

**Law Concerning Securing the Proper
Operation of Worker Dispatching
Undertakings and Improved Working
Conditions for Dispatched Workers**

(Law No. 88 of July 5, 1985)

(Provisional translation)

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Law No. 102 of Dec. 24, 1985
Law No. 99 of Sep. 26, 1987
Law No. 37 of May 17, 1988
Law No. 40 of May 17, 1988
Law No. 55 of May 22, 1992
Law No. 79 of July 1, 1993
Law No. 89 of Nov. 12, 1993
Law No. 89 of June 19, 1996
Law No. 90 of June 19, 1996
Law No. 92 of June 18, 1997
Law No. 112 of Sept. 30, 1998
Law No. 45 of May 21, 1999
Law No. 84 of July 7, 1999
Law No. 85 of July 7, 1999
Law No. 151 of Dec. 8, 1999
Law No. 160 of Dec. 22, 1999
Law No. 138 of Dec. 5, 2001
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Law No. 82 of June 13, 2003
Law No. 102 of July 2, 2003

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Workers**

(Law No. 88 of July 5, 1985)

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Chapter I General Provisions

(Purpose)

Article 1. The purpose of this Law is to take measures for securing the proper operation of worker dispatching undertakings for the proper adjustment of labour demand and supply, in conjunction with the Employment Security Law (Law No. 141 of 1947), as well as measures for securing improved working conditions for dispatched workers, and thereby to contribute to the stability of employment and otherwise to the promotion of the welfare of dispatched workers.

(Definitions)

Article 2. For the purposes of this Law, the following definitions shall apply:

- (1) "worker dispatching" means causing a worker or workers employed by one person to be engaged in work for another person under the instruction of the latter, while maintaining their employment relationship with the former, but excluding cases where the former agrees with the latter that such worker or workers shall be employed by the latter;
- (2) "dispatched worker" means a worker, employed by an employer, who becomes the object of worker dispatching;
- (3) "worker dispatching undertaking" means conducting worker dispatching as a business;
- (4) "general worker dispatching undertaking" means a worker dispatching undertaking other than a specified worker dispatching undertaking;
- (5) "specified worker dispatching undertaking" means a worker dispatching undertaking in which the dispatched workers (confined to those who become the objects of worker dispatching conducted as a business) are composed solely of regularly employed workers.

(6) “job introduction dispatching” means that worker dispatching which is the carrying out of job introductions or preparations for carrying out job introductions, by a person who has received the permission in Article 5 Paragraph 1 (hereinafter “operator of a general dispatching undertaking”) or a person who has submitted the notice pursuant to the provisions of Article 16 Paragraph 1 (hereinafter “operator of a specified dispatching undertaking”), either before or after the commencement of the provision of worker dispatch services, in relation to the dispatched worker connected to the said worker dispatching and the person receiving the provision of worker dispatch services connected to the said dispatched worker (hereinafter in this item “client”), having received permission or given notice given pursuant to the provisions of the Employment Stabilization Law and other laws, and shall include dispatching pursuant to the said job introduction where the question of the employment of the said dispatched worker by the said client is agreed between the said dispatched worker and the said client prior to the conclusion of the provision of the said worker dispatching services.

(Exception for Mariners)

Article 3. This Law shall not apply to mariners provided for in paragraph 1 of Article 6 of the Mariners Employment Security Law (Law No.130 of 1948).

Chapter II.
Measures for Securing the Proper Operation of Worker Dispatching
Undertakings

Section I. Scope of Designated Work

Article 4. No person shall be allowed to conduct a worker dispatching undertaking in respect of services falling under any of the following items:

- (1) Port transport services (which means port transport services as provided for in item 2 of Article 2 of the Port Labour Law [Law No. 40 of 1988] and services designated by Cabinet Order as services corresponding to port transport services conducted at ports other than those provided for in item 1 of the same article);
- (2) Construction work (work relating to civil engineering, construction, the building, remodeling, maintenance, repairing, renovation, wrecking or dismantling of a structure, or work preparatory for any of these);
- (3) Work referred to in each item of paragraph 1 of Article 2 of the Security Services Law [Law No. 117 of 1972] and other work designated by Cabinet Order as work for the proper performance of which it is considered inappropriate to allow dispatched workers to be engaged therein under arrangements for worker dispatching conducted as a business (simply referred to as "worker dispatching" in the following Section, paragraphs 2 and 3 of Article 23 and item 1 of paragraph 1 of Article 40-2).

2. Before drafting a proposal for establishment or revision of the Cabinet Order referred to in item 3 of the preceding paragraph, the Minister of Health, Labour & Welfare shall obtain the opinion of the Labour Policy Council.

3. A person who receives worker dispatching services from an operator of a worker dispatching undertaking shall not have, under his or her instruction, any dispatched worker under the worker dispatching

arrangements engage in work falling under any of the items of paragraph 1.

Section II. License for Worker Dispatching Undertakings

Subsection I. General Worker Dispatching Undertakings

(License for General Worker Dispatching Undertakings)

Article 5. Any person who intends to carry on a general worker dispatching undertaking shall obtain a license from the Minister of Health, Labour & Welfare.

2. Any person who wishes to be granted the license referred to in the preceding paragraph shall submit to the Minister of Health, Labour & Welfare an application form stating:

- (1) the applicant's name or title and address, and, in the case of a juridical person, the name of its representative;
- (2) in the case of a juridical person, the name and address of the executives;
- (3) the name and location of the workplaces of the general worker dispatching undertaking;
- (4) the name and address of the responsible person acting for the dispatching undertaking as appointed in accordance with the provisions of Article 36.

3. The application referred to in the preceding paragraph must be accompanied by a business plan for the undertaking for each workplace that is to carry out the said general worker dispatching undertaking and other documents prescribed by Ministry of Health, Labour & Welfare Ordinance.

4. In the business plans referred to in the preceding paragraph, the number of dispatched workers, the amount of the fee for worker

dispatching, and other matters pertaining to worker dispatching for the undertaking must be stated for each workplace that is to carry out the general worker dispatching undertaking concerned as prescribed by Ministry of Health, Labour & Welfare Ordinance.

5. Before granting the license referred to in paragraph 1, the Minister of Health, Labour & Welfare shall obtain the opinion of the Labour Policy Council.

(Disqualification for License)

Article 6. A person who falls under any of the following items shall not be granted the license referred to in paragraph 1 of the preceding Article:

- (1) any person sentenced to a penalty more severe than imprisonment, or to a fine under the provisions of this Law or the provisions of other laws relating to labour prescribed by Cabinet Order (except the provisions referred to in the following item) or the provisions of the Law for the Prevention of Unjust Acts by Organized Crime Groups [Law No. 77 of 1991] (except the provisions of Article 48 of that Law) or for having committed an offense referred to in Article 204, 206, 208, 208-3, 222 or 247 of the Penal Code [Law No. 45 of 1907], in the Law concerning Punishment of Physical Violence [Law No. 60 of 1926] or in Article 73-2 paragraph 1 of the Immigration Control and Refugee Recognition Law [Law No. 319 of 1951], for whom five years have not elapsed from the date of completion or invalidation of the sentence;
- (2) any person sentenced to a fine under the provisions of Article 208 or 214 of the Health Insurance Law [Law No. 70 of 1922], Article 68 or 70 of the Mariners Insurance Law [Law No. 73 of 1939], the former part of Article 51 or paragraph 1 of Article 54 (limited to the part relating to the provisions of the former part of Article 51 of that law) of the Workmen's Accident Compensation Insurance Law [Law No. 50 of 1947], paragraph 1 of Article 102, Article 104 (limited to the part relating to the provisions of paragraph 1 of Article 102 of that law), paragraph 1 or 2 of Article 182 or Article 184 (limited to the part relating to the provisions of paragraph 1 or 2 of Article 182 of that law)

of the Pension Insurance Law [Law No. 115 of 1954], the former part of Article 46 or paragraph 1 of Article 48 (limited to the part relating to the provisions of the former part of Article 46 of that law) of the Law Concerning the Collection of Premiums on Labour Insurance [Law No. 84 of 1969] and Article 83 or Article 86 (limited to the part relating to the provisions of Article 83 of that law) of the Employment Insurance Law [Law No. 116 of 1974] for whom five years have not elapsed from the date of completion or invalidation of the sentence;

- (3) any person declared to be an adult ward or a person under conservatorship or a bankrupt and who has not been reinstated;
- (4) any person whose license for a general worker dispatching undertaking was revoked under the provisions of paragraph 1 (except item 1 thereof) of Article 14 and for whom five years have not elapsed from the date of the revocation;
- (5) any minor who does not possess the same competence for conducting business as an adult and whose legal representative falls under any of the preceding items;
- (6) any juridical person any of whose executives falls under any of the preceding items.

(Criteria for Granting a License)

Article 7. The Minister of Health, Labour & Welfare shall not grant a license, unless the Minister considers that the application for a license referred to in paragraph 1 of Article 5 conforms to the criteria listed below:

- (1) that the undertaking concerned is not an undertaking carried out for the purpose of providing worker dispatching services solely to specified persons (except in such a case as is prescribed by Ministry of Health, Labour & Welfare Ordinance as a case where such undertaking is necessary for the continued employment of those workers for whom the ensuring of an opportunity for employment is considered to be particularly difficult);
- (2) that the applicant has sufficient ability to properly manage the employment of dispatched workers of the undertaking concerned;

- (3) that necessary measures are taken to properly manage personal information (information concerning an individual by which it is possible to identify a specific person (including information that, through collation with other information, makes it possible to identify a specific person); hereinafter the same shall apply) and to protect the confidentiality of dispatched workers, etc.;
- (4) that, in addition to what is listed in the preceding two items, the applicant has sufficient ability to carry on the undertaking concerned.

2. Where the Minister of Health, Labour & Welfare does not grant the license referred to in paragraph 1 of Article 5, the Minister shall so inform the applicant, without delay, indicating the grounds therefore.

(License Certificate)

Article 8. The Minister of Health, Labour & Welfare must, after granting the license referred to in paragraph 1 of Article 5, issue license certificates for the number of workplaces operated by the general worker dispatching undertaking, in accordance with Ministry of Health, Labour & Welfare Ordinance.

2. Any person who has been issued with license certificates must keep each at the general worker dispatching undertaking workplace concerned and produce the certificates to those concerned at their request.

3. Any person who has been issued a license certificate shall, in case it is lost or destroyed, notify the Minister of Health, Labour & Welfare immediately of such fact and apply for re-issuance of the license certificate.

(Conditions Attached to License)

Article 9. The license referred to in paragraph 1 of Article 5 may be granted under conditions, which may be subsequently altered.

2. The conditions referred to in the preceding paragraph shall be limited to the minimum necessary in view of the purpose of the license concerned or for ensuring the implementation of matters related to the license concerned, and shall not be such as to impose any undue obligation upon the person who is granted the license.

(Term of Validity of License)

Article 10. The term of validity of the license referred to in paragraph 1 of Article 5 shall be three years from the date of issue.

2. Any person who wishes to continue to carry on the general worker dispatching undertaking covered by the license referred to in the preceding paragraph after the expiration of the term of validity of the license concerned (where the term of validity of the license concerned has been renewed under the provisions of this paragraph, the renewed term of validity of the license) shall obtain a renewal of the term of validity of the license, in accordance with Ministry of Health, Labour & Welfare Ordinance.

3. Where an application for the renewal of the term of validity of the license referred to in the preceding paragraph has been submitted, when the Minister considers that the application is not in conformity with the criteria listed in each item of paragraph 1 of Article 7, the Minister of Health, Labour & Welfare shall not, renew the term of validity of the license concerned.

4. The term of validity of the license referred to in paragraph 1 of Article 5 shall, where renewed in accordance with the provisions of paragraph 2, be five years from the day following the date of expiration of the validity of the license before the renewal.

5. The provisions of paragraphs 2 to 4 of Article 5, Article 6 (except item 4 thereof) and paragraph 2 of Article 7 shall apply mutatis mutandis to the renewal of the term of validity of the license referred to in paragraph 2.(Notice of Change)

Article 11. An operator of a general dispatching undertaking shall, when there has been a change in any matter referred to in any item of Article 5 paragraph 2, notify the Minister of Health, Labour & Welfare without delay of the change. Where this is the case, when the matter connected to the said change is in connection with the creation of a workplace that is to carry out general worker dispatching, the notice must be accompanied by a business plan for the said workplace and other documents prescribed by Ministry of Health, Labour & Welfare Ordinance.

