労働基準法
Labor Standards Act

（昭和二十二年四月七日法律第四十九号）
(Act No. 49 of April 7, 1947)

第一章　総則
Chapter I General Provisions

（労働条件の原則）
(Principles for Working Conditions)

第一条　労働条件は、労働者が人たるに値する生活を営むための必要を充たすべきものでなければならない。

Article 1 (1) Working conditions must be conditions meeting the needs that are to be met in order for a worker to live a life worthy of a human being.

２　この法律で定める労働条件の基準は最低のものであるから、労働関係の当事者は、この基準を理由として労働条件を低下させてはならないことはもとより、その向上を図るように努めなければならない。

(2) The standards for working conditions fixed by this Act serve as minimum standards; a party to a labor relationship must not cause working conditions to deteriorate using these standards as the grounds for doing so, but instead must endeavor to improve them.

（労働条件の決定）
(Deciding Working Conditions)

第二条　労働条件は、労働者と使用者が、対等の立場において決定すべきものである。

Article 2 (1) The worker and the employer are to decide working conditions as equals.

２　労働者及び使用者は、労働協約、就業規則及び労働契約を遵守し、誠実に各々その義務を履行しなければならない。

(2) Workers and employers must abide by collective agreements, rules of employment, and labor contracts, and each worker or employer must discharge their duties faithfully.

（均等待遇）
(Equal Treatment)

第三条　使用者は、労働者の国籍、信条又は社会的身分を理由として、賃金、労働時間その他の労働条件について、差別的取扱をしてはならない。

Article 3 An employer must not use a worker's nationality, creed, or social status as a basis for differential treatment with respect to wages, working hours, or

other working conditions.

（男女同一賃金の原則）
(The Principle of Equal Wages for Men and Women)

第四条　使用者は、労働者が女性であることを理由として、賃金について、男性と差別的取扱いをしてはならない。

Article 4 An employer must not use the fact that a worker is a woman as a basis for differential treatment in comparison to men with respect to wages.

（強制労働の禁止）
(Prohibition of Forced Labor)

第五条　使用者は、暴行、脅迫、監禁その他精神又は身体の自由を不当に拘束する手段によつて、労働者の意思に反して労働を強制してはならない。

Article 5 An employer must not force a worker to work against their will through the use of physical violence, intimidation, confinement, or any other means that unjustly restricts that worker's mental or physical freedom.

（中間搾取の排除）
(Elimination of Exploitation by Intermediaries)

第六条　何人も、法律に基いて許される場合の外、業として他人の就業に介入して利益を得てはならない。

Article 6 Other than as permitted by law, it is prohibited for any person to profit from intervening in the employment of others in the course of trade.

（公民権行使の保障）
(Guarantee of the Exercise of Civil Rights)

第七条　使用者は、労働者が労働時間中に、選挙権その他公民としての権利を行使し、又は公の職務を執行するために必要な時間を請求した場合においては、拒んではならない。但し、権利の行使又は公の職務の執行に妨げがない限り、請求された時刻を変更することができる。

Article 7 An employer must not refuse a worker's request for time needed to exercise the right to vote or any other civil right or to perform a public duty during working hours; provided, however, that the employer may change the time requested by the worker as long as the change does not hinder the exercise of that right or the performance of that public duty.

第八条　削除

Article 8 Deleted

（定義）
(Definitions)

第九条　この法律で「労働者」とは、職業の種類を問わず、事業又は事務所（以下「事業」という。）に使用される者で、賃金を支払われる者をいう。

Article 9 The term "worker" as used in this Act means a person who is employed at a business or office (hereinafter referred to as a "business") and to whom wages are paid, regardless of the type of occupation.

第十条　この法律で使用者とは、事業主又は事業の経営担当者その他その事業の労働者に関する事項について、事業主のために行為をするすべての者をいう。

Article 10 In this Act, the employer is the person in control of the business, the person responsible for managing the business, or any other person acting on behalf of the person in control of the business in matters concerning that business' workers.

第十一条　この法律で賃金とは、賃金、給料、手当、賞与その他名称の如何を問わず、労働の対償として使用者が労働者に支払うすべてのものをいう。

Article 11 In this Act, wage means wages, salary, allowances, bonuses, and anything else that the employer pays to the worker as remuneration for labor, regardless of what it is called.

第十二条　この法律で平均賃金とは、これを算定すべき事由の発生した日以前三箇月間にその労働者に対し支払われた賃金の総額を、その期間の総日数で除した金額をいう。ただし、その金額は、次の各号の一によつて計算した金額を下つてはならない。

Article 12 (1) In this Act, the average wage means the amount of money calculated when the total amount of wages over the 3-month period preceding the day on which grounds for calculation of the average wage came into existence is divided by the total number of days during that period; provided, however, that the average wage must not fall below the amount calculated in any of the following ways:

一　賃金が、労働した日若しくは時間によつて算定され、又は出来高払制その他の請負制によつて定められた場合においては、賃金の総額をその期間中に労働した日数で除した金額の百分の六十

(i) 60 percent of the amount of money calculated when the total amount of wages is divided by the number of days worked during the relevant period, if wages are calculated on the basis of days or hours worked, or are determined in accordance with a piece rate or other such system under a service contract;

二　賃金の一部が、月、週その他一定の期間によつて定められた場合においては、その部分の総額をその期間の総日数で除した金額と前号の金額の合算額

(ii) the aggregate of the amount of money calculated when the total amount of wages determined on the basis of months, weeks, or any other fixed period is divided by the number of days in that period, and the product is added to the amount of money referred to in the preceding item, if a part of the wage is

determined on the basis of months, weeks, or any other fixed period.

２　前項の期間は、賃金締切日がある場合においては、直前の賃金締切日から起算する。

(2) If there is a pay period end date, the period referred to in the preceding paragraph starts to be counted from the most recent pay period end date.

３　前二項に規定する期間中に、次の各号のいずれかに該当する期間がある場合においては、その日数及びその期間中の賃金は、前二項の期間及び賃金の総額から控除する。

(3) If a period falling under one of the following items is a part of the period provided for in the preceding two paragraphs, the number of days constituting that period is excluded from the period referred to in the preceding two paragraphs and wages from during that period are excluded from the total amount of wages referred to in the preceding two paragraphs:

一　業務上負傷し、又は疾病にかかり療養のために休業した期間

(i) a period during which the worker was absent from work for medical treatment caused by an injury sustained or illness suffered in the course of employment;

二　産前産後の女性が第六十五条の規定によつて休業した期間

(ii) a period during which the female worker was absent from work before or after childbirth in accordance with the provisions of Article 65;

三　使用者の責めに帰すべき事由によつて休業した期間

(iii) a period during which the worker was absent from work for reasons attributable to the employer;

四　育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律（平成三年法律第七十六号）第二条第一号に規定する育児休業又は同条第二号に規定する介護休業（同法第六十一条第三項（同条第六項において準用する場合を含む。）に規定する介護をするための休業を含む。第三十九条第十項において同じ。）をした期間

(iv) a period during which the worker was on child care leave as prescribed in Article 2, item (i) of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members (Act No. 76 of 1991), or a period during which the worker was on family care leave as prescribed in item (ii) of that Article (including leave for family care as prescribed in Article 61, paragraph (3) of that Act (including as applied mutatis mutandis pursuant to paragraph (6) of that Article); the same applies in Article 39, paragraph (10) of this Act);

五　試みの使用期間

(v) a probationary period.

４　第一項の賃金の総額には、臨時に支払われた賃金及び三箇月を超える期間ごとに支払われる賃金並びに通貨以外のもので支払われた賃金で一定の範囲に属しないものは算入しない。

(4) Wages that have been paid on an ad hoc basis, wages that are paid every period of more than 3 months, and wages paid in a form other than currency

and not falling within a certain scope are not included in the calculation of the total amount of wages referred to in paragraph (1).

5　賃金が通貨以外のもので支払われる場合、第一項の賃金の総額に算入すべきものの範囲及び評価に関し必要な事項は、厚生労働省令で定める。

(5) If wages are paid in a form other than currency, Order of the Ministry of Health, Labour and Welfare prescribes the necessary particulars in connection with the scope of the wages that are to be included in the calculation of the total amount of wages referred to in paragraph (1) and the assessment of their value.

6　雇入後三箇月に満たない者については、第一項の期間は、雇入後の期間とする。

(6) For a worker who has been hired less than 3 months prior, the period referred to in paragraph (1) means the period after the worker's hiring.

7　日日雇い入れられる者については、その従事する事業又は職業について、厚生労働大臣の定める金額を平均賃金とする。

(7) The average wage for a person hired on a day-to-day basis is fixed by the Minister of Health, Labour and Welfare according to the kind of business or occupation in which that person is engaged.

8　第一項乃至第六項によつて算定し得ない場合の平均賃金は、厚生労働大臣の定めるところによる

(8) If an average wage cannot be calculated in accordance with paragraphs (1) through (6), the average wage is as prescribed by the Minister of Health, Labour and Welfare.

第二章　労働契約
Chapter II Labor Contracts

（この法律違反の契約）

(Contracts Violating This Act)

第十三条　この法律で定める基準に達しない労働条件を定める労働契約は、その部分については無効とする。この場合において、無効となつた部分は、この法律で定める基準による。

Article 13 Any part of a labor contract that prescribes working conditions not meeting the standards of this Act is void. In such a case, the part of the contract that is void is governed by the standards prescribed in this Act.

（契約期間等）

(Contract Period; Related Matters)

第十四条　労働契約は、期間の定めのないものを除き、一定の事業の完了に必要な期間を定めるもののほかは、三年（次の各号のいずれかに該当する労働契約にあつては、五年）を超える期間について締結してはならない。

Article 14 (1) Excluding labor contracts without fixed terms and excepting those

in which it is provided that the contract period is the period necessary for the completion of a specific undertaking business, it is prohibited to enter into a labor contract for a period exceeding 3 years (or 5 years, for a labor contract falling under one of the following items):

一　専門的な知識、技術又は経験（以下この号及び第四十一条の二第一項第一号において「専門的知識等」という。）であつて高度のものとして厚生労働大臣が定める基準に該当する専門的知識等を有する労働者（当該高度の専門的知識等を必要とする業務に就く者に限る。）との間に締結される労働契約

(i) a labor contract entered into with a worker who has expert knowledge, skills, or experience (hereinafter referred to as "expertise" in this item and Article 41-2, paragraph (1), item (i)) falling under the standards prescribed by the Minister of Health, Labour and Welfare as being of an advanced level (limited to a worker who is appointed to work activities requiring the prescribed advanced level of expertise).

二　満六十歳以上の労働者との間に締結される労働契約（前号に掲げる労働契約を除く。）

(ii) a labor contract entered into with a worker aged 60 years or older (other than a labor contract as set forth in the preceding item).

２　厚生労働大臣は、期間の定めのある労働契約の締結時及び当該労働契約の期間の満了時において労働者と使用者との間に紛争が生ずることを未然に防止するため、使用者が講ずべき労働契約の期間の満了に係る通知に関する事項その他必要な事項についての基準を定めることができる。

(2) In order to preemptively prevent disputes from arising between workers and employers when they enter into fixed-term labor contracts and when those labor contracts expire, the Minister of Health, Labour and Welfare may prescribe standards for particulars regarding the notice that employers are to give in connection with the expiration of the period of labor contracts and other necessary particulars.

３　行政官庁は、前項の基準に関し、期間の定めのある労働契約を締結する使用者に対し、必要な助言及び指導を行うことができる。

(3) The relevant government agency may give the necessary advice and guidance concerning the standards referred to in the preceding paragraph to employers entering into fixed-term labor contracts.

（労働条件の明示）

(Making the Working Conditions Explicit)

第十五条　使用者は、労働契約の締結に際し、労働者に対して賃金、労働時間その他の労働条件を明示しなければならない。この場合において、賃金及び労働時間に関する事項その他の厚生労働省令で定める事項については、厚生労働省令で定める方法により明示しなければならない。

Article 15 (1) When entering into a labor contract, the employer must make the

wages, working hours, and other working conditions explicit to the worker. In doing so, the employer must make explicit the particulars of wages and working hours and any other such particulars that Order of the Ministry of Health, Labour and Welfare prescribes in the manner prescribed by Order of the Ministry of Health, Labour and Welfare.

２　前項の規定によつて明示された労働条件が事実と相違する場合においては、労働者は、即時に労働契約を解除することができる。

(2) If a working condition that has been made explicit based on the provisions of the preceding paragraph diverges from the fact of the matter, the worker may immediately cancel the labor contract.

３　前項の場合、就業のために住居を変更した労働者が、契約解除の日から十四日以内に帰郷する場合においては、使用者は、必要な旅費を負担しなければならない。

(3) In a case as referred to in the preceding paragraph, if a worker who has changed residences for work returns home within 14 days after the date of contract cancellation, the employer must bear the necessary travel expenses.

（賠償予定の禁止）

(Prohibition on Establishing the Compensation for Loss or Damage in Advance)

第十六条　使用者は、労働契約の不履行について違約金を定め、又は損害賠償額を予定する契約をしてはならない。

Article 16 An employer must not form a contract that prescribes a monetary penalty for breach of a labor contract or establishes the amount of compensation for loss or damage in advance.

（前借金相殺の禁止）

(Prohibition on Offsetting against Advances)

第十七条　使用者は、前借金その他労働することを条件とする前貸の債権と賃金を相殺してはならない。

Article 17 An employer must not offset a worker's wages against money advanced to the worker or against a claim for the return of an advance that is conditioned on the worker's working.

（強制貯金）

(Compulsory Savings)

第十八条　使用者は、労働契約に附随して貯蓄の契約をさせ、又は貯蓄金を管理する契約をしてはならない。

Article 18 (1) An employer must not cause a worker to form a savings contract concomitant with the labor contract, and must not form a contract to manage a worker's savings concomitant with the labor contract.

２　使用者は、労働者の貯蓄金をその委託を受けて管理しようとする場合においては、当該事業場に、労働者の過半数で組織する労働組合があるときはその労働組合、労働

者の過半数で組織する労働組合がないときは労働者の過半数を代表する者との書面による協定をし、これを行政官庁に届け出なければならない。

(2) Before an employer seeks to be entrusted by workers with managing their savings, it must conclude a written agreement with the labor union that has been organized by a majority of the workers at that workplace, if there is one, or with a person representing a majority of the workers at that workplace, if there is no such union; and must file this with the relevant government agency.

3　使用者は、労働者の貯蓄金をその委託を受けて管理する場合においては、貯蓄金の管理に関する規程を定め、これを労働者に周知させるため作業場に備え付ける等の措置をとらなければならない。

(3) If an employer will be entrusted by workers with managing their savings, it must establish rules governing the management of savings and take measures to inform the workers of these rules, such as posting them at the workplace.

4　使用者は、労働者の貯蓄金をその委託を受けて管理する場合において、貯蓄金の管理が労働者の預金の受入であるときは、利子をつけなければならない。この場合において、その利子が、金融機関の受け入れる預金の利率を考慮して厚生労働省令で定める利率による利子を下るときは、その厚生労働省令で定める利率による利子をつけたものとみなす。

(4) When an employer is entrusted by a worker with managing that worker's savings, it must set an interest rate if its management of those savings constitutes the acceptance of a deposit. In such a case, if the interest rate is below the rate of interest prescribed by Order of the Ministry of Health, Labour and Welfare in consideration of the rate of interest for deposits accepted by financial institutions, the employer is deemed to have set an interest rate that is based on the rate of interest prescribed by that Order of the Ministry of Health, Labour and Welfare.

5　使用者は、労働者の貯蓄金をその委託を受けて管理する場合において、労働者がその返還を請求したときは、遅滞なく、これを返還しなければならない。

(5) If an employer is entrusted by a worker with managing that worker's savings, it must return the savings to the worker on request without delay.

6　使用者が前項の規定に違反した場合において、当該貯蓄金の管理を継続することが労働者の利益を著しく害すると認められるときは、行政官庁は、使用者に対して、その必要な限度の範囲内で、当該貯蓄金の管理を中止すべきことを命ずることができる。

(6) If an employer has violated the provisions of the preceding paragraph and the employer's continued management of the workers' savings is found to be seriously detrimental to the interests of the worker, the relevant government agency may order the employer to suspend its management of those savings, to the extent necessary.

7　前項の規定により貯蓄金の管理を中止すべきことを命ぜられた使用者は、遅滞なく、その管理に係る貯蓄金を労働者に返還しなければならない。

(7) An employer that has been ordered to suspend its management of savings

pursuant to the provisions of the preceding paragraph must return the savings associated with the suspended management to the worker without delay.

第十八条の二　削除
Article 18-2 Deleted

（解雇制限）
(Restrictions on the Dismissal of Workers)

第十九条　使用者は、労働者が業務上負傷し、又は疾病にかかり療養のために休業する期間及びその後三十日間並びに産前産後の女性が第六十五条の規定によつて休業する期間及びその後三十日間は、解雇してはならない。ただし、使用者が、第八十一条の規定によつて打切補償を支払う場合又は天災事変その他やむを得ない事由のために事業の継続が不可能となつた場合においては、この限りでない。

Article 19 (1) An employer must not dismiss a worker in a period during which the worker is absent from work for medical treatment due to an injury sustained or illness suffered in the course of employment, nor within 30 days thereafter, and must not dismiss a female worker in a period during which she is absent from work before or after childbirth based on the provisions of Article 65, nor within 30 days thereafter; provided, however, that this does not apply if the employer pays compensation for discontinuation pursuant to Article 81, nor does it apply if business continuance has become impossible due to a natural disaster or any other compelling reason.

