

# **Worker's Accident Compensation Insurance Law**

(Law No. 50 of April 7, 1947)



**THE JAPAN INSTITUTE OF LABOUR**

(Provisional translation by the specialist)

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8-23, Kamishakujii 4-chome, Nerima-ku,  
Tokyo, Japan 177-8502  
Tel: +81-3-5903-6313 Fax: +81-3-3594-1113

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Law No. 71 of June 30, 1948  
Law No. 82 of May 19, 1949  
Law No. 166 of May 31, 1949  
Law No. 125 of May 1, 1950  
Law No. 290 of Dec. 20, 1950  
Law No. 46 of Mar. 29, 1951  
Law No. 78 of Mar. 31, 1951  
Law No. 287 of July 31, 1952  
Law No. 39 of June 30, 1955  
Law No. 131 of Aug. 5, 1955  
Law No. 126 of June 4, 1956  
Law No. 126 of May 20, 1957  
Law No. 148 of Apr. 20, 1959  
Law No. 29 of Mar. 31, 1960  
Law No. 67 of Apr. 2, 1962  
Law No. 140 of May 16, 1962  
Law No. 152 of Sep. 8, 1962  
Law No. 161 of Sep. 15, 1962  
Law No. 112 of June 23, 1964  
Law No. 118 of June 29, 1964  
Law No. 152 of July 6, 1964  
Law No. 105 of June 1, 1965  
Law No. 130 of June 11, 1965  
Law No. 95 of July 29, 1967  
Law No. 83 of Dec. 9, 1969  
Law No. 85 of Dec. 9, 1969  
Law No. 86 of Dec. 10, 1969  
Law No. 13 of Apr. 1, 1970  
Law No. 88 of May 22, 1970  
Law No. 13 of Mar. 30, 1971  
Law No. 85 of Sep. 21, 1973  
Law No. 93 of Sep. 26, 1973  
Law No. 115 of Dec. 28, 1974  
Law No. 32 of May 27, 1976  
Law No. 54 of May 23, 1978  
Law No. 104 of Dec. 5, 1980  
Law No. 66 of July 16, 1982  
Law No. 87 of Dec. 25, 1984  
Law No. 34 of May 1, 1985

Law No. 48 of June 7, 1985  
Law No. 105 of Dec. 27, 1985  
Law No. 106 of Dec. 27, 1985  
Law No. 107 of Dec. 27, 1985  
Law No. 108 of Dec. 27, 1985  
Law No. 59 of May 23, 1986  
Law No. 93 of Dec. 4, 1986  
Law No. 40 of June 22, 1990  
Law No. 56 of June 29, 1994  
Law No. 95 of Nov. 9, 1994  
Law No. 35 of Mar. 23, 1995  
Law No. 42 of May 22, 1996  
Law No. 82 of June 14, 1996  
Law No. 48 of May 9, 1997  
Law No. 112 of Sept. 30, 1998  
Law No. 87 of July 16, 1999  
Law No. 102 of July 16, 1999  
Law No. 160 of Dec. 22, 1999  
Law No. 124 of Sept. 22, 2000  
Law No. 101 of July 4, 2001

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## Chapter I. General Provisions

(Purposes)

**Article 1.** The object of the Workers' Accident Compensation Insurance, shall be to grant necessary insurance benefits to workers in order to give them prompt and equitable protection against injury, disease, disability or death *inter alia* resulting from employment or commuting and to promote the rehabilitation of workers who have suffered injury or contracted a disease resulting from employment or commuting, assist those workers and their survivors and secure proper working conditions *inter alia* and thereby to contribute to the promotion of the welfare of workers.

(Administration)

**Article 2.** The Government shall administer workers' accident compensation insurance.

(Workers' Accident Compensation Insurance Services)

**Article 2-2.** Workers' accident compensation insurance may, in order to achieve the purposes set forth in Article 1, undertake labor welfare services in addition to granting insurance benefits to workers with respect to injury, disease, disability or death *inter alia* resulting from employment or commuting.

(Scope of Covered Undertakings and Exceptions from Coverage)

**Article 3.** In this Law, undertakings that employ a worker or workers shall be covered undertakings.

2. Notwithstanding the provisions of the preceding paragraph, this Law shall not apply to undertakings managed directly by the State, undertakings managed by government offices or local public bodies (excluding the undertakings listed in Annexed Table No. 1 of the *Labor Standards Law* (Law No. 49 of 1947)) and persons insured under the mariners' insurance provided for in Article 17 of the *Mariners' Insurance Law* (Law No. 73 of 1939).

**Article 4.** Deleted.

(Establishment of Regulations)

**Article 5.** Cabinet Orders and Ministry of Health, Labor and Welfare ordinances made under this law and Cabinet Orders and Ministry of Health, Labor & Welfare ordinances (limited to those related to workers' accident compensation insurance services) made under the *Law Concerning the Collection of Labor Insurance Premiums* (Law No. 84 of 1969; hereinafter the "*Premiums Collection Law*") shall be enacted after obtaining the opinion of the Labor Policy Council as to drafts thereof.

## **Chapter II. Commencement and Termination of the Insurance Relationship**

(Commencement and Termination of the Insurance Relationship)

**Article 6.** The commencement and termination of the insurance relationship shall be governed by the provisions of the *Premiums Collection Law*.

## Chapter III. Insurance Benefits

### Section I. General Provisions

(Kinds of Insurance Benefits)

**Article 7.** Insurance benefits under this Law shall be as follows:

- (1) Insurance benefits in respect of the injury, disease, disability or death of workers resulting from employment (hereinafter referred to as "employment injury");
- (2) Insurance benefits in respect of the injury, disease, disability or death of workers resulting from commuting (hereinafter referred to as "commuting injury");
- (3) Insurance benefits in respect of follow-up medical examinations *inter alia*.

2. The commuting referred to in item 2 of the preceding paragraph shall mean the round-trip travel undertaken by a worker with respect to that worker's employment by a reasonable route and means between his or her residence and workplace, excluding commuting which is in the nature of performance of duties.

3. Where a worker has deviated from the round-trip route referred to in the preceding paragraph or has interrupted the round-trip referred to in the same paragraph, the said deviation or period of interruption and the subsequent commuting under that paragraph shall not constitute commuting within Paragraph 1 Item 2. Provided, however, that this shall not apply where the said deviation or interruption is necessary to carry on daily life and is a minimum deviation or interruption undertaken due to unavoidable grounds for purposes prescribed by Ministry of Health, Labor & Welfare Ordinance, excluding the period of the said deviation or interruption.

(Basic Daily Benefit Amount)

**Article 8.** The basic daily benefit amount shall be the amount equal to the average wage provided for in Article 12 of the *Labor Standards Law*. Where this is the case, the day in Paragraph 1 of the same article on which the grounds for calculation of the average wage arose shall be the day on which the accident which was the cause of an injury or death provided for in an item of Paragraph 1 of the preceding article occurred, or the day on which the occurrence of a disease provided for in an item of the same paragraph was established by diagnosis (hereinafter "the day of calculation").

2. Where it is deemed inappropriate to take the amount equal to the average wage in Article 12 of the *Labor Standards Law* as the basic daily benefit amount, the basic daily benefit amount shall be the amount calculated by the Government in accordance with the provisions of Ministry of Health, Labor & Welfare ordinances,

notwithstanding the provisions of the preceding paragraph.

(Basic Daily Amount for Temporary Absence Benefit)

**Article 8-2.** The following provisions shall apply in relation to the basic daily benefit amount (hereinafter in this Article “basic daily temporary absence benefit amount”) used as a basis for calculating temporary absence compensation benefit or temporary absence benefit (hereinafter in this Article “temporary disability compensation benefit *inter alia*”):

- (1) In relation to temporary absence compensation benefit *inter alia* other than the temporary absence compensation benefit *inter alia* prescribed in the following item, the amount calculated as the basic daily benefit amount under the provisions of the preceding Article shall be the basic daily temporary absence benefit amount;
- (2) Where the average wage (meaning the average monthly amount of wages per worker calculated in accordance with the provisions of Ministry of Health, Labor & Welfare ordinances based on the amount of wages paid regularly every month according to the Monthly Labor Survey prepared by the Ministry of Health, Labor & Welfare; hereinafter the same applies in this item) per period categorized as January to March, April to June, July to September, and October to December (hereinafter in this article “quarter”) exceeds 110 percent or falls below 90 percent of the average wage for the quarter to which the day of calculation belongs (where the amount calculated under the provisions of this item [hereinafter in this item “revised daily amount”] is regarded as the basic daily temporary absence benefit amount, the quarter 2 quarters before the first quarter when the said revised basic daily amount is to be used as the basis for calculating the amount of temporary absence compensation benefit *inter alia*) in relation to temporary absence compensation benefit *inter alia*, grounds for the payment of which have arisen after the first day belonging to the quarter 2 quarters after the quarter of that increase or decrease, the basic daily temporary absence benefit amount shall be the amount obtained by multiplying the amount calculated as the basic daily benefit amount according to the provisions of the preceding article (where a revised daily amount is regarded as the basic daily temporary absence benefit amount, the said revised daily amount) by a rate prescribed by the Minister of Health, Labor & Welfare based on that rate of increase or decrease.

2. Where the day on which grounds for payment of temporary absence compensation benefit *inter alia* arises is a day after the day on which one year and 6 months calculated from the day of commencement of medical treatment related to the said temporary absence compensation benefit *inter alia* expires, when any of the following items applies, the amount prescribed in each of the said items shall be the

basic daily temporary absence benefit amount, notwithstanding the provisions of the preceding paragraph:

- (1) Where the amount calculated as the basic daily temporary absence benefit amount under the provisions of the preceding paragraph falls short of the amount, among the minimum amounts for each age bracket prescribed in Ministry of Health, Labor & Welfare ordinances (hereinafter in this Article simply “age brackets”) by the Minister of Health, Labor & Welfare, related to the age bracket to which a worker’s age, which worker is to receive the said basic daily temporary absence compensation benefit *inter alia*, belongs on the first day of the quarter to which the day on which the grounds for the payment of the said basic daily temporary absence compensation benefit *inter alia* arose (in the next item “standard day”), the amount related to the said age bracket;
- (2) Where the amount calculated as the basic daily temporary absence benefit amount under the provisions of the preceding paragraph exceeds the amount, among the maximum amounts for each age bracket prescribed by the Minister of Health, Labor & Welfare, related to the age bracket to which the age of a worker, who is to receive the said temporary absence compensation benefit *inter alia*, belongs on the standard day, the amount related to the said age bracket.

3. The amount prescribed by the Minister of Health, Labor & Welfare under the provisions of Item 1 of the preceding paragraph shall be prescribed each year for each age bracket, considering circumstances including the employment conditions of each worker age bracket, in accordance with Ministry of Health, Labor & Welfare ordinances, by classifying all workers who belong to the said age brackets into 20 categories in accordance with the level of monthly wages received (hereinafter in this paragraph “monthly wages”), on the basis of the highest amount being for the monthly wages received by workers belonging to the category related to the lowest monthly wages.

4. The provisions of the preceding paragraph shall apply *mutatis mutandis* to the amount fixed by the Minister of Health, Labor & Welfare referred to in Paragraph 2 Item 2. Where this is the case, the phrase “related to the lowest monthly wages” in the preceding paragraph shall be read as “immediately below the category related to the highest monthly wages”.

(Basic Daily Pension Benefit Amount)

**Article 8-3.** The basic daily benefit amount used as a basis for calculating insurance benefits in pension form (hereinafter in this Article “basic daily pension benefit amount”) shall be prescribed as follows:

- (1) With respect to insurance benefits in pension form paid in respect of the period before the July of the fiscal year (meaning from April 1 to March 31 of the following year; hereinafter the same applies) 2 years after the fiscal year to which the day of calculation belongs, the amount calculated as the basic daily benefit amount under the provisions of Article 8 shall be the basic daily pension benefit amount;
- (2) With respect to insurance benefits in pension form paid in respect of the period after the August of the fiscal year 2 years after the fiscal year to which the day of calculation belongs, the amount obtained by multiplying the amount calculated as the basic daily benefit amount under the provisions of Article 8 by a rate prescribed by the Minister of Health, Labor & Welfare based on the rate obtained by dividing the average wage (meaning the average monthly amount of wages per worker calculated in accordance with the provisions of Ministry of Health, Labor & Welfare ordinances based on the amount of wages paid regularly every month according to the Monthly Labor Survey prepared by the Ministry of Health, Labor & Welfare; hereinafter the same applies in this item and Article 16-6 Paragraph 2) for the fiscal year before (where the said month falls within the months from April to July, for the fiscal year 2 years before) the fiscal year to which the month for which an insurance benefit in pension form are to be paid belongs, by the average wage for the fiscal year to which the day of calculation belongs, shall be the basic daily pension benefit amount.

2. The provisions of Paragraphs 2 to 4 of the preceding article shall apply *mutatis mutandis* to the basic daily pension benefit amount. Where this is the case, the words in Paragraph 2 of the same article “the preceding paragraph” shall be read as “Paragraph 1 of the following article”; the words in Item 1 of the same paragraph “temporary absence compensation benefit *inter alia*”, “the day on which the grounds for payment arose”, “the first day of the quarter... (in the next item” and “age” shall be read respectively as “insurance benefits in pension form”, “the month for which payment is to be made”, “1 August in that fiscal year... (where the said month falls in the months from April to July, 1 August of the fiscal year preceding the said fiscal year; hereinafter in this paragraph” and “age (where the survivor’s compensation pension or the survivor’s pension is to be paid, the age as at the said worker’s standard day obtained where calculations are made as if the death of the worker related to the grounds for making the said payment has not occurred; hereinafter the same applies in the following item) and the expression in Item 2 of the same paragraph “temporary absence compensation benefit *inter alia*” shall be read as “insurance benefits in pension form”.

(Basic Daily Benefit Amounts - Lump Sums)

**Article 8-4.** The provisions of Paragraph 1 of the preceding article shall apply

*mutatis mutandis* to the basic daily benefit amount used as the basis for calculating the disability compensation lump sum payment, survivors' compensation lump sum payment, disability lump sum payment or survivors' lump sum payment. Where this is the case, the phrases "paid in respect of the period" and "the month for which (insurance benefits in pension form) are to be paid" in the same paragraph shall be read respectively as "when the grounds for payment arose" and "the month when the grounds for payment arose".

(Basic Daily Benefit Amounts - Treatment of Fractions)

**Article 8-5.** Where there is an amount in a basic daily benefit amount of less than one yen, it shall be rounded up to a whole yen.

(Pension Payment Period)

**Article 9.** Payment of insurance benefits in pension form shall commence in the month after the month in which the grounds for payment arose and shall terminate in the month in which the entitlement to the benefit is extinguished.

2. When grounds for suspending payment have arisen, insurance benefits in pension form shall not be paid from the month after the month in which the said grounds arose until the month in which the grounds are extinguished.

3. Insurance benefits in pension form shall be paid 6 times a year, in February, April, June, August, October and December of each year, with each payment being for the period until the end of the previous month. Provided, however, that where the entitlement to the benefit has been extinguished, the insurance benefits for that period shall be paid even where the month is not a payment month.

(Presumption of Death)

**Article 10.** Where it is not known for 3 months whether a worker who was on board a vessel when it foundered, capsized, was lost or went missing or who went missing whilst on board a vessel during a voyage is dead or alive or where the death of such a worker becomes apparent within 3 months but the time of death is not known, the said worker shall be presumed to have died on the day when the vessel foundered, capsized, was lost or went missing or on the day when the worker went missing for the purpose of applying the provisions relating to the payment of survivors' compensation benefit, expenses for funeral rites, survivors' benefit and funeral benefit. The same shall apply where it is not known whether a worker who was on board an aircraft when the aircraft crashed, was lost or went missing or who was on board an aircraft and went missing during a flight is dead or alive for 3 months or where the death of such a worker becomes apparent within 3 months but the time of death is not known.

(Unpaid Insurance Benefits)

**Article 11.** Where a person entitled to insurance benefits under this law has died and part of the insurance benefit owed to the said person is unpaid, the spouse (including where the marriage was not registered but the spouse was in a *de facto* marital relationship with the person; hereinafter the same applies), children, parents, grandchildren, grandparents or siblings of the person, who were either partly or wholly sustained by the said person at the time of the person's death (in the case of the survivors' compensation pension, other survivors entitled to the said compensation pension, and, in the case of the survivors' pension, other survivors entitled to the said survivors' pension) may demand the payment of the said unpaid insurance benefit in their own names.

2. Where the preceding paragraph applies, when the deceased person had not demanded payment of the insurance benefit before his or her death, a person provided for in the same paragraph may demand payment of the said insurance benefit in his or her own name.

3. The order of priority for those who are to receive the unpaid insurance benefit shall be according to the order provided for in Paragraph 1 (in respect of the survivors' compensation pension, the order shall be as provided for in Article 16-2 Paragraph 3 and in the case of the survivors' pension, the order shall be as provided for in Article 16-2 Paragraph 3 as applied *mutatis mutandis* pursuant to Article 22-4 Paragraph 3).

4. Where there are 2 or more persons who have the same rank in the order of persons to whom the unpaid part of the insurance benefit is to be paid, a demand made by one of them shall be regarded as having been made on behalf of all of them in respect of the total amount and a payment made to one of them shall be regarded as having been made to all of them.

(Pension Down Payments)

**Article 12.** When, notwithstanding that grounds have arisen for suspending the payment of an insurance benefit in pension form, the insurance benefit in pension form has been paid for a period for which payment should have been suspended, the insurance benefit which has been paid may be regarded as a down payment on the insurance benefit in pension form which was to be paid subsequently. Where, notwithstanding that grounds have arisen for reducing the amount of an insurance benefit in pension form, the amount has been paid without reduction for months after the month in which the grounds arose, the same shall apply with respect to the said portion by which the said insurance benefit in pension form should have been reduced.

2. Where a worker entitled to an insurance benefit in pension form (excluding the survivors' compensation pension and the survivors' pension; hereinafter in this

paragraph "Pension B") has become entitled to another insurance benefit in pension form (excluding the survivors' compensation pension and the survivors' pension; hereinafter in this paragraph "Pension A") in respect of the same injury or disease resulting from employment or commuting (hereinafter in this Article "the same injury or disease") and the entitlement to pension B has been extinguished, when Pension B has been paid for months after the month in which the entitlement to it was extinguished, that payment of Pension B shall be regarded as a down payment on Pension A. Where a worker entitled to an insurance benefit in pension form (excluding the survivors' compensation pension and the survivors' pension) has become entitled to temporary absence compensation benefit or temporary absence benefit or the disability compensation lump sum payment or disability lump sum payment in respect of the same injury or disease and the entitlement to the said insurance benefit in pension form has been extinguished, the same shall also apply when the said insurance benefit in pension form has been paid for months after the month in which the entitlement to it was extinguished.

3. Where a worker receiving temporary absence compensation benefit or the temporary absence benefit has become entitled to the disability compensation benefit or injury and disease compensation pension or the disability benefit or injury and disease pension in respect of the same injury or disease and it has been decided to not pay the temporary absence compensation benefit or the temporary absence benefit, when the temporary absence compensation benefit or the temporary absence benefit has been paid thereafter, that temporary absence compensation benefit or the temporary absence benefit paid shall be regarded as a down payment on the said disability compensation benefit, injury and disease compensation pension, disability benefit or injury and disease pension.

(Offsets against Credit Arising from Erroneous Payments)

**Article 12-2.** Where a person entitled to an insurance benefit in pension form has died and that entitlement has been extinguished as a result and an insurance benefit has, notwithstanding, been paid erroneously for a period following the month containing the day of death, when there is an insurance benefit to be paid to the person who is to repay the debt relating to the credit related to the said erroneous payments (hereinafter in this Article "repayment credit"), the amount of money to be paid as the said insurance benefit may be offset against the amount of the repayment credit arising from the said erroneous payments, as provided for by Ministry of Health, Labor & Welfare ordinances.

(Restriction on Payments)

**Article 12-2-2.** When a worker has, by a willful act, caused an injury, disease, disability or death, or the accident that was the direct cause thereof, the Government shall not pay an insurance benefit.

2. When a worker has, by a willful criminal act or gross negligence or by, without just cause, not following directions as to medical treatment, caused an injury, disease, disability or death, or the accident which was a cause thereof, or has worsened the degree of injury, disease or disability or hindered recovery from the same, the Government may decline to pay the whole or a part of an insurance benefit.

(Collection of Expenses from Those Having Improperly Received an Insurance Benefit)

**Article 12-3.** When a person has received an insurance benefit through deceit or other improper means, the Government may collect from that person the whole or a part of the sum equivalent to the expenses incurred in paying the insurance benefit.

2. Where the preceding paragraph applies, when the payment of the insurance benefit was due to a false report or certification by an employer (where a master contractor is regarded as the employer under the provisions of Article 8 Paragraphs 1 or 2 of the *Premiums Collection Law*, the said master contractor; hereinafter the same applies), the Government may order the said employer to pay the monies to be collected under the provisions of the preceding paragraph on a joint and several basis with the person who has received the insurance benefit.

3. The provisions of Articles 26, 28, 29 and 41 of the *Premiums Collection Law* shall apply *mutatis mutandis* to the monies to be collected under the provisions of the preceding 2 paragraphs.

(Accidents Caused by Third Party Acts)

**Article 12-4.** When the Government has paid an insurance benefit where the accident which gave rise to the insurance benefit was caused by an act of a third party, the Government shall acquire the right of the person who has received the insurance benefit to claim damages from the third party, up to the limit of the amount of the benefit paid.

2. Where the preceding paragraph applies, when the person entitled to the insurance benefit has received damages from the said third party with respect to the same matter, the Government may decline to pay the insurance benefit, up to the limit of the amount of those damages.

(Protection of Entitlements to Insurance Benefits)

**Article 12-5.** Entitlements to insurance benefits shall not be altered by the retirement of the worker.

2. Entitlements to insurance benefits may not be transferred, offered as security or attached. Provided, however, that this shall not apply where an entitlement to insurance benefits in pension form is offered as security to the Labor Welfare

Corporation under the provisions of the *Labor Welfare Corporation Law* (Law No. 126 of 1957).

(Non-taxability of Insurance Benefits)

**Article 12-6.** Taxes and other public imposts shall not be imposed on the basis of money and goods received as payment of insurance benefits.

(Notification of Matters concerning Insurance Benefits)

**Article 12-7.** A person entitled to insurance benefits shall, in accordance with the provisions of Ministry of Health, Labor & Welfare ordinances, provide notification to the Government of necessary matters provided for in Ministry of Health, Labor & Welfare ordinances in respect of insurance benefits or submit necessary documents or other articles provided for in Ministry of Health, Labor & Welfare ordinances in respect of insurance benefits.

## **Section II. Insurance Benefits in Respect of Employment Injury**

(Kinds of Insurance Benefits in Respect of Employment Injury and Grounds for Payment)

**Article 12-8.** The insurance benefits in respect of employment injury referred to in Article 7 Paragraph 1 Item 1 shall be as follows:

- (1) Medical compensation benefit;
- (2) Temporary absence compensation benefit;
- (3) Disability compensation benefit;
- (4) Survivors' compensation benefit;
- (5) Expenses for funeral rites;
- (6) Injury and disease compensation pension.
- (7) Nursing care compensation benefit

2. The insurance benefits (excluding the injury and disease compensation pension and nursing care compensation benefit) provided for in the preceding paragraph shall, where the grounds for accident compensation provided for in Articles 75 to 77 and 79 and 80 of the *Labor Standards Law* have arisen, be paid to workers or survivors who are to receive compensation or to those who conduct the funeral, on the basis of requests by those persons.

