

KEY TOPIC

MHLW's Basic Policies Based on the Act on Comprehensive Promotion of Labor Policies

The Basic Policies on Labor (referred to below as the “Basic Policies”), based on the Act on Comprehensive Promotion of Labor Policies, was approved by Cabinet decision on December 28, 2018. In addition to indicating the necessity of Work Style Reform and the basic approach to its promotion so that all workers can make the most of their abilities, the policies are a consolidation of the “basic matters related to labor policies” based on the objectives and principles of existing laws, and were compiled on the basis of discussions in the Ministry of Health, Labour and Welfare’s Labor Policy Council Committee on Basic Policies. Building on these Basic Policies, the Ministry says, “We will work towards the realization of a society where everyone can have a sense of purpose and make the most of their abilities.”

Basic approach to promote Work Style Reform

On June 29, 2018, the 196th session of the Diet passed the Work Style Reform Bill (Act on the Arrangement of Related Acts to Promote Work Style Reform), which includes legal upper limit on overtime work hours and prohibitions on unreasonable disparities in treatment between regular workers and other workers such as part-time workers, fixed-term workers, and dispatched workers, and eight key labor laws were amended collectively.¹ Under the provisions of Article 3 of the Bill, the Employment Measures Act (Act No. 132 of 1966) was revised and renamed as by the Act on Comprehensive Promotion of Labor Policies (officially called the Act on Comprehensive Promotion of Labor Policies, Stabilization of Employment and Improvement of Workplace Environment). The Basic Policies were formulated for the first time in accordance with

Article 10, Paragraph 1 of the Act which stipulates that basic policies for comprehensive promotion of necessary labor policies must be established so that all workers can make the most of their abilities.

The Basic Policies emphasize the need for Work Style Reform, calling for “reforms of Japan’s labor system from workers’ perspective, and change in the corporate culture and values, so that each and every worker can have a more positive outlook on their future.” With the establishment of the “basic matters related to labor policies” called for by the Act, basic approaches are clarified the comprehensive promotion of labor policies for realization of Work Style Reform in cooperation with local public bodies such as prefectural and municipal governments.

Basic matters related to labor policies

“The basic matters related to labor policies” have seven dimensions as shown in Appendix: I) improvement of work environments, such as shortening of working hours, II) ensuring balanced treatment among workers with different forms of employment, dissemination of various styles of working, and improvement of employment conditions in various pattern or styles of working, III) promotion of more active participation and advancement for diverse human resources, IV) support for balancing work against childcare, long-term care, or medical treatment, V) improvement in quality of human capital and enhancement of vocational ability evaluation, VI) enhancement of support for job-change, re-employment and employment placement, and VII) efforts toward smooth implementation of Work Style Reform.

In terms of the first dimension (I above), specific measures outlined are (1) alleviation of excessively

1. For details, see “Work Style Reform Bill Enacted: Discussions Underway at the Council on the Contents of Specific Procedures,” *Japan Labor Issues* vol. 2, no. 10.

long working hours, (2) prevention of *karoshi* (death from overwork), (3) support, supervision and instruction for small and medium-sized enterprises, (4) promotion of appropriate measures according to the characteristics of industries, (5) raising of wages including the minimum wages and improvements in productivity, (6) enhancement of the functions of occupational physicians and occupational health, (7) ensuring working environments where people can work in safety and health, and (8) ensuring working environments that accommodate diversity, including measures to address workplace harassment.

In order to ensure balanced treatment among workers with different forms of employment, dissemination of various styles of working, and improvement of employment conditions in various patterns or styles of working (dimension II above), specific measures outlined are (1) improving the treatment of non-regular workers, such as ensuring fair treatment regardless of forms of employment or working styles, (2) support for non-regular employees who seek to convert to regular employees, and (3) establishing working environments that easily accommodate flexible work styles.

Measures to promote more active participation and advancement for diverse human resources (dimension III above) include facilitation of more active roles for women, young and elderly workers, persons with disabilities and so forth, establishing working environments for accommodating non-Japanese personnel, and support for more active roles for people with various circumstances and challenges, as well as support for balancing work

against childcare, long-term care, or medical treatment (IV above). Initiatives to improve the quality of human capital (V above) include human resources development through programs such as recurrent education and enhancement of vocational ability evaluation. To enhance support for job-change, re-employment and employment placement (VI above), measures cited include support for workers changing careers to enter growing fields, rendering workplace and job information visible, effective job posting and job seeking information services, and ensuring job opportunities in regional areas.

