

Employment Measure Law

(Law No. 132 of July 21, 1966)

(Provisional translation)

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Amendments:

Law No. 107 of Oct. 1, 1973

Law No. 43 of Apr. 30, 1986

Law No. 41 of June 1, 1987

Law No. 34 of June 17, 1994

Law No. 32 of Apr. 9, 1997

Law No. 110 of Sept. 28, 1998

Law No. 20 of Mar. 31, 1999

Law No. 87 of July 16, 1999

Law No. 160 of Dec. 22, 1999

Law No. 60 of May 12, 2000

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Chapter I

General Provisions

(Purpose)

Article 1. The purpose of this law is to contribute toward the balanced development of the national economy and the achievement of full employment by establishing both qualitative and quantitative balance between labour supply and demand and enabling workers to make effective use of their abilities, through the adoption of necessary comprehensive measures for employment with which the State is charged in the whole sphere of its policies, thus contributing to the promotion of employment security and elevating the economic and social status of workers.

2. In the administration of this law, the authorities shall respect workers' freedom of choice of employment and employers' autonomy in employment management and shall endeavour to enhance the desire of workers to acquire skills and sustain themselves by work, and to facilitate employers' efforts to stabilize the employment of workers.

(Definition)

Article 2. In this law, the term "employment placement agency" means a Public Employment Security Office (including the heads of schools who are charged with part of the work of the Public Employment Security Offices pursuant to the *Employment Security Law* [Law No. 141 of 1947]) or any person duly conducting employment placement services with an official license or upon notification under said law.

(Basic Principles)

Article 3. Consideration shall be given to the proper carrying out of the planning of workers' working lives,

the development and improvement of abilities fit for those plans, the promotion of smooth re-employment in relation to job changes for workers and the effective implementation of other measures in order to stabilize workers' employment throughout the entire period of their working lives.

(State Measures)

Article 4. In order to achieve the purposes declared in Article 1, paragraph 1, the state shall take necessary measures comprehensively, in accordance with the basic concept as provided in the preceding paragraph, with respect to the matters set forth in the following items:

- (1) To increase vocational guidance and placement services for the purposes of assisting every worker in obtaining work suitable to his or her ability and supplying labour needed for industries;
- (2) To foster undertakings for skills training and skills testing, for the purposes of promoting the acquisition of skills by every person suited to each person's ability and in keeping with technical progress, changes in industrial structure and the like, and promoting the due appreciation thereof, and also for the purpose of developing and securing skilled workers needed by industry;
- (3) To strengthen necessary measures to aid workers in changing jobs, in movement between regions, and in occupational adjustment and the like, for the purposes of facilitating the employment of workers who have difficulty in finding employment and rectifying imbalances between labour supply and demand;
- (4) To strengthen necessary measures to promote the smooth re-employment of workers who have unavoidably lost their jobs;
- (5) To strengthen necessary measures to promote the

smooth implementation of increases in the retirement age and the introduction and improvement of the continuous employment system for the purpose of stabilizing the employment of older persons;

- (6) To strengthen necessary measures to promote improvements in forms of employment and other matters, for the purpose of remedying insecure employment conditions;
- (7) To strengthen other necessary measures for the purpose of making it possible for workers to effectively utilize their abilities.

2. In taking the measures specified in the preceding paragraph and other related measures, the state shall endeavour to promote the steady expansion of employment opportunities and to eliminate interregional imbalances in job opportunities and the like, hand-in-hand with measures for the sound growth of the national economy, the concomitant strengthening of the foundations of business management, the balanced development of the nation's land, and the like, and at the same time shall give due consideration to the elimination of those employment practices which prevent workers from making effective use of their abilities.

(Local Government Measures)

Article 5. Local governments must, in cooperation with national measures, endeavor to devise necessary measures in relation to employment, in accordance with actual conditions in the relevant regions.