２　前項但書後段の場合においては、その事由について行政官庁の認定を受けなければならない。

(2) In a case as referred to in the second sentence of the proviso to the preceding paragraph, the employer must obtain the approval of the relevant government agency with respect to the reason in question.

（解雇の予告）
(Advance Notice of Dismissal)

第二十条　使用者は、労働者を解雇しようとする場合においては、少くとも三十日前にその予告をしなければならない。三十日前に予告をしない使用者は、三十日分以上の平均賃金を支払わなければならない。但し、天災事変その他やむを得ない事由のために事業の継続が不可能となつた場合又は労働者の責に帰すべき事由に基いて解雇する場合においては、この限りでない。

Article 20 (1) If an employer wishes to dismiss a worker, the employer must provide at least 30 days' advance notice. An employer not giving 30 days' advance notice must pay the worker the average wage they would earn in working for a period of at least 30 days; provided, however, that this does not apply if business continuance has become impossible due to a natural disaster or any other compelling reason, nor does it apply if the worker is dismissed for

reasons attributable to the worker.

２　前項の予告の日数は、一日について平均賃金を支払つた場合においては、その日数を短縮することができる。

(2) The number of days of advance notice set forth in the preceding paragraph may be shortened if the employer pays the worker the average wage they would earn for each day of work by which the advance notice period is shortened.

３　前条第二項の規定は、第一項但書の場合にこれを準用する。

(3) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to a case as referred to in the proviso to paragraph (1).

第二十一条　前条の規定は、左の各号の一に該当する労働者については適用しない。但し、第一号に該当する者が一箇月を超えて引き続き使用されるに至つた場合、第二号若しくは第三号に該当する者が所定の期間を超えて引き続き使用されるに至つた場合又は第四号に該当する者が十四日を超えて引き続き使用されるに至つた場合においては、この限りでない。

Article 21　The provisions of the preceding Article do not apply to a worker falling under one of the following items; provided, however, that this is not the case with respect to a person falling under item (i) who has been employed consecutively for a period of more than one month, a person falling under either item (ii) or item (iii) who has been employed consecutively for more than the period set forth in the relevant item, nor a person falling under item (iv) who has been employed consecutively for a period of more than 14 days:

一　日日雇い入れられる者

(i) a person hired on a day-to-day basis;

二　二箇月以内の期間を定めて使用される者

(ii) a person employed for a fixed period not longer than 2 months;

三　季節的業務に四箇月以内の期間を定めて使用される者

(iii) a person employed in seasonal work for a fixed period of not longer than 4 months;

四　試の使用期間中の者

(iv) a person who is in a probationary period.

（退職時等の証明）

(Certificate on Separation from Employment)

第二十二条　労働者が、退職の場合において、使用期間、業務の種類、その事業における地位、賃金又は退職の事由（退職の事由が解雇の場合にあつては、その理由を含む。）について証明書を請求した場合においては、使用者は、遅滞なくこれを交付しなければならない。

Article 22　(1) If, on the occasion of separation from employment, a worker requests a certificate stating the period of employment, kind of occupation, position in the business, wages, or reason for separation (including the grounds

for dismissal, if dismissal is the reason for separation), the employer must deliver one without delay.

２　労働者が、第二十条第一項の解雇の予告がされた日から退職の日までの間において、当該解雇の理由について証明書を請求した場合においては、使用者は、遅滞なくこれを交付しなければならない。ただし、解雇の予告がされた日以後に労働者が当該解雇以外の事由により退職した場合においては、使用者は、当該退職の日以後、これを交付することを要しない。

(2) If a worker requests a certificate giving the grounds for dismissal during the period between the day on which the worker is given the advance notice of dismissal referred to in Article 20, paragraph (1) and the day of separation from employment, the employer must deliver this without delay; provided, however, that if, on or after the day that the worker receives advance notice of dismissal, the worker is separated from employment for reasons other than the dismissal in question, the employer is not required to deliver such a certificate on or after the day on which the worker is separated from employment.

３　前二項の証明書には、労働者の請求しない事項を記入してはならない。

(3) The employer must not include in the certificate referred to in the preceding two paragraphs any particular that the worker does not request.

４　使用者は、あらかじめ第三者と謀り、労働者の就業を妨げることを目的として、労働者の国籍、信条、社会的身分若しくは労働組合運動に関する通信をし、又は第一項及び第二項の証明書に秘密の記号を記入してはならない。

(4) An employer must not conspire with a third party in advance to communicate any information concerning the nationality, creed, social status, or union activities of a worker, nor include any secret message in a certificate as referred to in paragraph (1) or (2), with the intent to impede the employment of a worker.

（金品の返還）

(Return of Money and Goods)

第二十三条　使用者は、労働者の死亡又は退職の場合において、権利者の請求があつた場合においては、七日以内に賃金を支払い、積立金、保証金、貯蓄金その他名称の如何を問わず、労働者の権利に属する金品を返還しなければならない。

Article 23 (1) If a worker dies or is separated from employment and the employer is requested to do so by a right holder, the employer must pay the wages and return reserve funds, security deposits, savings, and any other money or goods to which the worker is entitled, regardless of what it may be called, within 7 days.

２　前項の賃金又は金品に関して争がある場合においては、使用者は、異議のない部分を、同項の期間中に支払い、又は返還しなければならない。

(2) If there is a dispute over the wages, money, or goods referred to in the preceding paragraph, the employer must pay or return any undisputed portion

of this within the period set forth in the preceding paragraph.

第三章　賃金
Chapter III Wages

（賃金の支払）
(Payment of Wages)

第二十四条　賃金は、通貨で、直接労働者に、その全額を支払わなければならない。ただし、法令若しくは労働協約に別段の定めがある場合又は厚生労働省令で定める賃金について確実な支払の方法で厚生労働省令で定めるものによる場合においては、通貨以外のもので支払い、また、法令に別段の定めがある場合又は当該事業場の労働者の過半数で組織する労働組合があるときはその労働組合、労働者の過半数で組織する労働組合がないときは労働者の過半数を代表する者との書面による協定がある場合においては、賃金の一部を控除して支払うことができる。

Article 24 (1) An employer must pay the full amount of wages in currency directly to the worker; provided, however, that an employer may pay other than in currency if so provided for by laws and regulations or collective agreement or if it does so for the wages prescribed by Order of the Ministry of Health, Labour and Welfare by a reliable method for the payment of wages that is prescribed by Order of the Ministry of Health, Labour and Welfare; and it may pay wages from which a partial deduction has been made if so provided for by laws and regulations or if it has a written agreement with the labor union that has been organized by a majority of the workers at that workplace, if there is one, or with a person representing a majority of the workers at that workplace, if there is no such union.

２　賃金は、毎月一回以上、一定の期日を定めて支払わなければならない。ただし、臨時に支払われる賃金、賞与その他これに準ずるもので厚生労働省令で定める賃金（第八十九条において「臨時の賃金等」という。）については、この限りでない。

(2) Wages must be paid at least once a month on a fixed date; provided, however, that this does not apply to wages paid on an ad hoc basis, bonuses, and any other wages prescribed by Order of the Ministry of Health, Labour and Welfare equivalent thereto (referred to as "special wages" in Article 89).

（非常時払）
(Emergency Payments)

第二十五条　使用者は、労働者が出産、疾病、災害その他厚生労働省令で定める非常の場合の費用に充てるために請求する場合においては、支払期日前であつても、既往の労働に対する賃金を支払わなければならない。

Article 25 If a worker requests the payment of wages to cover the expenses of childbirth, an illness or injury, or any other emergency prescribed by Order of the Ministry of Health, Labour and Welfare, the employer must pay wages for

the work in which the worker has already been engaged prior to the normal date of payment.

（休業手当）
(Allowance for Absence from Work)

第二十六条　使用者の責に帰すべき事由による休業の場合においては、使用者は、休業期間中当該労働者に、その平均賃金の百分の六十以上の手当を支払わなければならない。

Article 26 In the event of an absence from work for reasons attributable to the employer, the employer must pay the worker an allowance equal to at least 60 percent of their average wage during that period of absence from work.

（出来高払制の保障給）
(Guaranteed Payment at Piece Rates)

第二十七条　出来高払制その他の請負制で使用する労働者については、使用者は、労働時間に応じ一定額の賃金の保障をしなければならない。

Article 27 An employer must guarantee a fixed amount of wages proportionate to working hours for workers employed based on a piece rate or other such system under a service contract.

（最低賃金）
(Minimum Wage)

第二十八条　賃金の最低基準に関しては、最低賃金法（昭和三十四年法律第百三十七号）の定めるところによる。

Article 28 Minimum standards for wages are as prescribed in the Minimum Wages Act (Act No. 137 of 1959).

第二十九条から第三十一条まで　削除
Articles 29 through 31 Deleted

第四章　労働時間、休憩、休日及び年次有給休暇
Chapter IV Working Hours, Breaks, Days Off, and Annual Paid Leave

（労働時間）
(Working Hours)

第三十二条　使用者は、労働者に、休憩時間を除き一週間について四十時間を超えて、労働させてはならない。

Article 32 (1) An employer must not have workers work more than 40 hours per week, excluding break periods.

２　使用者は、一週間の各日については、労働者に、休憩時間を除き一日について八時間を超えて、労働させてはならない。

(2) An employer must not have workers work more than 8 hours per day for each day of the week, excluding break periods.

第三十二条の二　使用者は、当該事業場に、労働者の過半数で組織する労働組合がある場合においてはその労働組合、労働者の過半数で組織する労働組合がない場合においては労働者の過半数を代表する者との書面による協定により、又は就業規則その他これに準ずるものにより、一箇月以内の一定の期間を平均し一週間当たりの労働時間が前条第一項の労働時間を超えない定めをしたときは、同条の規定にかかわらず、その定めにより、特定された週において同項の労働時間又は特定された日において同条第二項の労働時間を超えて、労働させることができる。

Article 32-2 (1) Notwithstanding the provisions of the preceding Article, if an employer has established, in a written agreement with the labor union that has been organized by a majority of the workers at the workplace, if there is one, or with a person representing a majority of the workers at that workplace, if there is no such union, or pursuant to rules of employment or the equivalent thereof, that the average weekly working hours over the course of a fixed period of not more than one month will not exceed the working hours referred to in paragraph (1) of the preceding Article, the employer, as established, may have a worker work in excess of the working hours set forth in paragraph (1) of the preceding Article in a specified week or weeks and may have a worker work in excess of the working hours set forth in paragraph (2) of the preceding Article on a specified day or days.

２　使用者は、厚生労働省令で定めるところにより、前項の協定を行政官庁に届け出なければならない。

(2) An employer must notify the relevant government agency of the agreement set forth in the preceding paragraph, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

第三十二条の三　使用者は、就業規則その他これに準ずるものにより、その労働者に係る始業及び終業の時刻をその労働者の決定に委ねることとした労働者については、当該事業場の労働者の過半数で組織する労働組合がある場合においてはその労働組合、労働者の過半数で組織する労働組合がない場合においては労働者の過半数を代表する者との書面による協定により、次に掲げる事項を定めたときは、その協定で第二号の清算期間として定められた期間を平均し一週間当たりの労働時間が第三十二条第一項の労働時間を超えない範囲内において、同条の規定にかかわらず、一週間において同項の労働時間又は一日において同条第二項の労働時間を超えて、労働させることができる。

Article 32-3 (1) Notwithstanding the provisions of Article 32, if an employer has provided for the following particulars in a written agreement with the labor union that has been organized by a majority of the workers at that workplace, if there is one, or with a person representing a majority of the workers at that

workplace, if there is no such union, the employer may have a worker whose start and end times are left up to that worker pursuant to rules of employment or the equivalent, work in excess of the working hours set forth in paragraph (1) of that Article in one week and may have that worker work in excess of the working hours set forth in paragraph (2) of that Article in one day, within a scope that does not cause the weekly average working hours during the period that has been established in that agreement as the settlement period referred to in item (ii) of this Article to exceed the working hours set forth in paragraph (1) of that Article:

一　この項の規定による労働時間により労働させることができることとされる労働者の範囲

(i) the scope of workers whom the employer may have work for the working hours under the provisions of this paragraph;

二　清算期間（その期間を平均し一週間当たりの労働時間が第三十二条第一項の労働時間を超えない範囲内において労働させる期間をいい、三箇月以内の期間に限るものとする。以下この条及び次条において同じ。）

(ii) the settlement period (this means the period during which the employer may have a worker work within a scope that does not cause the weekly average working hours to exceed the working hours referred to in Article 32, paragraph (1), and is limited to being not more than 3 months in length; the same applies hereinafter in this Article and the following Article);

三　清算期間における総労働時間

(iii) the total working hours in the settlement period;

四　その他厚生労働省令で定める事項

(iv) other particulars prescribed by Order of the Ministry of Health, Labour and Welfare.

2　清算期間が一箇月を超えるものである場合における前項の規定の適用については、同項各号列記以外の部分中「労働時間を超えない」とあるのは「労働時間を超えず、かつ、当該清算期間をその開始の日以後一箇月ごとに区分した各期間（最後に一箇月未満の期間を生じたときは、当該期間。以下この項において同じ。）ごとに当該各期間を平均し一週間当たりの労働時間が五十時間を超えない」と、「同項」とあるのは「同条第一項」とする。

(2) To apply the provisions of the preceding paragraph if the settlement period exceeds one month in length, in the parts of that paragraph other than the items, the phrase "to exceed the working hours set forth in paragraph (1) of that Article" is deemed to be replaced with "to exceed the working hours set forth in paragraph (1) of that Article, and does not cause the weekly average working hours in each of the one-month periods into which that settlement period has been divided beginning on the first day of the settlement period (including the last of the periods into which it has been divided, even if it is shorter than one month; the same applies hereinafter in this paragraph) to

exceed 50 hours"; and the phrase "paragraph (1) of that Article" is deemed to be replaced with "paragraph (1) of Article 32".

3　一週間の所定労働日数が五日の労働者について第一項の規定により労働させる場合における同項の規定の適用については、同項各号列記以外の部分（前項の規定により読み替えて適用する場合を含む。）中「第三十二条第一項の労働時間」とあるのは「第三十二条第一項の労働時間（当該事業場の労働者の過半数で組織する労働組合がある場合においてはその労働組合、労働者の過半数で組織する労働組合がない場合においては労働者の過半数を代表する者との書面による協定により、労働時間の限度について、当該清算期間における所定労働日数を同条第二項の労働時間に乗じて得た時間とする旨を定めたときは、当該清算期間における日数を七で除して得た数をもつてその時間を除して得た時間）」と、「同項」とあるのは「同条第一項」とする。

(3) To apply the provisions of paragraph (1) if an employer has a worker whose number of prescribed weekly working days is five days, work pursuant to the provisions of that paragraph, in the parts of that paragraph other than the items, (including as applied following a deemed replacement of terms pursuant to the preceding paragraph), the phrase "the working hours set forth in paragraph (1) of that Article" is deemed to be replaced with "the working hours set forth in paragraph (1) of that Article (or, if the employer, in a written agreement with the labor union that has been organized by a majority of the workers at that workplace, if there is one, or with a person representing a majority of the workers at that workplace, if there is no such union, has established that the number of working hours is limited to the number of hours arrived at when the number of prescribed working days during the settlement period is multiplied by the number of working hours referred to in Article 32, paragraph (2), the number of hours arrived at when the number so calculated is divided by the quotient arrived at when the number of days in the settlement period is divided by seven)", and the phrase "paragraph (1) of that Article" is deemed to be replaced with " paragraph (1) of that Article".

4　前条第二項の規定は、第一項各号に掲げる事項を定めた協定について準用する。ただし、清算期間が一箇月以内のものであるときは、この限りでない。

(4) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to an agreement establishing the particulars set forth in the items of paragraph (1); provided, however, that this does not apply if the settlement period is one month or shorter in length.

第三十二条の三の二　使用者が、清算期間が一箇月を超えるものであるときの当該清算期間中の前条第一項の規定により労働させた期間が当該清算期間より短い労働者について、当該労働させた期間を平均し一週間当たり四十時間を超えて労働させた場合においては、その超えた時間（第三十三条又は第三十六条第一項の規定により延長し、又は休日に労働させた時間を除く。）の労働については、第三十七条の規定の例により割増賃金を支払わなければならない。

Article 32-3-2 If the period during which an employer, pursuant to the provisions of paragraph (1) of the preceding Article, has had a worker work falls within, but is shorter than, a settlement period that exceeds one month in length, and during that period, the employer has had a worker work an average of more than 40 hours per week, the employer must pay that worker premium wages for time worked in excess of the 40-hour-per-week average (other than time by which the employer has extended working hours or the time that the employer has had the worker work on a day off, pursuant to the provisions of Article 33 or Article 36, paragraph (1)) as provided for in Article 37.

