

Minimum Wages Law

(Law No. 137 of April 15, 1959)

(Provisional translation by the specialist)

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Amendments

Law No. 90 of June 3, 1968

Law No. 64 of July 18, 1969

Law No. 60 of May 16, 1970

Law No. 85 of Nov. 19, 1980

Law No. 78 of Dec. 2, 1983

Law No. 25 of May 8, 1984

Law No. 56 of June 8, 1985

Law No. 67 of June 3, 1992

Law No. 112 of Sep. 30, 1998

Law No. 87 of Jul. 16, 1999

Law No. 102 of Jul. 16, 1999

Law No. 160 of Dec. 22, 1999

Law No. 35 of Apr. 25, 2001

Law No. 54 of May 31, 2002

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Chapter I. General Provisions

(Purpose)

Article 1. The purpose of this Law is to improve the working conditions of low-paid workers by guaranteeing minimum amounts of wages to them in accordance with categories of industries, occupations or regions, and thereby to contribute to stabilizing workers' living, raising the quality of the labour force and securing fair competition among undertakings, as well as to promote the second development of the national economy.

(Definitions)

Article 2. The definitions of the terms in this Law listed in the following items shall be as prescribed in the said items:

- (1) "Worker" shall mean the workers provided for in Article 9 of the Labour Standards Law (Law No. 49 of 1947) (excluding persons employed in undertakings or offices employing only family members residing together and domestic employees);
- (2) "Employer" shall mean the employers provided for in Article 10 of the Labour Standards Law;
- (3) "Wages" shall mean the wages provided for in Article 11 of the Labour Standards Law.

Chapter II. Minimum Wages

(Principle of Minimum Wages)

Articles 3. The minimum wages shall be fixed taking into consideration the cost of living of workers, wages of similar workers and the capacity of normal industries to pay wages.

(Minimum Wage Amount)

Article 4. The minimum wage amount (the amount of wages fixed in the minimum wages; hereinafter the same applies) shall be fixed by the hour, day, week or month.

2. In case wages are usually fixed according to a piece-work system or other contract work system and when it is recognized that it would be inappropriate to apply the provisions of the preceding paragraph, the minimum wage amount may be fixed as provided for by Ministry of Health, Labour & Welfare Ordinance, notwithstanding the provisions of the preceding paragraph.

(Effect of Minimum Wages)

Article 5. The employer shall pay wages equal to or greater than the minimum wage amount to workers to whom the minimum wages are applicable.

2. In case a labour contract between the employer and workers to whom the minimum wages are applicable provides for wages less than the minimum wage amount, such portion of the contract shall be null and void. In this case, the void portion shall be deemed to provide to the same effect as the minimum wages.

3. The wages listed below shall not be included in the wages provided for in the preceding two paragraphs:

(1) wages other than those paid at intervals of a period not exceeding one month, as

provided for by Ministry of Health, Labour & Welfare Ordinance;

(2) wages other than those paid for normal working hours or working days, as provided

for by Ministry of Health, Labour & Welfare Ordinance;

(3) wages specified to not be included in the minimum wages concerned.

4. In case a worker voluntarily has not worked prescribed working hours or prescribed working days or in case an employer for a justifiable reason has had a worker not work prescribed working hours or prescribed working days, the provisions of paragraphs 1 and 2 shall not preclude the employer from not paying wages to the extent corresponding to the hours or days the worker has not worked.

(Valuation of Allowances in Kind, etc.)

Article 6. In case wages are paid in anything other than currency or in case prices of food and other things furnished by an employer to workers are deducted from wages, the value attributed to these things shall be fair and reasonable in applying the minimum wages.

(Concurrence of Minimum Wages)

Article 7. In case a worker is covered by two or more different minimum wages, the provisions of Article 5 shall apply to the highest amount of minimum wages among the amounts of minimum wages so fixed.

(Exclusions from Application of Minimum Wages)

Article 8. The provisions of Article 5 shall not apply to the workers listed below, unless otherwise provided for in the minimum wages concerned, where the employer has obtained the authorization of the Directors of the Prefectural Labour Bureaus, as provided for by Ministry of Labour Ordinance:

- (1) workers having an extremely small capacity for work due to a mental or physical disability;
- (2) workers in a probationary period;

- (3) workers provided by Ministry of Health, Labour & Welfare Ordinance who receive vocational training having them of acquiring the basic skills and knowledge of them necessary for their jobs, subject to authorization referred to in paragraph 1 of Article 24 of the Human Resources Development Promotion Law (Law No. 64 of 1969);
- (4) workers whose prescribed working hours are especially short, workers engaged in light work, and other workers as provided for by Ministry of Health, Labour & Welfare Ordinance.

