

労働者災害補償保険法 Industrial Accident Compensation Insurance Act

(昭和二十二年四月七日法律第五十号)
(Act No. 50 of April 7, 1947)

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第一章 総則

Chapter I General Provisions

第一条 労働者災害補償保険は、業務上の事由又は通勤による労働者の負傷、疾病、障害、死亡等に対して迅速かつ公正な保護をするため、必要な保険給付を行い、あわせて、業務上の事由又は通勤により負傷し、又は疾病にかかった労働者の社会復帰の促進、当該労働者及びその遺族の援護、労働者の安全及び衛生の確保等を図り、もつて労働者の福祉の増進に寄与することを目的とする。

Article 1 The purposes of the industrial accident compensation insurance are to pay necessary insurance proceeds to protect workers who are injured, fall ill or are disabled, or die, in a prompt and fair manner, which are caused in the course of their duties or while commuting to or from work, and to promote the social reintegration of workers into society who are injured or fall ill in the course of their duties or while commuting to or from work, in order to provide support to those workers and their surviving family members and secure the safety and health of workers or the like, thereby contributing to the promotion of the welfare of such workers.

第二条 労働者災害補償保険は、政府が、これを管掌する。

Article 2 The government administers industrial accident compensation insurance.

第二条の二 労働者災害補償保険は、第一条の目的を達成するため、業務上の事由又は通勤による労働者の負傷、疾病、障害、死亡等に関して保険給付を行うほか、社会復帰促進等事業を行うことができる。

Article 2-2 Industrial accident compensation insurance, in order to achieve the purposes set forth in Article 1, is paid to support the projects to promote social reintegration of workers into society in addition to pay insurance proceeds to workers for their injury, illness, disability or death or the like caused in the course of their duties or while commuting to or from work.

第三条 この法律においては、労働者を使用する事業を適用事業とする。

Article 3 (1) In this Act, the insurance covers businesses that hire workers.

2 前項の規定にかかわらず、国の直営事業、官公署の事業（労働基準法（昭和二十二年法律第四十九号）別表第一に掲げる事業を除く。）及び船員保険法（昭和十四年法律第七十三号）第十七条の規定による船員保険の被保険者については、この法律は、これを適用しない。

(2) Notwithstanding the provisions of the preceding paragraph, this Act does not apply to businesses managed directly by the State, businesses managed by

public agencies (excluding the businesses specified in appended table 1 of the Labor Standards Act (Act No. 49 of 1947)) and persons insured by mariners' insurance under the provisions of Article 17 of the Mariners' Insurance Act (Act No. 73 of 1939).

第四条 削除

Article 4 Deleted

第五条 この法律に基づく政令及び厚生労働省令並びに労働保険の保険料の徴収等に関する法律（昭和四十四年法律第八十四号。以下「徴収法」という。）に基づく政令及び厚生労働省令（労働者災害補償保険事業に係るものに限る。）は、その草案について、労働政策審議会の意見を聞いて、これを制定する。

Article 5 Cabinet Orders and Orders of the Ministry of Health, Labour and Welfare under this Act and Cabinet Orders and Orders of the Ministry of Health, Labour and Welfare (limited to those pertaining to industrial accident compensation insurance services) under the Act on the Collection of Insurance Premiums of Labor Insurance (Act No. 84 of 1969; hereinafter referred to as the "Premiums Collection Act") are established after hearing the opinions of the Labour Policy Council as to drafts thereof.

第二章 保険関係の成立及び消滅

Chapter II Establishment and Extinguishment of Relationships between the Insured Businesses and the Workers' Accident Insurance

第六条 保険関係の成立及び消滅については、徴収法の定めるところによる。

Article 6 The establishment and extinguishment of relationships between the insured businesses and the worker's accident insurance are governed by the provisions of the Premiums Collection Act.

第三章 保険給付

Chapter III Payment of Insurance Proceeds

第一節 通則

Section 1 General Rules

第七条 この法律による保険給付は、次に掲げる保険給付とする。

Article 7 (1) The insurance proceeds under this Act are those prescribed below:

一 労働者の業務上の負傷、疾病、障害又は死亡（以下「業務災害」という。）に関する保険給付

(i) payment of insurance proceeds for injury, illness, disability or death of workers during the course of their duties (hereinafter referred to as an "occupational accident");

二 労働者の通勤による負傷、疾病、障害又は死亡（以下「通勤災害」という。）に関する保険給付

(ii) payment of insurance proceeds for injury, illness, disability or death of workers while commuting to or from work (hereinafter referred to as a "commuting accident"); and

三 二次健康診断等給付

(iii) coverage of follow-up medical examination

2 前項第二号の通勤とは、労働者が、就業に関し、次に掲げる移動を、合理的な経路及び方法により行うことをいい、業務の性質を有するものを除くものとする。

(2) The commuting referred to in item (ii) of the preceding paragraph means that workers travel to or from work by choosing the efficient route and means as prescribed below, excluding commuting which has the nature of their duties:

一 住居と就業の場所との間の往復

(i) travel back and forth between the worker's residence and workplace;

二 厚生労働省令で定める就業の場所から他の就業の場所への移動

(ii) travel from the worker's workplace to another workplace as specified by Order of the Ministry of Health, Labour and Welfare; and

三 第一号に掲げる往復に先行し、又は後続する住居間の移動（厚生労働省令で定める要件に該当するものに限る。）

(iii) travel between the worker's residences that precedes or follows the traveling back and forth specified in item (i) (limited to those satisfying the requirements specified by Order of the Ministry of Health, Labour and Welfare

3 労働者が、前項各号に掲げる移動の経路を逸脱し、又は同項各号に掲げる移動を中断した場合においては、当該逸脱又は中断の間及びその後の同項各号に掲げる移動は、第一項第二号の通勤としない。ただし、当該逸脱又は中断が、日常生活上必要な行為であつて厚生労働省令で定めるものをやむを得ない事由により行うための最小限度のものである場合は、当該逸脱又は中断の間を除き、この限りでない。

(3) Where a worker deviates from the travel route referred to in each item of the preceding paragraph or discontinues the travel referred to in each item of that paragraph, traveling during the deviation or discontinuation or any subsequent travel set forth in each item of that paragraph are not deemed as commuting referred to in paragraph (1), item (ii); provided, however, that this does not apply if the deviation or discontinuation is required to carry out an activity necessary for daily life, which are the basic needs specified by Order of the Ministry of Health, Labour and Welfare due to unavoidable circumstances, except during the period of the deviation or stoppage en route.

第八条 基礎日額は、労働基準法第十二条の平均賃金に相当する額とする。この場合において、同条第一項の平均賃金を算定すべき事由の発生した日は、前条第一項第一号及び第二号に規定する負傷若しくは死亡の原因である事故が発生した日又は診断によ

つて同項第一号及び第二号に規定する疾病の発生が確定した日（以下「算定事由発生日」という。）とする。

Article 8 (1) The basic daily payment amount is the amount equivalent to the average wage referred to in Article 12 of the Labor Standards Act. In this case, the day on which the grounds to calculate the average wage occurred referred to in paragraph (1) of that Article is the day on which the accident which caused the injury or death as prescribed in paragraph (1), item (i) or item (ii) of the preceding Article occurs, or the date on which the occurrence of an illness prescribed in item (i) or item (ii) of that paragraph was confirmed by making a diagnosis (hereinafter referred to as "the date on which the grounds for calculation occurred").

2 労働基準法第十二条の平均賃金に相当する額を給付基礎日額とすることが適当でないと思われるときは、前項の規定にかかわらず、厚生労働省令で定めるところによつて政府が算定する額を給付基礎日額とする。

(2) When it is deemed inappropriate to pay the amount equivalent to the average wage referred to in Article 12 of the Labor Standards Act as the basic daily payment amount, the amount calculated by the government pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare is deemed to be the basic daily payment amount, notwithstanding the provisions of the preceding paragraph.

第八条の二 休業補償給付又は休業給付（以下この条において「休業補償給付等」という。）の額の算定の基礎として用いる給付基礎日額（以下この条において「休業給付基礎日額」という。）については、次に定めるところによる。

Article 8-2 (1) The basic daily payment amount for loss of salary during a temporary absence from work used as the basis for calculation of compensation payment for loss of salary during a temporary absence from work or payment for loss of salary during a temporary absence from work (hereinafter referred to as the "compensation payment for loss of salary during a temporary absence from work, etc." in this Article) (hereinafter referred to as "basic daily payment amount for loss of salary during a temporary absence from work" in this Article) is provided as follows:

一 次号に規定する休業補償給付等以外の休業補償給付等については、前条の規定により給付基礎日額として算定した額を休業給付基礎日額とする。

(i) With regard to compensation payment for loss of salary during a temporary absence from work, etc. other than the compensation payment for loss of salary during a temporary absence from work, etc. prescribed in the following item, the amount calculated as the basic daily payment amount pursuant to the provisions of the preceding Article is deemed to be the basic daily compensation payment amount for loss of salary during a temporary absence from work.

二 一月から三月まで、四月から六月まで、七月から九月まで及び十月から十二月までの各区分による期間（以下この条において「四半期」という。）ごとの平均給与額（厚生労働省において作成する毎月勤労統計における毎月きまつて支給する給与の額を基礎として厚生労働省令で定めるところにより算定した労働者一人当たりの給与の一箇月平均額をいう。以下この号において同じ。）が、算定事由発生日の属する四半期（この号の規定により算定した額（以下この号において「改定日額」という。）を休業給付基礎日額とすることとされている場合にあつては、当該改定日額を休業補償給付等の額の算定の基礎として用いるべき最初の四半期の前々四半期）の平均給与額の百分の百十を超え、又は百分の九十を下るに至つた場合において、その上昇し、又は低下するに至つた四半期の翌々四半期に属する最初の日以後に支給すべき事由が生じた休業補償給付等については、その上昇し、又は低下した比率を基準として厚生労働大臣が定める率を前条の規定により給付基礎日額として算定した額（改定日額を休業給付基礎日額とすることとされている場合にあつては、当該改定日額）に乗じて得た額を休業給付基礎日額とする。

(ii) If the average amount of salary (meaning the average amount of monthly salary of a worker calculated pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare based on the fixed amount of salary paid every month in the Monthly Labor Statistics prepared by the Ministry of Health, Labour and Welfare; hereinafter the same applies in this item) per a three-months period defined as January through March, April through June, July through September, and October through December (hereinafter referred to as a "quarter" in this Article) exceeds 110 percent or below 90 percent of the average salary for the quarter of the day on which the grounds for calculation occurred (in cases where the amount calculated pursuant to the provision of this item (hereinafter referred to as the "revised daily amount" in this item) is regarded as the basic daily amount for compensation payment for loss of salary during a temporary absence from work, the quarter two quarters before the first quarter for which the revised basic daily amount is to be used as the basis for calculating the amount of compensation payment for loss of salary during a temporary absence from work, etc.), in relation to the compensation payment for loss of salary during a temporary absence from work, etc. for which grounds for payment occurred on or after the first day of the quarter two quarters after the quarter in which the relevant increase or decrease has occurred, the basic daily amount of compensation payment for loss of salary during a temporary absence from work is the amount obtained by multiplying the amount calculated as the basic daily payment amount under the provisions of the preceding Article (in cases where a revised daily amount is regarded as the basic daily amount of compensation payment for loss of salary during a temporary absence from work, the revised daily amount) by a rate specified by the Minister of Health, Labour and Welfare based on that rate of increase or decrease.

2 休業補償給付等を支給すべき事由が生じた日が当該休業補償給付等に係る療養を開始した日から起算して一年六箇月を経過した日以後の日である場合において、次の各号に掲げる場合に該当するときは、前項の規定にかかわらず、当該各号に定める額を休業給付基礎日額とする。

(2) If the date on which grounds for compensation payment for loss of salary during a temporary absence from work, etc. occurred is later than the date on which one year and six months have elapsed from the date of the commencement of medical treatment pertaining to the compensation payment for loss of salary during a temporary absence from work, etc., if a worker falls under any of the cases set forth in the following items, the amount specified in the respective items is deemed to be the basic daily payment amount for loss of salary during a temporary absence from work, notwithstanding the provisions of the preceding paragraph:

一 前項の規定により休業給付基礎日額として算定した額が、厚生労働省令で定める年齢階層（以下この条において単に「年齢階層」という。）ごとに休業給付基礎日額の最低限度額として厚生労働大臣が定める額のうち、当該休業補償給付等を受けべき労働者の当該休業補償給付等を支給すべき事由が生じた日の属する四半期の初日（次号において「基準日」という。）における年齢の属する年齢階層に係る額に満たない場合 当該年齢階層に係る額

(i) if the amount calculated as the basic daily payment for loss of salary during a temporary absence from work pursuant to the provisions of the preceding paragraph is less than the minimum amount of basic daily payment for loss of salary during a temporary absence from work benefit specified by the Minister of Health, Labour and Welfare for each age group specified by Order of the Ministry of Health, Labour and Welfare (hereinafter simply referred to as the "age group" in this Article), which is less than the amount pertaining to the age group to which a worker who is to receive the basic daily compensation payment for loss of salary during a temporary absence from work, etc. is classified as of the first day of the quarter in which the date on which the grounds for the basic daily compensation payment for loss of salary during a temporary absence from work, etc. occurred (hereinafter referred to as the "base date" in the following item): the amount pertaining to the age group; or

二 前項の規定により休業給付基礎日額として算定した額が、年齢階層ごとに休業給付基礎日額の最高限度額として厚生労働大臣が定める額のうち、当該休業補償給付等を受けべき労働者の基準日における年齢の属する年齢階層に係る額を超える場合 当該年齢階層に係る額

(ii) if the amount calculated as the basic daily compensation payment for loss of salary during a temporary absence from work pursuant to the provisions of the preceding paragraph exceeds the maximum amount of the basic daily compensation payment for loss of salary during a temporary absence from

work specified by the Minister of Health, Labour and Welfare for each age group, which pertains to the age group to which a worker who is to receive the compensation payment for loss of salary during a temporary absence from work, etc., as of the base date: the amount pertaining to the age group

3 前項第一号の厚生労働大臣が定める額は、毎年、年齢階層ごとに、厚生労働省令で定めるところにより、当該年齢階層に属するすべての労働者を、その受けている一月当たりの賃金の額（以下この項において「賃金月額」という。）の高低に従い、二十の階層に区分し、その区分された階層のうち最も低い賃金月額に係る階層に属する労働者の受けている賃金月額のうち最も高いものを基礎とし、労働者の年齢階層別の就業状態その他の事情を考慮して定めるものとする。

(3) The amount specified by the Minister of Health, Labour and Welfare referred to in item (i) of the preceding paragraph is to be specified each year for each age group pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare taking the employment conditions and other circumstances of workers of the relevant age group into account, by classifying all workers of their age group into twenty groups according to the amount of monthly wage they receive (hereinafter referred to as "monthly wage" in this paragraph) by using the amount of highest monthly wage received by the worker of the group receiving the lowest amount of monthly wage as the basis for the calculation of such amount.

4 前項の規定は、第二項第二号の厚生労働大臣が定める額について準用する。この場合において、前項中「最も低い賃金月額に係る」とあるのは、「最も高い賃金月額に係る階層の直近下位の」と読み替えるものとする。

(4) The provisions of the preceding paragraph apply mutatis mutandis to the amount specified by the Minister of Health, Labour and Welfare referred to in paragraph (2), item (ii). In this case, the term "pertaining to the lowest amount of monthly wage" in the preceding paragraph is deemed to be replaced with "of the group of the second highest amount of monthly wage".

第八条の三 年金たる保険給付の額の算定の基礎として用いる給付基礎日額（以下この条において「年金給付基礎日額」という。）については、次に定めるところによる。

Article 8-3 (1) The basic daily payment amount used as the basis for the calculation of payment of employees' pension insurance proceeds (hereinafter referred to as the "basic daily pension benefit amount" in this Article) is provided as follows;

一 算定事由発生日の属する年度（四月一日から翌年三月三十一日までをいう。以下同じ。）の翌々年度の七月以前の分として支給する年金たる保険給付については、第八条の規定により給付基礎日額として算定した額を年金給付基礎日額とする。

(i) With regard to payment of employees' pension insurance proceeds to be paid in the three-months periods before July of the fiscal year (meaning April 1 through March 31 of the following year; the same applies hereinafter) of the

year after the next fiscal year of the date on which the grounds for calculation occurred, the amount calculated as the basic daily payment amount pursuant to the provisions of Article 8 is used as the basic daily pension payment amount.

二 算定事由発生日の属する年度の翌々年度の八月以後の分として支給する年金たる保険給付については、第八条の規定により給付基礎日額として算定した額に当該年金たる保険給付を支給すべき月の属する年度の前年度（当該月が四月から七月までの月に該当する場合にあつては、前々年度）の平均給与額（厚生労働省において作成する毎月勤労統計における毎月きまつて支給する給与の額を基礎として厚生労働省令で定めるところにより算定した労働者一人当たりの給与の平均額をいう。以下この号及び第十六条の六第二項において同じ。）を算定事由発生日の属する年度の平均給与額で除して得た率を基準として厚生労働大臣が定める率を乗じて得た額を年金給付基礎日額とする。

(ii) With regard to payment of employees' pension insurance proceeds to be paid in the three-months period after August of the fiscal year of the year after the next fiscal year of the date on which the grounds for calculation occurred, the amount obtained by multiplying the amount calculated as the basic daily payment amount pursuant to the provisions of Article 8 by the rate specified by the Minister of Health, Labour and Welfare based on the rate obtained by dividing the average salary (meaning the average amount of salary per worker calculated pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare based on the fixed amount of salary paid every month in the Monthly Labor Statistics prepared by the Ministry of Health, Labour and Welfare; hereinafter the same applies in this item and Article 16-6, paragraph (2)) of the fiscal year before the fiscal year of the month in which employees' pension insurance is to be paid (if it is to be paid in the month of April through July, the fiscal year before last), by the average salary of the fiscal year in which the date on which the grounds of calculation occurred, is used as the basic daily pension payment amount.

2 前条第二項から第四項までの規定は、年金給付基礎日額について準用する。この場合において、同条第二項中「前項」とあるのは「次条第一項」と、同項第一号中「休業補償給付等」とあるのは「年金たる保険給付」と、「支給すべき事由が生じた日」とあるのは「支給すべき月」と、「四半期の初日（次号）」とあるのは「年度の八月一日（当該月が四月から七月までの月に該当する場合にあつては、当該年度の前年度の八月一日。以下この項）」と、「年齢の」とあるのは「年齢（遺族補償年金又は遺族年金を支給すべき場合にあつては、当該支給をすべき事由に係る労働者の死亡がなかつたものとして計算した場合に得られる当該労働者の基準日における年齢。次号において同じ。）の」と、同項第二号中「休業補償給付等」とあるのは「年金たる保険給付」と読み替えるものとする。

(2) The provisions of paragraphs (2) through (4) of the preceding Article apply mutatis mutandis to the basic daily pension payment amount. In this case, the

term the "preceding paragraph" in paragraph (2) of that Article is deemed to be replaced with "paragraph (1) of the following Article"; the term "compensation payment for loss of salary during a temporary absence from work, etc." is deemed to be replaced with "payment of employees' pension insurance proceeds", the term "the date on which the grounds for payment occurred", is deemed to be replaced with the "month in which the payment is to be made," the term "the first day of the quarter (in the following item" is deemed to be replaced with "August 1 of the fiscal year if it is paid in the month of April through July; hereinafter in this paragraph", the term "age of" is deemed to be replaced with the "age of the worker on the base date if the survivors pension or the compensation pension for surviving family is to be paid and calculated assuming that the death of the worker pertaining to the grounds for payment did not occur; the same applies in the following item) in item (i) of that paragraph; and the term a "compensation payment for loss of salary during a temporary absence from work" in item (ii) of that paragraph is deemed to be replaced with a " payment of employees' pension insurance proceeds".

第八条の四 前条第一項の規定は、障害補償一時金若しくは遺族補償一時金又は障害一時金若しくは遺族一時金の額の算定の基礎として用いる給付基礎日額について準用する。この場合において、同項中「の分として支給する」とあるのは「に支給すべき事由が生じた」と、「支給すべき月」とあるのは「支給すべき事由が生じた月」と読み替えるものとする。

Article 8-4 The provisions of paragraph (1) of the preceding Article apply *mutatis mutandis* to the basic daily payment amount used as the basis of calculation of the lump-sum payment of disability compensation, lump-sum compensation payment for surviving family, lump-sum payment for disability or lump-sum payment for surviving family. In this case, the term "to be paid in the three-month period" and the "month in which the payment is to be made" in that paragraph are respectively deemed to be replaced with the "grounds for the payment occurred" and the "month in which the grounds for the payment occurred".

第八条の五 給付基礎日額に一円未満の端数があるときは、これを一円に切り上げるものとする。

Article 8-5 When finding a fraction of the basic daily payment amount of less than one yen, such fraction is rounded up to one yen.

第九条 年金たる保険給付の支給は、支給すべき事由が生じた月の翌月から始め、支給を受ける権利が消滅した月で終わるものとする。

Article 9 (1) Payment of employees' compensation insurance proceeds is to commence in the month following the month in which the grounds for payment

occurred and is to terminate in the month in which the right to receive payment is extinguished.

2 年金たる保険給付は、その支給を停止すべき事由が生じたときは、その事由が生じた月の翌月からその事由が消滅した月までの間は、支給しない。

(2) If the grounds for suspending the payment have occurred, employees' pension insurance proceeds is not be paid from the month following the month in which the grounds occurred to the month in which the grounds cease to exist.

3 年金たる保険給付は、毎年二月、四月、六月、八月、十月及び十二月の六期に、それぞれその前月分までを支払う。ただし、支給を受ける権利が消滅した場合におけるその期の年金たる保険給付は、支払期月でない月であつても、支払うものとする。

(3) Employees' compensation insurance proceeds are paid six times a year, in February, April, June, August, October and December of each year, for the previous month and the relevant month; provided, however, that in cases where the right to receive the payment is extinguished, the employees' pension insurance proceeds for the relevant two-months period is to be paid even if either of them is not the month of insurance proceeds payment.

第十条 船舶が沈没し、転覆し、滅失し、若しくは行方不明となつた際現にその船舶に乗っていた労働者若しくは船舶に乗つていてその船舶の航行中に行方不明となつた労働者の生死が三箇月間わからない場合又はこれらの労働者の死亡が三箇月以内に明らかとなり、かつ、その死亡の時期がわからない場合には、遺族補償給付、葬祭料、遺族給付及び葬祭給付の支給に関する規定の適用については、その船舶が沈没し、転覆し、滅失し、若しくは行方不明となつた日又は労働者が行方不明となつた日に、当該労働者は、死亡したものと推定する。航空機が墜落し、滅失し、若しくは行方不明となつた際現にその航空機に乗っていた労働者若しくは航空機に乗つていてその航空機の航行中行方不明となつた労働者の生死が三箇月間わからない場合又はこれらの労働者の死亡が三箇月以内に明らかとなり、かつ、その死亡の時期がわからない場合にも、同様とする。

Article 10 If it is not known for three months whether a worker who was on board a vessel when it sank, capsized, was lost or went missing or who was on board a vessel and went missing during its navigation is dead or alive, or if the death of such worker becomes apparent within three months but the time of death is not known, the worker shall, with respect to the application of the provisions relating to the payment of compensation benefits for surviving family, funeral service fee, survivors benefits and funeral rite benefits, presuming that the worker has died on the date on which the vessel sank, capsized, was lost or went missing or on the date on which the worker went missing. The same applies in the cases where it is not known for three months whether a worker who was on board an aircraft when it crashed, was lost or went missing or who was on board an aircraft and went missing during its flight is dead or alive, or where the death of such worker becomes apparent

within three months but the time of death is not known.

