

Act on Special Measures for Improvement of Working Hours Arrangements

(Act No. 90 of July 2, 1992)

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is to enable workers to effectively exercise their abilities by establishing guidelines on the improvement of working hour arrangements, and by implementing special measures for promoting the independent efforts of businesses toward the improvement of working hour arrangements in consideration of the actual conditions of and trends in working hours in Japan, thereby contributing to a healthy and fulfilling life for workers and solid growth of the national economy.

(Definitions)

Article 1-2 (1) The term "Working Hours, etc." as used in this Act means working hours, days off and national holidays, and leave such as annual paid leave (meaning annual paid leave granted pursuant to the provisions of Article 39 of the Labor Standards Act (Act No. 49 of 1947; the same shall apply hereinafter).
(2) The term "Working Hours, etc. Arrangements" as used in this Act means arrangements concerning Working Hours, etc., such as what the working hours are, the number of days off, and when annual paid leave is to be granted.

(Responsibilities of Employers)

Article 2 (1) Employers must endeavor to implement the measures necessary to improve Working Hours, etc. Arrangements for workers they employ, such as setting the starting time and finishing time of worker's working hours in accordance with fluctuations in workload, and making it easier for workers to take annual paid leave.
(2) In Working Hours, etc. Arrangements, employers must endeavor to implement the measures necessary, such as granting leave, for workers they employ for whom it is essential that said employer endeavors to support their health and well-being in light of their physical or mental condition and actual Working Hours, etc., as well as endeavor to consider the state of, or otherwise improve the Working Hours, etc. Arrangements for workers they employ who need special consideration, such as those who need to take care of their children or family members, those who live away from their families (meaning workers who, due to their transfer, continuously live away from their spouses

who depend on them financially and other similar workers), and those who voluntarily receive vocational education or training.

- (3) Associations of employers must endeavor to provide the necessary support such as advice and cooperation in Working Hours, etc. Arrangements for workers employed by employers who are members of such associations.
- (4) In conducting business with other employers, an employer must endeavor to pay necessary consideration to business dealings, such as not setting terms and conditions which impede the smooth implementation of measures taken by said other employers to improve Working Hours, etc. Arrangements.

(Responsibilities of the National Government and Local Governments)

Article 3 (1) The national government must provide the necessary guidance and support for the improvement of Working Hours, etc. Arrangements to the relevant persons, such as employers and workers, according to their actual status while respecting their independent efforts, as well as endeavor to comprehensively and effectively promote measures necessary to promote the improvement of Working Hours, etc. Arrangements, including educational activities, such as public relations activities, necessary to enhance the understanding by these persons and the general public of the improvement of Working Hours, etc. Arrangements.

- (2) In combination with measures taken by the national government under the preceding paragraph, each local government must endeavor to promote measures necessary to promote the improvement of Working Hours, etc. Arrangements, including educational activities, such as public relations activities.

(Exclusion from Application)

Article 3-2 This Act shall not apply to national government employees, local government employees, or mariners subject to the Mariners Act (Act No. 100 of 1947).

Chapter II Guidelines on the Improvement of Working Hours, etc.

(Establishment of Guidelines on the Improvement of Working Hours, etc.)

- Article 4 (1) The Minister of Health, Labour and Welfare shall establish guidelines necessary for employers and employer associations to appropriately handle the matters set forth in Article 2 (hereinafter referred to as "Guidelines on the Improvement of Working Hours, etc. Arrangements").
- (2) Prior to establishing Guidelines on the Improvement of Working Hours, etc. Arrangements, the Minister of Health, Labour and Welfare must consult with the heads of the relevant administrative organs, seek opinions from prefectural

governors, and hear the opinions of the Labor Policy Council.

(3) Upon establishing Guidelines on the Improvement of Working Hours, etc. Arrangements, the Minister of Health, Labour and Welfare must make the guidelines public without delay.

(4) The provisions of the preceding two paragraphs shall apply mutatis mutandis to changes to the Guidelines on the Improvement of Working Hours, etc. Arrangements.

(Requests)

Article 5 The Minister of Health, Labour and Welfare may issue the relevant associations with important requests regarding matters concerning the improvement of Working Hours, etc. Arrangements if it is found necessary for the proper and smooth implementation of efforts by employers to improve Working Hours, etc. Arrangements.

Chapter III Establishment of Systems for Improving Working Hours, etc. Arrangements, etc.

(Establishment of Systems for Improving Working Hours, etc. Arrangements)

Article 6 Employers must endeavor to establish systems necessary for effectively improving Working Hours, etc. Arrangements, including establishing one committee to represent all workplaces, or several committees representing each individual workplace, composed of persons representing the employer and persons representing the workers employed by said employer, and which aims to study and deliberate on measures for the improvement of Working Hours, etc. Arrangements and other matters concerning the improvement of Working Hours, etc. Arrangements, and state its opinions to the employer.