2. The provisions of Article 5 paragraph 4 shall apply mutatis

mutandis to the business plans in the preceding paragraph.

3. The Minister of Health, Labour and Welfare must, when there has been notice pursuant to the provisions of paragraph 1 of a change in connection with the creation of a workplace that is to carry out general worker dispatching, issue license certificates for the number of said workplaces to be created, in accordance with Ministry of Health, Labour & Welfare Ordinance.

4. Where an operator of a general dispatching undertaking gives notice under the provisions of paragraph 1, he or she shall, when the notice refers to any item stated in the license certificate, apply for the rewriting of the certificate, as prescribed by Ministry of Health, Labour & Welfare Ordinance.

Article 12. Deleted.

(Discontinuance of Undertaking)

Article 13. An operator of a general dispatching undertaking shall, when he or she has discontinued the general worker dispatching undertaking concerned, so notify without delay the Minister of Health, Labour & Welfare, as prescribed by Ministry of Health, Labour & Welfare Ordinance.

2. When a notice has been given under the provisions of the preceding paragraph, the license referred to in paragraph 1 of Article 5 shall lose its effect.

(Revocation of License)

Article 14. The Minister of Health, Labour & Welfare may revoke the license granted to an operator of a general dispatching undertaking under the provisions of paragraph 1 of Article 5, if that operator:

- (1) Falls under any of the items (except item 4) of Article 6;
- (2) Violates the provisions of this Law (except the provisions of Section IV of the following Chapter) or the Employment Security Law, or orders or dispositions based on those provisions.
- (3) Violates any conditions attached to the license under the provisions of paragraph 1 of Article 9.

2. Where an operator of a general dispatching undertaking falls under item 2 or 3 of the preceding paragraph, the Minister of Health, Labour & Welfare may order him or her to suspend the whole or a part of the operations of the general worker dispatching undertaking concerned for a stated period of time.

(Prohibition of Name Lending)

Article 15. An operator of a general dispatching undertaking shall not allow any other person to carry on a general worker dispatching undertaking under his or her name.

Subsection II. Specified Worker Dispatching Undertakings

(Notice of Specified Worker Dispatching Undertaking)

Article 16. Any person who intends to carry on a specified worker dispatching undertaking must submit to the Minister of Health, Labour & Welfare a notice containing the particulars listed in each item of paragraph 2 of Article 5, for each workplace. Where this is the case, the words “general worker dispatching undertaking” in item 3 of that paragraph shall be read as “specified worker dispatching undertaking”.

2. The notice referred to in the preceding paragraph must be accompanied by a business plan for the undertaking for each workplace that is to carry out the said specified worker dispatching undertaking and other documents prescribed by Ministry of Health, Labour & Welfare Ordinance.

3. In the business plan referred to in the preceding paragraph, the number of dispatched workers, the amount of the fee for worker dispatching, and other matters pertaining to worker dispatching for the undertaking for each workplace that is to carry out the said specified worker dispatching must be stated as prescribed by Ministry of Health, Labour & Welfare Ordinance.

(Disqualification from Opening an Undertaking)

Article 17. A person who falls under any of the items of Article 6 shall not newly open a workplace for and carry on a specified worker dispatching undertaking.

(Keeping Documents)

Article 18. An operator of a specified dispatching undertaking who has submitted a notice under the provisions of Article 16 paragraph 1 (hereinafter "operator of a specified dispatching undertaking") must keep at each workplace carrying out specified worker dispatching undertakings documents stating the fact that the notice has been submitted and other matters prescribed by Ministry of Health, Labour & Welfare Ordinance, and must produce such documents to those concerned at their request.

(Notice of Changes)

Article 19. An operator of a specified dispatching undertaking shall, when there has been a change in the particulars to be stated in the notice referred to in Article 16 paragraph 1, notify the Minister of Health, Labour & Welfare without delay of the change. Where this is the case, when the matter connected to the said change is in connection with the creation of a workplace that is to carry out specified worker dispatching, the notice must be accompanied by a business plan for the said workplace and other documents prescribed by Ministry of Health, Labour & Welfare Ordinance.

2. The provisions of Article 16 paragraph 3 shall apply mutatis mutandis to the business plans in the preceding paragraph.

(Discontinuance of Undertaking)

Article 20. An operator of a specified dispatching undertaking shall, when he or she has discontinued the specified worker dispatching undertaking concerned, so notify the Minister of Health, Labour & Welfare without delay.

(Order to Discontinue or Suspend Undertaking)

Article 21. When an operator of a specified dispatching undertaking falls under any item (except item 4) of Article 6, the Minister of Health, Labour & Welfare may order him or her to discontinue the specified worker dispatching undertaking concerned. When an operator of a

specified dispatching undertaking falls under item 4 of said Article at the time of commencing the specified worker dispatching undertaking concerned (where he or she opens two or more workplaces, and carries out specified worker dispatching undertakings, each workplace of the specified worker dispatching undertaking ; hereinafter in this paragraph the same shall apply), the Minister of Health, Labour & Welfare may order him or her to discontinue the specified worker dispatching undertaking concerned.

2. Where an operator of a specified dispatching undertaking has violated the provisions of this Law (except the provisions of Section IV of the next Chapter) or the Employment Security Law, or orders or dispositions based on those provisions, the Minister of Health, Labour & Welfare may order him or her to suspend the whole or a part of the operations of the specified worker dispatching undertaking concerned for a stated period of time.

(Prohibition of Name Lending)

Article 22. An operator of a specified worker dispatching undertaking shall not allow any other person to carry on a specified worker dispatching undertaking under his or her name.

Section III. Supplementary Regulations

(Business Reports, etc.)

Article 23. An operator of a general dispatching undertaking or of a specified dispatching undertaking (both hereinafter "dispatching operator") shall prepare and submit to the Minister of Health, Labour & Welfare business reports for the undertaking for each workplace carrying out the said worker dispatching undertaking and settlements of accounts, as prescribed by Ministry of Health, Labour & Welfare Ordinance.

2. In the business reports referred to in the preceding paragraph, the number of dispatched workers, the number of persons who have received

the worker dispatching services, the amount of the fee for worker dispatching, and other matters pertaining to worker dispatching for the undertaking for each workplace carrying out the said worker dispatching undertaking shall be stated as prescribed by Ministry of Health, Labour & Welfare Ordinance.

3. Where any operator of a dispatching undertaking intends to practice worker dispatching in which dispatched workers will be engaged in work at workplaces or other facilities located outside the enforcement area of this Law (hereinafter referred to as "overseas dispatching"), he or she shall so notify the Minister of Health, Labour & Welfare in advance, as prescribed by Ministry of Health, Labour & Welfare Ordinance.

(Mutatis Mutandis Application of Article 20 of the Employment Security Law)

Article 24. The provisions of Article 20 of the Employment Security Law shall apply mutatis mutandis to worker dispatching undertakings. In this case, in paragraph 1 of said Article the expression "The Public Employment Security Offices" shall be read as "The operators of dispatching undertakings defined in paragraph 1 of Article 23 of the Law Concerning Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Law") (hereinafter referred to as "operators of dispatching undertaking") " and the expression "shall not refer job applicants to a workplace" shall be read as "shall not conduct worker dispatching provided for in item 1 of Article 2 of the Worker Dispatching Law (hereinafter referred to as "worker dispatching") (excluding the worker dispatching concerned and equivalent arrangements where worker dispatching is actually practiced for a workplace at the time of a strike or lock-out)"; in paragraph 2 of said Article the expression "unlimited recommendation of job applicants" shall be read as "unlimited worker dispatching", the expression "the Public Employment Security Office shall not refer applicants to that workplace" shall be read as "the Public Employment Security Office shall so notify the operator of a dispatching undertaking, and the operator of a dispatching undertaking,

having received the notice, shall not conduct, for the workplace concerned, worker dispatching (excluding the worker dispatching concerned and equivalent arrangements where worker dispatching is actually practiced for the workplace at the time of the notice)", and the expression "workers normally employed" shall be read as "workers (including workers having been engaged in work under worker dispatching arrangements) normally employed".

(Prohibition of Receiving Worker Dispatching from an Employer Operating a Worker Dispatching Undertaking Other Than an Operator of a Dispatching Undertaking)

Article 24-2. Any person who receives worker-dispatching services shall not receive worker-dispatching services from an employer operating a worker-dispatching undertaking other than an operator of a dispatching undertaking.

(Handling of Personal Information)

Article 24-3. In respect of collecting, storing or using personal information of workers in relation to worker dispatching, a dispatching operator must collect personal information of workers within the extent necessary for the achievement of the purpose of that business (including job introductions pursuant to where job introduction dispatching is carried out; the same shall apply in the following article) and store and use such information within the extent of the purpose of that collection. Provided, however, that this does not apply where consent is given by the worker concerned, or where there is another valid reason.

2. An operator of a dispatching undertaking shall take the measures necessary for the proper management of personal information of workers.

(Obligation of Confidentiality)

Article 24-4. An operator of a dispatching undertaking, as well as his or her agent, employee or other worker, shall not disclose to another person a secret learned with respect to a matter handled by him or her in the course of his or her work, unless there is a valid reason. The same applies to any person who ceased to be an operator of a dispatching undertaking, or his or her agent, employee or other worker.

(Special Consideration to Be Given in Application of the Law)

Article 25. In applying the provisions of this Law concerning worker dispatching undertakings, the Minister of Health, Labour & Welfare shall take into consideration employment practices which are considered to contribute to the effective realization of the capacities of workers and the stability of their employment throughout their working lives, and, at the same time, shall give consideration so that the adjustment of labour demand and supply by means of worker dispatching undertakings may be in harmony with the adjustment of labour demand and supply under the other systems provided for in the Employment Security Law.

Chapter III.
**Measures for Securing Improved Working Conditions for Dispatched
Workers**

Section 1. Worker Dispatch Contract

(Contents of Contract)

Article 26. The parties to a worker dispatch contract (meaning a contract by which one party to the contract agrees to conduct worker dispatching for the sake of the other; hereinafter the same shall apply) shall, as prescribed by Minister of Health, Labour & Welfare Ordinance, upon conclusion of the contract concerned, stipulate the following matters, as well as the number of workers to be dispatched according to the varying contents of the stipulated matters:

- (1) The content of the work in which the dispatched workers are to be engaged;
- (2) The title and location of the workplace where the dispatched workers are to be engaged in work under worker dispatching arrangements and other places where the dispatched workers are to be engaged in work under worker dispatching arrangements (hereinafter referred to as "dispatch work");
- (3) Matters pertaining to the person who directly instructs the dispatched workers, in the course of their work, on behalf of the person receiving worker dispatching services;
- (4) The period of worker dispatching and the days on which the dispatch work is to be performed;
- (5) The hours of starting and ending the dispatch work and the time of rest breaks in such work;
- (6) Matters pertaining to safety and health;
- (7) Matters pertaining to the handling of the complaints which have been submitted by the dispatched workers;
- (8) Matters pertaining to measures necessary for ensuring the

employment security of the dispatched workers to be taken at the time of termination of a worker dispatch contract;

- (9) In respect of where the worker dispatch contract is for job introduction dispatching, matters pertaining to the said job introduction dispatching.
- (10) In addition to the matters listed in each of the preceding items, matters prescribed by Ministry of Health, Labour & Welfare Ordinance.

2. No operator of a dispatching undertaking shall, with respect to the period of worker dispatching listed in item 4 of the preceding paragraph (except the period of worker dispatching with respect to work referred to in item 3 and 4 of paragraph 1 of Article 40-2), stipulate a period longer than that fixed by the Minister of Health, Labour & Welfare, according to the kind of work and taking into consideration the situation of the labour demand and supply concerned, the state of progress of the work concerned, etc., where the Minister considers it necessary for the proper adjustment of the labour demand and supply concerned.