(Responsibilities of Employers)

Article 6. Employers must, in relation to workers who unavoidably lose their jobs due to the downsizing of the scale or activities of a business or a business transition or discontinuance (hereinafter “downsizing of the scale of a business *inter alia*”), endeavor to stabilize

the employment of those workers through assisting the job seeking activities carried out by the said workers or carrying out other re-employment assistance.

Article 7. Employers must, when it is regarded as necessary in order for workers to effectively display their abilities, endeavor to provide equal opportunity to workers in relation to recruitment and employment, irrespective of age

Chapter II

Basic Employment Measures Plan

(Formulation of the Basic Employment Measures Plan, etc.)

Article 8. The State shall formulate a plan which will form a foundation for its employment policy in order to enable workers to make effective use of their abilities (hereinafter referred to as “the Basic Employment Measures Plan”).

2. The matters to be specified in the Basic Employment Measures Plan shall be as follows:

- (1) Matters regarding trends in employment;
- (2) Matters which will form the basis for measures to be adopted in connection with the matters specified in each of the items in paragraph 1 of the preceding article.

3. The Basic Employment Measures Plan shall be harmonized with plans for the national economy in general formulated by the government and shall be established after giving due consideration to the kinds of work, levels of skill and other qualitative aspects of labour resources.

4. The state may, if necessary, and with special consideration for specific kinds work, smaller enterprises, etc., prescribe in the Basic Employment Measures Plan comprehensive measures necessary for the promotion of employment security and the elevation of the social and economic status of those workers who are employed in such kinds of work or enterprises.

5. The Minister of Health, Labour & Welfare shall draft the Basic Employment Measures Plan and ask the Cabinet for its decision.

6. In drafting the Basic Employment Measures

Plan, the Minister of Health, Labour & Welfare shall, in advance, consult with the heads of administrative agencies concerned, request the opinions of the prefectural governors and also hear the opinion of the Council on Economic and Fiscal Policy with respect to the outline of that plan.

7. When the Cabinet has made a decision pursuant to paragraph 5, the Minister of Health, Labour & Welfare shall publish the outline of the Basic Employment Measures Plan without delay.

8. The provisions of the preceding three paragraphs shall apply mutatis mutandis in the case of modification of the Basic Employment Measures Plan.

(Requests to Other Agencies Concerned)

Article9. The Minister of Health, Labour & Welfare may, when the Minister deems necessary, make requests to the heads of administrative agencies concerned with respect to the submission of information necessary for formulating the Basic Employment Measures Plan, or with respect to the implementation of those measures specified in the Basic Employment Measures Plan which come under the jurisdiction of said administrative agencies.

Chapter III

Guidance to Those Seeking Jobs and Those Seeking Workers, etc.

(Employment Information)

Article10. The Minister of Health, Labour & Welfare shall collect and compile information on the circumstances of demand for and supply of labour, the conditions of employment vacancies and job seekers and other necessary information concerning employment (hereinafter referred to as “employment information”), for the purpose of furthering the prompt and proper matching of applications for workers with applications for jobs.

2. The Minister of Health, Labour & Welfare shall provide employment information so that it can be utilized when those seeking jobs, those seeking workers and other relevant persons and job introduction agencies, vocational training institutions, educational institutions and other relevant bodies undertake job selection, the employment of workers, vocational guidance, job introductions, vocational training and other measures.

3. The Minister of Health, Labour & Welfare shall establish and maintain an organization necessary for the collection, compilation and utilization and supplying of employment information in a speedy and effective manner.

(Surveys and Research Concerning Occupations)

Article11. The Minister of Health, Labour & Welfare shall conduct surveys and research with respect to the analysis of the current situation of and trends in occupations, vocational aptitude testing, and improvement of occupational adaptability, methods for job analysis, and other basic matters concerning

occupations. (See original for paragraph 2.)