Article 9 and 10. Deleted.

(Regional Minimum Wages Based on Collective Agreement)

Article 11. The Minister of Health, Labour & Welfare or the Directors of the Prefectural Labour Bureaus may, in case the greater part of workers of the same kind employed in establishments in a certain region and of employers employing them are covered by one collective agreement containing a provision concerning the minimum amount of wages or in case they are covered by any one of two or more collective agreements containing provisions whose contents are substantially the same in respect of the minimum amount of wages, and when an application has been made by mutual consent of all the trade unions or employers (including employers' organizations) which are parties to the collective agreement concerned, decide, based on these provisions concerning the minimum amount of wages, minimum wages applicable to all the workers of the same kind employed in establishments in that certain region and

to all the employers employing them.

(Raising of an Objection against an Application for a Decision on Minimum Wages)

Article 12. The Minister of Health, Labour & Welfare or the Directors of the Prefectural Labour Bureaus shall, in case an application under the preceding Article has been made, publish the essential points of the application, in accordance with Ministry of Labour Ordinance.

2. The workers of the same kind under the preceding Article or the employers employing them who are not covered by the collective agreement involved in the application may raise an objection to the Minister of Health, Labour & Welfare or the Directors of the Prefectural Labour Bureaus within thirty days from the day on which the publication under the provisions of the preceding paragraph was made.

3. The Minister of Health, Labour & Welfare or the Directors of the Prefectural Labour Bureaus shall, when an objection under the preceding paragraph has been raised, ask the opinion of the Central Minimum Wages Deliberative Council or Prefectural Minimum Wages Deliberative Councils (hereinafter referred to as “the Minimum Wages Councils”) concerning the objection.

4. The Minister of Health, Labour & Welfare or the Directors of the Prefectural Labour Bureau may not make a decision under the preceding Article until thirty days have expired as from the day of the publication under the provisions of paragraph 1. The same shall apply until the opinion of the Minimum Wages Council under the provisions of the preceding paragraph is presented, in case an objection

under the provisions of paragraph 2 has been raised.

5. The Minister of Health, Labour & Welfare or the Directors of the Prefectural Labour Bureaus may, if an objection under the provision of paragraph 2 has been raised in a case of making a decision under the preceding Article, postpone the application of the minimum wages for a specified period, or may make separate provisions for the amount of minimum wages, in respect of a specified category of undertakings, in the minimum wages concerned, based on the opinion of the Minimum Wages Council under the provisions of paragraph 3.

(Revision, etc., of Regional Minimum Wages Based on Collective Agreement)

Article 13. The Minister of Health, Labour & Welfare or the Directors of the Prefectural Labour Bureaus may decide to revise or abolish minimum wages under the provisions of Article 11 in the same manner as in the case of deciding on these minimum wages.

Article 14. Deleted.

(Consultation with the Minimum Wages Council)

Article 15. The Minister of Health, Labour & Welfare or the Directors of the Prefectural Labour Bureaus shall, in making a decision under Article 11 or Article 13, inquire in advance as to the opinion of the Minimum Wages Council.

2. The Minister of Health, Labour & Welfare or the Directors of the Prefectural Labour Bureaus shall, in case the opinion of the Minimum Wages Council under the provision of Article 12, paragraph 5, or the preceding paragraph has been presented and he or she deems it difficult to comply with the opinion, request the Minimum

Wages Council to reconsider the matter, stating the reasons therefor.

(Minimum Wages Based on Research and Deliberations by the Minimum Wages Council)

Article 16. The Minister of Health, Labour & Welfare or the directors of the Prefectural Labour Offices may, in case he or she deems it necessary to decide minimum wages for the purpose of improving the working conditions of low-paid workers in a certain industry, occupation or region, request the Minimum Wages Council to make investigation into and deliberation on the matter and, hearing its opinion, may decide minimum wages.

2. The provisions of paragraph 2 of the preceding Article shall apply mutatis mutandis to the decision under the preceding paragraph.