3. In addition to those matters provided for in the preceding two paragraphs, an operator of a dispatching undertaking shall, when concluding a worker dispatch contract for overseas dispatching, stipulate, as prescribed by Ministry of Health, Labour & Welfare Ordinance, to the effect that the person receiving such overseas dispatching services shall take the following measures:

- (1) appointment of a responsible person acting for the client, as referred to in Article 41;
- (2) preparation of the client's record of management, as referred to in paragraph 1 of Article 42; entry in said record of the matters listed in each item of said paragraph; and notification, in conformity with the conditions prescribed by Ministry of Health, Labour & Welfare Ordinance referred to in paragraph 3 of said Article;
- (3) any other measures prescribed by Ministry of Health, Labour & Welfare Ordinance necessary for the proper performance of the dispatch work concerned

4. Before concluding a worker dispatch contract under the provisions of paragraph 1, an operator of a dispatching undertaking shall clearly notify the other party to the contract that he or she has obtained the license referred to in paragraph 1 of Article 5, or has submitted the notice under the provisions of paragraph 1 of Article 16.

5. A person who intends to receive worker dispatching services from an operator of a dispatching undertaking, with respect to work other than the work referred to in each of the items of paragraph 1 of Article 40-2, based on a new worker dispatch contract, shall, before concluding the worker dispatch contract concerned under the provisions of paragraph 1, notify the operator of the dispatching undertaking concerned of the first day on which receiving worker dispatching services will result in conflict with the provisions of paragraph 1 of said Article with respect to the work concerned since the day on which provision of the worker dispatching services concerned commences.

6. If an operator of a dispatching undertaking does not receive a notice under the provisions of the preceding paragraph from the person who intends to receive worker dispatching services with respect to work other than the work referred to in each of the items of paragraph 1 of Article 40-2 based on a new worker dispatch contract, he or she shall not conclude a worker dispatch contract with respect to the work concerned with the person concerned.

7. A person who intends to receive worker dispatching services (excluding job introduction dispatching services) shall, in concluding a worker dispatch contract, endeavor not to commit any act intended to specify the workers to be dispatched under the worker dispatch based on the worker dispatch contract concerned.

(Cancellation of a Contract, etc.)

Article 27. No person receiving worker dispatch services shall cancel a worker dispatch contract on the grounds of a dispatched worker's nationality, creed, sex or social status or his or her having engaged in proper trade union activities, etc.

Article 28. An employer conducting worker dispatching may, where the person receiving the worker dispatch services has violated, with respect to the dispatch work, the provisions of this Law or of laws applied under the provisions of Section IV (including the provisions of orders under those provisions; the same applies in Article 31), suspend the worker dispatching or cancel the worker dispatch contract concerned.

Article 29. The cancellation of a worker dispatch contract shall have only prospective effect.

Section II. Measures to Be Taken by Operators of Dispatching Undertakings, etc.

(Promotion of the Welfare of Dispatched Workers, etc.)

Article 30. An operator of a dispatching undertaking shall endeavour to promote the welfare of dispatched workers employed by him or her, or workers he or she intends to employ as dispatched workers, by taking necessary measures to secure employment, education and training opportunities meeting each worker's wishes and abilities, to improve their working conditions and otherwise to stabilize their employment. (Securing Proper Dispatch Work)

Article 31. An operator of a dispatching undertaking shall give such due consideration as taking the necessary measures to ensure that a person receiving worker dispatch services performed by dispatched workers employed by the operator (hereinafter and except in Section IV referred to as "client"), when making the dispatched workers work under his or her instruction, does not violate the provisions of this Law or laws applied under the provisions of Section IV with respect to the dispatch work concerned and otherwise to ensure that the dispatch work is properly performed.

(Clear Notice to Workers on Being Employed as Dispatched Workers, etc.)

Article 32. Before employing a worker as a dispatched worker, a dispatching operator shall clearly notify that worker that he or she intends to so employ the worker (including, where he or she intends to employ the dispatched worker for job introduction dispatching, that fact).

2. Before newly transferring an employee who was not originally employed as a dispatched worker to become the object of a worker dispatching arrangement, an operator of a dispatching undertaking shall clearly notify the worker concerned of such intention (including, where he or she intends the worker to newly become the subject of job introduction dispatching, that fact) and obtain the worker's consent.

(Prohibition of Restrictions on Employment of Dispatched Workers)

Article 33. An operator of a dispatching undertaking shall not conclude, with a dispatched worker employed by him or her or a worker he or she intends to employ as a dispatched worker, any contract which prohibits the worker without any justifiable reason from being employed, after the termination of the employment relationship with the operator of the dispatching undertaking, by the client to whom the worker is dispatched (including a person who was the client; in the following paragraph, the same applies), or to whom the worker will be dispatched.

2. An operator of a dispatching undertaking shall not conclude with a client, to whom a dispatched worker employed by the operator is or will be dispatched, any contract which without justifiable reason prohibits the client from employing the dispatched worker concerned after the termination of the worker's employment relationship with the operator of the dispatching undertaking.

(Clear Notice of Working Conditions)

Article 34. Where an operator of a dispatching undertaking intends to conduct worker dispatching, the operator must, as prescribed by Ministry of Health, Labour & Welfare Ordinance, clearly notify the dispatched workers subject to the said worker dispatching, in advance, of the matters listed as follows:

- (1) the intention to conduct the said worker dispatching;
- (2) matters pertaining to the said workers that are listed in the items of Article 26 paragraph 1 and other matters prescribed by Ministry of Health, Labour and Welfare Ordinance;
- (3) where worker dispatching for work other than the work listed in the items of Article 40-2 paragraph 1 is to be conducted, the first day on which the client will be in conflict with the provisions of those items in relation to the work in which the said dispatched worker will be engaged.

2. When an operator of a dispatching undertaking has received a notice pursuant to the provisions of Article 40-2 paragraph 5, the operator must, without delay, clearly notify the dispatched workers engaged in the work in connection with the notice of the first day on which the client will be in conflict with the provisions of paragraph 1 of that Article in relation to the said work, as prescribed by Ministry of Health, Labour and Welfare Ordinances.

(Notice to Client)

Article 35. When an operator of a dispatching undertaking conducts worker dispatch, he or she shall, as prescribed by Ministry of Health, Labour & Welfare Ordinance, notify the client of the following matters:

- (1) the names of the workers to be dispatched under the worker dispatch concerned;
- (2) with respect to the workers to be dispatched under the worker dispatch concerned, matters prescribed by Ministry of Health, Labour & Welfare Ordinance regarding whether there exists confirmation of the acquisition of the qualification as an insured person under the provisions of paragraph 1 of Article 39 of the Health Insurance Law, a confirmation of the acquisition of the qualification as an insured person under the provisions of paragraph 1 of Article 18 of the Employees' Pension Insurance Law and a confirmation of the fact of having become an insured person under the provisions of paragraph 1 of Article 9 of the Employment Insurance Law;

- (3) other matters prescribed by Ministry of Health, Labour & Welfare Ordinance.

(Period of Worker Dispatch)

Article 35-2. If a client receiving worker dispatching services from an operator of a dispatching undertaking conflicts with the provisions of paragraph 1 of Article 40-2, then from the first day the conflict arises the said operator of a dispatching undertaking shall not continue to conduct worker dispatch .

2. An operator of a dispatching undertaking must, within the period from the day one month before the first day of the conflict in the preceding paragraph arises until the day before the said first day the conflict arises, as prescribed by Ministry of Health, Labour and Welfare Ordinance, notify the said client and the dispatched workers connected to the said worker dispatching that the operator of the dispatching undertaking will not continue to conduct worker dispatch from the first day the conflict arises.

(Responsible Person Acting for the Dispatching Undertaking)

Article 36. An operator of a dispatching undertaking shall, in order to carry out the following matters with respect to dispatch work, appoint a responsible person acting for the dispatching undertaking from among persons (except minors) who do not fall under items 1 to 4 of Article 6, as prescribed by Ministry of Health, Labour & Welfare Ordinance:

- (1) matters covered by Articles 32, 34, 35, paragraph 2 of the preceding Article and the following Article;
- (2) giving necessary advice and guidance to the dispatched workers concerned;
- (3) matters relating to dealing with complaints reported by the dispatched workers concerned;
- (4) matters relating to the management of personal information of the dispatched workers concerned;
- (5) the carrying out of liaison and coordination with the person who oversees the administration of tasks relating to the safety and hygiene of the workers at the workplace concerned and the client on

matters relating to the safety and hygiene of the dispatched workers concerned;

- (6) matters relating to liaison and coordination with the client concerned other than the matters listed in the preceding item.

(Management Record of Dispatching Undertaking)

Article 37. An operator of a dispatching undertaking shall, as prescribed by Ministry of Health, Labour & Welfare Ordinance, prepare a management record with respect to dispatch work, and enter in the record concerned the following matters with respect to each dispatched worker:

- (1) the name or title of the client;
- (2) the location of the workplace and any other place where the dispatch work is to be performed;
- (3) the period of worker dispatching and the days on which the dispatch work is to be performed;
- (4) the hours of starting and ending work;
- (5) the kind of work to be engaged in;
- (6) matters pertaining to the handling of the complaints which have been submitted by dispatched workers;
- (7) in relation to dispatched workers connected to job introduction dispatching, matters relating to the said job introduction dispatching.
- (8) other matters prescribed by Ministry of Labour Ordinance.

2. An operator of a dispatching undertaking shall preserve the management record referred to in the preceding paragraph for not less than three years.

(Mutatis Mutandis Application)

Article 38. The provisions of Article 33 and Article 34 paragraph 1 (excluding item 3) shall apply mutatis mutandis to an employer, other than the operator of a dispatching undertaking, who conducts worker dispatching. In this case, the expression "client" in Article 33 shall be read as "person receiving worker dispatch services".

Section III. Measures to Be Taken by Clients, etc.

(Measures Concerning Worker Dispatch Contracts)

Article 39. A client shall take appropriate measures so that there will not be a violation of the stipulations of the worker dispatch contract concerning the matters listed in each item of paragraph 1 of Article 26 and other matters prescribed by Ministry of Health, Labour & Welfare Ordinance.

(Securing Proper Dispatch Work)

Article 40. When any complaint by a dispatched worker working under a client's instruction is reported to the client with respect to the dispatch work, the client shall notify the operator of the dispatching undertaking concerned of the content of the complaint and shall endeavour, in good faith and without delay, to deal with the complaint appropriately and quickly in close cooperation with the operator of the dispatching undertaking concerned.

2. In addition to those matters provided for in the preceding paragraph, the client shall, with respect to dispatched workers who are caused to work under his or her instruction, endeavor to take the measures necessary for the proper and smooth performance of the dispatch work concerned, such as maintenance of the proper work environment and provision of convenience in the use of facilities such as the infirmary, food service facilities, etc., which are in fact usually used by the regular employees of the client concerned.

(Period of Receiving Worker Dispatching Services)

Article 40-2. A client shall not receive worker dispatching services from an operator of a dispatching undertaking for a continuous period exceeding the period for which dispatching is possible for the same work at the client's workplace or at any other place at which the client's dispatch work is to be performed (except the following types of work; the same applies in paragraph 3):

- (1) work falling under (a) or (b) below which is designated by Cabinet Order as work with respect to which the worker dispatch does not

damage an employment practice that is considered to be conducive to the effective exhibition of the ability of the workers during the entire period of their employment careers and to the security of their employment;

- (a) work which requires expert knowledge, technical skill or experience to perform it expeditiously and accurately;
 - (b) work which is considered to require special employment management with respect to the workers engaging in it because of the peculiarity of its work form, employment form, etc.;
- (2) in addition to the types of work referred to in the preceding item, work falling within the following sub-items (a) or (b):
 - (a) work intended for the commencement, conversion, expansion, reduction or discontinuation of an undertaking that is scheduled to be completed within a certain period of time;
 - (b) work where the number of days on which that work is carried out in a period of one month is considerably less than the normal prescribed number of working days per month for workers employed by the client in connection with the said dispatch duties and is less than the number of days prescribed by the Minister of Health, Labour and Welfare.
- (3) the work of a worker employed by the client concerned in the case where said worker takes a leave under the provisions of paragraphs 1 and 2 of Article 65 of the Labour Standards Law (Law No. 49 of 1947), or takes a child-care leave provided for in item 1 of Article 2 of the Law concerning the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave (Law No. 76 of 1991), as well as any other work of such a worker prescribed by Ministry of Health, Labour & Welfare Ordinance as a case equivalent to the preceding case.
- (4) the work of a said worker in the case where the worker takes carer's leave prescribed by Article 2 item 2 of the Law concerning

the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave and, as leave based on this leave, takes leave prescribed by Ministry of Health, Labour and Welfare Ordinance.

