

# To overseas students

## 7 things you need to know before you start working part-time

Japanese labor laws are fully applied to overseas workers including students who work part-time.

Please read the list on the back page and make a check in the boxes that apply to you.

Point  
**1** Confirm the terms and conditions in writing **before you start working**.

Point  
**2** As a general rule, your employer must pay the whole amount of your salary on a set date every month. A minimum wage is guaranteed to you.

Point  
**3** You are allowed to work within 28 hours a week.  
(During your long school holiday, you can work up to 8 hours a day.)  
You are entitled to earn extra money for working overtime, at midnight or during holidays work.

### Even if you work only part-time ...

Point  
**4** On certain conditions, you could have a paid holiday.

Point  
**5** You can receive health and safety training. Injuries at work are covered by Workers' Accident Compensation Insurance.

Point  
**6** Employers cannot dismiss you at will.

Point  
**7** Feel free to ask us for help at Consulting Service for Workers.

Miyagi Labor Bureau

**□Point1** Confirm the terms and conditions in writing before you start working.

Receive a document such as a contract from your employer and confirm the terms and conditions in writing. You can terminate your contract immediately after being told to do something that contradicts your terms and conditions.

Make sure to check out these 6 items below.

- Is your contract period set? If it is, how long is it?
- Is your contract renewable? Are there certain rules for deciding whether or not your contract will be renewed?
- Where is your workplace? Are your duties clearly shown?
- Is the job description clear enough? Does it describe your working time period, break time, holidays, shift rotation, and whether or not you have to do overtime or holiday work?
- Are you supposed to work by the day or by the hour? How is your wage calculated? When and how are they going to make a payment?
- Are there any rules for resignation? Is it clear under what circumstances you could be dismissed?

**□Point2** As a general rule, your employer must pay the whole amount of your salary on a set date every month. A minimum wage is guaranteed to you.

The Labor Standard Act stipulates that employers need to follow the “5 principles for salary payment”.

Are you paid properly based on the principles? As for ① and ③, your salary could be paid into your bank account.

- ① Are you paid in legal tender?
- ② Are you paid the whole amount of salary?
- ③ Are you paid directly?
- ④ Are you paid at least once a month?
- ⑤ Is your pay day set?

Your salary cannot be below the municipal minimum wage in your prefecture.

- Does your employer follow the rules for municipal minimum wage?  
(Miyagi prefecture's minimum wage is 748 yen)

**□Point3** You are allowed to work for a maximum of 28 hours per week. (During your long school holidays, you are allowed to work up to 8 hours a day.) You are entitled to earn extra money for overtime, midnight or holiday work.

The Labor Standard Act stipulates that employers may order employees to exceed legal working hours if they have an agreement, which is called 36 協定 さぶろくきょうてい, with a labor union. Employers are obliged to file a report about the agreement to the director of labor standards office. Employers cannot order their employees to work beyond the limitation described in the agreement.

- Is the 36 協定 さぶろくきょうてい agreement concluded with a labor union? Do you know the details of it?

There is a stipulation about overtime payment.

- For working longer than 8 hours a day or 40 hours a week, does your employer make a premium payment greater than 25 percent of your hourly rate?  
(※If the business has less than 10 employees and is related to commerce, entertainment and service, this rule is applied when working hours are more than 44 hours a week.)
- If you work 6 days a week and are asked to come to work on your only day off, does your employer make a premium payment greater than 35 percent of your hourly rate?
- Is your premium payment greater than 50 % when you work overtime longer than 60 hours a month? (If you are working for a small or medium-sized enterprise, this rule doesn't apply to you.)
- When you work in the period between 10pm and 5am, does your employer make a late night premium payment greater than 25%?

**Even if you work only part-time ...**

**□Point4** On certain conditions, you could have a paid holiday.

Annual paid holiday(年次有給休暇 ねんじゆうきゅうきゅうか) is called “Yukyu(有休 ゆうきゅう)” or “Nenkyu(年休 ねんきゅう)”, which allows you to take time off from work while still being paid. You have a right to request annual paid holiday whether you work full-time or part-time if all three of the below apply to you.

- ① You work more than once a week or 48 days a year.
- ② You have been working more than 6 months since you were hired.
- ③ You come to work on more than 80% of your set working days.
- Does your employer give you a paid holiday when you ask for it?

**□Point5** You can receive health and safety training. Injuries at work are covered by Workers' Accident Compensation Insurance.

If you are newly employed or asked to do a certain job for the first time, your employer needs to give you health and safety training whether you work full-time, part-time or temporarily even just for a day. If you get sick or injured because of your work or have an accident while commuting, you are supposed to make a claim for Workers' Accident Compensation Insurance instead of health insurance. When you go to see a doctor, be sure to tell them that you are going to use Workers' Accident Compensation Insurance. As a general rule, you can get medical treatment for free of charge. You could ask for temporary disability compensation if your injury etc. ascribable to work has kept you from going to work.

- Have you received health and safety training for your job?

**□Point6** Employers cannot dismiss you at will.

They cannot dismiss you at will. They need to show you in advance the reasons for your termination which must be convincing enough to abide by social norms. They cannot dismiss you easily just because you are a part-timer.

**□Point7** Do you know about the Consulting Service for Workers (総合労働相談コーナー そうごうろうどうそう だんコーナー) where you can always ask for help? a

If you have any concerns about your terms and conditions, contracts or resignations, please feel free to ask us for help at the Consulting Service for Workers in the labor bureaus or labor standards inspection offices throughout Japan. Consultation is free of charge.