3. The injury and disease compensation pension shall be paid to a worker when the said worker, who was injured or contracted a disease resulting from employment, falls within all of the following items on the day on which one year and 6 months have elapsed after the commencement of medical treatment for the said injury or disease, or falls within all of the following items after the said day, for the period during which the said condition continues to exist:

- (1) The said injury or disease has not healed or been cured;
- (2) The degree of disability due to the said injury or disease falls within a grade of injury and disease prescribed by Ministry of Health, Labor & Welfare ordinances.

4. The nursing care compensation benefit shall be paid to a worker when the said worker, who is entitled receive the disability compensation pension or the injury and disease compensation pension, is in a condition requiring and is receiving constant or occasional nursing care, to the extent prescribed by Ministry of Health, Labor & Welfare ordinances, where the disability is grounds for the payment of that disability compensation pension or the injury and disease compensation pension to which the worker is entitled, during the period the said nursing care is received, on the basis of a request by the said worker (excluding the following periods):

- (1) Periods in a sanitarium for the physically disabled provided for in Article 30 of the *Physically Disabled Persons Welfare Law* (Law No. 283 of 1949) or comparable facilities prescribed by the Minister of Health, Labor & Welfare;
- (2) Periods of admission to hospitals or medical clinics.

(Medical Compensation Benefit)

**Article 13.** The medical compensation benefit shall be the benefit for medical treatment.

2. The scope of the benefit for medical treatment referred to in the preceding paragraph shall be as provided for in each of the following items (limited to those considered necessary by the Government):

- (1) Medical examination;
- (2) Supply of medicines or materials for medical treatment;
- (3) Medical procedures, operations and other medical treatment;
- (4) Management of home-based convalescence and care accompanying that convalescence and other nursing care;
- (5) Admission to hospital or medical clinics and care accompanying that convalescence and other nursing care;
- (6) Transport.

3. The Government may, where it is difficult to grant the benefit for convalescence mentioned in Paragraph 1 and in other cases prescribed by Ministry of Health, Labor & Welfare ordinances, pay the expenses of convalescence instead of granting the convalescence benefit.

(Temporary Absence Compensation Benefit)

**Article 14.** The temporary absence compensation benefit shall be paid from the 4<sup>th</sup> day on which a worker who cannot work on account of medical treatment for an injury or disease resulting from employment does not, as a result, receive wages. The benefit amount for one day shall be an amount equivalent to 60 percent of the basic daily benefit amount. Provided, however, that the amount of the temporary absence compensation benefit for days on which a worker works for only a portion of the fixed ordinary working hours due to medical treatment for an injury or disease resulting from employment shall be an amount equivalent to 60 percent of the amount obtained by deducting the amount of the wages to be paid for the said work from the basic daily benefit amount (where the amount prescribed in Article 8-2 Paragraph 2 Item 2 [hereinafter in this paragraph “the maximum amount”] is regarded as the basic daily benefit amount, the basic daily benefit amount where the provisions of that item are regarded as having no application) (where the amount obtained by the said deduction exceeds the maximum amount, the amount equivalent to the maximum amount).

2. When a worker who receives the temporary absence compensation benefit is, on the same grounds, entitled to either the disability welfare pension under the provisions of the *Employees' Pension Insurance Law* (Law No. 115 of 1954) or the disability benefit basic pension under the provisions of the *National Pension Law* (Law No. 141 of 1959), the amount of the temporary absence compensation benefit payable to the said worker shall, notwithstanding the provisions of the preceding paragraph, be the amount obtained by multiplying the amount specified in the same paragraph, in accordance with the provisions of Items 1 to 3 of the Annexed Table No.1, by the rate for the injury and disease compensation pension amongst the rates prescribed by Cabinet Order in Items 1 to 3 of that table (where that amount is less than the amount prescribed by Cabinet Order, the amount prescribed by the said Cabinet Order).

(Cases where no Temporary Absence Compensation Benefit is Paid)

**Article 14-2.** No temporary absence compensation benefit shall be paid where a worker falls under any of the following items (limited to cases prescribed by Ministry of Health, Labor & Welfare ordinances):

- (1) Where a worker is confined in a prison, a workhouse or other equivalent facilities;
- (2) Where a worker is confined in a juvenile reformatory or other equivalent facilities.

(Disability Compensation Benefit)

**Article 15.** The disability compensation benefit shall be either the disability compensation pension or the disability compensation lump sum payment, in accordance with the grades of disability prescribed by Ministry of Health, Labor &

Welfare ordinances.

2. The amounts of the disability compensation pension or the disability compensation lump sum payment shall be as respectively prescribed in Annexed Table No. 1 or Annexed Table No. 2.

(Revision of the Disability Compensation Pension)

**Article 15-2.** Where there has been a change in the degree of the relevant disability of a worker receiving the disability compensation pension and as a result the said worker newly falls within some other grade of disability prescribed in Annexed Table No. 1 or Annexed Table No. 2, the Government shall, in accordance with the provisions of Ministry of Health, Labor & Welfare ordinances, pay the disability compensation pension or the disability compensation lump sum payment corresponding to the new grade of disability within which the said worker now falls and shall not pay the former disability compensation pension thereafter.

(Survivors' Compensation Benefit)

**Article 16.** The survivors' compensation benefit shall be either the survivors' compensation pension or the survivors' compensation lump sum payment.

(Scope of Eligible Recipients of the Survivors' Compensation Pension)

**Article 16-2.** The survivors who are eligible to receive the survivors' compensation pension shall be the worker's spouse, children, parents, grandchildren, grandparents, and siblings who were sustained by the earnings of the worker at the time of his or her death. Provided, however, that in the case of those other than a wife (including where the marriage was not registered but the wife was in a *de facto* marital relationship with the worker, hereinafter the same applies), this shall be limited to those who fell within the prerequisites in any of the following items at the time of the worker's death:

- (1) In relation to a husband (including where the marriage was not registered but the husband was in a *de facto* marital relationship with the worker; hereinafter the same applies), parents or grandparents, being 60 years of age or above;
- (2) In relation to children or grandchildren, being between the day of reaching 18 years of age and the first March 31 following that day;
- (3) In relation to siblings, being between the day of reaching 18 years of age and the first March 31 following that day or 60 years of age or above;
- (4) In relation to a husband, children, parents, grandchildren, grandparents, or siblings not falling within the provisions of the preceding 3 items, those having a disabling condition prescribed by Ministry of Health, Labor & Welfare ordinances.

2. When a child who was unborn at the time of the worker's death is born, the

child shall, for the purposes of the application of the provisions of the preceding paragraph, be regarded, looking to the future, as a child who was sustained by the earnings of the worker at the time of the worker's death.

3. The order of priority in which survivors are to receive the survivors' compensation pension shall be spouse, children, parents, grandchildren, grandparents and siblings.

(Amount of the Survivors' Compensation Pension)

**Article 16-3.** The amount of the survivors compensation pension shall be the amount provided for in Annexed Table No. 1.

2. Where there are 2 or more persons entitled to the survivors' compensation pension, the amount of the survivors' compensation pension shall, notwithstanding the provisions of the preceding paragraph, be the amount obtained by dividing the amount provided for in Annexed Table No. 1 by the number of persons concerned.

3. Where there has been an increase or decrease in the number of the survivors on the basis of which the amount of the survivors' compensation pension is calculated, the amount of the survivors' compensation pension shall be revised as from the month following the month in which the increase or decrease occurred.

4. Where the survivor who is entitled to the survivors' compensation pension is the worker's wife and there are no other survivors who are either wholly or partly sustained by the said wife eligible to receive the survivors' compensation pension, when the said wife falls within any of the following items, the amount of the survivors' compensation pension shall be revised as from the month following the month in which the wife fell within the item:

- (1) When the wife has reached 55 years of age (excluding where the wife has a disabling condition in Annexed Table No. 1 prescribed by Ministry of Health, Labor & Welfare ordinances);
- (2) When the wife acquires a disabling condition in Annexed Table No. 1 prescribed by Ministry of Health, Labor & Welfare ordinances or such circumstances have ceased to exist (excluding where the wife is aged 55 years or above).

(Loss of Entitlement to the Survivors' Compensation Pension)

**Article 16-4.** Entitlement to the survivors' compensation pension shall be extinguished when an entitled survivor falls within any of the following items. Where this is the case, when there is no person who holds the same rank in the order of priority but there is a person or persons who hold a lower rank, the survivors' compensation pension shall be paid to the person who holds the next rank:

- (1) When an entitled survivor has died;
- (2) When an entitled survivor has married (including where the marriage has not been registered but the survivor is in a *de facto* marital relationship);
- (3) When an entitled survivor has been adopted by a person other than his or her lineal blood-relative or his or her spouse's lineal relative (including where the adoption has not been registered but the survivor is in a *de facto* adoptive relationship);
- (4) When an entitled survivor's familial relationship to the deceased worker has come to an end by divorce or the dissolution of adoption;
- (5) In relation to children, grandchildren or siblings, when the first March 31 following their having reached 18 years of age ends (excluding where they have had a disabling condition referred to in Article 16-2 Paragraph 1 Item 4 prescribed by Ministry of Health, Labor & Welfare ordinances continuously from the time of death of the worker);
- (6) In relation to the husband, children, parents, grandchildren, grandparents, or siblings of the worker who have had a disabling condition referred to in Article 16-2 Paragraph 1 Item 4 prescribed by Ministry of Health, Labor & Welfare ordinances, when such circumstances have ceased to exist (excluding where, in relation to the husband, parents or grandparents of the worker, they were 60 years of age or above at the time of the worker's death, in relation to children or grandchildren of the worker, the circumstances ceased to exist before the first March 31 following the day of their reaching 18 years of age and in relation to siblings of the worker, the circumstances ceased to exist before the first March 31 following the day of their reaching 18 years of age or they were 60 years of age or above at the time of the worker's death).

2. When survivors entitled to the survivors' compensation pension fall within any of the items of the preceding paragraph, they shall cease to be survivors entitled to the survivors' compensation pension.

(Suspension of Payment of the Survivors' Compensation Pension)

**Article 16-5.** Where the whereabouts of a person who is entitled to the survivors' compensation pension have been unknown for at least one year, the payment of the said survivors' compensation pension shall, where there is a person who holds the same rank in the order of priority, on the application of the said person, or, where there is no such person, on the application of a person who holds the next rank in the order of priority, be suspended as long as those whereabouts are unknown. Where this is the case, when there is no person who holds the same rank, the person who holds the next rank shall be the person with priority entitlement for that period.

2. A survivor whose payment of the survivors' compensation pension has been suspended under the provisions of the preceding paragraph may apply for the

cancellation of the suspension of the payment at any time.

3. The provisions of Article 16-3 Paragraph 3 shall apply *mutatis mutandis* where the payment of the survivors' compensation pension has been suspended under the provisions of Paragraph 1 or where the suspension of the payment has been cancelled under the provisions of the preceding paragraph. Where this is the case, the words "the month in which the increase or decrease occurred" shall be read as "the month in which the payment was suspended or the suspension of the payment was cancelled".

(Survivors' Compensation Lump Sum Payment)

**Article 16-6.** The survivors' compensation lump sum payment shall be paid in the following circumstances:

- (1) When, at the time of the worker's death, there is no survivor entitled to the survivors' compensation pension;
- (2) When a person's entitlement to the survivors' compensation pension has been extinguished and there is no other survivor entitled to the said survivors' compensation pension and the total of the amount of the survivors' compensation pension paid in respect of the said worker's death as on the day the said entitlement is extinguished is less than the amount of the survivors' compensation lump sum payment payable when the circumstances listed in the preceding item apply.

2. Where the total amount of survivors' compensation pension prescribed in Item 2 of the preceding paragraph is calculated, in relation to the amount of survivors' compensation pension paid for a period before the July of the fiscal year to which the day of the extinguishing of the entitlement provided for in the same item belongs (where the month to which the day of the said extinguishing of the entitlement belongs falls within the months of April to July, the previous fiscal year; hereinafter the same applies in this paragraph), the amount shall be calculated according to the amount obtained by multiplying the amount actually paid by the rate prescribed by the Minister of Health, Labor & Welfare based on the rate obtained by dividing the average wage for the fiscal year before the fiscal year to which the day of the extinguishing of the said entitlement belongs, by the average wage for the fiscal year before the fiscal year to which the months for which the payment of the said survivor's compensation pension were made belong (where the said months fall within the months of April to July, the fiscal year 2 years before).

(Scope of Eligible Recipients of the Survivors Compensation Lump Sum Payment)

**Article 16-7.** The survivors who are eligible to receive the survivors' compensation lump sum payment shall be the persons listed in the following items:

- (1) The worker's spouse;
- (2) The worker's children, parents, grandchildren and grandparents who were sustained by his or her earnings at the time of his or her death;
- (3) The worker's children, parents, grandchildren and grandparents who do not fall within the provisions of the preceding item and the worker's siblings.

2. The order of priority of the survivors entitled to the survivors' compensation lump sum shall be in accordance with the order of the items in the preceding paragraph and where the person is listed in Items 2 and 3 of the same paragraph, the order shall be that listed respectively in those items.

(Amount of the Survivors' Compensation Lump Sum Payment)

**Article 16-8.** The amount of the survivors' compensation lump sum payment shall be the amounts provided for in Annexed Table No. 2.

2. The provisions of Article 16-3 Paragraph 2, shall apply *mutatis mutandis* to the amount of the survivors' compensation lump sum payment. Where this is the case, the words "Annexed Table No.1" in the same paragraph shall be read as "Annexed Table No.2".

(Disqualification)

**Article 16-9.** A person who has willfully caused the death of a worker shall not be regarded as a survivor who may receive the survivors' compensation benefit.

2. A person who, before the death of the worker, willfully caused the death of a person who would have held a higher priority or the same rank in the order of priority as a survivor who may receive the survivors' compensation pension as a result of the said worker's death, shall not be regarded as a survivor who may receive the survivors' compensation pension.

3. A person who has willfully caused the death of a survivor who may receive the survivors' compensation pension shall not be regarded as a survivor who may receive the survivors' compensation lump sum payment. The same shall apply to a person who, before the death of the worker, willfully caused the death of a person who would have become a survivor who may receive the survivors' compensation pension as a result of the said worker's death.

4. When a survivor who may receive the survivors' compensation pension has willfully caused the death of another survivor who held a higher priority or the same rank in the order of priority of the survivors who may receive the said pension, that person shall no longer be regarded as a survivor who may receive the said pension. Where this is the case, when that person is a person entitled to the survivors'

compensation pension, that entitlement shall be extinguished.

5. Where the latter part of the preceding paragraph applies, the provisions of the latter part of Article 16-4 Paragraph 1 shall apply *mutatis mutandis*.

(Expenses for Funeral Rites)

**Article 17.** The amount of the expenses for funeral rites shall be prescribed by the Minister of Health, Labor & Welfare after consideration of the expenses normally necessary for funerals.

(Injury and Disease Compensation Pension)

**Article 18.** The amount of the injury and disease compensation pension shall be as provided in Annexed Table No. 1 in accordance with the grades of injury and disease prescribed by Ministry of Health, Labor & Welfare ordinances referred to in Article 12-8 Paragraph 3 Item 2.

2. Temporary absence compensation benefit shall not be paid to a person who receives the injury and disease compensation pension.

(Alteration of the Injury and Disease Compensation Pension)

**Article 18-2.** Where there has been a change in the degree of the relevant disability of a worker receiving the injury and disease compensation pension and as a result that person newly falls within some other grade of injury and disease in Annexed Table No. 1, the Government shall, in accordance with the provisions of Ministry of Health, Labor & Welfare ordinances, pay the injury and disease compensation pension corresponding to the new grade of injury and disease within which the person now falls and shall not pay the former injury and disease compensation pension thereafter.

(Relationship with the *Labor Standards Law*)

**Article 19.** Where a worker who was injured or contracted a disease as a result of employment is receiving the injury and disease compensation pension on the day when 3 years have elapsed after the commencement of medical treatment for the said injury or disease, or begins to receive the injury and disease compensation pension after that same day, in relation to the application of the provisions of Article 19 Paragraph 1 of the *Labor Standards Law*, the relevant employer shall be regarded respectively as having paid discontinuance compensation under the provisions of Article 81 of the *Labor Standards Law* on the day when the said 3 years have elapsed or on the day when the worker begins to receive the injury and disease compensation pension.

(Nursing Care Compensation Benefit)

**Article 19-2.** Nursing care compensation benefit shall be paid in monthly units

and the monthly amount shall be an amount prescribed by the Minister of Health, Labor & Welfare in consideration of the normal expenses necessary for receiving constant or occasional care.

(Delegation to Ministry of Health, Labor & Welfare ordinances)

**Article 20.** Necessary matters in relation to insurance benefits in respect of employment injury shall, apart from what is prescribed in this Section, be prescribed by Ministry of Health, Labor & Welfare ordinances.

### **Section III. Insurance Benefits in Respect of Commuting Injury**

(Kinds of Insurance Benefits in Respect of Commuting Injury)

**Article 21.** Insurance benefits in respect of commuting injury referred to in Article 7 Paragraph 1 Item 2 shall be the insurance benefits listed as follows:

- (1) Medical treatment benefit;
- (2) Temporary absence benefit;
- (3) Disability benefit;
- (4) Survivors' benefit;
- (5) Funeral rites benefit;
- (6) Injury and disease pension;
- (7) Nursing care benefit.

(Medical Benefit)

**Article 22.** Where a worker has been injured or contracted a disease (limited to diseases prescribed by Ministry of Health, Labor & Welfare ordinances; hereinafter the same applies in this Section) as a result of commuting (meaning commuting referred to in Article 7 Paragraph 1 Item 2; hereinafter the same applies) medical treatment benefit shall be paid to the said worker on the basis of a request by the worker.

2. The provisions of Article 13 shall apply *mutatis mutandis* to medical treatment benefit.

(Temporary Absence Benefit)

**Article 22-2.** Where a worker is unable to work due to medical treatment for an injury or disease resulting from commuting and as a result does not receive wages, the temporary absence benefit shall be paid to the said worker on the basis of a request by the worker.

2. The provisions of Articles 14 and 14-2 shall apply *mutatis mutandis* to the temporary absence benefit. Where this is the case, the words "resulting from employment" in Article 14 Paragraph 1 shall be read as "resulting from commuting"

and the words “in accordance with the provisions of Items 1 to 3 of the Annexed Table No. 1...the rate for the injury and disease compensation pension amongst the rates prescribed by Cabinet Order in Items 1 to 3 of that table” in Paragraph 2 of the same article shall be read as “in accordance with the provisions of Items 1 to 3 of the Annexed Table No. 1 applied *mutatis mutandis* pursuant to Article 23 Paragraph 2... the rate for the injury and disease compensation pension amongst the rates prescribed by Cabinet Order in Items 1 to 3 of the same table.”

3. The amount of the temporary absence benefit to be paid to a worker receiving the medical treatment benefit (excluding those persons prescribed by Ministry of Health, Labor & Welfare ordinances referred to in Article 31 Paragraph 2) for the first day on which the grounds for its payment arose shall, notwithstanding the provisions of Article 14 Paragraph 1 applied *mutatis mutandis* pursuant to the preceding paragraph, be the amount obtained by subtracting the amount equivalent to the amount prescribed by Ministry of Health, Labor & Welfare ordinances referred to in Article 31 Paragraph 2 from the amount in that paragraph.

(Disability Benefit)

**Article 22-3.** Where a worker was injured or contracted a disease as a result of commuting and when he or she has recovered a physical disability exists, disability benefit shall be paid to the said worker on the basis of a request by the worker.

2. Disability benefit shall be paid in pension form or as a lump sum payment, in accordance with the grades of disabilities prescribed by Ministry of Health, Labor & Welfare ordinances referred to in Article 15 Paragraph 1.

3. The provisions of Article 15 Paragraph 2 and Article 15-2 as well as the provisions of Annexed Table No. 1 (limited to those parts relating to the disability compensation pension) and Annexed Table No. 2 (limited to those parts relating to the disability compensation lump sum payment) shall apply *mutatis mutandis* to disability benefit. Where this is the case, the words "disability compensation pension" and "disability compensation lump sum payment" in these provisions shall be read respectively as "disability pension" and "disability lump sum payment".

(Survivors' Benefit)

**Article 22-4.** Where a worker has died as a result of commuting, survivors' benefit shall be paid to the said worker's survivors on the basis of requests by the survivors.

2. Survivors' benefit shall be paid in pension form or as a lump sum payment.

3. The provisions of Articles 16-2 to 16-9 as well as the provisions of Annexed Table No. 1 (limited to those parts relating to the survivors' compensation pension)

and Annexed Table No. 2 (limited to those parts relating to the survivors' compensation lump sum payment) shall apply *mutatis mutandis* to survivors' benefit. Where this is the case, the words "survivors' compensation pension" and "survivors' compensation lump sum payment" in these provisions shall be read respectively as "survivors' pension" and "survivors' lump sum payment".

(Funeral Rites Benefit)

**Article 22-5.** Where a worker has died as a result of commuting, funeral rites benefit shall be paid to the person who conducts the funeral on the basis of a request by that person.

2. The provisions of Article 17 shall apply *mutatis mutandis* to funeral rites benefit.

(Injury and Disease Pension)

**Article 23.** The injury and disease pension shall be paid to a worker when the said worker, who was injured or contracted a disease resulting from commuting, falls within all of the following items on the day on which one year and 6 months have elapsed after the commencement of medical treatment for the said injury or disease or falls within all of the following items after the said day, for the period during which the said condition continues to exist:

- (1) The said injury or disease has not healed or been cured;
- (2) The degree of disability due to the said injury or disease falls within a grade of injury and disease prescribed by Ministry of Health, Labor & Welfare ordinances referred to in Article 12-8 Paragraph 3 Item 2.

2. The provisions of Article 18 and 18-2 as well as the provisions of Annexed Table No. 1 (limited to those parts relating to the injury and disease compensation pension) shall apply *mutatis mutandis* to the injury and disease pension. Where this is the case, the words "temporary absence compensation benefit" in Article 18 Paragraph 2 shall be read as "temporary absence benefit" and the words "injury and disease compensation pension" in that table shall be read as "injury and disease pension".

(Nursing Care Benefit)

**Article 24.** The nursing care benefit shall be paid to a worker when the said worker, who is entitled to the disability pension or the injury and disease pension, is in a condition requiring and is receiving constant or occasional care, to the extent prescribed by Ministry of Health, Labor and Welfare ordinances referred to in Article 12-8 Paragraph 4, where the disability is grounds for the payment of that disability pension or injury and disease pension to which the worker is entitled, during the period the said nursing care is received, on the basis of a request by the said worker

(excluding the following periods):

- (1) Periods in a sanitarium for the physically disabled provided for in Article 30 of the *Physically Disabled Persons Welfare Law* or comparable facilities prescribed by the Minister of Health, Labor & Welfare as provided for in Article 12-8 Paragraph 4 Item 1;
- (2) Periods of admission to hospitals or medical clinics.

2. The provisions of Article 19-2 shall apply *mutatis mutandis* to nursing care benefit.

(Delegation to Ministry of Health, Labor & Welfare ordinances)

**Article 25.** Necessary matters in relation to insurance benefits in respect of commuting injury shall, apart from what is prescribed in this Section, be prescribed by Ministry of Health, Labor & Welfare ordinances.