Basic policy mentions future policy review based on the status of Action Plan implementation

Other important issues covered in the Basic Policies include reinforcement of measures to ensure fair dealing with subcontractors through reform of business practices and improvement of the business environment, and support for improvement of worker productivity so as to improve their working conditions. The Basic Policies also point out the necessity of promoting career awareness and education on labor and employment laws and regulations at the school education level. It is stated that the Basic Policies will be reviewed if it is determined that there is a need for change based on economic and employment situations as well as the status of follow-up on the Action Plan for Work Style Reform.

Appendix. Basic Policies on Labor

■ Basic Matters Related to Labor Policies

I. Improvement of working environments, such as shortening of working hours

- (1) Alleviation of excessively long working hours
 - Spreading of information and adherence to regulations regarding limits on overtime work, designation of periods for taking annual paid leave, strengthening functions of occupational physician and occupational health
 - Improvement of environment for smoothly taking annual paid leave
 - Popularization and promotion of system of intervals during working hours
 - Development of code of conduct for labor standards inspectors
 - Acceptance of complaints regarding supervision and instruction through various channels
 - Thorough enforcement of appropriate authority utilizing ombudsman system
- (2) Prevention of *karoshi* (death from overwork), etc.
 - Measures within labor administration organizations for the prevention of *karoshi* (death from overwork), etc.

- Development of systems for conducting research surveys, raising awareness, and offering consultations
- Support for activities of private-sector organizations
- (3) Support, supervision and instruction for small and medium-sized enterprises (SMEs)
 - Development of one-stop consultation system for SMEs
 - Support for companies' efforts to secure human resources and improve productivity
 - Considerate consultations and support, primarily provided by Work Style Reform Promotion and Support Center
 - Promote participation in the smaller enterprise retirement allowance mutual aid scheme and promotion of use of worker asset formation system
 - Spreading knowledge of labor-related laws and regulations, and supervision and guidance taking account of circumstances of SMEs
- (4) Promotion of appropriate measures according to the characteristics of industries
 - Improving environment to alleviate excessively long working hours in automotive transport and construction industry through use of guidelines, etc.
 - Examination of measures to alleviate excessively long working hours for doctors
 - Support for securing human resources and reducing work-hours in sugar manufacturing industry in Kagoshima and Okinawa Prefectures
- (5) Raising of wages including minimum wage and improvements in productivity
 - Minimum wage increase aiming at a national weighted average of 1,000 yen with annual growth rate of approx. 3%
 - Support for productivity improvements, etc. at SMEs
- (6) Enhancement of the functions of occupational physicians and occupational health
 - Strengthening of companies' health management measures such as interviews and guidance for workers with excessively long hours
 - Enhancement of occupational health functions
- (7) Ensuring working environments where people can work in safety and health
 - Promotion of workplace accident prevention plan, and implementation of system for fair, prompt labor accident compensation insurance
- (8) Ensuring working environments that accommodate diversity, including measures to address workplace harassment
 - Efforts toward public awareness and reinforcement of countermeasures against power harassment
 - Consideration of approaches ensuring the effectiveness of employers' actions to prevent sexual harassment, etc. prevention under legal requirements
 - Promotion of correct understanding of sexual preference and gender identity in the workplace

II. Ensuring balanced treatment among workers with different forms of employment, dissemination of various styles of working, and improvement of employment conditions in various pattern or styles of working

- (1) Improving treatment of non-regular workers, such as ensuring fair treatment regardless of employment patterns or styles of working
 - Ensuring thorough awareness of the revised law, and distribution of industry-specific introductory manuals, so as to realize Japan's aims of equal pay for equal work
 - Support for career advancement of non-regular employees
- (2) Support for non-regular employees who seek to convert to regular employees
 - Support for companies in employees' conversion to regular employment
 - Support for workers changing jobs or developing professional abilities
 - Support for companies' smooth response to rules governing conversion to non-fixed-term contracts
- (3) Establishing working environments that easily accommodate flexible work styles
 - Promotion of popularization of employment type telework
 - Public awareness of guidelines for improvement of self-employed telework environment
 - Promotion of side jobs and/or dual jobs and examination of related systemic issues
 - Medium- and long-term consideration of protections for employment-like work styles
 - Promotion of understanding of system and thorough implementation of supervisory guidance regarding discretionary labor system and "highly professional" work system