第十一条 この法律に基づく保険給付を受ける権利を有する者が死亡した場合において、その死亡した者に支給すべき保険給付でまだその者に支給しなかつたものがあるときは、その者の配偶者（婚姻の届出をしていないが、事実上婚姻関係と同様の事情にあつた者を含む。以下同じ。）、子、父母、孫、祖父母又は兄弟姉妹であつて、その者の死亡の当時その者と生計を同じくしていたもの（遺族補償年金については当該遺族補償年金を受けることができる他の遺族、遺族年金については当該遺族年金を受けることができる他の遺族）は、自己の名で、その未支給の保険給付の支給を請求することができる。

Article 11 (1) If a person who has the right to receive payment of employees' pension insurance proceeds under this Act dies and any payment of the insurance proceeds payable to the deceased person remains unpaid, their spouse (including a person who did not register the marriage but has been in a de facto marital relationship with the deceased person; the same applies hereinafter), children, parents, grandchildren, grandparents or siblings who makes a living together with the deceased person at the time of their death (in the case of the compensation pension for surviving family, other surviving family members eligible to receive the survivor compensation pension, and in the case of the survivor pension, other surviving family members eligible to receive the survivor pension) may claim payment of the unpaid insurance proceeds in their own names.

2 前項の場合において、死亡した者が死亡前にその保険給付を請求していなかつたときは、同項に規定する者は、自己の名で、その保険給付を請求することができる。

(2) In the case referred to in the preceding paragraph, if the deceased person had not claimed payment of insurance proceeds before their death, those persons prescribed in that paragraph may claim payment of the insurance proceeds in their own names.

3 未支給の保険給付を受けるべき者の順位は、第一項に規定する順序（遺族補償年金については第十六条の二第三項に、遺族年金については第二十二条の四第三項において準用する第十六条の二第三項に規定する順序）による。

(3) The order of priority of those who are to receive any unpaid insurance proceeds depends on the order prescribed in paragraph (1) (in the case of the compensation pension for surviving family, the order priority depends on the order prescribed in Article 16-2, paragraph (3), and in the case of the pension for surviving family, the order prescribed in Article 16-2, paragraph (3), as applied mutatis mutandis pursuant to Article 22-4, paragraph (3)).

4 未支給の保険給付を受けるべき同順位者が二人以上あるときは、その一人がした請求は、全員のためその全額につきしたものとみなし、その一人に対してした支給は、全員に対してしたものとみなす。

(4) If there are two or more persons who hold the same rank in the order of

priority of persons who are to receive any unpaid insurance proceeds, a claim made by one of the relevant persons is deemed to have been made on behalf of all relevant persons for the total amount, and a payment made to one of the relevant persons is deemed to have been made to all relevant persons.

第十二条 年金たる保険給付の支給を停止すべき事由が生じたにもかかわらず、その停止すべき期間の分として年金たる保険給付が支払われたときは、その支払われた年金たる保険給付は、その後に支払うべき年金たる保険給付の内払とみなすことができる。年金たる保険給付を減額して改定すべき事由が生じたにもかかわらず、その事由が生じた月の翌月以後の分として減額しない額の年金たる保険給付が支払われた場合における当該年金たる保険給付の当該減額すべきであつた部分についても、同様とする。

Article 12 (1) When, even though the grounds to suspend the payment of employees' pension insurance proceeds occurred, any employees' pension insurance proceeds have been paid for the period in which the payment should have been suspended, the insurance proceeds which have been paid may be deemed to be an advance payment of the employees' pension insurance proceeds which are to be paid after that period. Despite the fact that the grounds for changing the amount of insurance proceeds by reducing its amount have occurred, the insurance proceeds of which amount is not reduced have been paid for the period from the month following the month in which the grounds occurred, the same applies to the amount of the insurance proceeds should have been reduced.

2 同一の業務上の事由又は通勤による負傷又は疾病（以下この条において「同一の傷病」という。）に関し、年金たる保険給付（遺族補償年金及び遺族年金を除く。以下この項において「乙年金」という。）を受ける権利を有する労働者が他の年金たる保険給付（遺族補償年金及び遺族年金を除く。以下この項において「甲年金」という。）を受ける権利を有することとなり、かつ、乙年金を受ける権利が消滅した場合において、その消滅した月の翌月以後の分として乙年金が支払われたときは、その支払われた乙年金は、甲年金の内払とみなす。同一の傷病に関し、年金たる保険給付（遺族補償年金及び遺族年金を除く。）を受ける権利を有する労働者が休業補償給付若しくは休業給付又は障害補償一時金若しくは障害一時金を受ける権利を有することとなり、かつ、当該年金たる保険給付を受ける権利が消滅した場合において、その消滅した月の翌月以後の分として当該年金たる保険給付が支払われたときも、同様とする。

(2) Where a worker who has the right to receive employees' pension insurance proceeds (excluding the compensation pension for surviving family and the survivor pension; hereinafter referred to as "Pension B" in this paragraph) has become eligible to receive other employees' pension insurance proceeds (excluding the compensation pension for surviving family and the survivor pension; hereinafter referred to as "Pension A" in this paragraph) for the same injury or illness caused in the course of their duty or while commuting to or

from work (hereinafter referred to as the "same illness or injury" in this Article), and the right to receive Pension B has been extinguished, if Pension B has been paid for the period from the month following the month in which the relevant right was extinguished, that payment of Pension B is deemed to be an advanced payment of Pension A. If a worker who has the right to receive payment of employees' pension insurance proceeds (excluding the compensation pension for surviving family and the survivor pension) is eligible for the compensation payment for loss of salary during a temporary absence from work or payment for loss of salary during a temporary absence from work, or a lump-sum compensation payment for disability or a lump-sum payment for disability for the same illness or injury, and the right to receive the employees' pension insurance proceeds has been extinguished, the same applies if the employees' pension insurance proceeds have been paid for the period as the payment for the month after the month in which the relevant right was extinguished.

3 同一の傷病に関し、休業補償給付又は休業給付を受けている労働者が障害補償給付若しくは傷病補償年金又は障害給付若しくは傷病年金を受ける権利を有することとなり、かつ、休業補償給付又は休業給付を行わないこととなつた場合において、その後も休業補償給付又は休業給付が支払われたときは、その支払われた休業補償給付又は休業給付は、当該障害補償給付若しくは傷病補償年金又は障害給付若しくは傷病年金の内払とみなす。

(3) If a worker receiving the compensation payment for loss of salary during a temporary absence from work or the payment for loss of salary during a temporary absence from work has the right to receive a disability compensation benefit or a compensation benefit for workers who get injured or sick while commuting to or from work or a benefit for workers who get injured or sick while commuting to or from work for the same injury or illness, and it was decided that the compensation payment for loss of salary during a temporary absence from work or payment for loss of salary during a temporary absence from work would not be paid, if the compensation payment for loss of salary during a temporary absence from work or payment for loss of salary during a temporary absence from work is continued to be paid to the worker thereafter, such compensation payment for loss of salary during a temporary absence from work or payment for loss of salary during a temporary absence from work paid is deemed to be an advanced payment of the disability compensation benefit, compensation benefit for workers who get injured or sick while commuting to or from home, a disability benefit or a benefit for workers who get injured or sick while commuting to or from work.

第十二条の二 年金たる保険給付を受ける権利を有する者が死亡したためその支給を受ける権利が消滅したにもかかわらず、その死亡の日の属する月の翌月以後の分として当該年金たる保険給付の過誤払が行われた場合において、当該過誤払による返還金に

係る債権（以下この条において「返還金債権」という。）に係る債務の弁済をすべき者に支払うべき保険給付があるときは、厚生労働省令で定めるところにより、当該保険給付の支払金の金額を当該過誤払による返還金債権の金額に充当することができる。

Article 12-2 If a person who has the right to receive the payment of insurance proceeds has died, and despite the fact that the right to receive the payment is extinguished, employees' pension insurance proceeds have been overpaid for the period after the month in which the date of the death is recorded, if there are any insurance proceeds that are to be paid to the person who is to perform obligations under the claim for the return of monies that has resulted from the overpayment (hereinafter referred to as the "claim for the return of monies" in this Article), the amount of payment under the insurance proceeds may be appropriated as the amount of the claim for the return of monies that resulted from the overpayment, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

第十二条の二の二 労働者が、故意に負傷、疾病、障害若しくは死亡又はその直接の原因となつた事故を生じさせたときは、政府は、保険給付を行わない。

Article 12-2-2 (1) When a worker has intentionally caused an accident which is the direct cause of injury, illness, disability or death, the government does not pay insurance proceeds.

2 労働者が故意の犯罪行為若しくは重大な過失により、又は正当な理由がなく療養に関する指示に従わないことにより、負傷、疾病、障害若しくは死亡若しくはこれらの原因となつた事故を生じさせ、又は負傷、疾病若しくは障害の程度を増進させ、若しくはその回復を妨げたときは、政府は、保険給付の全部又は一部を行わないことができる。

(2) When a worker has, by an intentional criminal act or gross negligence or by not following directions as to medical treatment without any just cause, caused an injury, illness, disability or death or an accident that was the cause thereof, or progressed the stage of injury, illness or disability or hindered their recovery, the government may decide not to pay the whole or a part of the insurance proceeds.

第十二条の三 偽りその他不正の手段により保険給付を受けた者があるときは、政府は、その保険給付に要した費用に相当する金額の全部又は一部をその者から徴収することができる。

Article 12-3 (1) When a person has received insurance proceeds by deception or other wrongful means, the government may collect the amount equivalent to the cost for the payment of the insurance proceeds in whole or in part from the person.

2 前項の場合において、事業主（徴収法第八条第一項又は第二項の規定により元請負人が事業主とされる場合にあつては、当該元請負人。以下同じ。）が虚偽の報告又は

証明をしたためその保険給付が行なわれたものであるときは、政府は、その事業主に対し、保険給付を受けた者と連帯して前項の徴収金を納付すべきことを命ずることができる。

(2) In the cases referred to in the preceding paragraph, when the insurance proceeds was paid due to a false report or certification submitted by an employer (in cases where an original contractor is deemed to be an employer pursuant to the provisions of Article 8, paragraph (1) or paragraph (2) of the Premiums Collection Act, the original contractor; the same applies hereinafter), the government may order the employer to pay the money to be collected as set forth in the preceding paragraph jointly and severally with the person who has received the insurance proceeds.

3 徴収法第二十六条、第二十八条、第二十九条及び第四十一条の規定は、前二項の規定による徴収金について準用する。

(3) The provisions of Article 26, Article 28, Article 29 and Article 41 of the Premiums Collection Act apply mutatis mutandis to the money to be collected pursuant to the provisions of the preceding two paragraphs.

第十二条の四 政府は、保険給付の原因である事故が第三者の行為によつて生じた場合において、保険給付をしたときは、その給付の価額の限度で、保険給付を受けた者が第三者に対して有する損害賠償の請求権を取得する。

Article 12-4 (1) When the government has paid insurance proceeds in cases where an accident which is the cause of payment of insurance proceeds is caused by an act of a third party, the government acquires the right to claim compensation for damages held by the person who has received the insurance proceeds against the third party, at a maximum of the payment amount thereof.

2 前項の場合において、保険給付を受けるべき者が当該第三者から同一の事由について損害賠償を受けたときは、政府は、その価額の限度で保険給付をしないことができる。

(2) In the cases referred to in the preceding paragraph, when the person who are to receive insurance proceeds has received compensation for damages for the same reason from the third party, the government may decide not to pay the insurance proceeds, at a maximum of the amount of the compensation.

第十二条の五 保険給付を受ける権利は、労働者の退職によつて変更されることはない。

Article 12-5 (1) The right to receive insurance proceeds will not be affected by the retirement of the worker.

2 保険給付を受ける権利は、譲り渡し、担保に供し、又は差し押さえることができない。ただし、年金たる保険給付を受ける権利を独立行政法人福祉医療機構法（平成十四年法律第百六十六号）の定めるところにより独立行政法人福祉医療機構に担保に供する場合は、この限りでない。

(2) The right to receive insurance proceeds may not be transferred, pledged as

collateral or attached; provided, however, that this does not apply where the right to receive employees' pension insurance proceeds is pledged as collateral to the Welfare and Medical Service Agency pursuant to the provisions of the Welfare and Medical Service Agency Act (Act No. 166 of 2002).

第十二条の六 租税その他の公課は、保険給付として支給を受けた金品を標準として課することはできない。

Article 12-6 Taxes and other public charges may not be imposed on the basis of money and goods received as payment of insurance proceeds.

第十二条の七 保険給付を受ける権利を有する者は、厚生労働省令で定めるところにより、政府に対して、保険給付に関し必要な厚生労働省令で定める事項を届け出、又は保険給付に関し必要な厚生労働省令で定める書類その他の物件を提出しなければならない。

Article 12-7 A person who has the right to receive insurance proceeds must, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, notify the government of the particulars necessary for the payment of insurance proceeds specified by Orderance of the Ministry of Health, Labour and Welfare, or submit the necessary documents for the payment of insurance proceeds or other items specified by Order of the Ministry of Health, Labour and Welfare.

第二節 業務災害に関する保険給付

Section 2 Payment of Insurance Proceeds for Occupational Accidents

第十二条の八 第七条第一項第一号の業務災害に関する保険給付は、次に掲げる保険給付とする。

Article 12-8 (1) The payment of insurance proceeds for an occupational accident set forth in Article 7, paragraph (1), item (i) is the payment of insurance proceeds specified in the following:

一 療養補償給付

(i) medical treatment compensation benefits;

二 休業補償給付

(ii) compensation payment for loss of salary during a temporary absence from work;

三 障害補償給付

(iii) disability compensation benefits;

四 遺族補償給付

(iv) compensation benefits for surviving family;

五 葬祭料

(v) funeral service fee;

六 傷病補償年金

(vi) compensation benefits for workers who get injured or sick ; and

七 介護補償給付

(vii) nursing care compensation benefits

2 前項の保険給付（傷病補償年金及び介護補償給付を除く。）は、労働基準法第七十五条から第七十七条まで、第七十九条及び第八十条に規定する災害補償の事由が生じた場合に、補償を受けるべき労働者若しくは遺族又は葬祭を行う者に対し、その請求に基づいて行う。

(2) The insurance proceeds set forth in the preceding paragraph (excluding the illness and injury compensation pension and the nursing care compensation benefits), where the reason for compensation for accident prescribed in Article 75 through Article 77, and Article 79 and Article 80 of the Labor Standards Act have occurred, are paid to a worker or surviving family members who are to receive compensation or to a person who holds the funeral, based on their claims.

3 傷病補償年金は、業務上負傷し、又は疾病にかかった労働者が、当該負傷又は疾病に係る療養の開始後一年六箇月を経過した日において次の各号のいずれにも該当するとき、又は同日後次の各号のいずれにも該当することとなつたときに、その状態が継続している間、当該労働者に対して支給する。

(3) A compensation benefit for workers who get injured or sick is paid to a worker who get injured or fall ill in the course of their duties when the worker falls under all of the following items on the day on which one year and six months have elapsed from the commencement of medical treatment for the injury or illness, or falls under all of the following items after that day, and the compensation benefit is l paid to the worker during the period when the worker suffers from the injury or illness:

一 当該負傷又は疾病が治っていないこと。

(i) the illness or injury is not cured; and

二 当該負傷又は疾病による障害の程度が厚生労働省令で定める傷病等級に該当すること。

(ii) the degree of disability due to the injury or illness falls under the grade of injury or illness specified by Order of the Ministry of Health, Labour and Welfare

4 介護補償給付は、障害補償年金又は傷病補償年金を受ける権利を有する労働者が、その受ける権利を有する障害補償年金又は傷病補償年金の支給事由となる障害であつて厚生労働省令で定める程度のもにより、常時又は随時介護を要する状態にあり、かつ、常時又は随時介護を受けているときに、当該介護を受けている間（次に掲げる間を除く。）、当該労働者に対し、その請求に基づいて行う。

(4) Nursing care compensation benefits are paid to a worker who has the right to receive a disability compensation benefit or illness or injury compensation benefit, based on their claim, when the worker having disability requires

constant or occasional nursing care and is receiving constant or occasional nursing care service due to the disability which is the reason for the disability compensation benefit or illness and injury compensation benefit, due to the degree of disability specified by Order of the Ministry of Health, Labour and Welfare, and such compensation benefits are paid during the period when the worker is receiving the nursing care service (excluding the following periods):

一 障害者自立支援法（平成十七年法律第百二十三号）第五条第十二項に規定する障害者支援施設（以下「障害者支援施設」という。）に入所している間（同条第六項に規定する生活介護（以下「生活介護」という。）を受けている場合に限る。）

(i) the period during which the worker is admitted to a facility designed to support persons with disabilities prescribed in Article 5, paragraph (12) of the Services and Supports for Persons with Disabilities Act (Act No. 123 of 2005) (hereinafter referred to as a "facility designed to support persons with disabilities") (limited to cases where the worker receives care for daily life prescribed in paragraph (6) of that Article (hereinafter referred to as "nursing care for daily life")); and

二 障害者支援施設（生活介護を行うものに限る。）に準ずる施設として厚生労働大臣が定めるものに入所している間

(ii) the period during which the worker is admitted to a facility specified by the Minister of Health, Labour and Welfare as those equivalent to a facility designed to support persons with disabilities (limited to those where nursing care for daily life is provided); and

三 病院又は診療所に入院している間

(iii) the period during which the worker is admitted to a hospital or clinic

第十三条 療養補償給付は、療養の給付とする。

Article 13 (1) The medical treatment compensation benefits is paid for medical treatment.

2 前項の療養の給付の範囲は、次の各号（政府が必要と認めるものに限る。）による。

(2) The coverage of the medical treatment benefit set forth in the preceding paragraph is as prescribed in the following items (limited to those that are considered necessary by the government):

一 診察

(i) medical examination;

二 薬剤又は治療材料の支給

(ii) provision of medicines or treatment materials;

三 処置、手術その他の治療

(iii) medical treatment procedures, operations and other treatment;

四 居宅における療養上の管理及びその療養に伴う世話その他の看護

(iv) management of medical treatment and relevant care and other nursing care of workers staying at home;

五 病院又は診療所への入院及びその療養に伴う世話その他の看護

(v) admission to hospitals or clinics and relevant care and other nursing care of the worker; and

六 移送

(vi) transport

3 政府は、第一項の療養の給付をすることが困難な場合その他厚生労働省令で定める場合には、療養の給付に代えて療養の費用を支給することができる。

(3) The government may, where it is difficult to pay the medical treatment benefit set forth in paragraph (1) and in other cases specified by Order of the Ministry of Health, Labour and Welfare, pay the medical treatment expenses instead of the medical treatment benefit.

第十四条 休業補償給付は、労働者が業務上の負傷又は疾病による療養のため労働することができないために賃金を受けない日の第四日目から支給するものとし、その額は、一日につき給付基礎日額の百分の六十に相当する額とする。ただし、労働者が業務上の負傷又は疾病による療養のため所定労働時間のうちその一部分についてのみ労働する日に係る休業補償給付の額は、給付基礎日額（第八条の二第二項第二号に定める額（以下この項において「最高限度額」という。）を給付基礎日額とすることとされている場合にあつては、同号の規定の適用がないものとした場合における給付基礎日額）から当該労働に対して支払われる賃金の額を控除して得た額（当該控除して得た額が最高限度額を超える場合にあつては、最高限度額に相当する額）の百分の六十に相当する額とする。

Article 14 (1) The compensation payment for loss of salary during a temporary absence from work is paid from the fourth day since a worker does not receive wages because the worker is unable to work in order to receive medical treatment for an injury or illness caused in the course of their duties, and the amount of compensation per day is the amount equivalent to 60 percent of the basic daily payment amount; provided, however, that the amount of the compensation payment for loss of salary during a temporary absence from work for days on which a worker works for a portion of the regular working hours due to medical treatment for an injury or illness caused in the course of their duties is the amount equivalent to 60 percent of the amount obtained by deducting the amount of the wages to be paid for the work from the basic daily payment amount (in cases where the amount prescribed in Article 8-2, paragraph (2), item (ii) (hereinafter referred to as the "maximum amount" in this paragraph) is regarded as the basic daily payment amount, the basic daily payment amount to be paid on the assumption that the provision of that item does not apply) (in cases where the amount after the deduction exceeds the maximum amount, the amount equivalent to the maximum amount).

2 休業補償給付を受ける労働者が同一の事由について厚生年金保険法（昭和二十九年法律第百十五号）の規定による障害厚生年金又は国民年金法（昭和三十四年法律第百

四十一号)の規定による障害基礎年金を受けるときは、当該労働者に支給する休業補償給付の額は、前項の規定にかかわらず、同項の額に別表第一第一号から第三号までに規定する場合に応じ、それぞれ同表第一号から第三号までの政令で定める率のうち傷病補償年金について定める率を乗じて得た額（その額が政令で定める額を下回る場合には、当該政令で定める額）とする。

(2) When a worker who receives compensation payment for loss of salary during a temporary absence from work is, for the same reason, eligible to receive either a employee's disability pension under the provisions of the Employee's Pension Insurance Act (Act No. 115 of 1954) or a disability basic pension under the provisions of the National Pension Act (Act No. 141 of 1959), the amount of the compensation payment for loss of salary during a temporary absence from work to be paid to the worker, notwithstanding the provision of the preceding paragraph, is the amount obtained by multiplying the amount set forth in that paragraph, pursuant to the provisions of items (i) through (iii) of Table 1, by the rate for illness and injury compensation benefits amongst the rates specified by Cabinet Order set forth in items (i) through (iii) of that table (in cases where such amount is less than the amount specified by Cabinet Order, the amount specified by Cabinet Order).

第十四条の二 労働者が次の各号のいずれかに該当する場合（厚生労働省令で定める場合に限る。）には、休業補償給付は、行わない。

Article 14-2 No compensation payment for loss of salary during a temporary absence from work is paid if a worker falls under any of the following items (limited to cases specified by Order of the Ministry of Health, Labour and Welfare):

一 刑事施設、労役場その他これらに準ずる施設に拘禁されている場合

(i) where a worker is detained in a penal institution, workhouse or any other facility equivalent thereto; or

二 少年院その他これに準ずる施設に収容されている場合

(ii) where a worker is detained in a juvenile training school or any other facility equivalent thereto

第十五条 障害補償給付は、厚生労働省令で定める障害等級に応じ、障害補償年金又は障害補償一時金とする。

Article 15 (1) The disability compensation benefits is paid either as a disability compensation pension or a lump-sum payment for disability, in accordance with the grades of disability specified by Order of the Ministry of Health, Labour and Welfare.

2 障害補償年金又は障害補償一時金の額は、それぞれ、別表第一又は別表第二に規定する額とする。

(2) The amounts of a disability compensation pension or a lump sum

compensation payment for disability is as prescribed respectively in Appended Table 1 or Appended Table 2.

第十五条の二 障害補償年金を受ける労働者の当該障害の程度に変更があつたため、新たに別表第一又は別表第二中の他の障害等級に該当するに至つた場合には、政府は、厚生労働省令で定めるところにより、新たに該当するに至つた障害等級に応ずる障害補償年金又は障害補償一時金を支給するものとし、その後は、従前の障害補償年金は、支給しない。

Article 15-2 Where there has been a change to the degree of the relevant degree of the disability of a worker receiving a disability compensation pension, and as a result of such change, the worker falls under another grade of disability prescribed in Appended Table 1 or Appended Table 2, the government is to, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, pay the disability compensation pension or lump sum compensation payment for disability corresponding to the new grade of disability under which the worker now falls, and does not pay the former disability compensation pension thereafter.

第十六条 遺族補償給付は、遺族補償年金又は遺族補償一時金とする。

Article 16 Compensation benefits for surviving family is to be paid as either a compensation pension for surviving family or a lump sum compensation for surviving family.