2. The period for which dispatch is possible in the preceding paragraph shall be the periods variously prescribed in the following items in accordance with the categories for the cases listed in the said items:

- (1) where the period for which the provision of worker dispatch services can be received is stipulated pursuant to the provisions of the following paragraph, the stipulated period;
- (2) in cases other than the case in the preceding item, one year.

3. Clients must, when intending to continuously receive the provision of worker dispatch services from an operator of a dispatching undertaking for a period exceeding one year and less than three years, in relation to the same work for each of the said client's workplaces and other dispatch duty locations, stipulate the period for which they intend to receive the provision of the said worker dispatching services in advance, as prescribed by Ministry of Health, Labour and Welfare Ordinance.

4. Clients shall, when stipulating or intending to change the period in the preceding paragraph, notify the said period in advance, at the said client's workplace, where there is a labour union comprised of a majority of the workers, to that labour union and where there is no labour union comprised of a majority of the workers, to a person who represents the majority of the workers and listen to the workers' opinions.

5. Clients must, when the period in paragraph 3 has been stipulated or changed in relation to work in connection with worker dispatching pursuant to a worker dispatching contract after the said worker dispatching contract has been concluded, promptly notify the operator of the dispatching undertaking conducting the worker dispatching concerned in relation to the first day the work concerned will come into conflict with the provisions of paragraph 1.

6. Before making a proposal for enactment or amendment of the Cabinet Order referred to in paragraph 1 item 1 or for enactment or amendment of

the Ministry of Health, Labour & Welfare Ordinance referred to in items 3 or 4 of the same paragraph, the Minister of Health, Labour & Welfare shall obtain the opinion of the Labour Policy Council.

(Employment of Dispatched Worker)

Article 40-3. When a client, who has received worker dispatching services from the operator of a dispatching undertaking continuously for a period exceeding one year and within the period for which dispatch is possible pursuant to paragraph 1 of the preceding Article with respect to the same work (excluding the work listed in the items of paragraph 1 of the preceding Article) at the client's workplace or at any other place at which the client's dispatch work is performed, intends to employ a worker as of the day on which the period for which the provision of the said worker dispatch services has been received (hereinafter in this Article "dispatch implementation period") expires in order to continue to have a worker engage in the same work concerned, he or she must endeavor to employ without delay the dispatched worker who has engaged in the same work concerned continuously for the dispatch implementation period and who conforms to each of the following items:

- (1) has notified the client concerned that he or she wishes to be employed by the client concerned and engage in the same work concerned by the day on which the dispatch implementation period expired;
- (2) the employment relationship with the operator of the dispatching undertaking concerned was terminated within seven days of the expiration of the dispatch implementation period.

Article 40-4. A client must, where the client has received a notice pursuant to Article 35-2 paragraph 2, when the client intends to employ a dispatched worker, for whom the notice pursuant to the provisions of Article 35-2 paragraph 2 was received, continuously after the first day on which a conflict with the provisions of Article 40-2 paragraph 1 would arise if the provision of the said worker dispatching services were received, offer an employment contract to the person who is the dispatched worker

concerned and wishes to be employed by the said client by the day before the first day on which the said conflict would arise.

Article 40-5. A client must, in relation to the same work at each of the said client's workplaces and other locations for dispatched duties (limited to work listed in the items of Article 40-2 paragraph 1), where the provision of worker dispatch services in connection with the same dispatched worker have been continuously received from the operator of a dispatching undertaking for a period exceeding three years, when the client intends to employ a worker as of the day on which the said three years expires in order to continue to have a worker engage in the same work concerned, offer an employment contract to the said same dispatched worker.

(Responsible Person Acting for Client)

Article 41. The client shall, in order to carry out the following matters with respect to dispatch work, appoint a person acting for the client, as prescribed by Ministry of Health, Labour & Welfare Ordinance, responsible for:

- (1) making the contents of the following matters known to persons empowered to instruct the performance of the work of the dispatched workers and to other persons concerned:
 - a. the provisions of this Law and the laws applied under the provisions of the following Section (including the provisions of orders based on those provisions);
 - b. the stipulations of the worker dispatch contract, referred to in Article 39, which relates to the dispatched workers concerned;
 - c. the notice referred to in Article 35 which relates to the dispatched workers concerned;
- (2) matters relating to matters provided for in Article 40-2 paragraph 5 and the following Article;
- (3) matters relating to dealing with complaints reported by the dispatched workers concerned;
- (4) carrying out liaison and coordination with the person who oversees the administration of tasks relating to the safety and hygiene of the

workers at the workplace concerned and the operator of the dispatching undertaking concerned, on matters relating to the safety and hygiene of the dispatched workers concerned;

- (5) matters relating to liaison and coordination with the operator of a dispatching undertaking concerned other than the matters listed in the preceding item.

(Management Record of Client)

Article 42. The client shall, as prescribed by Ministry of Health, Labour & Welfare Ordinance, prepare a management record with respect to dispatch work, and enter in the record the following matters with respect to each dispatched worker:

- (1) the name or title of the operator of the dispatching undertaking;
- (2) the days on which the dispatch work was performed;
- (3) the hours of starting and ending work and the time of rest breaks in such work, for each day on which the dispatch work was performed;
- (4) the kind of work in which the dispatched worker was engaged;
- (5) matters pertaining to the handling of the complaints submitted by the dispatched workers;
- (6) matter pertaining to job introduction dispatching in relation to dispatched workers connected to job introduction dispatching;
- (7) other matters prescribed by Ministry of Health, Labour & Welfare Ordinance.

2. The client shall preserve the management record referred to in the preceding paragraph for not less than three years.

3. The client shall, as prescribed by Ministry of Health, Labour & Welfare Ordinance, notify the operator of the dispatching undertaking of the matters listed in each item of paragraph 1 (except item 1).

(Special Application of Preceding Provisions)

Article 43. The provisions of Article 39 shall apply mutatis mutandis to persons receiving worker dispatch services other than clients.

Section IV. Special Application of the Labour Standards Law and Related Laws

(Special Application of the Labour Standards Law)

Article 44. With respect to dispatch work performed by a worker as defined in the provisions of Article 9 of the Labour Standards Law (except a person who is engaged in an undertaking where only relatives living together are engaged or a domestic servant), who is employed by the enterprise owner of an undertaking as defined in said Article (hereinafter in this Section referred to simply as "undertaking") (hereinafter in this Article referred to simply as "enterprise owner ") and dispatched to an undertaking of another enterprise owner for dispatch work, and who is not employed by the other enterprise owner concerned (hereinafter in this Article referred to as "client enterprise owner ") (hereinafter in this Section referred to as "worker under dispatching"), the provisions of Articles 3, 5 and 69 of said Law (including penal provisions relating to these provisions) shall apply to the undertaking to which the worker under dispatching concerned is dispatched (hereinafter in this Section referred to as "client undertaking"), by deeming it to also be an undertaking employing a worker under dispatching.

2. With respect to dispatch work of workers under dispatching, the provisions of Article 7, Article 32, paragraph 1 of Article 32-2, Article 32-3, paragraphs 1 through 3 of Article 32-4, Articles 33 through 35, paragraph 1 of Article 36, Article 40, Article 41, Articles 60 through 63, Article 64-2, Article 64-3 and Articles 66 through 68 of the Labour Standards Law and the provisions of orders issued based on said provisions (including penal provisions related to these provisions) shall apply to such dispatch work with only the client undertaking being deemed an undertaking employing workers under dispatching. In this case, the phrase "at the workplace concerned" in paragraph 1 of Article 32-2 of the same Law shall be read as "the operator of the dispatching undertaking defined in paragraph 3 of Article 44 of the Law Concerning Securing Proper Operation of Worker

Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Law") (hereinafter simply referred to as "dispatching operator")...at the workplace of the dispatching undertaking (meaning the dispatching undertaking defined in paragraph 3 of Article 44 of the Worker Dispatching Law; hereinafter the same shall apply)"; the phrases "pursuant to rules of employment or the equivalent thereof", "a worker for whom the starting and ending time for work is left to the worker's own decision..." and "at the workplace concerned" in Article 32-3 of the same Law shall be read, respectively, as "pursuant to the dispatching operator's rules of employment or the equivalent" "a worker for whom the starting and ending time for work is left to the worker's own decision pursuant to the dispatching operator's rules of employment or the equivalent and who may be caused to work for working hours in accordance with the provisions of this article on the basis of the worker dispatch contract with respect to the worker concerned under paragraph 1 of Article 26 of the Worker Dispatching Law" and "at the workplace of the dispatching undertaking"; the phrase "agreement ...at the workplace concerned" in paragraphs 1 and 2 of Article 32-4 of the same Law shall be read as "agreement by the dispatching operator...at the workplace of the dispatching undertaking concerned "; the phrase "at the workplace concerned" in paragraph 1 of Article 36 of the same Law shall be read as "the dispatching operator...at the workplace of the dispatching undertaking concerned".

3. The operator defined in Article 10 of the Labour Standards Law of an undertaking of an enterprise-owner conducting worker dispatching (hereinafter in this Section referred to as "dispatching undertaking") (hereinafter in this Article referred to as "dispatching operator") shall not conduct the worker dispatching concerned, where worker dispatching is conducted, and when, if the person deemed to be the operator as defined in said Article of an enterprise-owner undertaking receiving worker dispatching services under the provisions of the preceding paragraph were to cause a dispatched worker under the worker dispatching arrangement

concerned to work in accordance with the conditions of dispatch work stipulated in the worker dispatch contract for the worker dispatching concerned, this would result in conflict with the provisions of Article 32, 34 or 35, the proviso to paragraph 1 of Article 36, Article 40, Articles 61 through 63, Article 64-2 or Article 64-3 of the same Law, or the provisions of orders based on these provisions (in the following paragraph referred to as "the provisions of the laws and orders concerning labour standards"), as applied under the provisions of the preceding paragraph.

4. When a dispatching operator has violated the provisions of the preceding paragraph (limited to a case when, with regard to a worker under dispatching under the worker dispatching arrangements concerned, the person deemed to be the operator, as defined in Article 10 of the Labour Standards Law, of the client undertaking concerned under the provisions of paragraph 2 has come to be in conflict with the provisions of the laws and regulations concerning labour standards concerned), the dispatching operator shall be deemed to have violated the provisions of the laws and regulations concerning labour standards concerned and the provisions of Articles 118,119 and 121 of the Labour Standards Law shall apply to the dispatching operator.

5. With respect to the special application of the Labour Standards Law under the provisions of each of the preceding paragraphs, the following provisions (including penal provisions relating to those provisions) shall be applied by reading the following phrases in the respective manners set forth below: the phrase "the workplace concerned" in paragraph 2 of Article 38-2 of said Law shall be read as "the workplace concerned (for dispatch work referred to in paragraph 1 of Article 26 of the Law Concerning Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers [hereinafter referred to as "the Worker Dispatching Law"], the workplace of the dispatching undertaking as provided for in paragraph 3 of Article 44 of the Worker Dispatching Law)"; the phrase "have been assigned" in paragraph 1 of Article 38-3 shall be read as "have been assigned (including a case where such workers have been assigned by the client employer

[meaning the person deemed to be the operator, as defined in Article 10 of the Worker Dispatching Law, of the client undertaking as defined in paragraph 1 and 2 of Article 44 of said Law; the same shall apply)"; the phrase "this Law" in paragraphs 1, 3 and 4 of Article 99, paragraphs 1 and 3 of Article 100 and Article 104-2 shall be read as "this Law and the provisions of Article 44 of the Worker Dispatching Law"; the phrase "the employer" in paragraph 1 of Article 101, paragraph 2 of Article 104, Article 104-2, Article 105-2, paragraph 1 of Article 106 and Article 109 shall be read as "the employer (including the client employer)"; the phrase " a violation of this Law" in Article 102 shall be read as "an offense (including an offense under Articles 118, 119 and 121 pursuant to the provisions of paragraph 4 of Article 44 of the Worker Dispatching Law) of violation of this Law (including a case where this Law is applied under the provisions of said Article 44)"; the phrase "this Law or an ordinance issued pursuant to this Law" in paragraph 1 of Article 104 shall be read as " this Law or the provisions of ordinances issued pursuant to this Law (including cases where this Law or the provisions of such ordinances are applied under the provisions of Article 44 of the Worker Dispatching Law) or the provisions of paragraph 3 of said Article"; the phrase "this Law" in paragraph 1 of Article 106 shall be read as "this Law (including the provisions of Article 44 of the Worker Dispatching Law; hereinafter in this paragraph the same shall apply)"; the phrase "the agreements ... and the decisions stipulated in paragraphs 1 and 5 of Article 38-4" in said paragraph 1 shall be read as "the agreements ...and the decisions stipulated in paragraphs 1 and 5 of Article 38-4 (for the client employer, the substance of this Law and ordinances issued under this Law)"; and the phrase "this Law and ordinances issued under this Law" in Article 112 shall be read as " this Law and ordinances issued under this Law (including cases where this law and the provisions of ordinances are applied under the provisions of Article 44 of the Worker Dispatching Law) and the provisions of paragraph 3 of said Article".