(Raising of an Objection against the Opinion of the Minimum Wages Council)

Article 16-2. The Minister of Health, Labour & Welfare or the Directors of the Prefectural Labour Bureaus shall, in case the opinion of the Minimum Wages Council has been presented under the provisions of paragraph 1 of the preceding Article, publish its essential points, in accordance with Ministry of Health, Labour & Welfare Ordinance.

2. The workers in an industry, occupation or region involved in the opinion of the Minimum Wages Council under the provisions of paragraph 1 of the preceding Article or the employers employing them may raise an objection to the Minister of Health, Labour & Welfare or the Directors of the Prefectural Labour Bureaus within fifteen days from the

day on which the publication under the provisions of the preceding paragraph was made.

3. The provisions of Article 12, paragraph 3, shall apply mutatis mutandis to the case where an objection under the preceding paragraph has been raised.

4. The provisions of Article 12, paragraph 4 and 5, shall apply mutatis mutandis to the decision under paragraph 1 of the preceding Article. In this case, the expression “thirty days” in Article 12, paragraph 4, shall be read as “fifteen days”.

5. The provisions of Article 15, paragraph 2, shall apply mutatis mutandis to the case where the opinion of the Minimum Wages Council has been presented under the provisions of Article 12, paragraph 5, as applied mutatis mutandis pursuant to the preceding paragraph.

(Revision, etc., of Minimum Wages Based on Investigations and Deliberations by the

Minimum Wages Council)

Article 16-3. The Minister of Health, Labour & Welfare or the Directors of the Prefectural Labour Offices may, when he or she deems it necessary, decide to revise or abolish minimum wages under the provisions of Article 16, paragraph 1, in the same manner as in the case of deciding on these minimum wages.

(Application of Workers or Employers Concerned as to a Decision, etc., of Minimum

Wages)

Article 16-4. Those representing the whole or a portion of workers or employers may, in accordance with Ministry of Health, Labour & Welfare Ordinance, make an application

to the Minister of Health, Labour & Welfare or the Directors of the Prefectural Labour Bureaus to the effect that minimum wages under the provisions of Article 16, paragraph 1, applicable to said workers or employers shall be decided or that minimum wages under the provisions of said paragraph which are then applicable to said workers or employers shall be revised or abolished.

2. The Minister of Health, Labour & Welfare or the Directors of the Prefectural Labour Bureaus shall ask the opinion of the Minimum Wages Council, when he or she deems it necessary, in case an application under the provisions of the preceding paragraph has been made.

(Publication and Effectuation)

Article 17. The Minister of Health, Labour & Welfare or the Directors of the Prefectural Labour Bureaus shall, when he or she has made a decision concerning minimum wages, publish matters decided upon, in accordance with Ministry of Health, Labour & Welfare Ordinance.

2. The decision under Article 11 and Article 16 paragraph 1, as well as the decision to revise minimum wages under Article 13 and Article 16-3 shall come into force as from the day on which thirty days have expired computing from the day of the publication under the provisions of the preceding paragraph (in case another day after the expiration of thirty days computing from the day of the publication has been fixed in the decision concerned, from that day); and the decision concerning the abolition of minimum wages shall come into force as from the day of the publication under the provisions of the preceding paragraph (in case another day after the day of the publication has been fixed in the decision

concerned; from that day).

(Continuation of the Effect of Minimum Wages)

Article 18. The modification or termination of the collective agreement on which the minimum wages under the provisions of Article 11 have been based shall not affect the minimum wages concerned.

(Obligation to Inform)

Article 19. The employers covered by the minimum wages shall take measures to inform the workers of the gist of the minimum wages concerned by posting that information continuously at conspicuous places in workplace or by other means, in accordance with Ministry of Health, Labour & Welfare Ordinance.

Chapter III. Deleted.

Articles 20 to 25. Deleted

Chapter IV. Minimum Wages Deliberative Councils

(Establishment)

Article 26. The Central Minimum Wages Deliberative Council shall be established in the Ministry of Health, Labour & Welfare and Prefectural Minimum Wages Deliberative Councils in the Prefectural Labour Bureaus.

(Competence)

Article 27. The Minimum Wages Council may, in addition to taking charge of matters falling within its competence in

accordance with the provisions of this Law, acting through Prefectural Minimum Wages Councils, inquire into and deliberate on important matters concerning minimum wages at the request of the Directors of the Prefectural Labour Bureaus and make recommendations to the Directors of the Prefectural Labour Bureaus on necessary matters related thereto.