第十六条の二 遺族補償年金を受けることができる遺族は、労働者の配偶者、子、父母、孫、祖父母及び兄弟姉妹であつて、労働者の死亡の当時その収入によつて生計を維持していたものとする。ただし、妻（婚姻の届出をしていないが、事実上婚姻関係と同様の事情にあつた者を含む。以下同じ。）以外の者にあつては、労働者の死亡の当時次の各号に掲げる要件に該当した場合に限るものとする。

Article 16-2 (1) The surviving family members who are eligible to receive a compensation pension for surviving family is a worker's spouse, children, parents, grandchildren, grandparents, and siblings who were dependent on the worker's income at the time of their death; provided, however, that in the case of those other than a wife (including a person who did not register marriage but has been in a de facto marital relationship with the worker; the same applies hereinafter), this applies only where they have satisfied the requirements prescribed in any of the following items at the time of the worker's death:

一 夫（婚姻の届出をしていないが、事実上婚姻関係と同様の事情にあつた者を含む。以下同じ。） 、父母又は祖父母については、六十歳以上であること。

(i) in the case of a husband (including a person who did not register marriage but has been in a de facto marital relationship with the worker; the same

applies hereinafter), parents or grandparents: they are 60 years of age or older;

二 子又は孫については、十八歳に達する日以後の最初の三月三十一日までの間にあること。

(ii) in the case of children or grandchildren: they must be in their age before the first March 31 after they turned 18 years of age;

三 兄弟姉妹については、十八歳に達する日以後の最初の三月三十一日までの間にあること又は六十歳以上であること。

(iii) in the case of siblings: they must be in their age before the first March 31 after they turned 18 years of age, or they are 60 years of age or older; or

四 前三号の要件に該当しない夫、子、父母、孫、祖父母又は兄弟姉妹については、厚生労働省令で定める障害の状態にあること。

(iv) in the case of a husband, children, parents, grandchildren, grandparents, or siblings who do not fall under any of the requirements set forth in the preceding three items: they are disabled as specified in Order of the Ministry of Health, Labour and Welfare

2 労働者の死亡の当時胎児であつた子が出生したときは、前項の規定の適用については、将来に向かつて、その子は、労働者の死亡の当時その収入によつて生計を維持していた子とみなす。

(2) When a child who was an unborn baby at the time of a worker's death is born, the child, with respect to the application of the provisions of the preceding paragraph, is deemed, from then on, as a child who was dependent on the worker's income at the time of the worker's death.

3 遺族補償年金を受けるべき遺族の順位は、配偶者、子、父母、孫、祖父母及び兄弟姉妹の順序とする。

(3) The order of priority of surviving family members who are to receive a compensation pension for surviving family is given to the spouse first, and then to children, parents, grandchildren, grandparents and siblings.

第十六条の三 遺族補償年金の額は、別表第一に規定する額とする。

Article 16-3 (1) The amount of a compensation pension for surviving family is the amount prescribed in appended table 1.

2 遺族補償年金を受ける権利を有する者が二人以上あるときは、遺族補償年金の額は、前項の規定にかかわらず、別表第一に規定する額をその人数で除して得た額とする。

(2) If there are two or more persons who has the right to receive a compensation pension for surviving family, the amount of the compensation pension for surviving family, notwithstanding the provisions of the preceding paragraph, is the amount obtained by dividing the amount prescribed in appended table 1 by the number of persons concerned.

3 遺族補償年金の額の算定の基礎となる遺族の数に増減を生じたときは、その増減を生じた月の翌月から、遺族補償年金の額を改定する。

(3) If there has been an increase or decrease in the number of the surviving family members which is to be used as the basis for calculating the amount of a compensation pension for surviving family, the amount of the compensation pension for surviving family is changed from the month after the month in which the increase or decrease occurred.

4 遺族補償年金を受ける権利を有する遺族が妻であり、かつ、当該妻と生計を同じくしている遺族補償年金を受けることができる遺族がない場合において、当該妻が次の各号の一に該当するに至ったときは、その該当するに至った月の翌月から、遺族補償年金の額を改定する。

(4) Where the surviving family member who has the right to receive a compensation pension for surviving family is the worker's wife, and there are no other surviving family members eligible to receive the compensation pension for surviving family who share the cost of living with the wife, if the wife falls under any of the following items, the amount of the compensation pension for surviving family is changed from the month after the month in which the wife falls under the respective items:

一 五十五歳に達したとき（別表第一の厚生労働省令で定める障害の状態にあるときを除く。）。

(i) when the wife turns the age of 55 (excluding cases where the wife is disabled as specified in Order of the Ministry of Health, Labour and Welfare set forth in appended table 1);

二 別表第一の厚生労働省令で定める障害の状態になり、又はその事情がなくなつたとき（五十五歳以上であるときを除く。）。

(ii) when the wife becomes disabled as specified in Order of the Ministry of Health, Labour and Welfare set forth in Appended Table 1 or such circumstances have ceased to exist (excluding cases where the wife is 55 years of age or older)

第十六条の四 遺族補償年金を受ける権利は、その権利を有する遺族が次の各号の一に該当するに至ったときは、消滅する。この場合において、同順位者がなくて後順位者があるときは、次順位者に遺族補償年金を支給する。

Article 16-4 (1) The right to receive a compensation pension for surviving family is extinguished when a surviving family member having the right falls under any of the following items. In this case, when there is no person holding the same rank in the order of priority but there is a person(s) holding a lower rank, the compensation pension for surviving family is paid to the person(s) who holds the next rank:

一 死亡したとき。

(i) when the surviving family member eligible for survivors benefit dies;

二 婚姻（届出をしていないが、事実上婚姻関係と同様の事情にある場合を含む。）をしたとき。

- (ii) when the surviving family member eligible for survivors benefit is married (including cases where they did not register marriage but the surviving family member is in a de facto marital relationship);
- 三 直系血族又は直系姻族以外の者の養子（届出をしていないが、事実上養子縁組関係と同様の事情にある者を含む。）となつたとき。
- (iii) when the surviving family member eligible for survivors benefit is adopted by a person other than their lineal relative by blood or their lineal relative through marriage (including a person who did not register adoption but is in a de facto adoptive relationship);
- 四 離縁によつて、死亡した労働者との親族関係が終了したとき。
- (iv) when the kinship between the surviving family member and the deceased worker is terminated by the dissolution of their kinship;
- 五 子、孫又は兄弟姉妹については、十八歳に達した日以後の最初の三月三十一日が終了したとき（労働者の死亡の時から引き続き第十六条の二第一項第四号の厚生労働省令で定める障害の状態にあるときを除く。）。
- (v) in the case of children, grandchildren or siblings, when the first March 31 after they turned 18 years old ends (excluding cases where they have been disabled as specified in Order of the Ministry of Health, Labour and Welfare set forth in Article 16-2, paragraph (1), item (iv) continuously from the time of the death of the worker); or
- 六 第十六条の二第一項第四号の厚生労働省令で定める障害の状態にある夫、子、父母、孫、祖父母又は兄弟姉妹については、その事情がなくなつたとき（夫、父母又は祖父母については、労働者の死亡の当時六十歳以上であつたとき、子又は孫については、十八歳に達する日以後の最初の三月三十一日までの間にあるとき、兄弟姉妹については、十八歳に達する日以後の最初の三月三十一日までの間にあるか又は労働者の死亡の当時六十歳以上であつたときを除く。）。
- (vi) in the case of the worker's husband, children, parents, grandchildren, grandparents or siblings who are disabled as specified in Order of the Ministry of Health, Labour and Welfare set forth in Article 16-2, paragraph (1), item (iv), when such circumstances have ceased to exist (excluding cases where the worker's husband, parents or grandparents were 60 years of age or older at the time of the worker's death, where the worker's children or grandchildren have not experienced the first March 31 after they turned 18 years old, and where the worker's siblings have not experienced the first March 31 after they turned 18 years old or they were 60 years of age or older at the time of the worker's death).
- 2 遺族補償年金を受けることができる遺族が前項各号の一に該当するに至つたときは、その者は、遺族補償年金を受けることができる遺族でなくなる。
- (2) When a surviving family member eligible to receive a compensation pension for surviving family falls under any of the items of the preceding paragraph, the member cease to be a surviving family member eligible to receive the

compensation pension for surviving family.

第十六条の五 遺族補償年金を受ける権利を有する者の所在が一年以上明らかでない場合には、当該遺族補償年金は、同順位者があるときは同順位者の、同順位者がいないときは次順位者の申請によつて、その所在が明らかでない間、その支給を停止する。この場合において、同順位者がいないときは、その間、次順位者を先順位者とする。

Article 16-5 (1) When the whereabouts of a person who has the right to receive a compensation pension for surviving family is unknown for not less than one year, the payment of the compensation pension for surviving family is suspended for as long as those whereabouts are unknown, upon the request filed by a person who holds the same rank in the order of priority if there is any such person, or upon the request filed by a person who holds the next rank in the order of priority if there is no person holding the same rank. In this case, if there is no person holding the same rank, the person who holds the next rank is the person with the first rank during that period.

2 前項の規定により遺族補償年金の支給を停止された遺族は、いつでも、その支給の停止の解除を申請することができる。

(2) A surviving family member whose payment of the compensation pension for surviving family is suspended pursuant to the provisions of the preceding paragraph may request for revocation of the suspension of the payment at any time.

3 第十六条の三第三項の規定は、第一項の規定により遺族補償年金の支給が停止され、又は前項の規定によりその停止が解除された場合に準用する。この場合において、同条第三項中「増減を生じた月」とあるのは、「支給が停止され、又はその停止が解除された月」と読み替えるものとする。

(3) The provisions of Article 16-3, paragraph (3) apply mutatis mutandis where the payment of the compensation pension for surviving family is suspended pursuant to the provisions of paragraph (1) or where the suspension of the payment is revoked pursuant to the provisions of the preceding paragraph. In this case, the term "month in which the increase or decrease occurred" in paragraph (3) of that Article is deemed to be replaced with the "month in which the payment is suspended or the suspension of the payment is revoked."

第十六条の六 遺族補償一時金は、次の場合に支給する。

Article 16-6 (1) A lump sum compensation for surviving family is paid in the following cases:

一 労働者の死亡の当時遺族補償年金を受けることができる遺族がないとき。

(i) where, at the time of the worker's death, there is no surviving family member who is eligible to receive a compensation pension for surviving family; and

二 遺族補償年金を受ける権利を有する者の権利が消滅した場合において、他に当該

遺族補償年金を受けることができる遺族がなく、かつ、当該労働者の死亡に関し支給された遺族補償年金の額の合計額が当該権利が消滅した日において前号に掲げる場合に該当することとなるものとしたときに支給されることとなる遺族補償一時金の額に満たないとき。

(ii) where a person's right to receive the compensation pension for surviving family is extinguished, and there is no other surviving family member who is eligible to receive the compensation pension for surviving family and the total amount of the compensation pension for surviving family paid for the worker's death is less than the amount of the lump sum compensation for surviving family that would be paid on the assumption that the situation falls under the case set forth in the preceding item on the day on which the right is extinguished.

2 前項第二号に規定する遺族補償年金の額の合計額を計算する場合には、同号に規定する権利が消滅した日の属する年度（当該権利が消滅した日の属する月が四月から七月までの月に該当する場合にあつては、その前年度。以下この項において同じ。）の七月以前の分として支給された遺族補償年金の額については、その現に支給された額に当該権利が消滅した日の属する年度の前年度の平均給与額を当該遺族補償年金の支給の対象とされた月の属する年度の前年度（当該月が四月から七月までの月に該当する場合にあつては、前々年度）の平均給与額で除して得た率を基準として厚生労働大臣が定める率を乗じて得た額により算定するものとする。

(2) When the total amount of a compensation pension for surviving family prescribed in item (ii) of the preceding paragraph is calculated, with regard to the amount of the compensation pension for surviving family paid for a period before July of the fiscal year of the date on which the right prescribed in that item is extinguished (in cases where the month of the date on which the right is extinguished is any of the months from April to July, the previous fiscal year; hereinafter the same applies in this paragraph), the amount is calculated according to the amount obtained by multiplying the amount actually paid by the rate specified by the Minister of Health, Labour and Welfare based on the rate obtained by dividing the average salary for the fiscal year before the fiscal year of the date on which the right is extinguished by the average salary for the fiscal year one year before the fiscal year of the months for which the compensation pension for surviving family is paid (in cases where the relevant month is either April, May, June or July, the fiscal year two years before).

第十六条の七 遺族補償一時金を受けることができる遺族は、次の各号に掲げる者とする。

Article 16-7 (1) The surviving family members who are eligible to receive a lump sum compensation for surviving family are the persons specified in the following items:

一 配偶者

(i) the worker's spouse;

二 労働者の死亡の当時その収入によつて生計を維持していた子、父母、孫及び祖父母

(ii) the worker's children, parents, grandchildren and grandparents who were dependent on the worker's income at the time of their death; and

三 前号に該当しない子、父母、孫及び祖父母並びに兄弟姉妹

(iii) the worker's children, parents, grandchildren and grandparents who do not fall under the preceding item, and the worker's siblings.

2 遺族補償一時金を受けるべき遺族の順位は、前項各号の順序により、同項第二号及び第三号に掲げる者のうちにあつては、それぞれ、当該各号に掲げる順序による。

(2) The order of priority for the surviving family members who are to receive a lump sum compensation for surviving family is decided in accordance with the order set forth in each of the items of the preceding paragraph, and among the persons specified in items (ii) and (iii) of that paragraph, the order set forth in the respective items applies.

第十六条の八 遺族補償一時金の額は、別表第二に規定する額とする。

Article 16-8 (1) The amount of a lump sum compensation payment for surviving family is the amount prescribed in appended table 2.

2 第十六条の三第二項の規定は、遺族補償一時金の額について準用する。この場合において、同項中「別表第一」とあるのは、「別表第二」と読み替えるものとする。

(2) The provisions of Article 16-3, paragraph (2) apply mutatis mutandis to the amount of the lump sum compensation payment for surviving family. In this case, the term "appended table 1" in that paragraph is deemed to be replaced with "appended table 2".

第十六条の九 労働者を故意に死亡させた者は、遺族補償給付を受けることができる遺族としない。

Article 16-9 (1) A person who intentionally causes the death of a worker is not be regarded as a surviving family member who is eligible to receive compensation benefits for surviving family.

2 労働者の死亡前に、当該労働者の死亡によつて遺族補償年金を受けることができる先順位又は同順位の遺族となるべき者を故意に死亡させた者は、遺族補償年金を受けることができる遺族としない。

(2) A person who, before the death of a worker, intentionally causes the death of a person holding a higher or the same rank in the order of priority as a surviving family member who is eligible to receive a compensation pension for surviving family as a result of the worker's death, is not be regarded as a surviving family member who is eligible to receive a compensation pension for surviving family.

3 遺族補償年金を受けることができる遺族を故意に死亡させた者は、遺族補償一時金

を受けることができる遺族としない。労働者の死亡前に、当該労働者の死亡によつて遺族補償年金を受けることができる遺族となるべき者を故意に死亡させた者も、同様とする。

(3) A person who has intentionally causes the death of a surviving family member who is eligible to receive a compensation pension for surviving family is not regarded as a surviving family member who is eligible to receive a lump sum compensation payment for surviving family. The same applies to a person who, before the death of a worker, intentionally causes the death of a person who is to become a surviving family member eligible to receive a compensation pension for surviving family as a result of the worker's death.

4 遺族補償年金を受けることができる遺族が、遺族補償年金を受けることができる先順位又は同順位の他の遺族を故意に死亡させたときは、その者は、遺族補償年金を受けることができる遺族でなくなる。この場合において、その者が遺族補償年金を受ける権利を有する者であるときは、その権利は、消滅する。

(4) When a surviving family member who is eligible to receive a compensation pension for surviving family intentionally causes the death of another surviving family member holding a higher or the same rank in the order of priority as a surviving family member who is eligible to receive a compensation pension for surviving family, that surviving family member is not regarded as a surviving family member who is eligible to receive a compensation pension for surviving family. In this case, if that surviving family member is a person having the right to receive a compensation pension for surviving family, the relevant right is extinguished.

5 前項後段の場合には、第十六条の四第一項後段の規定を準用する。

(5) In the case referred to in the second sentence of the preceding paragraph, the provisions of the second sentence of Article 16-4, paragraph (1) apply *mutatis mutandis*.

第十七条 葬祭料は、通常葬祭に要する費用を考慮して厚生労働大臣が定める金額とする。

Article 17 The amount of funeral service fee is the amount specified by the Minister of Health, Labour and Welfare in consideration of the cost normally required for funeral.

第十八条 傷病補償年金は、第十二条の八第三項第二号の厚生労働省令で定める傷病等級に応じ、別表第一に規定する額とする。

Article 18 (1) The amount of an illness and injury compensation pension is as prescribed in appended table 1 in accordance with the grades of illness or injury specified in Order of the Ministry of Health, Labour and Welfare set forth in Article 12-8, paragraph (3), item (ii).

2 傷病補償年金を受ける者には、休業補償給付は、行わない。

(2) Compensation payment for loss of salary during a temporary absence from work is not paid to a person who receives an illness or injury compensation pension.

第十八条の二 傷病補償年金を受ける労働者の当該障害の程度に変更があつたため、新たに別表第一中の他の傷病等級に該当するに至つた場合には、政府は、厚生労働省令で定めるところにより、新たに該当するに至つた傷病等級に応ずる傷病補償年金を支給するものとし、その後は、従前の傷病補償年金は、支給しない。

Article 18-2 Where there has been a change in the degree of the relevant degree of disability of a worker receiving an illness or injury compensation pension, and as a result of such change, that person falls under another grade of illness or injury prescribed in appended table 1, the government, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, pays the illness or injury compensation pension corresponding to the new grade of illness or injury under which the person now falls, and does not pay the former illness or injury compensation pension thereafter.

第十九条 業務上負傷し、又は疾病にかかつた労働者が、当該負傷又は疾病に係る療養の開始後三年を経過した日において傷病補償年金を受けている場合又は同日後において傷病補償年金を受けることとなつた場合には、労働基準法第十九条第一項の規定の適用については、当該使用者は、それぞれ、当該三年を経過した日又は傷病補償年金を受けることとなつた日において、同法第八十一条の規定により打切補償を支払つたものとみなす。

Article 19 Where a worker who gets injured or fall ill in the course of their duties receives an illness or injury compensation pension on the day when three years have elapsed after the commencement of medical treatment pertaining to the illness or injury, or begins to receive an illness or injury compensation pension after that day, with respect to the application of the provisions of Article 19, paragraph (1) of the Labor Standards Act, the relevant employer is deemed to have received a compensation for discontinuance pursuant to the provisions of Article 81 of the Labor Standards Act on the day when three years have elapsed or on the day when the worker begins to receive the illness or injury compensation pension, respectively.

第十九条の二 介護補償給付は、月を単位として支給するものとし、その月額は、常時又は随時介護を受ける場合に通常要する費用を考慮して厚生労働大臣が定める額とする。

Article 19-2 Nursing care compensation benefits is to be paid monthly, and the monthly amount is the amount specified by the Minister of Health, Labour and Welfare in consideration of the expenses normally required for receiving constant or occasional nursing care.

第二十条 この節に定めるもののほか、業務災害に関する保険給付について必要な事項は、厚生労働省令で定める。

Article 20 In addition to what is prescribed in this Section, the particulars necessary for payment of insurance proceeds in respect of an occupational accidents are prescribed in Order of the Ministry of Health, Labour & Welfare.

第三節 通勤災害に関する保険給付

Section 3 Insurance Proceeds for Commuting Accidents

第二十一条 第七条第一項第二号の通勤災害に関する保険給付は、次に掲げる保険給付とする。

Article 21 The insurance proceeds in respect of commuting accidents set forth in Article 7, paragraph (1), item (ii) are the insurance proceeds specified as follows:

一 療養給付

(i) medical treatment benefits;

二 休業給付

(ii) payment for loss of salary during a temporary absence from work;

三 障害給付

(iii) disability benefits;

四 遺族給付

(iv) benefits for surviving family;

五 葬祭給付

(v) payments for funeral service fee;

六 傷病年金

(vi) benefits for workers who get injured or fall ill while commuting to and from work; and

七 介護給付

(vii) nursing care benefits

第二十二条 療養給付は、労働者が通勤（第七条第一項第二号の通勤をいう。以下同じ。）により負傷し、又は疾病（厚生労働省令で定めるものに限る。以下この節において同じ。）にかかった場合に、当該労働者に対し、その請求に基づいて行なう。

Article 22 (1) Where a worker gets injured or falls ill (limited to diseases specified by Order of the Ministry of Health, Labour and Welfare; hereinafter the same applies in this Section) while commuting to or from work (meaning commuting as set forth in Article 7, paragraph (1), item (ii); the same applies hereinafter), medical treatment benefits is paid to the worker based on their claim.

2 第十三条の規定は、療養給付について準用する。

(2) The provisions of Article 13 apply mutatis mutandis to medical treatment benefits.

第二十二條の二 休業給付は、労働者が通勤による負傷又は疾病に係る療養のため労働することができないために賃金を受けない場合に、当該労働者に対し、その請求に基づいて行なう。

Article 22-2 (1) Where a worker does not receive wages because of their inability to work due to medical treatment pertaining to an injury or illness caused while commuting to or from work, compensation payment for loss of salary during a temporary absence from work benefits is to be paid to the worker based on their claim.

2 第十四条及び第十四条の二の規定は、休業給付について準用する。この場合において、第十四条第一項中「業務上の」とあるのは「通勤による」と、同条第二項中「別表第一第一号から第三号までに規定する場合に応じ、それぞれ同表第一号から第三号までの政令で定める率のうち傷病補償年金について定める率」とあるのは「第二十三条第二項において準用する別表第一第一号から第三号までに規定する場合に応じ、それぞれ同表第一号から第三号までの政令で定める率のうち傷病年金について定める率」と読み替えるものとする。

(2) The provisions of Article 14 and Article 14-2 apply mutatis mutandis to compensation payment for loss of salary during a temporary absence from work. In this case, the term "in the course of their duties" in Article 14, paragraph (1) is deemed to be replaced with "while commuting to or from work" and the term "in accordance with the cases prescribed in items (i) through (iii) of appended table 1, by the rate for an illness or injury compensation pension amongst the rates specified in Cabinet Order set forth in items (i) to (iii) of that table" in paragraph (2) of that Article is to be deemed to be replaced with "in accordance with the cases prescribed in items (i) through (iii) of appended table 1 as applied mutatis mutandis pursuant to the provisions of Article 23, paragraph (2), by the rate for an illness or injury compensation pension amongst the rates specified in Cabinet Order set forth in items (i) through (iii) of that table."

3 療養給付を受ける労働者（第三十一条第二項の厚生労働省令で定める者を除く。）に支給する休業給付であつて最初に支給すべき事由の生じた日に係るものの額は、前項において準用する第十四条第一項の規定にかかわらず、同項の額から第三十一条第二項の厚生労働省令で定める額に相当する額を減じた額とする。

(3) The amount of compensation or loss of salary during a temporary absence from work to be paid to a worker receiving medical treatment benefits (excluding persons specified in Order of the Ministry of Health, Labour and Welfare as set forth in Article 31, paragraph (2)) pertaining to the first day on which the grounds for payment occurred, notwithstanding the provisions of Article 14, paragraph (1) as applied mutatis mutandis pursuant to the provisions of the preceding paragraph, is the amount obtained by deducting the

amount equivalent to the amount specified in Order of the Ministry of Health, Labour and Welfare set forth in Article 31, paragraph (2) from the amount set forth in Article 14, paragraph (1).

第二十二條の三 障害給付は、労働者が通勤により負傷し、又は疾病にかかり、なおつたとき身体に障害が存する場合に、当該労働者に対し、その請求に基づいて行なう。

Article 22-3 (1) Where a worker gets injured or falls ill while commuting to or from work and remains physically disabled after recovery, a disability benefit is paid to the worker based on their claim.

2 障害給付は、第十五条第一項の厚生労働省令で定める障害等級に応じ、障害年金又は障害一時金とする。

(2) Disability benefits are paid in the form of disability pension or a lump sum payment for disability, in accordance with the grades of disabilities specified in Order of the Ministry of Health, Labour and Welfare set forth in Article 15, paragraph (1).

3 第十五条第二項及び第十五条の二並びに別表第一（障害補償年金に係る部分に限る。）及び別表第二（障害補償一時金に係る部分に限る。）の規定は、障害給付について準用する。この場合において、これらの規定中「障害補償年金」とあるのは「障害年金」と、「障害補償一時金」とあるのは「障害一時金」と読み替えるものとする。

(3) The provisions of Article 15, paragraph (2) and Article 15-2 as well as the provisions of appended table 1 (limited to the parts pertaining to the disability compensation pension) and appended table 2 (limited to the parts pertaining to the lump sum compensation payment for disability) apply mutatis mutandis to disability benefits. In this case, the term "disability compensation pension" and "lump sum payment for disability" in these provisions are respectively deemed to be replaced with "disability pension" and "lump sum payment for disability".

第二十二條の四 遺族給付は、労働者が通勤により死亡した場合に、当該労働者の遺族に対し、その請求に基づいて行なう。

Article 22-4 (1) Where a worker dies while commuting to or from work, benefits for surviving family is paid to the worker's surviving family members based on their claims.

2 遺族給付は、遺族年金又は遺族一時金とする。

(2) Benefit for surviving family is paid in the form of a survivor pension or lump sum payment for surviving family.

