

Handbook of Labor Condition

Let's check your labor condition



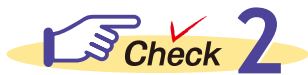
Kyoto labor bureau / Labor standard inspection office

March 2014



What is a worker ?

According to the Japanese labor standards law, “worker” is a person who is employed at an enterprise or place of business and receives wages as remuneration for labor without regard to the kind of occupation.



Do you have a notice of employment ?

~ Well begun, well finish. ~

When an employer employs a worker, he or she shall deliver **Notice of Employment** to clearly indicate the working conditions. The conditions such as a wage proposed in the job paper at Public Employment Security Office called Hallow-Work are not definitive ones, which can cause several troubles such as saying “That was not what I understood”. You are surely asked to receive a notice of employment.

An example of Notice of Employment is following.



Notice of Employment
労働条件通知書

To: _____ 殿
Date: _____
年月日
Company's name _____
事業場名称 (ローマ字で記入)
Company's address _____
所在地 (ローマ字で記入)
Telephone number _____
電話番号
Employer's name _____
使用者職氏名 (ローマ字で記入)

I. Term of employment

契約期間

Non-fixed, _____ Fixed _____ (From _____ to _____)
期間の定めなし 期間の定めあり(※) (年 月 日 ~ 年 月 日)

II. Place of employment

就業の場所

III. Contents of duties

従事すべき業務の内容

IV. Working hours, etc.

労働時間等

1. Opening and closing time:

始業・終業の時刻等

(1) Opening time (_____) Closing time (_____)
始業 (時 分) 終業 (時 分)

[If the following systems apply to workers]

【以下のような制度が労働者に適用される場合】

(2) Irregular labor system, etc.: Depending on the following combination of duty hours as an irregular (_____) unit work or shift system.

変形労働時間制等: (_____) 単位の変形労働時間制・交代制として、次の勤務時間の組み合わせによる。

┌───	Opening time (_____)	Closing time (_____)	(Day applied: _____)
	始業 (時 分)	終業 (時 分)	(適用日 _____)
	Opening time (_____)	Closing time (_____)	(Day applied: _____)
├───	始業 (時 分)	終業 (時 分)	(適用日 _____)
└───	Opening time (_____)	Closing time (_____)	(Day applied: _____)
	始業 (時 分)	終業 (時 分)	(適用日 _____)

(3) Flex time system: Workers determine opening and closing time.

フレックスタイム制: 始業及び終業の時刻は労働者の決定に委ねる。

[However, flex time: (opening) from _____ to _____ ;
(ただし、フレキシブルタイム (始業) 時 分から 時 分、

(closing) from _____ to _____]
(終業) 時 分から 時 分、

Core time: from (opening) _____ to (closing) _____]
コアタイム 時 分から 時 分)

(4) System of deemed working hours outside workplace: Opening (_____) Closing (_____)
事業場外みなし労働時間制: 始業 (時 分) 終業 (時 分)

(5) Discretionary labor system: As determined by workers based on opening (_____) closing (_____)
裁量労働制: 始業 (時 分) 終業 (時 分) を基本とし、労働者の決定に委ねる。

○ Details are stipulated in Article (_____), Article (_____), Article (_____) of the Rules of Employment
詳細は、就業規則第 条~第 条、第 条~第 条、第 条~第 条

2. Rest period (_____) minutes

休憩時間 () 分

3. Presence of overtime work (Yes: No:)

所定時間外労働の有無 (有 , 無)

V. Days off

休日

・ Regular days off: Every () , national holidays, others ()

定休日：毎週 曜日、国民の祝日、その他 ()

・ Additional days off: () days per week/month, others ()

非定休日：週・月当たり 日、その他 ()

・ In the case of irregular labor system for each year: () days

1年単位の変形労働時間制の場合－年間 日

○ Details are stipulated in Article () , Article () , Article () of the Rules of Employment

詳細は、就業規則第 条～第 条、第 条～第 条

VI. Leave

休暇

1. Annual paid leave: Those working continuously for 6 months or more, () days

年次有給休暇 6か月継続勤務した場合→ 日

Those working continuously up to 6 months, (Yes: No:)

継続勤務6か月以内の年次有給休暇 (有 , 無)

→ After a lapse of () months, () days

か月経過で 日

Annual paid leave (in hours) (Yes: No:)

時間単位年休 (有 , 無)