#### **Section IV Follow-up Medical Examination Benefit**

(Follow-up Medical Examination Benefit)

**Article 26.** Follow-up medical examination benefit shall be paid to a worker, where the said worker, who in the most recent of a medical examination conducted according to the provisions of Article 66 Paragraph 1 of the *Industrial Health and Safety Law* (Law No. 57 of 1965) or a medical examination related to the said medical examination conducted according to provisions of the proviso to Paragraph 5 of the same article (hereinafter in this paragraph "initial medical examination"), has undergone blood pressure tests or blood tests or other tests in relation to physical conditions related to the occurrence of neurovascular disease or heart disease on grounds resulting from employment, which are prescribed by Ministry of Health, Labor and Welfare ordinances, when the said worker who has undergone tests is diagnosed as having been observed to have an abnormality in any of the matters in those tests (excluding workers who, as a result of the said initial medical examination, are determined to have symptoms of pre-existing neurovascular disease or heart disease due to other circumstances), on the basis of a request by the said worker.

2. The scope of follow-up medical examination benefit shall be as follows:

- (1) Medical examinations by a medical practitioner who carries out tests (excluding tests provided for in the preceding paragraph) prescribed by Ministry of Health, Labor and Welfare ordinances necessary to comprehend the condition of brain blood vessels and the heart (limited to once per fiscal year; hereinafter in this Section "follow-up medical examinations");
- (2) Health guidance given by a public health nurse or medical practitioner by interview on the basis of the results of the follow-up medical examination in

order to prevent the occurrence of neurovascular disease and heart disease (limited to once per follow-up medical examination; in the next paragraph "specific health guidance");

- (3) The Government may, in relation to workers who, as a result of a follow-up medical examination, are determined to have symptoms of pre-existing neurovascular disease or heart disease due to other circumstances, decline to conduct specific health guidance related to the said follow-up medical examination.

(Measures for Employers)

**Article 27.** In relation to the application of the provisions of Article 66-4 of the *Industrial Health and Safety Law* to employers (meaning employers provided for by Article 2 Item 3 of that law) who have received, within a period not greater than 3 months from the day of the follow-up medical examination prescribed by Ministry of Health, Labor and Welfare ordinances, written proof of the results of the said follow-up medical examination from the worker who underwent the said follow-up medical examination, the words "the results of the medical examination (the said medical examination)" in that article shall be "the results of the medical examination and the results of the follow-up medical examination provided for in Article 26 Paragraph 2 Item 1 of the *Workers' Accident Compensation Law* (these medical examinations)".

(Delegation to Health and Safety Ordinances)

**Article 28.** Necessary matters in relation to follow-up medical examination benefit shall, apart from what is prescribed in this Section, be prescribed by Ministry of Health, Labor & Welfare ordinances.

## Chapter III-2. Labor Welfare Services

(Labor Welfare Services)

**Article 29.** The Government may undertake the following services as labor welfare services in order to promote the welfare of workers in undertakings covered by this insurance and their survivors:

- (1) The establishment and operation of facilities for medical treatment and rehabilitation, and other services necessary to promote the smooth reinstatement of workers having suffered employment injury or commuting injury (in the following item "victims");
- (2) Services necessary to assist victims whilst they undergo medical treatment, to assist in the care which victims receive, to assist their survivors in obtaining education, to assist victims and their survivors through extending loans of needed funds and to otherwise assist victims and their survivors.
- (3) Services necessary to assist in activities for the prevention of employment

injury, to establish and operate facilities for medical examination and to otherwise secure the safety and health of workers;

- (4) Services necessary to secure the payment of wages, to give guidance and assistance to employers in the management of matters pertaining to working conditions and to otherwise secure proper working conditions.

2. Standards necessary for the operation of the services listed in each item of the preceding paragraph shall be prescribed by Ministry of Health, Labor & Welfare ordinances.

3. The Government shall, of the labor welfare services provided for in Paragraph 1, have the Labor Welfare Corporation perform those services listed in Article 19 Paragraph 1 Item 1 of the *Labor Welfare Corporation Law*.

## Chapter IV. Cost Sharing

(Premiums)

**Article 30.** The premiums to be collected by the Government for the purpose of meeting the expenses necessary for workers' accident compensation insurance undertakings shall be governed by the provisions of the *Premiums Collection Law*.

(Collection of Expenses)

**Article 31.** The Government may, when insurance benefits have been paid in relation to an accident which falls within any of the following items, collect, in accordance with Ministry of Health, Labor & Welfare ordinances, the whole or a part of the amount of money equal to the amount spent to provide the insurance benefits from the employer, within the limit of the accident compensation sum prescribed by the provisions of the *Labor Standards Law* for insurance benefits in respect of employment injury, and within the limit of the accident compensation sum prescribed by the provisions of the same law corresponding to the insurance benefits in respect of employment injury payable where a commuting accident is regarded as an employment injury for insurance benefits in respect of commuting injury:

- (1) An accident arising during a period when the employer has failed, willfully or through gross negligence, to provide the notification provided for in Article 4-2 Paragraph 1 of the *Premiums Collection Law* and which is related to the coming into effect of the insurance relationship pertaining to this insurance (where the Government has made a decision with respect to the undertaking concerned pursuant to Article 15 Paragraph 3 of the *Premiums Collection Law*, then excluding the period after that decision);
- (2) An accident arising during a period when the employer has failed to pay the general premium referred to in Article 10 Paragraph 2 Item 1 of the *Premiums Collection Law* (limited to the period after the time limit specified in a letter of demand under Article 26 Paragraph 2 of the *Premiums Collection Law*);
- (3) An accident arising due to the willfulness or the gross negligence of the employer, which causes an employment injury.

2. The Government shall collect an amount prescribed by Ministry of Health, Labor & Welfare ordinances not exceeding 2 hundred yen from a worker who receives medical treatment benefit (excluding persons prescribed by Ministry of Health, Labor & Welfare ordinances) as the worker's share in the cost of the benefit. Provided, however, that this shall not apply in relation to a worker who has received temporary absence benefit at a reduced amount under the provisions of Article 22-2 Paragraph 3.

3. The Government may, in accordance with Ministry of Health, Labor & Welfare ordinances, as an appropriation of the share in the preceding paragraph

collected from the workers in the same paragraph, deduct an amount equivalent to the said share from the amount of the insurance benefit to be paid to the said workers.

4. The provisions of Articles 26, 28, 29 and 41 of the *Premiums Collection Law* shall apply *mutatis mutandis* to monies collected under the provisions of Paragraph 1 or Paragraph 2.

(Subsidy for Expenses)

**Article 32.** The National Treasury may subsidize part of the expenses necessary for workers' accident compensation insurance undertakings, within budgetary limits.

## Chapter IV-2. Specially Insured Persons

(Specially Insured Persons)

**Article 33.** The employment injury and commuting injury of persons falling within any of the following items (excluding workers who are persons falling within Items 2, 4 or 5) shall be governed by the provisions of this Chapter:

- (1) An employer in an undertaking (excluding undertakings prescribed by Ministry of Health, Labor & Welfare ordinances; in Item 7 “specified undertakings”) employing no more than the number of workers prescribed by Ministry of Health, Labor & Welfare ordinances and who has entrusted the handling of business concerning labor insurance referred to in Article 33 Paragraph 1 of the *Premiums Collection Law* to a labor insurance affairs association in Article 33 Paragraph 3 of the same law (hereinafter "labor insurance affairs association")(where the employer is a juridical person or other body, the representative thereof);
- (2) A person engaged in an undertaking operated by an employer in the preceding item;
- (3) A person who normally operates a type of undertaking prescribed by Ministry of Health, Labor & Welfare ordinances without employing any workers;
- (4) A person engaged in an undertaking operated by a person in the preceding item;
- (5) A person engaged in work of a kind prescribed by Ministry of Health, Labor & Welfare ordinances;
- (6) A person who is dispatched by an organization carrying out a technical cooperation undertaking in a developing area outside the area where this law is in effect (excluding undertakings of predetermined duration) to be engaged in a undertaking carried out in the said developing area (excluding areas in countries prescribed by Ministry of Health, Labor & Welfare ordinances taking into consideration conditions including protection systems in relation to employment injury and commuting injury and other circumstances) in order to perform the business of the said organization;
- (7) A person who is dispatched by an employer carrying out an undertaking in the area where this law is in effect (excluding undertakings of predetermined duration) to be engaged in a undertaking carried out in an area outside the area where this law is in effect (excluding areas in countries prescribed by Ministry of Health, Labor & Welfare ordinances taking into consideration conditions including protection systems in relation to employment injury and commuting injury and other circumstances) (limited when the said undertaking does not fall within the specified undertakings to persons who are dispatched as workers employed by the said undertaking).

(Special Insurance for Employers in Small to Medium Size Enterprises

**Article 34.** When an employer in Item 1 of the preceding article has made an application in relation to having persons listed in the same item and in Item 2 of the same article collectively enabled to receive insurance benefits in respect of employment injury and commuting injury under this insurance, based upon an insurance relationship established in relation to a said undertaking and the consent of the Government has been given, the application of the provisions of Chapter III Sections I to III and III-2 shall be governed by the provisions of the following items:

- (1) Persons listed in Items 1 and 2 of the preceding article shall be regarded as workers employed in the said undertakings;
- (2) Where a person listed in Items 1 or 2 of the preceding article has suffered injury or contracted a disease resulting from employment, when the person cannot be engaged in the said undertaking due to medical treatment for the injury or the disease or when a physical disability exists after the person has recovered from the injury or the disease, or when the person has died as a result of employment, grounds for accident compensation prescribed in Articles 75 to 77 and Articles 79 and 80 of the *Labor Standards Law* shall be regarded as having arisen;
- (3) The basic daily benefit amount for persons listed in Items 1 and 2 of the preceding article shall be an amount prescribed by the Minister of Health, Labor & Welfare in consideration of the amount of wages of workers employed in the said undertakings and other circumstances;
- (4) When an accident concerning a person listed in Items 1 or 2 of the preceding article arose during a period in which the Category 1 special insurance premiums in Article 10 Paragraph 2 Item 2 of the *Premiums Collection Law* were in arrears, the Government may decline to pay the whole or a part of the insurance benefit related to the said accident. The same shall also apply when an accident that caused employment injury to these persons arose due to the willful act or gross negligence of an employer in Item 1 of the preceding article.

2. An employer listed in Item 1 of the preceding article may, even after the consent of the Government in the preceding paragraph has been given, have the persons listed in the same item and Item 2 of the same article collectively disentitled to insurance benefits, with the consent of the Government.

3. The Government may, when an employer listed in Item 1 of the preceding article has violated the provisions of this law or the *Premiums Collection Law* or Ministry of Health, Labor & Welfare ordinances based on these laws, rescind the consent provided for in Paragraph 1.

4. The entitlement to insurance benefits of persons listed in Items 1 and 2 of the preceding article shall not be altered by the consent under the provisions of Paragraph

2 or the rescission of Paragraph 1 consent under the provisions of the preceding paragraph. The same shall apply even if these persons have ceased to be persons listed in Items 1 and 2 of the same article.

(Special Insurance for Sole Proprietors)

**Article 35.** When an association of persons listed in Article 33 Item 3 or an association of persons listed in Item 5 of the same article, has made an application in relation to having this insurance apply to employment injury and commuting injury to persons listed in Item 3 of the same article who are members of the said association and to persons listed in Item 4 of the same article related to those persons or to persons listed in Item 5 of the same article who are members of the said association (limited to employment injury for those of these persons prescribed by Ministry of Health, Labor & Welfare ordinances in consideration of the commuting and other conditions between their residence and workplace) and the consent of the Government has been given, the application of the provisions of Chapter III Sections I to III (for persons prescribed by the said Ministry of Health, Labor & Welfare ordinances, Sections I and II of the same Chapter) and Chapter III-2 and Chapters II to VI of the *Premiums Collection Law* shall be governed by the provisions of the following items:

- (1) The said association shall be regarded as a covered undertaking under Article 3 Paragraph 1 and as the employer thereof;
- (2) The day when the said consent was given shall be regarded as the day when the covered undertaking in the preceding item was commenced;
- (3) Persons related to the said association listed in Article 33 Items 3 to 5 shall be regarded as workers employed in a covered undertaking in Item 1;
- (4) The dissolution of the said association shall be regarded as the discontinuation of the undertaking;
- (5) The provisions of Paragraph 1 Item 2 of the preceding article shall apply *mutatis mutandis* to grounds for insurance benefits in respect of employment injury relating to a person in Article 33 Items 3 to 5. Where this is the case, in respect of persons listed in Item 5 of the same article, the words "resulting from employment" and "in the said undertaking" in Paragraph 1 Item 2 of the preceding article shall be read respectively as "resulting from the said work" and "in the said work";
- (6) The basic daily benefit amount for a person listed in Article 33 Items 3 to 5 shall be an amount prescribed by the Minister of Health, Labor & Welfare in consideration of circumstances including the wages of workers employed in undertakings of the same kind as, or similar to, the said undertaking, or employed in undertakings where work of the same kind as, or similar to, the said work is carried on;
- (7) When an accident concerning a person listed in Article 33 Items 3 to 5 arose during a period in which the Category 2 special insurance premiums in Article

10 Paragraph 2 Item 3 of the *Premiums Collection Law* were in arrears, the Government may decline to pay the whole or a part of the insurance benefit related to the said accident.

2. A person who, as a person listed in Items 3 to 5 of Article 33, is regarded as a worker under the provisions of Item 3 of the preceding paragraph in relation to one association, shall not, in respect of the same kind of undertaking or the same kind of work, also be regarded as a worker under the provisions of the same item in respect of another association.

3. An association in Paragraph 1 may, even after the consent in the same paragraph has been given, terminate the insurance relationship in relation to the said association, with the consent of the Government.

4. The Government may, when an association in Paragraph 1 has violated the provisions of this law, the *Premiums Collection Law*, or Ministry of Health, Labor & Welfare ordinances based on these laws, terminate the insurance relationship in relation to the said association.

5. The entitlement to insurance benefits of persons in Article 33 Items 3 to 5 shall not be altered by the withdrawal of persons listed in Items 3 or 5 of the same article from the association in Paragraph 1. The same shall apply even if a person in Items 3 to 5 of the same article has ceased to be a person in the said items.

(Special Insurance for Persons Dispatched Abroad)

**Article 36.** When an association in Article 33 Item 6 or an employer in Item 7 of the same Article has made an application in relation to having a person listed in Item 6 or 7 of the same article enabled to receive insurance benefits in respect of employment injury and commuting injury under this insurance, based on an insurance relationship in relation to an undertaking (excluding undertakings of predetermined duration) carried on by the said association or employer in the area where this law is in effect and the consent of the Government has been given, the application of the provisions of Chapters III, Section I to III and III-2 shall be governed by the provisions of the following items:

- (1) A person listed in Article 33 Items 6 or 7 shall be regarded as a worker employed in the said undertaking;
- (2) The provisions of Article 34 Paragraph 1 Item 2 shall apply *mutatis mutandis* in relation to the grounds for insurance benefits with respect to employment injury in relation to a person listed in Article 33 Items 6 or 7 and the provisions of Item 3 of the same paragraph shall apply *mutatis mutandis* in relation to the basic daily benefit amount for a person listed in Items 6 or 7 of the same article. Where this is the case, the words "the said undertaking" in Item 2 of the same

paragraph shall be read as "an undertaking to be carried out in a developing area specified in Article 33 Items 6 or 7 or in an area outside the area where this law is in effect";

- (3) When an accident concerning a person listed in Article 33 Items 6 or 7 arose during a period in which the Category 3 special insurance premiums in Article 10 Paragraph 2 Item 3-2 of the *Premiums Collection Law* were in arrears, the Government may decline to pay the whole or a part of the insurance benefits related to the said accident.

2. The provisions of Article 34 Paragraphs 2 and 3 shall apply *mutatis mutandis* in relation to an association in Article 33 Item 6, or an employer in Item 7 of the same article to whom the consent of the Government provided for in the preceding paragraph has been given and the provisions of Article 34 Paragraph 4 shall apply *mutatis mutandis* to the entitlement of a person listed in Article 33 Items 6 or 7 to insurance benefits. Where this is the case, the words "the consent...in the preceding paragraph" and "the consent...Paragraph 1" in these provisions shall be read as "the consent in Article 36 Paragraph 1" and the words "the persons listed in the same item and Item 2 of the same article collectively" in Article 34 Paragraph 2 as "a person listed in Items 6 or 7 of the same article" and the words "Items 1 and 2 of the same article" in Paragraph 4 of the same article as "Article 33 Items 6 or 7".

(Delegation to Ministry of Health, Labor & Welfare ordinances)

**Article 37.** Necessary matters in respect of the employment injury and commuting injury of persons listed in each item of Article 33 shall, apart from what is prescribed in this Chapter, be prescribed by Ministry of Health, Labor & Welfare ordinances.

## **Chapter V. Filing of Complaints and Legal Proceedings**

(Requests for Examination in Respect of Insurance Benefits)

**Article 38.** A person who is dissatisfied with a decision in respect of insurance benefits may request the Worker's Accident Compensation Insurance Referee to examine the decision and a person who is dissatisfied with the decision of that examination may request a re-examination by the Labor Insurance Appeal Committee.

2. Persons requesting the examination in Paragraph 1 may, when there is no decision in relation to the examination after 3 months have elapsed from the day on which the request was made, bypass the decision in relation to the resolution of the said examination request and request a re-examination by the Labor Insurance Appeal Committee.

3. The examination request in Paragraph 1 and the re-examination requests in

the preceding 2 paragraphs shall be regarded as judicial requests with respect to the suspension of the statute of limitations.

(Partial Non-Application of the *Administrative Complaint Examination Law*)

**Article 39.** The provisions of Chapter II Sections 1,2 and 5 (excluding Articles 18 and 19) of the *Administrative Complaint Examination Law* (Law No. 160 of 1962) shall not apply in relation to examination requests under Paragraph 1 of the preceding article or re-examination requests under Paragraphs 1 or 2 of the same article.

(Filing of Complaint Required before Instituting Legal Proceedings)

**Article 40.** Legal proceedings for the revocation of a disposition provided for in Article 38 Paragraph 1 shall not be instituted until a ruling has been given by the Labor Insurance Appeal Committee on a request for re-examination of the said disposition. Provided, however that this shall not apply when any of the following items apply:

- (1) When there is no ruling after 3 months have elapsed from the day on which the request for re-examination was made;
- (2) When there is a need for urgency in order to avoid conspicuous harm that would occur through awaiting the ruling in relation to the request for re-examination or there are other appropriate grounds in relation to bypassing the ruling.

(Application *Mutatis Mutandis*)

**Article 41.** The provisions of Article 37 of the *Premiums Collection Law* shall apply *mutatis mutandis* to the monies to be collected under the provisions of Article 31 Paragraph 1 and the provisions of Article 38 of the *Premiums Collection Law* shall apply *mutatis mutandis* to the monies to be collected under the provisions of Article 12-3 Paragraphs 1 and 2 and Article 31 Paragraph 1.

## Chapter VI. Miscellaneous Provisions

(Statute of Limitations)

**Article 42.** The entitlement to medical treatment compensation benefit, temporary absence compensation benefit, expenses for funeral rites, nursing care compensation benefit, medical treatment benefit, temporary absence benefit, funeral rites benefit, nursing care benefit and follow-up medical examination benefit shall be extinguished by the statute of limitations when 2 years have elapsed and the entitlement to disability compensation benefit, survivors' compensation benefit, disability benefit and the survivors' benefit shall be extinguished by the statute of limitations when 5 years have elapsed.

(Calculation of Periods of Time)

**Article 43.** The provisions of the *Civil Code* concerning the calculation of periods of time shall apply *mutatis mutandis* to the calculation of periods of time provided for in this law or in Cabinet Orders and Ministry of Health, Labor & Welfare ordinances based on this law.

(Exemption from Stamp Duty)

**Article 44.** Stamp duty shall not be imposed on documents regarding workers' accident compensation insurance.

(Free Certification of Matters in Family Register)

**Article 45.** The mayor of a city or town or the head of a village (for special wards and designated cities in Article 252-19 Paragraph 1 of the *Local Autonomy Law* (Law No. 67 of 1947), the head of a ward) may, in accordance with the provisions of the by-laws of the said city (including special wards), town or village, issue a certificate in respect of the family register of a person or survivor seeking to receive insurance benefits, to the administrative office or the person seeking to receive insurance benefits, free of charge.

(Reports and Appearances by Employers)

**Article 46.** The administrative office may, in accordance with Ministry of Health, Labor & Welfare ordinances, order a person who employs workers, a labor insurance affairs association or an association provided for in Article 35 Paragraph 1 to make a report, submit a document, or make an appearance necessary for the enforcement of this law.

(Reports and Appearances by Workers and Recipients)

**Article 47.** The administrative office may, in accordance with Ministry of Health, Labor & Welfare ordinances, order a worker employed in an undertaking for which insurance has come into effect (including a person regarded as a worker employed in the said undertaking pursuant to the provisions of Article 34 Paragraph 1

Item 1, Article 35 Paragraph 1 Item 3 or Article 36 Paragraph 1 Item 1) or a person who receives or seeks to receive insurance benefits to submit a report or provide a notification, document or other article (hereinafter “report *inter alia*” in this article) or to make an appearance necessary for the enforcement of this law, or may order a third party who caused an accident which caused the payment of insurance benefits (in Article 53 “third party”) to make a report *inter alia*.

(Order to Undergo Medical Examination)

**Article 47-2.** The administrative office may, when it is determined to be necessary with respect to insurance benefits, order a person who receives or seeks to receive insurance benefits (including those on the basis of whom the amount of the survivors’ compensation pension or survivors’ pension is calculated) to undergo a diagnosis by a physician designated by that office.

(Temporary Suspension of the Payment of Insurance Benefits)

**Article 47-3.** The Government may temporarily suspend the payment of insurance benefits when, without just cause, a person entitled to insurance benefits does not provide notification or submit a document or other article according to the provisions of Article 12-7 or does not comply with an order in accordance with the preceding 2 articles.

(On-the-spot Inspections)

**Article 48.** The administrative office may, within the limits necessary for the enforcement of this law, have administrative office staff enter the workplace of a covered undertaking, or the office of a labor insurance affairs association or of an association provided for in Article 35 Paragraph 1 and question relevant persons or inspect documents of accounts or other articles.

2. A staff member making an on-the-spot inspection under the provisions of the preceding paragraph must carry proof of his or her identity and present it to the relevant persons.

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

(Orders to Persons Responsible for Medical Examinations)

**Article 49.** The administrative office may, when it is determined to be necessary for insurance benefits, in accordance with Ministry of Health, Labor & Welfare ordinances, order a physician or other person responsible for the medical examination of a worker who receives or seeks to receive insurance benefits (including those on the basis of whom the amount of the survivors’ compensation pension or survivors’ pension is calculated) to present a report in relation to matters in respect of the medical examination of the worker or medical records, documents of accounts or other articles, or may have the said staff member inspect these items.

2. The provisions of Paragraph 2 of the preceding article shall apply *mutatis mutandis* to an inspection under the preceding paragraph and the provisions of Paragraph 3 of the same article shall apply *mutatis mutandis* to an authority under the preceding paragraph.