2. The provisions of paragraph 2 of the preceding article shall apply mutatis mutandis to the results of the surveys and research mentioned in the preceding paragraph (hereinafter referred to as “results of occupational surveys and research”).

(Guidelines)

Article12. The Minister of Health, Labour & Welfare may prescribe and announce necessary guidelines with respect to matters prescribed in Article 7 in order that employers manage appropriately.

(Guidance for Job Seekers)

Article13. By providing job seekers with employment information and the results of occupational surveys and research and the like and by giving job seekers guidance based on such materials with respect to kinds of work, places of employment and other matters concerning the nature of those seeking workers and necessary skills and the like, the employment placement agencies shall make efforts to promote the selection by job seekers of employment suited to their aptitude, ability, experience, level of skill, etc., and thereby to positively achieve freedom of choice of employment.

(Guidance for Those Seeking Workers)

Article14. By providing those seeking workers with employment information and the results of occupational surveys and research and the like, and by giving those seeking workers guidance based on such materials with respect to the nature of those seeking jobs, the employment placement agencies shall make efforts to promote the hiring of workers who are suited to the work or job being offered.

2. The employment placement agencies may, when they deem it necessary to maintain a proper balance between labour supply and demand, furnish those

seeking workers with employment information, etc., and give them guidance based thereon with respect to the time of recruitment, the number of workers to be recruited, the place of recruitment and other aspects of recruitment.

(Assistance Pertaining to Employment)

Article 15. When assistance is requested by employers, trade unions or other persons concerned with respect to the hiring or assignment of workers, aptitude tests, vocational training, or other matters pertaining to employment, the employment security agencies and the public vocational training agencies shall give such persons necessary advice and shall take other measures, utilizing employment information, the results of occupational surveys and research and the like.

Chapter IV. Developing and Securing Skilled Workers, etc.

(Improvement of Vocational Training)

Article16. The state shall take positive measures necessary to improve vocational training, such as strengthening vocational training facilities, enriching the content of vocational training and researching and developing better training methods, and developing and securing vocational training instructors and improving their quality.

2. The state shall make arrangements so that the vocational training conducted by public vocational training agencies and that conducted by employers or their associations are carried out in close cooperation and so that skilled workers valuable to industry are developed and secured.

(Establishment of Skills Testing System)

Article17. The State shall make efforts to improve the skills and to assure the security of employment of workers and to improve the social and economic position of skilled workers by establishing, with the cooperation of organizations of employers and other persons concerned, appropriate standards for the evaluation of skills, with due consideration for conditions of technological progress, skill level necessary for re-employment and the like, and by establishing a system for testing the level of skills of workers on the basis of those standards, as well as by seeking the expansion and diffusion of that system.

Chapter V. Vocational Conversion Benefits

(Granting of Vocational Conversion Benefits)

Article18. For the purposes of facilitating and promoting the employment of workers in occupations suited to their abilities, the state and the prefectures may grant job seekers and other workers or employers such benefits as are specified in the following items (hereinafter referred to as “vocational conversion benefits”), in accordance with the classifications prescribed by Cabinet order, besides the benefits payable under the provisions of other legislation:

- (1) Benefits to promote the job-seeking activities of job seekers and to provide security for their livelihood;
- (2) Benefits to assist job seekers in acquiring knowledge and skills;
- (3) Benefits to cover the cost of job-seeking activities over a wide area;
- (4) Benefits to cover the moving expenses of workers who change residence to obtain employment or to acquire knowledge or skills;
- (5) Benefits to promote the training of job seekers to adapt themselves to the working environment;
- (6) Benefits prescribed by Cabinet order other than those specified in the preceding items.

(Standards for Payment, etc.)

Article19. The necessary standards for payment of vocational conversion benefits shall be fixed by Ministry of Health, Labour & Welfare Ordinance.

2. In the formulation and application of the standards referred to in the preceding paragraph, careful consideration shall be given to the relationship

between the above benefits and similar benefits payable under the provisions of other legislation so that the employment of job seekers may be promoted.