6. The technical way to read the text and other necessary matters in cases where the provisions of the Labour Standards Law and of orders

under this law are applied under the provisions of this Article shall be provided for by order.

(Special Application of the Industrial Safety and Health Law)

Article 45. With respect to a client undertaking to which workers are dispatched for dispatch work in that undertaking, the provisions of paragraph 1 of Article 3, Article 4, Article 10, Articles 12 to 13 (except paragraph 2), Article 13-2, Article 18, Article 19-2, paragraph 2 of Article 59, Article 60-2, Article 62, paragraph 1 of Article 66-5, Article 69 and Article 70 of the Industrial Safety and Health Law [Law No. 57 of 1972] (including penal provisions related to these provisions) shall apply, deeming the person carrying on the said client undertaking to also be an enterpriser_ employing the workers under dispatching (meaning an enterpriser as defined in item 3 of Article 2 of said Law; hereinafter in this Article the same shall apply), and deeming the workers under dispatching concerned as workers also employed by the person carrying on the client undertaking. In this case, in paragraph 1 of Article 10 of said Law the expression "paragraph 2 of Article 25-2" shall be read as "paragraph 2 of Article 25-2 (including cases where the provisions of said paragraph are applied pursuant to the provisions of paragraph 3 of Article 45 of the Law Concerning Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers [hereinafter referred to as "the Worker Dispatching Law"]), and the expression "the following matters" shall be read as "the following matters (with regard to a worker under dispatching as defined in paragraph 1 of Article 44 of the Worker Dispatching Law [hereinafter referred to simply as "worker under dispatching"], the matters under item 2 [except those pertaining to special education on safety and/or health provided for in paragraph 3 of Article 59], the matters under item 3 [limited to those matters pertaining to medical examinations under the provisions of paragraph 1 of Article 66 (including medical examinations, as prescribed by Ministry of Health, Labour & Welfare Ordinance, under the provisions of the latter part of paragraph 2 of said Article), medical examinations related to said medical examinations, under the provisions of paragraph 4

of said Article, and medical examinations related to these medical examinations under the provisions of the proviso to paragraph 5 of said Article] and the matters under item 5 [limited to those matters as may be provided by Ministry of Health, Labour & Welfare Ordinance] shall be excluded; referred to in paragraph 1 of Article 12 and in Article 12-2 as "safety and health management at the workplace of the client"); in paragraph 1 of Article 12 and in Article 12-2 the expression "the matters listed in each item of paragraph 1 of Article 10" shall be read as "safety and health management at the workplace of the client," the expression "paragraph 2 of Article 25-2" shall be read as "paragraph 2 of Article 25-2 (including cases where the provisions of said paragraph are applied pursuant to the provisions of paragraph 3 of Article 45 of the Worker Dispatching Law)" and the expression "in each item of paragraph 1 of said Article" shall be read as "in each item of paragraph 1 of Article 25-2"; in paragraph 1 of Article 13 the expression "health care for workers and other matters as provided for by Ministry of Health, Labour & Welfare Ordinance (hereinafter" shall be read as "health care for workers and other matters as provided for by Ministry of Health, Labour & Welfare Ordinance (with respect to workers under dispatching, matters prescribed by Ministry of Health, Labour & Welfare Ordinance shall be excluded from the matters concerned; in paragraph 3 and in the following Article"; and in paragraph 1 of Article 18 the expression "the following matters" shall be read as "the following matters (with respect to workers under dispatching, matters prescribed by Ministry of Health, Labour & Welfare Ordinance shall be excluded from the matters concerned)".

2. With respect to the application of the provisions of paragraph 1 of Article 10, paragraph 1 of Article 12, Article 12-2, paragraph 1 of Article 13 and paragraph 1 of Article 18 of the Industrial Safety and Health Law concerning a dispatching undertaking in which workers employed in that undertaking are dispatched for dispatch work at the client undertaking, the expression "the following matters" in paragraph 1 of Article 10 of said Law shall be read as "the following matters (with respect to workers under dispatching defined in paragraph 1 of Article

44 of the Law Concerning Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers [hereinafter referred to as "the Worker Dispatching Law] [hereinafter referred to as "workers under dispatching"], excluding matters in which a person carrying on a client undertaking defined in paragraph 1 of Article 44 of the Worker Dispatching Law has the General Safety and Health Director appointed by him or her exercise overall control under the provisions of this paragraph as applied by reading the text of this paragraph in the manner provided under the provisions of paragraph 1 of Article 45 of the Worker Dispatching Law; in paragraph 1 of Article 12 and in Article 12-2 referred to as "safety and health management in a worker dispatching undertaking"); the expression "the matters listed in each item of paragraph 1 of Article 10" in paragraph 1 of Article 12 and in Article 12-2 shall be read as "the matters of safety and health management in a worker dispatching undertaking"; the expression "health care for workers and other matters as provided for by Ministry of Health, Labour & Welfare Ordinance (hereinafter" in paragraph 1 of Article 13 shall be read as "health care for workers and other matters as provided for by Ministry of Health, Labour & Welfare Ordinance (with respect to workers under dispatching, limited to those matters prescribed by Ministry of Health, Labour & Welfare Ordinance among the matters concerned; in paragraph 3 and in the following Article"; and the expression "the following matters" in paragraph 1 of Article 18 shall be read as "the following matters (with respect to workers under dispatching, limited to those matters prescribed by Ministry of Health, Labour & Welfare Ordinance among the matters concerned)".

3. With respect to a client undertaking to which workers are dispatched for dispatch work in that undertaking, the provisions of Article 11, Articles 14 through 15-3, Article 17, Articles 20 through 27, Articles 29 through 30-2, Article 31-2, Article 36 (limited to those parts related to the provisions of paragraphs 1 and 4 of Article 30 and paragraphs 1 and 4 of Article 30-2), Article 45 (except paragraph 2), Articles 57-3 through 58,

paragraph 3 of Article 59, Article 60, paragraph 1 of Article 61, Articles 65 through 65-4, the former part and the latter part of paragraph 2 of Article 66 (limited to those parts related to workers whom a person carrying on a client undertaking has caused to be engaged in work prescribed by Cabinet Order referred to in the latter part of said paragraph[including workers under dispatching]; hereinafter in this Article, the same shall apply), paragraph 3 of Article 66, paragraph 4 of Article 66 (limited to those parts related to the provisions of the former part and the latter part of paragraph 2, and to paragraph 3 of the same Article; hereinafter in this Article the same shall apply) and paragraph 5 of Article 66 (limited to those parts related to the provisions of the former part and the latter part of paragraph 2, and to paragraphs 3 and 4 of said Article; hereinafter in this Article the same shall apply), Article 66-3 (limited to those parts related to the provisions of the former part and the latter part of paragraph 2 and paragraphs 3, 4 and 5 of Article 66; hereinafter in this Article the same shall apply), Article 66-4, Article 68, Article 71-2, Section I of Chapter IX, Articles 88 through 89-2 of the Industrial Safety and Health Law and the provisions of orders based on the provisions concerned (including penal provisions related to those provisions) shall apply, deeming the person carrying on the client undertaking to be the enterpriser employing the workers under dispatching, and deeming the workers under dispatching to be workers employed by the person carrying on the client undertaking concerned. In this case, the phrase "the provisions of this Law or orders under this Law" in paragraph 1 of Article 29 of said Law shall be read as "the provisions of this Law or orders under this Law (including cases where these provisions are applied pursuant to the provisions of Article 45 of the Law Concerning Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers [hereinafter referred to as "the Worker Dispatching Law"])", or the provisions of paragraph 10 of said Article or the provisions of orders based on the provisions of said paragraph"; the phrase "the provisions of this Law or orders under this Law" in paragraph 2 of Article 29 shall be read as "the provisions of this Law or orders under this Law (including cases where

these provisions are applied pursuant to the provisions of Article 45 of the Worker Dispatching Law), or the provisions of paragraph 10 of said Article or the provisions of orders based on the provisions of said paragraph"; the phrase "the provisions of this Law or orders under this Law" in item 5 of paragraph 1 of Article 30 and paragraph 7 of Article 88 shall be read as "the provisions of this Law or orders under this Law (including cases where these provisions are applied under the provisions of Article 45 of the Worker Dispatching Law)"; and the phrase "paragraphs 1 through 4, the proviso to paragraph 5 of Article 66 or Article 66-2" in Article 66-4 shall be read as "the former part or the latter part of paragraph 2 of Article 66 (limited to those parts related to workers whom a person carrying on the client undertaking has caused to be engaged in the work prescribed by Cabinet Order referred to in the latter part of said paragraph (including workers under dispatching provided for in paragraph 1 of Article 44 of the Worker Dispatching Law); hereinafter in this Article the same shall apply), paragraph 3, paragraph 4 (limited to those parts related to the provisions of the former part and the latter part of paragraph 2 and paragraph 3 of Article 66; hereinafter in this Article the same shall apply) or the proviso to paragraph 5 (limited to those parts related to the provisions of the former part and the latter part of paragraph 2, paragraph 3 and paragraph 4 of said Article)".

4. With respect to a person having been deemed, under the provisions of the preceding paragraph, as the enterpriser employing the workers under dispatching, the provisions of paragraph 2 of Article 45 of the Industrial Safety and Health Law shall be applied by reading the expression "the enterpriser" in said paragraph as "a person having been deemed to be the enterpriser employing workers under dispatching referred to in paragraph 1 of Article 44 of the Law Concerning Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers, pursuant to the provisions of paragraph 3 of Article 45 of said Law".

5. With respect to the application of the provisions of the former part of paragraph 3 concerning a dispatching undertaking in which workers

employed in that undertaking are dispatched for dispatch work at the client undertaking and of paragraph 2 of Article 45 of the Industrial Safety and Health Law, the enterpriser of the dispatching undertaking concerned shall be deemed not employing the worker under dispatching, and the worker under dispatching shall be deemed not employed by the enterpriser of the dispatching undertaking concerned.⁶ An enterpriser of a dispatching undertaking shall not conduct worker dispatching, if, when conducting the worker dispatching concerned, the person deemed to be the enterpriser employing a worker dispatched for the dispatch work concerned in that undertaking under the provisions of paragraph 3, were to cause the dispatched worker under the worker dispatching arrangement concerned to work in accordance with the conditions of dispatch work stipulated in the worker dispatch contract for the worker dispatch concerned, and this would result in conflict with the provisions of paragraph 3 of Article 59, paragraph 1 of Article 61, Article 65-4 or Article 68 of the Industrial Safety and Health Law (in the following paragraph referred to simply as "the provisions of the Industrial Safety and Health Law").