(Delegation of Orders for Transitional Measures)

**Article 49-2.** Where a Cabinet Order or Ministry of Health, Labor & Welfare Ordinance is established or abrogated pursuant to this law, necessary transitional measures may be provided for by Cabinet Order or Ministry of Health, Labor & Welfare ordinances respectively, within the limits deemed reasonably necessary to accompany that establishment or abrogation.

(Delegation of Authority of the Minister of Health, Labor & Welfare)

**Article 49-3.** Part of the authority of the Minister of Health, Labor & Welfare prescribed by this law may, in accordance with the provisions of Ministry of Health, Labor & Welfare ordinances, be delegated to the Prefectural Labor Directors.

(Enforcement Details)

**Article 50.** Detailed matters in respect of the enforcement of this law shall be prescribed by Ministry of Health, Labor & Welfare ordinances.

## Chapter VII. Penal Provisions

(Penal Provisions with Respect to Employers)

**Article 51.** When an employer falls within any of the following items, the employer shall be punished with penal servitude not exceeding 6 months or a fine not exceeding 300,000 yen. Where a labor insurance affairs association or association provided for in Article 35 Paragraph 1 falls within any of these items, the same shall apply to the representative, agent or employee of, or other worker engaged by, the said labor insurance affairs association or said association, who committed the violation:

- (1) Where the employer or association has failed to make a report or has made a false report, or has failed to submit a document or has submitted a document containing a false entry, in violation of an order pursuant to the provisions of Article 46;
- (2) Where the employer or association has failed to answer or has made a false statement in response to a question, or has refused, impeded or evaded an inspection by a said staff member pursuant to the provisions of Article 48 Paragraph 1.

**Article 52.** Deleted.

(Penal Provisions concerning Persons Other than Employers)

**Article 53.** When a person other than an employer, a labor insurance affairs association or an association provided for in Article 35 Paragraph 1 (excluding a third party) falls within any of the following items, the person shall be punished with penal servitude not exceeding 6 months or a fine not exceeding 200,000 yen:

- (1) Where the person has failed to make a report or provide notification or has made or provided a false report or notification, or has failed to submit a document or other article or has submitted a document containing a false entry in violation of an order pursuant to the provisions of Article 47;
- (2) Where the person has failed to answer, or has made a false statement in response to a question, or has refused, impeded or evaded an inspection by a said staff member pursuant to the provisions of Article 48 Paragraph 1;
- (3) Where the person has failed to make a report or has made a false report or has failed to present medical records, documents of accounts or other articles in violation of an order pursuant to the provisions of Article 49 Paragraph 1, or has refused, impeded or evaded an inspection pursuant to the provisions of the same article.

(Provisions to Punish Both Parties)

**Article 54.** When a representative of a juridical person (including labor

insurance affairs associations and associations provided for in Article 35 Paragraph 1 which are not juridical persons; hereinafter the same applies in this paragraph) or an agent, employee or worker engaged by a person or by a juridical person, has committed, in respect of the business of the said person or juridical person, a violation under Article 51 or the preceding article, in addition to punishing the person who committed the violation, the said person or juridical person shall each also be punished by fine under this article.

2. Where a labor insurance affairs association or association provided for in Article 35 Paragraph 1 which is not a juridical person is punished pursuant to the provisions of the preceding paragraph, the representative of the labor insurance affairs association or association shall represent the labor insurance affairs association or association in the legal proceedings, and in addition, the provisions of laws in respect to criminal procedure where a juridical person is an accused or a suspect shall apply *mutatis mutandis*.

### **Supplementary Provisions**

**Article 55.** The date when this law shall come into effect shall be fixed by Imperial Ordinance.

(Disability Compensation Pension Balance Lump Sum Payment)

**Article 58.** When a person entitled to a disability compensation pension has died, when the total of the amount of the said disability compensation pension (for the part of the said disability compensation pension paid for the period before the July of the fiscal year to which the day on which the person died belongs [where the month to which the said day on which the person died belongs falls within April to July, the previous fiscal year; hereinafter the same applies in this paragraph] the amount obtained by calculations made in accordance with the cases in the provisions of Article 16-6 Paragraph 2 in accordance with the provisions of Ministry of Health, Labor and Welfare ordinances) and the amount of the disability compensation pension advance lump sum payment related to the said disability compensation pension paid to the said person ( where the grounds for the payment of the said disability pension advance lump sum payment arose before the July of the fiscal year to which the said day on which the person died belongs, the amount obtained by calculations made following the method of calculating the amount of the survivors' compensation pension in accordance with the provisions of the same paragraph in accordance with the provisions of Ministry of Health, Labor and Welfare ordinances) is less than the amount of those listed in the right-hand column of the following table corresponding to the grade of disability related to the relevant disability compensation pension listed in the left-hand column of that table (where the said day on which the person died is a day on or after August 1 of the fiscal year 2 years after the fiscal year to which the day of calculation belongs, the amounts obtainable where

the amount obtained by calculations made in accordance with the cases in the provisions of Article 8-3 Paragraph 1 applied *mutatis mutandis* pursuant to Article 8-4 in accordance with the provisions of Ministry of Health, Labor and Welfare ordinances is the basic daily benefit amount in the same table), the Government shall, for the time being, pay a disability compensation pension balance lump sum payment equivalent to the amount of that balance as an insurance benefit to the survivors of the said person, on the basis of a request by the said survivors.

Grade of Disability	Amount
1 <sup>st</sup> Grade	1,340 days of the basic daily benefit amount
2 <sup>nd</sup> Grade	1,190 days of the basic daily benefit amount
3 <sup>rd</sup> Grade	1,050 days of the basic daily benefit amount
4 <sup>th</sup> Grade	920 days of the basic daily benefit amount
5 <sup>th</sup> Grade	790 days of the basic daily benefit amount
6 <sup>th</sup> Grade	670 days of the basic daily benefit amount
7 <sup>th</sup> Grade	560 days of the basic daily benefit amount

2. The survivors eligible to receive the disability compensation pension balance lump sum payment shall be those listed in the following items. Where this is the case, the order of priority of the survivors entitled to the disability compensation pension balance lump sum payment shall be in accordance with the order of the following items, and the order of those listed within each of the said items shall be the order listed in each of the said items:

- (1) The spouse, children, parents, grandchildren, grandparents and siblings of a worker, who were either wholly or partially sustained by the worker at the time of the worker's death;
- (2) The spouse, children, parents, grandchildren, grandparents and siblings who do not fall within the preceding item.

3. Entitlement to the disability compensation pension balance lump sum payment shall be extinguished by the statute of limitations when 5 years have elapsed.

4. The disability compensation pension balance lump sum payment shall be regarded as a survivors' compensation benefit, the provisions of Article 10 applying and shall be regarded as a survivors' compensation lump sum payment paid pursuant to Article 16-6 Paragraph 1 Item 2, the provisions of Article 12 Paragraph 3 and Article 20 Paragraph 1 of the *Premiums Collection Law* applying.

5. The provisions of Article 16-3 Paragraph 2 and Article 16-9 Paragraphs 1 and 2 shall apply *mutatis mutandis* to the disability compensation pension balance lump sum payment. Where this is the case, the words "the preceding paragraph" and

“Annexed Table No. 1” in Article 16-3 Paragraph 2 shall be read respectively as "Article 58 Paragraph 1" and "the same paragraph."

(Disability Compensation Pension Advance Lump Sum Payment)

**Article 59.** The Government shall, for the time being, where a worker has suffered injury or contracted a disease resulting from employment and a disability exists after the worker has recovered, pay a disability compensation pension advance lump sum payment with respect to the said disability, as an insurance benefit, to the person entitled to the disability compensation pension, on the basis of a request by the said person.

2. The amount of the disability compensation pension advance lump sum payment shall be the amount prescribed by Ministry of Health, Labor & Welfare ordinances, corresponding to the grade of disability related to the relevant disability compensation pension listed in the left-hand column of the table in Paragraph 1 of the preceding article, within the limit of the amount of those listed in the right-hand column of the same table (where there has been a request under the preceding paragraph on or after August 1 of the fiscal year 2 years after the fiscal year to which the day of calculation belongs, the amounts obtainable where the basic daily benefit amount obtainable when the said disability compensation pension advance lump sum payment is regarded as a disability compensation lump sum payment and the provisions of Article 8-4 are applied is the basic daily benefit amount in the same table).

3. Where a disability compensation pension advance lump sum payment is paid, the payment of the disability compensation pension relating to the disability of the said worker shall be suspended for the period until the total of the amounts of the pension that would have been payable each month, calculated in accordance with the method prescribed by Ministry of Health, Labor & Welfare ordinances, reaches the amount of the said disability compensation pension advance lump sum payment.

4. Entitlement to the disability compensation pension advance lump sum payment shall be extinguished by the statute of limitations when 2 years have elapsed.

5. The disability compensation pension advance lump sum payment shall be regarded as the disability compensation pension, the provisions of Article 12 Paragraph 3 and Article 20 Paragraph 1 of the *Premiums Collection Law* applying.

6. During the period in which payment of the disability compensation pension that would have been payable to the person who has received a disability compensation pension advance lump sum payment is suspended under the provisions of Paragraph 3, the said disability compensation pension shall not be subject to the

application of the provisions of Article 65 Paragraph 2 of the *National Pension Law* (hereinafter in this paragraph and Paragraph 7 of the following article "*old National Pension Law*") prior to its revision pursuant to the provisions of Article 1 of the *Law for the Partial Revision of the National Pension Law* (Law No. 34 of 1985; hereinafter in this paragraph and Paragraph 7 of the following article "Law No. 34 of 1985"), which is regarded as still valid pursuant to the provisions of Article 36-2 Paragraph 2 of the *National Pension Law* and of Article 32 Paragraph 11 of the *Supplementary Provisions to Law No. 34 of 1985* (including in cases under Article 28 Paragraph 10 of the *Supplementary Provisions to Law No. 34 of 1985* and in cases of *mutatis mutandis* application in Article 79-2 Paragraph 5 of the *old National Pension Law* which is regarded as still valid pursuant to the provisions of Article 32 Paragraph 11 of the *Supplementary Provisions to Law No. 34 of 1985*; the same applies in Paragraph 7 of the following article); nor to the provisions of the proviso to Article 4 Paragraph 3 Item 2 of the *Child Support Allowance Law* (Law No. 238 of 1961); nor to the provisions of the provisos to Article 3 Paragraph 3 Item 2 and Article 17 Item 1 of the *Law Concerning the Grant of Special Child Bearing Allowance* (Law No. 134 of 1964).

(Survivors' Compensation Pension Advance Lump Sum Payment)

**Article 60.** The Government shall, for the time being, where a worker has died due to grounds resulting from employment, pay a survivors' compensation pension advance payment lump sum payment with respect to the said death, as an insurance benefit, to the survivors entitled to the survivors' compensation pension, on the basis of a request by the said survivors.

2. The amount of the survivors' compensation pension advance lump sum payment shall be an amount prescribed by Ministry of Health, Labor & Welfare ordinances, within the limits of the amount equivalent to 1,000 days of the basic daily benefit amount (where there has been a request under the preceding paragraph on or after August 1 of the fiscal year 2 years after the fiscal year to which the day of calculation belongs, the amount corresponding to the basic daily benefit amount obtainable when the said survivors' compensation pension advance lump sum payment is regarded as a survivors' compensation lump sum payment and the provisions of Article 8-4 are applied.)

3. Where a survivors' compensation pension advance lump sum payment is paid, the payment of the survivors' compensation pension shall be suspended for the period until the total amount of the amounts of the pension that would have been payable each month, calculated in accordance with the method prescribed by Ministry of Health, Labor & Welfare ordinances, reaches the amount of the said survivors' compensation pension advance lump sum payment.

4. In relation to the application of the provisions of Article 16-6 where the

survivors' compensation pension advance lump sum payment is made, the words "the amount of the survivors' compensation pension" in Paragraph 1 Item 2 of that article shall be read as "the amount of the survivors' compensation pension and the amount of the survivors' compensation pension advance lump sum payment (where the grounds for payment of the said survivors' compensation pension advance lump sum payment arose before the July of the fiscal year to which the day on which the said entitlement was extinguished belongs [where the month to which the day on which the said entitlement was extinguished belongs falls within the months from April to July, the previous fiscal year], the amount obtained by calculations made in accordance with the method of calculation of the amount of the survivors' compensation pension pursuant to the provisions of the following paragraph in accordance with the provisions of Ministry of Health, Labor & Welfare ordinances)".

5. Entitlement to the survivors' compensation pension advance lump sum payment shall be extinguished by the statute of limitations when 2 years have elapsed.

6. The survivors' compensation pension advance lump sum payment shall be regarded as the survivors' compensation pension, Article 12 Paragraph 3 and Article 20 Paragraph 1 of the *Premiums Collection Law* applying.

7. During the period in which payment of the survivors' compensation pension that would have been payable to the person who has received a survivors' compensation pension advance lump sum payment is suspended under the provisions of Paragraph 3, the said survivors' compensation pension shall not be subject to the application of the provisions of Article 65 Paragraph 2 of the old *National Pension Law*, which is regarded as still valid pursuant to the provisions of Article 36-2 Paragraph 2 of the *National Pension Law* and of Article 32 Paragraph 11 of the *Supplementary Provisions to Law No. 34 of 1985*; nor to the provisions of the provisos to Article 4 Paragraph 2 Item 2 and Article 4 Paragraph 3 Item 2 of the *Child Support Allowance Law*.

(Disability Pension Balance Lump Sum Payment)

**Article 61.** Where a person entitled to the disability pension has died and the total of the amount of the said disability pension (for the part of the said disability pension paid for the period before the July of the fiscal year to which the said day on which the person died belongs [where the month to which the day on which the said entitlement was extinguished belongs falls within the months from April to July, the previous fiscal year; hereinafter the same applies in this paragraph], the amount obtained by calculations made in accordance with the cases in the provisions of Article 16-6 Paragraph 2 in accordance with the provisions of Ministry of Health, Labor and Welfare ordinances) and the amount of the disability pension advance lump sum payment related to the said disability pension (where the grounds for

payment of the said disability pension advance lump sum payment arose before the July of the fiscal year to which the said day on which the person died belongs, the amount obtained by calculations made in accordance with the method of calculation of the amount of the survivors' compensation pension pursuant to the provisions of the same paragraph in accordance with the provisions of Ministry of Health, Labor and Welfare ordinances) paid to the said person is less than the amount of those listed in the right-hand column of the table in Article 58 Paragraph 1 corresponding to the grade of disability related to the relevant disability pension listed in the left-hand column of that table (where the said day on which the person died is on or after August 1 of the fiscal year 2 years after the fiscal year to which the day of calculation belongs, the amount obtainable where the amount obtained by calculations made in accordance with the cases in the provisions of Article 8-3 Paragraph 1 applied *mutatis mutandis* pursuant to Article 8-4 in accordance with the provisions of Ministry of Health, Labor and Welfare ordinances is the basic daily benefit amount in the same table), the Government shall, for the time being, pay a disability pension balance lump sum payment equivalent to the amount of that balance as an insurance benefit, to the survivors of the said person, on the basis of a request by the said survivors.

2. The disability pension balance lump sum payment shall be regarded as a survivors' benefit, the provisions of Article 10 applying.

3. The provisions of Article 16-3 Paragraph 2, Article 16-9 Paragraphs 1 and 2 and Article 58 Paragraphs 2 and 3 shall apply *mutatis mutandis* to the disability pension balance lump sum payment. Where this is the case, the words "the preceding paragraph" in Article 16-3 Paragraph 2 shall be read as "Article 61 Paragraph 1" and the words "Annexed Table No. 1" in Article 16-3 Paragraph 2 shall be read as "the same paragraph".

(Disability Pension Advance Lump Sum Payment)

**Article 62.** The Government shall, for the time being, with respect to a disability where a worker has suffered injury or contracted a disease resulting from commuting and a disability exists after the worker has recovered, pay a disability pension advance lump sum payment, as an insurance benefit, to the person entitled to the disability pension, on the basis of a request by the said person.

2. The amount of the disability pension advance lump sum payment shall be an amount prescribed by Ministry of Health, Labor & Welfare ordinances provided for in Article 59 Paragraph 2 corresponding to the grade of disability related to the relevant disability pension listed in the left-hand column of the table in Article 58 Paragraph 1.

3. The provisions of Article 59 Paragraphs 3,4 and 6 shall apply *mutatis mutandis* to the disability pension advance lump sum payment. Where this is the case,

the words "the disability compensation pension" in Paragraphs 3 and 6 of the same article shall be read as "the disability pension".

(Survivors' Pension Advance Lump Sum Payment)

**Article 63.** Where a worker has died as a result of commuting, the Government shall, for the time being, with respect to the said death, pay a survivors' pension advance lump sum payment, as an insurance benefit, to the survivors entitled to the survivors' pension, on the basis of a request by the said survivors.

2. The amount of the survivors' pension advance lump sum payment shall be an amount prescribed by Ministry of Health, Labor & Welfare ordinances provided for in Article 60 Paragraph 2.

3. The provisions of Article 60 Paragraphs 3 to 5 and 7 shall apply *mutatis mutandis* to the survivors' pension advance lump sum payment. Where this is the case, the words "the survivors' compensation pension" in Paragraph 3 of the same article shall be read as "the survivors' pension", the words "Article 16-6" and "the amount of survivors' compensation pension" in Paragraph 4 of the same article shall be read respectively as "Article 16-6 read under the provisions of Article 22-4 Paragraph 3" and "the amount of survivors' pension" and the words "of the survivors' compensation pension" and "the said survivors' compensation pension" in Paragraph 7 of the same article shall be read respectively as "of the survivors' pension" and "the said survivors' pension".

(Interim Measures concerning Adjustments vis a vis Damages)

**Article 64.** Where a worker or his or her survivors are to receive the disability compensation pension, the survivors' compensation pension or the disability pension or the survivors' pension (hereinafter "pension benefits" in this article) (limited to where the person would be able, at the time when the said person or persons have become entitled to the said pension benefit, to request the disability compensation pension advance lump sum payment, the survivors' compensation pension advance lump sum payment, the disability pension advance lump sum payment or the survivors' pension advance payment lump sum payment related to the said pension benefit [hereinafter "advance lump sum benefit payments" in this article]) and when the said person or persons is eligible to receive damages based on the *Civil Code* or other laws (hereinafter simply "damages"; limited to that part of the damages which compensates for loss compensated for by the pension benefit) from an employer who is employing, or has employed, the said worker, with respect to the same grounds, the said damages shall, for the time being, be subject to the following provisions:

(1) The employer may, during the period until the entitlement of the said worker or his or her survivors to the pension benefit is extinguished, decline to perform the obligation to pay the damages, within the limit of the total amount which,

when calculated at the legal rate of interest for the period between the time the loss occurred until the time when the advance lump sum benefit payment would be payable, would be the same as the amount of the said advance lump sum benefit payment (where liability for damages is exempted pursuant to the provisions of the next item, the amount obtained by deducting the said exempted amount);

- (2) When a pension benefit or an advance lump sum benefit payment has been paid during a period in which the obligation to pay damages has been deferred pursuant to the provisions of the preceding item, the employer shall be exempted from liability for damages, up to the limit of the total amount which, when calculated at the legal rate of interest for the period between the time the loss occurred until the time when the said payment was made, would be the same as the amount of the said pension benefit or advance lump sum benefit payment.

2. Where a worker is eligible or his or her survivors are eligible to receive damages from an employer who is employing or has employed the said worker concerned, and, at the time an insurance benefit would be payable, has received damages (limited to that part of the damages which compensates for loss compensated for by the pension benefit), with respect to the same grounds, the Government may decline to pay an insurance benefit within the limit of the amount set pursuant to standards prescribed by the Minister of Health, Labor & Welfare following discussions by the Labor Policy Council. Provided, however, that where a pension benefit specified in the preceding paragraph is to be received, this shall not apply in relation to the insurance benefits listed below:

- (1) Pension benefits (limited to pension benefits in relation to the period until the total of the amounts of money that would be payable each month to a worker or his or her survivors reaches the amount calculated in accordance with the method prescribed by Ministry of Health, Labor & Welfare ordinances equivalent to the maximum limit of the advance lump sum benefit payment relating to the relevant pension benefit [for those who have received the said advance lump sum benefit payment, the amount after deducting the amount of the said payment]);
- (2) The disability compensation pension balance lump sum payment and the survivors' compensation lump sum payment and disability pension balance lump sum payment paid under Article 16-6 Paragraph 1 Item 2 and the survivors' lump sum payment paid where Article 16-6 Paragraph 1 Item 2 is read under Article 22-4 Paragraph 3 and applied *mutatis mutandis*;
- (3) Advance lump sum benefit payments.

## **Supplementary Provisions (Excerpts)**

(Law No. 130 of 1965)

(Special Provisions with Respect to the Survivors' Compensation Pension)

**Article 43.** Until the scope of the survivors eligible to receive the survivors' compensation pension is revised pursuant to the provisions of Article 45 of the Supplementary Provisions, the husband (including where the marriage was not registered but the husband was in a *de facto* marital relationship with the worker, hereinafter the same applies in the following paragraph), parents, grand-parents and siblings of a worker who were sustained by the earnings of the worker and were 55 years of age or above and below 60 years of age at the time of the death of the worker (excluding those provided for in Article 16-2 Paragraph 1 Item 4 of the *Workers' Accident Compensation Insurance Law* who do not fall within Article 16-4 Paragraph 1 Item 6 of the same law) shall, notwithstanding the provisions of Article 16-2 Paragraph 1 of the same law, be survivors eligible to receive the survivors' compensation pension pursuant to the provisions of the same law. Where this is the case, the expression "any of the items" in Article 16-4 Paragraph 2 of the same law shall be read as "any of the items (excluding Item 6)", and the expression "the survivors eligible to receive the survivors' compensation pension" in the survivors' compensation pension column of Annexed Table No. 1 of the same law shall be read as "the survivors eligible to receive the survivors' compensation pension (excluding those survivors provided for in Article 43 Paragraph 1 of the Supplementary Provisions of the *Law Partially Revising the Workers' Accident Compensation Insurance Law* (Law No. 130 of 1965) who are below 60 years of age)".

2. The priority in which the survivors provided for in the preceding paragraph are to receive the survivors' compensation pension shall be next in order after the priority of the survivors provided for in Article 16-2 Paragraph 1 of the *Workers' Accident Compensation Insurance Law* and as among the survivors provided for in the preceding paragraph the order shall be that of husband, parents, grandparents, and siblings of the worker.

3. Payment of the survivors' compensation pension to be paid to a survivor provided for in Paragraph 1 shall be suspended until the month in which the said survivor reaches 60 years of age. Provided, however, that this shall not affect the application of the provisions of Article 60 of the *Workers' Accident Compensation Insurance Law*.

## **Supplementary Provisions (Excerpt)**

(Law No. 83 of 1969)

(Provisional Measures with Respect to Undertakings Covered by Workers' Accident Compensation Insurance)

**Article 12.** Undertakings prescribed by Cabinet Order other than those undertakings listed below, shall not, for the time being, be undertakings covered under the provisions of Article 3 Paragraph 1 of the *Workers' Accident Compensation Insurance Law* as revised by the provisions of Article 2:

- (1) Undertakings provided for by Article 3 Paragraph 1 of the *Workers' Accident Compensation Insurance Law* before its amendment by the provisions of Article 2;
- (2) Undertakings falling within agricultural undertakings (excluding stockbreeding and sericulture undertakings) which are undertakings carried on by persons, among the persons to whom the provisions of Article 35 Paragraph 1 Item 3 of the *Workers' Accident Compensation Insurance Law* applies, who are listed in Article 33 Items 3 or 5 of the same law or undertakings related to the work concerned (including undertakings carried on by those persons which continue to employ workers after the provisions of Article 35 Paragraph 1 Item 3 ceases to apply).