第三十二条の四　使用者は、当該事業場に、労働者の過半数で組織する労働組合がある場合においてはその労働組合、労働者の過半数で組織する労働組合がない場合においては労働者の過半数を代表する者との書面による協定により、次に掲げる事項を定めたときは、第三十二条の規定にかかわらず、その協定で第二号の対象期間として定められた期間を平均し一週間当たりの労働時間が四十時間を超えない範囲内において、当該協定（次項の規定による定めをした場合においては、その定めを含む。）で定めるところにより、特定された週において同条第一項の労働時間又は特定された日において同条第二項の労働時間を超えて、労働させることができる。

Article 32-4 (1) Notwithstanding the provisions of Article 32, if the employer has provided for the following particulars in a written agreement with the labor union that has been organized by a majority of the workers at that workplace, if there is one, or with a person representing a majority of the workers at that workplace, if there is no such union, the employer may have a worker work in excess of the working hours set forth in paragraph (1) of that Article in a specified week or weeks and may have a worker work in excess of the working hours set forth in paragraph (2) of that Article on a specified day or days, in accordance with that written agreement (including what has been prescribed as under the provisions of the following paragraph, if applicable), within a scope that does not cause the weekly average working hours for the period established in that agreement as the applicable period referred to in item (ii) of this Article to exceed 40 hours:

一　この条の規定による労働時間により労働させることができることとされる労働者の範囲

(i) the scope of workers whom the employer may have work for the working hours under the provisions of this Article;

二　対象期間（その期間を平均し一週間当たりの労働時間が四十時間を超えない範囲内において労働させる期間をいい、一箇月を超え一年以内の期間に限るものとする。以下この条及び次条において同じ。）

(ii) the applicable period (this means the period during which the employer may have a worker work within a scope that does not cause the weekly

average working hours to exceed 40 hours, and is limited to one that exceeds 1 month and is no longer than 1 year in length; hereinafter the same applies in this Article and the following Article);

三　特定期間（対象期間中の特に業務が繁忙な期間をいう。第三項において同じ。）

(iii) specified periods (meaning periods falling during the applicable period when work is particularly busy; the same applies to paragraph (3));

四　対象期間における労働日及び当該労働日ごとの労働時間（対象期間を一箇月以上の期間ごとに区分することとした場合においては、当該区分による各期間のうち当該対象期間の初日の属する期間（以下この条において「最初の期間」という。）における労働日及び当該労働日ごとの労働時間並びに当該最初の期間を除く各期間における労働日数及び総労働時間）

(iv) working days in the applicable period and working hours for each of those working days (or, if it has been decided to divide the applicable period into sub-periods of one month or longer, the working days in whichever of the sub-periods arising from the division includes the first day of the applicable period (hereinafter in this Article referred to as the "initial sub-period"), the working hours on each of those working days, and the number of working days and total working hours in each sub-period excluding the initial sub-period);

五　その他厚生労働省令で定める事項

(v) other particulars prescribed by Order of the Ministry of Health, Labour and Welfare.

2　使用者は、前項の協定で同項第四号の区分をし当該区分による各期間のうち最初の期間を除く各期間における労働日数及び総労働時間を定めたときは、当該各期間の初日の少なくとも三十日前に、当該事業場に、労働者の過半数で組織する労働組合がある場合においてはその労働組合、労働者の過半数で組織する労働組合がない場合においては労働者の過半数を代表する者の同意を得て、厚生労働省令で定めるところにより、当該労働日数を超えない範囲内において当該各期間における労働日及び当該総労働時間を超えない範囲内において当該各期間における労働日ごとの労働時間を定めなければならない。

(2) If, in the written agreement set forth in the preceding paragraph, the employer has divided the applicable period as provided for in item (iv) of that paragraph, and established the number of working days and total working hours for each sub-period excluding the initial sub-period, the employer, no later than 30 days before the first day of each sub-period, with the consent of the labor union that has been organized by a majority of the workers at that workplace, if there is one, or of a person representing a majority of the workers at that workplace, if there is no such union, and pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, must establish the working days in that sub-period within a scope that does not exceed the established number of working days and must establish the working hours for

each working day within a scope that does not exceed the established total working hours.

３　厚生労働大臣は、労働政策審議会の意見を聴いて、厚生労働省令で、対象期間における労働日数の限度並びに一日及び一週間の労働時間の限度並びに対象期間（第一項の協定で特定期間として定められた期間を除く。）及び同項の協定で特定期間として定められた期間における連続して労働させる日数の限度を定めることができる。

(3) After hearing the opinion of the Labor Policy Council, the Minister of Health, Labour and Welfare, by Order of the Ministry of Health, Labour and Welfare, may establish a limit to the number of working days in an applicable period, a limit to the daily and weekly working hours in an applicable period, or a limit to the number of consecutive days within an applicable period (other than periods established as a specified period in a written agreement as referred to in paragraph (1)) or within a period that a written agreement referred to in that paragraph has established as a specified period, during which the employer may have a worker work.

４　第三十二条の二第二項の規定は、第一項の協定について準用する。

(4) The provisions of Article 32-2, paragraph (2) apply mutatis mutandis to an agreement referred to in paragraph (1) of this Article.

第三十二条の四の二　使用者が、対象期間中の前条の規定により労働させた期間が当該対象期間より短い労働者について、当該労働させた期間を平均し一週間当たり四十時間を超えて労働させた場合においては、その超えた時間（第三十三条又は第三十六条第一項の規定により延長し、又は休日に労働させた時間を除く。）の労働については、第三十七条の規定の例により割増賃金を支払わなければならない。

Article 32-4-2　If the period during which an employer, pursuant to the provisions of the preceding Article, has had a worker work falls within, but is shorter than, the applicable period, and during that period, the employer has had that worker work an average of more than 40 hours per week, the employer must pay the worker premium wages for time worked in excess of the 40-hour-per-week average (other than time by which the employer has extended working hours or the time that the employer has had the worker work on a day off, pursuant to the provisions of Article 33 or Article 36, paragraph (1)) as provided for in Article 37.

第三十二条の五　使用者は、日ごとの業務に著しい繁閑の差が生ずることが多く、かつ、これを予測した上で就業規則その他これに準ずるものにより各日の労働時間を特定することが困難であると認められる厚生労働省令で定める事業であつて、常時使用する労働者の数が厚生労働省令で定める数未満のものに従事する労働者については、当該事業場に、労働者の過半数で組織する労働組合がある場合においてはその労働組合、労働者の過半数で組織する労働組合がない場合においては労働者の過半数を代表する者との書面による協定があるときは、第三十二条第二項の規定にかかわらず、一日に

ついて十時間まで労働させることができる。

Article 32-5 (1) Notwithstanding the provisions of Article 32, paragraph (2), if there is a written agreement with the labor union that has been organized by a majority of the workers at that workplace, if there is one, or with a person representing a majority of the workers at that workplace, if there is no such union, an employer may have a worker work for up to ten hours per day if that worker is employed in a business prescribed by Order of the Ministry of Health, Labour and Welfare in which there is frequently substantial fluctuation in daily business, in which, since this is anticipated, it is found to be difficult to fix daily working hours through rules of employment or their equivalent, and in which the number of regular employees is below the number prescribed by Order of the Ministry of the Health, Labour and Welfare.

２　使用者は、前項の規定により労働者に労働させる場合においては、厚生労働省令で定めるところにより、当該労働させる一週間の各日の労働時間を、あらかじめ、当該労働者に通知しなければならない。

(2) If an employer has a worker work pursuant to the provisions of the preceding paragraph, the employer must notify the worker in advance of the hours it will have the worker work on each day of the week, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

３　第三十二条の二第二項の規定は、第一項の協定について準用する。

(3) The provisions of Article 32-2, paragraph (2) apply mutatis mutandis to an agreement as referred to in paragraph (1) of this Article.

（災害等による臨時の必要がある場合の時間外労働等）

(Off-Hours Work and Work on Days Off in Cases of Temporary Need Due to a Disaster or Other Event)

第三十三条　災害その他避けることのできない事由によつて、臨時の必要がある場合においては、使用者は、行政官庁の許可を受けて、その必要の限度において第三十二条から前条まで若しくは第四十条の労働時間を延長し、又は第三十五条の休日に労働させることができる。ただし、事態急迫のために行政官庁の許可を受ける暇がない場合においては、事後に遅滞なく届け出なければならない。

Article 33 (1) If there is a temporary need to do so due to a disaster or other unavoidable event, an employer may extend the working hours referred to in Articles 32 through 32-5 or Article 40, or may have a worker work on a day off referred to in Article 35, with the permission of the relevant government agency to the extent that is needed; provided, however, that if the urgency of the circumstances does not give the employer time to obtain the permission of the relevant government agency, it must file a notification with the relevant government agency without delay after the fact.

２　前項ただし書の規定による届出があつた場合において、行政官庁がその労働時間の延長又は休日の労働を不適当と認めるときは、その後にその時間に相当する休憩又は

休日を与えるべきことを、命ずることができる。

(2) If a notification under the proviso to the preceding paragraph has been filed and the relevant government agency finds the extension of working hours or work on a day off to be inappropriate, it may order the employer to provide the worker thereafter with breaks or days off equivalent to the extra time that the worker was made to work.

3　公務のために臨時の必要がある場合においては、第一項の規定にかかわらず、官公署の事業（別表第一に掲げる事業を除く。）に従事する国家公務員及び地方公務員については、第三十二条から前条まで若しくは第四十条の労働時間を延長し、又は第三十五条の休日に労働させることができる。

(3) Notwithstanding the provisions of paragraph (1), if there is a temporary need to do so for the purposes of public service, an employer may extend the working hours referred to in Articles 32 through 32-5 or Article 40 for national public officers and local public officers engaged in the business of public agencies (other than the business set forth in Appended Table 1), or may have them work on the days off referred to in Article 35.

（休憩）

(Breaks)

第三十四条　使用者は、労働時間が六時間を超える場合においては少くとも四十五分、八時間を超える場合においては少くとも一時間の休憩時間を労働時間の途中に与えなければならない。

Article 34 (1) An employer must provide a worker with at least 45 minutes of break periods during working hours if working hours exceed 6 hours, and at least one hour of break periods during working hours if working hours exceed 8 hours.

2　前項の休憩時間は、一斉に与えなければならない。ただし、当該事業場に、労働者の過半数で組織する労働組合がある場合においてはその労働組合、労働者の過半数で組織する労働組合がない場合においては労働者の過半数を代表する者との書面による協定があるときは、この限りでない。

(2) An employer must provide all workers with the break periods referred to in the preceding paragraph at the same time; provided, however, that this does not apply if the employer has concluded a written agreement with the labor union that has been organized by a majority of the workers at that workplace, if there is one, or with a person representing a majority of the workers at that workplace, if there is no such union.

3　使用者は、第一項の休憩時間を自由に利用させなければならない。

(3) An employer must permit a worker to use the break periods referred to in paragraph (1) freely.

（休日）

(Days Off)

第三十五条　使用者は、労働者に対して、毎週少くとも一回の休日を与えなければならない。

Article 35 (1) An employer must provide a worker with at least one day off per week.

２　前項の規定は、四週間を通じ四日以上の休日を与える使用者については適用しない。

(2) The provisions of the preceding paragraph do not apply to an employer that provides a worker with 4 days off or more over the course of a four-week period.

（時間外及び休日の労働）

(Off-Hours Work and Work on Days Off)

第三十六条　使用者は、当該事業場に、労働者の過半数で組織する労働組合がある場合においてはその労働組合、労働者の過半数で組織する労働組合がない場合においては労働者の過半数を代表する者との書面による協定をし、厚生労働省令で定めるところによりこれを行政官庁に届け出た場合においては、第三十二条から第三十二条の五まで若しくは第四十条の労働時間（以下この条において「労働時間」という。）又は前条の休日（以下この条において「休日」という。）に関する規定にかかわらず、その協定で定めるところによつて労働時間を延長し、又は休日に労働させることができる。

Article 36 (1) Notwithstanding the provisions on working hours in Articles 32 through 32-5 and Article 40 (hereinafter in this Article referred to as "working hours") and the provisions on days off in the preceding Article (hereinafter in this Article referred to as "days off"), if an employer has concluded a written agreement with the labor union that has been organized by a majority of the workers at that workplace, if there is one, or with a person representing a majority of the workers at that workplace, if there is no such union, and has filed a notification of this agreement with the relevant government agency pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, the employer may extend the working hours or have a worker work on a day off, in accordance with the provisions of that agreement.

２　前項の協定においては、次に掲げる事項を定めるものとする。

(2) The following particulars are to be provided for in the agreement referred to in the preceding paragraph:

一　この条の規定により労働時間を延長し、又は休日に労働させることができることとされる労働者の範囲

(i) the scope of workers whose working hours the employer may extend and whom the employer may have work on a day off, pursuant to the provisions of this Article;

二　対象期間（この条の規定により労働時間を延長し、又は休日に労働させることができる期間をいい、一年間に限るものとする。第四号及び第六項第三号において同じ。）

(ii) the applicable period (this means the period during which the employer

may extend the working hours or have a worker work on days off pursuant to the provisions of this Article, and is to be limited to one year; the same applies in item (iv) of this paragraph and paragraph (6), item (iii) of this Article);

三　労働時間を延長し、又は休日に労働させることができる場合

(iii) the cases in which the employer may extend the working hours or have a worker work on days off;

四　対象期間における一日、一箇月及び一年のそれぞれの期間について労働時間を延長して労働させることができる時間又は労働させることができる休日の日数

(iv) the number of hours by which the employer may extend the working hours it has a worker work per day, month, and year during the applicable period; and the number of days off on which the employer may have the workers work during the applicable period;

五　労働時間の延長及び休日の労働を適正なものとするために必要な事項として厚生労働省令で定める事項

(v) particulars prescribed by Order of the Ministry of Health, Labour and Welfare as needing to be provided for in the agreement to ensure that the extension of working hours and work on days off are appropriate.

3　前項第四号の労働時間を延長して労働させることができる時間は、当該事業場の業務量、時間外労働の動向その他の事情を考慮して通常予見される時間外労働の範囲内において、限度時間を超えない時間に限る。

(3) The limit to the number of hours by which the employer may extend the working hours it has a worker work as referred to in item (iv) of the preceding paragraph is a number not exceeding the off-hours maximum, within the scope of the off-hours work that is ordinarily foreseeable in consideration of the workload at the workplace, trends in off-hours work, and other such circumstances.

4　前項の限度時間は、一箇月について四十五時間及び一年について三百六十時間（第三十二条の四第一項第二号の対象期間として三箇月を超える期間を定めて同条の規定により労働させる場合にあつては、一箇月について四十二時間及び一年について三百二十時間）とする。

(4) The off-hours maximum referred to in the preceding paragraph is 45 hours per month and 360 hours per year (or 42 hours per month and 320 hours per year, if the employer has a worker work pursuant to the provisions of Article 32-4 after setting a period exceeding three months as the applicable period referred to in Article 32-4, paragraph (1), item (ii)).

5　第一項の協定においては、第二項各号に掲げるもののほか、当該事業場における通常予見することのできない業務量の大幅な増加等に伴い臨時的に第三項の限度時間を超えて労働させる必要がある場合において、一箇月について労働時間を延長して労働させ、及び休日において労働させることができる時間（第二項第四号に関して協定した時間を含め百時間未満の範囲内に限る。）並びに一年について労働時間を延長して

労働させることができる時間（同号に関して協定した時間を含め七百二十時間を超えない範囲内に限る。）を定めることができる。この場合において、第一項の協定に、併せて第二項第二号の対象期間において労働時間を延長して労働させる時間が一箇月について四十五時間（第三十二条の四第一項第二号の対象期間として三箇月を超える期間を定めて同条の規定により労働させる場合にあつては、一箇月について四十二時間）を超えることができる月数（一年について六箇月以内に限る。）を定めなければならない。

(5) Beyond what is set forth in the items of paragraph (2), the agreement referred to in paragraph (1) may establish the number of hours by which the employer may extend the working hours it has a worker work per month and the number of hours it may have a worker work on days off per month (limited in scope to fewer than 100 hours including the hours prescribed in the agreement in connection with paragraph (2), item (iv)), as well as the number of hours by which the employer may extend the working hours it has a worker work per year (limited in scope to fewer than 720 hours including the hours prescribed in the agreement in connection with that item), if it needs to temporarily have a worker work more than the off-hours maximum referred to in paragraph (3) due to an ordinarily unforeseeable, significant increase in the workload at the workplace. In such a case, the agreement referred to in paragraph (1) must also prescribe the number of months (up to six months per year) in the applicable period referred to in paragraph (2), item (ii) during which the number of hours by which the employer extends the working hours it has a worker work may exceed 45 hours per month (or 42 hours per month, if the employer has a worker work pursuant to the provisions of Article 32-4 after setting a period exceeding three months as the applicable period referred to Article 32-4, paragraph (1), item (ii)).

