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Health and security

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Healthy and safety working environment

The Industrial Safety and Health Act is a law to ensure health and safety for workers. Companies are obliged to take necessary measures to protect workers from work-related accidents and illnesses.

(1) Contents of the Industrial Safety and Health Act

Companies have the following obligations:

- Take necessary measures to prevent dangers due to machines, instruments and other equipment.
- Conduct an annual health checkups when a company recruits workers or after their recruitment. (Workers have to receive a health checkups.)
- Conduct a stress checkup on workers and take necessary measures on job such as changing their work according to the results of the checkup.
- (Companies with less than 50 workers are obliged to strive to do the above.)
- Grasp the workers' working hours objectively from the viewpoint of health management.
- Have the workers see a doctor for counseling and take necessary measures such as changing their work in case the workers are fatigued because of long working hours.

(2) Health checkups, etc.

Under the Industrial Safety and Health Act, not only regular employees but also dispatched workers, contract employees, and part-time employees are eligible for health checkups and stress checks, if they meet the following two conditions:

- Being employed with a contract without a fixed term (in case of a worker with a fixed-term contract, the worker must be expected to be employed for at least one year, or have been employed at least one year by renewal of the contract)
- Working for three-quarters or more of the prescribed working hours of regular workers engaged in the same type of job at the place of business per week.

(3) Face-to-face guidance by physicians

Under the Industrial Safety and Health Act, not only regular employees but also dispatched workers, contract employees, and part-time employees are eligible for face-to-face guidance by physicians, if they meet the following condition:

- Having performed overtime work or holiday work for over 80 hours a month, and being recognized to be suffering from fatigue (if they submit a request). However, those who meet the following conditions are eligible for face-to-face guidance by physicians without submitting a request:

- i. R&D workers who worked overtime or on holidays for 100 hours or more per month
- ii. Workers under the highly skilled professional system whose health management hours (the total of hours spent in the workplace and working hours outside the workplace) per week exceed 40 hours, where the excess hours per week have accumulated to more than 100 hours per month

Please visit the following website for consultation about workplace health and safety:

FRESC (Foreign Residents Support Center) Safety and Health Management Consultation Team

<https://www.toukiren.or.jp/fresc/>



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Compensation for injuries or illnesses due to work (Industrial Accident Compensation Insurance)

Workers are compensated by Industrial Accident Compensation Insurance if they incur an injury or illness due to their work.

(1) Procedure for applying for the Industrial Accident Compensation Insurance

- If you receive treatment at a hospital designated by the Industrial Accident Compensation Insurance, the treatment cost will usually be free (if you go to a hospital that is not designated, you must pay the cost initially, but you can be reimbursed by submitting a request to the Labour Standards Inspection Office).
- If you have to take a day off from work, you can receive compensation for absence from work (the business owner will pay 60% of the average wage until the third day of leave, and 80% of the amount equivalent to the average wage will be covered by the Industrial Accident Compensation Insurance from the fourth day).
- If a worker dies, Benefits (compensation), etc. for the Surviving Family will be provided to the bereaved family.
- It is prohibited for a company to fire a worker during a period he/she is away from work, and 30 days thereafter, for treatment of an injury or illness due to an employment accident.

(2) Other reminders

- Industrial Accident Compensation Insurance covers not only injuries and illnesses at work, but also injuries, etc., incurred while commuting.
- Mental disorders such as depression due to causes such as long working hours are also covered by Industrial Accident Compensation Insurance.
- Even when you develop a disease caused by work in Japan after return to your home country, it is covered by the Industrial Accident Compensation Insurance.
- You cannot use health insurance if the injury or illness was caused by work
- If any issues arise concerning injuries, etc., incurred during work or commuting, please consult the Labour Standards Inspection Office.
- Industrial Accident Compensation Insurance applies not only to regular employees but also to dispatched workers, contract employees, and part-time employees.
- Basically, a company that employs even one worker is required to join the Industrial Accident Compensation Insurance and pay the entire insurance premium.

Details of the Industrial Accident Compensation Insurance benefits are posted on the following website.

<https://www.mhlw.go.jp/new-info/kobetu/roudou/gyousei/rousai/gaikoku-pamphlet.html>



3-3**Prohibition of discrimination on the basis of sex****(1) While seeking employment**

- With regard to the recruitment and employment of workers, employers are prohibited from discriminating against workers on the basis of sex.

(2) After employment

- Employers are prohibited from discriminating against workers on the basis of sex, with regard to the following matters:

- i. Assignment, promotion, demotion, and training of workers;
- ii. Welfare (fringe benefits as provided by ordinance of the Ministry of Health, Labour and Welfare)
- iii. Changes in type of job or employment status
- iv. Encouragement of retirement, mandatory retirement age, dismissal, and renewal of the labour contract

- Employers are prohibited from using the fact that a worker is a woman as a basis for engaging in differential treatment in comparison to men with respect to wages.

For details, please contact Prefectural Labour Bureau's Employment Environment and Equal Employment Department (Office) or Consultation Counters on General Labor Matters.

- * Please see the page by prefecture or the address list of Employment Environment and Equal Employment Departments (Offices).

<https://www.mhlw.go.jp/kouseiroudoushou/shozaiannai/roudoukyoku/index.html>

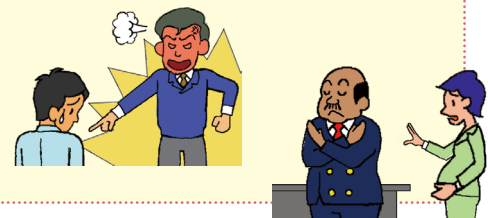


3-4

Harassment prevention measures

Employers are required to take necessary measures, including developing necessary systems, to give advice to workers and cope with the problems of workers, so that the working conditions of workers will not be harmed by reason of the following types of harassment; (iv. Power harassment is an obligation to make efforts for small and medium-sized enterprises until March 31, 2022.)

- i. Sexual harassment;
- ii. Maternity harassment;
- iii. Harassment regarding childcare leave, etc.; and
- iv. Power harassment (*)



(*) Harming the workplace environment by behavior that goes beyond the level needed for business with taking advantage of superior positions in a relationship as background.

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Guidelines for Employment Management of Foreign Workers

- For foreign workers who are currently working in Japan in various specialized/technical fields as well as those wishing to work in Japan in the future, it is necessary to improve an environment where they can be ensured fair treatment and safely exercise their abilities effectively.
- The “Guidelines for Employers to Improve the Management of Employment of Foreign Workers” (the “Guidelines for Employment Management of Foreign Workers”) sets out the rules for employers to take appropriate measures to improve employment management and re-employment support for foreign workers.
- *Hello Work* provides advice and guidance based on the Guidelines for Employment Management of Foreign Workers when it visits business establishments employing foreign workers.

Guidelines for Employment Management of Foreign Workers

<https://www.mhlw.go.jp/content/000601382.pdf>



Pamphlet concerning the rules for employing foreign workers

<https://www.mhlw.go.jp/content/000603552.pdf>