2. Undertakings in the preceding paragraph prescribed by Cabinet Order shall be voluntarily covered undertakings.

**Supplementary Provisions (Excerpt)**  
(Law No. 85 of 1973)

(Special Provisions with Respect to the Survivors' Pension)

**Article 5.** The husband (including where the marriage was not registered but the husband was in a *de facto* marital relationship with the worker), parents, grand-parents and siblings of a worker who were sustained by the earnings of the worker and were 55 years of age or above and below 60 years of age at the time of the death of the worker as a result of commuting (excluding those provided for in Article 16-2 Paragraph 1 Item 4 of the *Workers' Accident Compensation Insurance Law* applied *mutatis mutandis* pursuant to Article 22-4 Paragraph 3 of that law who are not provided for in Article 16-4 Paragraph 1 Item 6 of that law applied *mutatis mutandis* pursuant to Article 22-4 Paragraph 3 of that law) shall, for the time being, notwithstanding the provisions of Article 16-2 Paragraph 1 of that law applied *mutatis mutandis* pursuant to Article 22-4 Article 3 of that law, be survivors eligible to receive the survivors' pension pursuant to the provisions of that law. Where this is the case, the expression "any one of the items" in Article 16-4 Paragraph 2 of the *Workers' Accident Compensation Insurance Law* applied *mutatis mutandis* pursuant to Paragraph 3 of Article 22-4 of that law shall be read as "any one of the items (excluding Item 6)" and the expression "the survivors eligible to receive the survivors' compensation pension" in the survivors' compensation pension column of Annexed Table No. I of the *Workers' Accident Compensation Insurance Law* shall be read as "the survivors eligible to receive the survivors' pension (excluding those

survivors provided for in Article 5 Paragraph 1 of the Supplementary Provisions of the *Law Partially Revising the Workers' Accident Compensation Insurance Law* (Law No. 85 of 1973) who are below 60 years of age)".

2. The provisions of Article 43 Paragraphs 2 and 3 of the Supplementary Provisions of the *Law Revising Parts of the Workers' Accident Compensation Insurance Law* (Law No. 130 of 1965) shall apply *mutatis mutandis* to the survivors provided for in the preceding paragraph. Where this is the case, the term "survivors' compensation pension" in Paragraph 2 of the same article shall be read as "survivors' pension" and the terms "survivors' compensation pension" and "Article 60" in Paragraph 3 of the same article shall be read respectively as "survivors' pension" and "Article 63".

**Annexed Table No. 1** (Relating to Articles 14, 15, 15-2, 16-3, 18, 18-2, 22-3, 22-4 and 23)

- (1) Where the disability compensation pension, the injury and disease compensation pension or the survivors' compensation pension and the disability welfare pension under the provisions of the *Welfare Pension Insurance Law* and the basic disability pension under the provisions of the *National Pension Law* (excluding the basic disability pension under the provisions of Article 30-4 of the same law; hereinafter the same applies), or the survivors' welfare pension under the provisions of the *Welfare Pension Insurance Law* and the basic survivors' pension or the widow's pension under the provisions of the *National Pension Law* are paid due to the same grounds (meaning, for the disability compensation pension and the survivors' compensation pension, the disability or death respectively concerned and for the injury and disease compensation pension, the state of disability resulting from the injury or disease concerned; hereinafter the same applies), the amount obtained by multiplying the amount shown in the right-hand column by the rate prescribed by Cabinet Order for the categories of insurance benefits in pension form listed under (a) to (c) below, within the limit of not less than the rate obtained by calculations made in accordance with the provisions listed under (a) to (c) respectively (where the amount thus obtained is less than the amount fixed by Cabinet Order, the said amount prescribed by Cabinet Order):
- a Disability compensation pension--  
The rate obtained by dividing the amount after deducting the amount obtained by multiplying by 50 percent the average amount of the total amount paid to the persons below of the disability welfare pension under the provisions of the *Welfare Pension Insurance Law* plus the disability basic pension under the provisions of the *National Pension Law* during the insurance year 2 years prior, from the average amount of the disability compensation pension paid (meaning the amount of the disability compensation pension which would have been paid to these persons if the disability welfare pension under the provisions of the *Welfare Pension Insurance Law* and the basic disability pension under the provisions of the *National Pension Law* had not been paid) during the insurance year 2 years prior (meaning the period from April 1 in the year 2 years prior to March 31 in the previous year; hereinafter the same applies in this item) to all of those who were receiving the disability compensation pension and, due to the same grounds, the disability welfare pension under the provisions of the *Welfare Pension Insurance Law* and the basic disability pension under the provisions of the *National Pension Law*, by the said average amount of the disability compensation pension paid;
  - b Survivors' compensation pension--  
The rate obtained by calculations made in accordance with the provisions of (a) after reading the words "the disability compensation pension", "the disability welfare pension" and "the basic disability pension" in (a) as "the survivors' compensation pension", "the survivors' welfare pension" and "the basic survivor's pension or widow's pension" respectively;
  - c Injury and disease compensation pension--  
The rate obtained by calculations made in accordance with the provisions of (a) after reading the words "the disability compensation pension" in (a) as "the injury and disease compensation pension".
- (2) Where, the disability compensation pension, the injury and disease compensation pension or the survivors' compensation pension and the disability welfare pension or the survivors' welfare pension under the provisions of the *Welfare Pension Insurance Law* (excluding cases provided for by Item 1) are paid due to the same grounds, the amount obtained by multiplying the amount shown in the right-hand column by the rate prescribed by Cabinet Order in

accordance with the rates prescribed by Cabinet Order in the preceding item for the categories of insurance benefits in pension form (where the amount obtained is less than the amount prescribed by Cabinet Order, the said amount prescribed by Cabinet Order):

- (3) Where the disability compensation pension or the injury and disease compensation pension or the survivors' compensation pension, and the basic disability pension or the basic survivors' pension or the widow's pension under the provisions of the *National Pension Law* are paid due to the same grounds (excluding the cases provided for by Item 1 and where the disability mutual aid pension or the survivors' mutual aid pension are paid due to the said same grounds under the provisions of the *National Public Employees Mutual Aid Association Law* (Law No. 128 of 1958), the *Local Public Employees Mutual Aid Association Law* (Law No. 152 of 1962), or the *Private School Teachers' Mutual Aid Law* (Law No. 245 of 1953)), the amount obtained by multiplying the amount shown in the right-hand column by the rate prescribed by Cabinet Order in accordance with the rates prescribed by Cabinet Order in Item 1 for the categories of insurance benefits in pension form (where the amount obtained is less than the amount prescribed by Cabinet Order, the said amount prescribed by Cabinet Order).
- (4) In cases other than those in the preceding 3 items, the amount in the right-hand column.

Pension Category	Amount	
Disability Compensation Pension	(1) Those who have a disability falling within the 1st grade of disability	313 days of the basic daily benefit amount
	(2) Those who have a disability falling within the 2nd grade of disability	277 days of the basic daily benefit amount
	(3) Those who have a disability falling within the 3rd grade of disability	245 days of the basic daily benefit amount
	(4) Those who have a disability falling within the 4th grade of disability	213 days of the basic daily benefit amount
	(5) Those who have a disability falling within the 5th grade of disability	184 days of the basic daily benefit amount
	(6) Those who have a disability falling within the 6th grade of disability	156 days of the basic daily benefit amount
	(7) Those who have a disability falling within the 7th grade of disability	131 days of the basic daily benefit amount

Survivors' Compensation Pension	<p>The amounts listed in each of the following items for the categories listed in the each of the said following items of the number of survivors entitled to the survivors' compensation pension and survivors eligible to receive the survivors' compensation pension who are either wholly or partially sustained by the said survivors entitled to the survivors' compensation pension</p> <p>(1) One person: 153 days of the basic daily benefit amount. Provided, however, that for a wife of 55 years of age or above or a wife in a state of disability prescribed by Ministry of Health, Labor &amp; Welfare ordinances, 175 days of the basic daily benefit amount;</p> <p>(2) 2 persons: 201 days of the basic daily benefit amount;</p> <p>(3) 3 persons: 223 days of the basic daily benefit amount;</p> <p>(4) 4 or more persons: 245 days of the basic daily benefit amount.</p>
Injury and Disease Compensation Pension	<p>(1) Those who are in a state of disability falling within the 1<sup>st</sup> grade of injury and disease: 313 days of the basic daily benefit amount</p> <p>(2) Those who are in a state of disability falling within the 2<sup>nd</sup> grade of injury and disease: 277 days of the basic daily benefit amount</p> <p>(3) Those who are in a state of disability falling within the 3<sup>rd</sup> grade of injury and disease: 245 days of the basic daily benefit amount</p>

**Annexed Table No. 2** (Relating to Articles 15, 15-2, 16-8, 22-3 and 22-4)

Lump Sum Payment Category	Amount	
Disability Compensation Lump Sum Payment	<ol style="list-style-type: none"> <li>(1) Those who have a disability falling within the 8th grade of disability</li> <li>(2) Those who have a disability falling within the 9th grade of disability</li> <li>(3) Those who have a disability falling within the 10th grade of disability</li> <li>(4) Those who have a disability falling within the 11th grade of disability</li> <li>(5) Those who have a disability falling within the 12th grade of disability</li> <li>(6) Those who have a disability falling within the 13th grade of disability</li> <li>(7) Those who have a disability falling within the 14th grade of disability</li> </ol>	<p>503 days of the basic daily benefit amount</p> <p>391 days of the basic daily benefit amount</p> <p>302 days of the basic daily benefit amount</p> <p>223 days of the basic daily benefit amount</p> <p>156 days of the basic daily benefit amount</p> <p>101 days of the basic daily benefit amount</p> <p>56 days of the basic daily benefit amount</p>
Survivors' Compensation Lump Sum Payment	<ol style="list-style-type: none"> <li>(1) Where Article 16-6 Paragraph 1 Item 1 applies</li> <li>(2) Where Article 16-6 Paragraph 1 Item 2 applies</li> </ol>	<p>1,000 days of the basic daily benefit amount</p> <p>The amount after deducting the total amount of the survivors' compensation pension provided for in Article 16-6 Paragraph 1 Item 2 from 1000 days of the basic daily benefit amount</p>

**Workers' Accident Compensation Insurance Law  
Enforcement Order**

(Excerpt)

(Cabinet Order No. 33 of 1977)

(Provisional Translation by the Japan Institute of Labor)

Amendments:

Cabinet Order No. 318 of Dec. 5, 1980

Cabinet Order No. 265 of Sept. 25, 1982

Cabinet Order No. 59 of Mar. 29, 1986

Cabinet Order No. 9 of Jan. 27, 1987

Cabinet Order No. 64 of Mar. 31, 1988

Cabinet Order No. 220 of July 20, 1990

Cabinet Order No. 1 of Jan. 4, 2001

# Workers' Accident Compensation Insurance Law Enforcement Order

(Excerpt)

(Cabinet Order No. 33 of March 23, 1977)

(Amount Prescribed by Cabinet Order in Article 14 Paragraph 2 of the Law)

**Article 1.** The amounts prescribed by Cabinet Order in Article 14 Paragraph 2 of the *Workers' Accident Compensation Insurance Law* (hereinafter "the Law") shall be the amounts corresponding to the amounts remaining after deducting, from the amount in Paragraph 1 of the same article, the amount obtained by dividing by 365 the amount of the disability welfare pension under the provisions of the *Welfare Pension Insurance Law* (Law No. 115 of 1954) (hereinafter to Article 5 Paragraph 1 simply "disability welfare pension") or the basic disability pension under the provisions of the *National Pension Law* (Law No. 141 of 1959) (excluding the basic disability pension pursuant to the provisions of Article 30-4 of the same law; hereinafter to Article 7 Paragraph 1 simply "basic disability pension") paid due to the same grounds (where the disability welfare pension and the basic disability pension are paid due to the same grounds, the total of these benefit amounts paid in pension form).

2. The provisions of the preceding paragraph shall apply *mutatis mutandis* in relation to the amount prescribed by Cabinet Order in Article 14 Paragraph 2 of the Law applied *mutatis mutandis* pursuant to Article 22-2 Paragraph 2 of the Law. Where this is the case, the words "Paragraph 1 of the same article" shall be read as "Article 14 Paragraph 1 of the Law applied *mutatis mutandis* pursuant to Article 22-2 Paragraph 2 of the Law".

(Rates Prescribed by Cabinet Order in Item 1 of Annexed Table No. 1 to the Law)

**Article 2.** The rates fixed by Cabinet Order in Item 1 of Annexed Table No. 1 to the Law (including the cases where the same provisions are applied *mutatis mutandis* pursuant to Article 22-3 Paragraph 3, Article 22-4 Paragraph 3 and Article 23 Paragraph 2 of the Law) shall be the rates listed in the right-hand column of the table below for the categories of insurance benefit in pension form listed in the left-hand column of the table.

Disability Compensation Pension
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0.73
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Disability Pension	
Survivors' Compensation Pension	0.80
Survivors' Pension	
Injury and Disease Compensation Pension	0.73
Injury and Disease Pension	

(Amounts Prescribed by Cabinet Order in Item 1 of Annexed Table No. 1 to the Law)

**Article 3.** The amounts fixed by Cabinet Order in Item 1 of Annexed Table No. 1 to the Law shall be the amounts equivalent to the amounts remaining after deducting, from the amounts listed in the right-hand column of the same table, the total of the disability welfare pension and the basic disability pension, or the total of the survivors' welfare pension under the provisions of the *Welfare Pension Insurance Law* (simply "survivors' welfare pension" in Article 5 Paragraph 1) and the basic survivors' pension under the provisions of the *National Pension Law* (simply "basic survivors' pension" in Article 7 Paragraph 1) or the widow's pension under the provisions of the same law (simply "widow's pension" in Article 7 Paragraph 1) paid due to the same grounds (meaning the disability or death concerned for the disability compensation pension and the survivors' compensation pension respectively and the state of disability due to the injury or disease concerned for the injury and disease compensation pension).

2. The provisions of the preceding paragraph shall apply *mutatis mutandis* in relation to the amounts prescribed by Cabinet Order in Item 1 of Annexed Table No. 1 to the Law applied *mutatis mutandis* pursuant to Article 22-3 Paragraph 3, paragraph 3 of Article 22-4 Paragraph 3 and Article 23 Paragraph 2 of the Law. Where this is the case, the words "the same table", "the disability compensation pension and the survivors' compensation pension" and "the injury and disease compensation pension" in the preceding paragraph shall be read respectively as "the same table applied *mutatis mutandis* pursuant to Article 22-3 Paragraph 3, Article 22-4 Paragraph 3 and Article 23 Paragraph 2 of the Law", "the disability pension and the survivors' pension" and "the injury and disease pension".

(Rates Prescribed by Cabinet Order in Item 2 of Annexed Table No. 1 to the Law)

**Article 4.** The rates prescribed by Cabinet Order in Item 2 of Annexed Table No. 1 to the Law (including where the same provisions are applied *mutatis mutandis* pursuant to Article 22-3 Paragraph 3, Article 22-4 Paragraph 3 and Article 23 Paragraph 2 of the Law) shall be the rates shown in the right-hand column of the table below for the categories of insurance benefits in pension form listed in the left-hand column of the table.

Survivors' Compensation Pension	0.84
Survivors' Pension	
Injury and Disease Compensation Pension	0.86
Injury and Disease Pension	

(Amounts Prescribed by Cabinet Order in Item 2 of Annexed Table No. 1 to the Law)

**Article 5.** The amounts prescribed by Cabinet Order in Item 2 of Annexed Table No. 1 to the Law shall be the amounts equivalent to the amounts remaining after deducting, from the amounts listed in the right-hand column of the same table, the amounts of the disability welfare pension or the survivors' welfare pension paid due to the same grounds (meaning the disability or death concerned for the physical disability compensation and the survivors' compensation pension respectively and the state of disability due to the injury or disease concerned for the injury and disease compensation pension).

2. The provisions of the preceding paragraph shall apply *mutatis mutandis* to the amounts prescribed by Cabinet Order in Item 2 of Annexed Table No. 1 to the Law applied *mutatis mutandis* pursuant to Article 22-3 Paragraph 3, Article 22-4 Paragraph 3 and Article 23 Paragraph 2 of the Law. Where this is the case, the words "the same table", "the disability compensation pension and the survivors' compensation pension" and "the injury and disease compensation pension" in the preceding paragraph shall be read respectively as "the same table applied *mutatis mutandis* pursuant to Article 22-3 Paragraph 3, Article 22-4 Paragraph 3 and Article 23 Paragraph 2 of the Law", "the disability pension and the survivors' pension" and "the injury and disease pension".

(Rates Prescribed by Cabinet Order in Item 3 of Annexed Table No. 1 to the Law)

**Article 6.** The rates prescribed by Cabinet Order in Item 3 of Annexed Table No. 1 to the Law (including where the same provisions are applied *mutatis mutandis* pursuant to Article 22-3 Paragraph 3, Article 22-4 Paragraph 3 and Article 23 Paragraph 2 of the Law) shall be the rates listed in the right-hand column of the table below for the categories of insurance benefits in pension form listed in the left-hand column of the table.

Disability Compensation Pension	0.88
Disability Pension	
Survivors' Compensation Pension	0.88
Survivors' Pension	
Injury and Disease Compensation Pension	0.88
Injury and Disease Pension	

(Amounts Prescribed by Cabinet Order in Item 3 of Annexed Table No. 1 to the Law)

**Article 7.** The amounts prescribed by Cabinet Order in Item 3 of Annexed Table No. 1 to the Law shall be the amounts equivalent to the amounts remaining after deducting, from the amounts listed in the right-hand column of the same table, the amounts of the basic disability pension or the basic survivor's pension or the widow's pension paid due to the same grounds (meaning the disability or death concerned for the disability compensation pension and the survivors' compensation pension respectively and the state of disability due to the injury or disease concerned for the injury and disease compensation pension).

3. The provisions of the preceding paragraph shall apply *mutatis mutandis* to the amounts prescribed by Cabinet Order in Item 3 of Annexed Table No. 1 to the Law applied *mutatis mutandis* pursuant to Article 22-3 Paragraph 3, Article 22-4 Paragraph 3 and Article 23 Paragraph 2 of the Law. Where this is the case, the words " the same table ", "the disability compensation pension and the survivors' compensation pension" and "the injury and disease compensation pension" in the preceding paragraph shall be read respectively as " the same table applied *mutatis mutandis* pursuant to Article 22-3 Paragraph 3, Article 22-4 Paragraph 3 and Article 23 Paragraph 2 of the Law", "the disability pension and the survivors' pension" and "the injury and disease pension".

# **Workers' Accident Compensation Insurance Law Enforcement Regulations**

**(Excerpt)**

(Ministry of Labor Ordinance No. 22 of September 1, 1955)

(Provisional Translation by the Japan Institute of Labor)

# Workers' Accident Compensation Insurance Law Enforcement Regulations

(Ministry of Labor Ordinance No. 22 of September 1, 1955)

(Excerpt)

**Annexed Table No. 1** Table of Disability Grades  
(Related to Articles 14, 15 and 18-8)

Disability Grade	Content of Benefit	Physical Disability
1st grade	313 days of the basic daily benefit amount per year as long as the disability exists	<ol style="list-style-type: none"> <li>1. Those who are blind in both eyes.</li> <li>2. Those who have lost the functions of mastication and speech.</li> <li>3. Those who are left with serious impairment in the functions of the nervous system or in the psyche and require continuous nursing care.</li> <li>4. Those who are left with serious impairment in the functions of the thorax and abdominal organs and require continuous nursing care.</li> <li>5. Deleted.</li> <li>6. Those who have lost both upper limbs above the elbow joint.</li> <li>7. Those who have completely lost the functions of both upper limbs.</li> <li>8. Those who have lost both lower limbs above the knee joint.</li> <li>9. Those who have completely lost the functions of both lower limbs.</li> </ol>
2nd grade	277 days of the same	<ol style="list-style-type: none"> <li>1. Those who are blind in one eye and whose vision has decreased to 0.02 or less in the other eye.</li> <li>2. Those whose vision in both eyes has decreased to 0.02 or less.</li> <li>2-2. Those who are left with serious impairment in the functions of the nervous system or in the psyche and require occasional nursing care.</li> <li>2-3. Those who are left with serious impairment in the functions of the thorax and abdominal organs and require occasional nursing care.</li> <li>3. Those who have lost both upper limbs above the wrist joint.</li> <li>4. Those who have lost both lower limbs above the ankle joint.</li> </ol>
3rd grade	245 days of the same	<ol style="list-style-type: none"> <li>1. Those who are blind in one eye and whose vision has</li> </ol>

		<p>decreased to 0.06 or less in the other eye.</p> <ol style="list-style-type: none"> <li>2. Those who have lost the functions of mastication or speech.</li> <li>3. Those who are left with serious impairment in the functions of the nervous system or in the psyche and will be unable to engage in labor for the rest of their lives.</li> <li>4. Those who are left with serious impairment in the functions of the thorax and abdominal organs and will be unable to engage in labor for the rest of their lives.</li> <li>5. Those who have lost all the fingers of both hands.</li> </ol>
4th grade	213 days of the same	<ol style="list-style-type: none"> <li>1. Those whose vision in both eyes has decreased to 0.06 or less.</li> <li>2. Those who are left with serious impairment in the functions of mastication and speech.</li> <li>3. Those who have completely lost the hearing in both ears.</li> <li>4. Those who have lost one upper limb above the elbow joint.</li> <li>5. Those who have lost one lower limb above the knee joint.</li> <li>6. Those who have lost the use of all the fingers of both hands.</li> <li>7. Those who have lost both feet above Lisfranc's joint.</li> </ol>
5th grade	184 days of the same	<ol style="list-style-type: none"> <li>1. Those who are blind in one eye and whose vision has decreased to 0.1 or less in the other eye.</li> <li>1-2. Those who are left with serious impairment in the functions of the nervous system or in the psyche and cannot engage in any labor, excluding especially light labor.</li> <li>1-3. Those who are left with serious impairment in the functions of the thorax and abdominal organs and cannot engage in any labor, excluding especially light labor.</li> <li>2. Those who have lost one upper limb above the wrist joint.</li> <li>3. Those who have lost one lower limb above the ankle joint.</li> <li>4. Those who have completely lost the use of one upper limb.</li> <li>5. Those who have completely lost the use of one lower limb.</li> <li>6. Those who have lost all the toes of both feet.</li> </ol>
6th grade	156 days of the same	<ol style="list-style-type: none"> <li>1. Those whose vision in both eyes has decreased to 0.1</li> </ol>

