

Let's follow!

Limitation of dismissal and the necessary procedure



Dismissal means that an employer unilaterally terminates his/her employee's employment contract. Labour Standards Law sets the certain stipulations for dismissal to prevent abuse of dismissal by employer and protect right of employee. Thereafter, except Labour Standards Law, standards of cases that can dismiss are indicated by Labour Contract Law and various court cases, employer should take into consideration and respond to it carefully.

An employer shall not dismiss an employee during the following period as a general rule:

★A period of rest for medical treatment with respect to injuries or illness suffered in the course of duty nor within 30 days thereafter

★A period of rest for women before and after childbirth by standard of Article 65, Labour Standards Law ※nor within 30 days thereafter

(Article 19, the Labour Standards Law)

※ rest before and after childbirth

In the event a women who is expecting to give birth within 6 weeks(14 weeks for multiple birth), requests rest days, an employer shall not employ such person. In the event a pregnant women requests, an employer shall transfer her to other light duties.

An employer shall not employ a women within 8 weeks of child birth .However, this shall not prevent an employer from employing women after 6 weeks of child birth requests to work, in duties that a doctor has recognized would not adversely affect her. (paragraph 1, 2 , Article 65 , the Labour Standards Law)

In cases with an avoidable reason, the following procedure is necessary as a general rule.

★notify at least 30 days advance

★pay the average wage for a period of not less than 30 days



Either one is necessary.

(Article 20, the Labour Standards Law)

(The number of days of advance notice may be reduced by the number of days for which the employer pays average wages.)

 **In case you are dismissed without advance notice, you may request compensatory payment!**

Other important notice

Rules regarding dismissal are also provided in Labor Contract Law.

For the details, please contact the nearest labour standards inspection offices or
Advisor for Foreign Workers at the Osaka Labour Bureau
Mon & Wed, from 9:30 to 17:00 (except 12:00 to 13:00) tel: 06-6949-6490

★“One point-the Labour Standards Law” is posted on the website of Osaka Labour Bureau.
http://osaka-roudoukyoku.jsite.mhlw.go.jp/hourei_seido_tetsuzuki/roudouKijun_Keiyaku/hourei_seido/onepoint.html