(Defrayal by the State)

Article20. The State shall, in accordance with Cabinet order, bear part of the expenses for vocational conversion benefits paid by a prefecture.

(Prohibition of Transfer, etc.)

Article21. The right to receive vocational conversion benefits of a person entitled to receive said benefits shall not be transferred, pledged or attached; provided, however, that this shall not apply with respect to rights in connection with an employer where the attachment is for recovery of state taxes in arrears (including dispositions governed by those same standards).

(Exemption from Public Imposts)

Article22. Taxes and other public imposts shall not be levied on the basis of vocational conversion benefits (with the exception of benefits paid to employers).

(Contact and Cooperation)

Article23. The Prefectural Labour Offices, the Public Employment Security Offices, the prefectures and the Employment and Human Resources Development Organization shall maintain close contact and cooperate with one another so that the payment of vocational conversion benefits may be made smoothly and effectively.

Chapter VI.
**Measures to Promote Assistance for Re-employment by
Employers**

(Formulation of Plans for Assisting
Re-employment)

Article 24. Employers must, when carrying out the downsizing of the scale of a business *inter alia* the implementation of which is expected to be accompanied by unavoidable job losses for a significant number of workers at one workplace, which is prescribed by Ministry of Health, Labor and Welfare Ordinance, formulate a plan (hereinafter “re-employment assistance plan”) in relation to measures in order to assist the re-employment of the said workers who will unavoidably lose their jobs, as prescribed by Ministry of Health, Labour and Welfare Ordinance.

2. Employers must, in relation to the formulation of re-employment assistance plans in the preceding paragraph, at the workplace connected to the said re-employment assistance plan, listen to the opinion of, where there is a labour union comprised of a majority of the workers, the union and where there is no labour union comprised of a majority of the workers, a person who represents the majority of the workers. The same shall also apply when the employer wishes to change the said re-employment assistance plan.

3. Employers must, when a re-employment assistance plan has been formulated pursuant to the provisions of the preceding 2 paragraphs, submit the same to the Chief of the Public Employment Security Office and receive his or her approval, as prescribed by Ministry of Health, Labour and Welfare Ordinance. The same shall also apply when the employer wishes to

change the said re-employment assistance plan.

4. The Chief of the Public Employment Security Office may, where there has been an application for the approval in the preceding paragraph, when he or she regards the substance of the measures prescribed by the re-employment assistance plan as being unsuited to promoting re-employment, make a request to the relevant employer for changes in the same. Where changes have been requested, when the relevant employer has not complied with the request, the Chief of the Public Employment Security Office may decline to issue the approval in the same paragraph.

5. An employer who has made an application for the approval in Paragraph 3 shall be regarded as having made a submission pursuant to the provisions of Article 28 Paragraph 1 on the relevant day on which the application was made.

Article 25. Employers may, even where a downsizing of the scale of a business *inter alia* to be carried out in relation to one workplace does not fall within the provisions of Paragraph 1 of the preceding article, formulate a re-employment assistance plan in relation to measures in order to assist the re-employment of the said workers who will unavoidably lose their jobs, submit it to the Chief of the Public Employment Security Office and receive his or her approval, as prescribed by Ministry of Health, Labour and Welfare Ordinance. The same shall apply when the employer wishes to change the said re-employment assistance plan.

2. The provisions of Paragraph 2 of the preceding article shall apply *mutatis mutandis* in relation to where re-employment assistance plans are formulated or changed pursuant to the preceding paragraph and the provisions of Paragraphs 4 and 5 of the same article

shall apply *mutatis mutandis* where there has been an application for approval in the preceding paragraph.