		<p>or less.</p> <ol style="list-style-type: none"> <li>2. Those who are left with serious impairment in the functions of mastication or speech.</li> <li>3. Those whose hearing in both ears has decreased to the extent that they cannot hear a loud voice unless it is next to their ears.</li> <li>3-2. Those who have completely lost the hearing in one ear and whose hearing in the other ear has decreased to the extent that they cannot hear an ordinary voice at a distance of more than 40 cm with that ear.</li> <li>4. Those who are left with a serious deformity or mobility impairment in the spinal column.</li> <li>5. Those who have lost the use of 2 of the 3 major joints in one upper limb.</li> <li>6. Those who have lost the use of 2 of the 3 major joints in one lower limb.</li> <li>7. Those who have lost the 5 fingers of one hand or 4 fingers of one hand including the thumb and the index finger.</li> </ol>
7th grade	131 days of the same	<ol style="list-style-type: none"> <li>1. Those who are blind in one eye and whose vision has decreased to 0.6 or less in the other eye.</li> <li>2. Those whose hearing in both ears has decreased to the extent that they cannot hear an ordinary voice at a distance of more than 40 cm.</li> <li>2-2. Those who have completely lost the hearing in one ear and whose hearing in the other ear has decreased to the extent that they cannot hear an ordinary voice at a distance of more than 1 m with that ear.</li> <li>3. Those who are left with impairment in the functions of the nervous system or in the psyche and cannot engage in any labor, excluding light labor.</li> <li>4. Deleted.</li> <li>5. Those who are left with impairment in the functions of the thorax and abdominal organs and cannot engage in any labor, excluding light labor.</li> <li>6. Those who have lost the thumb and the index finger of one hand or 3 fingers or more of one hand including either the thumb or the index finger.</li> <li>7. Those who have lost the use of 5 fingers of one hand or 4 fingers of one hand including the thumb and the index finger.</li> <li>8. Those who have lost one foot above Lisfranc's joint.</li> <li>9. Those who are left with an artificial joint in one upper limb and serious mobility impairment.</li> <li>10. Those who are left with an artificial joint in one lower limb and serious mobility impairment.</li> <li>11. Those who have lost the use of all the toes of both feet.</li> <li>12. Those females left with extreme deformities in their external appearance.</li> </ol>

		13. Those who have lost both testicles.
8th grade	503 days of the basic daily benefit amount	<ol style="list-style-type: none"> <li>1. Those who are blind in one eye or whose vision has decreased to 0.02 or less in one eye.</li> <li>2. Those who are left with mobility impairment in the spinal column.</li> <li>3. Those who have lost 2 fingers of one hand including the thumb.</li> <li>4. Those who have lost the use of the thumb and the index finger of one hand or 3 fingers or more of one hand including the thumb or the index finger.</li> <li>5. Those who have had one lower limb shortened by 5cm or more.</li> <li>6. Those who have lost the use of one of the 3 major joints in one upper limb.</li> <li>7. Those who have lost the use of one of the 3 major joints in one lower limb.</li> <li>8. Those who are left with an artificial joint in one upper limb.</li> <li>9. Those who are left with an artificial joint in one lower limb.</li> <li>10. Those who have lost all the toes of one foot.</li> <li>11. Those who have lost the spleen or the kidney on one side.</li> </ol>
9th grade	391 days of the same	<ol style="list-style-type: none"> <li>1. Those whose vision in both eyes has decreased to 0.6 or less.</li> <li>2. Those whose vision in one eye has decreased to 0.06 or less.</li> <li>3. Those who are left with hemianopsia, contraction of the field of vision or distortion of the field of vision in both eyes.</li> <li>4. Those who are left with serious damage to both eyelids.</li> <li>5. Those who have lost their noses and are left with serious impairment in the functions of the nose.</li> <li>6. Those who are left with impairment in the functions of mastication and speech.</li> <li>6-2. Those whose hearing in both ears has decreased to the extent that they cannot hear an ordinary voice at a distance of more than 1 m.</li> <li>6-3. Those whose hearing has decreased in one ear to the extent that they cannot hear a loud voice with that ear unless it is next to that ear and whose hearing in the other ear has decreased to the extent that they have difficulty in hearing an ordinary voice at a distance of more than 1 m with that ear.</li> <li>7. Those who have completely lost the hearing in one ear.</li> <li>7-2. Those who are left with impairment in the functions of the nervous system or in the psyche and for whom the labor in which they can engage is limited to a</li> </ol>

		<p>considerable extent.</p> <p>7-3. Those who are left with impairment in the functions of the thorax and abdominal organs and for whom the labor in which they can engage is limited to a considerable extent.</p> <p>8. Those who have lost the thumb of one hand, those who have lost 2 fingers including the index finger, or those who have lost the 3 fingers other than the thumb and the index finger.</p> <p>9. Those who have lost the use of 2 fingers of one hand including the thumb.</p> <p>10. Those who have lost 2 toes or more of one foot including the large toe.</p> <p>11. Those who have lost the use of all the toes of one foot.</p> <p>12. Those who are left with serious impairment in the genital organs.</p>
10 <sup>th</sup> grade	302 days of the same	<p>1. Those whose vision in one eye has decreased to 0.1 or less.</p> <p>2. Those who are left with impairment in the functions of mastication or speech.</p> <p>3. Those who have 14 teeth or more repaired dentally.</p> <p>3-2. Those whose hearing in both ears has decreased to the extent that they have difficulty in hearing an ordinary voice at a distance of more than 1 m.</p> <p>4. Those whose hearing in one ear has decreased to the extent that they cannot hear a loud voice with that ear unless it is next to that ear.</p> <p>5. Those who have lost the index finger of one hand thumb or the index finger.</p> <p>6. Those who have lost the use of the thumb of one hand, those who have lost the use of 2 fingers including the index finger, or those who have lost the use of the 3 fingers other than the thumb and the index finger.</p> <p>7. Those who have had one lower limb shortened by 3 cm or more.</p> <p>8. Those who have lost the large toe or the other 4 toes of one foot.</p> <p>9. Those who are left with serious impairment in the functions of one of the 3 major joints of one upper limb.</p> <p>10. Those who are left with serious impairment in the functions of one of the 3 major joints of one lower limb.</p>

11th grade	223 days of the same	<ol style="list-style-type: none"> <li>1. Those who are left with serious impairment in the adjustment function or mobility impairment in both eyeballs.</li> <li>2. Those who are left with serious mobility impairment in both eyelids.</li> <li>3. Those who are left with serious damage to one eyelid.</li> <li>3-2. Those who have 10 teeth or more repaired dentally.</li> <li>3-3. Those whose hearing in both ears has decreased to the extent that they cannot hear a low voice at a distance of more than 1 m.</li> <li>4. Those whose hearing in one ear has decreased to the extent that they cannot hear an ordinary voice at a distance of more than 40 cm with that ear.</li> <li>5. Those who are left with a deformity in the spinal column.</li> <li>6. Those who have lost the third or 4th finger of one hand.</li> <li>7. Those who have lost the use of the index finger of one hand, or those who have lost the use of 2 fingers of one hand not including the thumb and the index finger.</li> <li>8. Those who have lost the use of 2 toes or more of one foot including the large toe.</li> <li>9. Those who are left with impairment in the thorax and abdominal organs.</li> </ol>
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12 <sup>th</sup> grade	156 days of the same	<ol style="list-style-type: none"> <li>1. Those who are left with serious impairment in the adjustment function or mobility impairment in one eyeball.</li> <li>2. Those who are left with serious mobility impairment in one eyelid.</li> <li>3. Those who have 7 teeth or more repaired dentally.</li> <li>4. Those who have lost the major part of the auricle of one ear.</li> <li>5. Those who are left with serious deformity in the collarbone, the breastbone, the rib, the shoulder blade or the pelvis.</li> <li>6. Those who are left with impairment in the functions of one of the 3 major joints of one upper limb.</li> <li>7. Those who are left with impairment in the functions of one of the 3 major joints of one lower limb.</li> <li>8. Those who are left with a long bone deformity.</li> <li>9. Those who have lost the use of the third finger or the 4th finger of one hand.</li> <li>10. Those who have lost the second toe of one foot, those who have lost 2 toes including the second toe, or those who have lost the 3 toes other than the large and second toes.</li> <li>11. Those who have lost the use of the large toe or the other 4 toes of one foot.</li> <li>12. Those who are left with have obstinate localized nervous symptoms.</li> <li>13. Those males who are left with extreme deformities left in their external appearance.</li> <li>14. Those females who are left with deformities in their external appearance.</li> </ol>
13 <sup>th</sup> grade	101 days of the same	<ol style="list-style-type: none"> <li>1. Those whose vision in one eye has decreased to 0.6 or less.</li> <li>2. Those who are left with hemianopsia, contraction of the field of vision or distortion of the field of vision in one eye.</li> <li>3. Those who are left with damage to parts of both eyelids or have eyelash baldness.</li> <li>3-2. Those who have 5 teeth or more repaired dentally.</li> <li>4. Those who have lost the little finger of one hand.</li> <li>5. Those who have lost a part of the bones of the thumb of one hand.</li> <li>6. Those who have lost a part of the finger bones of the index finger of one hand.</li> <li>7. Those who have become unable to extend and contract the last joint of the index finger of one hand.</li> <li>8. Those who have had one lower limb shortened by 1 cm or more.</li> <li>9. Those who have lost 1 or 2 toes of one foot, not including the large and second toes.</li> </ol>

		10. Those who have lost the use of the second toe of one foot, those who have lost the use of 2 toes including the second toe, or those who lost the use of the 3 toes other than the large and second toes.
14 <sup>th</sup> grade	56 days of the same	<ol style="list-style-type: none"> <li>1. Those who are left with damage to a part of one eyelid or have eyelash baldness.</li> <li>2. Those who have 3 teeth or more repaired dentally.</li> <li>2-2. Those whose hearing in one ear has decreased to the extent that they cannot hear a low voice at a distance of more than 1 m with that ear.</li> <li>3. Those who are left with deformed scars of the size of the palm on the exposed surfaces of the upper limbs.</li> <li>4. Those who are left with deformed scars of the size of the palm on the exposed surfaces of the lower limbs.</li> <li>5. Those who have lost the use of the little finger of one hand.</li> <li>6. Those who have lost a part of the finger bones of the finger of one hand not including the thumb and the index finger.</li> <li>7. Those who have become unable to extend and contract the last joints of a finger of one hand, not including the thumb and the index finger.</li> <li>8. Those who have lost the use of 1 or 2 toes of one foot not including the large and second toes.</li> <li>9. Those who are left with localized nervous symptoms</li> <li>10. Those males who are left with deformities in their external appearance.</li> </ol>

- Remarks:*
1. *Vision will be measured in accordance with international visual acuity measurement standards. The vision of those with some abnormality in refraction will be measured in relation to corrected vision.*
  2. *"Those who have lost a finger" means "those who have lost, for the thumb, the part upward of the thumb joint, and for the other fingers, the parts upward of the first joint".*
  3. *"Those who have lost the use of the fingers" means "those who have lost more than half of the finger tip" or "those who are left with serious mobility impairment to the middle finger joints or the first finger joints (for the thumb, the thumb joint)".*
  4. *"Those who have lost the toes" means "those who have lost all the toes".*
  5. *"Those who have lost the use of the toes" means "those who have lost, for the large toe, more than half of the tip of the toe, and for the other toes, the part above the toe tip joint", or "those who are left with serious mobility impairment in the middle toe joints or the first toe joints (for the large toe, the toe joint)".*

**Annexed Table No. 2 Table of Injury or Disease Grades (Related to Article 18)**

Grade of Disease or Injury	Content of Benefit	State of Disability
1 <sup>st</sup> Grade	313 days of the basic daily benefit amount per year as long as the disability exists	<ol style="list-style-type: none"><li>1. Those who have serious impairment to the function of the nervous system or to the psyche and require continuous nursing care.</li><li>2. Those who have serious impairment to the functions of the thorax and abdominal organs and require continuous nursing care.</li><li>3. Those who are blind in both eyes.</li><li>4. Those who lost the functions of mastication and speech.</li><li>5. Those who have lost both upper limbs above the elbow joints.</li><li>6. Those who have completely lost the use of both upper limbs.</li><li>7. Those who have lost both lower limbs above the knee joint.</li><li>8. Those who have completely lost the use of both lower limbs.</li><li>9. Those who have a disability of at least the same degree as those listed above.</li></ol>
2 <sup>nd</sup> Grade	277 days of the same	<ol style="list-style-type: none"><li>1. Those who have serious impairment to the functions of the nervous system or to the psyche and require occasional nursing care.</li><li>2. Those who have serious impairment to the functions of the thorax and abdominal organs and require occasional nursing care.</li><li>3. Those whose vision in both eyes has decreased to 0.02 or less.</li><li>4. Those who have lost both upper limbs above the wrist joints.</li><li>5. Those who have lost both lower limbs above the ankle joints.</li><li>6. Those who have a disability of at least the same degree as those listed above.</li></ol>
3rd Grade	245 days of the same	<ol style="list-style-type: none"><li>1. Those who have serious impairment to the functions of the nervous system or to the psyche and cannot engage continuously in labor.</li><li>2. Those who have serious impairment to the functions of the thorax and abdominal organs and cannot engage continuously in labor.</li><li>3. Those who are blind in one eye and whose vision has decreased to 0.06 or less in the other eye.</li><li>4. Those who lost the functions of mastication or speech.</li><li>5. Those who have lost all the fingers of both hands.</li><li>6. Those, other than those prescribed in Items 1 and 2 above, who cannot engage continuously in labor and those who have a disability of at least the same degree as those listed above.</li></ol>

- Remarks:*
- 1. Vision shall be measured in accordance with international visual acuity measurement standards. The vision of those with some abnormality in refraction shall be measured in relation to corrected vision.*
  - 2. "Those who have lost a finger" means "those who have lost, for the thumb, the part upward of the thumb joint, and for the other fingers, the parts upwards of the first joint."*

**Annexed Table No. 3** Table of Categories of Degrees of Disability for Required Nursing Care

State of Worker – Nursing Care Required	Degree of Disability
State Requiring Continuous Nursing Care	<ol style="list-style-type: none"> <li>1. Those who are left with serious impairment to the nervous system or to the psyche and require continuous nursing care (meaning the physical disabilities provided for in Item 3 of the 1<sup>st</sup> Grade section of the Physical Disabilities column in Annexed Table No. 1) or who have serious impairment to the nervous system or to the psyche and require continuous nursing care (meaning the state of disability provided for in Item 1 of the 1<sup>st</sup> Grade section of the State of Disability column in Annexed Table No. 2).</li> <li>2. Those who are left with serious impairment to the functions of the thorax and abdominal organs and require continuous nursing care (meaning the physical disabilities provided for in Item 4 of the 1<sup>st</sup> Grade section of the Physical Disabilities column in Annexed Table No. 1) or those who have serious impairment to the functions of the thorax and abdominal organs and require continuous nursing care (meaning the state of disability provided for in Item 2 of the 1<sup>st</sup> Grade section of the State of Disability column in Annexed Table No. 2)</li> <li>3. Where there are 2 or more disabilities listed in Annexed Table No. 1 or otherwise where, when the grade of disability of the relevant physical disability is 1<sup>st</sup> Grade or the state of disability falls within any of Items 3 to 9 of the 1<sup>st</sup> Grade section of the State of Disability column in Annexed Table No. 2 (limited to those in a state of disability requiring the same level of nursing care as those prescribed in the preceding 2 items)</li> </ol>
State Requiring Occasional Nursing Care	<ol style="list-style-type: none"> <li>1. Those who are left with serious impairment to the nervous system or to the psyche and require occasional nursing care (meaning the physical disabilities provided for in Item 2-2 of the 2<sup>nd</sup> Grade section of the Physical Disabilities column in Annexed Table No. 1) or who have serious impairment to the nervous system or to the psyche and require occasional nursing care (meaning the state of disability provided for in Item 1 of the 2<sup>nd</sup> Grade section of the State of Disability column in Annexed Table No. 2).</li> <li>2. Those who are left with serious impairment to the functions of the thorax and abdominal organs and require occasional nursing care (meaning the physical disabilities provided for in Item 2-3 of the 2<sup>nd</sup> Grade section of the Physical Disabilities column in Annexed Table No. 1) or those who have serious impairment to the functions of the thorax and abdominal organs and require nursing care (meaning the state of disability provided for in Item 2 of the 2<sup>nd</sup> Grade section of the State of Disability column in Annexed Table No. 2)</li> <li>3. Where the grade of disability of the physical disability is 1<sup>st</sup> Grade or the state of disability falls within any of Items 3 to 9 of the 1<sup>st</sup> Grade section of the State of Disability column in Annexed Table No. 2 (limited to those in a state of disability requiring the same level of nursing care as those prescribed in the preceding 2 items)</li> </ol>

**Workers' Accident Compensation Insurance  
Special Supplement Payment Regulations**

(Excerpts)

(Ministry of Labor Ordinance No. 30 of December 28, 1974)

(Provisional Translation by the Japan Institute of Labor)

Amendments:

Ministerial Ordinance No. 25 of June 28, 1976  
Ministerial Ordinance No. 35 of Sep. 27, 1976  
Ministerial Ordinance No. 7 of Mar. 26, 1977  
Ministerial Ordinance No. 21 of June 14, 1977  
Ministerial Ordinance No. 21 of Apr. 5, 1978  
Ministerial Ordinance No. 26 of May 23, 1978  
Ministerial Ordinance No. 32 of Dec. 5, 1980  
Ministerial Ordinance No. 19 of Apr. 23, 1981  
Ministerial Ordinance No. 24 of June 27, 1981  
Ministerial Ordinance No. 37 of Oct. 29, 1981  
Ministerial Ordinance No. 32 of Sep. 30, 1982  
Ministerial Ordinance No. 15 of July 27, 1984  
Ministerial Ordinance No. 2 of Jan. 31, 1987  
Ministerial Ordinance No. 11 of Mar. 30, 1987  
Ministerial Ordinance No. 17 of July 31, 1990  
Ministerial Ordinance No. 24 of Sep. 28, 1990  
Ministerial Ordinance No. 11 of Apr. 12, 1991  
Ministerial Ordinance No. 27 of July 21, 1993  
Ministerial Ordinance No. 36 of July 31, 1995  
Ministerial Ordinance No. 31 of July 26, 1996  
Ministerial Ordinance No. 10 of Mar. 14, 1997  
Ministerial Ordinance No. 13 of Mar. 26, 1998  
Ministerial Ordinance No. 41 of Oct. 31, 2000  
Ministerial Ordinance No. 31 of Mar. 23, 2001

## **Workers' Accident Compensation Insurance Special Supplement Payment Regulations (Excerpts)**

(Ministry of Labor Ordinance No. 30 of December 28, 1974)

(Purpose)

**Article 1.** This Ministerial Ordinance (hereinafter "the Ordinance") prescribes necessary matters with respect to the payment of special supplements to be made as labor welfare services under Article 29 Paragraph 1 of the *Workers' Accident Compensation Insurance Law* (Law No. 50 of 1947; hereinafter "the Law").

(Kinds of Special Supplements)

**Article 2.** The special supplements prescribed in this Ordinance shall be as follows:

- (1) Special temporary absence supplement;
- (2) Special disability supplement;
- (3) Special survivors' supplement;
- (3-2) Special injury and disease supplement;
- (4) Special disability pension;
- (5) Special disability lump sum payment;
- (6) Special survivors' pension;
- (7) Special survivors' lump sum payment;
- (8) Special injury and disease pension.

(Special Temporary Absence Supplement)

**Article 3.** The special temporary absence supplement shall be paid to a worker (excluding persons entitled to the injury and disease compensation pension or the injury and disease pension under the provisions of the Law) who is unable to work due to medical treatment for an injury or disease (limited for diseases resulting from employment to those provided for in Article 35 of the *Labor Standards Law Enforcement Regulations* (Ministry of Health and Welfare Ordinance No. 23 of 1947) and for diseases resulting from commuting to those provided for in Article 18-4 of the *Workers' Accident Compensation Insurance Law Enforcement Regulations* (Ministry of Labor Ordinance No. 22 of 1955); hereinafter the same applies) resulting from employment or commuting (meaning commuting in Article 7 Paragraph 1 Item 2 of the Law; hereinafter the same applies) from the 4th day on which the worker does not receive wages as a result, on the basis of a request by the said worker. The amount of the supplement shall be an amount equivalent to 20 percent of the basic daily temporary absence benefit amount (meaning the basic daily temporary absence benefit amount in Article 8-2 Paragraphs 1 or 2 of the Law; hereinafter the same applies in this paragraph). Provided, however, that the amount of the special temporary absence supplement related to days on which a worker works for only a

portion of the prescribed working hours due to medical treatment for an injury or disease resulting from employment or commuting shall be the amount equivalent to 20 per cent of the amount obtained by deducting the amount of wages paid to said worker from the basic daily temporary absence benefit amount (where the amount prescribed in Article 8-2 Paragraph 2 Item 2 [hereinafter in this paragraph “the maximum amount”] is the basic daily temporary absence benefit amount, the basic daily temporary absence benefit amount for where that item has no application) (where the amount obtained by the said deduction exceeds the maximum amount, an amount equivalent to the maximum amount).

2. Special temporary absence supplement shall not be paid when a worker falls within any of the following items:

- (1) Where the worker is confined in a prison to serve a sentence of penal servitude, imprisonment or detention or pursuant to a death penalty or in a workhouse due to a sentence of workhouse detention or in a detention house for the execution of a trial for detention;
- (2) Where the worker is confined in a reformatory or a home for juvenile training and education as a protective disposition pursuant to the provisions of Article 24 of the *Juvenile Law* (Law No. 168 of 1948) or confined in a woman's guidance house for guidance pursuant to the provisions of Article 17 of the *Prostitution Prevention Law* (Law No. 118 of 1956).

3. Persons who seek to receive payment of the special temporary absence supplement must submit an application form on which the matters listed as follows are recorded to the competent Prefectural Labor Standards Office Chief (meaning the competent Chief of the Prefectural Labor Standards Office in Article 1 Paragraph 3 and Article 2 of the *Workers' Accident Compensation Insurance Law Enforcement Regulations*; hereinafter the same applies).

- (1) The worker's name, date of birth and address;
- (2) The name and location of the workplace;
- (3) The day on which the injury was suffered or on which the worker fell ill with the disease;
- (4) The cause of or circumstances in which the injury occurred;
- (5) The average wages provided for by Article 12 of the *Labor Standards Law* (where the amount corresponding to the average wages of a worker who was absent from work due to medical treatment for illness or injury not resulting from employment during the period provided for by Paragraphs 1 and 2 of the same article is less than the amount equivalent to the average wages calculated regarding the said period of absence as a period provided for by Paragraph 3 Item 1 of the same article, an amount corresponding to the average wages where that calculation is made; hereinafter “the average wages”);

- (6) The period of absence from work, the period of medical treatment and the name and course of the injury or disease;
- (6-2) Where there are days during the period of absence from work on which a worker worked for only a portion of the prescribed working hours due to medical treatment for an injury or disease resulting from employment or commuting, the dates of and the amount of wages paid for the said labor;
- (7) Where there has been disease or injury resulting from commuting, the matters listed as follows:
  - (a) The time and place at which the injury occurred;
  - (b) The place of work and where the injury occurred on the way to work, the time at which the worker was scheduled to commence work and where the injury occurred on the way home from work, the time when the worker finished work and the time when the worker left the place of work;
  - (c) The usual route and method by which the worker commutes;
  - (d) The route, method of travel and time occupied between the worker's residence or place of work and the place where the injury occurred and other circumstances;
- (8) In addition to the matters listed in the preceding items, the matters on which the calculation of the special temporary absence supplement will be based.