2. Substitute days off (Yes: No:)

代替休暇 (有 , 無)

3. Other leave: Paid ()

その他の休暇 有給 ()

Unpaid ()

無給 ()

○ Details are stipulated in Article () , Article () , Article () of the Rules of Employment

詳細は、就業規則 第 条～第 条、第 条～第 条

VII. Wages

賃金

1. Basic pay (a) Monthly wage () yen (b) Daily wage () yen

基本賃金 月給 (円) 日給 (円)

(c) Hourly wage () yen

時間給 (円)、

(d) Payment by job (Basic pay:) yen; Security pay:) yen

出来高給 (基本単価 円、保障給 円)

(e) Others () yen

その他 (円)

(f) Wage ranking stipulated in the Rules of Employment

就業規則に規定されている賃金等級等

2. Amount and calculation method for various allowances

諸手当の額及び計算方法

(a) () allowance:) yen; Calculation method:)

() 手当: 円/ 計算方法:)

(b) () allowance:) yen; Calculation method:)

() 手当: 円/ 計算方法:)

(c) () allowance:) yen; Calculation method:)

() 手当: 円/ 計算方法:)

(d) () allowance:) yen; Calculation method:)

() 手当: 円/ 計算方法:)

3. Additional pay rate for overtime, holiday work or night work

所定時間外、休日又は深夜労働に対して支払われる増増賃金率

(a) Overtime work: Legal overtime 60 hours or less per month () % over 60 hours per month () % Fixed overtime () %

所定時間外 法定超 月60時間以内 () % 月60時間超 () % 所定超 () %、

(b) Holiday work: Legal holiday work () % Non-legal holiday work () %

休日 法定休日 () %、 法定外休日 () %、

(c) Night work () %

深夜 () %

4. Closing day of pay roll: () of every month; () of every month

賃金締切日 () 一毎月 日、 () 一毎月 日

5. Pay day: () of every month; () of every month

賃金支払日 () 一毎月 日、() 一毎月 日

6. Method of wage payment ()

賃金の支払方法 ()

7. Deduction from wages in accordance with labor-management agreement : [No: Yes:()]

労使協定に基づく賃金支払時の控除 (無 , 有 ())

8. Wage raise: (Time, etc.)

昇給 (時期等)

9. Bonus: [Yes: (Time and amount, etc.); No:]

賞与 (有 (時期、金額等) , 無)

10. Retirement allowance: [Yes: (Time and amount, etc.); No:]

退職金 (有 (時期、金額等) , 無)

VIII. Items concerning retirement

退職に関する事項

1. Retirement age system [Yes: () old; No:]

定年制 (有 (歳) , 無)

2. Continued employment scheme [Yes:(Up to years of age);No:]

継続雇用制度 (有(歳まで), 無)

3. Procedure for retirement for personal reasons [Notification should be made no less than () days before the retirement.]

自己都合退職の手続(退職する 日以上前に届け出ること)

4. Reasons and procedure for the dismissal:

解雇の事由及び手続

○ Details are stipulated in Article (), Article (), Article () of the Rules of Employment

詳細は、就業規則第 条～第 条、第 条～第 条

IX. Others

その他

・ Joining social insurance [Employees' pension insurance; Health insurance; Employees' pension fund; other: ()]

社会保険の加入状況 (厚生年金 健康保険 厚生年金基金 その他 ())

・ Application of employment insurance: (Yes: No:)

雇用保険の適用 (有 , 無)

・ Others [

その他 [

※ To be entered in case where, with regard to "Period of contract," you answered: "There is a provision for a certain period."

「契約期間」について「期間の定めあり」とした場合に記入

Renewal 更新の有無	1. Renewal of contract 契約の更新の有無 [The contract shall be automatically renewed. The contract may be renewed. 自動的に更新する 更新する場合があります得る The contract is not renewable. Others ()] 契約の更新はしない その他 ()]
	2. Renewal of the contract shall be determined by the following factors: 契約の更新は次により判断する [Volume of work to be done at the time term of contract expires 契約期間満了時の業務量 Employee's work record and work attitude Employee's capability 勤務成績 態度 能力 Business performance of the Company State of progress of the work done by the employee Others () 会社の経営状況 従事している業務の進捗状況 その他 ()] * The following explains cases where a "defined period" is provided with regard to the "period of contract." ※以下は、「契約期間」について「期間の定めあり」とした場合についての説明です。 In accordance with the provision of Article 18 of the Labor Contract Act, in case the total period of a labor contract with a defined period (to commence on or after April 1, 2013) exceeds five consecutive years, such labor contract shall be converted to a labor contract without a definite period, effective the day after the last day of the former period of contract, upon the request of the worker concerned made by the last day of said period of contract. 労働契約法第18条の規定により、有期労働契約（2013年4月1日以降に開始するもの）の契約期間が通算5年を超える場合には、労働契約の期間の末日までに労働者から申込みをすることにより、当該労働契約の期間の末日の翌日から期間の定めのない労働契約に転換されます。