(Special Provisions for the Application of the Labor Standards Act Pertaining to Resolutions by Committees on the Improvement of Working Hours, etc. Arrangements, etc.)

Article 7 (1) In the event that a committee for each workplace under the provisions of the preceding Article meeting the following requirements (hereinafter referred to as the "Committee on the Improvement of Working Hours, etc. Arrangements" in this Article) has been established, if the Committee on the Improvement of Working Hours Arrangements, by a four-fifths majority vote of its members, adopts a resolution on any of the matters prescribed in the provisions of paragraph (1) of Article 32-2, Article 32-3, paragraphs (1) and (2) of Article 32-4, paragraph (1) of Article 32-5, the proviso of paragraph (2) of Article 34, paragraph (1) of Article 36, paragraph (3) of Article 37, paragraph (2) of Article 38-2, paragraph (1) of Article 38-3, and

paragraphs (4) and (6) of Article 39 of the Labor Standards Act (for the provisions of paragraph (1) of Article 32-2, Article 32-3, paragraphs (1) and (2) of Article 32-4, and paragraph (1) of Article 36 thereof, including cases where these provisions apply by replacing their terms pursuant to paragraph (2) of Article 44 of the Act for Securing the Proper Operation of Worker Dispatch Undertakings and Protecting Dispatched Workers (Act No. 88 of 1985; hereinafter referred to as the "Worker Dispatch Act" in this paragraph), and for the provisions of paragraph (2) of Article 38-2 and paragraph (1) of Article 38-3 of the Labor Standards Act, including cases where these provisions apply by replacing their terms pursuant to paragraph (5) of Article 44 of the Worker Dispatch Act; (hereinafter referred to as the "provisions for working hours" in this paragraph), the provisions for working hours (including the provisions of paragraph (3) of Article 32-4 and paragraphs (2) through (4) of Article 36 of the Labor Standards Act) and the provisions of paragraph (1) of Article 106 thereof shall apply to employers (meaning those employers prescribed in Article 10 of the Labor Standards Act) at the workplace pertaining to such Committee on the Improvement of Working Hour, etc. Arrangements by replacing the term "agreement" in paragraph (1) of Article 32-2 of the Labor Standards Act with "agreement (including a resolution by the commission on the improvement of Working Hours, etc. Arrangements prescribed in paragraph (1) of Article 7 of the Act on Special Measures for Improvement of Working Hours, etc. Arrangements (referred to as a "resolution" in paragraph (2) of Article 32-4 and paragraph (3) of Article 36); the same shall apply hereinafter, excluding the following paragraph, paragraph (4) of Article 32-4, paragraph (3) of Article 32-5, paragraphs (3) and (4) of Article 36, paragraph (3) of Article 38-2, and paragraph (2) of Article 38-3)", the term "consent" in paragraph (2) of Article 32-4 thereof with "consent (including a resolution)," and the terms "the person representing a majority of the workers" and "said agreement" in paragraph (3) of Article 36 thereof with "the person representing a majority of the workers (including committee members adopting a resolution; the same shall apply in the following paragraph))" and "said agreement (including said resolution)," respectively:

- (i) At least half the members of such committee are designated based on recommendations by a labor union organized by a majority of the workers at such workplace (in cases where such labor union is organized) or by a person representing a majority of the workers at such workplace (in cases where such labor union is not organized);
- (ii) Minutes regarding the business of meetings of such committees are prepared and kept as provided for by Ordinance of the Ministry of Health, Labour and Welfare;
- (iii) In addition to what is set forth in the preceding two items, the

requirements specified by Ordinance of the Ministry of Health, Labour and Welfare.

(2) If, at a workplace which does not have a Committee on the Improvement of Working Hours, etc. Arrangements, the employer decides that a health committee established pursuant to the provisions of paragraph (1) of Article 18 of the Industrial Safety and Health Act (Act No. 57 of 1972) (including a safety and health committee established pursuant to the provisions of paragraph (1) of Article 19 thereof; the same shall apply hereinafter) which meets the following requirements studies and deliberates on matters concerning the improvement of Working Hours, etc. Arrangements at such workplace and states its opinions to the employer under a written agreement with a labor union organized by a majority of the workers at such workplace (in cases where such a labor union is organized) or with a person representing a majority of the workers at such workplace (in cases where such a labor union is not organized), the provisions of the preceding paragraph shall apply to said health committee by deeming it a Committee on the Improvement of Working Hours, etc.