(Organization)

Article 28. The Minimum Wages Councils shall, in accordance with Cabinet Order, be composed of an equal number of members representing respectively workers, employers and the public interest.

(Members and Special Members)

Article 29. The members shall be appointed by the Minister of Health, Labour & Welfare or the Directors of the Prefectural Labour Bureaus, in accordance with Cabinet Order.

2. The term of office of a member shall be one year; provided, however, that the term of office of a member filling a vacancy shall be the remaining portion of the term of office of his or her predecessor.

3. A member shall, at the expiration of the term of office, continue to perform his or her duties until a successor has been appointed.

4. The members shall be in part-time positions.

(Chairperson)

Article 30. The Minimum Wages Councils shall have chairpersons.

2. The chairperson shall be elected by the members from among the members representing public interest.

3. The chairperson shall preside over the business of the Minimum Wages Council.

4. In case circumstances arise with respect to the chairperson, a person elected in advance in the same manner as under paragraph 2 shall act in place of the chairperson in performing the chairperson's duties.

(Expert Committee, etc.)

Article 31. A Minimum Wages Council may, if necessary, establish an expert committee, in order to have it investigate into and deliberate on matters relating to a specified industry or occupation.

2. A Minimum Wages Council shall, when it has been requested to make investigation into and deliberation on the decision on minimum wages under the provisions of Article 16, paragraph 1, or the decision to revise them, establish an expert committee.

3. The expert committee shall, in accordance with Cabinet Order, be composed of an equal number of members representing the workers concerned, the employers concerned and the public interest respectively.

4. The provisions of Article 29, paragraphs 1 and 4 and the preceding Article shall apply mutatis mutandis to the expert committee.

5. A Minimum Wages Council shall, when it conducts investigation into and deliberation on the decision on minimum wages under the provisions of Article 16, paragraph 1, or on the decision to revise or abolish them, hear the opinions of the workers concerned and the employers concerned, in accordance with Ministry of Health, Labour & Welfare Ordinance.

6. A Minimum Wages Council shall, in addition to complying with the provisions of the preceding paragraph, hear the opinions of the workers concerned, the employers concerned and other persons concerned, in case it recognizes it necessary to do so in connection with its deliberations.

(Delegation to Cabinet Order)

Article 32. Necessary matters concerning the Minimum Wages Councils other than those provided for in this Law shall be provided for by Cabinet Order.

Chapter V. Miscellaneous Provisions

(Assistance)

Article 33. The Government shall endeavour to furnish relevant data and to give other assistance necessary to secure the smooth administration of the minimum wages system to employers and workers.

(Investigation)

Article 34. The Minister of Health, Labour & Welfare shall make necessary investigations into wages and other actual conditions of workers and endeavour to secure the smooth administration of the minimum wages system.

(Reports)

Article 35. The Minister of Health, Labour & Welfare and the Directors of the Prefectural Labour Bureaus may, in so far as it is necessary to achieve the purposes of this Law, require the employers or workers to report on matters concerning wages, in accordance with Ministry of Health, Labour & Welfare Ordinance.

(Authority, etc.)

Article 36. With regard to the authority of the Minister of Health, Labour & Welfare or the Directors of the Prefectural Labour Bureaus provided in Article 11, Article 13, Article 16, paragraph 1, and Article 16-3, the Minister of Health, Labour & Welfare shall exercise such authority over cases covering areas where two or more Prefectural Labour Bureaus have jurisdiction and cases covering an area where only one Prefectural Labour Bureau has jurisdiction which the Minister of Health, Labour & Welfare, in accordance with Ministry of Health, Labour & Welfare Ordinance, designates, recognizing it as of national importance; and the Director of the Prefectural Labour Bureau concerned shall exercise such authority over cases covering an area where only one Prefectural Labour Bureau has jurisdiction (excluding cases falling under the authority of the Minister of Health, Labour & Welfare).

2. The Minister of Health, Labour & Welfare may, when he or she recognizes that the minimum wages under the provisions of Article 16, paragraph 1, decided by a Director of a Prefectural Labour Bureau have become markedly inappropriate, issue an order to the Director of the Prefectural Labour Bureau to revise or abolish them.

3. The provisions of Article 15 shall apply *mutatis mutandis* to the case where the Minister of Health, Labour & Welfare intends to issue an order under the provisions of the preceding paragraph.