Employee (signature) _____

受け取り人（署名）

* Matters other than those mentioned above shall be in accordance with the labor regulations of our company.

※以上のほかは、当社就業規則による。

* The notice on labor conditions should be retained for the purpose of preventing any possible disputes between employees and an employer.

※労働条件通知書については、労使間の紛争の未然防止のため、保存しておくことをお勧めします。



Have you seen a working rule ?

Laws, rules of employment or labor-management agreements shall be noticed to the workers by proposing, posting or delivering them in written form. If you question about labor conditions of your company, it is recommendable first of all to check these papers. A company who employs 10 or more workers shall draw up rules of employment. The items to be described are follows.

Matters to be absolutely described

- ① Matters pertaining to the time at which work begins and at which work ends, rest periods, rest days and leaves
- ② Matters pertaining to the methods for determination, computation and payment of wages, the dates for closing accounts for wages and for payment of wages and increase in wages
- ③ Matters pertaining to retirement (including cases of dismissal)

Matters to be described when the rule is stipulated

- ① Scope of workers, methods for determination, computation and payment of retirement allowances and the dates for payment of retirement allowance.
- ② Matters pertaining to extraordinary wages and the like and/or minimum wage amounts
- ③ Matters pertaining to the expense by workers such as cost of food and supplies for work and the like
- ④ Matters pertaining to safety and health
- ⑤ Matters pertaining to vocational training
- ⑥ Matters pertaining to accident compensation and/or assistance for injury or illness outside the course of employment
- ⑦ Matters pertaining to commendations and/or sanction
- ⑧ Matters pertaining to rules applied to all the workers at the workplace in question

When you can not see a rule of employment elaborated in the company even if you ask it, you can ask the direction to your employer at the labor standard inspection offices listed at the end of this handbook.



Isn't an indemnity prearranged ?

Contracts which prearrange the fixed payment of a penalty or an indemnity **are prohibited**.

- If you retire within 2 weeks, you should pay a penalty of ○○ yen.
- If you have an accident using a company's car, you should pay an indemnity of ○○ yen.
- If you do not work not less than 3 years, you should reimburse all the training cost.



In the following cases, employees can be asked to pay an indemnity.

- ◎ Employees have a responsibility to the occurred event.
- ◎ Scope of damages actually caused by employees

Does a company regularly pay the wage ?



Salary

In cash

In full amount

At least once a month

On a definite day



Directly to a worker



With an agreement of a worker, “ payment into his / her account ” is admitted.

Reduction of tax or social insurance fixed in a law is an exception to this rule of payment in full amount.

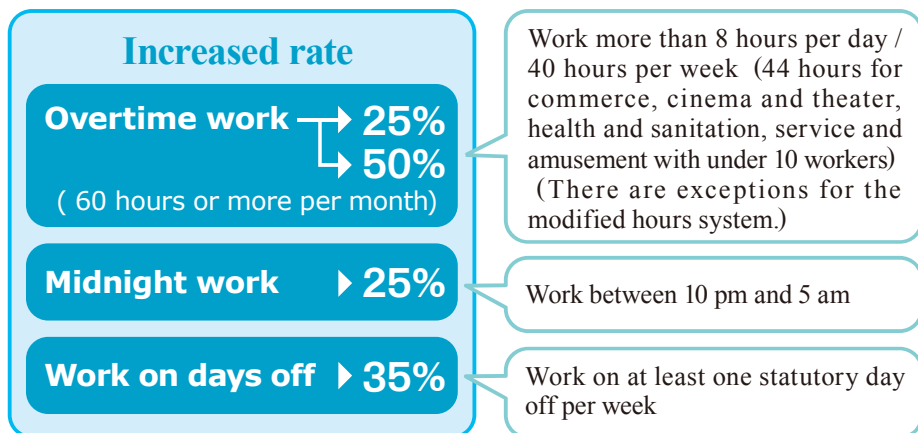
Your salary is not under the minimum wages ?