Arrangements:

- (i) At least half the members of such a health committee are designated based on recommendations by a labor union organized by a majority of the workers at such workplace (in cases where such a labor union is organized) or by a person representing a majority of the workers at such workplace (in cases where such a labor union is not organized);
- (ii) Minutes regarding the business of meetings of such health committees are prepared and kept as provided for by Ordinance of the Ministry of Health, Labour and Welfare;
- (iii) In addition to what is set forth in the preceding two items, the requirements specified by Ordinance of the Ministry of Health, Labour and Welfare.

Chapter IV Implementation Plan for the Improvement of Working Hours, etc. Arrangements

(Approval for the Implementation Plan for the Improvement of Working Hours, etc. Arrangements)

Article 8 (1) If two or more employers of the same business type, in line with the Guidelines on the Improvement of Working Hours, etc. Arrangements, take measures that are expected to improve Working Hours, etc. Arrangements (hereinafter referred to as "Measures to Promote the Improvement of Working Hours, etc. Arrangements"), such as setting business hours according to fluctuations in workload and increasing the number of non-business days, in order to smoothly implement the improvement of Working Hours, etc.

Arrangements, said employers may jointly prepare a plan for their Measures to Promote the Improvement of Working Hours, etc. Arrangements (hereinafter referred to as the "Implementation Plan for the Improvement of Working Hours, etc. Arrangements"), and submit the plan to the Minister of Health, Labour and Welfare and the minister with administrative jurisdiction over business of such a business type, in order to have the appropriateness of said plan approved by the ministers.

- (2) An Implementation Plan for the Improvement of Working Hours, etc. Arrangements must contain the following particulars:
 - (i) Goals to be achieved by implementing Measures to Promote the Improvement of Working Hours, etc. Arrangements;
 - (ii) Workplaces for which Measures to Promote the Improvement of Working Hours, etc. Arrangements are taken;
 - (iii) Details and timing of the implementation of Measures to Promote the Improvement of Working Hours, etc. Arrangements;
 - (iv) Other particulars specified by ministerial ordinance.
- (3) Upon receipt of a request for the approval set forth in paragraph (1), if the Implementation Plan for the Improvement of Working Hours, etc. Arrangements meets the following standards, the Minister of Health, Labour and Welfare and the minister with administrative jurisdiction over business of the relevant business type shall approve the plan:
 - (i) The goals set forth in item (i) of the preceding paragraph are appropriate in light of the actual Working Hours, etc. of workers at the workplaces set forth in item (ii) thereof;
 - (ii) The particulars set forth in item (iii) of the preceding paragraph are necessary and appropriate for ensuring the achievement of the goals set forth in item (i) thereof;
 - (iii) The plan is unlikely to unjustly harm the interests of general consumers and relevant employers;
 - (iv) The plan does not unjustly restrict participation in or withdrawal from its implementation.
- (4) Prior to giving the approval set forth in the preceding paragraph, the Minister of Health, Labour and Welfare shall hear the opinions of the Labor Policy Council.
- (5) In giving the approval set forth in paragraph (3), the Minister of Health, Labour and Welfare shall endeavor to hear the opinions of the workers prescribed in item (i) of the same paragraph.

(Changes, etc. to the Implementation Plan for the Improvement of Working Hours, etc. Arrangements)

Article 9 (1) If a person who has obtained the approval set forth in paragraph (1)

of the preceding Article (hereinafter referred to as "Approved Employer") changes the approved Implementation Plan for the Improvement of Working Hours, etc. Arrangements, said person must have said change approved by the Minister of Health, Labour and Welfare and the minister with administrative jurisdiction over business of the relevant business type.

- (2) If an Implementation Plan for the Improvement of Working Hours, etc. Arrangements approved under the provisions of paragraph (1) of the preceding Article (if changes have been approved pursuant to the provisions of the preceding paragraph, the plan after the approval; hereinafter referred to as the "Approved Plan") is found to no longer meet the standards set forth in paragraph (3) thereof, the Minister of Health, Labour and Welfare and the minister with administrative jurisdiction over business of the relevant business type must instruct the Approved Employer to change the Approved Plan or rescind the approval.
- (3) The provisions of paragraph (3) of the preceding Article shall apply mutatis mutandis to the approval set forth in paragraph (1).