III. Promotion of more active participation and advancement for diverse human resources

- (1) Facilitation of more active roles for women
 - Examination for securing implementation and effectiveness of the Equal Employment Opportunity Act
 - Promotion of companies' efforts such as action plan formulation based on Act on Women's Participation and Advancement in the Workplace, thorough review of information on women's achievements, and consideration of necessary revisions
 - Employment support for women during childrearing
- (2) Facilitation of more active roles for young workers
 - Support for the young for smooth transition from school to work and retention in the workplace, in cooperation with schools
 - Support for workers in casual employment, etc. who wish to find regular employment
 - Support for vocational autonomy for unemployed youth, etc.

- (3) Facilitation of more active roles for elderly workers
 - Environmental improvement for raising continued employment age
 - Reemployment support through expansion of lifelong employment support functions
 - Providing diverse employment opportunities through cooperation of various regional organizations and support from the Silver Human Resources Center
 - Improvement of workplace environment according to elderly persons' physical characteristics
- (4) Facilitation of more active roles for persons with disabilities, etc.
 - Improvement of work environment according to individuals' situations including prohibition of disability discrimination and provision of reasonable consideration
- (5) Improvement of environments for accommodating non-Japanese personnel
 - Establishment of system for smooth acceptance of foreign personnel with specific expertise and skills
 - Improvement of employment management of non-Japanese workers, including compliance with labor laws and regulations and securing appropriate working conditions
 - Active use of highly skilled foreign personnel
 - Employment support for international students
- (6) Support for more active roles for people with various circumstances and challenges
 - Employment support for parents in single-parent households, welfare recipients, persons released from prison, homeless persons, etc.

IV. Support for balancing work against childcare, long-term care, or medical treatment

- (1) Support for balancing work and childcare or long-term care obligations
 - Ensuring reliable implication and public awareness of measures based on the Childcare and Nursing Care Leave Act
 - Promotion of parental leave-taking by men and efforts at SMEs
- (2) Support for balancing work and medical treatment
 - In addition to promotion of employment environment improvements at companies, implementation of general cross-cutting measures including linkage with health care and welfare policies
 - Employment support in cooperation with hospitals in the cancer treatment network

V. Improvement of quality of human capital and enhancement of vocational ability evaluation

- (1) Promotion of human resources development through programs such as recurrent education
 - Enhancement of recurrent education
 - Support for human resource development in companies, and popularization of career counseling
 - Support for workers' autonomous career formation
 - Appropriate implementation of public vocational training
- (2) Enhancement of vocational ability evaluation
 - Maintenance of vocational skills assessment and other measures
 - Promotion of utilization of Job Cards

VI. Enhancement of support for job-change, re-employment and employment placement, etc.

- (1) Support for changing careers to enter growing fields
 - Fostering momentum of mid-career recruitment expansion through utilization of career change guidelines, and support for companies via subsidies
 - Support for employee dispatch and transfer by the Industrial Employment Stabilization Center
- (2) Rendering workplace and job information visible
 - Promotion of rendering workplace information visible via sites where it can be browsed all in one place
 - Construction of sites to provide occupational information
- (3) Providing effective job posting and job seeking information services and ensuring job opportunities in regional areas
 - Effective delivery of job postings by enhancing Internet services
 - Promotion of employment measures tailored to regional circumstances
 - Support measures in disaster-affected areas

VII. Efforts toward smooth implementation of Work Style Reform

Development of cooperative frameworks such as councils among local public entities and members of groups of small and medium-sized business owners and labor organizations, etc.

Other important matters pertaining to enabling workers to utilize their abilities effectively

- 1. Review of business practices, improvement of trading environment, etc. Strengthening of measures related to subcontracting transactions
- 2. Support for productivity improvements aimed at bettering working conditions
- 3. Encouragement of vocational and professional awareness at the school stage, and promotion of education on labor-related laws and regulations

Source: MHLW, "The Basic Policies on Labor," <https://www.mhlw.go.jp/content/11602000/000465362.pdf>. Translation is tentative by JILPT.