The minimum wages are arranged by each prefecture and ameliorated in October every year. You are recommended to verify your salary. (If you have a question, please make reference to one of the labor standard inspection offices listed at the end of this handbook.)





Is the overtime work allowance paid ?



The rate of extra for overtime work in excess of 60 hours per month is raised from 25 % to 50 % of regular wage since April 1, 2010. This is not binding to MSEs meanwhile.

Calculation for the wage per hour !

$$\left(\frac{\text{Daily wage}}{\text{Prescribed working hours per day}} + \frac{\text{Monthly wage}}{\text{Prescribed average working hours per month}} \right) \times \begin{matrix} 1.25 \text{ or } 1.5 \text{ (overtime work)} \\ 1.25 \text{ (midnight work)} \\ 1.35 \text{ (work on days off)} \end{matrix}$$

- ①Family allowance ②Commutation allowance ③Alimony allowance ④Children education allowance ⑤Housing allowance ⑥Extra wages ⑦Wages paid every period exceeding one month are not included in the basic wages.
- Prescribed average working hours per month are calculated as follows : Prescribed working hours per day \times (365 or 366 days – annual days off) \div 12 months





Is there a record for the working hour ?

~ To protect yourself from the overwork without extra payment or from the death caused through overwork ~

The legal working hours are 8 hours per day and 40 hours per week in principal.

(For the commerce, cinema and theaters, health and sanitation, service and amusement where there are fewer than 9 regular employees, up to and including 44 hours per week). There are a variety of working hour systems, but the basic point is **a record of starting and ending times**. Without those records in the company it becomes difficult to go through the procedure for the labor accident when you get ill through overwork. If your company does not record the working hours such as starting and ending times or if your fatigue is accumulated through overwork more than 45 hours per month, we recommend **you to consult the labor standard inspection office with your real working hours record** in the case you can not discuss with the company.

Name :
Section :