(Chiefs of the Labour Standards Inspection Offices and Labour Standards Inspectors)

Article 37. The Chiefs of the Labour Standards Inspection

Offices and the labour standards inspectors shall, in accordance with Ministry of Health, Labour & Welfare Ordinance, take charge of the business concerning the enforcement of this Law.

(Authority of the Labour Standards Inspectors)

Article 38. The labour standards inspectors may, in so far as it is necessary to achieve the purposes of this Law, enter establishments or business offices of employers, inspect records, documents and other things and put questions to persons concerned.

2. A labour standards inspector who enters and inspects in accordance with the provisions of the preceding paragraph shall carry an identification card showing his or her status and present it to the persons concerned.

3. The authority to enter and inspect under the provision of paragraph 1 shall not be construed as granted for criminal investigation.

Article 39. The labour standards inspector performs the duties of a judicial police officer under the provisions of the Criminal Procedure Law (Law No. 131 of 1948), with regard to crimes in contravention of the provisions of this Law.

(Special Regulation for Mariners)

Article 40. With regard to mariners covered by the Mariners Law (Law No. 100 of 1947) (hereinafter referred to as “mariners”), matters within the authority of the Minister of Health, Labour & Welfare, the Directors of the Prefectural Labour Bureaus or Labour Standards Inspectors as provided for in this Law shall be handled by the Minister of Land, Infrastructure and Transport, the Directors of the District Transport Bureaus (including the Chiefs of the District

Transport Supervision Departments) or Mariners' Labour Inspectors, and the expressions "Ministry of Health, Labour and Welfare Ordinance" and "areas where the Prefectural Labour Bureaus have jurisdiction" in this Law shall be read respectively as "Ministry of Land, Infrastructure and Transport Ordinance" and "areas where the District Transport Bureaus or the District Transport Supervision Departments have jurisdiction (as for the District Transport Bureaus specified by Cabinet Order, excluding the areas where the District Transport Supervision Departments have jurisdiction)".

Article 41. With regard to mariners, the matters within the authority of the Minimum Wages Councils as provided for in this Law shall be handled by the Central Labour Relations Commission for Seafarers or the District Labour Relations Commission for Seafarers (hereinafter referred to as "the Labour Relations Commissions for Seafarers").

Article 42. The Labour Relations Commission for Seafarers may, if necessary, establish an expert committee on minimum wages, in order to have it investigate into and deliberate on matters related to a specified industry or occupation.

2. The Labour Relations Commission for Seafarers shall, when it has been requested to make investigation into and deliberation on the decision on minimum wages under the provisions of Article 16, paragraph 1, or the decision to revise them, establish an expert committee on minimum wages.

3. The members of the expert committee on minimum wages shall be appointed by the Minister of Land,

Infrastructure & Transport, in accordance with Cabinet Order.

4. The provisions of Article 31, paragraph 3, shall apply mutatis mutandis to the expert committee on minimum wages.

5. The provisions of Article 31, paragraphs 5 and 6, shall apply mutatis mutandis to the Labour Relations Commission for Seafarers.

(Delegation to Ministerial Ordinance)

Article 43. Necessary matters concerning the enforcement of this Law other than those provided for in this Law shall be provided for by Ministry of Health, Labour & Welfare Ordinance.

Chapter VI. Penal Provisions

Article 44. Any person who has violated the provisions of Article 5, paragraph 1, shall be liable to a fine not exceeding ten thousand (10,000) yen.

Article 45. Any person who has fallen under any one of the following items shall be liable to a fine not exceeding five thousand (5,000) yen:

- (1) any person who has violated the provisions of Article 19;
- (2) any person who has failed to make a report under the provisions of Article 35 or
has made a false report;
- (3) any person who has refused, impeded or evaded the inspection or has made a false
statement to the questions under the provisions of Article

38, paragraph 1.

Article 46. In case any person who has committed an act under the preceding two Articles is a representative of a juridical person or an agent, employee, or other person employed by, a juridical person or a person, who has acted for the juridical person or the person, such a juridical person or a person shall also be subjected to penalties provided for in these Articles.

Supplementary Provisions

(Date of Enforcement)

Article 1. The date of enforcement of this Law shall be fixed by Cabinet Order for each provision within a period not exceeding ninety days from the day of its promulgation.

(The rest is omitted.)