6　使用者は、第一項の協定で定めるところによつて労働時間を延長して労働させ、又は休日において労働させる場合であつても、次の各号に掲げる時間について、当該各号に定める要件を満たすものとしなければならない。

(6) Even if the employer extends the working hours it has a worker work or has a worker work on a day off pursuant to an agreement as referred to in paragraph (1), it must ensure that the number of hours set forth in one of the following items meets the requirement prescribed in that item:

一　坑内労働その他厚生労働省令で定める健康上特に有害な業務について、一日について労働時間を延長して労働させた時間　二時間を超えないこと。

(i) the number of hours per day by which the employer has extended the working hours it has the worker work doing belowground labor or other operations particularly harmful to the health that Order of the Ministry of Health, Labour and Welfare prescribes: the requirement for this not to exceed two hours;

二　一箇月について労働時間を延長して労働させ、及び休日において労働させた時間

百時間未満であること。

(ii) the number of hours per month by which the employer has extended the working hours it has had the worker work combined with the number of hours per month that it has had the worker work on days off: the requirement for this to be below 100 hours;

三　対象期間の初日から一箇月ごとに区分した各期間に当該各期間の直前の一箇月、二箇月、三箇月、四箇月及び五箇月の期間を加えたそれぞれの期間における労働時間を延長して労働させ、及び休日において労働させた時間の一箇月当たりの平均時間　八十時間を超えないこと。

(iii) the monthly average number of hours by which the employer has extended the working hours it has had the worker work and the number of hours it has had the worker work on days off in the periods resulting when each of the one-month periods into which the applicable period has been divided, the first of which starts on the first day of the applicable period, is combined with the one-month, two-month, three-month, four-month, and five month periods immediately preceding it: the requirement for this not to exceed 80 hours.

7　厚生労働大臣は、労働時間の延長及び休日の労働を適正なものとするため、第一項の協定で定める労働時間の延長及び休日の労働について留意すべき事項、当該労働時間の延長に係る割増賃金の率その他の必要な事項について、労働者の健康、福祉、時間外労働の動向その他の事情を考慮して指針を定めることができる。

(7) The Minister of Health, Labour and Welfare, in order to ensure that the extension of working hours and work on days off are appropriate, may establish guidelines on the things regarding which care is to be taken regarding the extension of working hours and work on days off prescribed in agreements as referred to in paragraph (1), premium wage rates associated with the extension of working hours, and other such necessary particulars, in consideration of the health and welfare of workers, trends in off-hours work, and other such circumstances.

8　第一項の協定をする使用者及び労働組合又は労働者の過半数を代表する者は、当該協定で労働時間の延長及び休日の労働を定めるに当たり、当該協定の内容が前項の指針に適合したものとなるようにしなければならない。

(8) The employer and the labor union or person representing a majority of workers entering into an agreement as referred to in paragraph (1), in providing for the extension of working hours and work on days off in that agreement, must ensure that the content of the agreement conforms to the guidelines set forth in the preceding paragraph.

9　行政官庁は、第七項の指針に関し、第一項の協定をする使用者及び労働組合又は労働者の過半数を代表する者に対し、必要な助言及び指導を行うことができる。

(9) The relevant government agency may provide the employer and the labor union or person representing a majority of workers entering into an agreement

as referred to in paragraph (1) with the necessary advice and guidance concerning the guidelines referred to in paragraph (7).

１０　前項の助言及び指導を行うに当たつては、労働者の健康が確保されるよう特に配慮しなければならない。

(10) When providing the advice and guidance referred to in the preceding paragraph, the relevant government agency must make special considerations so as to ensure workers' health.

１１　第三項から第五項まで及び第六項（第二号及び第三号に係る部分に限る。）の規定は、新たな技術、商品又は役務の研究開発に係る業務については適用しない。

(11) The provisions of paragraphs (3) through (5) and paragraph (6) (but only the parts related to items (ii) and (iii)) do not apply to any work involved in the research and development of a new technology, product, or service.

（時間外、休日及び深夜の割増賃金）

(Premium Wages for Off-Hours Work, Work on Days Off, and Night Work)

第三十七条　使用者が、第三十三条又は前条第一項の規定により労働時間を延長し、又は休日に労働させた場合においては、その時間又はその日の労働については、通常の労働時間又は労働日の賃金の計算額の二割五分以上五割以下の範囲内でそれぞれ政令で定める率以上の率で計算した割増賃金を支払わなければならない。ただし、当該延長して労働させた時間が一箇月について六十時間を超えた場合においては、その超えた時間の労働については、通常の労働時間の賃金の計算額の五割以上の率で計算した割増賃金を支払わなければならない。

Article 37 (1) If an employer extends the working hours or has a worker work on a day off pursuant to the provisions of Article 33 or paragraph (1) of the preceding Article, it must pay premium wages for work during those hours or on those days at a rate of at least the rate prescribed by Cabinet Order within the range of not less than 25 percent and not more than 50 percent over the normal wage per working hour or working day; provided, however, that if the number of hours by which employer has extended the working hours it has an employee work exceeds 60 hours in one month, the employer must pay premium wages for work during hours in excess of those 60 hours at a rate not less than 50 percent over the normal wage per working hour.

２　前項の政令は、労働者の福祉、時間外又は休日の労働の動向その他の事情を考慮して定めるものとする。

(2) The Cabinet Order set forth in the preceding paragraph is to be established in consideration of the welfare of workers, the trends in off-hours work and work on days off, and other such circumstances.

３　使用者が、当該事業場に、労働者の過半数で組織する労働組合があるときはその労働組合、労働者の過半数で組織する労働組合がないときは労働者の過半数を代表する者との書面による協定により、第一項ただし書の規定により割増賃金を支払うべき労働者に対して、当該割増賃金の支払に代えて、通常の労働時間の賃金が支払われる休

暇（第三十九条の規定による有給休暇を除く。）を厚生労働省令で定めるところにより与えることを定めた場合において、当該労働者が当該休暇を取得したときは、当該労働者の同項ただし書に規定する時間を超えた時間の労働のうち当該取得した休暇に対応するものとして厚生労働省令で定める時間の労働については、同項ただし書の規定による割増賃金を支払うことを要しない。

(3) If, in a written agreement with the labor union that has been organized by a majority of the workers at that workplace, if there is one, or with a person representing a majority of the workers at that workplace, if there is no such union, an employer has established that, instead of paying the worker premium wages, it will grant a worker to whom premium wages are to be paid pursuant to the provisions of the proviso of paragraph (1) leave during which the normal wage per working hour will be paid (this excludes paid leave under the provisions of Article 39) pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, and such a worker takes that leave, the employer is not required to pay premium wages under the provisions of the proviso to that paragraph for work performed during the hours prescribed by Order of the Ministry of Health, Labour and Welfare as hours corresponding to the leave the worker has taken for that work in excess of the hours prescribed in the proviso to that paragraph.

４　使用者が、午後十時から午前五時まで（厚生労働大臣が必要であると認める場合においては、その定める地域又は期間については午後十一時から午前六時まで）の間において労働させた場合においては、その時間の労働については、通常の労働時間の賃金の計算額の二割五分以上の率で計算した割増賃金を支払わなければならない。

(4) If an employer has a worker work between 10 p.m. and 5 a.m. (or between 11 p.m. and 6 a.m. in the areas or during the times of year that the Minister of Health, Labour and Welfare prescribes, if the minister finds this to be necessary), the employer must pay premium wages for work during those hours at a rate not less than 25 percent over the normal wage per working hour.

５　第一項及び前項の割増賃金の基礎となる賃金には、家族手当、通勤手当その他厚生労働省令で定める賃金は算入しない。

(5) Family allowances, commutation allowances, and other wages prescribed by Order of the Ministry of Health, Labour and Welfare are not included in the calculation of the wage that forms the basis for the premium wages referred to in paragraph (1) and the preceding paragraph.

（時間計算）

(Calculation of Hours Worked)

第三十八条　労働時間は、事業場を異にする場合においても、労働時間に関する規定の適用については通算する。

Article 38 (1) To apply the provisions on working hours, hours worked are aggregated, even if the hours worked were at different workplaces.

２　坑内労働については、労働者が坑口に入つた時刻から坑口を出た時刻までの時間を、休憩時間を含め労働時間とみなす。但し、この場合においては、第三十四条第二項及び第三項の休憩に関する規定は適用しない。

(2) For belowground labor, working hours are deemed to be from the time of entry into the mouth of the mine until exit from the mouth of the mine, including break periods; provided, however, that in such a case, the provisions of Article 34, paragraphs (2) and (3) regarding breaks do not apply.

第三十八条の二　労働者が労働時間の全部又は一部について事業場外で業務に従事した場合において、労働時間を算定し難いときは、所定労働時間労働したものとみなす。ただし、当該業務を遂行するためには通常所定労働時間を超えて労働することが必要となる場合においては、当該業務に関しては、厚生労働省令で定めるところにより、当該業務の遂行に通常必要とされる時間労働したものとみなす。

Article 38-2 (1) If a worker engages in work outside of the workplace during all or part of their working hours and it is difficult to calculate working hours, the number of hours worked is deemed to be the prescribed working hours; provided, however, that if it would normally be necessary to work in excess of the prescribed working hours in order to carry out that work, the worker is deemed to have worked for the number of hours that, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, it is decided would normally be necessary to carry out that work.

２　前項ただし書の場合において、当該業務に関し、当該事業場に、労働者の過半数で組織する労働組合があるときはその労働組合、労働者の過半数で組織する労働組合がないときは労働者の過半数を代表する者との書面による協定があるときは、その協定で定める時間を同項ただし書の当該業務の遂行に通常必要とされる時間とする。

(2) In a case as referred to in the proviso of the preceding paragraph, if the employer has concluded a written agreement concerning the work in question with the labor union that has been organized by a majority of the workers at that workplace, if there is one, or with a person representing a majority of the workers at that workplace, if there is no such union, the number of hours specified in that agreement is used as the number of hours that would normally be necessary to carry out the work referred to in the proviso to that paragraph.

３　使用者は、厚生労働省令で定めるところにより、前項の協定を行政官庁に届け出なければならない。

(3) An employer must file the agreement set forth in the preceding paragraph with the relevant government agency pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

第三十八条の三　使用者が、当該事業場に、労働者の過半数で組織する労働組合があるときはその労働組合、労働者の過半数で組織する労働組合がないときは労働者の過半

数を代表する者との書面による協定により、次に掲げる事項を定めた場合において、労働者を第一号に掲げる業務に就かせたときは、当該労働者は、厚生労働省令で定めるところにより、第二号に掲げる時間労働したものとみなす。

Article 38-3 (1) If an employer has provided for the following particulars in a written agreement with the labor union that has been organized by a majority of the workers at that workplace, if there is one, or with a person representing a majority of the workers at that workplace, if there is no such union, and the employer assigns a worker to the work set forth in item (i), that worker is deemed to have worked the hours set forth in item (ii), pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare:

一　業務の性質上その遂行の方法を大幅に当該業務に従事する労働者の裁量にゆだねる必要があるため、当該業務の遂行の手段及び時間配分の決定等に関し使用者が具体的な指示をすることが困難なものとして厚生労働省令で定める業務のうち、労働者に就かせることとする業務（以下この条において「対象業務」という。）

(i) work to which it is decided a worker will be assigned that is prescribed by Order of the Ministry of Health, Labour and Welfare as work that it is difficult for the employer to give concrete directions for regarding things such as decisions about how the work is to be carried out and the allocation of time to that work, since, owing to the nature of the work, the way in which it is carried out needs to be left largely to the discretion of the worker who is engaged in it (hereinafter in this Article "covered work");

二　対象業務に従事する労働者の労働時間として算定される時間

(ii) the hours that will be assessed as the working hours of a worker engaged in covered work;

三　対象業務の遂行の手段及び時間配分の決定等に関し、当該対象業務に従事する労働者に対し使用者が具体的な指示をしないこと。

(iii) that the employer will not give concrete directions to a worker engaged in covered work regarding things such as decisions on how the covered work is carried out and the allocation of time to that covered work;

四　対象業務に従事する労働者の労働時間の状況に応じた当該労働者の健康及び福祉を確保するための措置を当該協定で定めるところにより使用者が講ずること。

(iv) that, pursuant to the provisions of the agreement, the employer will take measures to ensure the workers' health and welfare that are in keeping with the working hours of workers engaged in covered work;

五　対象業務に従事する労働者からの苦情の処理に関する措置を当該協定で定めるところにより使用者が講ずること。

(v) that, pursuant to the provisions of that agreement, the employer will take measures to process complaints from workers engaged in covered work;

六　前各号に掲げるもののほか、厚生労働省令で定める事項

(vi) particulars prescribed by Order of the Ministry of Health, Labour and Welfare, beyond what is set forth in the preceding items.

２　前条第三項の規定は、前項の協定について準用する。

(2) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to an agreement as referred to in the preceding paragraph.

第三十八条の四　賃金、労働時間その他の当該事業場における労働条件に関する事項を調査審議し、事業主に対し当該事項について意見を述べることを目的とする委員会（使用者及び当該事業場の労働者を代表する者を構成員とするものに限る。）が設置された事業場において、当該委員会がその委員の五分の四以上の多数による議決により次に掲げる事項に関する決議をし、かつ、使用者が、厚生労働省令で定めるところにより当該決議を行政官庁に届け出た場合において、第二号に掲げる労働者の範囲に属する労働者を当該事業場における第一号に掲げる業務に就かせたときは、当該労働者は、厚生労働省令で定めるところにより、第三号に掲げる時間労働したものとみなす。

Article 38-4 (1) If, at a workplace where a committee has been established whose purpose is to examine and deliberate on wages, working hours, and other particulars of working conditions at the workplace concerned, and to state its opinions regarding these particulars to the person in control of the business (but only a committee that has the employer and representatives of workers at the workplace as its members), that committee adopts a resolution by a majority of four-fifths or more of its members regarding the following particulars and the employer notifies the relevant government agency of that resolution pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare; and if the employer has a worker falling under the scope of workers set forth in item (ii) carry out the work set forth in item (i) at that workplace, the worker is deemed to have worked the hours set forth in item (iii) pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare:

一　事業の運営に関する事項についての企画、立案、調査及び分析の業務であつて、当該業務の性質上これを適切に遂行するにはその遂行の方法を大幅に労働者の裁量に委ねる必要があるため、当該業務の遂行の手段及び時間配分の決定等に関し使用者が具体的な指示をしないこととする業務（以下この条において「対象業務」という。）

(i) work in the planning, drafting, researching, and analyzing of particulars involved in business operations, for which the employer will not give concrete directions regarding things such as decisions about how that work is carried out and the allocation of time to that work, since the nature of the work is such that, in order for it to be carried out properly, the way in which it is carried out needs to be left largely to the discretion of the worker (hereinafter referred to as "covered work" in this Article);

二　対象業務を適切に遂行するための知識、経験等を有する労働者であつて、当該対象業務に就かせたときは当該決議で定める時間労働したものとみなされることとな

るものの範囲

(ii) the scope of workers who have the knowledge, experience, and other attributes required to carry out the covered work properly, and who will be deemed to have worked the hours prescribed by the resolution when they have been engaged in that covered work;

三　対象業務に従事する前号に掲げる労働者の範囲に属する労働者の労働時間として算定される時間

(iii) the hours that will be assessed as the working hours of a worker engaged in covered work who falls within the scope of workers set forth in the preceding item;

四　対象業務に従事する第二号に掲げる労働者の範囲に属する労働者の労働時間の状況に応じた当該労働者の健康及び福祉を確保するための措置を当該決議で定めるところにより使用者が講ずること。

(iv) that, as prescribed in that resolution, the employer will take measures to ensure the health and welfare of workers engaged in covered work who fall within the scope of workers set forth in item (ii), that are in line with those workers' working hours;

五　対象業務に従事する第二号に掲げる労働者の範囲に属する労働者からの苦情の処理に関する措置を当該決議で定めるところにより使用者が講ずること。

(v) that, as prescribed in that resolution, the employer will take measures to process complaints from workers engaged in covered work who fall within the scope of workers set forth in item (ii);

六　使用者は、この項の規定により第二号に掲げる労働者の範囲に属する労働者を対象業務に就かせたときは第三号に掲げる時間労働したものとみなすことについて当該労働者の同意を得なければならないこと及び当該同意をしなかつた当該労働者に対して解雇その他不利益な取扱いをしてはならないこと。

(vi) that, when having a worker who falls within the scope of workers set forth in item (ii) perform covered work as prescribed in this paragraph, the employer must obtain the worker's consent to deem that worker to have worked the hours set forth in item (iii), and that it must not dismiss a worker who does consent to this or subject such a worker to other disadvantageous treatment;

七　前各号に掲げるもののほか、厚生労働省令で定める事項

(vii) the particulars that Order of the Ministry of Health, Labour and Welfare prescribes, beyond what is set forth in the preceding items.

2　前項の委員会は、次の各号に適合するものでなければならない。

(2) The committee referred to in the preceding paragraph must be one that conforms to the following items:

一　当該委員会の委員の半数については、当該事業場に、労働者の過半数で組織する労働組合がある場合においてはその労働組合、労働者の過半数で組織する労働組合がない場合においては労働者の過半数を代表する者に厚生労働省令で定めるところ

により任期を定めて指名されていること。

(i) one half of the members of that committee have been appointed for a set term of office pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare by the labor union that has been organized by a majority of the workers at that workplace, if there is one, or by a person representing a majority of the workers at that workplace, if there is no such union;

二　当該委員会の議事について、厚生労働省令で定めるところにより、議事録が作成され、かつ、保存されるとともに、当該事業場の労働者に対する周知が図られていること。

(ii) minutes of the meetings of that committee are prepared and maintained pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, and are made known to the workers at the relevant workplace;

三　前二号に掲げるもののほか、厚生労働省令で定める要件

(iii) the requirements prescribed by Order of the Ministry of Health, Labour and Welfare, beyond what is set forth in the preceding two items.