3 第十六条の二から第十六条の九まで並びに別表第一（遺族補償年金に係る部分に限る。）及び別表第二（遺族補償一時金に係る部分に限る。）の規定は、遺族給付について準用する。この場合において、これらの規定中「遺族補償年金」とあるのは「遺族年金」と、「遺族補償一時金」とあるのは「遺族一時金」と読み替えるものとする。

(3) The provisions of Articles 16-2 to Article 16-9 as well as the provisions of

appended table 1 (limited to the parts pertaining to the compensation pension for surviving family) and appended table 2 (limited to the parts pertaining to the lump sum compensation for surviving family) apply mutatis mutandis to benefits for surviving family. In this case, the term "compensation pension for surviving family" and "lump sum compensation for surviving family" in these provisions are respectively deemed to be replaced with "pension for surviving family" and "lump sum payment for surviving family".

第二十二條の五 葬祭給付は、労働者が通勤により死亡した場合に、葬祭を行なう者に対し、その請求に基づいて行なう。

Article 22-5 (1) Where a worker dies while commuting to or from work, funeral service fee is paid to the person who holds the funeral based on their claim.

2 第十七条の規定は、葬祭給付について準用する。

(2) The provisions of Article 17 apply mutatis mutandis to payment of funeral service fee.

第二十三條 傷病年金は、通勤により負傷し、又は疾病にかかった労働者が、当該負傷又は疾病に係る療養の開始後一年六箇月を経過した日において次の各号のいずれにも該当するとき、又は同日後次の各号のいずれにも該当することとなつたときに、その状態が継続している間、当該労働者に対して支給する。

Article 23 (1) An illness or injury pension is paid to a worker who gets injured or fall ill while commuting to or from work, when the person falls under all of the following items on the day on which one year and six months have elapsed after the commencement of medical treatment pertaining to the illness or injury, or falls under all of the following items after that day, and such payment is made for the period during which the relevant illness or injury continues to exist:

一 当該負傷又は疾病が治っていないこと。

(i) the illness or injury is not cured; and

二 当該負傷又は疾病による障害の程度が第十二條の八第三項第二号の厚生労働省令で定める傷病等級に該当すること。

(ii) the degree of disability due to the illness or injury falls under a grade of illness or injury specified by Order of the Ministry of Health, Labour and Welfare set forth in Article 12-8, paragraph (3), item (ii).

2 第十八條、第十八條の二及び別表第一（傷病補償年金に係る部分に限る。）の規定は、傷病年金について準用する。この場合において、第十八條第二項中「休業補償給付」とあるのは「休業給付」と、同表中「傷病補償年金」とあるのは「傷病年金」と読み替えるものとする。

(2) The provisions of Article 18 and Article 18-2 as well as the provisions of appended table 1 (limited to those parts pertaining to the illness or injury compensation pension) apply mutatis mutandis to an illness or injury pension.

In this case, the term "compensation payment for loss of salary during a temporary absence from work " in Article 18, paragraph (2) is deemed to be replaced with "payment for loss of salary during a temporary absence from work", and the term "illness or injury compensation pension" in that table is deemed to be replaced with "illness or injury pension".

第二十四条 介護給付は、障害年金又は傷病年金を受ける権利を有する労働者が、その受ける権利を有する障害年金又は傷病年金の支給事由となる障害であつて第十二条の八第四項の厚生労働省令で定める程度のものにより、常時又は随時介護を要する状態にあり、かつ、常時又は随時介護を受けているときに、当該介護を受けている間（次に掲げる間を除く。）、当該労働者に対し、その請求に基づいて行う。

Article 24 (1) Nursing care benefit is paid to a worker who has the right to receive a disability pension or an illness or injury pension, based on their claim, when the worker is in a physical condition requiring constant or occasional nursing care and is receiving constant or occasional nursing care due to a disability which is the cause for the payment of that disability pension or illness or injury pension which the worker has the right to receive and whose degree of disability is specified by Order of the Ministry of Health, Labour and Welfare set forth in Article 12-8, paragraph (4), and such payment is made during the period while the worker is receiving the nursing care(excluding the following periods):

一 障害者支援施設に入所している間（生活介護を受けている場合に限る。）

(i) the period during which the worker is admitted to a facility designed for persons with disabilities (limited to cases where the worker receives nursing care for daily life);

二 第十二条の八第四項第二号の厚生労働大臣が定める施設に入所している間

(ii) the period during which the worker is admitted to a facility specified by the Minister of Health, Labour and Welfare set forth in Article 12-8, paragraph (4), item (ii); and

三 病院又は診療所に入院している間

(iii) the period during which the worker is admitted to a hospital or clinic

2 第十九条の二の規定は、介護給付について準用する。

(2) The provisions of Article 19-2 apply mutatis mutandis to nursing care benefits.

第二十五条 この節に定めるもののほか、通勤災害に関する保険給付について必要な事項は、厚生労働省令で定める。

Article 25 In addition to what is prescribed in this Section, necessary particulars necessary for payment of insurance proceeds in respect of a commuting accident are prescribed by Order of the Ministry of Health, Labour and Welfare.

第四節 二次健康診断等給付

Section 4 Payment for Follow-up Medical Examination

第二十六条 二次健康診断等給付は、労働安全衛生法（昭和四十七年法律第五十七号）第六十六条第一項の規定による健康診断又は当該健康診断に係る同条第五項ただし書の規定による健康診断のうち、直近のもの（以下この項において「一次健康診断」という。）において、血圧検査、血液検査その他業務上の事由による脳血管疾患及び心臓疾患の発生にかかわる身体の状態に関する検査であつて、厚生労働省令で定めるものが行われた場合において、当該検査を受けた労働者がそのいずれの項目にも異常の所見があると診断されたときに、当該労働者（当該一次健康診断の結果その他の事情により既に脳血管疾患又は心臓疾患の症状を有すると認められるものを除く。）に対し、その請求に基づいて行う。

Article 26 (1) Follow-up medical examination expenses is paid to a worker, based on their claim, where the worker has, in their most recent medical examination conducted pursuant to the provisions of Article 66, paragraph (1) of the Industrial Health and Safety Act (Act No. 57 of 1972) or a medical examination pertaining to the medical examination conducted pursuant to the provisions of the proviso to paragraph (5) of that Article (hereinafter referred to as an "initial medical examination" in this paragraph), undergone blood pressure tests or blood tests or other tests concerning physical conditions related to the occurrence of a cerebrovascular disease or heart disease caused in the course of their duties, which are specified by Order of the Ministry of Health, Labour and Welfare, and the worker who has undergone these tests is diagnosed as those showing abnormalities for all items of the medical test (excluding workers who, based on the results of the initial medical examination or for other reasons, obviously have symptoms of cerebrovascular disease or heart disease).

2 二次健康診断等給付の範囲は、次のとおりとする。

(2) The coverage of follow-up medical examination is as follows:

一 脳血管及び心臓の状態を把握するために必要な検査（前項に規定する検査を除く。）であつて厚生労働省令で定めるものを行う医師による健康診断（一年度につき一回に限る。以下この節において「二次健康診断」という。）

(i) a medical examination conducted by a doctor who carries out the medical test (excluding the tests prescribed in the preceding paragraph) specified by Order of the Ministry of Health, Labour and Welfare which are necessary to understand the conditions of the blood vessels in the brain and the heart (limited to once per fiscal year; hereinafter referred to as a "follow-up medical examination" in this Section); and

二 二次健康診断の結果に基づき、脳血管疾患及び心臓疾患の発生の予防を図るため、面接により行われる医師又は保健師による保健指導（二次健康診断ごとに一回に限る。次項において「特定保健指導」という。）

(ii) health guidance given by a doctor or public health nurse by having an interview based on the results of the follow-up medical examination in order to prevent the occurrence of a cerebrovascular disease and heart disease (limited to once per follow-up medical examination; hereinafter referred to as "specific health guidance" in the following paragraph)

3 政府は、二次健康診断の結果その他の事情により既に脳血管疾患又は心臓疾患の症状を有すると認められる労働者については、当該二次健康診断に係る特定保健指導を行わないものとする。

(3) With regard to workers who, based on the results of a follow-up medical examination or for other reasons, obviously have symptoms of a cerebrovascular disease or heart disease, the government does not give specific health guidance pertaining to the follow-up medical examination.

第二十七条 二次健康診断を受けた労働者から当該二次健康診断の実施の日から三箇月を超えない期間で厚生労働省令で定める期間内に当該二次健康診断の結果を証明する書面の提出を受けた事業者（労働安全衛生法第二条第三号に規定する事業者をいう。）に対する同法第六十六条の四の規定の適用については、同条中「健康診断の結果（当該健康診断」とあるのは、「健康診断及び労働者災害補償保険法第二十六条第二項第一号に規定する二次健康診断の結果（これらの健康診断」とする。

Article 27 With respect to the application of the provisions of Article 66-4 of the Industrial Health and Safety Act to an employer (meaning an employer prescribed in Article 2, item (iii) of that Act) who has received, from a worker who has undergone a follow-up medical examination, a document certifying the results of the follow-up medical examination within a period specified by Order of the Ministry of Health, Labour and Welfare not exceeding three months from the day of the follow-up medical examination, the term the "results of the medical examinations... (limited to the results of the medical examinations" in that Article is deemed to be replaced with the "results of the medical examination and the follow-up medical examination prescribed in Article 26, paragraph (2), item (i) of the Industrial Accident Compensation Insurance Act... (limited to the results of these medical examinations".

第二十八条 この節に定めるもののほか、二次健康診断等給付について必要な事項は、厚生労働省令で定める。

Article 28 In addition to what is prescribed in this Section, the necessary particulars for the payment of follow-up medical examination, etc. are prescribed by Order of the Ministry of Health, Labour and Welfare.

第三章の二 社会復帰促進等事業

Chapter III-2 Projects to Promote Social Reintegration of Workers into Society

第二十九条 政府は、この保険の適用事業に係る労働者及びその遺族について、社会復帰促進等事業として、次の事業を行うことができる。

Article 29 (1) The government may undertake the following projects as the project to promote social reintegration of workers into society for workers engaged in businesses covered by this insurance and their surviving families:

一 療養に関する施設及びリハビリテーションに関する施設の設置及び運営その他業務災害及び通勤災害を被った労働者（次号において「被災労働者」という。）の円滑な社会復帰を促進するために必要な事業

(i) projects necessary to establish and operate facilities for medical treatment and facilities for medical rehabilitation, and promote the smooth social reintegration of workers had an occupational accident or commuting accident (hereinafter referred to as "victims" in the following item);

二 被災労働者の療養生活の援護、被災労働者の受ける介護の援護、その遺族の就学の援護、被災労働者及びその遺族が必要とする資金の貸付けによる援護その他被災労働者及びその遺族の援護を図るために必要な事業

(ii) projects necessary to provide support for victims under medical treatment, provide support for victims who receive nursing care, provide support for surviving family members who attend school, support victims and their surviving family members by providing loans for the funds they need, and other support for victims and their surviving family members; and

三 業務災害の防止に関する活動に対する援助、健康診断に関する施設の設置及び運営その他労働者の安全及び衛生の確保、保険給付の適切な実施の確保並びに賃金の支払の確保を図るために必要な事業

(iii) projects necessary to support activities for the prevention of occupational accidents, to establish and operate facilities for medical examinations, to secure the safety and health of workers, to secure the appropriate implementation of the payment of insurance proceeds, and to secure the payment of wages

2 前項各号に掲げる事業の実施に関して必要な基準は、厚生労働省令で定める。

(2) Standards necessary for the implementation of the projects specified in the items of the preceding paragraph are specified by Order of the Ministry of Health, Labour and Welfare.

3 政府は、第一項の社会復帰促進等事業のうち、独立行政法人労働者健康福祉機構法（平成十四年法律第百七十一号）第十二条第一項に掲げるものを独立行政法人労働者健康福祉機構に行わせるものとする。

(3) The government is to have the Japan Labor Health and Welfare Organization perform, among the project to promote social reintegration of workers into society set forth in paragraph (1), those specified in Article 12, paragraph (1) of the Japan Labor Health and Welfare Organization Act (Act No. 171 of 2002).

第四章 費用の負担 Chapter IV Bearing of Costs

第三十条 労働者災害補償保険事業に要する費用にあてるため政府が徴収する保険料については、徴収法の定めるところによる。

Article 30 The premiums to be collected by the government to cover the costs necessary for industrial accident compensation insurance services are governed by the provisions of the Premiums Collection Act.

第三十一条 政府は、次の各号のいずれかに該当する事故について保険給付を行ったときは、厚生労働省令で定めるところにより、業務災害に関する保険給付にあつては労働基準法の規定による災害補償の価額の限度で、通勤災害に関する保険給付にあつては通勤災害を業務災害とみなした場合に支給されるべき業務災害に関する保険給付に相当する同法の規定による災害補償の価額の限度で、その保険給付に要した費用に相当する金額の全部又は一部を事業主から徴収することができる。

Article 31 (1) When the government pays insurance proceeds for an accident which falls under any of the following items, it may collect from the employer, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, the whole or a part of the amount of money equivalent to the amount incurred to pay the insurance benefits, up to the limit of, in the case of insurance proceeds in respect of an occupational accident, the value of accident compensation under the provisions of the Labor Standards Act, and up to the limit of, in the case of insurance proceeds for a commuting accident, the value of accident compensation under the provisions of that Act equivalent to the insurance proceeds for an occupational accident payable where a commuting accident is deemed to be an occupational accident:

一 事業主が故意又は重大な過失により徴収法第四条の二第一項の規定による届出であつてこの保険に係る保険関係の成立に係るものをしていない期間（政府が当該事業について徴収法第十五条第三項の規定による決定をしたときは、その決定後の期間を除く。）中に生じた事故

(i) an accident occurred during a period when the employer has failed, intentionally or through gross negligence, to submit a notification under the provisions of Article 4-2, paragraph (1) of the Premiums Collection Act which is related to the establishment of the relationship between the insured business and this insurance (in cases where the government has made a decision with respect to the projects concerned under the provisions of Article 15, paragraph (3) of the Premiums Collection Act, the period after the decision is excluded);

二 事業主が徴収法第十条第二項第一号の一般保険料を納付しない期間（徴収法第二十六条第二項の督促状に指定する期限後の期間に限る。）中に生じた事故

(ii) an accident occurred during a period when the employer has failed to pay

the general premiums set forth in Article 10, paragraph (2), item (i) of the Premiums Collection Act (limited to the period after the time limit designated in a demand letter set forth in Article 26, paragraph (2) of the Premiums Collection Act); or

三 事業主が故意又は重大な過失により生じさせた業務災害の原因である事故

(iii) an accident caused by the employer through their intentional act or gross negligence, which is the cause of an occupational accident

2 政府は、療養給付を受ける労働者（厚生労働省令で定める者を除く。）から、二百円を超えない範囲内で厚生労働省令で定める額を一部負担金として徴収する。ただし、第二十二條の二第四項の規定により減額した休業給付の支給を受けた労働者については、この限りでない。

(2) The government collects an amount specified by Order of the Ministry of Health, Labour and Welfare not exceeding two hundred yen, from a worker who receives payment for medical treatment (excluding workers specified by Order of the Ministry of Health, Labour and Welfare) as the worker's co-payment; provided, however, that this does not apply to a worker who receives payment for loss of salary during a temporary absence from work at an amount reduced pursuant to the provisions of Article 22-2, paragraph (4).

3 政府は、前項の労働者から徴収する同項の一部負担金に充てるため、厚生労働省令で定めるところにより、当該労働者に支払うべき保険給付の額から当該一部負担金の額に相当する額を控除することができる。

(3) The government may, as an appropriation to the co-payment set forth in the preceding paragraph, which is collected from the worker set forth in that paragraph, deduct an amount equivalent to the co-payment from the amount of the insurance proceeds to be paid to the worker, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

4 徴収法第二十六條、第二十八條、第二十九條及び第四十一條の規定は、第一項又は第二項の規定による徴収金について準用する。

(4) The provisions of Article 26, Article 28, Article 29 and Article 41 of the Premiums Collection Act apply mutatis mutandis to the money collected under the provisions of paragraph (1) or (2).

第三十二條 国庫は、予算の範囲内において、労働者災害補償保険事業に要する費用の一部を補助することができる。

Article 32 The national treasury may subsidize part of the costs necessary for industrial accident compensation insurance services, within the budget.

第四章の二 特別加入

Chapter IV-2 Special Insurance Coverage

第三十三條 次の各号に掲げる者（第二号、第四号及び第五号に掲げる者にあつては、

労働者である者を除く。)の業務災害及び通勤災害に関しては、この章に定めるところによる。

Article 33 The occupational accident and commuting accident of the persons specified in the following items (in the case of persons specified in items (ii), (iv) or (v), excluding those who are workers) are governed by the provisions of this Chapter:

一 厚生労働省令で定める数以下の労働者を使用する事業（厚生労働省令で定める事業を除く。第七号において「特定事業」という。）の事業主で徴収法第三十三条第三項の労働保険事務組合（以下「労働保険事務組合」という。）に同条第一項の労働保険事務の処理を委託するものである者（事業主が法人その他の団体であるときは、代表者）

(i) an employer who hires the number of workers less than the number specified by Order of the Ministry of Health, Labour and Welfare (excluding businesses specified by Order of the Ministry of Health, Labour and Welfare; hereinafter referred to as a "specified business" in item (vii)), who entrusts a labor insurance affairs association set forth in Article 33, paragraph (3) of the Premiums Collection Act (hereinafter referred to as a "labor insurance affairs association") with the handling of the labor insurance affairs set forth in paragraph (1) of that Article (in cases where the employer is a juridical person or other organization, the representative thereof);

二 前号の事業主が行う事業に従事する者

(ii) a person engaged in a business operated by an employer set forth in the preceding item;

三 厚生労働省令で定める種類の事業を労働者を使用しないで行うことを常態とする者

(iii) a person who normally operates a type of business specified by Order of the Ministry of Health, Labour and Welfare without hiring any workers;

四 前号の者が行う事業に従事する者

(iv) a person engaged in a business operated by a person set forth in the preceding item;

五 厚生労働省令で定める種類の作業に従事する者

(v) a person engaged in a type of work specified by Order of the Ministry of Health, Labour and Welfare;

六 この法律の施行地外の地域のうち開発途上にある地域に対する技術協力の実施の事業（事業の期間が予定される事業を除く。）を行う団体が、当該団体の業務の実施のため、当該開発途上にある地域（業務災害及び通勤災害に関する保護制度の状況その他の事情を考慮して厚生労働省令で定める国の地域を除く。）において行われる事業に従事させるために派遣する者

(vi) a person who is dispatched by an organization carrying out a business for providing technical cooperation in a developing area outside the area where this Act is enforced (excluding businesses for which the period of business is

predetermined), to be engaged in a business carried out in the developing area (excluding areas in countries specified by Order of the Ministry of Health, Labour and Welfare in consideration of the status of protection systems in relation to occupational accidents and commuting accidents and other circumstances) in order to perform the operations of the organization; and

七 この法律の施行地内において事業（事業の期間が予定される事業を除く。）を行う事業主が、この法律の施行地外の地域（業務災害及び通勤災害に関する保護制度の状況その他の事情を考慮して厚生労働省令で定める国の地域を除く。）において行われる事業に従事させるために派遣する者（当該事業が特定事業に該当しないときは、当該事業に使用される労働者として派遣する者に限る。）

(vii) a person who is dispatched by an employer carrying out a business in the area where this Act is enforced (excluding businesses for which the period of business is predetermined), to be engaged in a business carried out in an area outside the area where this Act is forced (excluding areas in countries specified by Order of the Ministry of Health, Labour and Welfare in consideration of the status of protection systems in relation to occupational accidents and commuting accidents and other circumstances) (in cases where the business does not fall under the categories of specified business, limited to persons who are dispatched as a worker used for the relevant business)

第三十四条 前条第一号の事業主が、同号及び同条第二号に掲げる者を包括して当該事業について成立する保険関係に基づきこの保険による業務災害及び通勤災害に関する保険給付を受けることができる者とするにつき申請をし、政府の承認があつたときは、第三章第一節から第三節まで及び第三章の二の規定の適用については、次に定めるところによる。

Article 34 (1) When an employer set forth in item (i) of the preceding Article files a claim for persons specified in that item and in item (ii) of that Article collectively as persons eligible to receive insurance proceeds for the occupational accident or commuting accident covered by this insurance based on the relationship established between this insurance and the relevant business, and the approval of the government has been given, the application of the provisions of Chapter III, Sections 1 to 3 and Chapter III-2 is provided as follows:

一 前条第一号及び第二号に掲げる者は、当該事業に使用される労働者とみなす。

(i) The persons specified in items (i) and (ii) of the preceding Article are deemed to be the workers used for the business;

二 前条第一号又は第二号に掲げる者が業務上負傷し、若しくは疾病にかかつたとき、その負傷若しくは疾病についての療養のため当該事業に従事することができないとき、その負傷若しくは疾病が治つた場合において身体に障害が存するとき、又は業務上死亡したときは、労働基準法第七十五条から第七十七条まで、第七十九条及び

第八十条に規定する災害補償の事由が生じたものとみなす。

(ii) When a person specified in item (i) or (ii) of the preceding Article gets injured or falls ill during the course of their duties, when the person is unable to engage in the business due to medical treatment for the illness or injury or when the person remains physically disabled after the person has recovered from the illness or injury, or when the person dies in the course of their duties, it is deemed that the cause of accident compensation prescribed in Article 75 to Article 77 and Article 79 and Article 80 of the Labor Standards Act has occurred;

三 前条第一号及び第二号に掲げる者の給付基礎日額は、当該事業に使用される労働者の賃金の額その他の事情を考慮して厚生労働大臣が定める額とする。

(iii) The basic daily payment amount for the persons specified in items (i) and (ii) of the preceding Article is the amount specified by the Minister of Health, Labour and Welfare in consideration of the amount of the wages of the workers used for the business and other circumstances; and

四 前条第一号又は第二号に掲げる者の事故が徴収法第十条第二項第二号の第一種特別加入保険料が滞納されている期間中に生じたものであるときは、政府は、当該事故に係る保険給付の全部又は一部を行わないことができる。これらの者の業務災害の原因である事故が前条第一号の事業主の故意又は重大な過失によつて生じたものであるときも、同様とする。

(iv) When an accident involving a person specified in item (i) or (ii) of the preceding Article occurs during a period in which Type 1 special insurance premiums set forth in Article 10, paragraph (2), item (ii) of the Premiums Collection Act is unpaid, the government may decide not to pay the insurance proceeds pertaining to the accident in whole or in part. The same applies where an accident that is the cause of an occupational accident occurred to any of these persons as a result of an intentional act or the gross negligence of an employer set forth in item (i) of the preceding Article.

2 前条第一号の事業主は、前項の承認があつた後においても、政府の承認を受けて、同号及び同条第二号に掲げる者を包括して保険給付を受けることができる者としなないこととすることができる。

(2) The employer set forth in item (i) of the preceding Article may, even after the approval set forth in the preceding paragraph is given, decide not to designate the persons specified in that item and item (ii) of that Article collectively as persons eligible to receive insurance proceeds, with the approval of the government.

3 政府は、前条第一号の事業主がこの法律若しくは徴収法又はこれらの法律に基づく厚生労働省令の規定に違反したときは、第一項の承認を取り消すことができる。

(3) The government may, when an employer set forth in item (i) of the preceding Article violates the provisions of this Act or the Premiums Collection Act or Order of the Ministry of Health, Labour and Welfare under these Acts, revoke

the approval set forth in paragraph (1).

4 前条第一号及び第二号に掲げる者の保険給付を受ける権利は、第二項の規定による承認又は前項の規定による第一項の承認の取消しによつて変更されない。これらの者が同条第一号及び第二号に掲げる者でなくなつたことによつても、同様とする。

(4) The right to receive insurance proceeds of the persons specified in items (i) and (ii) of the preceding Article is not affected by the approval under the provisions of paragraph (2) or the revocation of the approval set forth in paragraph (1) pursuant to the provisions of the preceding paragraph. The same applies where these persons have ceased to be the persons specified in items (i) and (ii) of that Article.

