

Are Your Working Conditions Fair?

For Foreign Workers in Japan



The laws and regulations related to labour standards, such as the Labour Standards Law, the Minimum Wages Law, the Industrial Safety and Health Law, and the Workmen's Accident Compensation Insurance Law, apply to foreign workers in Japan, too.

In any of the following cases, please consult one of the "Advisors for Foreign Workers", who are stationed in the Inspection Divisions of Labour Standards Departments at the major Labour Bureaus throughout Japan, or a Labour Standards Inspection Office.

For instance:

- * You are not paid your wages.
- * You are not paid an overtime allowance.
- * You are dismissed while receiving medical treatment for injury caused by work.
- * You are dismissed suddenly and have not been paid a dismissal allowance.
- * You have suffered an accident at work but are not compensated for your medical fees or your days off.
- * Your wages, working hours and other working conditions are not specified when you sign a labour contract.
- * There is the risk of accidents at work because the safety and hygiene of workers are not protected adequately.
- * Other similar problems

The Advisors for Foreign Workers will accept inquiries and consultations about labour conditions in English, and in other languages depending upon the office.

In Japan, the following laws and regulations related to labour standards apply (extract):

(1) Labour Standards Law

An employer is obliged to observe the following:

① Equal Treatment (Article 3)

An employer shall not engage in discriminatory treatment of workers by reason of nationality. The same prohibition also applies to discriminatory treatment on the grounds that the working conditions in the foreign worker's home country are inferior to those in Japan.

② Clear Statement of Working Conditions (Article 15)

When signing a labour contract, an employer shall clearly state wages, working hours and other working conditions to a worker. In particular, the following matters must be made clear in writing to the worker:

1) Matters concerning the term of employment, 2) Matters concerning the place of work and job performed, 3) Matters concerning the start time and end time, possible overtime work, rest period, rest days, leave, and the change in shifts (in case workers work in two or more shifts), 4) Matters concerning the determination, calculation and payment of wages (except retirement allowances and others), and 5) Matters concerning retirement.

③ Ban on Predetermined Indemnity (Article 16)

An employer shall not make a contract which fixes in advance either a sum payable to the employer for breach of contract or an amount of indemnity for damages.

④ Restrictions on Dismissal of Workers (Article 19)

An employer shall not dismiss a worker during a period of rest for medical treatment with respect to injuries or illness suffered in the course of duty nor within 30 days thereafter, and shall not discharge a woman during a period of rest before and after childbirth nor within 30 days thereafter.

⑤ Notice of Dismissal (Articles 20 and 21)

In the event that an employer wishes to dismiss a worker, the employer shall provide in principle at least 30 days advance notice. However, the number of days of notice may be reduced in the event the employer pays the average wage for each day by which the period is reduced. An employer who does not give 30 days advance notice shall pay the average wages for a period of not less than 30 days.

⑥ Certificate on Retirement (Article 22)

When a worker, upon leaving employment, requests a certificate stating the following matters, the employer shall deliver one without delay. However, the employer shall not include in the certificate any matters that the worker does not request.

1) Period of employment, 2) Kind of occupation, 3) Position in the enterprise, 4) Wages, and 5) Cause of retirement (including the reasons in the event that the cause of retirement is dismissal)

⑦ Payment of Wages and Return of Money and Other Valuables (Articles 23 and 24)

Wages must be paid 1) in cash, 2) directly to the workers, 3) in full, 4) at least once a month, and 5) on a definite date. Also, upon a worker's leaving of employment, the employer shall pay unpaid wages and other due amounts within 7 days of his or her request for payment.

⑧ Working Hours and Increased Wages for Overtime Work, Work on Rest Days and Midnight Work (Articles 32-37)

If an employer makes a worker work for more than the legal working hours (in principle, 40 hours a week, 8 hours a day) or makes a worker work on legal rest days (1 day a week or 4 days in 4 weeks), the employer must follow the procedures prescribed by laws and regulations. The employer shall pay increased wages at a rate of 25 percent or more of the wage for normal working hours or working days for work exceeding the legal working hours and midnight work, or at a rate of 35 percent or more of the wage for normal working hours or working days for work on legal rest days.

⑨ Annual Leave with Pay (Article 39)

An employer shall grant annual leave with pay to workers who have been employed continuously for six months calculated from the day of their being hired and who have reported for work on at least 80 percent of the total working days.