7. When an enterpriser of a dispatching undertaking has violated the provisions of the preceding paragraph (limited to a case where, with regard to a worker under dispatching under the worker dispatching arrangement concerned, the person deemed to be the enterpriser employing said worker under dispatching under the provisions of paragraph 3 has come to be in conflict with the provisions concerned of the Industrial Safety and Health Law), the enterpriser of the dispatching undertaking concerned shall be deemed to have violated the provisions concerned of the Industrial Safety and Health Law and the provisions of Articles 119 and 122 of said Law shall apply.⁸ With respect to a client undertaking to which workers are dispatched for dispatch work at that undertaking, in addition to those matters provided for in paragraphs 1, 3 and 4, the following provisions shall be applied to the client undertaking by reading the following expressions in the respective manners set forth below: in paragraph 1 of Article 5 of the Industrial Safety and Health Law

the expression "enterprisers" shall be read as "enterprisers (including a person carrying on the client undertaking as defined in paragraph 1 of Article 44 of the Law Concerning Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers [hereinafter referred to as "the Worker Dispatching Law"]) [hereinafter referred to as "the client enterpriser"]"; in paragraph 4 of said Article the expression "the enterpriser of the undertaking concerned" shall be read as "the enterpriser of the undertaking concerned or the person deemed to be the enterpriser of the undertaking concerned under the provisions of Article 45 of the Worker Dispatching Law", the expression "employed by said representative alone" shall be read as "employed by said representative and not employed by a person other than said representative out of the enterprisers in the undertakings concerned (including the client enterpriser)", and the expression "this Law" shall be read as "this Law (including cases where this Law is applied under the provisions of Article 45 of the Worker Dispatching Law)"; in paragraph 1 of Article 16 the expression "paragraph 1 or 3 of Article 15" shall be read as "paragraph 1 or 3 of Article 15 as applied pursuant to the provisions of paragraph 3 of Article 45 of the Worker Dispatching Law"; in Article 19 of the same Law and in paragraph 4 of Article 17 as applied mutatis mutandis pursuant to paragraph 4 of Article 19 the expression "the enterpriser" shall be read as "the client enterpriser"; in paragraph 1 of Article 19 the expression "Article 17 and the preceding Article" shall be read as "Article 17 and the preceding Article as applied pursuant to the provisions of Article 45 of the Worker Dispatching Law"; and in paragraphs 2 and 3 of Article 19 and in paragraphs 4 and 5 of Article 17 as applied mutatis mutandis pursuant to paragraph 4 of Article 19 the expression "workers" shall be read as "workers (including workers under dispatching referred to in paragraph 1 of Article 44 of the Worker Dispatching Law)".

9. With respect to the application of the provisions of paragraph 1 of Article 19 of the Industrial Safety and Health Law in connection with a dispatching undertaking in which workers employed are dispatched for

dispatch work at a client undertaking, the expression "Article 17 and the preceding Article" in said paragraph shall be read as "Article 17 and the preceding Article as applied pursuant to the provisions of Article 45 of the Law Concerning Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers".

10. A person deemed to be an enterpriser employing workers under dispatching pursuant to the provisions of paragraph 3 (including a person deemed to be such an enterpriser under the provisions of paragraph 4 of Article 5 of the Industrial Safety and Health Law which are applied by reading the text of said paragraph in accordance with the provisions of paragraph 8) shall, when a medical examination of the workers under dispatching has been conducted under the provisions of paragraph 2, 3 or 4 of Article 66 of said Law as applied pursuant to the provisions of paragraph 3, or when documents certifying the results of the medical examination under the provisions of the proviso to paragraph 5 of said Article have been submitted by the workers under dispatching, without delay, as prescribed by Ministry of Health, Labour & Welfare Ordinance, prepare documents stating the result of such medical examination on the basis of the records in accordance with the provisions of Article 66-3 for the workers under dispatching, and send the documents to the enterpriser of the dispatching undertaking.11. The enterpriser of the dispatching undertaking to whom the documents referred to in the preceding paragraph have been sent under the provisions of said paragraph shall preserve the documents concerned, as prescribed by Ministry of Health, Labour & Welfare Ordinance.

12. A person who violates the provisions of the preceding two paragraphs shall be sentenced to a fine not exceeding 300,000 yen.

13. 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 under the preceding paragraph, the fine

referred to in said paragraph shall be imposed on said juridical person or said natural person, in addition to the punishment for the violator.

14. The person referred to in paragraph 10 shall, when he or she has obtained the opinion of a doctor or a dentist under the provisions of Article 66-4 of the Industrial Safety and Health Law as applied to the workers under dispatching pursuant to the provisions of paragraph 3, without delay, notify the enterpriser of the dispatching undertaking of such opinion, as prescribed by Ministry of Health, Labour & Welfare Ordinance.

15. With respect to the special application of the Industrial Safety and Health Law under the provisions of each of the preceding paragraphs, the following provisions (including penal provisions related to those provisions) shall be applied by reading the following phrases in the respective manners set forth below: the word "enterprisers" in Article 9 of said Law shall be read as "enterprisers(including persons carrying on a client undertaking as defined in paragraph 1 of Article 44 of the Law Concerning Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers [hereinafter referred to as "the Worker Dispatching Law] [hereinafter referred to as "client enterpriser"]; hereinafter in this Article the same shall apply)"; the word "enterprisers" in paragraph 4 of Article 28, paragraphs 1 through 3 of Article 32, paragraph 1 of Article 33, Article 34, Article 63, paragraph 3 of Article 66-5, paragraph 2 of Article 70-2, paragraph 2 of Article 71-3, Article 71-4, paragraphs 2 and 3 of Article 93, paragraph 2 of Article 97, paragraph 1 of Article 98, paragraph 1 of Article 99, paragraphs 1 and 2 of Article 99-2, Articles 100 through 102, paragraph 1 of Article 103, paragraph 1 of Article 106 and paragraph 3 of Article 108-2 shall be read as "enterprisers(including client enterprisers)"; the phrase "workers employed by" in paragraph 1 of Article 31 shall be read as "workers (including workers under dispatching as defined in paragraph 1 of Article 44 of the Worker Dispatching Law [hereinafter referred to simply as "workers under dispatching"] employed by"; the word "workers" in the provisions of Article 31-3 and paragraphs 3 through 5 of Article 32 shall be read as "workers (including workers under dispatching)"; the phrase "the

provisions of this Law or of orders under this Law" in Article 31-3 and paragraph 1 of Article 97 shall be read as "the provisions of this Law or of orders under this Law (including cases where these provisions are applied pursuant to the provisions of Article 45 of the Worker Dispatching Law) or the provisions of paragraph 6, 10 or 11 of said Article or the provisions of orders based on those provisions"; the phrase "this Law" in Article 90, paragraph 1 of Article 91 and Article 100 shall be read as "this Law and the provisions of Article 45 of the Worker Dispatching Law"; the phrase "offenses of violation of the provisions of this Law" in Article 92 shall be read as "offenses (including offenses referred to in Articles 119 and 122 under the provisions of paragraph 7 of Article 45 of the Worker Dispatching Law) of violation of the provisions of this Law (including cases where the provisions of this Law are applied pursuant to the provisions of said Article 45) and offenses referred to in paragraphs 12 and 13 of Article 45 of the Worker Dispatching Law"; the phrase " Article 34" in paragraph 1 of Article 98 shall be read as " Article 34 (including cases where these provisions are applied pursuant to the provisions of Article 45 of the Worker Dispatching Law)"; the phrase "this Law" in paragraph 1 of Article 101 shall be read as "this Law (including the provisions of Article 45 of the Worker Dispatching Law)"; the phrase "the provisions of this Law or of orders under this Law" in paragraph 1 of Article 103 shall be read as "the provisions of this Law or of orders under this Law (including cases where these provisions are applied pursuant to the provisions of Article 45 of the Worker Dispatching Law)"; and the phrase "(excepting the provisions of Chapter II)" in paragraph 1 of Article 115 of the same Law shall be read as "(excepting the provisions of Chapter II) and the provisions of Article 45 of the Worker Dispatching Law".

16. With respect to the application of the provisions of the Industrial Safety and Health Law to a person who has violated provisions of the Industrial Safety and Health Law or of orders thereunder which are applied pursuant to the provisions of paragraphs 1 through 5, paragraphs 7 through 9 and the preceding paragraph, or a person who has violated the provisions of paragraph 6, 10 or 11 or the provisions of orders under these

provisions: the phrase "the provisions of this Law or of orders under this Law" in item 1 of paragraph 2 of Article 46 of said Law shall be read as "the provisions of this Law or of orders under this Law (including cases where these provisions are applied pursuant to the provisions of Article 45 of the Law Concerning Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers [hereinafter referred to as "the Worker Dispatching Law"]), or the provisions of paragraph 6, 10 or 11 of said Article or the provisions of orders thereunder"; the phrase "the provisions of this Law or of orders under this Law" in paragraph 2 of Article 51 shall be read as "the provisions of this Law or of orders under this Law (including cases where these provisions are applied pursuant to the provisions of Article 45 of the Worker Dispatching Law), the provisions of paragraph 6, 10 or 11 of said Article or the provisions of orders thereunder"; the expression "the provisions of paragraph 1 or 2 of Article 45 or of orders under those provisions" in item 1 of paragraph 2 of Article 54-3 shall be read as "the provisions of paragraph 1 or 2 of Article 45 or of the provisions of orders under those provisions (including cases where these provisions are applied pursuant to the provisions of paragraphs 3 and 4 of Article 45 of the Worker Dispatching Law)"; the phrase "the provisions of this Law or of orders under this Law or dispositions under those provisions" in paragraph 6 of Article 56 shall be read as "the provisions of this Law or of orders under this Law (including cases where these provisions are applied pursuant to the provisions of Article 45 of the Worker Dispatching Law), dispositions under those provisions, or the provisions of paragraph 6, 10 or 11 of said Article or the provisions of orders under those provisions"; the phrase "the provisions of this Law or of orders under this Law" in item 2 of paragraph 2 of Article 74, item 3 of paragraph 2 of Article 75-3 (including cases where the provisions of this item are applied mutatis mutandis pursuant to Article 83-3 and Article 85-3), item 2 of paragraph 2 of Article 84 and paragraph 1 of Article 99-3 shall be read as "the provisions of this Law or of orders under this Law (including cases where these provisions are applied pursuant to the provisions of Article 45 of the Worker Dispatching Law) or the provisions of

paragraph 6, 10 or 11 of said Article or the provisions of orders thereunder"; the phrase "this Law (including orders or dispositions under this Law)" in paragraph 2 of Article 75-4 (including cases where the provisions of this paragraph are applied mutatis mutandis pursuant to Article 83-3 and Article 85-3) and paragraph 4 of Article 75-5 (including cases where the provisions of this paragraph are applied mutatis mutandis pursuant to Article 83-3) shall be read as "the provisions of this Law or of orders under this Law (including cases where these provisions are applied pursuant to the provisions of Article 45 of the Worker Dispatching Law), dispositions under those provisions, or the provisions of paragraph 6, 10 or 11 of said Article or the provisions of orders under those provisions"; and the phrase "this Law and orders under this Law" in item 3 of paragraph 2 of Article 84 shall be read as "this Law and orders under this Law (including cases where these provisions are applied pursuant to the provisions of Article 45 of the Worker Dispatching Law), and the Worker Dispatching Law (limited to the provisions of paragraphs 6, 10 and 11 of said Article) and orders thereunder".

17. The technical way to read the text and other necessary matters in cases where the provisions of the Industrial Safety and Health Law and of orders under this law are applied under the provisions of this Article shall be provided for by order.

(Special Application of the Pneumoconiosis Law)

Article 46. With respect to a client undertaking involving dust work as defined in item 3 of paragraph 1 of Article 2 of the Pneumoconiosis Law (Law No. 30 of 1960) (hereinafter in this Article referred to as "dust work"), to which workers are dispatched for dispatch work in that undertaking, the provisions of Articles 5 through 9-2, Articles 11 through 14, paragraph 3 of Article 15, Articles 16 to 17 and Article 35-2 of said Law (including penal provisions related to those provisions) shall be applied to such an undertaking, by deeming the person carrying on the client undertaking to be the enterpriser, as defined in item 5 of paragraph 1 of Article 2 of said Law (hereinafter in this Article referred to as "enterpriser"), employing the workers under dispatching (limited to those who are or have been

regularly engaged in dust work; hereinafter to paragraph 4 and in paragraph 7, the same shall apply), and deeming the workers under dispatching to be workers employed by the person carrying on the client undertaking concerned. In this case, the expression "separation from employment" in paragraph 1 of Article 9-2 of said Law shall be read as "separation from employment (with respect to a worker under dispatching as defined in paragraph 1 of Article 46 of the Law Concerning Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers [hereinafter referred to as "the Worker Dispatching Law"], the termination of the provision of worker dispatch services, as defined in item 1 of Article 2 of the Worker Dispatching Law related to the worker under dispatching concerned; hereinafter in this paragraph, the same shall apply);" and the expression "this Law" in Article 35-2 of said Law shall be read as "this Law (including the provisions of Article 46 of the Worker Dispatching Law)".