(Relationship with the Fair Trade Commission)

- Article 10 (1) In the event that the Minister of Health, Labour and Welfare and the minister with administrative jurisdiction over business of the relevant business type give the approval set forth in paragraph (1) of Article 8 (including approval for change under the provisions of paragraph (1) of the preceding Article; hereinafter the same shall apply in this Article), they shall, if it is found necessary, send a copy of the application for such approval to the Fair Trade Commission and state their opinions to the Fair Trade Commission concerning the necessary particulars, such as particulars concerning the status of competition pertaining to the Measures to Promote the Improvement of Working Hours, etc. Arrangements contained in the relevant Implementation Plan for the Improvement of Working Hours, etc. Arrangements, and particulars concerning the impact of such Measures to Promote the Improvement of Working Hours, etc. Arrangements on such competition.
- (2) If it is found necessary, the Fair Trade Commission shall state its opinions concerning the implementation plans for the improvement of Working Hours, etc. Arrangements pertaining to the sending under the provisions of the preceding paragraph to the Minister of Health, Labour and Welfare and the minister with administrative jurisdiction over business of the relevant business type.
 - (3) If the Fair Trade Commission considers that any act committed in accordance with an Implementation Plan for the Improvement of Working Hours, etc. Arrangements pertaining to the sending under the provisions of paragraph (1) which is approved by the Minister of Health, Labour and Welfare and the

minister with administrative jurisdiction over business of the relevant business type pursuant to the provisions of paragraph (1) of Article 8 has violated the provisions of the Act on Prohibition of Private Monopolization and Maintenance of Fair Trade (Act No. 54 of 1947) after such approval, the Fair Trade Commission shall give notice to that effect to the Minister of Health, Labour and Welfare and the competent minister regarding business of the relevant business type.

- (4) Upon receipt of notice under the provisions of the preceding paragraph, the Minister of Health, Labour and Welfare and the minister with administrative jurisdiction over business of the relevant business type may state their opinions to the Fair Trade Commission concerning the matters prescribed in paragraph (1) in conformity with trends in Working Hours, etc. and changes in economic circumstances after receiving the relevant approval.
- (5) Upon receipt of notice under the provisions of paragraph (3), if the Approved Plan pertaining to such notice falls under the case prescribed in paragraph (2) of the preceding Article, the Minister of Health, Labour and Welfare and the minister with administrative jurisdiction over business of the relevant business type shall implement the measure prescribed in paragraph (2) thereof for said Approved Plan.
- (6) If the Minister of Health, Labour and Welfare and the minister with administrative jurisdiction over business of the relevant business type rescind the approval for an Approved Plan pertaining to the sending under the provisions of paragraph (1) of the preceding Article pursuant to the provisions of paragraph (2) thereof, they shall give notice to that effect to the Fair Trade Commission.

(Support, etc.)

Article 11 (1) The Minister of Health, Labour and Welfare and the minister with administrative jurisdiction over business of the relevant business type shall endeavor to provide Approved Employers with the necessary information and materials, dispatch to them persons who can provide advice about the implementation of their Approved Plans, and provide them with other necessary support in order to ensure the proper implementation of the Approved Plans.

- (2) If it is found to be particularly necessary for the smooth implementation by Approved Employers of Measures to Promote the Improvement of Working Hours, etc. Arrangements contained in their Approved Plans, the Minister of Health, Labour and Welfare and the minister with administrative jurisdiction over business of the relevant business type may request cooperation necessary for promoting the improvement of Working Hours, etc. Arrangements from employers in a business relationship with such Approved Employers or the

associations thereof.

(Collection of Reports, etc.)

Article 12 (1) The Minister of Health, Labour and Welfare and the minister with administrative jurisdiction over business of the relevant business type may require Approved Employers to report the status of implementation of their Approved Plans.

(2) If an Approved Employer fails to provide a report or gives a false report pursuant to the provisions of the preceding paragraph, the Minister of Health, Labour and Welfare and the minister with administrative jurisdiction over business of the relevant business type may rescind approval for the relevant Approved Plan.

(3) The provisions of paragraph (6) of Article 10 shall apply mutatis mutandis to the rescission of approval for Approved Plans under the provisions of the preceding paragraph. In this case, the term "paragraph (1)" in paragraph (6) of Article 10 shall be deemed to be replaced with "paragraph (1) of Article 10."

(Delegation of the Authority of the Minister of Health, Labour and Welfare)

Article 13 (1) The authority of the Minister of Health, Labour and Welfare prescribed in Article 8 through the preceding Article may be partially delegated to the directors of a prefectural labor bureau as provided for by Cabinet Order.

(2) If the authority of the Minister of Health, Labour and Welfare prescribed in Article 8 is delegated to the director of a prefectural labor bureau pursuant to the provisions of the preceding paragraph, the term "Labor Policy Council" in paragraph (4) of the same Article shall be deemed to be replaced with "council specified by Cabinet Order which is established in the prefectural labor bureau."

(Affairs Handled by Prefectures, etc.)

Article 14 (1) Affairs within the authority of the minister with administrative jurisdiction over business of the relevant business type prescribed in Articles 8 through 12 may be partially handled by prefectural governors as provided for by Cabinet Order.

(2) The authority of the competent minister with administrative jurisdiction over business of the relevant business type prescribed in Articles 8 through 12 may be partially delegated to the heads of local branch bureaus and departments as provided for by Cabinet Order.