3　厚生労働大臣は、対象業務に従事する労働者の適正な労働条件の確保を図るために、労働政策審議会の意見を聴いて、第一項各号に掲げる事項その他同項の委員会が決議する事項について指針を定め、これを公表するものとする。

(3) In order to ensure appropriate working conditions for workers engaged in covered work, and after hearing the opinion of the Labor Policy Council, the Minister of Health, Labour and Welfare is to set and announce guidelines regarding the particulars set forth in each item of paragraph (1) and other particulars decided upon by the committee referred to in that paragraph.

4　第一項の規定による届出をした使用者は、厚生労働省令で定めるところにより、定期的に、同項第四号に規定する措置の実施状況を行政官庁に報告しなければならない。

(4) Pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, an employer that has filed a notification under paragraph (1) must regularly report on the state of implementation of the measures provided for in item (iv) of that paragraph to the relevant government agency.

5　第一項の委員会においてその委員の五分の四以上の多数による議決により第三十二条の二第一項、第三十二条の三第一項、第三十二条の四第一項及び第二項、第三十二条の五第一項、第三十四条第二項ただし書、第三十六条第一項、第二項及び第五項、第三十七条第三項、第三十八条の二第二項、前条第一項並びに次条第四項、第六項及び第九項ただし書に規定する事項について決議が行われた場合における第三十二条の二第一項、第三十二条の三第一項、第三十二条の四第一項から第三項まで、第三十二条の五第一項、第三十四条第二項ただし書、第三十六条、第三十七条第三項、第三十八条の二第二項、前条第一項並びに次条第四項、第六項及び第九項ただし書の規定の適用については、第三十二条の二第一項中「協定」とあるのは「協定若しくは第三十八条の四第一項に規定する委員会の決議（第百六条第一項を除き、以下「決議」という。）」と、第三十二条の三第一項、第三十二条の四第一項から第三項まで、第三十二条の五第一項、第三十四条第二項ただし書、第三十六条第二項及び第五項から第七

項まで、第三十七条第三項、第三十八条の二第二項、前条第一項並びに次条第四項、第六項及び第九項ただし書中「協定」とあるのは「協定又は決議」と、第三十二条の四第二項中「同意を得て」とあるのは「同意を得て、又は決議に基づき」と、第三十六条第一項中「届け出た場合」とあるのは「届け出た場合又は決議を行政官庁に届け出た場合」と、「その協定」とあるのは「その協定又は決議」と、同条第八項中「又は労働者の過半数を代表する者」とあるのは「若しくは労働者の過半数を代表する者又は同項の決議をする委員」と、「当該協定」とあるのは「当該協定又は当該決議」と、同条第九項中「又は労働者の過半数を代表する者」とあるのは「若しくは労働者の過半数を代表する者又は同項の決議をする委員」とする。

(5) To apply the provisions of Article 32-2, paragraph (1), Article 32-3, paragraph (1), Article 32-4, paragraphs (1) through (3), Article 32-5, paragraph (1), the proviso to Article 34, paragraph (2), Article 36, Article 37, paragraph (3), Article 38-2, paragraph (2), paragraph (1) of the preceding Article, and paragraphs (4) and (6) of the following Article, and the proviso to paragraph (9) of the following Article, if the committee referred to in paragraph (1) makes a decision by a majority of four-fifths or more of the members regarding a particular as provided in Article 32-2, paragraph (1), Article 32-3, paragraph (1), Article 32-4, paragraph (1) and paragraph (2), Article 32-5, paragraph (1), the proviso to Article 34, paragraph (2), Article 36, paragraph (1), paragraph (2) and paragraph (5), Article 37, paragraph (3), Article 38-2, paragraph (2), paragraph (1) of the preceding Article, and paragraph (4) and paragraph (6) of the following Article, and the proviso to paragraph (9) of the following Article, the phrase "in a written agreement with the labor union that has been organized by a majority of the workers at that workplace, if there is one, or with a person representing a majority of the workers at that workplace, if there is no such union" in Article 32-2, paragraph (1) is deemed to be replaced with "in a written agreement with the labor union that has been organized by a majority of the workers at that workplace, if there is one, or with a person representing a majority of the workers at that workplace, if there is no such union, or pursuant to a resolution of the committee referred to in Article 38-4, paragraph (1) (hereinafter referred to as a 'resolution', except in Article 106, paragraph (1))"; the term "written agreement" in Article 32-3, paragraph (1), Article 32-4, paragraphs (1) through (3), Article 32-5, paragraph (1), the proviso to Article 34, paragraph (2), Article 36, paragraph (2) and paragraphs (5) through (7), Article 37, paragraph (3), Article 38-2, paragraph (2), paragraph (1) of the preceding Article, and paragraph (4) and paragraph (6) of the following Article, and the proviso to paragraph (7) of the following Article is deemed to be replaced with "written agreement or resolution"; the phrase "with the consent of the labor union that has been organized by a majority of the workers at that workplace, if there is one, or of a person representing a majority of the workers at that workplace, if there is no such union" in Article

32-4, paragraph (2) is deemed to be replaced with "with the consent of the labor union that has been organized by a majority of the workers at that workplace, if there is one, or of a person representing a majority of the workers at that workplace, if there is no such union, or based on a resolution"; the phrases "has filed a notification of this agreement" and "in accordance with the provisions of that agreement" in Article 36, paragraph (1) are deemed to be replaced respectively with "has filed a notification of this agreement or resolution" and "in accordance with the provisions of that agreement or resolution"; the phrases "or the person representing a majority of the workers entering into an agreement as referred to in paragraph (1)" and "that agreement" in Article 36, paragraph (8) are deemed to be replaced respectively with "or the person representing a majority of the workers entering into an agreement as referred to in paragraph (1), or the committee members making the resolution referred to in that paragraph" and "that agreement or resolution"; and the phrase "or the person representing a majority of the workers entering into an agreement as referred to in paragraph (1)" in Article 36, paragraph (9) is deemed to be replaced with "or the person representing a majority of the workers entering into an agreement as referred to in paragraph (1), or the committee members making the resolution referred to in that paragraph".

（年次有給休暇）

(Annual Paid Leave)

第三十九条　使用者は、その雇入れの日から起算して六箇月間継続勤務し全労働日の八割以上出勤した労働者に対して、継続し、又は分割した十労働日の有給休暇を与えなければならない。

Article 39 (1) An employer must grant paid leave of 10 consecutive or nonconsecutive working days to a worker who has been employed continuously for 6 months from the day of their hiring and who has reported to work on at least 80 percent of the total working days.

２　使用者は、一年六箇月以上継続勤務した労働者に対しては、雇入れの日から起算して六箇月を超えて継続勤務する日（以下「六箇月経過日」という。）から起算した継続勤務年数一年ごとに、前項の日数に、次の表の上欄に掲げる六箇月経過日から起算した継続勤務年数の区分に応じ同表の下欄に掲げる労働日を加算した有給休暇を与えなければならない。ただし、継続勤務した期間を六箇月経過日から一年ごとに区分した各期間（最後に一年未満の期間を生じたときは、当該期間）の初日の前日の属する期間において出勤した日数が全労働日の八割未満である者に対しては、当該初日以後の一年間においては有給休暇を与えることを要しない。

(2) At yearly intervals defined by the number of years of continuous employment that are counted starting from the day on which a worker's continuous employment passes the six-month mark counting from the hire date (hereinafter referred to as the "six-month mark"), an employer must grant a

worker whom it has employed continuously for at least one year and six months the paid leave that is calculated when the number of working days that the right-hand column of the following table sets forth for the category that the left-hand column of that table sets forth for a worker's number of years of continuous employment as counted from the six-month mark, is added to the number of days referred to in the preceding paragraph; provided, however, that for one of the one-year sub-periods into which the period of continuous employment is divided beginning at the six-month mark (including any period of less than one year constituting the last of those sub-periods), if the number of days that a worker has reported for work accounts for less than 80 percent of the total working days in the sub-period that includes the day before the first day of the sub-period in question, the employer is not required to grant the worker paid leave for the one year following the first day of that sub-period.

六箇月経過日から起算した継続勤務年数 Number of years of continuous service employment from the six-months mark completion day	労働日 Working days
一年 One year	一労働日 One working day
二年 Two years	二労働日 Two working days
三年 Three years	四労働日 Four working days
四年 Four years	六労働日 Six working days
五年 Five years	八労働日 Eight working days
六年以上 Six years or more	十労働日 Ten working days

3　次に掲げる労働者（一週間の所定労働時間が厚生労働省令で定める時間以上の者を除く。）の有給休暇の日数については、前二項の規定にかかわらず、これらの規定による有給休暇の日数を基準とし、通常の労働者の一週間の所定労働日数として厚生労働省令で定める日数（第一号において「通常の労働者の週所定労働日数」という。）と当該労働者の一週間の所定労働日数又は一週間当たりの平均所定労働日数との比率を考慮して厚生労働省令で定める日数とする。

(3) Notwithstanding the provisions of the preceding two paragraphs, the number of days of paid leave for a worker as set forth in the following items (excluding one whose prescribed weekly working hours are more than the hours fixed by Order of the Ministry of Health, Labour and Welfare) is fixed by Order of the Ministry of Health, Labour and Welfare based on the number of days of paid leave specified in the preceding two paragraphs in consideration of the ratio of

the number of days prescribed by Order of the Ministry of Health, Labour and Welfare as the prescribed working days in a week for a worker with a standard employment status (referred to as "the prescribed weekly working days of a worker with a standard employment status" in item (i)) to either the number of prescribed weekly working days for the worker concerned or the average number of prescribed working days per week for the worker concerned:

一　一週間の所定労働日数が通常の労働者の週所定労働日数に比し相当程度少ないものとして厚生労働省令で定める日数以下の労働者

(i) a worker for whom the number of prescribed weekly working days is not more than the number of days prescribed by Order of the Ministry of Health, Labour and Welfare as constituting a number that is considerably lower than the number of prescribed weekly working days of a worker with a standard employment status;

二　週以外の期間によつて所定労働日数が定められている労働者については、一年間の所定労働日数が、前号の厚生労働省令で定める日数に一日を加えた日数を一週間の所定労働日数とする労働者の一年間の所定労働日数その他の事情を考慮して厚生労働省令で定める日数以下の労働者

(ii) a worker whose number of prescribed working days is calculated on the basis of units of time other than weeks, and whose number of prescribed annual working days is not more than the number of days prescribed by Order of the Ministry of Health, Labour and Welfare in consideration of the number of prescribed annual working days of a worker whose number of prescribed weekly working days is the number arrived at when one day is added to the number prescribed by Order of the Ministry of Health, Labour and Welfare referred to in the preceding item and of other circumstances.

4　使用者は、当該事業場に、労働者の過半数で組織する労働組合があるときはその労働組合、労働者の過半数で組織する労働組合がないときは労働者の過半数を代表する者との書面による協定により、次に掲げる事項を定めた場合において、第一号に掲げる労働者の範囲に属する労働者が有給休暇を時間を単位として請求したときは、前三項の規定による有給休暇の日数のうち第二号に掲げる日数については、これらの規定にかかわらず、当該協定で定めるところにより時間を単位として有給休暇を与えることができる。

(4) Notwithstanding the provisions of the preceding three paragraphs, if an employer has provided for the following particulars in a written agreement with the labor union that has been organized by a majority of the workers at that workplace, if there is one, or with a person representing a majority of the workers at that workplace, if there is no such union, and a worker who falls within the scope of workers set forth in item (i) requests paid leave by the hour, the employer, pursuant to the provisions of that agreement, may grant the worker paid leave by the hour for the number of days of paid leave under the provisions of the preceding three paragraphs that are set forth in item (ii):

一　時間を単位として有給休暇を与えることができることとされる労働者の範囲

(i) the scope of workers to whom it is decided paid leave by the hour may be granted;

二　時間を単位として与えることができることとされる有給休暇の日数（五日以内に限る。）

(ii) the number of days of paid leave that it is decided may be granted by the hour (limited to not more than five days);

三　その他厚生労働省令で定める事項

(iii) other particulars prescribed by Order of the Ministry of Health, Labour and Welfare.

5　使用者は、前各項の規定による有給休暇を労働者の請求する時季に与えなければならない。ただし、請求された時季に有給休暇を与えることが事業の正常な運営を妨げる場合においては、他の時季にこれを与えることができる。

(5) An employer must grant paid leave under the provisions of each of the preceding paragraphs at the worker's requested timing; provided, however, that if granting the leave at the requested timing would interfere with the normal operation of the business, the employer may grant leave at a different timing instead.

6　使用者は、当該事業場に、労働者の過半数で組織する労働組合がある場合においてはその労働組合、労働者の過半数で組織する労働組合がない場合においては労働者の過半数を代表する者との書面による協定により、第一項から第三項までの規定による有給休暇を与える時季に関する定めをしたときは、これらの規定による有給休暇の日数のうち五日を超える部分については、前項の規定にかかわらず、その定めにより有給休暇を与えることができる。

(6) Notwithstanding the provisions of the preceding paragraph, if an employer, in a written agreement with the labor union that has been organized by a majority of the workers at that workplace, if there is one, or with a person representing a majority of the workers at that workplace, if there is no such union, has provided for the timing at which it provides the paid leave under the provisions of paragraphs (1) through (3), the employer may provide the part of a worker's paid leave under the provisions of those paragraphs that exceeds 5 days based on that agreement.

7　使用者は、第一項から第三項までの規定による有給休暇（これらの規定により使用者が与えなければならない有給休暇の日数が十労働日以上である労働者に係るものに限る。以下この項及び次項において同じ。）の日数のうち五日については、基準日（継続勤務した期間を六箇月経過日から一年ごとに区分した各期間（最後に一年未満の期間を生じたときは、当該期間）の初日をいう。以下この項において同じ。）から一年以内の期間に、労働者ごとにその時季を定めることにより与えなければならない。ただし、第一項から第三項までの規定による有給休暇を当該有給休暇に係る基準日より前の日から与えることとしたときは、厚生労働省令で定めるところにより、労働者ごとにその時季を定めることにより与えなければならない。

(7) For each worker, an employer must grant five days of the paid leave under the provisions of paragraphs (1) through (3) (but only the paid leave associated with workers to whom the employer must grant 10 working days or more of paid leave pursuant to those provisions; hereinafter the same applies in this paragraph and the following paragraph) within one year of the base date (meaning the first day of each of the one-year sub-periods into which the period of continuous employment is divided beginning at the six-month mark (including any period of less than one year constituting the last of those sub-periods)) at the timing the employer sets; provided, however, if an employer decides to grant the paid leave under the provisions of paragraphs (1) through (3) before the base date with which it is associated, it must grant that leave at the timing it sets for each worker pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

8　前項の規定にかかわらず、第五項又は第六項の規定により第一項から第三項までの規定による有給休暇を与えた場合においては、当該与えた有給休暇の日数（当該日数が五日を超える場合には、五日とする。）分については、時季を定めることにより与えることを要しない。

(8) Notwithstanding the provisions of the preceding paragraph, if an employer has granted a worker the paid leave under paragraphs (1) through (3) pursuant to the provisions of paragraph (5) or (6), it is not required to grant leave at the timing it sets for however many of the days of paid leave it has granted pursuant to those provisions (or five days, if the number of days of paid leave so granted exceeds five days).

9　使用者は、第一項から第三項までの規定による有給休暇の期間又は第四項の規定による有給休暇の時間については、就業規則その他これに準ずるもので定めるところにより、それぞれ、平均賃金若しくは所定労働時間労働した場合に支払われる通常の賃金又はこれらの額を基準として厚生労働省令で定めるところにより算定した額の賃金を支払わなければならない。ただし、当該事業場に、労働者の過半数で組織する労働組合がある場合においてはその労働組合、労働者の過半数で組織する労働組合がない場合においては労働者の過半数を代表する者との書面による協定により、その期間又はその時間について、それぞれ、健康保険法（大正十一年法律第七十号）第四十条第一項に規定する標準報酬月額の三十分の一に相当する金額（その金額に、五円未満の端数があるときは、これを切り捨て、五円以上十円未満の端数があるときは、これを十円に切り上げるものとする。）又は当該金額を基準として厚生労働省令で定めるところにより算定した金額を支払う旨を定めたときは、これによらなければならない。

(9) For a period of paid leave under the provisions of paragraphs (1) through (3) an employer must pay the average wage or the amount of wages that the worker would normally be paid for working the prescribed working hours pursuant to the rules of employment or anything equivalent thereto; and for the hours of paid leave under the provisions of paragraph (4), an employer must pay wages in the amount calculated pursuant to the provisions of Order

of the Ministry of Health, Labour and Welfare based on the average wage or the amount of wages that the worker would normally be paid for working the prescribed working hours pursuant to the rules of employment or anything equivalent thereto; provided, however, that if there is a written agreement with the labor union that has been organized by a majority of the workers at that workplace, if there is one, or with a person representing a majority of the workers at that workplace, if there is no such union, which provides that the employer will pay an amount of money equivalent to one thirtieth of the monthly amount of standard remuneration provided for in paragraph (1) of Article 40 of the Health Insurance Law (Act No. 70 of 1922) for that period (with amounts of less than five yen rounded down to the nearest ten yen and amounts of at least five but less than ten yen rounded up to the nearest ten yen) or that the employer will pay an amount of money calculated pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare based on the aforementioned amount for those hours, the payment of wages is governed by that agreement.