2. With respect to the application of the provisions of the former part of the preceding paragraph with respect to a dispatching undertaking (limited to that involving dust work) in which workers employed are dispatched for dispatch work in the client undertaking (limited to that involving dust work), the enterpriser of the dispatching undertaking concerned shall be deemed not employing the workers under dispatching concerned and the workers under dispatching concerned shall be deemed not employed by the enterpriser of the dispatching undertaking concerned.

3. Where the provisions of the Pneumoconiosis Law are applied under paragraph 1, the provisions of Article 10 of said Law shall be applied by reading the following phrases in the respective manners set forth below: in said Article the expression "The enterpriser may, where he or she has conducted the pneumoconiosis examination" shall be read as "A person carrying on the client undertaking as defined in paragraph 1 of Article 44 of the Law Concerning Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "client undertaking") in case he or she has conducted the pneumoconiosis examination for workers under dispatching

as defined in paragraph 1 of Article 46 of said Law, may"; and the expression "paragraph 1 or 2 of Article 66 of the Industrial Safety and Health Law" shall be read as "paragraph 1 or 2 of Article 66 of the Industrial Safety and Health Law in the case of a person carrying on a dispatching undertaking as defined in paragraph 3 of Article 44 of said Law, and paragraph 2 of said Article in the case of a person carrying on a client undertaking".

4. With respect to dispatch work in an undertaking involving dust work in which workers under dispatching are engaged, the provisions of Articles 20-2 to 21 and Article 22-2 of the Pneumoconiosis Law (including penal provisions related to the provisions of Article 21 of said Law) shall apply, deeming the person carrying on the dispatching undertaking concerned (excepting a person corresponding to the enterpriser; in the following paragraph and in paragraph 6, the same shall apply) to be the enterpriser, deeming the person carrying on the client undertaking concerned to also be an enterpriser of the workers under dispatching concerned, and deeming the workers under dispatching concerned as workers also employed by the person carrying on the client undertaking concerned.

5. With respect to dispatch work in an undertaking involving dust work in which workers under dispatching are engaged, the provisions of Article 22 of the Pneumoconiosis Law (including penal provisions related to the provisions of said Article) shall apply, deeming the person carrying on the dispatching undertaking to be the enterpriser.

6. With respect to persons other than workers regularly engaged in dust work (excluding persons regularly engaged in work other than dust work in the client undertaking concerned), among those workers actually employed by a person carrying on a dispatching undertaking who have been regularly engaged in dust work in the client undertaking, the provisions of Articles 8 through 14, paragraph 3 of Article 15, Articles 16 to 17, Article 20-2, Article 22-2, and Article 35-2 of the Pneumoconiosis Law (including penal provisions related to these provisions) shall apply, deeming the person carrying on the dispatching undertaking to be the

enterpriser. In this case, in Article 10 of said Law the expression "The enterpriser may, where he or she has conducted the pneumoconiosis examination" shall be read as "A person carrying on the dispatching undertaking as defined in paragraph 3 of Article 44 of the Law Concerning Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Law") (hereinafter referred to as "dispatching undertaking ") in case he or she has conducted the pneumoconiosis examination for workers under dispatching as defined in paragraph 1 of said Article or for those who have been such workers, may" and the expression "referred to in paragraph 1 or 2 of Article 66 of the Industrial Safety and Health Law" shall be read as "referred to in paragraph 1 or 2 of Article 66 of the Industrial Safety and Health Law in the case of a person carrying on a dispatching undertaking and paragraph 2 of said Article in the case of a person carrying on a client undertaking as defined in paragraph 1 of Article 44 of the Worker Dispatching Law; and the expression "this Law" in Article 35-2 of said Law shall be read as "this is Law (including the provisions of Article 46 of the Worker Dispatching Law)".

7. A person deemed to be an enterpriser of workers under dispatching under the provisions of paragraph 1 shall, when he or she has conducted the pneumoconiosis examination for the workers under dispatching or when documents certifying the results of pneumoconiosis examinations and other documents have been submitted by the workers under dispatching under the provisions of the proviso to Article 11 of the Pneumoconiosis Law as applied under the provisions of said paragraph, prepare documents stating the results of the pneumoconiosis examinations concerned on the basis of the records prepared under the provisions of paragraph 1 of Article 17 of said Law as applied under the provisions of said paragraph relating to the workers under dispatching concerned, as prescribed by Ministry of Health, Labour & Welfare Ordinance and shall, when he or she has received notification under the provisions of paragraph 1 of Article 14 of said Law (including cases where

these provisions are applied under paragraph 3 of Article 15, paragraph 2 of Article 16 and paragraph 2 of Article 16-2 of said Law) as applied under the provisions of paragraph 1, prepare documents stating the contents of the notification concerned, as prescribed by Ministry of Health, Labour & Welfare Ordinance, and, without delay, send those documents to the person carrying on the dispatching undertaking concerned.

8. The person carrying on the dispatching undertaking to whom the documents referred to in the preceding paragraph have been sent under the provisions of said paragraph shall preserve the documents, as prescribed by Ministry of Health, Labour & Welfare Ordinance.

9. A person carrying on the dispatching undertaking shall, when a worker under dispatching, who is engaged in dispatch work in an undertaking involving dust work and who is regularly engaged in dust work (excluding a worker whose classification for supervision of pneumoconiosis has been determined to be No. II, No. III or No. IV), has been diagnosed in a medical examination (excluding one conducted by the person carrying on the client undertaking) referred to in paragraph 1 or 2 of Article 66 of the Industrial Safety and Health Law, as affected by pneumoconiosis as defined in item 1 of paragraph 1 of Article 2 of the Pneumoconiosis Law (hereinafter referred to as "pneumoconiosis"), or as suspected of having contracted pneumoconiosis, without delay, inform the person carrying on the client undertaking concerned to that effect. 10. A person who has violated the provisions of the preceding three paragraphs shall be sentenced to a fine not exceeding 300, 000 yen.

11. 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 under the preceding paragraph, the fine in said paragraph shall also be imposed on said juridical person or said natural person, in addition to punishing the person who committed the violation.

12. With respect to the special application of the Pneumoconiosis Law under the provisions of each of the preceding paragraphs, the following provisions (including penal provisions relating to those

provisions) shall be applied by reading the following phrases in the respective manners set forth below: the expression "the enterpriser" in paragraph 1 of Article 32 of said Law shall be read as "the enterpriser (including a person deemed to be the enterpriser under the provisions of Article 46 of the Law Concerning Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers [hereinafter referred to as "the Worker Dispatching Law"]); in paragraph 2 of Article 43-2 and Article 44 referred to as "the enterpriser and the equivalent"); the expression "This Law" in paragraphs 2 and 3 of Article 39 shall be read as "This Law (including cases where the provisions of this Law are applied under the provisions of Article 46 of the Worker Dispatching Law)"; the expression " paragraph 4 of Article 21" in paragraph 3 of said Article shall be read as " paragraph 4 of Article 21(including cases where these provisions are applied under the provisions of paragraph 4 of Article 46 of the Worker Dispatching Law)"; the expression "the workplace where dust work is performed" in paragraph 1 of Article 40 shall be read as "the workplace where dust work is performed (including the workplace of a person deemed to be the enterpriser under the provisions of Article 46 of the Worker Dispatching Law; in paragraph 1 of Article 42, the same shall apply)"; the expression "this Law" in Article 41 and paragraph 1 of Article 42 shall be read as "this Law and the provisions of Article 46 of the Worker Dispatching Law"; the expression "the offense of violation of the provisions of this Law" in Article 43 shall be read as "the offense of violation of the provisions of this Law (including cases where these provisions are applied under the provisions of Article 46 of the Worker Dispatching Law) and the offenses referred to in paragraphs 10 and 11 of said Article"; the expression "the provisions of this Law or of orders under this Law" in paragraph 1 of Article 43-2 shall be read as "the provisions of this Law or of orders under this Law (including cases where these provisions are applied under the provisions of Article 46 of the Worker Dispatching Law), or the provisions of paragraphs 7 through 9 of said Article or of orders under those provisions"; and the expression "the

enterpriser" in paragraph 2 of said Article and Article 44 shall be read as "the enterpriser and the equivalent".

13. With respect to the application of the provisions of Article 10 of the pneumoconiosis Law, where the person carrying on the dispatching undertaking corresponds to the enterpriser and has conducted pneumoconiosis examinations for workers under dispatching, the expression "The enterpriser " in said Article shall be read as "A person carrying on the dispatching undertaking as defined in paragraph 3 of Article 44 of the Law Concerning Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Law") (hereinafter referred to as " dispatching undertaking ") "; and the expression "referred to in paragraph 1 or 2 of Article 66 of the Industrial Safety and Health Law" shall be read as "referred to in paragraph 1 or 2 of Article 66 of the Industrial Safety and Health Law in the case of a person carrying on a dispatching undertaking and paragraph 2 of said Article in the case of a person carrying on a client undertaking as defined in paragraph 1 of Article 44 of the Worker Dispatching Law".

14. The technical way to read the text and other necessary matters in cases where the provisions of the Pneumoconiosis Law and of orders under this law are applied under the provisions of this Article shall be provided for by order.(Special Application of the Working Environment Measurement Law)

Article 47. With respect to a person deemed to be an enterpriser employing workers under dispatching under the provisions of paragraph 3 of Article 45, the provisions of Chapter I, paragraph 2 of Article 8 (including cases where said provisions are applied mutatis mutandis under paragraph 2 of Article 34), and Chapters IV and V of the Working Environment Measurement Law (Law No. 28 of 1975) shall be applied, deeming such person to be included in the concept of the enterpriser defined in item 1 of Article 2 of said Law. In this case, the expression "paragraph 1 of Article 65 of the Industrial Safety and Health Law" in paragraph 1 of Article 3 of the Working Environment Measurement Law

shall be read as "paragraph 1 of Article 65 of the Industrial Safety and Health Law (including cases where said provisions are applied under the provisions of paragraph 3 of Article 45 of the Law Concerning Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers; in the following Article, the same shall apply)."

2. With respect to the application of the provisions of the Working Environment Measurement Law to persons who have violated the provisions of the Industrial Safety and Health Law or of orders under this law as applied under the provisions of Article 45, the provisions of paragraph 6, 10 or 11 of said Article or of regulations under those provisions, or the provisions of the Working Environment Measurement Law or of orders under this law as applied under the provisions of the preceding paragraph, the expression "the provisions of this Law or of the Industrial Safety and Health Law (including orders under these laws)" in item 3 of Article 6 of the Working Environment Measurement Law shall be read as "the provisions of this Law or of the Industrial Safety and Health Law or of orders under these Laws (including cases where these provisions are applied under the provisions of Article 45 or 47 of the Law Concerning Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers [hereinafter referred to as "the Worker Dispatching Law"]), or the provisions of paragraph 6, 10 or 11 of Article 45 of the Worker Dispatching Law or of orders under these provisions"; the expression "the provisions of this Law or of the Industrial Safety and Health Law (including orders under these laws)" in a. of item 5 of paragraph 2 of Article 21 (including cases where these provisions are applied mutatis mutandis under paragraph 4 of Article 32-2) shall be read as "the provisions of this Law or of the Industrial Safety and Health Law or of orders issued under these laws (including cases where these provisions are applied under the provisions of Article 45 or 47 of the Worker Dispatching Law), or the provisions of paragraph 6, 10 or 11 of Article 45 of the Worker Dispatching Law or of orders under these provisions"; the expression "this Law or of

the Industrial Safety and Health Law (including orders or dispositions under these laws) in paragraph 2 of Article 23 (including cases where these provisions are applied mutatis mutandis under paragraph 4 of Article 32-2) and paragraph 4 of Article 24 shall be read as "the provisions of this Law or of the Industrial Safety and Health Law or of orders under these Laws (including cases where these provisions are applied under the provisions of Article 45 or Article 47 of the Worker Dispatching Law), or dispositions under these provisions, or the provisions of paragraph 6,10 or 11 of Article 45 of the Worker Dispatching Law or of orders under these provisions", and the expression "this Law or of the Working Environment Measurement Law (Law No. 28 of 1975), or of orders under these Laws" in paragraph 2 of Article 32 and paragraph 1 of Article 34 of said Law shall be read as "this Law or of the Working Environment Measurement Law (Law No. 28 of 1975), or of orders under these Laws (including cases where these provisions are applied under the provisions of Article 45 or 47 of the Worker Dispatching Law), or the provisions of paragraph 6, 10 or 11 of Article 45 of the Worker Dispatching Law or of orders under these provisions".