4. The following proof must be received where an application is made for the payment of special temporary absence supplement, in respect of injury or disease resulting from employment the employer's certification in relation to the matters listed in Items 3 to 6-2 and 8 of the preceding paragraph (excluding the period of medical treatment and the name and course of the injury or disease) and the certification of the treating physician in Article 12-2 Paragraph 2 of the *Workers' Accident Compensation Insurance Law Enforcement Regulations* (hereinafter in this paragraph "the treating physician") in relation to the period of medical treatment and the name and course of the disease or injury in Item 6 of the same paragraph and in respect of injury or disease resulting from commuting the employer's certification in relation to the matters listed in Items 3, 5 to 6-2, 7 (a) to (c) (for the matters listed in (a) to (c) of Item 7, limited to where the employer has knowledge of those matters) and 8 of the preceding paragraph (excluding the period of medical treatment and the name and course of the injury or disease) and the certification of the treating physician in relation to the period of medical treatment and the name and course of the disease or injury in Item 6 of the same paragraph.

5. Persons eligible to receive payment of temporary absence compensation benefit or temporary absence benefit in relation to days for which special temporary absence supplement is payable must apply for the said special temporary absence supplement simultaneously with the request for the said temporary absence compensation benefit or temporary absence benefit.

6. The application for the payment of the special temporary absence supplement must be made within 2 years calculated from the day after the day on which the special temporary absence supplement becomes payable.

(Special Disability Supplement)

**Article 4.** The special disability supplement shall be paid to a worker who has a physical disability after recovering from an injury or disease resulting from employment or commuting, on the basis of an application by the said worker and the amount of the supplement shall be the amount provided for in Annexed Table No. 1 corresponding to the grade of disability within which the said disability falls (meaning the grades of disability according to the provisions of Article 14 Paragraphs 1 to 4 of the *Workers' Accident Compensation Insurance Law Enforcement Regulations* and in Annexed Table No. 1 to the *Workers' Accident Compensation Insurance Law Enforcement Regulations*; hereinafter the same applies) (where the grade of physical disability has been raised pursuant to the provisions of the main part of Article 14 Paragraph 3 of the *Workers' Accident Compensation Insurance Law Enforcement Regulations*, when the total of the amounts provided for in the table corresponding to the grade of disability within each physical disability falls is less than the amount provided for in the table corresponding to the said raised grade, the said total amount).

2. Where a worker who had a pre-existing physical disability has had the disability aggravated due to injury to or disease of the same body part, the amount of the special disability supplement related to the said grounds shall be the amount obtained by deducting the amount of the special disability supplement corresponding to the grade within which the pre-existing physical disability falls from the amount of the special disability supplement corresponding to the grade within which the present physical disability falls, notwithstanding the provisions of the preceding paragraph

3. Where a worker who has received the special injury and disease supplement under the provisions of Article 5-2 has a disability after recovering from an injury or disease resulting from employment or commuting which is related to the said special injury and disease supplement and limited to when the amount of the special disability supplement (where a person receiving the special disability supplement falls within the preceding paragraph, the amount calculated pursuant to the provisions of the same paragraph) corresponding to the grade of physical disability within which the said physical disability falls is more than the amount of the special injury and disease supplement corresponding to the grade of injury and disease (meaning the grades of injury and disease pursuant to the provisions of Article 18 of the *Workers' Accident Compensation Insurance Law Enforcement Regulations* and Annexed Table No. 2 of the ordinance; hereinafter the same applies) which is related to the special injury and disease supplement already paid in respect of the physical disability due to the said injury or disease, a special disability supplement equivalent to the said excess

amount shall be paid, on the basis of an application by the said worker, notwithstanding the provisions of the preceding 2 paragraphs.

4. Persons who seek to receive payment of the special disability supplement must submit an application form on which the matters listed as follows are recorded to the competent Prefectural Labor Standards Office Chief:

- (1) The worker's name, date of birth and address;
- (2) The name and location of the workplace;
- (3) The date on which the injury was suffered or on which the worker fell ill with the disease;
- (4) The cause of or circumstances in which the injury occurred;
- (5) Where the disability resulted from commuting, the matters listed as follows:
  - (e) The time and place at which the injury occurred;
  - (f) The place of work and where the injury occurred on the way to work, the time at which the worker was scheduled to commence work and where the injury occurred on the way home from work, the time when the worker finished work and the time when the worker left the place of work;
  - (g) The usual route and method by which the worker commutes;
  - (h) The route, method of travel and time occupied between the worker's residence or place of work and the place where the injury occurred and other circumstances;

5. The employer's certification must be received in relation to the following matters where an application is made for the payment of special disability supplement, in respect of disability resulting from employment the matters listed in Items 3 and 4 of the preceding paragraph and in respect of disability resulting from commuting the matters listed in Items 3 and 5 (a) to (c) of that paragraph (for the matters listed in (a) to (c) of that Item 5, limited to where the employer has knowledge of those matters). Provided, however, that this shall not apply when the person is a person who was receiving injury and disease compensation pension or the injury and disease pension.

6. Where a person who is ineligible to receive payment of disability compensation benefit or disability benefit due to the same grounds applies for payment of special disability supplement, the medical certificate of a dentist or physician with respect to the recovery from the injury or disease and the date of recovery and the part disabled and state of the disability at the time of recovery and, when necessary, x-rays and other materials in respect of proof of the state of the disability at the time of recovery, must be attached to the application form in Paragraph 4.

7. Persons eligible to receive payment of disability compensation benefit or disability benefit due to the same grounds must apply for payment of the special

disability supplement simultaneously with the request for the said disability compensation benefit or disability benefit.

8. The application for the payment of the special disability supplement must be made within 5 years calculated from the day after the day of the recovery from the injury or disease related to the disability.

(Special Survivors' Supplement)

**Article 5.** The special survivors' supplement shall be paid to the survivors of a worker where the worker has died from grounds resulting from employment or as a result of commutation, on the basis of an application by the said survivors.

2. Those survivors eligible to receive the special survivors' supplement shall be the spouse (including where the marriage was not registered but the spouse was in a *de facto* marital relationship with the person; hereinafter the same applies), children, parents, grandchildren, grandparents, and siblings of the worker and the order of priority in which these survivors are to receive the special survivors' supplement shall be in accordance with the case of the survivors' compensation benefit or survivors' benefit.

3. The amount of the special survivors' supplement shall be 3 million yen (where there are 2 or more survivors who receive the special survivors' supplement, the amount shall be the amount obtained by dividing 3 million yen by the number of the said persons).

4. Persons who seek to receive payment of the special survivors' supplement must submit an application form on which the matters listed as follows are recorded to the competent Prefectural Labor Standards Office Chief:

- (1) The name and date of birth of the deceased worker;
- (2) The applicant's name, date of birth, address and relationship to the deceased worker and whether the applicant has a disability (meaning the disabilities provided for in Article 15 of the *Workers' Accident Compensation Insurance Law Enforcement Regulations*; hereinafter the same applies in Article 6 and Article 9 Paragraph 3);
- (3) The name and location of the workplace;
- (4) The date on which the injury was suffered or on which the worker fell ill with the disease;
- (5) The cause of or circumstances in which the injury occurred;
- (6) Where the disease or injury resulted from commuting, the matters listed as follows:
  - (a) The time and place at which the injury occurred;
  - (b) The place of work and where the injury occurred on the way to work, the

time at which the worker was scheduled to commence work and where the injury occurred on the way home from work, the time when the worker finished work and the time when the worker left the place of work;

- (c) The usual route and method by which the worker commutes;
- (d) The route, method of travel and time occupied between the worker's residence or place of work and the place where the injury occurred and other circumstances;

5. The employer's certification must be received in relation to the following matters where an application is made for the payment of special survivors' supplement, in respect of death resulting from employment in relation to the matters listed in Items 4 and 5 of the preceding paragraph and in respect of death resulting from commuting in relation to the matters listed in Items 4 and 6 (a) to (c) of that paragraph (for the matters listed in (a) to (c) of Item 6, limited to the where the employer has knowledge of those matters). Provided, however, that this shall not apply when the deceased worker was a person who was receiving the injury and disease compensation pension or the injury and disease pension.

6. Where a person ineligible to receive payment of survivors' compensation benefit or survivors' benefit due to the same grounds applies for payment of the special survivors' supplement, the documents listed as follows and other materials must be attached to the application form in Paragraph 4:

- (1) The certification of the mayor of a city or town or the head of a village in relation to the matters recorded on the death certificate, coroner's death certificate or post mortem examination, in respect of the worker's death, submitted to the mayor of a city or town or the head of a village, or documents in substitution of the same;
- (2) An extract or duplicate of a family register capable of proving the personal relationship between the applicant and the deceased worker;
- (3) When the applicant is a person whose marriage was not registered but who was in a *de facto* marital relationship with deceased worker, documents capable of proving that fact;
- (4) When the applicant is a person who was sustained by the earnings of the deceased worker, documents capable of proving that fact;
- (5) When the applicant was, at the time of the death of the worker, a person to receive payment of special survivors' supplement due to being in a disabled state, the medical certificate or other documents of a physician or dentist capable of proving that fact.

7. Persons eligible to receive payment of survivors' compensation benefit or survivors' benefit due to the same grounds must apply for the payment of the special survivors' supplement simultaneously with the request for the said survivors'

compensation benefit or survivors' benefit.

8. The application for the payment of the special survivors' supplement must be made within 5 years calculated from the day after the day when the worker died.

9. The provisions of Article 10 of the Law and Article 15-5 of the *Workers' Accident Compensation Insurance Law Enforcement Regulations* shall apply *mutatis mutandis* to the special survivors' supplement. Where this is the case, the words "a person entitled to" and "request" in Paragraph 1 in the same article shall be read respectively as "a person eligible to receive " and "application for payment".

(Special Injury and Disease Supplement)

**Article 5-2.** The special injury and disease supplement shall be paid to a worker when the said worker, who was injured or contracted a disease resulting from employment or commuting falls within all of the following items on the day on which one year and 6 months have elapsed after the commencement of medical treatment for the said injury or disease, or falls within all of the following items after the said day, on the basis of an application by the said worker and the amount of the supplement shall be the amount provided for by Annexed Table No. 1-2 corresponding to the grade of the said injury and disease:

- (1) The said injury or disease has not healed or been cured;
- (2) The degree of disability due to the said injury or disease falls within the grades of injury and disease.

2. Persons who seek to receive payment of the special injury and disease supplement must submit an application form on which the matters listed as follows are recorded to the competent Prefectural Labor Standards Office Chief:

- (1) The name, date of birth and address of the worker;
- (2) The name and state of the disease or illness and the affected part of the body.

3. Applications for payment of the special injury and disease supplement must be made within 5 years calculated from, where the worker falls within all of the items in Paragraph 1 on the day on which one year and 6 months have elapsed after the commencement of medical treatment for the said injury or disease, the day after that day and where the worker falls within all of the items of the same paragraph after the same day, from the day after that day.

(Basic Annual Calculation Amount)

**Article 6.** The basic annual calculation amount to be used to calculate the amount of the special supplements listed in Article 2 Items 4 to 8 shall be the total amount of the special wages paid to the relevant worker (meaning wages to be paid

periodically once every period of more than 3 months as prescribed in Article 12 Paragraph 4 of the *Labor Standards Law*; hereinafter the same applies) during the one-year period preceding the day on which the injury occurred or the worker contracted the disease (for a worker who has been employed for less than a year, the period after his or her hiring). Provided, however, that when it is recognized that it would not be appropriate to make the amount of the said special wages the basic annual calculation amount, the basic annual calculation amount shall be the amount calculated in accordance with the standards prescribed by the Director-General of the Labor Standards Bureau of the Ministry of Health, Labor & Welfare.

2. Where the total amount of the special wages or the amount calculated under the provisions of the proviso to the preceding paragraph is more than the amount equivalent to 20 percent of the amount obtained by multiplying the basic daily benefit amount according to the provisions of Article 8-3 Paragraphs 1 or 2 of the Law for the relevant worker concerned by 365, the amount equivalent to the said 20 percent shall be the basic annual calculation amount.

3. In relation to applying the provisions of the preceding paragraph where the basic daily benefit amount provided for by Article 8-3 Paragraph 1 Item 2 of the Law (including where applied *mutatis mutandis* pursuant to Article 8-4) is used (including where the provisions of Article 8-3 Paragraph 2 do not apply and where the basic daily benefit amount provided for by Paragraph 1 Item 2 of the same article is used), the words “ the amount calculated” and “the amount equivalent to the said 20 percent” in the same paragraph shall be read respectively as “ the amount obtained by multiplying the amount calculated by the rate prescribed by the Minister for Health, Labor and Welfare pursuant to Article 8-3 Paragraph 1 Item 2 of the Law (including where applied *mutatis mutandis* pursuant to Article 8-4; hereinafter the same applies in this paragraph)” and “the amount obtained by dividing the amount equivalent to the said 20 percent by the rate prescribed by the Minister for Health, Labor and Welfare pursuant to Article 8-3 Paragraph 1 Item 2 of the Law”.

4. Where the amount calculated under the provisions of the preceding 3 paragraphs is more than 1.5 million yen (for the preceding paragraph, the amount obtained by dividing 1.5 million yen by the rate provided for in Paragraph 2 read according to the provisions of the same paragraph), the basic annual calculation amount shall be 1.5 million yen.

5. The basic daily calculation amount used in the calculation of the special supplements listed in Article 2 Items 4 to 8 shall be the amount obtained by calculations made in accordance with cases under the provisions of Article 8-3 Paragraph 1 of the Law (including where applied *mutatis mutandis* pursuant to Article 8-4 of the Law), deeming the amount obtained by dividing by the basic annual calculation amount according to the provisions of the each of the preceding

paragraphs by 365 as the basic daily benefit amount used in the calculation of the amount of insurance benefits pursuant to the provisions of the Law related to the said special supplements.

6. Where there is an amount in the basic annual calculation amount or the basic daily calculation amount of less than one yen, it shall be rounded up to a whole yen.

(Special Disability Pension)

**Article 7.** The special disability pension shall be paid to a person entitled to the disability compensation pension or the disability pension according to the provisions of the Law, on the basis of an application by the said person and the amount of the special pension shall be the amount provided for in Annexed Table No. 2 corresponding to the grade of disability related to the said disability compensation pension or disability pension.

2. The provisions of Article 14 Paragraph 5 of the *Workers' Accident Compensation Insurance Law Enforcement Regulations* shall apply *mutatis mutandis* to the special disability pension. Where this is the case, the words "where the disability compensation benefit corresponding to the grade of the present physical disability is in the form of the disability compensation pension and the disability compensation benefit corresponding to the grade of the pre-existing physical disability is in the form of the disability compensation lump sum payment, the amount of that disability compensation lump sum payment (where the said disability compensation pension is to be paid, when the recipient qualifications fall within the items of Article 8-2 Paragraph 2 of the Law applied *mutatis mutandis* pursuant to Article 8-3 Paragraph 2, the amount of the disability compensation lump sum payment corresponding to the grade of disability within which the said pre-existing physical disability falls, calculated using the amount prescribed in each of the said items as the basic daily benefit amount in Article 8-4 of the Law)" in the same paragraph shall be read as "where the grade of disability corresponding to the pre-existing physical disability is 8<sup>th</sup> grade or lower, the amount of the special disability lump sum payment corresponding to the said grade of disability, calculated using the basic daily calculation amount according to the provisions of Article 6 of the *Workers' Accident Compensation Insurance Special Supplement Payment Regulations* (Ministerial Ordinance No. 30 of 1974) related to the special disability pension corresponding to the grade of disability within which the present physical disability falls".

3. Persons who seek to receive payment of the special disability supplement must submit an application form on which the matters listed as follows are recorded to the competent Prefectural Labor Standards Office Chief.

(1) The worker's name, date of birth and address;

- (2) The name and location of the workplace;
- (3) The date on which the injury was suffered or on which the worker fell ill with the disease;
- (4) The cause of or circumstances in which the injury occurred;
- (7) The average wages;
- (8) The total amount of the special wages paid to the relevant worker during the one-year period (for a worker who has been employed for less than a year, the period after his or her hiring) preceding the day on which the injury occurred or the worker contracted the disease (in Articles 9 to 12 “the total amount of special wages”);
- (7) Where there has been disability has resulted from commuting, the matters listed as follows:
  - (a) The time and place at which the injury occurred;
  - (b) The place of work and where the injury occurred on the way to work, the time at which the worker was scheduled to commence work and where the injury occurred on the way home from work, the time when the worker finished work and the time when the worker left the place of work;
  - (c) The usual route and method by which the worker commutes;
  - (d) The route, method of travel and time occupied between the worker’s residence or place of work and the place where the injury occurred and other circumstances.

4. The employer’s certification must be received in relation to the following matters where an application is made for the payment of special disability supplement, in respect of disability resulting from employment, in relation to the matters listed in Items 3 to 6 of the preceding paragraph and in respect of disability resulting from commuting, in relation to the matters listed in Items 3, 5, 6 and 7 (a) to (c) of that paragraph (for the matters listed in (a) to (c) of Item 7, limited to where the employer has knowledge of those matters). Provided, however, that this shall not apply when the applicant is a person who was receiving the special injury and disease pension.

5. Where there has been an change in the degree of the relevant disability of a worker receiving the special disability pension and as a result the said worker newly falls within some other grade of disability prescribed in Annexed Table No. 2 or Annexed Table No. 3, payment shall be made of the special disability pension or the special disability lump sum payment corresponding to the new grade of disability within which the said worker now falls and payment of the former special disability pension shall not be made thereafter.

6. The provisions of Articles 14-3 Paragraphs 1 and 2 of the *Workers’ Accident Compensation Insurance Law Enforcement Regulations* shall apply *mutatis mutandis* to cases provided for in the preceding paragraph. Where this is the case, the words “disability compensation benefit” in Paragraph 1 of the same article shall be read as

"special disability pension" and the words "request form" in Paragraph 2 of the same article shall be read as "application form".

7. The application for payment of the special disability pension must be made within 5 years calculated from the day after the day when the applicant became entitled to the disability compensation pension or disability pension, simultaneously with the request for the payment of the disability compensation pension or disability pension concerned.

8. The special disability pension shall be paid into the financial institution or post office into which the person who receives the payment of the said special disability pension desires to have the disability compensation pension or disability pension, to which they are entitled due to the same grounds, paid.

(Special Disability Lump Sum Payment)

**Article 8.** The special disability lump sum payment shall be paid to a person entitled to the disability compensation lump sum payment or disability lump sum payment under the provisions of the Law, on the basis of an application by the said person and the amount of the lump sum payment shall be the amount provided for in Annexed Table No. 3 corresponding to the grade of disability related to the said disability compensation lump sum payment or disability lump sum payment (where the grade of physical disability has been raised pursuant to the provisions of the main part of Article 14 Paragraph 3 of the *Workers' Accident Compensation Insurance Law Enforcement Regulations* and the total of the amounts provided for in the table corresponding to the grade of disability within each physical disability falls is less than the amount provided for in the table corresponding to the said raised grade, the said total amount).

2. The provisions of Article 4 Paragraph 2 shall apply *mutatis mutandis* to the amount of the special disability lump sum payment and the provisions of Paragraph 7 of the preceding article shall apply *mutatis mutandis* to the application for the payment of the special disability lump sum payment. Where this is the case, the expression "the preceding paragraph" in Article 4 Paragraph 2 shall be read as "Article 8 Paragraph 1" and the expression "the disability compensation pension or disability pension" in Paragraph 7 of the preceding article shall be read as "the disability compensation lump sum payment or disability lump sum payment".

(Special Survivors' Pension)

**Article 9.** The special survivors' pension shall be paid to a person entitled to the survivors' compensation pension or survivors' pension under the provisions of the Law, on the basis of an application by the said person and the amount of the pension shall be as provided for in Annexed Table No. 2.

2. The provisions of Article 16-3 Paragraphs 2 to 4 of the Law shall apply *mutatis mutandis* to the amount of the survivors' special pension. Where this is the case, the words "the survivors' compensation pension", "the preceding paragraph" and "Annexed Table No. 1" in Paragraph 2 of the said article shall be read respectively as "the survivors' compensation pension or the survivors' pension", "Article 9 Paragraph 1 of the *Workers' Accident Compensation Insurance Special Supplement Payment Regulations* (Ministry of Labor Ordinance No. 30 of 1974), and "Annexed Table No. 2 to the said ordinance" and the words "the survivors' compensation pension" and "a disabling condition in Annexed Table No. 1 prescribed by Ministry of Health, Labor & Welfare ordinances" in Paragraph 4 of the same article shall be read respectively as "the survivors' compensation pension or the survivors' pension" and "a disabling condition prescribed in Article 15 of the *Workers' Accident Compensation Insurance Law Enforcement Regulations* (Ministry of Labor Ordinance No. 22 of 1955)".

3. Persons who seek to receive payment of the special survivors' pension (excluding those who fall within the provisions of Paragraphs 5 or 6) must submit an application form on which the matters listed as follows are recorded to the competent Prefectural Labor Standards Office Chief:

- (1) The name and date of birth of the deceased worker;
- (2) The name, date of birth, address and relationship to the deceased worker of the applicant and of the survivors other than the applicant eligible to receive the survivors' compensation pension or the survivors' pension and whether the applicant and the other survivors have disabilities.
- (3) The name and location of the workplace;
- (4) The date on which the injury was suffered or on which the worker fell ill with the disease;
- (5) The cause of or circumstances in which the injury occurred;
- (6) The average wages;
- (7) The total amount of special wages;
- (8) Where the disease or injury resulted from commuting, the matters listed as follows:
  - (a) The time and place at which the injury occurred;
  - (b) The place of work and where the injury occurred on the way to work, the time at which the worker was scheduled to commence work and where the injury occurred on the way home from work, the time when the worker finished work and the time when the worker left the place of work;
  - (c) The usual route and method by which the worker commutes;
  - (d) The route, method of travel and time occupied between the worker's residence or place of work and the place where the injury occurred and other circumstances.

4. The employer's certification must be received in relation to the following matters where an application is made for the payment of special survivors' pension, in respect of a death resulting from employment, in relation to the matters listed in Items 4 to 7 of the preceding paragraph (excluding the date of death) and in respect of disability resulting from commuting, in relation to the matters listed in Items 4, 6, 7 (excluding the date of death) and 8 (a) to (c) of that paragraph (for the matters listed in (a) to (c) of Item 8, limited to where the employer has knowledge of those matters). Provided, however, that this shall not apply when deceased worker was a person who was receiving the special injury and disease pension.

5. When a child who was unborn at the time of the worker's death seeks to receive payment of the special survivors' pension after other survivor's eligible to receive the survivors' compensation pension or the survivors' pension related to the said worker's death have already received a decision on the payment of the survivors' compensation pension or the survivors' pension, an application form on which the matters listed as follows are recorded must be submitted to the competent Prefectural Labor Standards Office Chief:

- (1) The deceased worker's name and date of birth;
- (2) The name, date of birth and address of the applicant and the applicant's relationship to the deceased worker;
- (3) The names of the survivors eligible to receive survivors' compensation pension or survivors' pension by whom the applicant is either wholly or partially sustained;

6. When a person who has newly become entitled to the survivors' compensation pension or the survivors' pension under the provisions of the latter part of Article 16-4 Paragraph 1 of the Law (including where applied *mutatis mutandis* pursuant to Article 16-9 Paragraph 5 and Article 22-4 Paragraph 3 of the Law) or under the latter part of Article 16-5 Paragraph 1 of the Law (including where applied *mutatis mutandis* pursuant to Article 22-4 Paragraph 3 of the Law) seeks to receive payment of the special survivors' pension after persons with higher ranking priority have already received a decision on the payment of the survivors' compensation pension or the survivors' pension, an application form on which the matters listed as follows are recorded must be submitted to the competent Prefectural Labor Standards Office Chief:

- (1) The deceased worker's name and date of birth;
- (2) The name, date of birth and address of the applicant and the applicant's relationship to the deceased worker;
- (3) The names of the survivors eligible to receive survivors' compensation pension or survivors' pension by whom the applicant is either wholly or partially sustained.