１０　労働者が業務上負傷し、又は疾病にかかり療養のために休業した期間及び育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律第二条第一号に規定する育児休業又は同条第二号に規定する介護休業をした期間並びに産前産後の女性が第六十五条の規定によつて休業した期間は、第一項及び第二項の規定の適用については、これを出勤したものとみなす。

(10) To apply the provisions of paragraphs (1) and (2), a worker is deemed to have reported for work in a period during which the worker was absent from work due to medical treatment for an injury sustained or illness suffered in the course of employment, in a period during which the worker was on child care leave as prescribed in Article 2, item (i) of the Act on Childcare Leave, Caregiver Leave, and Other Measures for the Welfare of Workers Caring for Children or Other Family Members or was on family care leave as prescribed in item (ii) of that Article, or in a period during which the female worker was absent from work before or after childbirth in accordance with the provisions of Article 65.

（労働時間及び休憩の特例）

(Special Provisions on Working Hours and Breaks)

第四十条　別表第一第一号から第三号まで、第六号及び第七号に掲げる事業以外の事業で、公衆の不便を避けるために必要なものその他特殊の必要あるものについては、その必要避くべからざる限度で、第三十二条から第三十二条の五までの労働時間及び第三十四条の休憩に関する規定について、厚生労働省令で別段の定めをすることができる。

Article 40 (1) Order of the Ministry of Health, Labour and Welfare may establish separate provisions on the working hours referred to in Articles 32 through 32-

5 and on the breaks referred to in Article 34, for a business other than that as set forth in items (i) through (iii), item (vi) and item (vii) of Appended Table 1, for which this needs to be done in order to avoid a public inconvenience or for which there is any other special need to do so, to the extent to which the need to do so is unavoidable.

２　前項の規定による別段の定めは、この法律で定める基準に近いものであつて、労働者の健康及び福祉を害しないものでなければならない。

(2) The separate provisions set forth in the preceding paragraph must conform closely to the standards set forth in this Act and must not harm the health or welfare of workers.

（労働時間等に関する規定の適用除外）

(Workers Exempt from the Application of Provisions on Working Hours, Breaks, and Days Off)

第四十一条　この章、第六章及び第六章の二で定める労働時間、休憩及び休日に関する規定は、次の各号の一に該当する労働者については適用しない。

Article 41 The provisions prescribed in this Chapter, Chapter VI, and Chapter VI-2 concerning working hours, breaks and days off do not apply to a worker falling under one of the following items:

一　別表第一第六号（林業を除く。）又は第七号に掲げる事業に従事する者

(i) one engaged in business as set forth in item (vi) (excluding forestry) or item (vii) of Appended Table 1;

二　事業の種類にかかわらず監督若しくは管理の地位にある者又は機密の事務を取り扱う者

(ii) one in a position of supervision or management or handling confidential processes, regardless of the type of business;

三　監視又は断続的労働に従事する者で、使用者が行政官庁の許可を受けたもの

(iii) one engaged in monitoring or in intermittent labor, for which the employer has obtained permission from the relevant government agency.

第四十一条の二　賃金、労働時間その他の当該事業場における労働条件に関する事項を調査審議し、事業主に対し当該事項について意見を述べることを目的とする委員会（使用者及び当該事業場の労働者を代表する者を構成員とするものに限る。）が設置された事業場において、当該委員会がその委員の五分の四以上の多数による議決により次に掲げる事項に関する決議をし、かつ、使用者が、厚生労働省令で定めるところにより当該決議を行政官庁に届け出た場合において、第二号に掲げる労働者の範囲に属する労働者（以下この項において「対象労働者」という。）であつて書面その他の厚生労働省令で定める方法によりその同意を得たものを当該事業場における第一号に掲げる業務に就かせたときは、この章で定める労働時間、休憩、休日及び深夜の割増賃金に関する規定は、対象労働者については適用しない。ただし、第三号から第五号までに規定する措置のいずれかを使用者が講じていない場合は、この限りでない。

Article 41-2 (1) If, at a workplace where a committee has been established whose purpose is to examine and deliberate on wages, working hours, and other particulars of working conditions at the workplace concerned, and to state its opinions regarding these particulars to the person in control of the business (but only a committee that has the employer and representatives of workers at the workplace as its members), that committee adopts a resolution by a majority of four-fifths or more of its members concerning the following particulars, and the employer notifies the relevant government agency of that resolution pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare; and if the employer has a worker falling under the scope of workers set forth in item (ii) (hereinafter referred to as an "covered worker" in this paragraph) carry out the work set forth in item (i) at that workplace after obtaining the consent of the covered worker in writing or through another such means that is provided for by Order of the Ministry of Health, Labour and Welfare, the provisions prescribed in this Chapter concerning the working hours, breaks, days off and premium wages for work at night time do not apply to the covered worker; provided, however, that this does not apply if the employer does not take one of the measures provided for in items (iii) through (v):

一　高度の専門的知識等を必要とし、その性質上従事した時間と従事して得た成果との関連性が通常高くないと認められるものとして厚生労働省令で定める業務のうち、労働者に就かせることとする業務（以下この項において「対象業務」という。）

(i) work that requires an advanced level of expertise; that Order of the Ministry of Health, Labour and Welfare prescribes as work which, due to its nature, is found not to ordinarily show a high correlation between time spent on the work and the result therefrom; and that the employer decides to have a worker carry out (hereinafter referred to as the "covered work" in this paragraph);

二　この項の規定により労働する期間において次のいずれにも該当する労働者であつて、対象業務に就かせようとするものの範囲

(ii) the scope of workers to whom all of the following apply during the period in which they are working pursuant to the provisions of this paragraph, and whom the employer seeks to have carry out the covered work:

イ　使用者との間の書面その他の厚生労働省令で定める方法による合意に基づき職務が明確に定められていること。

(a) that the duties are clearly defined based on an agreement that the worker and the employer have reached in writing or by another such means that Order of the Ministry of Health, Labour and Welfare prescribes;

ロ　労働契約により使用者から支払われると見込まれる賃金の額を一年間当たりの賃金の額に換算した額が基準年間平均給与額（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。）の三倍の額を相当程度上回る水準として厚生労働省令で定める額以上であること。

(b) that the amount of wages per year, as calculated based on the amount of wages that are expected to be paid by the employer based on the labor contract, will be at least the amount prescribed by Order of the Ministry of Health, Labour and Welfare as a level that is considerably higher than triple the standardized annual average salary (meaning the average salary per worker that is calculated pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare based on salaries paid on a monthly basis as provided in the Monthly Labor Survey compiled by the Ministry of Health, Labour and Welfare);

三　対象業務に従事する対象労働者の健康管理を行うために当該対象労働者が事業場内にいた時間（この項の委員会が厚生労働省令で定める労働時間以外の時間を除くことを決議したときは、当該決議に係る時間を除いた時間）と事業場外において労働した時間との合計の時間（第五号ロ及びニ並びに第六号において「健康管理時間」という。）を把握する措置（厚生労働省令で定める方法に限る。）を当該決議で定めるところにより使用者が講ずること。

(iii) that, as prescribed in that resolution, the employer will take measures (but only by a means prescribed by Order of the Ministry of Health, Labour and Welfare) to assess the total amount of time that a covered worker engaged in covered work has worked both at the workplace (excluding the time outside of working hours prescribed by Order of the Ministry of Health, Labour and Welfare that the committee referred to in this paragraph has resolved to exclude, if applicable) and outside the workplace, in order to undertake health management for that covered worker (hereinafter referred to as the "working hours subject to health management" in item (v), (b) and (d) and item (vi));

四　対象業務に従事する対象労働者に対し、一年間を通じ百四日以上、かつ、四週間を通じ四日以上の休日を当該決議及び就業規則その他これに準ずるもので定めるところにより使用者が与えること。

(iv) that, as prescribed in the resolution, the rules of employment, or anything similar thereto, the employer will grant a covered worker engaged in covered work at least 104 days off over the course of one year's time and at least four days off over the course of four weeks' time;

五　対象業務に従事する対象労働者に対し、次のいずれかに該当する措置を当該決議及び就業規則その他これに準ずるもので定めるところにより使用者が講ずること。

(v) that, as prescribed in the resolution, the rules of employment, or anything similar thereto, the employer will take one of the following measures for a covered worker engaged in covered work:

イ　労働者ごとに始業から二十四時間を経過するまでに厚生労働省令で定める時間以上の継続した休息時間を確保し、かつ、第三十七条第四項に規定する時刻の間

において労働させる回数を一箇月について厚生労働省令で定める回数以内とすること。

(a) ensuring that each worker has a continuous rest period of at least the length of time prescribed by Order of the Ministry of Health, Labour and Welfare during the time from the beginning of work until 24 hours later, and limiting the number of times per month the employer has each worker work between the hours prescribed in Article 37, paragraph (4) to not more than the number of times prescribed by Order of the Ministry of Health, Labour and Welfare;

ロ　健康管理時間を一箇月又は三箇月についてそれぞれ厚生労働省令で定める時間を超えない範囲内とすること。

(b) keeping the working hours subject to health management per month and per three-month period within a scope that does not exceed the number of hours prescribed by Order of the Ministry of Health, Labour and Welfare;

ハ　一年に一回以上の継続した二週間（労働者が請求した場合においては、一年に二回以上の継続した一週間）（使用者が当該期間において、第三十九条の規定による有給休暇を与えたときは、当該有給休暇を与えた日を除く。）について、休日を与えること。

(c) granting that worker a continuous two-week period of days off at least once per year (or a continuous one-week period of days off at least twice per year, if the worker so requests) (excluding any days during that period for which the employer has granted the worker the paid leave under the provisions of Article 39, if applicable).

ニ　健康管理時間の状況その他の事項が労働者の健康の保持を考慮して厚生労働省令で定める要件に該当する労働者に健康診断（厚生労働省令で定める項目を含むものに限る。）を実施すること。

(d) implementing medical checkups (but only checkups that include the items prescribed by Order of the Ministry of Health, Labour and Welfare) for a worker for whom the status of the working hours subject to health management or something else falls under the requirements prescribed by Order of the Ministry of Health, Labour and Welfare, in consideration of maintaining the worker's health.

六　対象業務に従事する対象労働者の健康管理時間の状況に応じた当該対象労働者の健康及び福祉を確保するための措置であつて、当該対象労働者に対する有給休暇（第三十九条の規定による有給休暇を除く。）の付与、健康診断の実施その他の厚生労働省令で定める措置のうち当該決議で定めるものを使用者が講ずること。

(vi) the employer will take the measures to ensure the health and welfare of a covered worker engaged in covered work that are in keeping with the status of that worker's working hours subject to health management, and that the resolution prescribes, from among the measures prescribed by Order of the Ministry of Health, Labour and Welfare, including the granting of paid leave

(other than the paid leave under the provisions of Article 39) and the implementation of medical checkups for covered workers;

七　対象労働者のこの項の規定による同意の撤回に関する手続

(vii) procedures related to a covered worker's revocation of the consent under the provisions of this paragraph;

八　対象業務に従事する対象労働者からの苦情の処理に関する措置を当該決議で定めるところにより使用者が講ずること。

(viii) that, as prescribed in that resolution, the employer will take measures to process complaints from covered workers who are engaged in the covered work;

九　使用者は、この項の規定による同意をしなかつた対象労働者に対して解雇その他不利益な取扱いをしてはならないこと。

(ix) that the employer must not dismiss a covered worker who does not give the consent under the provisions of this paragraph or subject such a worker to other disadvantageous treatment;

十　前各号に掲げるもののほか、厚生労働省令で定める事項

(x) the particulars that Order of the Ministry of Health, Labour and Welfare prescribes, beyond what is set forth in the preceding items.

2　前項の規定による届出をした使用者は、厚生労働省令で定めるところにより、同項第四号から第六号までに規定する措置の実施状況を行政官庁に報告しなければならない。

(2) Having filed a notification under the provisions of the preceding paragraph, an employer must report the implementation status of the measures prescribed in items (iv) through (vi) of the preceding paragraph, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

3　第三十八条の四第二項、第三項及び第五項の規定は、第一項の委員会について準用する。

(3) The provisions of Article 38-4, paragraph (2), paragraph (3), and paragraph (5) apply mutatis mutandis to a committee as set forth in paragraph (1).

4　第一項の決議をする委員は、当該決議の内容が前項において準用する第三十八条の四第三項の指針に適合したものとなるようにしなければならない。

(4) The committee members adopting a resolution as referred to in paragraph (1) must ensure that the content of the resolution conforms to the guidelines referred to in Article 38-4, paragraph (3), as applied mutatis mutandis pursuant to the preceding paragraph.

5　行政官庁は、第三項において準用する第三十八条の四第三項の指針に関し、第一項の決議をする委員に対し、必要な助言及び指導を行うことができる。

(5) The relevant government agency may provide the necessary advice and guidance to the committee members adopting the resolution as referred to in paragraph (1) concerning the guidelines referred to in Article 38-4, paragraph (3), as applied mutatis mutandis pursuant to paragraph (3).

第五章　安全及び衛生
Chapter V Safety and Health

第四十二条　労働者の安全及び衛生に関しては、労働安全衛生法（昭和四十七年法律第五十七号）の定めるところによる。

Article 42 The safety and health of workers is as provided for in the Industrial Safety and Health Act (Act No. 57 of 1972).

第四十三条から第五十五条まで　削除

Articles 43 through 55 Deleted

第六章　年少者
Chapter VI Minors

（最低年齢）

(Minimum Age)

第五十六条　使用者は、児童が満十五歳に達した日以後の最初の三月三十一日が終了するまで、これを使用してはならない。

Article 56 (1) An employer must not employ a child until the end of the first 31st of March that falls on or after the day on which the child reaches 15 years of age.

２　前項の規定にかかわらず、別表第一第一号から第五号までに掲げる事業以外の事業に係る職業で、児童の健康及び福祉に有害でなく、かつ、その労働が軽易なものについては、行政官庁の許可を受けて、満十三歳以上の児童をその者の修学時間外に使用することができる。映画の製作又は演劇の事業については、満十三歳に満たない児童についても、同様とする。

(2) Notwithstanding the provisions of the preceding paragraph, outside of school hours, an employer may employ a child of at least 13 years of age in an occupation involved in a business other a business as set forth in items (i) through (v) of Appended Table 1 which involves light labor that is not injurious to the child's health and welfare, with the permission of the relevant government agency. The same applies to a child under 13 years of age employed in the production of motion pictures and theatrical performances.

（年少者の証明書）

(Certificates for Minors)

第五十七条　使用者は、満十八才に満たない者について、その年齢を証明する戸籍証明書を事業場に備え付けなければならない。

Article 57 (1) An employer must keep at the workplace family register certificates certifying the ages of children under 18 years of age.

２　使用者は、前条第二項の規定によつて使用する児童については、修学に差し支えないことを証明する学校長の証明書及び親権者又は後見人の同意書を事業場に備え付けなければならない。

(2) For a child employed pursuant to paragraph (2) of the preceding Article, an employer must keep at the workplace a certificate issued by the head of that child's school certifying that the employment does not hinder the child's attendance at school, or written consent from the person who has parental authority for, or is the legal guardian of, the child.

（未成年者の労働契約）

(Labor Contracts with Minors)

第五十八条　親権者又は後見人は、未成年者に代つて労働契約を締結してはならない。

Article 58 (1) It is prohibited for a person with parental authority over a minor or the legal guardian of a minor to enter into a labor contract in place of that minor.

２　親権者若しくは後見人又は行政官庁は、労働契約が未成年者に不利であると認める場合においては、将来に向つてこれを解除することができる。

(2) A person with parental authority over a minor, the legal guardian of a minor, or the relevant government agency may cancel a labor contract prospectively if they consider it disadvantageous to the minor.

第五十九条　未成年者は、独立して賃金を請求することができる。親権者又は後見人は、未成年者の賃金を代つて受け取つてはならない。

Article 59 A minor may claim their wages for themselves. It is prohibited for a person with parental authority over a minor or the legal guardian of a minor to collect the minor's wages in place of the minor.

（労働時間及び休日）

(Working Hours and Days Off)

第六十条　第三十二条の二から第三十二条の五まで、第三十六条、第四十条及び第四十一条の二の規定は、満十八才に満たない者については、これを適用しない。

Article 60 (1) The provisions of Articles 32-2 through 32-5, Article 36, Article 40, and Article 41-2 do not apply to persons under 18 years of age.

２　第五十六条第二項の規定によつて使用する児童についての第三十二条の規定の適用については、同条第一項中「一週間について四十時間」とあるのは「、修学時間を通算して一週間について四十時間」と、同条第二項中「一日について八時間」とあるのは「、修学時間を通算して一日について七時間」とする。

(2) To apply the provisions of Article 32 to children employed pursuant to Article 56, paragraph (2), the phrase "40 hours per week" in Article 32, paragraph (1) is deemed to be replaced with "40 hours per week including school hours", and the phrase "8 hours per day" in Article 32, paragraph (2) is deemed to be

replaced with "7 hours per day including school hours".