第三十五条 第三十三条第三号に掲げる者の団体又は同条第五号に掲げる者の団体が、当該団体の構成員である同条第三号に掲げる者及びその者に係る同条第四号に掲げる者又は当該団体の構成員である同条第五号に掲げる者の業務災害及び通勤災害（これらの者のうち、住居と就業の場所との間の往復の状況等を考慮して厚生労働省令で定める者にあつては、業務災害に限る。）に関してこの保険の適用を受けることにつき申請をし、政府の承認があつたときは、第三章第一節から第三節まで（当該厚生労働省令で定める者にあつては、同章第一節及び第二節）、第三章の二及び徴収法第二章から第六章までの規定の適用については、次に定めるところによる。

Article 35 (1) When an association of persons set forth in Article 33, item (iii) or an association of persons set forth in item (v) of that Article has filed a claim to have this insurance apply to occupational accidents and commuting accidents occurred to the persons set forth in item (iii) of that Article who are members of the association and to persons set forth in item (iv) of that Article related to those persons or to persons set forth in item (v) of that Article who are members of the association (limited to occupational accidents in the case of persons specified by Order of the Ministry of Health, Labour and Welfare among those specified above in consideration of the situation while traveling between their residence and workplace or the like), and the approval of the government has been given, the application of the provisions of Chapter III, Sections 1 through 3 (with regard to the persons specified by Order of the Ministry of Health, Labour and Welfare, Sections 1 and 2 of that Chapter) and Chapter III-2 of this Act and Chapters II through VI of the Premiums Collection Act are provided as follows:

一 当該団体は、第三条第一項の適用事業及びその事業主とみなす。

(i) the association is deemed to be the insured business set forth in Article 3, paragraph (1) and as the employer thereof.

二 当該承認があつた日は、前号の適用事業が開始された日とみなす。

(ii) the day on which the approval was given is deemed to be the day on which the insured business set forth in the preceding item commences.

三 当該団体に係る第三十三条第三号から第五号までに掲げる者は、第一号の適用事

業に使用される労働者とみなす。

(iii) the persons specified in Article 33, items (iii) to (v) pertaining to the association is deemed to be the workers used for the insured business set forth in item (i).

四 当該団体の解散は、事業の廃止とみなす。

(iv) the dissolution of the association is deemed to be the discontinuation of the business.

五 前条第一項第二号の規定は、第三十三条第三号から第五号までに掲げる者に係る業務災害に関する保険給付の事由について準用する。この場合において同条第五号に掲げる者に関しては、前条第一項第二号中「業務上」とあるのは「当該作業により」と、「当該事業」とあるのは「当該作業」と読み替えるものとする。

(v) The provisions of paragraph (1), item (ii) of the preceding Article apply mutatis mutandis to the grounds for payment of insurance proceeds for occupational accidents pertaining to the persons specified in Article 33, items (iii) through (v). In this case, in respect of persons specified in item (v) of that Article, the term "in the course of their duties" and the "relevant business" in paragraph (1), item (ii) of the preceding Article are respectively deemed to be replaced with "due to the work" and the "relevant work."

六 第三十三条第三号から第五号までに掲げる者の給付基礎日額は、当該事業と同種若しくは類似の事業又は当該作業と同種若しくは類似の作業を行う事業に使用される労働者の賃金の額その他の事情を考慮して厚生労働大臣が定める額とする。

(vi) The basic daily payment amount for each of the persons specified in Article 33, items (iii) through (v) is the amount specified by the Minister of Health, Labour and Welfare in consideration of the wages of workers used for the businesses of the same kind as, or similar to, the business, or used for the businesses where the same kind as, or similar to, the work is carried out, and other circumstances.

七 第三十三条第三号から第五号までに掲げる者の事故が、徴収法第十条第二項第三号の第二種特別加入保険料が滞納されている期間中に生じたものであるときは、政府は、当該事故に係る保険給付の全部又は一部を行わないことができる。

(vii) When an accident occurred to any of the persons specified in Article 33 items (iii) through (v) occurred during a period in which the Type 2 special insurance premiums set forth in Article 10, paragraph (2), item (iii) of the Premiums Collection Act were unpaid, the government may decide not to pay the whole or a part of the insurance benefits pertaining to the accident.

2 一の団体に係る第三十三条第三号から第五号までに掲げる者として前項第三号の規定により労働者とみなされている者は、同一の種類の仕事又は同一種類の作業に関しては、他の団体に関し重ねて同号の規定により労働者とみなされることはない。

(2) A person who, as a person specified in any of items (iii) through (v) of Article 33, is deemed to be a worker pursuant to the provisions of item (iii) of the preceding paragraph in respect of one association, is not, in terms of the same

kind of business or the same kind of work, also deemed to be a worker pursuant to the provisions of that item in respect of another association.

3 第一項の団体は、同項の承認があつた後においても、政府の承認を受けて、当該団体についての保険関係を消滅させることができる。

(3) An association set forth in paragraph (1) may, even after the approval set forth in that paragraph has been given, may extinguish the relationship between this insurance and the association, with the approval of the government.

4 政府は、第一項の団体がこの法律若しくは徴収法又はこれらの法律に基づく厚生労働省令の規定に違反したときは、当該団体についての保険関係を消滅させることができる。

(4) The government may, when an association set forth in paragraph (1) violates the provisions of this Act, the Premiums Collection Act, or Order of the Ministry of Health, Labour and Welfare under these Acts, may extinguish the relationship between this insurance and the association.

5 第三十三条第三号から第五号までに掲げる者の保険給付を受ける権利は、同条第三号又は第五号に掲げる者が第一項の団体から脱退することによつて変更されない。同条第三号から第五号までに掲げる者がこれらの規定に掲げる者でなくなつたことによつても、同様とする。

(5) The right to receive insurance proceeds of persons specified in Article 33, items (iii) through (v) is not affected by the withdrawal of the persons specified in item (iii) or (v) of that Article from the association set forth in paragraph (1). The same applies where any of the persons specified in items (iii) through (v) of that Article cease to be a person specified in the respective items.

第三十六条 第三十三条第六号の団体又は同条第七号の事業主が、同条第六号又は第七号に掲げる者を、当該団体又は当該事業主がこの法律の施行地内において行う事業（事業の期間が予定される事業を除く。）についての保険関係に基づきこの保険による業務災害及び通勤災害に関する保険給付を受けることができる者とするにつき申請をし、政府の承認があつたときは、第三章第一節から第三節まで及び第三章の二の規定の適用については、次に定めるところによる。

Article 36 (1) When an association referred to in Article 33, item (vi) or an employer referred to in item (vii) of that Article files a claim for a person specified in item (vi) or (vii) of that Article as a person eligible to receive insurance proceeds for an occupational accident or commuting accident covered by this insurance, based on the relationship between this insurance and the insured business (excluding businesses for which the period of business is predetermined) carried out by the association or employer in the area where this Act is enforced, and the approval of the government has been given, the application of the provisions of Chapter III, Sections 1 through 3 and Chapter III-2 is provided as follows:

一 第三十三条第六号又は第七号に掲げる者は、当該事業に使用される労働者とみなす。

(i) a person specified in Article 33, items (vi) or (vii) is deemed to be a worker used for the relevant business.

二 第三十四条第一項第二号の規定は第三十三条第六号又は第七号に掲げる者に係る業務災害に関する保険給付の事由について、同項第三号の規定は同条第六号又は第七号に掲げる者の給付基礎日額について準用する。この場合において、同項第二号中「当該事業」とあるのは、「第三十三条第六号又は第七号に規定する開発途上にある地域又はこの法律の施行地外の地域において行われる事業」と読み替えるものとする。

(ii) the provisions of Article 34, paragraph (1), item (ii) apply mutatis mutandis to the grounds for insurance proceeds for an occupational accident occurred to a person specified in Article 33, item (vi) or (vii), and the provisions of item (iii) of that paragraph apply mutatis mutandis to the basic daily payment amount for a person specified in item (vi) or (vii) of that Article. In this case, the term the "business" in item (ii) of that paragraph is deemed to be replaced with a "business to be carried out in a developing area prescribed in Article 33, item (vi) or (vii) or in an area outside the area where this Act is enforced."

三 第三十三条第六号又は第七号に掲げる者の事故が、徴収法第十条第二項第三号の二の第三種特別加入保険料が滞納されている期間中に生じたものであるときは、政府は、当該事故に係る保険給付の全部又は一部を行わないことができる。

(iii) When an accident occurred to a person specified in Article 33, item (vi) or (vii) occurs during a period in which the Type 3 special insurance premiums set forth in Article 10, paragraph (2), item (iii)-2 of the Premiums Collection Act were unpaid, the government may decide not to pay the whole or a part of the insurance proceeds pertaining to the relevant accident.

2 第三十四条第二項及び第三項の規定は前項の承認を受けた第三十三条第六号の団体又は同条第七号の事業主について、第三十四条第四項の規定は第三十三条第六号又は第七号に掲げる者の保険給付を受ける権利について準用する。この場合において、これらの規定中「前項の承認」とあり、及び「第一項の承認」とあるのは「第三十六条第一項の承認」と、第三十四条第二項中「同号及び同条第二号に掲げる者を包括して」とあるのは「同条第六号又は第七号に掲げる者を」と、同条第四項中「同条第一号及び第二号」とあるのは「第三十三条第六号又は第七号」と読み替えるものとする。

(2) The provisions of Article 34, paragraphs (2) and (3) apply mutatis mutandis to an association referred to in Article 33, item (vi) or an employer referred to in item (vii) of that Article that has obtained the approval of the government set forth in the preceding paragraph, and the provisions of Article 34, paragraph (4) apply mutatis mutandis to the right of a person specified in Article 33, item (vi) or (vii) to receive insurance proceeds. In this case, the term the "approval referred to in the preceding paragraph" and the "approval referred to in

paragraph (1)" in these provisions is deemed to be replaced with the "approval referred to in Article 36, paragraph (1)", and the term "the persons specified in that item and item (ii) of that Article collectively" in Article 34, paragraph (2) is deemed to be replaced with a "person specified in items (vi) or (vii) of that Article", and the term "items (i) and (ii) of that Article" in paragraph (4) of that Article is deemed to be replaced with "Article 33, item (vi) or (vii)".

第三十七条 この章に定めるもののほか、第三十三条各号に掲げる者の業務災害及び通勤災害に関し必要な事項は、厚生労働省令で定める。

Article 37 In addition to what is prescribed in this Chapter, the necessary matters in respect of the occupational accident and commuting accident occurred to persons specified in the items of Article 33 are prescribed by Order of the Ministry of Health, Labour and Welfare.

第五章 不服申立て及び訴訟

Chapter V Complaints and Lawsuits

第三十八条 保険給付に関する決定に不服のある者は、労働者災害補償保険審査官に対して審査請求をし、その決定に不服のある者は、労働保険審査会に対して再審査請求をすることができる。

Article 38 (1) A person who is dissatisfied with a decision on insurance proceeds may file a request for administrative review with an industrial accident compensation insurance examiner, and a person who is dissatisfied with a decision by the examiner may file a request for re-examination with the Labor Insurance Appeal Committee.

2 前項の審査請求をしている者は、審査請求をした日から三箇月を経過しても審査請求についての決定がないときは、当該審査請求に係る処分について、決定を経ないで、労働保険審査会に対して再審査請求をすることができる。

(2) A person who has filed a request for administrative review set forth in the preceding paragraph may, when no decision on the request for administrative review is made even after three months have elapsed from the day on which the request was filed, file a request for re-examination with the Labor Insurance Appeal Committee without waiting for a decision on the disposition for the request for administrative review.

3 第一項の審査請求及び前二項の再審査請求は、時効の中断に関しては、これを裁判上の請求とみなす。

(3) With regard to a renewal of prescription, the request for administrative review set forth in paragraph (1) and the request for re-examination set forth in the preceding two paragraphs is deemed to be a demand by litigation.

第三十九条 前条第一項の審査請求及び同条第一項又は第二項の再審査請求については、

行政不服審査法（昭和三十七年法律第百六十号）第二章第一節、第二節（第十八条及び第十九条を除く。）及び第五節の規定を適用しない。

Article 39 The provisions of Chapter II, Section 1, Section 2 (excluding Articles 18 and 19) and Section 5 of the Administrative Appeal Act (Act No. 160 of 1962) do not apply to either the request for administrative review set forth in paragraph (1) of the preceding Article or the request for re-examination set forth in paragraph (1) or (2) of that Article.

第四十条 第三十八条第一項に規定する処分の取消しの訴えは、当該処分についての再審査請求に対する労働保険審査会の裁決を経た後でなければ、提起することができない。ただし、次の各号のいずれかに該当するときは、この限りでない。

Article 40 No action for revocation of original administrative disposition prescribed in Article 38, paragraph (1) may be filed until an administrative determination is made by the Labor Insurance Appeal Committee on the request for re-examination of the disposition; provided, however that this does not apply to the cases falling under any of the following items:

一 再審査請求がされた日から三箇月を経過しても裁決がないとき。

(i) when no administrative determination is made even after three months have elapsed from the day on which the request for re-examination is filed;
or

二 再審査請求についての裁決を経ることにより生ずる著しい損害を避けるため緊急の必要があるときその他その裁決を経ないことにつき正当な理由があるとき。

(ii) when there is an urgent need to avoid the significant loss or damage caused by waiting for an administrative determination on the request for re-examination or when there are other reasonable grounds for not waiting for such administrative determination.

第四十一条 徴収法第三十七条の規定は第三十一条第一項の規定による徴収金について、徴収法第三十八条の規定は第十二条の三第一項及び第二項並びに第三十一条第一項の規定による徴収金について準用する。

Article 41 The provisions of Article 37 of the Premiums Collection Act apply mutatis mutandis to the monies to be collected pursuant to the provisions of Article 31, paragraph (1), and the provisions of Article 38 of the Premiums Collection Act apply mutatis mutandis to the monies to be collected pursuant to the provisions of Article 12-3, paragraphs (1) and (2) and Article 31, paragraph (1).

第六章 雑則

Chapter VI Miscellaneous Provisions

第四十二条 療養補償給付、休業補償給付、葬祭料、介護補償給付、療養給付、休業給

付、葬祭給付、介護給付及び二次健康診断等給付を受ける権利は、二年を経過したとき、障害補償給付、遺族補償給付、障害給付及び遺族給付を受ける権利は、五年を経過したときは、時効によつて消滅する。

Article 42 The right to receive medical treatment compensation benefits, compensation payment for loss of salary during a temporary absence from work, funeral service fees, nursing care compensation benefits, medical treatment benefits, payment for loss of salary during a temporary absence from work, funeral rites benefits, nursing care benefits and payment for follow-up medical examination is extinguished by prescription when two years have elapsed, and the right to receive disability compensation benefits, compensation benefits for surviving family, disability benefits and survivors benefits is extinguished by prescription when five years have elapsed.

第四十三条 この法律又はこの法律に基づく政令及び厚生労働省令に規定する期間の計算については、民法の期間の計算に関する規定を準用する。

Article 43 The provisions of the Civil Code concerning the computation of a period of time apply mutatis mutandis to the computation of a period of time prescribed in this Act or by Cabinet Orders and Orders of the Ministry of Health, Labour and Welfare under this Act.

第四十四条 労働者災害補償保険に関する書類には、印紙税を課さない。

Article 44 No stamp tax is imposed on documents related to industrial accident compensation insurance.

第四十五条 市町村長（特別区及び地方自治法（昭和二十二年法律第六十七号）第二百五十二条の十九第一項の指定都市においては、区長とする。）は、行政庁又は保険給付を受けようとする者に対して、当該市（特別区を含む。）町村の条例で定めるところにより、保険給付を受けようとする者又は遺族の戸籍に関し、無料で証明を行なうことができる。

Article 45 The mayor of a municipality (with regard to special wards and designated cities set forth in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947), the mayor of a ward) may, pursuant to the provisions of a municipal ordinance of the relevant municipality (including a special ward), issue a certificate with no charge, in respect of the family register of a person or surviving family member seeking to receive insurance proceeds, to the administrative authority concerned or the person seeking to receive insurance proceeds.

第四十六条 行政庁は、厚生労働省令で定めるところにより、労働者を使用する者、労働保険事務組合又は第三十五条第一項に規定する団体に対して、この法律の施行に関し必要な報告、文書の提出又は出頭を命ずることができる。

Article 46 An administrative authority may, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, order a person who hires worker(s), a labor insurance affairs association or an association prescribed in Article 35, paragraph (1) to make a report, submit a document or appear in its office as necessary for the enforcement of this Act.

第四十七条 行政庁は、厚生労働省令で定めるところにより、保険関係が成立している事業に使用される労働者（第三十四条第一項第一号、第三十五条第一項第三号又は第三十六条第一項第一号の規定により当該事業に使用される労働者とみなされる者を含む。）若しくは保険給付を受け、若しくは受けようとする者に対して、この法律の施行に関し必要な報告、届出、文書その他の物件の提出（以下この条において「報告等」という。）若しくは出頭を命じ、又は保険給付の原因である事故を発生させた第三者（第五十三条において「第三者」という。）に対して、報告等を命ずることができる。

Article 47 An administrative authority may, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, order a worker hired for a business in which the relationship between the insured business and this insurance has been established (including a person who is deemed to be a worker hired for that business pursuant to the provisions of Article 34, paragraph (1), item (i), Article 35, paragraph (1), item (iii) or Article 36, paragraph (1), item (i)) or a person who receives or seeks to receive insurance proceeds, to make a report, make a notification, or submit a document or other articles (hereinafter referred to as a "report, etc." in this Article) or to appear in its office as necessary for the enforcement of this Act, or may order a third party who caused an accident which was the cause of insurance proceeds (hereinafter referred to as a "third party" in Article 53) to make a report, etc.

第四十七条の二 行政庁は、保険給付に関して必要があると認めるときは、保険給付を受け、又は受けようとする者（遺族補償年金又は遺族年金の額の算定の基礎となる者を含む。）に対し、その指定する医師の診断を受けるべきことを命ずることができる。

Article 47-2 An administrative authority may, when it finds it necessary for the payment of insurance proceeds, order a person who receives or seeks to receive insurance proceeds (including the person who is the basis of calculation of the amount of a compensation pension for surviving family or a pension for surviving family) to undergo a diagnosis by a doctor designated by the authority.

第四十七条の三 政府は、保険給付を受ける権利を有する者が、正当な理由がなくて、第十二条の七の規定による届出をせず、若しくは書類その他の物件の提出をしないとき、又は前二条の規定による命令に従わないときは、保険給付の支払を一時差し止めることができる。

Article 47-3 The government may temporarily suspend the payment of insurance proceeds when a person having the right to receive insurance proceeds, without any reasonable grounds, fails to make a notification or submit a document or other items pursuant to the provisions of Article 12-7 or fails to comply with an order issued pursuant to the provisions of preceding two Articles.

第四十八条 行政庁は、この法律の施行に必要な限度において、当該職員に、適用事業の事業場又は労働保険事務組合若しくは第三十五条第一項に規定する団体の事務所に立ち入り、関係者に質問させ、又は帳簿書類その他の物件を検査させることができる。

Article 48 (1) An administrative authority may, to the extent necessary for the enforcement of this Act, have its officials enter the workplace of the insured business, or the office of a labor insurance affairs association or of an association prescribed in Article 35, paragraph (1), question relevant persons or inspect books and documents or other items.

2 前項の規定により立入検査をする職員は、その身分を示す証明書を携帯し、関係者に提示しなければならない。

(2) An official who conducts an on-site inspection pursuant to the provisions of the preceding paragraph must carry an identification card and present it to the relevant persons.

3 第一項の規定による立入検査の権限は、犯罪捜査のために認められたものと解釈してはならない。

(3) The authority to conduct on-site inspections under the provisions of paragraph (1) must not be construed as the authority granted for criminal investigations.

第四十九条 行政庁は、保険給付に関して必要があると認めるときは、厚生労働省令で定めるところによつて、保険給付を受け、又は受けようとする者（遺族補償年金又は遺族年金の額の算定の基礎となる者を含む。）の診療を担当した医師その他の者に対して、その行つた診療に関する事項について、報告若しくは診療録、帳簿書類その他の物件の提示を命じ、又は当該職員に、これらの物件を検査させることができる。

Article 49 (1) An administrative authority may, when it finds it necessary for the payment of insurance proceeds, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, order the doctor or other person who takes charge of the medical examination of a person who receives or seeks to receive insurance proceeds (including the person who is the basis of calculation of the amount of a compensation pension for surviving family or pension for surviving family), to submit a report or medical records, books and documents or other items related to the matters concerning the medical examination, or may have its officials inspect these items.

2 前条第二項の規定は前項の規定による検査について、同条第三項の規定は前項の規定による権限について準用する。

(2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to the inspection under the provisions of the preceding paragraph, and the provisions of paragraph (3) of that Article apply mutatis mutandis to the authority under the provisions of the preceding paragraph.

第四十九条の二 この法律に基づき政令又は厚生労働省令を制定し、又は改廃する場合には、それぞれ、政令又は厚生労働省令で、その制定又は改廃に伴い合理的に必要と判断される範囲内において、所要の経過措置を定めることができる。

Article 49-2 Where Cabinet Order or Order of the Ministry of Health, Labour and Welfare is established, amended or abolished under this Act, necessary transitional measures may be provided for by Cabinet Order or Order of the Ministry of Health, Labour and Welfare, respectively, to the extent considered reasonably necessary for such establishment, amendment or abolition.

第四十九条の三 この法律に定める厚生労働大臣の権限は、厚生労働省令で定めるところにより、その一部を都道府県労働局長に委任することができる。

Article 49-3 The authority of the Minister of Health, Labour and Welfare prescribed by this Act may, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, be partially delegated to the Directors of the Prefectural Labor Bureaus.

第五十条 この法律の施行に関する細目は、厚生労働省令で、これを定める。

Article 50 The details concerning the enforcement of this Act are prescribed by Order of the Ministry of Health, Labour and Welfare.

第七章 罰則

Chapter VII Penal Provisions

第五十一条 事業主が次の各号のいずれかに該当するときは、六月以下の懲役又は三十万円以下の罰金に処する。労働保険事務組合又は第三十五条第一項に規定する団体がこれらの各号のいずれかに該当する場合におけるその違反行為をした当該労働保険事務組合又は当該団体の代表者又は代理人、使用人その他の従業者も、同様とする。

Article 51 When an employer falls under any of the following items, the employer is punished by imprisonment with work for not more than six months or a fine of not more than 300,000 yen. When a labor insurance affairs association or an association prescribed in Article 35, paragraph (1) falls under any of these items, the same applies to the representative, agent or employee or other worker of the labor insurance affairs association or the association, who committed the violation:

- 一 第四十六条の規定による命令に違反して報告をせず、若しくは虚偽の報告をし、又は文書の提出をせず、若しくは虚偽の記載をした文書を提出した場合

(i) where the employer or association fails to make a report or submit a false report, or fails to submit a document or submits a document containing any false statement, in violation of an order issued pursuant to the provisions of Article 46; or

二 第四十八条第一項の規定による当該職員の質問に対して答弁をせず、若しくは虚偽の陳述をし、又は検査を拒み、妨げ、若しくは忌避した場合

(ii) where the employer or association fails to answer or made a false statement in response to a question asked by the relevant official pursuant to the provisions of Article 48, paragraph (1), or has refuses, prevents or evades an inspection conducted pursuant to the provisions of Article 48, paragraph (1).

第五十二条 削除

Article 52 Deleted

第五十三条 事業主、労働保険事務組合及び第三十五条第一項に規定する団体以外の者（第三者を除く。）が次の各号のいずれかに該当するときは、六月以下の懲役又は二十万円以下の罰金に処する。

Article 53 When a person other than an employer, labor insurance affairs association or association prescribed in Article 35, paragraph (1) (excluding a third party) falls under any of the following items, that person is punished by imprisonment with work of not more than six months or a fine of not more than 200,000 yen:

一 第四十七条の規定による命令に違反して報告若しくは届出をせず、若しくは虚偽の報告若しくは届出をし、又は文書その他の物件の提出をせず、若しくは虚偽の記載をした文書を提出した場合

(i) where the person fails to make a report or notification or makes a false report or notification, or fails to submit a document or other items or submits a document containing any false statement, in violation of an order issued pursuant to the provisions of Article 47;

二 第四十八条第一項の規定による当該職員の質問に対し答弁をせず、若しくは虚偽の陳述をし、又は検査を拒み、妨げ、若しくは忌避した場合

(ii) where the person fails to answer or make a false statement in response to a question asked by the relevant official pursuant to the provisions of Article 48, paragraph (1), or refuses, prevents or evades an inspection conducted pursuant to the provisions of Article 48, paragraph (1); or

三 第四十九条第一項の規定による命令に違反して報告をせず、虚偽の報告をし、若しくは診療録、帳簿書類その他の物件の提示をせず、又は同条の規定による検査を拒み、妨げ、若しくは忌避した場合

(iii) where the person fails to make a report or makes a false report or fails to present medical records, books and documents or other items in violation of an order issued pursuant to the provisions of Article 49, paragraph (1), or

refuses, prevents or evades an inspection conducted pursuant to the provisions of that Article.