(Aid and assistance for the promotion of smooth re-employment)

Article 26. The government shall carry out necessary aid and assistance for employers who have, in order to promote the smooth re-employment of workers, the loss of whose jobs unavoidably accompanied the downsizing of the scale of a business *inter alia* (hereinafter in this article “assisted workers”), as an employment stabilization undertaking pursuant to Article 62 of the *Employment Insurance Law* (Law No. 116 of 1974) based on a re-employment assistance plan for which approval has been received pursuant to Article 24 Paragraph 3 or Paragraph 1 of the preceding article, given leave to the assisted workers employed for the purposes of job seeking activities (excluding leave given as paid annual leave pursuant to Article 39 of the *Labour Standards Law* (Law No. 49 of 1947)) or who devise other measures regarded as making a particular contribution to the promotion of re-employment.

2. The government shall, pursuant to the *Employment and Human Resources Development Organization Law* (Law No. 20 of 1999) and the provisions of Orders based on this law, have the Employment and Human Resources Development Organization carry out the whole or a part of the undertakings prescribed in the preceding paragraph.

Chapter VII. Miscellaneous Provisions

(Cooperation between the National and Local Governments)

Article 27. The state and local governments shall, cooperate and communicate bilaterally so that the vocational guidance and job introduction projects *inter alia* carried out by the government and the employment-related policies devised by local governments are implemented smoothly and effectively in the context of a close relationship.

(Notification in the Case of Mass Fluctuations in Employment)

Article 28. The employer must, before fluctuations in the volume of employment (meaning a considerable number of workers who have lost their jobs arise within a fixed period for reasons of the downsizing of the scale of a business or other reasons) take place, where the fluctuations in the volume of employment are in the employer's workplace and fall within cases specified by Ordinance of Ministry of Health, Labour & Welfare (hereinafter in this article "mass employment fluctuations"), notify the Chief of the Public Employment Security Office of the number of workers who have lost their jobs and other matters stipulated by Ministry of Health, Labour & Welfare Ordinance.

2. The provisions of the preceding paragraph do not apply in relation to mass employment fluctuations in connection with the state or in local governments. Where this is the case, authorities appointed by the state and local governments (including those with delegated authority) shall, before the said mass employment fluctuations take place and as provided for by Cabinet

Order, inform the Chief of the Public Employment Security Office.

3. On receipt of the notification under Paragraph 1 or the information under the preceding paragraph, the state shall, by devising measures listed as follows, endeavor to promote the re-employment of workers connected to the said notification or information:

- (1) Maintaining close contact between employment security agencies in relation to the requests of the relevant workers, providing employment information to the relevant workers and other relevant persons from before the job losses and opening up the seeking of job applicants and job introductions over a wide area;
- (2) Carrying out necessary occupational training through public vocational training agencies.

(Request for Reports)

Article29. The prefectural governor or the Chief of the Public Employment Security Office may request any person receiving or having received vocational conversion benefits to make a report on necessary matters pertaining to the payment of said benefits.

(Exclusions from Application)

Article30. This law shall not apply to mariners as specified in Article 6, paragraph 1, of the *Mariners' Employment Security Law* (Law No. 130 of 1948).

2. The provisions of Article 6, Article 7, Article 12 and Chapter 6 shall not apply to national and local public employees.

(Penal Provisions)

Article31. A person coming under any one of the following items shall be liable for a fine not exceeding 300,000 yen:

- (1) a person who does not make a notification or makes a false notification in violation of the

- provisions of Article 28, paragraph 1;
- (2) a person who does not make a report or makes a false report under the provisions of Article 29.

2. In case a representative of a juridical person or an agent, employee or other worker of a juridical person or a natural person has committed, with respect to the business of said juridical person or said natural person, a violation stated in the preceding paragraph, the punishment provided for in that paragraph shall be imposed on said juridical person or said natural person in addition to the person who committed the act.

Supplementary Provisions (Excerpt)

(Date of Enforcement)

Article 1. This law shall come into force on and after the day of promulgation; provided however, that the provisions of Article 21 shall come into force from the day six months after the date of promulgation.

(The rest omitted.)