3　使用者は、第三十二条の規定にかかわらず、満十五歳以上で満十八歳に満たない者については、満十八歳に達するまでの間（満十五歳に達した日以後の最初の三月三十一日までの間を除く。）、次に定めるところにより、労働させることができる。

(3) Notwithstanding the provisions of Article 32, a person aged 15 or over but under the age of 18 may be employed in accordance with the following provisions until they reach the age of 18 (other than during the period until the first 31st of March falling on or after the day the person reaches 15 years of age):

一　一週間の労働時間が第三十二条第一項の労働時間を超えない範囲内において、一週間のうち一日の労働時間を四時間以内に短縮する場合において、他の日の労働時間を十時間まで延長すること。

(i) if the total number of working hours in a week will not exceed the number of working hours referred to in Article 32, paragraph (1) and the number of working hours for any one day of the week will be reduced to 4 hours or less, the working hours for other days of the week may be extended to 10 hours;

二　一週間について四十八時間以下の範囲内で厚生労働省令で定める時間、一日について八時間を超えない範囲内において、第三十二条の二又は第三十二条の四及び第三十二条の四の二の規定の例により労働させること。

(ii) an employer may have the worker work in accordance with the provisions of Article 32-2 or Article 32-4 and Article 32-4-2 within the scope of not more than 8 hours per day, and also within the scope not exceeding that which is prescribed by Order of the Ministry of Health, Labour and Welfare within the scope of 48 hours per week.

（深夜業）

(Night Work)

第六十一条　使用者は、満十八才に満たない者を午後十時から午前五時までの間において使用してはならない。ただし、交替制によつて使用する満十六才以上の男性については、この限りでない。

Article 61 (1) An employer must not have a person under 18 years of age work between the hours of 10 p.m. and 5 a.m.; provided, however, that this does not apply to males aged 16 years or more who are employed under a shift-work system.

2　厚生労働大臣は、必要であると認める場合においては、前項の時刻を、地域又は期間を限つて、午後十一時及び午前六時とすることができる。

(2) On finding it to be necessary to do so, the Minister of Health, Labour and Welfare may make the hours referred to in the preceding paragraph the hours of 11 p.m. and 6 a.m., in limited areas or for limited periods.

3　交替制によつて労働させる事業については、行政官庁の許可を受けて、第一項の規定にかかわらず午後十時三十分まで労働させ、又は前項の規定にかかわらず午前五時

三十分から労働させることができる。

(3) In a business in which the employer has workers work under a shift-work system, the employer may have a worker work until 10:30 p.m., notwithstanding the provisions of paragraph (1); or may have a worker work from 5:30 a.m., notwithstanding the provisions of the preceding paragraph, with the permission of the relevant government agency.

4　前三項の規定は、第三十三条第一項の規定によつて労働時間を延長し、若しくは休日に労働させる場合又は別表第一第六号、第七号若しくは第十三号に掲げる事業若しくは電話交換の業務については、適用しない。

(4) The provisions of the preceding three paragraphs do not apply if the employer extends working hours or has a worker work on days off pursuant to the provisions of paragraph (1) of Article 33, nor do they apply to businesses as set forth in Appended Table 1, item (vi), item (vii) or item (xiii) or to telephone exchange operations.

5　第一項及び第二項の時刻は、第五十六条第二項の規定によつて使用する児童については、第一項の時刻は、午後八時及び午前五時とし、第二項の時刻は、午後九時及び午前六時とする。

(5) For children employed pursuant to the provisions of Article 56, paragraph (2), the hours referred to in paragraph (1) are the hours of 8 p.m. and 5 a.m., and the hours referred to in paragraph (2) are the hours of 9 p.m. and 6 a.m.

（危険有害業務の就業制限）

(Restrictions on Engagement in Dangerous and Hazardous Operations)

第六十二条　使用者は、満十八才に満たない者に、運転中の機械若しくは動力伝導装置の危険な部分の掃除、注油、検査若しくは修繕をさせ、運転中の機械若しくは動力伝導装置にベルト若しくはロープの取付け若しくは取りはずしをさせ、動力によるクレーンの運転をさせ、その他厚生労働省令で定める危険な業務に就かせ、又は厚生労働省令で定める重量物を取り扱う業務に就かせてはならない。

Article 62 (1) An employer must not allow a person under 18 years of age to clean, oil, inspect, or repair a dangerous part of a machine or power transmission device while it is in operation; to put on or take off the driving belts or ropes of a machine or power transmission device while it is in operation; to operate a crane; or to engage in any other dangerous operations prescribed by Order of the Ministry of Health, Labour and Welfare; and must not allow such a person to engage in operations involving the handling of heavy objects as prescribed by Order of the Ministry of Health, Labour and Welfare.

2　使用者は、満十八才に満たない者を、毒劇薬、毒劇物その他有害な原料若しくは材料又は爆発性、発火性若しくは引火性の原料若しくは材料を取り扱う業務、著しくじんあい若しくは粉末を飛散し、若しくは有害ガス若しくは有害放射線を発散する場所又は高温若しくは高圧の場所における業務その他安全、衛生又は福祉に有害な場所における業務に就かせてはならない。

(2) An employer must not have a person under 18 years of age engage in operations involving the handling of a poison, deleterious substance, or other injurious substance or an explosive, combustible, or inflammable substance; operations in a place where dust or powder is dispersed or where harmful gas or radiation is generated, or in a place of high temperatures or pressure; or any other operation in a place that is hazardous to safety, health, or welfare.

3　前項に規定する業務の範囲は、厚生労働省令で定める。

(3) Order of the Ministry of Health, Labour and Welfare prescribes the scope of the operations provided for in the preceding paragraph.

（坑内労働の禁止）

(Prohibition on Belowground Labor)

第六十三条　使用者は、満十八才に満たない者を坑内で労働させてはならない。

Article 63 An employer must not have a person under 18 years of age work underground.

（帰郷旅費）

(Traveling Expenses for Returning Home)

第六十四条　満十八才に満たない者が解雇の日から十四日以内に帰郷する場合においては、使用者は、必要な旅費を負担しなければならない。ただし、満十八才に満たない者がその責めに帰すべき事由に基づいて解雇され、使用者がその事由について行政官庁の認定を受けたときは、この限りでない。

Article 64 If a worker under 18 years of age returns home within 14 days after dismissal, the employer must bear the necessary travel expenses; provided, however, that this does not apply if a worker under 18 years of age has been dismissed for grounds attributable to that worker and the employer has had those grounds certified by the relevant government agency.

第六章の二　妊産婦等

Chapter VI-2 Expectant and Postpartum Mothers; Women of Childbearing Age

（坑内業務の就業制限）

(Limitations on Belowground Operations)

第六十四条の二　使用者は、次の各号に掲げる女性を当該各号に定める業務に就かせてはならない。

Article 64-2 An employer must not assign a woman as set forth in one of the following items to the operations provided for in that item:

一　妊娠中の女性及び坑内で行われる業務に従事しない旨を使用者に申し出た産後一年を経過しない女性　坑内で行われるすべての業務

(i) a pregnant woman or a woman who is not yet one year postpartum and who

notifies the employer that she will not engage in belowground operations: all belowground operations;

二　前号に掲げる女性以外の満十八歳以上の女性　坑内で行われる業務のうち人力により行われる掘削の業務その他の女性に有害な業務として厚生労働省令で定めるもの

(ii) a woman of 18 years of age or more other than one as set forth in the preceding item: manual belowground excavation and other belowground operations prescribed by Order of the Ministry of Health, Labour and Welfare as operations injurious to women.

（危険有害業務の就業制限）

(Limitations on Dangerous and Hazardous Operations)

第六十四条の三　使用者は、妊娠中の女性及び産後一年を経過しない女性（以下「妊産婦」という。）を、重量物を取り扱う業務、有害ガスを発散する場所における業務その他妊産婦の妊娠、出産、哺育等に有害な業務に就かせてはならない。

Article 64-3 (1) An employer must not assign a pregnant woman or a woman who is not yet one year postpartum (hereinafter referred to as an "expectant or postpartum mother") to operations involving the handling of heavy objects, operations in places where harmful gas is generated, or other operations that are hazardous to things such as pregnancy, childbirth, and nursing.

２　前項の規定は、同項に規定する業務のうち女性の妊娠又は出産に係る機能に有害である業務につき、厚生労働省令で、妊産婦以外の女性に関して、準用することができる。

(2) By Order of the Ministry of Health, Labour and Welfare, the provisions of the preceding paragraph may be applied mutatis mutandis to women other than expectant or and postpartum mothers, for operations provided for in that paragraph that are hazardous to female functions related to pregnancy and childbirth.

３　前二項に規定する業務の範囲及びこれらの規定によりこれらの業務に就かせてはならない者の範囲は、厚生労働省令で定める。

(3) Order of the Ministry of Health, Labour and Welfare prescribes the scope of operations provided for in the preceding two paragraphs and the scope of persons who must not be assigned to those operations pursuant thereto.

（産前産後）

(Before and After Childbirth)

第六十五条　使用者は、六週間（多胎妊娠の場合にあつては、十四週間）以内に出産する予定の女性が休業を請求した場合においては、その者を就業させてはならない。

Article 65 (1) If a woman who is due to give birth within 6 weeks (or within 14 weeks, in the case of multiple fetuses) requests leave from work, the employer must not make her work.

２　使用者は、産後八週間を経過しない女性を就業させてはならない。ただし、産後六週間を経過した女性が請求した場合において、その者について医師が支障がないと認めた業務に就かせることは、差し支えない。

(2) An employer must not have a woman who is not yet 8 weeks postpartum work; provided, however, that this does not prevent an employer from having a woman who is at least 6 weeks postpartum work, if she requests to, in operations that a doctor has approved as having no adverse effect on her.

３　使用者は、妊娠中の女性が請求した場合においては、他の軽易な業務に転換させなければならない。

(3) If a pregnant woman so requests, an employer must transfer her to other light operations.

第六十六条　使用者は、妊産婦が請求した場合においては、第三十二条の二第一項、第三十二条の四第一項及び第三十二条の五第一項の規定にかかわらず、一週間について第三十二条第一項の労働時間、一日について同条第二項の労働時間を超えて労働させてはならない。

Article 66 (1) Notwithstanding the provisions of Article 32-2, paragraph (1), Article 32-4, paragraph (1), and Article 32-5, paragraph (1), if an expectant or postpartum mother so requests, the employer must not make her work in excess of the working hours referred to in Article 32, paragraph (1) per week or in excess of the working hours referred to in paragraph (2) of that Article per day.

２　使用者は、妊産婦が請求した場合においては、第三十三条第一項及び第三項並びに第三十六条第一項の規定にかかわらず、時間外労働をさせてはならず、又は休日に労働させてはならない。

(2) Notwithstanding the provisions of Article 33, paragraph (1) and paragraph (3), and Article 36, paragraph (1), if an expectant or postpartum mother so requests, the employer must not make her work off-hours or on days off.

３　使用者は、妊産婦が請求した場合においては、深夜業をさせてはならない。

(3) If an expectant or postpartum mother so requests, the employer must not make her work at night.

（育児時間）

(Time for Child Care)

第六十七条　生後満一年に達しない生児を育てる女性は、第三十四条の休憩時間のほか、一日二回各々少なくとも三十分、その生児を育てるための時間を請求することができる。

Article 67 (1) A woman raising an infant born less than one year prior may request to have at least 30 minutes of time twice a day to care for the infant, in addition to the break periods referred to in Article 34.

２　使用者は、前項の育児時間中は、その女性を使用してはならない。

(2) An employer must not make a woman work during the child care time referred to in the preceding paragraph.

（生理日の就業が著しく困難な女性に対する措置）
(Measures for Women Who Find It Extremely Difficult to Work on Days of Their Menstrual Periods)

第六十八条　使用者は、生理日の就業が著しく困難な女性が休暇を請求したときは、その者を生理日に就業させてはならない。

Article 68 If a woman who finds it to be extremely difficult to work on a day of her menstrual period requests leave, the employer must not make her work on a day of her menstrual period.

第七章　技能者の養成
Chapter VII Training of Skilled Laborers

（徒弟の弊害排除）
(Elimination of Harmful Practices in Apprenticeships)

第六十九条　使用者は、徒弟、見習、養成工その他名称の如何を問わず、技能の習得を目的とする者であることを理由として、労働者を酷使してはならない。

Article 69 (1) An employer must not exploit an apprentice, student, trainee, or other worker, regardless of appellation, on the grounds that the person is seeking to acquire a skill.

2　使用者は、技能の習得を目的とする労働者を家事その他技能の習得に関係のない作業に従事させてはならない。

(2) An employer must not employ a worker who is seeking to acquire a skill, in domestic work or other work having no relation to acquisition of a skill.

（職業訓練に関する特例）
(Special Provisions Regarding Vocational Training)

第七十条　職業能力開発促進法（昭和四十四年法律第六十四号）第二十四条第一項（同法第二十七条の二第二項において準用する場合を含む。）の認定を受けて行う職業訓練を受ける労働者について必要がある場合においては、その必要の限度で、第十四条第一項の契約期間、第六十二条及び第六十四条の三の年少者及び妊産婦等の危険有害業務の就業制限、第六十三条の年少者の坑内労働の禁止並びに第六十四条の二の妊産婦等の坑内業務の就業制限に関する規定について、厚生労働省令で別段の定めをすることができる。ただし、第六十三条の年少者の坑内労働の禁止に関する規定については、満十六歳に満たない者に関しては、この限りでない。

Article 70 If it is necessary for a worker receiving vocational training which has received recognition as provided for in Article 24, paragraph (1) of the Vocational Ability Development and Promotion Law (Act No. 64 of 1969) (including as applied mutatis mutandis under Article 27-2, paragraph (2) of

that Act), the provisions of Article 14, paragraph (1) concerning the contract period, the provisions of Articles 62 concerning restrictions on dangerous and hazardous operations for minors, the provisions of Article 64-3 concerning restrictions on dangerous and hazardous operations for expectant and postpartum mothers and others, the provisions of Article 63 concerning the ban on belowground labor by minors, and the provisions of Article 64-2 concerning limitations on belowground work by expectant and postpartum mothers may be otherwise provided for by Order of the Ministry of Health, Labour and Welfare to the extent that this is necessary; provided, however, that with respect to the ban on belowground labor by minors referred to in Article 63, this does not apply to persons under 16 years of age.

第七十一条　前条の規定に基いて発する厚生労働省令は、当該厚生労働省令によつて労働者を使用することについて行政官庁の許可を受けた使用者に使用される労働者以外の労働者については、適用しない。

Article 71 Any Order of the Ministry of Health, Labour and Welfare issued pursuant to the provisions of the preceding Article does not apply to workers other than those employed by an employer who has obtained permission from the relevant government agency for employment of workers in conformity with that Order of the Ministry of Health, Labour and Welfare.

第七十二条　第七十条の規定に基づく厚生労働省令の適用を受ける未成年者についての第三十九条の規定の適用については、同条第一項中「十労働日」とあるのは「十二労働日」と、同条第二項の表六年以上の項中「十労働日」とあるのは「八労働日」とする。

Article 72 To apply the provisions of Article 39 to minors who are subject to the application of Order of the Ministry of Health, Labour and Welfare under the provisions of Article 70, the phrase "10 working days" in Article 39, paragraph (1) is deemed to be replaced with "12 working days", and the phrase "10 working days" in the "6 years or more" column of the table in paragraph (2) of that Article is deemed to be replaced with "8 working days".

第七十三条　第七十一条の規定による許可を受けた使用者が第七十条の規定に基いて発する厚生労働省令に違反した場合においては、行政官庁は、その許可を取り消すことができる。

Article 73 If an employer that has received permission pursuant to provisions of Article 71 violates an Order of the Ministry of Health, Labour and Welfare issued pursuant to provisions of Article 70, the relevant government agency may rescind that permission.

第七十四条　削除

Article 74 Deleted

第八章　災害補償
Chapter VIII Compensation for Injury or Illness

（療養補償）
(Medical Compensation)

第七十五条　労働者が業務上負傷し、又は疾病にかかつた場合においては、使用者は、その費用で必要な療養を行い、又は必要な療養の費用を負担しなければならない。

Article 75 (1) If a worker sustains an injury or suffers illness in the course of employment, the employer must furnish the necessary medical treatment at its expense, or must bear the expenses of any necessary medical treatment.

２　前項に規定する業務上の疾病及び療養の範囲は、厚生労働省令で定める。

(2) Order of the Ministry of Health, Labour and Welfare prescribes the scope of illnesses suffered in the course of employment and of medical treatment under the provisions of the preceding paragraph.

（休業補償）
(Compensation for Absence from Work)

第七十六条　労働者が前条の規定による療養のため、労働することができないために賃金を受けない場合においては、使用者は、労働者の療養中平均賃金の百分の六十の休業補償を行わなければならない。

Article 76 (1) If a worker does not receive wages because the worker is unable to work due to medical treatment under the provisions of the preceding Article, the employer must pay compensation for that absence from work at the rate of 60 percent of the worker's average wage.