⑩ Restrictions on Sanction Provisions (Article 91)

In the event the rules of employment provide for a decrease in wages as a sanction to a worker, the amount of decrease for a single occasion shall not exceed 50 percent of the daily average wages, and also the total amount of decrease shall not exceed 10 percent of the total wages for a single pay period.

(2) Minimum Wages Law

An employer must pay the minimum wages or more to workers. The minimum wage amount has been set for each prefecture and industry.

(3) Industrial Safety and Health Law

The following matters are prescribed by the law and other regulations.

- ① An employer shall take measures provided for by law such as ensuring the functioning of safety devices, wearing of protective equipment, and provision of instructions on adequate work procedures, in order to protect workers from danger or damage to health.
- ② An employer shall, upon employing new workers, or upon changing the content of work assigned to workers, provide necessary training for the worker with regard to safety and health at work. Where an employer intends to assign workers to dangerous or harmful jobs prescribed by law, the employer shall provide special training.
- ③ An employer shall, upon employing new workers or for each period of time as provided for by law, arrange for the workers to undergo a medical examination conducted by a physician regarding the items prescribed by law.
- ④ An employer shall not assign workers to jobs that involve handling dangerous and harmful substances designated as dangerous or detrimental by law, with the exception of workers who have appropriate qualifications.
- ⑤ Workers shall abide by the necessary matters in accordance with the measures taken by the employer.

(4) Workmen's Accident Compensation Insurance Law

According to the Workmen's Accident Compensation Insurance Law, compensation will be paid as follows if requested by the worker (or his or her survivors) who is the victim of an injury, illness, handicap or death during work:

- ① In the event that the worker must receive medical treatment, payment of medical (compensation) payment,
- ② In the event that the worker cannot receive wages because he or she cannot work during medical treatment, an absence (compensation) benefit starting from the fourth day,
- ③ An injury and disease (compensation) pension in the event that the worker does not recover from the injury, etc. and is handicapped at a certain grade, even after more than one and a half years have elapsed after the initiation of medical treatment,
- ④ Even after recovery from the injury or disease, etc., a physical disability (compensation) benefit in the event that there is a certain grade of handicap,
- ⑤ A care (compensation) benefit in the case that the handicap is so serious that he or she requires full-time or part-time nursing treatment,
- ⑥ In the event that the worker dies, a survivor's (compensation) benefit and payment for expenses for funeral rites (funeral payments).

Guide to Labour Bureaus with a Foreign Workers Consultation Corner (Advisor for Foreign Workers)

- Advisors for Foreign Workers are stationed within the Inspection Divisions of Labour Standards Departments at the major Labour Bureaus and the Labour Standards Inspection Offices as follows and offer consultations concerning working conditions in English and other languages. For details of the dates, etc. that consultations are held, please contact the respective bureaus and offices.
- Labour Standards Inspection Offices that do not have a Foreign Workers Consultation Corner (Advisor for Foreign Workers) can also answer your questions concerning working conditions in Japanese. If you do not speak Japanese, please ask someone who can interpret to accompany you whenever you visit one of these offices.

