee or other worker, of a juridical person or a natural person, has committed a violation under the preceding three articles with respect of the business of said juridical person or said natural person, the fine stated in the respective article shall also be imposed on said juridical person or said natural person, in addition to punishing the person who committed the violation.

2. Where a Labour Insurance Affairs Association that is not a juridical person is penalized in accordance with the provisions of the preceding paragraph, the representative or administrator of that association shall represent the labour insurance affairs association in the conduct of the lawsuit and the rules of procedure applicable in criminal trials where the accused is a juridical person shall apply *mutatis mutandis*.

Supplementary Provisions (Excerpts)

(Date of Enforcement)

Article1. This law shall come into force from April 1, 1975; provided, however, that the provisions of Article 21 of the Supplementary Provisions shall come into force from January 1 of the same year.

(Abolition of the Unemployment Insurance Law)

Article2. The *Unemployment Insurance Law* (Law No. 146 of 1947) shall be abolished.

(The rest omitted.)