7. The provisions of Article 7 Paragraphs 7 and 8 and Article 15-5 of the *Workers' Accident Compensation Insurance Law Enforcement Regulations* shall apply *mutatis mutandis* to the special survivors' pension. Where this is the case, the words "the disability compensation pension or the disability pension" in of Article 7 Paragraphs 7 and 8 shall be read as "the survivors' compensation pension or the survivors' pension", and the words "the survivors' compensation pension" and "request" in Article 15-5 Paragraph 1 of the *Workers' Accident Compensation Insurance Law Enforcement Ordinance* shall be read respectively as "the survivors' compensation pension or the survivors' pension" and "application for payment".

(Special Survivors' Lump Sum Payment)

**Article 10.** The survivors' special lump sum payment shall be paid to a person entitled to the survivors' compensation lump sum payment or the survivors' lump sum payment, on the basis of an application by the said person and the amount shall be the amount provided for in Annexed Table No. 3 (where there are 2 or more persons who receive the said special survivors' lump sum payment, the amount shall be the amount obtained by dividing the amount provided for in Annexed Table No. 3 by the said number of persons).

2. Persons who seek to receive payment of the special survivors' lump sum payment must submit an application form on which the matters listed as follows are recorded to the competent Prefectural Labor Standards Office Chief:

- (1) The name and date of birth of the deceased worker;
- (2) The name, date of birth, address and relationship to the deceased worker of the applicant;
- (3) For a person entitled to the survivors' compensation lump sum payment or survivors' lump sum payment paid under Article 16-6 Paragraph 1 Item 1 (including where applied *mutatis mutandis* pursuant to Article 22-4 Paragraph 3), the matters listed as follows (for Items (f) to (i) limited to persons entitled to the survivors' lump sum payment);
  - (a) The name and location of the workplace;
  - (b) The date on which the injury was suffered or on which the worker fell ill with the disease or died;
  - (c) The cause of or circumstances in which the injury occurred;
  - (d) The average wages;
  - (e) The total amount of special wages;
  - (f) The time and place at which the injury occurred;
  - (g) The place of work and where the injury occurred on the way to work, the time at which the worker was scheduled to commence work and where the injury occurred on the way home from work, the time when the worker finished work and the time when the worker left the place of work;

- (h) The usual route and method by which the worker commutes;
- (i) The route, method of travel and time occupied between the worker's residence or place of work and the place where the injury occurred and other circumstances.

3. The employer's certification must be received in relation to the following matters where an application is made for the payment of special survivors' lump sum payment by a person entitled to the survivors' compensation lump sum payment paid under Article 16-6 Paragraph 1 Item 1 of the Law, in respect of a death resulting from employment, in relation to the matters listed in (b) to (e) of Item 3 of the preceding paragraph (excluding the date of death) and where an application is made for the payment of special survivors' lump sum payment by a person entitled to the survivors' lump sum payment paid under Article 16-6 Paragraph 1 Item 1 of the Law applied *mutatis mutandis* pursuant to Article 22-4 Paragraph 3 of the Law, in respect of a death resulting from commuting, in relation to the matters listed in Item 3 (b) (excluding the date of death) and (d) to (h) of the same item (for the matters listed in (f) to (h) of Item 3, limited to where the employer has knowledge of those matters). Provided, however, that this shall not apply when deceased worker was a person who was receiving the special injury and disease pension.

4. The provisions of Article 7 Paragraph 7 and of Article 15-5 of the *Workers' Accident Compensation Insurance Law Enforcement Regulations* shall apply *mutatis mutandis* to the special survivors' lump sum payment. Where this is the case, the words, "the disability compensation pension or the disability pension" in the same paragraph shall be read as "the survivors' compensation lump sum payment or the survivors' lump sum payment" and the words "the survivors' compensation pension" and "request" in Paragraph 1 of the same article shall be read respectively as "the survivors' compensation lump sum payment or the survivors' lump sum payment" and "application for payment".

(Special Injury and Disease Pension)

**Article 11.** The special injury and disease pension shall be paid to a person entitled to the injury and disease compensation pension or injury and disease pension under the provisions of the Law, on the basis of an application by the said person and the amount shall be the amount listed in Annexed Table No. 2 corresponding to the grade of injury and disease related to the said injury and disease compensation pension or injury and disease pension.

2. Persons who seek to receive payment of the special injury and disease pension must submit an application form on which the matters listed as follows are recorded to the competent Prefectural Labor Standards Office Chief.

- (1) The worker's name, date of birth and address;

- (2) The name and state of the disease or illness and the affected part of the body.
- (3) The average wages;
- (4) The total amount of special wages.

3. Where there has been a change in the grade of injury and disease related to the injury and disease compensation pension or the injury and disease pension of the worker receiving the injury and disease special pension, the special injury and disease pension corresponding to the new grade of injury and disease shall be paid and the former special injury and disease pension shall not be paid thereafter.

4. An application for the payment of the special injury and disease pension must be made within 5 years calculated from the day after the day when a person became entitled to the injury and disease compensation pension or injury and disease pension.

5. The provisions of Article 7 Paragraph 8 shall apply *mutatis mutandis* to the special injury and disease pension. Where this is the case, the words “the disability compensation pension or the disability pension” in the same paragraph shall be read as “the injury and disease compensation pension or the injury and disease pension”.

(Submission of Total Amount of Special Wages)

**Article 12.** Persons who seek to receive payment of the special temporary absence supplement must, when applying for payment of the said special temporary absence supplement, submit an application form on which the total amount of special wages is recorded to the competent Prefectural Labor Standards Office Chief.

2. The certification of the employer in relation to the total amount of special wages in the preceding paragraph must be received.

(The Commencement, Termination and Period of Payment of Special Supplements in Pension Form)

**Article 13.** The payment of special supplements in pension form shall commence from the month after the month in which the grounds for payment arose and shall terminate in the month in which grounds for payment cease to exist.

2. When grounds for suspending the payment of the survivors' compensation pension or the survivors' pension have arisen, the special survivor's pension shall not be paid for the period from the month after the month in which the grounds arose until the month in which the grounds cease to exist. Provided, however, that this shall not apply where grounds for suspending the payment of the survivors' compensation pension or the survivors' pension have arisen under the provisions of Article 16-3 of the Law (including where applied *mutatis mutandis* read pursuant to Article 63 Paragraph 3 of the Law).

3. Special supplements in pension form shall be paid in February, April, June, August, October and December of each year, with each payment being for the period to the end of the previous month. Provided, however, that the where the grounds for payment of special supplements in pension form have ceased to exist, payment shall be made even where the month is not a payment month.

(Cases Regarded as Down Payment of Special Supplements in the Form of Pension)

**Article 14.** The provisions of Article 12 Paragraph 1 of the Law shall apply *mutatis mutandis* to special supplements in pension form.

2. Where a worker entitled to an insurance benefit in pension form (hereinafter "Pension B" in this paragraph; excluding the survivors' compensation pension and survivors' pension) has become entitled to another insurance benefit in pension form (hereinafter "Pension A" in this paragraph; excluding the survivors' compensation pension and survivors' pension) in respect of the same injury or disease resulting from employment or commuting (hereinafter "the same injury or disease" in this article) and the entitlement to Pension B has been extinguished, the payment of a special supplement in pension form to the person entitled to pension B, shall, when it has been paid for the months after the month in which the entitlement to Pension B was extinguished, be regarded as a down payment of a special supplement in pension form to the person entitled to Pension A.

3. Where a worker entitled to an insurance benefit in pension form (excluding the survivors' compensation pension and the survivors' pension) has become entitled to the temporary absence compensation benefit or temporary absence benefit or disability compensation lump sum payment or disability lump sum payment in respect of the same injury or disease and the entitlement to the said insurance benefit in pension form has been extinguished, the payment of a special supplement in pension form to a person entitled to the said benefit in pension form, shall, when it has been paid for months after the month in which the entitlement to the benefit in pension form was extinguished, be regarded as a down payment of the special temporary absence supplement to be paid to a person receiving the said temporary absence compensation benefit or temporary absence benefit or as a down payment of the special disability supplement or the special disability lump sum payment to be paid to a person entitled to the said disability compensation lump sum payment or disability lump sum payment.

4. Where a worker receiving the special temporary absence supplement has become entitled to the disability compensation benefit or the disability benefit or the injury and disease compensation pension or the injury and disease pension in respect of the same injury or disease and the temporary absence compensation benefit or the

temporary absence benefit is not to be paid, when the special temporary absence supplement has been paid thereafter, the special temporary absence supplement paid shall be regarded as a down payment of the special disability supplement or the special disability pension or the special disability lump sum payment to be paid to a person entitled to the said disability compensation benefit or disability benefit, or as a down payment of the special injury and disease supplement or the special injury and disease pension to be paid to a person entitled to the injury and disease compensation pension or the injury and disease pension.

(Offsets against Credit Arising from Erroneous Payment of Special Supplements in Pension Form)

**Article 14-2.** Where a person entitled to an insurance benefit in pension form has died and that entitlement has been extinguished as a result and a special supplement in pension form paid to those entitled to an insurance benefit in the said pension form has, notwithstanding, been paid erroneously for a period following the month containing the day of death, when there is a special supplement listed in the following items to be paid to the person who is to repay the debt relating to the credit related to the said erroneous payments (hereinafter in this article "repayment credit"), the amount of money to be paid as the said special supplement may be offset against the amount of the repayment credit arising from the said erroneous payments:

- (1) The special survivors' supplement, the special survivors' pension, the special survivors' lump sum payment or the special disability pension balance lump sum payment paid to those entitled to insurance benefits related to the death of a person eligible to receive a special supplement paid in pension form;
- (2) A special survivors' pension related to the repayment credit due to the same grounds that can be received in the same ranking order.

(Unpaid Special Supplement)

**Article 15.** Where a person eligible to receive a special supplement has died, when any part of the special supplement related to the said deceased person has not been paid to the said person, the unpaid special supplement shall be paid in accordance with the manner of payment of unpaid insurance benefits.

2. The provisions of Article 3 Paragraph 5 shall apply *mutatis mutandis* to applications for the payment of unpaid special temporary absence supplement, the provisions of Article 4 Paragraph 7 shall apply *mutatis mutandis* to applications for the payment of unpaid special disability supplement or special disability lump sum payment and the provisions of Article 5 Paragraph 7 shall apply *mutatis mutandis* to applications for the payment of unpaid special survivors' supplement or special survivors' lump sum payment.

3. Where an unpaid injury and disease compensation pension or injury and

disease pension can be received due to the same grounds, an application for the payment of the unpaid injury and disease special supplement must be made simultaneously with the application for the payment of the said unpaid injury and disease compensation pension or injury and disease pension.

4. A person eligible to receive an unpaid insurance benefit in pension form for months for which an unpaid special supplement in pension form is to be paid, must apply for the payment of the said special supplement in pension form simultaneously with the application for the payment of the said insurance benefit in pension form.

(Special Supplements for Specially Insured Persons)

**Article 16.** The application of the provisions of Articles 3 to 5-2 and of the preceding article to employers who have received the consent referred to in Article 34 Paragraph 1 of the Law (where employers are juridical persons or other associations, their representatives) and to persons engaged in undertakings operated by the said employers (excluding workers; hereinafter in this article and in Article 19 "small to medium size enterprise employers *inter alia*") shall be according to the provisions of the following items:

- (1) Small to medium size employers *inter alia* shall be regarded as workers engaged in the said undertakings;
- (2) When a small to medium size employer *inter alia* cannot work in a said undertaking for 4 days or more due to medical treatment for an injury or disease resulting from employment or commuting or when a disability exists after recovery from the injury or disease or has died due to grounds resulting from employment or commuting or falls within all of the items of Article 5-2 Paragraph 1 on the day on which one year and 6 months have elapsed after the commencement of medical treatment related to the injury or disease resulting from employment or commutation or falls within all of the items of Article 5-2 Paragraph 1 after that day, grounds for the payment of the special temporary absence supplement, the special disability supplement, the special survivors' supplement or the special injury and disease supplement shall be regarded as having arisen;
- (3) The basic daily temporary absence benefit amount for small to medium size employers *inter alia* shall be the basic daily benefit amount calculated pursuant to the provisions of Article 46-20 Paragraph 2 of the *Workers' Accident Compensation Insurance Law Enforcement Regulations*;
- (4) The provisions of Article 34 Paragraph 1 Item 4 of the Law shall apply *mutatis mutandis* to the payment of special supplements. Where this is the case, the words "an accident concerning a person listed in Items 1 or 2 of the preceding article" in the same item shall be read as "an accident which is the cause of the payment of the special supplement to a small to medium size employer *inter alia*";

- (5) The provisions of Article 3 Paragraph 3 Item 5, Paragraph 4 of the same article (limited to parts with respect to the certification of the employer), Article 4 Paragraph 5 and Article 5 Paragraph 5 shall not apply;
- (6) When a person who seeks to receive payment of a special supplement submits an application in Article 3 Paragraph 3, Article 4 Paragraph 4 or Article 5 Paragraph 4 to the competent Labor Standards Inspection Office Chief, documents and other materials capable of proving those of the matters that must be recorded on the application which must be certified by the employer must be attached to the application;
- (7) The provisions of Article 46-27 Paragraph 6 of the *Workers' Accident Compensation Insurance Law Enforcement Regulations* shall apply *mutatis mutandis* to the documents and other materials submitted under the provisions of the preceding item.

**Article 17.** The application of the provisions of Articles 3 to 5-2 and 15 to persons listed in Article 33 Items 3 to 5 of the Law related to an association which has received the consent in Article 35 Paragraph 1 of the Law (hereinafter in this article and in Article 19 "sole proprietors *inter alia*") shall be in accordance with Items 5 to 7 of the preceding article and the provisions of the following items:

- (1) The said association shall be regarded as a covered undertaking under Article 3 Paragraph 1 of the Law and as the employer thereof;
- (2) The day when the said consent was given shall be regarded as the day when the covered undertaking in the preceding item was commenced;
- (3) Sole proprietors *inter alia* shall be regarded as workers employed in covered undertakings in Item 1;
- (4) The dissolution of the relevant association shall be regarded as the discontinuation of the undertaking;
- (5) The provisions of Item 2 of the preceding article shall apply *mutatis mutandis* to the grounds for payment of special supplements to sole proprietors *inter alia*. Where this is the case, in relation to persons normally operating undertakings listed in Article 46-17 Item 1 of the *Workers' Accident Compensation Insurance Law Enforcement Regulations* without employing any workers and persons engaged in undertakings operated by those persons, the words "resulting from employment or commuting" and "due to grounds resulting from employment or commuting" in Item 2 of the preceding article shall be read respectively as "resulting from employment" and "due to employment"; in relation to persons engaged in work listed in Article 46-18 Items 1 or 3 of the *Workers' Accident Compensation Insurance Law Enforcement Regulations*, the words "resulting from employment or commuting", "a said undertaking" and "due to grounds resulting from employment or commuting" in Item 2 of the preceding article shall be read respectively as "resulting from the said work ", "the said work " and "due to the said work "; and in relation to a person

engaged in work listed in Items 2, 4 or 5 of Article 46-18 of the *Workers' Accident Compensation Insurance Law Enforcement Regulations*, the words "resulting from employment or commuting", "a said undertaking " and "due to grounds resulting from employment or commuting" in Item 2 of the preceding article shall be read respectively as "resulting from the said work or commuting", "the said work" and "due to the said work or commuting";

- (6) The basic daily temporary absence benefit amount for sole proprietors *inter alia* shall be the basic daily benefit amount calculated under the provisions of Article 46-20 Paragraph 2 applied *mutatis mutandis* pursuant to the provisions of Article 46-24 of the *Enforcement Regulations of the Workers' Accident Compensation Insurance Law*;
- (7) The provisions of Article 35 Paragraph 1 Item 7 of the Law shall apply *mutatis mutandis* to the payment of special supplements. Where this is the case, the words "an accident concerning a person listed in Article 33 Items 3 to 5" in the same item shall be read as "an accident which is the cause of the payment of the special supplement to a small to medium size employer *inter alia* ".

**Article 18.** The application of the provisions of Articles 3 to 5-2 and 15 to persons listed in Article 33 Items 6 or 7 of the Law related to associations or employers which have received the consent in Article 36 Paragraph 1 of the Law (hereinafter "persons dispatched abroad" in this and the following article) shall be governed by Article 16 Items 5 to 7 and the provisions of the following items:

- (1) Persons dispatched abroad shall be regarded as workers employed in the undertaking of the association or employer related to the said consent;
- (2) The provisions of Article 16 Item 2 shall apply *mutatis mutandis* to the grounds for payment of special supplements to persons dispatched abroad;
- (3) The basic daily temporary absence benefit amount for persons dispatched abroad shall be the basic daily benefit amount calculated under the provisions of Article 46-20 Paragraph 2 applied *mutatis mutandis* pursuant to Article 46-25 Paragraph 3 of the *Workers' Accident Compensation Insurance Law Enforcement Regulations*;
- (4) The provisions of Article 36 Paragraph 1 Item 3 of the Law shall apply *mutatis mutandis* to the payment of special supplements. Where this is the case, the words "an accident concerning a person listed in Article 33 Items 6 or 7" in the same item shall be read as "an accident which is the cause of the payment of the special supplement to a person dispatched abroad ".

**Article 19.** The provisions of Articles 6 to 13 shall not apply to small to medium size employers *inter alia*, sole proprietors *inter alia* and persons dispatched abroad.

(*Mutatis Mutandis* Application)

**Article 20.** The provisions of Articles 12-2-2 and 47-3 of the Law and Articles 19 and 23 of the *Workers' Accident Compensation Insurance Law Enforcement Regulations* shall apply *mutatis mutandis* to special supplements. Where this is the case, the words "a person entitled to" in Article 47-3 of the Law shall be read as "a person who receives", the words "a claimant to, an applicant for, a person entitled to or a person who was entitled to" in Article 19 of the *Workers' Accident Compensation Insurance Law Enforcement Regulations* shall be read as "an applicant for or a person entitled to" and the words "a request" in Article 23 Paragraph 1 of the *Workers' Accident Compensation Insurance Law Enforcement Regulations* shall be read as "an application".

**Annexed Table No. 1 (Relating to Article 4)**

Grade of Disability	Amounts (Yen)
1st Grade	3,420,000
2nd Grade	3,200,000
3rd Grade	3,000,000
4th Grade	2,640,000
5th Grade	2,250,000
6th Grade	1,920,000
7th Grade	1,590,000
8th Grade	650,000
9th Grade	500,000
10th Grade	390,000
11th Grade	290,000
12th Grade	200,000
13th Grade	140,000
14th Grade	80,000

**Annexed Table No. 1-2 (Relating to Article 5-2)**

Grade of Disability	Amounts (Yen)
1 <sup>st</sup> Grade	1,140,000
2 <sup>nd</sup> Grade	1,070,000
3 <sup>rd</sup> Grade	1,000,000

**Annexed Table No. 2 (Relating to Articles 7, 9 and 11)**

Benefit Category	Amount	
Disability Special Pension	(1) A person with a disability of the 1 <sup>st</sup> grade of disability	313 days of the basic daily amount for calculation
	(2) A person with a disability of the 2 <sup>nd</sup> grade of disability	277 days of the basic daily amount for calculation
	(3) A person with a disability of the 3 <sup>rd</sup> grade of disability	245 days of the basic daily amount for calculation
	(4) A person with a disability of the 4 <sup>th</sup> grade of disability	213 days of the basic daily amount for calculation
	(5) A person with a disability of the 5th grade of disability	184 days of the basic daily amount for calculation
	(6) A person with a disability of the 6th grade of disability	156 days of the basic daily amount for calculation
	(7) A person with a disability of the 7th grade of disability	131 days of the basic daily amount for calculation
Special Survivors' Pension	The amounts listed in each of the following items corresponding to the total numbers of the survivors listed in the said items entitled to the survivors' compensation pension or the survivors' pension under the provisions of the Law and the survivors who are either wholly or partially sustained by the said survivors and are eligible to receive the survivors' compensation pension or survivors' pension under the provisions of the Law:	

	<p>(1) One person: 153 days of the basic daily amount for calculation; provided, however, that where the said person is a wife aged fifty-5 years or older (including where the marriage was not registered but the wife was in a <i>de facto</i> marital relationship with the deceased person; hereinafter the same applies in this item) or a wife in a state of disability provided for in Article 15 of the <i>Enforcement Regulations of the Workers' Accident Compensation Insurance Law</i>, 175 days of the basic daily amount for calculation.</p> <p>(2) 2 persons: 201 days of the basic daily amount for calculation;</p> <p>(3) 3 persons: 223 days of the basic daily amount for calculation;</p> <p>(4) 4 or more persons: 245 days of the basic daily amount for calculation.</p>
Special Injury and Disease Pension	<p>(1) A person in a state of disability of the 1st grade of injury and disease 313 days of the basic daily amount for calculation</p> <p>(2) A person in a state of disability of the 2nd grade of injury and disease 277 days of the basic daily amount for calculation</p> <p>(3) A person in a state of disability of the 3rd grade of injury and disease 245 days of the basic daily amount for calculation</p>

**Annexed Table No. 3** (Relating to Articles 7, 8 and 10)

Benefit Category	Amount
Special Disability Lump Sum Payment	<p>(1) A person with a disability of the 8<sup>th</sup> grade of disability 503 days of the basic daily amount for calculation</p> <p>(2) A person with a disability of the 9<sup>th</sup> grade of disability 391 days of the basic daily amount for calculation</p> <p>(3) A person with a disability of the 10<sup>th</sup> grade of disability 302 days of the basic daily amount for calculation</p> <p>(4) A person with a disability of the 11<sup>th</sup> grade of disability 223 days of the basic daily amount for calculation</p> <p>(5) A person with a disability of the 12<sup>th</sup> grade of disability 156 days of the basic daily amount for calculation</p> <p>(6) A person with a disability of the 13<sup>th</sup> grade of disability 101 days of the basic daily amount for calculation</p> <p>(7) A person with a disability of the 14<sup>th</sup> grade of disability 56 days of the basic daily amount for calculation</p>
Special Survivors' Lump Sum Payment	<p>(1) A person entitled to survivors' compensation lump sum payment or survivors' lump sum payment payable under Article 16-6 Paragraph 1 Item 1 of the Law (including where applied <i>mutatis mutandis</i> under Article 22-4 Paragraph 3 of the Law) 1000 days of the basic daily amount for calculation</p>

(2) A person entitled to survivors' compensation lump sum payment or survivors' lump sum payment payable under Article 16-6 Paragraph 1 Item 2 of the Law (including where applied *mutatis mutandis* under Article 22-4 Paragraph 3 of the Law) The amount after deducting the total amount of special survivors' pension payments paid with respect to the death of the said worker (where the amount is to be multiplied by a rate prescribed by the Minister of Health, Labor and Welfare in Article 16-6 Paragraph 2 where the provisions of the same paragraph have been applied regarding the said special survivor's pension payments made as survivors' compensation pension, the amount obtained by multiplying the amount by the said rate prescribed by the Minister of Health, Labor and Welfare) from 1000 days of the basic daily amount for calculation.