3. The technical way to read the text and other necessary matters in cases where the provisions of the Working Environment Measurement Law are applied under the provisions of this Article shall be provided for by order.

(Special Application of the Law on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment)

Article 47-2. With respect to work performed by dispatched workers whom a person receiving worker dispatching services causes to work under his or her direction under a worker dispatching arrangement, the provisions of Chapter III of the Law on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment (Law No. 113 of 1972) shall be applied with said person receiving worker dispatching services being deemed as an employer employing said dispatched workers. In this case, the expression "from the viewpoint of

employment management" in paragraph 1 of Article 21 of said Law shall be read as "from the viewpoints of employment management and instruction".

Chapter IV. Miscellaneous Provisions

(Guidelines)

Article 47-3. With respect to measures to be taken by the operator of the dispatching undertaking and the client under the provisions of Article 24-3 and Sections 1 through 3 of the preceding Chapter, the Minister of Labour shall publish the guidelines necessary for the proper and effective implementation of such measures.

(Guidance, Advice and Recommendation)

Article 48. The Minister of Health, Labour & Welfare may, when the Minister considers it necessary for the enforcement of this Law (excluding the provisions of Section IV of the preceding Chapter; the same applies in paragraph 1 of Article 49-3, Article 50 and paragraph 1 of Article 51), give to operators conducting worker dispatching and persons receiving worker dispatching services the guidance and advice necessary for securing the proper operation of worker dispatching undertakings or proper dispatch work.

2. The Minister of Health, Labour & Welfare may, when the Minister considers it necessary for the proper adjustment of labour demand and supply in cases where a worker dispatching undertaking is carried out with the object of providing worker dispatching services solely to specified persons (excluding cases prescribed by Ministry of Health, Labour & Welfare Ordinance referred to in item 1 of paragraph 1 of Article 7), recommend the operator of the dispatching undertaking concerned to change the object or the contents of the worker dispatching undertaking. (Improvement Order)

Article 49. Where an operator of a dispatching undertaking has violated the provisions of this Law or other laws relating to labour (including the provisions of orders under these provisions) with respect to the worker dispatching undertaking concerned, the Minister of Health, Labour & Welfare may, when the Minister considers it necessary for

securing proper dispatch work, order the operator of the dispatching undertaking concerned to improve his or her method of employment management for dispatched workers and otherwise to take necessary measures to improve the operation of the worker dispatching undertaking.

2. Where a client violates the provisions of paragraph 3 of Article 4, the Minister of Health, Labour & Welfare may, when the Minister considers it materially inappropriate to permit the dispatch work in violation of the provisions of said paragraph to continue, order the operator of the dispatching undertaking who dispatches workers to the client concerned to suspend the worker dispatch which is under the worker dispatch contract for the dispatch work concerned.

(Publication etc.)

Article 49-2. Where the Minister of Health, Labour & Welfare has given guidance or advice under the provisions of Article 48 paragraph 1 to a person violating the provisions of Article 4 paragraph 3, Article 24-2, Article 40-2 paragraph 1, Article 40-4 or Article 40-5, the Minister may, if he or she considers that said person is continuing to violate the provisions of Article 4 paragraph 3, Article 24-2, Article 40-2 paragraph 1, Article 40-4 or Article 40-5 or is likely to do so, recommend that said person take measures necessary for correcting the dispatch work violating the provisions of Article 4 paragraph 3, Article 24-2 or Article 40-2 paragraph 1 or measures necessary for preventing the carrying out of such dispatch work or that an offer of an employment contract be made pursuant to the provisions of Article 40-4 or Article 40-5.

2. Where a client is receiving worker dispatching services in violation of the provisions of paragraph 1 of Article 40-2 and the dispatched worker connected with the provision of said worker dispatching services wishes to be employed by said client, the Minister of Health, Labour & Welfare may, if said client, although the Minister has given guidance or advice to him or her to employ the dispatched worker concerned under the provisions of paragraph 1 of Article 48, has not complied with such guidance or advice, recommend that said client employ the dispatched worker concerned.

3. Where the Minister of Health, Labour & Welfare has given recommendations under the provisions of the two preceding paragraphs, the Minister may, when the person receiving such recommendation has not complied with it, publish such fact.

(Notification to the Minister of Health, Labour & Welfare)

Article 49-3. Where an employer conducting worker dispatch or a person receiving worker dispatching services violates this Law or the provisions of orders under this Law, a dispatched worker may notify the Minister of Health, Labour & Welfare of such fact.

2. Neither an employer conducting worker dispatch nor a person receiving worker dispatching services shall discharge or otherwise treat disadvantageously a dispatched worker on the grounds of his or her having made the notification referred to in the preceding paragraph.

(Reporting)

Article 50. The Minister of Health, Labour & Welfare may, within the limits necessary for the enforcement of this Law, order employers carrying on worker dispatching undertakings and persons receiving the worker dispatch services from said employers to report on necessary matters, as prescribed by Ministry of Health, Labour & Welfare Ordinance.

(On-the-spot Inspections)

Article 51. The Minister of Health, Labour & Welfare may, within the limits necessary for the enforcement of this Law, have Ministry personnel enter the workplace or other facilities of an employer carrying on a worker dispatching undertaking or a person receiving the worker dispatch services from said employer, question the persons concerned or inspect records, documents and other things.

2. A staff member making an on-the-spot inspection under the provisions of the preceding paragraph shall carry a certificate certifying his or her status and show it to the persons concerned.

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

(Counseling and Assistance)

Article 52. The Public Employment Security Office may, with respect to matters concerning dispatch work, respond to a request for counsel from a worker, etc and give necessary advice or other assistance.

(Supporters of Proper Operation of Worker Dispatching Undertakings)

Article 53. The Minister of Health, Labour & Welfare may commission persons, from among those who enjoy public confidence and have expert knowledge and experience concerning the operation of worker dispatching undertakings and concerning dispatch work, to act as Supporters of Proper Operation of Worker Dispatching Undertakings.

2. A Supporter of Proper Operation of Worker Dispatching Undertakings shall, in cooperation with the administrative measures concerning the securing of proper operation of worker dispatching undertakings and proper dispatch work, respond to a request for counsel from, and give expert advice to, employers conducting worker dispatch, persons receiving worker dispatching services and workers, etc.

3. A Supporter of Proper Operation of Worker Dispatching Undertakings shall not disclose to another person any secret learned in the course of his or her duty unless there is a valid reason. The same applies after he or she ceased to be a Supporter of Proper Operation of Worker Dispatching Undertakings.

4. A Supporter of Proper Operation of Worker Dispatching Undertakings shall not receive any remuneration from the Government for his or her duties.

5. A Supporter of Proper Operation of Worker Dispatching Undertakings may receive payment of the expenses required for the execution of his or her duties within the limits of the budget.

(Fees)

Article 54. The following persons shall pay the fees fixed by Cabinet Order with due regard to the actual expenses involved:

- (1) a person who wishes to obtain the license referred to in paragraph 1 of Article 5;

- (2) a person who wishes to obtain reissuance of a license certificate under the provisions of paragraph 3 of Article 8;
- (3) a person who wishes to obtain the renewal of the term of validity of a license under the provisions of paragraph 2 of Article 10;
- (4) a person who wishes to obtain the rewriting of a license certificate under the provisions of Article 11 paragraph 4.

(Delegation to Orders for Transitional Measures)

Article 55. Where a Cabinet Order or Ministry of Health, Labour & Welfare Ordinance is established, amended or abrogated under the provisions of this Law, necessary transitional measures (including transitional measures on penal provisions) may be laid down by said Cabinet Order or Ministry of Health, Labour & Welfare Ordinance within limits considered reasonably necessary in connection with the establishment, amendment or abrogation concerned.

(Delegation of Authority)

Article 56. Part of the authority vested in the Minister of Health, Labour & Welfare provided for in this Law may be delegated to the Prefectural Labour Director, in accordance with Ministry of Health, Labour & Welfare Ordinance.

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

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

Article 57. Procedures and other matters necessary for the enforcement of this Law which are not provided for in this Law shall be prescribed by Ministry of Health, Labour & Welfare Ordinance.

Chapter V.

Penal Provisions

Article 58. A person, who has conducted worker dispatch with the intention of inducing workers to do work injurious to public health or public morals, shall be sentenced to penal servitude of not less than one year and not more than ten years, or a fine of not less than 200,000 yen and not more than 3,000,000 yen.

Article 59. A person who falls under any of the following items shall be sentenced to penal servitude not exceeding one year or a fine not exceeding 1,000,000 yen:

- (1) a person who has violated the provisions of paragraph 1 of Article 4 or Article 15;
- (2) a person who has carried out a general worker dispatching undertaking without obtaining the license referred to in paragraph 1 of Article 5;
- (3) a person who has obtained the license referred to in paragraph 1 of Article 5 or the renewal of the term of validity of a license under the provisions of paragraph 2 of Article 10, by falsehood or other improper act;
- (4) a person who has violated a disposition prescribed under the provisions of paragraph 2 of Article 14 or Article 21.

Article 60. A person who falls under any of the following items shall be sentenced to penal servitude not exceeding six months or a fine not exceeding 300,000 yen:

- (1) a person who has carried out a specified worker dispatching undertaking without submitting the notice provided for in paragraph 1 of Article 16;
- (2) a person who has violated the provisions of Article 22 or paragraph 2 of Article 49-3;
- (3) a person who has violated a disposition under the provisions of Article 49.

Article 61. A person who falls under any of the following items shall be sentenced to a fine not exceeding 300,000 yen:

- (1) a person who has submitted an application under the provisions of paragraph 2 of Article 5 (including cases where these provisions are applied mutatis mutandis pursuant to paragraph 5 of Article 10) containing a false entry, documents under the provisions of paragraph 3 of Article 5 (including cases where these provisions are applied mutatis mutandis pursuant to paragraph 5 of Article 10) containing a false entry, a notice under the provisions of paragraph 1 of Article 16 containing a false entry or documents under the provisions of paragraph 2 of said Article containing a false entry;
- (2) a person who has failed to submit a notice or has submitted a false notice under the provisions of Article 11 paragraph 1, Article 13 paragraph 1, Article 19 paragraph 1, Article 20 or Article 23 paragraph 3 or who has made a false entry in and submitted documents provided for by Article 11 paragraph 1 or Article 19 paragraph 1;
- (3) a person who has violated the provisions of Article 34, Article 35, Article 35-2 paragraph 1, Article 36, Article 37, Article 41 or Article 42;
- (4) a person who has failed to submit a report or has submitted a false report under the provisions of Article 50;
- (5) a person who has refused, impeded or evaded the entry or inspection under the provisions of paragraph 1 of Article 51, or who has failed to reply or has given false replies to questions under the provision of said paragraph.

Article 62. 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 a violation under Article 58 through the preceding Article with respect of the business of said juridical person or said natural person, the fine stated in the respective Article shall also be imposed on said juridical person or said natural person, in addition to punishing the person who committed the violation.

Supplementary Provisions

1. This Law shall come into force on such date within one year of its promulgation as may be fixed by Cabinet Order.

2. Except as provided in the following paragraph, transitional measures necessary to the enforcement of this Law shall be provided by Cabinet Order.

3. The application of penal provisions to violations committed prior to the enforcement of this Law shall be governed by the same provisions as were applicable previously.

4. Regarding the application of Article 5-2, for the time being, the phrase "location" in item 3 shall be read as "the location and the workplace in which a general worker dispatching undertaking is conducted, in respect of services of manufacturing things (meaning services regarding work in the process of manufacturing of melting, casting, processing, assembling, washing, painting and transporting things etc.) as to which the actuality of the employment of the workers engaged in this work, together with the effect it has on securing working conditions for dispatched workers and on the proper adjustment of labour demand and supply in said work shall be taken into consideration and prescribed by Ministry of Health, Labour and Welfare Ordinance (hereinafter, "specified manufacturing services").

5. Regarding the application of the Article 40-2, the phrase "work falling within the following" in item 2 shall be read as "the work in respect of specified manufacturing services for which the period shall be one year, and the work other than the specified manufacturing services and falling within the following", for three years calculated from the day of enforcement of the Law for Amendment of the Employment Security Law and the Law Concerning Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (Law No. 82 of June 13, 2003).