第五十四条 法人（法人でない労働保険事務組合及び第三十五条第一項に規定する団体を含む。以下この項において同じ。）の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関して、第五十一条又は前条の違反行為をしたときは、行為者を罰するほか、その法人又は人に対しても、各本条の罰金刑を科する。

Article 54 (1) When a representative of a juridical person (including labor insurance affairs associations and associations prescribed in Article 35, paragraph (1) which are not juridical persons; hereinafter the same applies in this paragraph) or an agent, employee or any other worker for a juridical person or an individual, with regard to the business of the juridical person or individual, commits a violation set forth in Article 51 or the preceding Article, not only the offender is punished but also the juridical person or individual is punished by the fine prescribed in the respective Articles.

2 前項の規定により法人でない労働保険事務組合又は第三十五条第一項に規定する団体を処罰する場合においては、その代表者が訴訟行為につきその労働保険事務組合又は団体を代表するほか、法人を被告人又は被疑者とする場合の刑事訴訟に関する法律の規定を準用する。

(2) Where a labor insurance affairs association or an association prescribed in Article 35, paragraph (1) which is not a juridical person is punished pursuant to the provisions of the preceding paragraph, the representative of the labor insurance affairs association or association represents the labor insurance affairs association or association in conducting procedural acts, and the provisions of Acts concerning criminal proceedings in cases where a juridical person is an accused or a suspect apply mutatis mutandis to such cases.

附 則

Supplementary Provisions

第五十五条 この法律施行の期日は、勅令で、これを定める。

Article 55 The date on which this Act comes into effect is specified by Imperial Order.

第五十六条 この法律の施行後五年間は、保険料率は、第二十六条の規定にかかわらず、労働政策審議会に諮つて、数等級に区別して賃金一円当りについて、主務大臣が、これを定める。

Article 56 For a period of five years after the enforcement of this Act, the premium rate per yen in wages classified by grade, notwithstanding the provisions of Article 26, is specified by the competent minister, after consulting

with the Labour Policy Council.

第五十七条 労働者災害扶助責任保険法は、これを廃止する。

Article 57 (1) The Industrial Accident Mutual Assistance Insurance Act is repealed.

2 この法律施行前に発生した事故に対する保険給付及びこの法律施行前の期間に属する保険料に関しては、なお旧法による。

(2) The payment of insurance proceeds for any accident that occurred prior to the enforcement of this Act and the premiums for any period prior to the enforcement of this Act is continued to be governed by the former Act.

3 この法律施行前の旧法の罰則を適用すべきであつた者についての処罰については、なお旧法による。

(3) The punishment for any person to whom the penal provisions of the former Act prior to the enforcement of this Act should have been applied is continue to be governed by the former Act.

4 この法律施行の際、労働者災害扶助責任保険につき現に政府と保険契約を締結してゐる者が既に払込んだこの法律施行後の期間に属する保険料は、この保険の保険料に、これを充当することができる。

(4) At the time of the enforcement of this Act, the premiums that have already been paid by a person who has an insurance contract with the government for industrial accident mutual assistance insurance for any period after the enforcement of this Act may be appropriated for premiums of this insurance.

5 前三項に定めるものの外、旧法廃止の際必要な事項は、命令で、これを定める。

(5) In addition to what is prescribed in the preceding three paragraphs, any necessary matters upon the repeal of the former Act are prescribed by Cabinet Order or municipal ordinance.

第五十八条 政府は、当分の間、障害補償年金を受ける権利を有する者が死亡した場合において、その者に支給された当該障害補償年金の額（当該障害補償年金のうち当該死亡した日の属する年度（当該死亡した日の属する月が四月から七月までの月に該当する場合にあつては、その前年度。以下この項において同じ。）の七月以前の分として支給された障害補償年金にあつては、厚生労働省令で定めるところにより第十六条の六第二項の規定の例により算定して得た額）及び当該障害補償年金に係る障害補償年金前払一時金の額（当該障害補償年金前払一時金を支給すべき事由が当該死亡した日の属する年度の七月以前に生じたものである場合にあつては、厚生労働省令で定めるところにより同項の規定による遺族補償年金の額の算定の方法に準じ算定して得た額）の合計額が次の表の上欄に掲げる当該障害補償年金に係る障害等級に応じ、それぞれ同表の下欄に掲げる額（当該死亡した日が算定事由発生日の属する年度の翌々年度の八月一日以後の日である場合にあつては、厚生労働省令で定めるところにより第八条の四において準用する第八条の三第一項の規定の例により算定して得た額を同表の給付基礎日額とした場合に得られる額）に満たないときは、その者の遺族に対し、

その請求に基づき、保険給付として、その差額に相当する額の障害補償年金差額一時金を支給する。

Article 58 (1) Where a person having the right to receive a disability compensation pension dies, if the total of the amount of the disability compensation pension paid to the person (for the part of the disability compensation pension paid for the period until July of the fiscal year of the day on which the person died (in cases where the month of the day on which the person died is any of the months from April to July, the previous fiscal year; hereinafter the same applies in this paragraph), the amount obtained by making a calculation in accordance with the provisions of Article 16-6, paragraph (2) as provided for by Order of the Ministry of Health, Labour and Welfare) and the amount of the advance lump sum payment for disability compensation pension pertaining to the disability compensation pension paid to the person (in cases where the grounds for the payment of the advance lump sum payment for disability compensation pension occur in or before July of the fiscal year of the day on which the person died, the amount obtained by making a calculation in accordance with the method of calculating the amount of the compensation pension for surviving family under the provisions of that paragraph as provided for by Order of the Ministry of Health, Labour and Welfare) is less than the amount among those prescribed in the right-hand column of the following table corresponding to the grade of disability pertaining to the relevant disability compensation pension prescribed in the left-hand column of that table (in cases where the day on which the person died is August 1 of the fiscal year two years after the fiscal year the day of the occurrence of the grounds for calculation or any subsequent day, the amount to be obtained where the amount obtained by making a calculation in accordance with the provisions of Article 8-3, paragraph (1) as applied mutatis mutandis pursuant to Article 8-4 as provided for by Order of the Ministry of Health, Labour and Welfare is regarded as the basic daily payment amount in that table), the government, until otherwise provided for by law, pays a lump sum payment for the difference of disability compensation pension equivalent to the amount of the relevant difference to the surviving family members of the person based on their claims.

障害等級 Grade of Disability	額 Amount
第一級 Grade 1	給付基礎日額の一、三四〇日分 basic daily payment amount for 1,340 days
第二級 Grade 2	給付基礎日額の一、一九〇日分 basic daily payment amount for 1,190 days
第三級 Grade 3	給付基礎日額の一、〇五〇日分 basic daily payment amount for 1,050 days

第四級 Grade 4	給付基礎日額の九二〇日分 basic daily payment amount for 920 days
第五級 Grade 5	給付基礎日額の七九〇日分 basic daily payment amount for 790 days
第六級 Grade 6	給付基礎日額の六七〇日分 basic daily payment amount for 670 days
第七級 Grade 7	給付基礎日額の五六〇日分 basic daily payment amount for 560 days

2 障害補償年金差額一時金を受けることができる遺族は、次の各号に掲げる者とする。この場合において、障害補償年金差額一時金を受けるべき遺族の順位は、次の各号の順序により、当該各号に掲げる者のうちにあつては、それぞれ、当該各号に掲げる順序による。

(2) The surviving family members eligible to receive a lump sum payment for the difference of disability compensation pension are those prescribed in the following items. In this case, the order of priority of the surviving family members who are to receive the lump sum payment for the difference of disability compensation pension is decided in accordance with the order set forth in the following items, and among those specified in these items, the order as set forth in the respective items:

一 労働者の死亡の当時その者と生計を同じくしていた配偶者、子、父母、孫、祖父母及び兄弟姉妹

(i) the worker's spouse, children, parents, grandchildren, grandparents and siblings who shared living expenses with the worker at the time of their death; or

二 前号に該当しない配偶者、子、父母、孫、祖父母及び兄弟姉妹

(ii) the worker's spouse, children, parents, grandchildren, grandparents and siblings who do not fall under the preceding item.

3 障害補償年金差額一時金の支給を受ける権利は、五年を経過したときは、時効によつて消滅する。

(3) The right to receive a lump sum payment for the difference of disability compensation pension is extinguished by prescription when five years have elapsed.

4 障害補償年金差額一時金は、遺族補償給付とみなして第十条の規定を、第十六条の六第一項第二号の場合に支給される遺族補償一時金とみなして徴収法第十二条第三項及び第二十条第一項の規定を適用する。

(4) With regard to a lump sum payment for the difference of disability compensation pension, the provisions of Article 10 apply by deeming it to be compensation benefits for surviving family, and the provisions of Article 12, paragraph (3) and Article 20, paragraph (1) of the Premiums Collection Act apply by deeming it to be a lump sum compensation for surviving family to be paid in the case referred to in Article 16-6, paragraph (1), item (ii).

5 第十六条の三第二項並びに第十六条の九第一項及び第二項の規定は、障害補償年金差額一時金について準用する。この場合において、第十六条の三第二項中「前項」とあるのは「第五十八条第一項」と、「別表第一」とあるのは「同項」と読み替えるものとする。

(5) The provisions of Article 16-3, paragraph (2) and Article 16-9, paragraphs (1) and (2) apply mutatis mutandis to the lump sum payment for the difference of disability compensation pension. In this case, the term the "preceding paragraph" and "appended table 1" in Article 16-3, paragraph (2) are respectively deemed to be replaced with "Article 58, paragraph (1)" and "that paragraph".

第五十九条 政府は、当分の間、労働者が業務上負傷し、又は疾病にかかり、治つたとき身体に障害が存する場合における当該障害に関しては、障害補償年金を受ける権利を有する者に対し、その請求に基づき、保険給付として、障害補償年金前払一時金を支給する。

Article 59 (1) The government, unless otherwise provided for by law, in cases where a worker gets injured or fall ill in the course of their duties and remains physically disabled when the worker has recovered, pays an advance lump sum payment for disability compensation pension with respect to the disability, as insurance proceeds, to the person having the right to receive a disability compensation pension based on their claim.

2 障害補償年金前払一時金の額は、前条第一項の表の上欄に掲げる当該障害補償年金に係る障害等級に応じ、それぞれ同表の下欄に掲げる額（算定事由発生日の属する年度の翌々年度の八月以後に前項の請求があつた場合にあつては、当該障害補償年金前払一時金を障害補償一時金とみなして第八条の四の規定を適用したときに得られる給付基礎日額を同表の給付基礎日額とした場合に得られる額）を限度として厚生労働省令で定める額とする。

(2) The amount of an advance lump sum payment for disability compensation pension is the amount specified by Order of the Ministry of Health, Labour and Welfare, corresponding to the grade of disability pertaining to the relevant disability compensation pension prescribed in the left-hand column of the table in paragraph (1) of the preceding Article, up to the maximum amount of those prescribed in the right-hand column of that table (when a claim set forth in the preceding paragraph is filed in or after August of the fiscal year two years after the fiscal year of the day on which the grounds for calculation occurred, the amounts to be obtained where the basic daily payment amount to be obtained by deeming the advance lump sum payment for disability compensation pension to be a lump sum payment for disability compensation and applying the provisions of Article 8-4 thereto is regarded as the basic daily payment amount in that table).

3 障害補償年金前払一時金が支給される場合には、当該労働者の障害に係る障害補償

年金は、各月に支給されるべき額の合計額が厚生労働省令で定める算定方法に従い当該障害補償年金前払一時金の額に達するまでの間、その支給を停止する。

- (3) Where an advance lump sum payment for disability compensation pension is made, the payment of a disability compensation pension pertaining to the disability of the worker is suspended for the period until the total amount payable each month reaches the amount of the advance lump sum payment for disability compensation pension in accordance with the calculation method specified by Order of the Ministry of Health, Labour and Welfare.
- 4 障害補償年金前払一時金の支給を受ける権利は、二年を経過したときは、時効によつて消滅する。
- (4) The right to receive an advance lump sum payment for disability compensation pension is extinguished by prescription when two years have elapsed.
- 5 障害補償年金前払一時金は、障害補償年金とみなして、徴収法第十二条第三項及び第二十条第一項の規定を適用する。
- (5) An advance lump sum payment for disability compensation pension is deemed to be the disability compensation pension, and the provisions of Article 12, paragraph (3) and Article 20, paragraph (1) of the Premiums Collection Act apply thereto.
- 6 障害補償年金前払一時金の支給を受けた者に支給されるべき障害補償年金の支給が第三項の規定により停止されている間は、当該障害補償年金については、国民年金法第三十六条の二第二項及び国民年金法等の一部を改正する法律（昭和六十年法律第三十四号。以下この項及び次条第七項において「昭和六十年法律第三十四号」という。）附則第三十二条第十一項の規定によりなおその効力を有するものとされた昭和六十年法律第三十四号第一条の規定による改正前の国民年金法（以下この項及び次条第七項において「旧国民年金法」という。）第六十五条第二項（昭和六十年法律第三十四号附則第二十八条第十項においてその例による場合及び昭和六十年法律第三十四号附則第三十二条第十一項の規定によりなおその効力を有するものとされた旧国民年金法第七十九条の二第五項において準用する場合を含む。次条第七項において同じ。）、児童扶養手当法（昭和三十六年法律第二百三十八号）第四条第三項第二号ただし書並びに特別児童扶養手当等の支給に関する法律（昭和三十九年法律第百三十四号）第三条第三項第二号ただし書及び第十七条第一号ただし書の規定は、適用しない。
- (6) During the period in which the payment of a disability compensation pension payable to a person who has received an advance lump sum payment for disability compensation pension is suspended pursuant to the provisions of paragraph (3), the provisions of Article 36-2, paragraph (2) of the National Pension Act and Article 65, paragraph (2) of the National Pension Act (hereinafter referred to as "former National Pension Act" in this paragraph and paragraph (7) of the following Article) prior to the amendment pursuant to the provisions of Article 1 of the Act for the Partial Amendment to the National Pension Act (Act No. 34 of 1985; hereinafter referred to as "Act No. 34 of 1985"

in this paragraph and paragraph (7) of the following Article), which remain in force pursuant to the provisions of Article 32, paragraph (11) of the Supplementary Provisions of Act No. 34 of 1985 (including the cases where Article 65, paragraph (2) of the former National Pension Act governs pursuant to the provisions of Article 28, paragraph (10) of the Supplementary Provisions of Act No. 34 of 1985 and the cases as applied mutatis mutandis pursuant to the provisions of Article 79-2, paragraph (5) of the former National Pension Act which remain in force pursuant to the provisions of Article 32, paragraph (11) of the Supplementary Provisions of Act No. 34 of 1985; hereinafter the same applies in paragraph (7) of the following Article); nor to the application of the provisions of the proviso to Article 4, paragraph (3), item (ii) of the Child Rearing Allowance Act (Act No. 238 of 1961); nor to the application of the provisions of the proviso to Article 3, paragraph (3), item (ii) and proviso to Article 17, item (i) of the Act Concerning the Payment of Special Child Rearing Allowance (Act No. 134 of 1964) do not apply to disability compensation benefits.

第六十条 政府は、当分の間、労働者が業務上の事由により死亡した場合における当該死亡に関しては、遺族補償年金を受ける権利を有する遺族に対し、その請求に基づき、保険給付として、遺族補償年金前払一時金を支給する。

Article 60 (1) The government, until otherwise provide for by law, in cases where a worker dies due to the reason in the course of their duties, pay an advance lump sum payment for compensation pension for surviving family with respect to the death, as insurance proceeds, to the surviving family members having the right to receive a compensation pension for surviving family based on their claims.

2 遺族補償年金前払一時金の額は、給付基礎日額（算定事由発生日の属する年度の翌々年度の八月以後に前項の請求があつた場合にあつては、当該遺族補償年金前払一時金を遺族補償一時金とみなして第八条の四の規定を適用したときに得られる給付基礎日額に相当する額）の千日分に相当する額を限度として厚生労働省令で定める額とする。

(2) The amount of the advance lump sum payment for compensation pension for surviving family is the amount specified by Order of the Ministry of Health, Labour and Welfare, up to the maximum amount equivalent to the basic daily payment amount for 1,000 days (in cases where a claim set forth in the preceding paragraph is filed in or after August of the fiscal year two years after the fiscal year of the day on which the grounds for calculation occurred, the amount equivalent to the basic daily benefit amount to be obtained by deeming the advance lump sum payment for compensation pension for surviving family to be a lump sum compensation for surviving family and applying the provisions of Article 8-4 thereto.)

- 3 遺族補償年金前払一時金が支給される場合には、当該労働者の死亡に係る遺族補償年金は、各月に支給されるべき額の合計額が厚生労働省令で定める算定方法に従い当該遺族補償年金前払一時金の額に達するまでの間、その支給を停止する。
- (3) Where an advance lump sum payment for compensation pension for surviving family is to be made, the payment of a compensation pension for surviving family pertaining to the death of the worker is suspended for the period until the total amount payable each month reaches the amount of the advance lump sum payment for compensation pension for surviving family, in accordance with the calculation method specified by Order of the Ministry of Health, Labour and Welfare.
- 4 遺族補償年金前払一時金が支給された場合における第十六条の六の規定の適用については、同条第一項第二号中「遺族補償年金の額」とあるのは、「遺族補償年金の額及び遺族補償年金前払一時金の額（当該遺族補償年金前払一時金を支給すべき事由が当該権利が消滅した日の属する年度（当該権利が消滅した日の属する月が四月から七月までの月に該当する場合にあつては、その前年度）の七月以前に生じたものである場合にあつては、厚生労働省令で定めるところにより次項の規定による遺族補償年金の額の算定の方法に準じ算定して得た額）」とする。
- (4) With respect to the application of the provisions of Article 16-6 in cases where an advance lump sum payment for compensation pension for surviving family is to be made, the term the "amount of the compensation pension for surviving family" in paragraph (1), item (ii) of that Article is deemed to be replaced with the "amount of the compensation pension for surviving family and the amount of the advance lump sum payment for compensation pension for surviving family (in cases where the grounds for payment of the advance lump sum payment for compensation pension for surviving family occurred in or before July of the fiscal year of the day on which the right was extinguished (in cases where the month of the day on which the right was extinguished is April, May, June or July, the previous fiscal year), the amount obtained by making a calculation in accordance with the method of calculating the amount of the compensation pension for surviving family under the provisions of the following paragraph as provided for by Order of the Ministry of Health, Labour and Welfare)".
- 5 遺族補償年金前払一時金の支給を受ける権利は、二年を経過したときは、時効によつて消滅する。
- (5) The right to receive an advance lump sum payment for compensation pension for surviving family is extinguished by prescription when two years have elapsed.
- 6 遺族補償年金前払一時金は、遺族補償年金とみなして、徴収法第十二条第三項及び第二十条第一項の規定を適用する。
- (6) The advance lump sum payment for compensation pension for surviving family is deemed to be a compensation pension for surviving family, and the

provisions of Article 12, paragraph (3) and Article 20, paragraph (1) of the Premiums Collection Act apply thereto.

7 遺族補償年金前払一時金の支給を受けた者に支給されるべき遺族補償年金の支給が第三項の規定により停止されている間は、当該遺族補償年金については、国民年金法第三十六条の二第二項及び昭和六十年法律第三十四号附則第三十二条第十一项の規定によりなおその効力を有するものとされた旧国民年金法第六十五条第二項並びに児童扶養手当法第四条第二項第二号ただし書及び第三項第二号ただし書の規定は、適用しない。

(7) During the period in which the payment of a compensation pension for surviving family payable to a person who has received an advance lump sum payment for compensation pension for surviving family is suspended pursuant to the provisions of paragraph (3), the provisions of Article 36-2, paragraph (2) of the National Pension Act and Article 65, paragraph (2) of the former National Pension Act which remain in force pursuant to the provisions of Article 32, paragraph (11) of the Supplementary Provisions of Act No. 34 of 1985; nor to the application of the provisions of the proviso to Article 4, paragraph (2), item (ii) and the proviso to Article 4, paragraph (3), item (ii) of the Child Rearing Allowance Act do not apply to the compensation pension for surviving family.

第六十一条 政府は、当分の間、障害年金を受ける権利を有する者が死亡した場合において、その者に支給された当該障害年金の額（当該障害年金のうち当該死亡した日の属する年度（当該死亡した日の属する月が四月から七月までの月に該当する場合にあつては、その前年度。以下この項において同じ。）の七月以前の分として支給された障害年金にあつては、厚生労働省令で定めるところにより第十六条の六第二項の規定の例により算定して得た額）及び当該障害年金に係る障害年金前払一時金の額（当該障害年金前払一時金を支給すべき事由が当該死亡した日の属する年度の七月以前に生じたものである場合にあつては、厚生労働省令で定めるところにより同項の規定による遺族補償年金の額の算定の方法に準じ算定して得た額）の合計額が第五十八条第一項の表の上欄に掲げる当該障害年金に係る障害等級に応じ、それぞれ同表の下欄に掲げる額（当該死亡した日が算定事由発生日の属する年度の翌々年度の八月一日以後の日である場合にあつては、厚生労働省令で定めるところにより第八条の四において準用する第八条の三第一項の規定の例により算定して得た額を同表の給付基礎日額とした場合に得られる額）に満たないときは、その者の遺族に対し、その請求に基づき、保険給付として、その差額に相当する額の障害年金差額一時金を支給する。

Article 61 (1) Where a person having the right to receive a disability pension dies, if the total of the amount of the disability pension paid to the person (for the part of the disability pension paid for the period until July of the fiscal year of the day on which the person died (in cases where the month of the day on which the person died is any of the months from April to July, the previous fiscal year; hereinafter the same applies in this paragraph), the amount

obtained by making a calculation in accordance with the provisions of Article 16-6, paragraph (2) as provided for by Order of the Ministry of Health, Labour and Welfare) and the amount of the advance lump sum payment for disability pension pertaining to the disability pension paid to the person (in cases where the grounds for the payment of the advance lump sum payment for disability pension occur in or before July of the fiscal year of the day on which the person died, the amount obtained by making a calculation in accordance with the method of calculating the amount of the compensation pension for surviving family specified in that paragraph as provided for by Order of the Ministry of Health, Labour and Welfare) is less than the amount among those prescribed in the right-hand column of the table in Article 58, paragraph (1) corresponding to the grade of disability pertaining to the relevant disability pension prescribed in the left-hand column of that table (in cases where the day on which the person died is August 1 of the fiscal year two years after the fiscal year of the day on which the grounds for calculation occurred or any subsequent day, the amount to be obtained where the amount obtained by making a calculation in accordance with the provisions of Article 8-3, paragraph (1) as applied mutatis mutandis pursuant to Article 8-4 as provided for by Order of the Ministry of Health, Labour and Welfare is regarded as the basic daily payment amount in that table), the government, unless otherwise provided for by law, pays a lump sum payment for the difference of disability pension equivalent to the amount of the difference, as insurance proceeds, to the surviving family members of the person based on their claims.

2 障害年金差額一時金は、遺族給付とみなして、第十条の規定を適用する。

(2) A lump sum payment for the difference of disability pension is deemed to be a payment for surviving family, and the provisions of Article 10 apply thereto.

3 第十六条の三第二項、第十六条の九第一項及び第二項並びに第五十八条第二項及び第三項の規定は、障害年金差額一時金について準用する。この場合において、第十六条の三第二項中「前項」とあるのは「第六十一条第一項」と、「別表第一」とあるのは「同項」と読み替えるものとする。

(3) The provisions of Article 16-3, paragraph (2), Article 16-9, paragraphs (1) and (2) and Article 58, paragraphs (2) and (3) apply mutatis mutandis to a lump sum payment for the difference of disability pension. In this case, the term the "preceding paragraph" and "appended table 1" in Article 16-3, paragraph (2) is deemed to be replaced, respectively, with "Article 61, paragraph (1)" and "that paragraph".