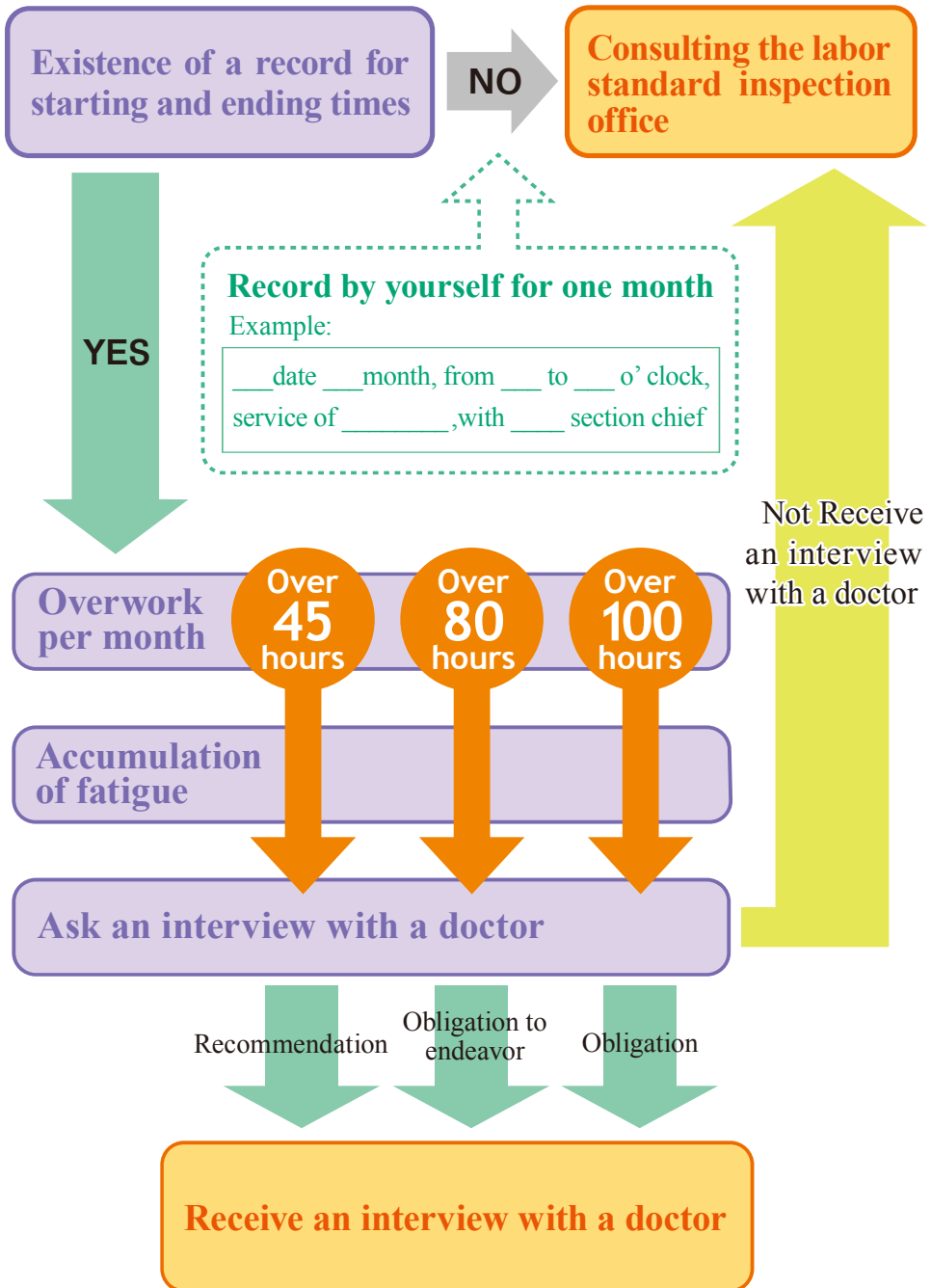
TIME CARD

Month

Year

	Starting time of work	Starting time of break	Ending time of break	Ending time of work	Starting time of overwork	Ending time of overwork
1						
2						
3						
4						
5						
6						
~~~~~						
31						







## Can you take rest periods and days off?



More than 6 working hours per day

More than 8 working hours per day

During working hours

45 minutes

1 hour



( In Principal )

( Exception )

1 day off per week

or

4 days off during a four-week period

(Necessary to decide the starting day)



## Do you have a maternity leave?

6 weeks before childbirth



Leave with a request

*14 weeks in the case of twins or more

8 weeks after childbirth



Labor is prohibited

*When a woman who have passed 6 weeks after childbirth and gets a permission of a doctor requests to work, an employer is allowed to have her work.

A pregnant woman has a right to reject overwork or midnight work with a request.

(Direct the details to the labor standard inspection office)





## Do you have annual paid leave ?

Annual leave (annual paid leave) is a leave without reduction of wage.

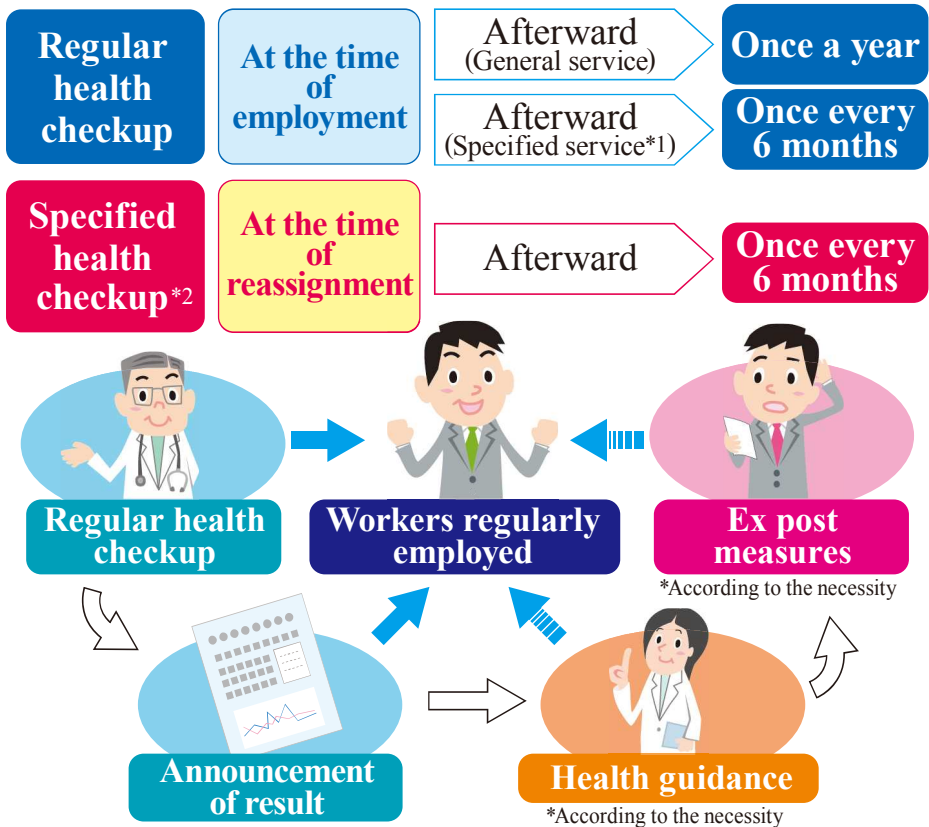
The right of this annual paid leave is granted to workers who have been employed **continuously for 6 months calculated from the day of their being hired and who have reported for work on at least 80% of the total working days**. When an employee wants to take this annual paid leave, he / she has to designate the date in advance. However a company is allowed to change the requested day to another period of time, if the company's normal operations would be prevented by the requested leave. The number of annual paid leave changes depending on the number of prescribed working days. You are recommended to check how many days you can take as annual paid leave.

Working hours per week	Working days per week	Continuous service years / Annual leave days						
		0.5	1.5	2.5	3.5	4.5	5.5	6.5 or more
30 hours or more	5 days or more	10	11	12	14	16	18	20
Less than 30 hours	4 days per week (169 ~ 216 days per year)	7	8	9	10	12	13	15
	3 days per week (121 ~ 168 days per year)	5	6	6	8	9	10	11
	2 days per week (73 ~ 120 days per year)	3	4	4	5	6	6	7
	1 days per week (48 ~ 72 days per year)	1	2	2	2	3	3	3

*Since April 1,2010 an employee can use the paid leave per hour with a limit of 5 days under a labor-management agreement.

## Do you take a regular health checkup ?

The employer shall carry out a health checkup at the cost of workplace for the regular employees (including the part-time workers whose prescribed working hours per week is equal to 75% or more of the regular workers with the same type of service) at the time of employment, reassignment to a hazardous work and afterward regularly.



*1 Specified service is a work such as heat and hot, cold and cool, vibration, treatment of heavy articles, noise, midnight work and pollution by microbe.

*2 Specified health check contains the health check for organic solvents, specified chemical materials, lead, ionized radiation and asbestos.

## You are recommended to check a labor insurance.

Type	Reason for benefit	Worker's Exspense	Application for the part-time workers
Labor accident insurance	Injury or illness in the course of employment or commutation	None	All workers regardless of appellation and employment form