Prefecture	Office	〒	Address	Tel
Hokkaido	Hokkaido Labour Bureau, Inspection Division	060-8566	Sapporo Joint Government Office Building No. 1, 1-1, Kita 8-jo Nishi 2-chome, Kita-ku, Sapporo-shi	011-709-2057
Fukushima	Fukushima Labour Bureau, Inspection Division	960-8021	Fukushima Joint Government Office Building, 1-46 Kasumicho, Fukushima-shi	024-536-4602
Ibaraki	Ibaraki Labour Bureau, Inspection Division	310-8511	1-11 Kitami-cho, Mito-shi	029-224-6214
Tochigi	Tochigi Labour Bureau, Inspection Division	320-0845	Utsunomiya Regional Joint Government Office Building No. 2, 1-4 Akebono-cho, Utsunomiya-shi	028-634-9115
Gunma	Ota Labour Standards Inspection Office	373-0817	104-1, Iizuka-cho, Ota-shi	0276-45-9920
Saitama	Saitama Labour Bureau, Inspection Division	336-8546	5-8-13, Kishicho, Saitama-shi	048-822-4036
Chiba	Chiba Labour Bureau, Inspection Division	260-8612	Chiba Regional Joint Government Office Building No. 2, 4-11-1, Chuo, Chuo-ku, Chiba-shi	043-221-2304
Tokyo	Tokyo Labour Bureau, Inspection Division	112-8571	1-7-22 Kohraku, Bunkyo-ku, Tokyo	03-3814-5311
Kanagawa	Kanagawa Labour Bureau, Inspection Division	231-8434	Yokohama Joint Government Office Building No. 2, 5-57, Kita-Nakadori, Naka-ku, Yokohama-shi	045-211-7351
Niigata	Niigata Labour Bureau, Inspection Division	951-8588	1-56, Kawagishicho, Niigata-shi	025-234-5922
Toyama	Takaoka Labour Standards Inspection Office	933-0062	1193 Azamuranaka, Ejiri, Takaoka-shi	0766-23-6446
Fukui	Fukui Labour Bureau, Inspection Division	910-0019	Fukui Haruyama Joint Government Building, 1-1-54, Haruyama, Fukui-shi	0776-22-2652
Yamanashi	Kofu Labour Standards Inspection Office	400-8579	2-5-51, Shimo-iida, Kofu-shi	055-224-5611
Nagano	Nagano Labour Bureau, Inspection Division	380-0846	Nagano Joint Government Office Building No. 1, 1108, Asahicho, Nagano-shi	026-234-5121
Gifu	Gifu Labour Bureau, Inspection Division	500-8723	Gifu Joint Government Office Building, 5-13, Kinryucho, Gifu-shi	058-245-8102
	Tajimi Labour Standards Inspection Office	507-0037	5-39-1, Otowacho, Tajimi-shi	0572-22-6381
Shizuoka	Shizuoka Labour Bureau, Inspection Division	420-8639	Shizuoka Regional Joint Government Office Building, 9-50 Otte-machi, Shizuoka-shi	054-254-6352
	Hamamatsu Labour Standards Inspection Office	432-8555	146, Motouo-cho, Hamamatsu-shi	053-456-8147
	Iwata Labour Standards Inspection Office	438-8585	3599-6, Mitsuke, Iwata-shi	0538-32-2205
Aichi	Aichi Labour Bureau, Inspection Division	460-8507	Nagoya Joint Government Office Building No. 2, 2-5-1 Sannomaru, Naka-ku, Nagoya-shi	052-972-0253
	Toyohashi Labour Standards Inspection Office	440-8506	Toyohashi Regional Joint Government Office Building, 111 Daikoku-cho, Toyohashi-shi	0532-54-1191
Mie	Mie Labour Bureau, Inspection Division	514-8524	Tsu Regional Joint Government Office Building No. 2, 327-2, Shimazakicho, Tsu-shi	059-226-2106
Shiga	Yokaichi Labour Standards Inspection Office	527-8554	8-14, Midori-machi, Yokaichi-shi	0748-22-0394
Kyoto	Kyoto Labour Bureau, Inspection Division	600-8007	Nihon Seimei Shijo Building, 5th Floor, 60, Tachiurinishimachi, Higashi-iru, Higashi-no-toin Shijo-dori, Shimokyo-ku, Kyoto-shi	075-241-3214
Osaka	Osaka Labour Bureau, Inspection Division	540-8527	Osaka Joint Government Office Building No. 2, 4-1-67, Otemae, Chuo-ku, Osaka	06-6949-6490
Hyogo	Hyogo Labour Bureau, Inspection Division	650-0044	Kobe Crystal Tower Building 16th Floor, 1-1-3, Higashi-Kawasaki-cho, Chuo-ku, Kobe-shi	078-367-9151
Okayama	Okayama Labour Bureau, Inspection Division	700-8611	Okayama Joint Government Office Building No. 2, 1-4-1, Shimoishii, Okayama-shi	086-225-2015
Hiroshima	Hiroshima Labour Bureau, Inspection Division	730-8538	Hiroshima Joint Government Office Building No. 2, 6-30, Kami-Hacchobori, Naka-ku, Hiroshima-shi	082-221-9242
Fukuoka	Fukuoka Labour Bureau, Inspection Division	812-0013	Fukuoka Joint Government Office Building, 8th Floor, 2-11-1, Hakataeki-Higashi, Hakata-ku, Fukuoka-shi	092-411-4862

Ministry of Health Labour, and Welfare
Prefectural Labour Bureaus
Labour Standards Inspection Offices