第六十二条 政府は、当分の間、労働者が通勤により負傷し、又は疾病にかかり、治つたとき身体に障害が存する場合における当該障害に関しては、障害年金を受ける権利を有する者に対し、その請求に基づき、保険給付として、障害年金前払一時金を支給する。

Article 62 (1) The government, unless otherwise provided for by law, in cases where a worker gets injured or fall ill while commuting to or from work and remains physically disabled when the worker has recovered, pays an advance lump sum payment for disability pension, as insurance proceeds, to the person having the right to receive a disability pension based on their claim.

2 障害年金前払一時金の額は、第五十八条第一項の表の上欄に掲げる当該障害年金に係る障害等級に応じ、第五十九条第二項に規定する厚生労働省令で定める額とする。

(2) The amount of the advance lump sum payment for disability pension is the amount specified by Order of the Ministry of Health, Labour and Welfare prescribed in Article 59, paragraph (2) corresponding to the grade of disability pertaining to the relevant disability pension prescribed in the left-hand column of the table of Article 58, paragraph (1).

3 第五十九条第三項、第四項及び第六項の規定は、障害年金前払一時金について準用する。この場合において、同条第三項及び第六項中「障害補償年金」とあるのは、「障害年金」と読み替えるものとする。

(3) The provisions of Article 59, paragraphs (3), (4) and (6) apply mutatis mutandis to an advance lump sum payment for disability pension. In this case, the term "disability compensation pension" in paragraphs (3) and (6) of that Article is deemed to be replaced with "disability pension".

第六十三条 政府は、当分の間、労働者が通勤により死亡した場合における当該死亡に関しては、遺族年金を受ける権利を有する遺族に対し、その請求に基づき、保険給付として、遺族年金前払一時金を支給する。

Article 63 (1) The government, unless otherwise provided for by law, in cases where a worker dies while commuting to or from work, pays an advance lump sum payment for surviving family with respect to the death, as insurance proceeds, to the surviving family members having the right to receive a pension for surviving family based on their claims.

2 遺族年金前払一時金の額は、第六十条第二項に規定する厚生労働省令で定める額とする。

(2) The amount of the advance lump sum payment for pension for surviving family is the amount specified by Order of the Ministry of Health, Labour and Welfare prescribed in Article 60, paragraph (2).

3 第六十条第三項から第五項まで及び第七項の規定は、遺族年金前払一時金について準用する。この場合において、同条第三項中「遺族補償年金は」とあるのは「遺族年金は」と、同条第四項中「第十六条の六」とあるのは「第二十二条の四第三項の規定により読み替えられた第十六条の六」と、「遺族補償年金の額」とあるのは「遺族年金の額」と、同条第七項中「遺族補償年金の」とあるのは「遺族年金の」と、「当該遺族補償年金」とあるのは「当該遺族年金」と読み替えるものとする。

(3) The provisions of Article 60, paragraphs (3) to (5) and (7) apply mutatis mutandis to an advance lump sum payment for pension for surviving family. In

this case, the term "compensation pension for surviving family" in paragraph (3) of that Article is deemed to be replaced with "pension for surviving family", the term "Article 16-6" and the "amount of the compensation pension for surviving family" in paragraph (4) of that Article is deemed to be replaced, respectively, with "Article 16-6 which is replaced pursuant to the provisions of Article 22-4, paragraph (3)" and the "amount of the pension for surviving family" and the term "of a compensation pension for surviving family" and the "compensation pension for surviving family" in paragraph (7) of that Article is deemed to be replaced, respectively, with "of a pension for surviving family" and the "pension for surviving family".

第六十四条 労働者又はその遺族が障害補償年金若しくは遺族補償年金又は障害年金若しくは遺族年金（以下この条において「年金給付」という。）を受けるとき（当該年金給付を受ける権利を有することとなつた時に、当該年金給付に係る障害補償年金前払一時金若しくは遺族補償年金前払一時金又は障害年金前払一時金若しくは遺族年金前払一時金（以下この条において「前払一時金給付」という。）を請求することができる場合に限る。）であつて、同一の事由について、当該労働者を使用している事業主又は使用していた事業主から民法その他の法律による損害賠償（以下単に「損害賠償」といい、当該年金給付によつててん補される損害をてん補する部分に限る。）を受けるときは、当該損害賠償については、当分の間、次に定めるところによるものとする。

Article 64 (1) Where a worker or their surviving family members are to receive a disability compensation pension or a compensation pension for surviving family or a disability pension or a pension for surviving family (hereinafter referred to as "pension benefits" in this Article) (limited to cases where the person or persons are, at the time when the worker or they have acquired the right to receive the pension benefits, eligible to claim an advance lump sum payment for disability compensation pension, advance lump sum payment for compensation pension for surviving family, advance lump sum payment for disability pension or advance payment of pension for surviving family (hereinafter referred to as an "advance lump sum benefit payment" in this Article) pertaining to the pension benefits), and the person or persons who are eligible to receive the payment for damages, on the same grounds, under the Civil Code or other Acts (hereinafter simply referred to as "compensation for damages"; limited to the part of the damages which is covered by the pension benefits) from an employer who hires or hired the worker, the compensation for damages, until otherwise provided for by law, is provided as follows:

一 事業主は、当該労働者又はその遺族の年金給付を受ける権利が消滅するまでの間、その損害の発生時から当該年金給付に係る前払一時金給付を受けるときまでの法定利率により計算される額を合算した場合における当該合算した額が当該前払一時金給付の最高限度額に相当する額となるべき額（次号の規定により損害賠償の責め

を免れたときは、その免れた額を控除した額)の限度で、その損害賠償の履行をしないことができる。

(i) The employer may, during the period until when the right of the worker or their surviving family members to receive pension benefits is extinguished, choose not to fulfill the obligation to pay the damages, up to the maximum of the total amount which, when calculated at the statutory interest rate for the period between the date of the occurrence of the loss and the date on which the person or persons are to receive an advance lump sum benefit payment, would be equivalent to the maximum amount of the advance lump sum benefit payment (in cases where the employer is exempted from the liability for damages pursuant to the provisions of the following item, the amount obtained by deducting the amount exempted).

二 前号の規定により損害賠償の履行が猶予されている場合において、年金給付又は前払一時金給付の支給が行われたときは、事業主は、その損害の発生時から当該支給が行われた時までの法定利率により計算される額を合算した場合における当該合算した額が当該年金給付又は前払一時金給付の額となるべき額の限度で、その損害賠償の責めを免れる。

(ii) When pension benefits or an advance lump sum benefit payment is paid during a period in which the time to pay for the damages has been extended pursuant to the provisions of the preceding item, the employer is exempted from the liability for damages, up to the maximum of the total amount which, when calculated at the statutory interest rate for the period between the date of the occurrence of the loss and the date when the payment was made, would be equivalent to the amount of the pension benefits or advance lump sum benefit payment.

2 労働者又はその遺族が、当該労働者を使用している事業主又は使用していた事業主から損害賠償を受けることができる場合であつて、保険給付を受けるべきときに、同一の事由について、損害賠償（当該保険給付によつててん補される損害をてん補する部分に限る。）を受けたときは、政府は、労働政策審議会の議を経て厚生労働大臣が定める基準により、その価額の限度で、保険給付をしないことができる。ただし、前項に規定する年金給付を受けるべき場合において、次に掲げる保険給付については、この限りでない。

(2) Where a worker or their surviving family members are eligible to receive the payment for damages from an employer who hires or hired the worker, and the person or persons, at the time when they are to receive insurance proceeds, have received the payment for damages (limited to the part of the damages which is covered by the insurance proceeds) for the same reason, the government may decide not to pay any insurance proceeds up to the maximum amount of the damages according to the standards specified by the Minister of Health, Labour and Welfare after consulting with the Labor Policy Council; provided, however, that where pension benefits prescribed in the preceding

paragraph are to be received, this does not apply to the insurance proceeds prescribed as followings:

一 年金給付（労働者又はその遺族に対して、各月に支給されるべき額の合計額が厚生労働省令で定める算定方法に従い当該年金給付に係る前払一時金給付の最高限度額（当該前払一時金給付の支給を受けたことがある者にあつては、当該支給を受けた額を控除した額とする。）に相当する額に達するまでの間についての年金給付に限る。）

(i) pension benefits (limited to pension benefits in relation to the period until the total amount payable each month to a worker or their surviving family members reaches the amount equivalent to the maximum amount of an advance lump sum benefit payment pertaining to the relevant pension benefits (with regard to those who have received the advance lump sum benefit payment, the amount after deducting the amount paid) in accordance with the method prescribed by Order of the Ministry of Health, Labour and Welfare);

二 障害補償年金差額一時金及び第十六条の六第一項第二号の場合に支給される遺族補償一時金並びに障害年金差額一時金及び第二十二條の四第三項において読み替えて準用する第十六条の六第一項第二号の場合に支給される遺族一時金

(ii) a lump sum payment for the difference of disability compensation pension, lump sum compensation for surviving family to be paid under Article 16-6, paragraph (1), item (ii), lump sum payment for the difference of disability pension, and lump sum payment for surviving family to be paid under Article 16-6, paragraph (1), item (ii) as applied mutatis mutandis following the deemed replacement of terms pursuant to the provisions of Article 22-4, paragraph (3); and

三 前払一時金給付

(iii) an advance lump sum benefit payment

附 則 〔昭和四十年六月十一日法律第百三十号〕 〔抄〕

Supplementary Provisions [Act No. 130 of June 11, 1965] [Extract]

第一条 この法律は、昭和四十年八月一日から施行する。

Article 1 This Act comes into effect on August 1, 1965.

第二条 第一条の規定の施行の際現に保険関係が成立している事業に関しては、同条の規定による改正後の労働者災害補償保険法（以下この条から附則第八条までにおいて「新法」という。）第三条の二の規定は、適用しない。

Article 2 With regard to a business in which the relationship between the insured business and this insurance has been established prior to the enforcement of the provisions of Article 1, the provisions of Article 3-2 of the Industrial Accident Compensation Insurance Act amended by the provisions of

Article 1 (hereinafter referred to as the "New Act" in this Article through Article 8 of the Supplementary Provisions) do not apply.

第三条 第一条の規定の施行の際現に同条の規定による改正前の労働者災害補償保険法（以下この条から附則第八条までにおいて「旧法」という。）第六条の規定による保険関係が成立している事業（当該事業に関し保険加入者が旧法第二十八条第一項若しくは第二項の報告をし、又は政府が同条第三項の通知を発したものを除く。）の事業主は、昭和四十年八月五日までに、新法第六条第二項に規定する事項を政府に届け出なければならない。

Article 3 (1) The employer that owns a business in which the relationship between the insured business and this insurance has been established, prior to the enforcement of the provisions of Article 1, under the provision of Article 6 of the Industrial Accident Compensation Insurance Act prior to the amendment by the provisions of Article 1 (hereinafter referred to as the "Former Act" in this Article through Article 8 of the Supplementary Provisions) (excluding those businesses of which the insurance subscriber has made a report set forth in Article 28, paragraph (1) or paragraph (2) of the Former Act or the government has given a notice set forth in paragraph (3) of that Article) must notify the government of the particulars prescribed in Article 6, paragraph (2) of the New Act no later than August 5, 1965.

2 前項の規定による届出をせず、又は虚偽の届出をした者は、六箇月以下の懲役又は五万円以下の罰金に処する。

(2) A person who fails to make a notification under the provisions of the preceding paragraph or makes a false notification is punished by imprisonment with work for not more than six months or a fine of not more than 50,000 yen.

3 法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関して、前項の違反行為をしたときは、行為者を罰するほか、その法人又は人に対し同項の罰金刑を科する。

(3) When the representative of a juridical person or an agent, employee or other worker of a juridical person or individual commits a violation set forth in the preceding paragraph, not only the offender is punished, but also the juridical person or individual is punished by the fine set forth in that paragraph.

第四条 第一条の規定の施行の際現に数次の請負によつて行なわれている事業の事業主については、なお旧法第八条の規定の例による。

Article 4 With regard to the employer that owns a business which is conducted, at the time of the enforcement of the provisions of Article 1, under several subcontracts for workers, the provisions of Article 8 of the Former Act remain applicable.

第五条 旧法の規定により支給すべき療養補償費及び休業補償費であつて、第一条の規

定の施行の際まだ支給していないものについては、なお従前の例による。

Article 5 Prior laws continue to govern medical treatment compensation or compensation for loss of salary during a temporary absence from work payable pursuant to the provisions of the Former Act which is not paid by the date on which the provisions of Article 1 comes into effect.

第六条 新法第十二条第一項第一号の規定は、第一条の規定の施行前に開始された療養に係る業務上の負傷又は疾病が同条の規定の施行後になおつた場合における同条の規定の施行前の療養についても、適用する。

Article 6 Where the injury or illness caused in the course of worker's duties, which pertains to the medical treatment commenced prior to the enforcement of the provisions of Article 1, is cured after the enforcement of the provisions of that Article, the provisions of Article 12, paragraph (1), item (i) of the New Act also apply to the part of the medical treatment that was provided prior to the enforcement of the provisions of Article 1.

第七条 新法第十二条第一項第二号の規定は、第一条の規定の施行前の休業が七日以内であり、かつ、同条の規定の施行後、同一の事由により休業する者に係る同条の規定の施行前の休業についても、適用する。この場合において、休業が七日をこえるときは、その休業の最初の日から起算して第三日目までの日についても、休業補償費を支給する。

Article 7 Where a person has been temporarily absent from work for not more than seven days prior to the enforcement of the provisions of Article 1 and continues to be temporarily absent from work for the same reason after the enforcement of the provisions of that Article, the provisions of Article 12, paragraph (1), item (ii) of the New Act also apply to the temporary absence from work prior to the enforcement of the provisions of Article 1. In this case, if the person has been temporarily absent from work for more than seven days, the person is paid for loss of salary during a temporary absence from work for three days during a temporary absence from work.

第八条 第一条の規定の施行前に生じた事故に係る保険給付については、旧法第十七条から第十九条の二までの規定は、なお効力を有する。

Article 8 (1) With regard to insurance proceeds pertaining to an accident which occurred prior to the enforcement of the provisions of Article 1, the provisions of Article 17 to Article 19-2 of the Former Act remain in force.

2 第一条の規定の施行前に生じた事故については、新法第三十条の四の規定は、適用しない。

(2) The provisions of Article 30-4 of the New Act do not apply to an accident which occurred prior to the enforcement of the provisions of Article 1.

第九条 労働基準法の一部を次のように改正する。

Article 9 (1) The Labor Standards Act is partially amended as follows:

[次のよう略]

[Omitted]

第十条 事業が数次の請負によつて行なわれる場合における災害補償であつて、昭和四十年七月三十一日以前に生じた事故に係るものについては、前条の規定による改正前の労働基準法第八十七条の規定の例による。

Article 10 With regard to accident compensation for a business conducted under several subcontracts for workers, which pertains to an accident that occurred on or before July 31, 1965, the provisions of Article 87 of the Labor Standards Act prior to the amendment to the provisions of the preceding Article apply.

第十一条 労働福祉事業団法（昭和三十二年法律第二百二十六号）の一部を次のように改正する。

Article 11 (1) The Labor Welfare Corporation Act (Act No. 126 of 1957) is partially amended as follows:

[次のよう略]

[Omitted]

第十二条 政府は、労働者災害補償保険の強制適用事業とされていないすべての事業を強制適用事業とするための効率的方策について、他の社会保険制度との関連をも考慮しつつ、二年以内に成果を得ることを目途として調査研究を行ない、その結果に基づいて、すみやかに、必要な措置を講ずるものとする。

Article 12 The government is to conduct research and studies on efficient measures to include all businesses, which have not yet been covered by industrial accident compensation insurance, in order to cover businesses by compulsory insurance, in consideration of the association with other social insurance systems and with the aim of obtaining results within two years, and take necessary measures promptly based on the findings of the research and studies.

第十三条 削除

Article 13 Deleted

第十四条 第三条の規定による改正前の労働者災害補償保険法（以下この条から附則第十六条までにおいて「旧法」という。）の規定による第一種障害補償費、傷病給付及び第一種障害給付のうち第三条の規定の施行の日の前日までの間に係る分並びに旧法の規定による第二種障害補償費、遺族補償費、葬祭料、第二種障害給付、遺族給付及び葬祭給付であつて、同条の規定の施行の際まだ支給していないものについては、なお従前の例による。

Article 14 Prior laws continue to govern a Type 1 disability compensation, illness and injury benefits and Type 1 disability benefits under the provisions of the Industrial Accident Compensation Insurance Act prior to the amendment to the provisions of Article 3 (hereinafter referred to as the "Former Act" in this Article through Article 16 of the Supplementary Provisions) pertaining to a period until the day before the date on which the provisions of Article 3 comes into effect, and a Type 2 disability compensation, compensation for surviving family, funeral service fees, type 2 disability benefits, benefits for surviving family and funeral rites benefits under the provisions of the Former Act, which is not yet paid by the date on which the provisions of that Article comes into effect.

第十五条 第三条の規定の施行の際現に旧法の規定による第一種障害補償費若しくは第一種障害給付又は傷病給付を受けることができる者には、それぞれ、同条の規定による改正後の労働者災害補償保険法（以下「新法」という。）の規定による障害補償年金を支給し、又は長期傷病補償給付を行なう。この場合において、第一種傷病給付を受けることができる者に対して行なう長期傷病補償給付は、その者が同条の規定の施行後三十日以内に政府に申出をしたときは、新法第十八条第一項の規定にかかわらず、当該負傷若しくは疾病がなおるまで又は当該負傷若しくは疾病について病院若しくは診療所への収容による療養を必要とするに至るまでの間、従前の例による額の年金のみとする。

Article 15 A person who is eligible, at the time of the enforcement of the provisions of Article 3, to receive a Type 1 disability compensation or Type 1 disability benefits or receive illness or injury and disability benefits under the provisions of the Former Act is paid a disability compensation pension or long-term illness or injury compensation benefits under the provisions of the Industrial Accident Compensation Insurance Act after the amendment to the provisions of that Article (hereinafter referred to as the "New Act"), respectively. In this case, with regard to long-term illness and injury compensation benefits to be paid to a person eligible to receive Type 1 illness and injury benefits, if such person reports to the government within 30 days after the enforcement of the provisions of that Article, the person is paid a pension only at the amount set under the provisions then in force, notwithstanding the provisions of Article 18, paragraph (1) of the New Act, for the period until the person recovers from the illness or injury or needs to receive medical treatment for the illness or injury while staying in a hospital or clinic.

第十六条 新法第二十七条又は第三十条の二第一項第一号若しくは第二号に規定する保険給付の額に関しては、旧法の規定による第一種障害補償費及び第一種障害給付は、障害補償年金とみなし、同法の規定による傷病給付は、長期傷病補償給付とみなす。

Article 16 With regard to the amount of insurance proceeds prescribed in Article 27 or Article 30-2, paragraph (1), item (i) or item (ii) of the New Act, a Type 1 disability compensation and type 1 disability benefits under the provisions of the Former Act is deemed to be a disability compensation pension, and illness and injury benefits under the provisions of that Act is deemed to be long-term illness and injury compensation benefits.

第四十条から第四十二条まで 削除
Article 40 to Article 42 Deleted

第四十三条 附則第四十五条の規定に基づき遺族補償年金を受けることができる遺族の範囲が改定されるまでの間、労働者の夫（婚姻の届出をしていないが、事実上婚姻関係と同様の事情にあつた者を含む。以下次項において同じ。）、父母、祖父母及び兄弟姉妹であつて、労働者の死亡の当時、その収入によつて生計を維持し、かつ、五十五歳以上六十歳未満であつたもの（労働者災害補償保険法第十六条の二第一項第四号に規定する者であつて、同法第十六条の四第一項第六号に該当しないものを除く。）は、同法第十六条の二第一項の規定にかかわらず、同法の規定による遺族補償年金を受けることができる遺族とする。この場合において、同法第十六条の四第二項中「各号の一」とあるのは「各号の一（第六号を除く。）」と、同法別表第一の遺族補償年金の項中「遺族補償年金を受けることができる遺族」とあるのは「遺族補償年金を受けることができる遺族（労働者災害補償保険法の一部を改正する法律（昭和四十年法律第百三十号）附則第四十三条第一項に規定する遺族であつて六十歳未満であるものを除く。）」とする。

Article 43 (1) Until the coverage of surviving family members eligible to receive a compensation pension for surviving family is amended pursuant to the provisions of Article 45 of the Supplementary Provisions, a worker's husband (including a person who did not register marriage but has been in a de facto marital relationship with the worker; hereinafter the same applies in the following paragraph), parents, grandparents and siblings who were dependent on the worker's income at the time of the worker's death and were 55 or over or under 60 years of age (excluding those prescribed in Article 16-2, paragraph (1), item (iv) of the Industrial Accident Compensation Insurance Act who do not fall under Article 16-4, paragraph (1), item (vi) of that Act), notwithstanding the provisions of Article 16-2, paragraph (1) of that Act, is regarded as surviving family members eligible to receive a compensation pension for surviving family under the provisions of that Act. In this case, the term "any of the items of the preceding paragraph" in Article 16-4, paragraph (2) of that Act is deemed to be replaced with "any of the items of the preceding paragraph (excluding item (vi))," and the term "surviving family members eligible to receive a compensation pension for surviving family" in the row concerning a compensation pension for surviving family in Appended Table 1 of that Act is

deemed to be replaced with "surviving family members eligible to receive a compensation pension for surviving family (excluding surviving family members prescribed in Article 43, paragraph (1) of the Supplementary Provisions of the Act for Partial Amendment to the Industrial Accident Compensation Insurance Act (Act No. 130 of 1965) who are under 60 years of age)."

2 前項に規定する遺族の遺族補償年金を受けるべき順位は、労働者災害補償保険法第十六条の二第一項に規定する遺族の次の順位とし、前項に規定する遺族のうちにあつては、夫、父母、祖父母及び兄弟姉妹の順序とする。

(2) The order of priority of the surviving family members prescribed in the preceding paragraph who receive a compensation pension for surviving family is decided in accordance with the order prescribed in Article 16-2, paragraph (1) of the Industrial Accident Compensation Insurance Act, and among those surviving family members prescribed in the preceding paragraph, the husband comes first, then parents, grandparents and siblings.

3 第一項に規定する遺族に支給すべき遺族補償年金は、その者が六十歳に達する月までの間は、その支給を停止する。ただし、労働者災害補償保険法第六十条の規定の適用を妨げるものではない。

(3) Payment of a compensation pension for surviving family payable to surviving family members prescribed in paragraph (1) is suspended until the month in which the member turns 60 years old; provided, however, that this does not preclude the application of the provisions of Article 60 of the Industrial Accident Compensation Insurance Act.

第四十四条 この附則に規定するもののほか、この法律の施行に関して必要な事項は、政令で定める。

Article 44 In addition to what is provided for by the Supplementary Provisions, any matters necessary for the enforcement of this Act are prescribed by Cabinet Order.

第四十五条 労働者の業務災害に対する年金による補償に関しては、労働者災害補償保険制度と厚生年金保険その他の社会保険の制度との関係を考慮して引き続き検討が加えられ、その結果に基づき、すみやかに、別に法律をもつて処理されるべきものとする。

Article 45 With regard to compensation pension for occupational accident occurred to workers, review will be conducted in consideration of the relationships between the industrial accident compensation insurance system and the employee's pension insurance and other social insurance systems, and will be paid promptly under the other Act based on the results of the review.

附 則 〔平成十九年四月二十三日法律第三十号〕〔抄〕

Supplementary Provisions [Act No. 30 of April 23, 2007] [Extract]

第一条 この法律は、公布の日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 (1) This Act comes into effect on the day of its promulgation; provided, however, that the provisions of the following items come into effect on the dates specified in the respective items:

一～二 [略]

(i) and (ii) (Omitted)

三 第二条、第四条、第六条〔中略〕の規定 日本年金機構法の施行の日

(iii) the provisions of Article 2, Article 4, and Article 6 (partially omitted): the date on which the Japan Pension Organization Act comes into effect.