Employment insurance	Unemployment • Difficulty of continuous employment	Share	20 hours or more per week & expected employment of 31 days or more

Regardless of regular worker, part time worker or casual worker, in the case that an employee suffers an injury in the course of duty and takes leave for the medical treatment, it is the duty of an employer to pay the treatment expense and compensation for lost time. It is a labor insurance that covers the compensation in lieu of the employer. An injury caused by the traffic accident in the course of commutation is also covered by this labor insurance. You can get the application form in the labor standard inspection offices. Direct the details to one of the labor standard inspection offices listed on the last page.

In addition we ask you not to use your health insurance for the treatment of labor accident.



## Do you know the procedure for dismissal and / or retirement ?

~ Leave everything neat and clear behind you ~



### Dismissal

Unilateral cancellation from company



### Retirement

Cancellation by agreement  
or from worker side

30 days advance notice or allowance for dismissal notice is demanded.

Except an agreement, the report of retirement is necessary before the date fixed in the working rule or civil code.

*If you neglect this procedure, you can be complained.

### Calculation formula for the allowance of dismissal notice

$$\frac{\text{Wages for 3months just before the last closing day}}{\text{Calendar days for the last 3months}} \times \text{Not noticed days}$$

( 30 days in the case of immediate dismissal notice )

### Limit of Dismissal

**The dismissal is prohibited in the following periods.**

- ① A period of rest for medical treatment with respect to injuries or illnesses suffered in the course of duty and 30 days thereafter.
- ② A period of rest before and after childbirth and 30 days thereafter.





# The validity of dismissal is judged through the labor contract law or the like.

~ Validity of dismissal ~

## ① In the case of labor contract without a definite term

Any dismissal of worker that is not objectively justifiable and that is not considered acceptable by the society's standards shall be deemed an abuse of power and therefore invalid. (Article 16 of labor contract law)

## ② In the case of labor contract with a definite term

Except unavoidable cause the dismissal shall not be done until the termination of the contract period for the person with a definite term. (Article 17 of labor contract law)

The labor contract law which prescribes the basic rules concerning the labor contract is enforced in March 1, 2008. This labor contract law does not contain penalty clause, but makes clear the validity of the private law such as criterion for judgment in light of the legal theory about the abuse of right in civil law concerning the dismissal and the like.

In addition the labor contract law is revised partially in 2012, in which when the labor contract with a definite term starting after April 1, 2013 has been repeatedly renewed for a period exceeding 5 years, that contract shall be converted to a contract without a definite term upon the request of the worker concerned (Article 18 of labor contract law) and unreasonable differences of labor conditions between workers with a definite term and those without a definite term are prohibited (Article 20 of labor contract law).