第五十一条 第五条の規定による改正前の労働者災害補償保険法第二十九条第一項第四号に掲げる事業として行われる給付金の支給であつてその支給事由が施行日前に生じたものについては、なお従前の例による。

Article 51 Prior laws continue to govern the benefits paid through the services specified in Article 29, paragraph (1), item (iv) of the Industrial Accident Compensation Insurance Act prior to the amendment to the provisions of Article 5, for which the grounds for payment occurred prior to the date of enforcement.

第五十二条 前条の規定によりなお従前の例によるものとされた給付金の支給に要する費用に関する第七条の規定による改正後の労働保険の保険料の徴収等に関する法律の規定の適用については、同法第十条第一項中「事業」とあるのは「事業（雇用保険法等の一部を改正する法律（平成十九年法律第三十号）附則第五十一条の規定によりなお従前の例によるものとされた給付金を支給する事業（以下「給付金支給事業」という。）を含む。）」と、同法第十二条第二項中「及び社会復帰促進等事業」とあるのは「及び社会復帰促進等事業（給付金支給事業を含む。以下同じ。）」とする。

Article 52 With regard to the application of the provisions of the Act on the Collection of Premiums on Labor Insurance amended by the provisions of Article 7 with regard to the costs necessary for the payment of the benefits which are continued to be governed by prior laws pursuant to the provisions of the preceding Article, the term "services" in Article 10, paragraph (1) of that Act is deemed to be replaced with "services (including the services for the payment of the benefits which is continued to be governed by prior laws pursuant to the provisions of Article 51 of the Supplementary Provisions of the Act for Partial Amendment to the Employment Insurance Act, etc. (Act No. 30 of 2007) (hereinafter referred to as the "benefit payment services"))," and the term "and the projects to promote social reintegration of workers into society" in Article 12, paragraph (2) of that Act is deemed to be replaced with "and the

projects to promote social reintegration of workers into society (including the benefit payment services; the same applies hereinafter)."

第五十三条 附則第五十一条の規定によりなお従前の例によるものとされた給付金に要する費用に関する附則第百三十六条の規定による改正後の特別会計に関する法律の規定の適用については、同法第九十九条第一項第二号イ中「社会復帰促進等事業費」とあるのは、「社会復帰促進等事業費（雇用保険法等の一部を改正する法律（平成十九年法律第三十号）附則第五十一条の規定によりなお従前の例によるものとされた給付金を支給する事業に要する費用を含む。）」とする。

Article 53 With respect to the application of the provisions of the Act on Special Accounts amended by the provision of Article 136 of the Supplementary Provisions with regard to the costs necessary for the benefits which is continued to be governed by prior laws pursuant to the provision of Article 51 of the Supplementary Provisions, the term "costs for the projects to promote social reintegration of works into society" in Article 99, paragraph (1), item (ii)(b) of that Act is deemed to be replaced with "costs for the projects to promote social reintegration of works into society (including the costs necessary for the services for the payment of the benefits which is continued to be governed by prior laws pursuant to the provision of Article 51 of the Supplementary Provisions of the Act for Partial Amendment to the Employment Insurance Act, etc. (Act No. 30 of 2007))."

第百四十二条 政府は、この法律の施行後五年を目途として、この法律の施行の状況等を勘案し、この法律により改正された雇用保険法等の規定に基づく規制の在り方について検討を加え、必要があると認めるときは、その結果に基づいて所要の措置を講ずるものとする。

Article 142 After approximately five years from the enforcement of this Act, the government, in consideration of the status of the enforcement of this Act, etc., conducts a review of desirable regulations under the provisions of the Employment Insurance Act, etc. amended by this Act, and take any necessary measures based on the results of the review when it finds it necessary to do so.

第百四十三条 この附則に規定するもののほか、この法律の施行に伴い必要な経過措置は、政令で定める。

Article 143 In addition to what is provided for by the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are prescribed by Cabinet Order.

附 則 〔平成十九年七月六日法律第百九号〕 〔抄〕

Supplementary Provisions [Act No. 109 of July 6, 2007] [Extract]

第一条 この法律は、平成二十二年四月一日までの間において政令で定める日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act comes into effect on the day specified by Cabinet Order, which is before April 1, 2010; provided, however, that the provisions of the following items come into effect on the dates specified in the respective items:

一 〔前略〕附則第六十六条及び第七十五条の規定 公布の日

(i) (Omitted) the provisions of Article 66 and Article 75 of the Supplementary Provisions: the date of promulgation;

二 〔略〕

(ii) (Omitted)

第七十三条 この法律（附則第一条各号に掲げる規定については、当該各規定。以下同じ。）の施行前に法令の規定により社会保険庁長官、地方社会保険事務局長又は社会保険事務所長（以下「社会保険庁長官等」という。）がした裁定、承認、指定、認可その他の処分又は通知その他の行為は、法令に別段の定めがあるもののほか、この法律の施行後は、この法律の施行後の法令の相当規定に基づいて、厚生労働大臣、地方厚生局長若しくは地方厚生支局長又は機構（以下「厚生労働大臣等」という。）がした裁定、承認、指定、認可その他の処分又は通知その他の行為とみなす。

Article 73 (1) An administrative determination, approval, designation, authorization or other disposition, or notice or other act made by the Commissioner of the Social Insurance Agency, the Director-General of a Regional Social Insurance Bureau or the head of a social insurance office (hereinafter referred to as the "Commissioner of the Social Insurance Agency, etc.") pursuant to the provisions of laws and regulations prior to the enforcement of this Act (in the case of the provisions of the items of Article 1 of the Supplementary Provisions, the respective provisions; the same applies hereinafter), except those otherwise provided for by laws and regulations, is respectively be deemed, after the enforcement of this Act, to be an administrative determination, approval, designation, authorization or other disposition or notice or other act of the Minister of Health, Labour and Welfare, the Director-General of a Regional Bureau of Health and Welfare or the Director-General of a Regional Branch Bureau of Health and Welfare or the Japan Pension Organization (hereinafter referred to as the "Minister of Health, Labour and Welfare, etc.") pursuant to the corresponding provisions of laws and regulations after the enforcement of this Act.

2 この法律の施行の際現に法令の規定により社会保険庁長官等に対してされている申請、届出その他の行為は、法令に別段の定めがあるもののほか、この法律の施行後は、この法律の施行後の法令の相当規定に基づいて、厚生労働大臣等に対してされた申請、届出その他の行為とみなす。

(2) An request, notification or other act for the Commissioner of the Social Insurance Agency, etc. pursuant to the provisions of laws and regulations prior

to the enforcement of this Act, except those otherwise provided for by laws and regulations, is respectively deemed, after the enforcement of this Act, to be a request, notification or other act for the Minister of Health, Labour and Welfare, etc. pursuant to the corresponding provisions of laws and regulations after the enforcement of this Act.

3 この法律の施行前に法令の規定により社会保険庁長官等に対し報告、届出、提出その他の手続をしなければならないとされている事項で、施行日前にその手続がされていないものについては、法令に別段の定めがあるもののほか、この法律の施行後は、これを、この法律の施行後の法令の相当規定により厚生労働大臣等に対して、報告、届出、提出その他の手続をしなければならないとされた事項についてその手続がされていないものとみなして、この法律の施行後の法令の規定を適用する。

(3) With regard to the particulars on which a report, notification, submission or other procedure which are required by the Commissioner of the Social Insurance Agency, etc. pursuant to the provisions of laws and regulations prior to the enforcement of this Act, if the relevant procedure has not yet been completed prior to the date of enforcement, except those otherwise provided for by laws and regulations, it is deemed that a report, notification, submission or other procedure has not yet been completed for the particulars which are required by the Minister of Health, Labour and Welfare, etc. pursuant to the corresponding provisions of laws and regulations after the enforcement of this Act, and the provisions of laws and regulations after the enforcement of this Act apply thereto.

4 なお従前の例によることとする法令の規定により、社会保険庁長官等がすべき裁定、承認、指定、認可その他の処分若しくは通知その他の行為又は社会保険庁長官等に対してすべき申請、届出その他の行為については、法令に別段の定めがあるもののほか、この法律の施行後は、この法律の施行後の法令の規定に基づく権限又は権限に係る事務の区分に応じ、それぞれ、厚生労働大臣等がすべきものとし、又は厚生労働大臣等に対してすべきものとする。

(4) An administrative determination, approval, designation, authorization or other disposition or notice or other act to be made or implemented by the Commissioner of the Social Insurance Agency, etc. pursuant to the provisions of laws and regulations which are continued to be governed by prior laws, and a request, notification or other act required by the Commissioner of the Social Insurance Agency, etc. pursuant to the provisions of laws and regulations, except those otherwise provided for by laws and regulations, is made or implemented by or required by the Minister of Health, Labour and Welfare, etc., respectively, according to the authorities under the provisions of laws and regulations after the enforcement of this Act or of types of affairs pertaining to the authorities.

第七十五条 この附則に定めるもののほか、この法律の施行に関し必要な経過措置は、

政令で定める。

Article 75 In addition to what is provided for by the Supplementary Provisions, necessary transitional measures for the enforcement of this Act are prescribed by Cabinet Order.

附 則 〔平成十九年七月六日法律第百十号〕 〔抄〕

Supplementary Provisions [Act No. 110 of July 6, 2007] [Extract]

第一条 この法律は、平成二十年四月一日から施行する。ただし、次の各号に掲げる規定は、それぞれ当該各号に定める日から施行する。

Article 1 This Act come into effect on April 1, 2008; provided, however, that the provisions prescribed in the following items come into effect on the dates specified in the respective items:

一 第一条、第六条、第十三条、第十六条及び第十九条並びに附則第二十三条、第二十五条、第二十七条及び第二十八条の規定 公布の日

(i) the provisions of Article 1, Article 6, Article 13, Article 16 and Article 19 of this Act, and Article 23, Article 25, Article 27 and Article 28 of the Supplementary Provisions: the date of promulgation;

二・三 〔略〕

(ii) and (iii) (Omitted)

四 第八条、第十八条及び第二十条から第二十三条まで並びに附則第七条から第九条まで、第十三条、第十六条及び第二十四条の規定 平成二十一年四月一日

(iv) the provisions of Article 8, Article 18, and Article 20 to Article 23 of this Act, and Article 7 to Article 9, Article 13, Article 16 and Article 24 of the Supplementary Provisions: April 1, 2009;

五～七 〔略〕

(v) through (vii) (Omitted)

第二十七条 この法律（附則第一条各号に掲げる規定については、当該各規定。次条において同じ。）の施行前にした行為に対する罰則の適用については、なお従前の例による。

Article 27 Prior laws continue to govern the application of penal provisions to conduct in which a person engages prior to the enforcement of this Act (in the case of the provisions of the items of Article 1 of the Supplementary Provisions, the respective provisions; the same applies in the following Article).

第二十八条 この附則に規定するもののほか、この法律の施行に伴い必要な経過措置は、政令で定める。

Article 28 In addition to what is provided for by the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are prescribed by Cabinet Order.

附 則 〔平成十九年七月六日法律第百十一号〕 〔抄〕

Supplementary Provisions [Act No. 111 of July 6, 2007] [Extract]

第一条 この法律は、公布の日から施行する。

Article 1 This Act comes into effect on the day of its promulgation.

第八条 この附則に定めるもののほか、この法律の施行に関し必要な経過措置は、政令で定める。

Article 8 In addition to what is provided for by the Supplementary Provisions, transitional measures necessary for the enforcement of this Act are prescribed by Cabinet Order.

別表第一（第十四条、第十五条、第十五条の二、第十六条の三、第十八条、第十八条の二、第二十二條の三、第二十二條の四、第二十三條関係）

Appended Table 1 (Re: Article 14, Article 15, Article 15-2, Article 16-3, Article 18, Article 18-2, Article 22-3, Article 22-4 and Article 23)

一
(i)

同一の事由（障害補償年金及び遺族補償年金については、それぞれ、当該障害又は死亡をいい、傷病補償年金については、当該負傷又は疾病により障害の状態にあることをいう。以下同じ。）により、障害補償年金若しくは傷病補償年金又は遺族補償年金と厚生年金保険法の規定による障害厚生年金及び国民年金法の規定による障害基礎年金（同法第三十条の四の規定による障害基礎年金を除く。以下同じ。）又は厚生年金保険法の規定による遺族厚生年金及び国民年金法の規定による遺族基礎年金若しくは寡婦年金とが支給される場合にあつては、下欄の額に、次のイからハマまでに掲げる年金たる保険給付の区分に応じ、それぞれイからハマまでに掲げるところにより算定して得た率を下らない範囲内で政令で定める率を乗じて得た額（その額が政令で定める額を下回る場合には、当該政令で定める額）

In cases where a disability compensation pension, injury and illness compensation pension or compensation pension for surviving family is paid, and for the same reason (meaning the relevant disability or death in the case of a disability compensation pension and compensation pension for surviving family, and the fact of being disabled due to the relevant injury or illness in the case of an injury and illness compensation pension, respectively; the same applies hereinafter), a disability employee's pension under the provisions of the Employees' Pension Insurance Act and a basic pension for surviving family under the provisions of the National Pension Act (excluding a disability basic pension under the provisions of Article 30-4 of the National Pension Act; the same applies hereinafter) or an employee's pension for surviving family under the provisions of the Employee's Pension Insurance Act and a basic pension for surviving family or widow's pension under the provisions of the National Pension Act are also paid: the amount obtained by multiplying each of the amounts prescribed in the lower columns by the rate specified by Cabinet Order within a range not lower than the rate obtained by making the calculation as explained in (a) to (c) below according to the categories of insurance benefits in pension form listed in (a) through (c) respectively (if the amount thus obtained is less than the amount specified by Cabinet Order, the amount specified by Cabinet Order)

イ 障害補償年金 前々保険年度（前々年の四月一日から前年の三月三十一日までをいう。以下この号において同じ。）において障害補償年金を受けていた者であつて、同一の事由により厚生年金保険法の規定による障害厚生年金及び国民年金法の規定による障害基礎年金が支給されていたすべてのものに係る前々保険年度における障害補償年金の支給額（これらの者が厚生年金保険法の規定による障害厚生年金及び国民年金法の規定による障害基礎年金を支給されていなかったとした場合の障害補償年金の支給額をいう。）の平均額からこれらの者が受けていた前々保険年度における厚生年金保険法の規定による障害厚生年金の支給額と国民年金法の規定による障害基礎年金の支給額との合計額の平均額に百分の五十を乗じて得た額を減じた額を当該障害補償年金の支給額の平均額で除して得た率

(a) Disability compensation pension: the rate obtained by the following formula: [1] calculating, with regard to all persons who received a disability compensation pension in the insurance year before the previous year (meaning the period from April 1 of the year before the previous year until March 31 of the previous year; hereinafter the same shall apply in this item) and were also paid, on the same grounds, a disability employee's pension under the provisions of the Employee's Pension Insurance Act and a disability basic pension under the provisions of the National Pension Act, the average amount of the amounts of disability compensation pension paid in the insurance year before the previous year (meaning the amounts of disability compensation pension paid in cases where it is assumed that those persons were paid no disability employee's pension under the provisions of the Employee's Pension Insurance Act nor disability basic pension under the provisions of the National Pension Act); [2] calculating the average amount of the total amounts of disability employee's pension under the provisions of the Employee's Pension Insurance Act and disability basic pension under the provisions of the National Pension Act received by those persons in the insurance year before the previous year; [3] deducting the amount obtained by multiplying the average amount in [2] by 50 percent from the average amount in [1]; and [4] dividing the amount thus obtained by the average amount of disability compensation pension paid (average amount in [1])

ロ 遺族補償年金 イ中「障害補償年金」とあるのは「遺族補償年金」と、「障害厚生年金」とあるのは「遺族厚生年金」と、「障害基礎年金」とあるのは「遺族基礎年金又は寡婦年金」として、イの規定の例により算定して得た率

(b) Compensation pension for surviving family: the rate obtained by making a calculation by the formula prescribed in (a), while replacing the terms "disability compensation pension," "disability employee's pension" and "disability basic pension" in (a) with "compensation pension for surviving family," "employee's pension for surviving family," and "basic pension for surviving family or widow's pension," respectively

ハ 傷病補償年金 イ中「障害補償年金」とあるのは、「傷病補償年金」として、イの規定の例により算定して得た率

(c) Injury and illness compensation pension: the rate obtained by making a calculation by the formula prescribed in (a), while replacing the term "disability compensation pension" in (a) with "injury and illness compensation pension"

二
(ii) 同一の事由により、障害補償年金若しくは傷病補償年金又は遺族補償年金と厚生年金保険法の規定による障害厚生年金又は遺族厚生年金とが支給される場合（第一号に規定する場合を除く。）にあつては、下欄の額に、年金たる保険給付の区分に応じ、前号の政令で定める率に準じて政令で定める率を乗じて得た額（その額が政令で定める額を下回る場合には、当該政令で定める額）

In cases where a disability compensation pension, injury and disease compensation pension or compensation pension for surviving family is paid, and on the same grounds, and a disability employee's pension or employee's pension for surviving family under the provisions of the Employees' Pension Insurance Act is also paid (excluding the case prescribed in item (i)): the amount obtained by multiplying each of the amounts set forth in the lower columns by the rate specified by Cabinet Order as being equivalent to the rate specified by Cabinet Order set forth in the preceding item according to the categories of insurance benefits in pension form (if the amount thus obtained is less than the amount specified by Cabinet Order, the amount specified by Cabinet Order)

<p>三 (iii)</p>	<p>同一の事由により、障害補償年金若しくは傷病補償年金又は遺族補償年金と国民年金法の規定による障害基礎年金又は遺族基礎年金若しくは寡婦年金とが支給される場合（第一号に規定する場合及び当該同一の事由により国家公務員共済組合法（昭和三十二年法律第二百二十八号）、地方公務員等共済組合法（昭和三十七年法律第一百五十二号）又は私立学校教職員共済法（昭和二十八年法律第二百四十五号）の規定による障害共済年金又は遺族共済年金が支給される場合を除く。）にあつては、下欄の額に、年金たる保険給付の区分に応じ、第一号の政令で定める率に準じて政令で定める率を乗じて得た額（その額が政令で定める額を下回る場合には、当該政令で定める額）</p> <p>In cases where a disability compensation pension, injury and disease compensation pension or compensation pension for surviving family is paid, and for the same reason, and a disability basic pension or basic pension for surviving family or widow's pension under the provisions of the National Pension Act are also paid (excluding the case prescribed in item (i) and cases where a disability mutual aid pension or mutual aid pension for surviving family under the provisions of the National Public Service Personnel Mutual Aid Associations Act (Act No. 128 of 1958), the Local Public Service Personnel Mutual Aid Associations Act (Act No. 152 of 1962) or the Private School Personnel Mutual Aid Act (Act No. 245 of 1953)): the amount obtained by multiplying each of the amounts set forth in the lower columns by the rate specified by Cabinet Order as being equivalent to the rate specified by Cabinet Order set forth in item (i) according to the categories of insurance benefits in pension form (if the amount thus obtained is less than the amount specified by Cabinet Order, the amount specified by Cabinet Order)</p>
<p>四 (iv)</p>	<p>前三号の場合以外の場合にあつては、下欄の額 in cases other than those referred to in the preceding three items: each of the amounts set forth in the lower columns</p>
<p>区 分 Category</p>	<p>額 Amount</p>

障害補償年金 Disability compensation pension	一 障害等級第一級に該当する障害がある者 (i) person with a Grade 1 disability	給付基礎日額の三一三日分 the basic daily payment amount for 313 days
	二 障害等級第二級に該当する障害がある者 (ii) person with a Grade 2 disability	給付基礎日額の二七七日分 the basic daily payment amount for 277 days
	三 障害等級第三級に該当する障害がある者 (iii) person with a Grade 3 disability	給付基礎日額の二四五日分 the basic daily payment amount for 245 days
	四 障害等級第四級に該当する障害がある者 (iv) person with a Grade 4 disability	給付基礎日額の二一三日分 the basic daily payment amount for 213 days
	五 障害等級第五級に該当する障害がある者 (v) person with a Grade 5 disability	給付基礎日額の一八四日分 the basic daily payment amount for 184 days
	六 障害等級第六級に該当する障害がある者 (iv) person with a Grade 6 disability	給付基礎日額の一五六日分 the basic daily payment amount for 156 days
	七 障害等級第七級に該当する障害がある者 (vii) person with a Grade 7 disability	給付基礎日額の一三一日分 the basic daily payment amount for 131 days

<p>遺族補償年金 Compensation pension for surviving family</p>	<p>次の各号に掲げる遺族補償年金を受ける権利を有する遺族及びその者と生計を同じくしている遺族補償年金を受けることができる遺族の人数の区分に応じ、当該各号に掲げる額</p> <p>The amount prescribed in each of the following items according to the number of surviving family members having the right to receive a compensation pension for surviving family and surviving family members eligible to receive a compensation pension for surviving family who share living expenses with those having the right specified in the respective items</p> <p>一 一人 給付基礎日額の一五三日分。ただし、五十五歳以上の妻又は厚生労働省令で定める障害の状態にある妻にあつては、給付基礎日額の一七五日分とする。</p> <p>(i) One: the basic daily payment amount for 153 days; provided, however, that in the case where the wife is aged 55 or over or the wife is disabled as specified by Order of the Ministry of Health, Labour and Welfare, the basic daily payment amount for 175 days</p> <p>二 二人 給付基礎日額の二〇一日分</p> <p>(ii) Two: the basic daily payment amount for 201 days</p> <p>三 三人 給付基礎日額の二二三日分</p> <p>(iii) Three: the basic daily payment amount for 223 days</p> <p>四 四人以上 給付基礎日額の二四五日分</p> <p>(iv) Four or more: the basic daily payment amount for 245 days</p>	
<p>傷病補償年金 Injury and illness compensation pension</p>	<p>一 傷病等級第一級に該当する障害の状態にある者 (i) person with a Grade 1 injury/illness</p> <p>二 傷病等級第二級に該当する障害の状態にある者 (ii) person with a Grade 2 injury/illness</p>	<p>給付基礎日額の三一三日分 313 days of the basic daily benefit amount</p> <p>給付基礎日額の二七七日分 277 days of the basic daily benefit amount</p>

	三 傷病等級第三級に該当する障害の状態にある者 (iii) person with a Grade 3 injury/illness	給付基礎日額の二四五日分 245 days of the basic daily benefit amount
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別表第二（第十五条、第十五条の二、第十六条の八、第二十二条の三、第二十二条の四関係）

Appended Table 2 (Re: Article 15, Article 15-2, Article 16-8, Article 22-3 and Article 22-4)

区 分 Category	額 Amount	
障害補償一時金 Lump sum payment for Disability compensation	一 障害等級第八級に該当する障害がある者 (i) person with a Grade 8 disability	給付基礎日額の五〇三日分 503 days of the basic daily benefit amount
	二 障害等級第九級に該当する障害がある者 (ii) person with a Grade 9 disability	給付基礎日額の三九一日分 391 days of the basic daily benefit amount
	三 障害等級第一〇級に該当する障害がある者 (iii) person with a Grade 10 disability	給付基礎日額の三〇二日分 302 days of the basic daily benefit amount
	四 障害等級第一一級に該当する障害がある者 (iv) person with a Grade 11 disability	給付基礎日額の二二三日分 223 days of the basic daily benefit amount
	五 障害等級第一二級に該当する障害がある者 (v) person with a Grade 12 disability	給付基礎日額の一五六日分 156 days of the basic daily benefit amount
	六 障害等級第一三級に該当する障害がある者 (iv) person with a Grade 13 disability	給付基礎日額の一〇一日分 101 days of the basic daily benefit amount
	七 障害等級第一四級に該当する障害がある者 (vii) person with a Grade 14 disability	給付基礎日額の五六日分 56 days of the basic daily benefit amount
遺族補償一時金 Lump sum compensation for surviving family	一 第十六条の六第一項第一号の場合 (i) in the case referred to in Article 16-6, paragraph (1), item (i)	給付基礎日額の一、〇〇〇日分 1,000 days of the basic daily benefit amount

<p>二 第十六条の六第一項第二号の場合 (ii) in the case referred to in Article 16-6, paragraph (1), item (ii)</p>	<p>給付基礎日額の一、〇〇〇日分から第十六条の六第一項第二号に規定する遺族補償年金額の合計額を控除した額 Amount obtained by deducting the total amount of the compensation pension for surviving family prescribed in Article 16-6, paragraph (1), item (ii) from 1,000 days of the basic daily benefit amount</p>
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