## To solve the problems

### ① In the case that there can be a doubt of a violation of the labor standard law

You can consult or apply to a labor standard inspection office.

### ② Other troubles between an employer and employees

To solve problems other than the violation of the labor standard law, you can provide some information or ask some consultation at the general labor consultation corner, receive some advice or guidance by the director of labor bureau of each prefecture or use a mediation system by dispute coordination committee.

Concerning the sexual discrimination, sexual harassment, absence from child / family care or dispute about partial work, you can use the advice, guidance or recommendation by the director of labor bureau of each prefecture or mediation system by dispute coordination committee.



# Consultation places in Kyoto

Feel free to call  
or visit to discuss  
your problems.

## Kyoto Labor Bureau Inspection Division

**Address** 451 Kinbukicho, Ryogaecho-dori Oike-agaru, Nakagyo-ku, Kyoto  
**Tel. 075-241-3214** (direct) Fax. 075-241-3219 [2nd Floor]

**Nearest Station** Karasuma - Oike [Exit No.2]  
(Subway Karasuma-line or Tohzai-line)






**Consultation Hours** Tuesdays and Thursdays (in English or in French)  
**9:00 ~ 17:00** (excluding 12:00 ~13:00)

Booking is not necessary, but the dates might be changed, so it is recommended to take an appointment of your visit by phone.

Locations of working places	Labor standard inspection office & Telephone number
Following wards in Kyoto city: Kamigyo, Nakagyo, Sakyo, Kita, Ukyo, Nishikyo	Kyoto Kami Labor standard inspection office Tel: 075-462-5112
Following wards in Kyoto city: Simogyo, Minami, Higashiyama, Yamashina Nagaokakyo city, Mukho city, Otokuni gun	Kyoto Shimo Labor standard inspection office Tel: 075-254-3196
Fushimi ward in Kyoto city, Uji city, Joyo city, Yawata city, Kyotanabe city, Kizugawa city, Kuze gun, Tuzuki gun, Soraku gun	Kyoto Minami Labor standard inspection office Tel: 075-601-8321
Fukuchiyama city, Ayabe city	Fuckuchiyama Labor standard inspection office Tel: 0773-22-2181
Maizuru city	Maizuru Labor standard inspection office Tel: 0773-75-0680
Miyazu city, Kyotango city, Yosa gun	Tango Labor standard inspection office Tel: 0773-75-0680
Kameoka city, Nantan city, Funai gun	Sonobe Labor standard inspection office Tel: 0771-62-0567

The person who is working or starts your work can use this handbook to check that your labor conditions respect the norm stipulated in the labor standard relation law.



 <b>Check 1</b>	What is a worker ?
 <b>Check 2</b>	Do you have a notice of employment ?
 <b>Check 3</b>	Have you seen a working rule ?
 <b>Check 4</b>	Isn't an indemnity prearranged ?
 <b>Check 5</b>	Does a company regularly pay the wage ?
 <b>Check 6</b>	Is the overtime work allowance paid ?
 <b>Check 7</b>	Is there a record for the working hour ?
 <b>Check 8</b>	Can you take rest periods and days off ?
 <b>Check 9</b>	Do you have a maternity leave ?
 <b>Check 10</b>	Do you have annual paid leave ?
 <b>Check 11</b>	Do you take a regular health checkup ?
 <b>Check 12</b>	You are recommended to check a labor insurance.
 <b>Check 13</b>	Do you know the procedure for dismissal and / or retirement ?
 <b>Check 14</b>	The validity of dismissal is judged through the labor contract law or the like.
 <b>Check 15</b>	To solve the problems