２　使用者は、前項の規定により休業補償を行つている労働者と同一の事業場における同種の労働者に対して所定労働時間労働した場合に支払われる通常の賃金の、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（以下四半期という。）ごとの一箇月一人当り平均額（常時百人未満の労働者を使用する事業場については、厚生労働省において作成する毎月勤労統計における当該事業場の属する産業に係る毎月きまつて支給する給与の四半期の労働者一人当りの一箇月平均額。以下平均給与額という。）が、当該労働者が業務上負傷し、又は疾病にかかつた日の属する四半期における平均給与額の百分の百二十をこえ、又は百分の八十を下るに至つた場合においては、使用者は、その上昇し又は低下した比率に応じて、その上昇し又は低下するに至つた四半期の次の次の四半期において、前項の規定により当該労働者に対して行つている休業補償の額を改訂し、その改訂をした四半期に属する最初の月から改訂された額により休業補償を行わなければならない。改訂後の休業補償の額の改訂についてもこれに準ずる。

(2) If the per capita average monthly amount of ordinary wages in each of the periods of January through March, April through June, July through

September, and October through December (any such period is referred to hereinafter as a "quarter") that would be paid to workers at the same workplace who are engaged in the same type of work as the worker receiving compensation for an absence from work pursuant to the preceding paragraph if they worked the prescribed working hours (or, for a workplace where fewer than 100 workers are ordinarily employed, that quarter's average monthly amount, per worker, for salaries paid on a monthly basis in the industry to which that workplace belongs, as provided in the Monthly Labor Survey compiled by the Ministry of Health, Labour and Welfare; hereinafter whichever amount applies is referred to as the average salary) exceeds 120 percent of the average salary during the quarter that includes the day on which the worker in question sustained the injury or suffered illness in the course of employment, or falls below 80 percent of that amount, the employer must adjust the amount of compensation for absence from work which is payable to the worker in question pursuant to the preceding paragraph in accordance with that rate of increase or decrease two quarters after the quarter in which the increase or decrease occurred; and the employer must provide the adjusted amount of compensation for absence from work from the first month of the quarter that includes the day on which it makes that adjustment. The same applies to adjustments to a previously adjusted amount of compensation for absence from work.

3　前項の規定により難い場合における改訂の方法その他同項の規定による改訂について必要な事項は、厚生労働省令で定める。

(3) Order of the Ministry of Health, Labour and Welfare prescribes the means of making adjustments when it is difficult to do so pursuant to the provisions of the preceding paragraph and provides for other necessary matters regarding adjustments under the provisions of that paragraph.

（障害補償）

(Compensation for Disabilities)

第七十七条　労働者が業務上負傷し、又は疾病にかかり、治つた場合において、その身体に障害が存するときは、使用者は、その障害の程度に応じて、平均賃金に別表第二に定める日数を乗じて得た金額の障害補償を行わなければならない。

Article 77 If worker who has sustained an injury or has suffered illness in the course of employment has a physical disability after recovery, the employer must pay compensation for the disability in the amount arrived at when the average wage is multiplied by the number of days set forth in Appended Table 2 for the degree of disability.

（休業補償及び障害補償の例外）

(Exceptions to Compensation for Absence from Work and to Compensation for

Disabilities)

第七十八条　労働者が重大な過失によつて業務上負傷し、又は疾病にかかり、且つ使用者がその過失について行政官庁の認定を受けた場合においては、休業補償又は障害補償を行わなくてもよい。

Article 78 If a worker sustains an injury or suffers illness in the course of employment due to the gross negligence on the part of the worker, and the employer has had that negligence acknowledged by the relevant government agency, the employer is not obligated to pay compensation to the worker for absence from work or disabilities.

（遺族補償）

(Compensation for Bereaved Family)

第七十九条　労働者が業務上死亡した場合においては、使用者は、遺族に対して、平均賃金の千日分の遺族補償を行わなければならない。

Article 79 If a worker has died in the course of employment, the employer must pay compensation to the bereaved family equivalent to 1,000 days at the average wage.

（葬祭料）

(Funeral Expenses)

第八十条　労働者が業務上死亡した場合においては、使用者は、葬祭を行う者に対して、平均賃金の六十日分の葬祭料を支払わなければならない。

Article 80 If a worker has died in the course of employment, the employer must pay an amount equivalent to 60 days at the average wage as funeral expenses to the person managing the funeral rites.

（打切補償）

(Compensation for Discontinuation)

第八十一条　第七十五条の規定によつて補償を受ける労働者が、療養開始後三年を経過しても負傷又は疾病がなおらない場合においては、使用者は、平均賃金の千二百日分の打切補償を行い、その後はこの法律の規定による補償を行わなくてもよい。

Article 81 If a worker receiving compensation pursuant to the provisions of Article 75 fails to recover from the injury or illness within 3 years from the date of commencement of medical treatment, the employer may pay compensation for discontinuation of that medical compensation, equivalent to 1,200 days at the average wage; thereafter, the employer does not need to pay compensation under the provisions of this Act.

（分割補償）

(Payment of Compensation in Installments)

第八十二条　使用者は、支払能力のあることを証明し、補償を受けるべき者の同意を得

た場合においては、第七十七条又は第七十九条の規定による補償に替え、平均賃金に別表第三に定める日数を乗じて得た金額を、六年にわたり毎年補償することができる。

Article 82 If an employer demonstrates the ability to pay and obtains the consent of the person entitled to compensation, in lieu of the compensation under Article 77 or Article 79, the employer may pay compensation every year for six years, in the amount arrived at when the average wage is multiplied by the number of days set forth in Appended Table 3.

（補償を受ける権利）

(Right to Receive Compensation)

第八十三条　補償を受ける権利は、労働者の退職によつて変更されることはない。

Article 83 (1) The right to receive compensation is not changed by the worker's separation from employment.

２　補償を受ける権利は、これを譲渡し、又は差し押えてはならない。

(2) The right to receive compensation must not be transferred or seized.

（他の法律との関係）

(This Act's Relationship to Other Laws)

第八十四条　この法律に規定する災害補償の事由について、労働者災害補償保険法（昭和二十二年法律第五十号）又は厚生労働省令で指定する法令に基づいてこの法律の災害補償に相当する給付が行なわれるべきものである場合においては、使用者は、補償の責を免れる。

Article 84 (1) If payments equivalent to compensation for injury or illness under this Act are to be made under the Industrial Accident Compensation Insurance Act (Act No. 50 of 1947) or under any other law or regulation designated by Order of the Ministry of Health, Labour and Welfare for something that constitutes a grounds for compensation for injury or illness provided for in this Act, the employer is exempt from the responsibility of providing compensation under this Act.

２　使用者は、この法律による補償を行つた場合においては、同一の事由については、その価額の限度において民法による損害賠償の責を免れる。

(2) If an employer has provided compensation under this Act, it is exempt from the responsibility for damages under the Civil Code based on the same grounds, up to the amount of that compensation.

（審査及び仲裁）

(Administrative Review and Arbitration)

第八十五条　業務上の負傷、疾病又は死亡の認定、療養の方法、補償金額の決定その他補償の実施に関して異議のある者は、行政官庁に対して、審査又は事件の仲裁を申し立てることができる。

Article 85 (1) Persons who object to an acknowledgment regarding an injury,

illness, or death in the course of employment; to the means of medical treatment; to the determination of the amount of compensation; or to something that concerns the implementation of compensation, may file a petition with the relevant government agency for an administrative review or for case arbitration.

2　行政官庁は、必要があると認める場合においては、職権で審査又は事件の仲裁をすることができる。

(2) On finding it to be necessary, the relevant government agency may undertake an administrative review or arbitrate a case on its own authority.

3　第一項の規定により審査若しくは仲裁の申立てがあつた事件又は前項の規定により行政官庁が審査若しくは仲裁を開始した事件について民事訴訟が提起されたときは、行政官庁は、当該事件については、審査又は仲裁をしない。

(3) If a civil action has been filed regarding a case for which a person has filed a petition for administrative review or arbitration pursuant to paragraph (1), or regarding a case for which the relevant government agency has commenced an administrative review or arbitration pursuant to the preceding paragraph, the relevant government agency does not conduct an administrative review or arbitration for the case in question.

4　行政官庁は、審査又は仲裁のために必要であると認める場合においては、医師に診断又は検案をさせることができる。

(4) On finding it to be necessary to do so for an administrative review or arbitration, the relevant government agency may have a physician make a diagnosis or perform an examination.

5　第一項の規定による審査又は仲裁の申立て及び第二項の規定による審査又は仲裁の開始は、時効の中断に関しては、これを裁判上の請求とみなす。

(5) As it relates to the renewal of the period of prescription, a petition for administrative review or arbitration under paragraph (1) or the commencement of an administrative review or arbitration under paragraph (2) is deemed to be a demand for a juridical determination.

第八十六条　前条の規定による審査及び仲裁の結果に不服のある者は、労働者災害補償保険審査官の審査又は仲裁を申し立てることができる。

Article 86 (1) A person who is dissatisfied with the results of an administrative review or arbitration under the provisions of the preceding Article may petition for an administrative review or arbitration by an industrial accident compensation insurance examiner.

2　前条第三項の規定は、前項の規定により審査又は仲裁の申立てがあつた場合に、これを準用する。

(2) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis when a person has filed a petition for administrative review or arbitration pursuant to the provisions of the preceding paragraph.

（請負事業に関する例外）

(Exceptions for Contracts for Work)

第八十七条　厚生労働省令で定める事業が数次の請負によつて行われる場合においては、災害補償については、その元請負人を使用者とみなす。

Article 87 (1) If a business as prescribed by Order of the Ministry of Health, Labour and Welfare is carried out based on multiple levels of contracts for work, the main contractor is deemed to be the employer with respect to compensation for injury or illness.

２　前項の場合、元請負人が書面による契約で下請負人に補償を引き受けさせた場合においては、その下請負人もまた使用者とする。但し、二以上の下請負人に、同一の事業について重複して補償を引き受けさせてはならない。

(2) In a case as referred to in the preceding paragraph, if the main contractor has by written contract had a subcontractor assume responsibility for the compensation, the subcontractor also constitutes an employer; provided, however, that the main contractor must not have two or more subcontractors assume responsibility for compensation with respect to the same business.

３　前項の場合、元請負人が補償の請求を受けた場合においては、補償を引き受けた下請負人に対して、まづ催告すべきことを請求することができる。ただし、その下請負人が破産手続開始の決定を受け、又は行方が知れない場合においては、この限りでない。

(3) In a case as referred to in the preceding paragraph, if the main contractor has received a request for compensation, it may request that a demand for compensation first be made to the subcontractor that has assumed responsibility for compensation; provided, however, that this does not apply if the subcontractor has become subject to an order commencing bankruptcy procedures or has disappeared.

（補償に関する細目）

(Details of Compensation)

第八十八条　この章に定めるものの外、補償に関する細目は、厚生労働省令で定める。

Article 88 Order of the Ministry of Health, Labour and Welfare prescribes the details of compensation other than those set forth in this Chapter.

第九章　就業規則
Chapter IX Rules of Employment

（作成及び届出の義務）

(Duty to Draw Up and File Rules of Employment)

第八十九条　常時十人以上の労働者を使用する使用者は、次に掲げる事項について就業規則を作成し、行政官庁に届け出なければならない。次に掲げる事項を変更した場合

においても、同様とする。

Article 89 An employer that continuously employs 10 or more workers must draw up rules of employment covering the following particulars and must file those rules of employment with the relevant government agency. The same applies if the employer has altered any of the following particulars:

一　始業及び終業の時刻、休憩時間、休日、休暇並びに労働者を二組以上に分けて交替に就業させる場合においては就業時転換に関する事項

(i) the particulars of the times at which work begins and ends, break periods, days off, and leave; and the particulars of shifts, if it has workers work in two or more shifts;

二　賃金（臨時の賃金等を除く。以下この号において同じ。）の決定、計算及び支払の方法、賃金の締切り及び支払の時期並びに昇給に関する事項

(ii) the particulars of the means of determining, calculating, and paying wages (other than special wages; hereinafter in this item the same applies); the timing of the closing of accounts for wages and for payment of wages; and increases in wages;

三　退職に関する事項（解雇の事由を含む。）

(iii) the particulars of separation from employment (including grounds for dismissal);

三の二　退職手当の定めをする場合においては、適用される労働者の範囲、退職手当の決定、計算及び支払の方法並びに退職手当の支払の時期に関する事項

(iii)-2 if the rules of employment provide for a retirement allowance or severance pay, the particulars of the scope of workers to whom those provisions apply; the means of determining, calculating, and paying that retirement allowance or severance pay; and the timing for paying that retirement allowance or severance pay;

四　臨時の賃金等（退職手当を除く。）及び最低賃金額の定めをする場合においては、これに関する事項

(iv) if the rules of employment provide for special wages (other than a retirement allowance or severance pay) or a minimum wage, the particulars of these;

五　労働者に食費、作業用品その他の負担をさせる定めをする場合においては、これに関する事項

(v) if the rules of employment include provisions that cause a worker to bear the cost of food, supplies for work, or other such expenses, the particulars of this;

六　安全及び衛生に関する定めをする場合においては、これに関する事項

(vi) if the rules of employment include provisions on safety and health, the particulars of these;

七　職業訓練に関する定めをする場合においては、これに関する事項

(vii) if the rules of employment include provisions on vocational training, the

particulars of this;

八　災害補償及び業務外の傷病扶助に関する定めをする場合においては、これに関する事項

(viii) if the rules of employment include provisions on compensation for injury or illness and support for non-work-related injury or illness, the particulars of these;

九　表彰及び制裁の定めをする場合においては、その種類及び程度に関する事項

(ix) if the rules of employment provide for commendations or sanctions, the particulars of their types and degrees;

十　前各号に掲げるもののほか、当該事業場の労働者のすべてに適用される定めをする場合においては、これに関する事項

(x) if the rules of employment include provisions that are applicable to all workers at the workplace beyond what is set forth in the preceding items, the particulars of this.

（作成の手続）

(Procedures for Drawing Up Rules of Employment)

第九十条　使用者は、就業規則の作成又は変更について、当該事業場に、労働者の過半数で組織する労働組合がある場合においてはその労働組合、労働者の過半数で組織する労働組合がない場合においては労働者の過半数を代表する者の意見を聴かなければならない。

Article 90 (1) In drawing up or changing the rules of employment, the employer must ask the opinion of the labor union that has been organized by a majority of the workers at that workplace, if there is one, or of a person representing a majority of the workers at that workplace, if there is no such union.

２　使用者は、前条の規定により届出をなすについて、前項の意見を記した書面を添付しなければならない。

(2) In filing the rules of employment pursuant to the provisions of the preceding Article, the employer must attach a document setting forth the opinion referred to in the preceding paragraph.

（制裁規定の制限）

(Restrictions on Provisions for Sanctions)

第九十一条　就業規則で、労働者に対して減給の制裁を定める場合においては、その減給は、一回の額が平均賃金の一日分の半額を超え、総額が一賃金支払期における賃金の総額の十分の一を超えてはならない。

Article 91 If the rules of employment provide for a pay cut as a sanction against a worker, the amount of the pay cut must not exceed half of one day's average wage per occasion, and the total amount of pay cuts must not exceed 10 percent of the total wages for a single pay period.

（法令及び労働協約との関係）

(Relationship of the Rules of Employment to Laws and Regulations and to Collective Agreements)

第九十二条　就業規則は、法令又は当該事業場について適用される労働協約に反してはならない。

Article 92 (1) The rules of employment must not violate any laws and regulations or any collective agreement applicable to the workplace concerned.

２　行政官庁は、法令又は労働協約に牴触する就業規則の変更を命ずることができる。

(2) The relevant government agency may order the revision of any rules of employment that conflict with laws and regulations or with a collective agreement.

（労働契約との関係）

(Relationship of the Rules of Employment to Labor Contracts)

第九十三条　労働契約と就業規則との関係については、労働契約法（平成十九年法律第百二十八号）第十二条の定めるところによる。

Article 93 The relationship between labor contracts and rules of employment is as provided in Article 12 of the Labor Contract Act (Act No. 128 of 2007).

第十章　寄宿舎
Chapter X Communal Housing

（寄宿舎生活の自治）

(Autonomy of Life in Communal Housing)

第九十四条　使用者は、事業の附属寄宿舎に寄宿する労働者の私生活の自由を侵してはならない。

Article 94 (1) An employer must not infringe upon the freedom in private life of a worker living in the communal housing associated with its business.

２　使用者は、寮長、室長その他寄宿舎生活の自治に必要な役員の選任に干渉してはならない。

(2) An employer must not interfere in the selection of communal housing leaders, room monitors, and other leaders necessary for the autonomy of life in communal housing.

（寄宿舎生活の秩序）

(Order in Life in Communal Housing)

第九十五条　事業の附属寄宿舎に労働者を寄宿させる使用者は、左の事項について寄宿舎規則を作成し、行政官庁に届け出なければならない。これを変更した場合においても同様である。

Article 95 (1) An employer that has a worker live in communal housing associated with its business must draw up house rules regarding the following

particulars and must file a notification of those rules with the relevant government agency. The same applies if the employer alters these rules:

一　起床、就寝、外出及び外泊に関する事項

(i) particulars related to getting up, going to bed, going out, and staying out overnight;

二　行事に関する事項

(ii) particulars related to regular events;

三　食事に関する事項

(iii) particulars related to meals;

四　安全及び衛生に関する事項

(iv) particulars related to safety and health;

五　建設物及び設備の管理に関する事項

(v) particulars related to the management of buildings and facilities.

2　使用者は、前項第一号乃至第四号の事項に関する規定の作成又は変更については、寄宿舎に寄宿する労働者の過半数を代表する者の同意を得なければならない。

(2) An employer must obtain the consent of a person representing a majority of the workers living in the communal housing concerning the drawing up or alteration of provisions concerning the particulars referred to in items (i) through (iv) of the preceding paragraph.

3　使用者は、第一項の規定により届出をなすについて、前項の同意を証明する書面を添附しなければならない。

(3) In filing the house rules pursuant to the provisions of paragraph (1), the employer must attach a document evidencing the consent referred to in the preceding paragraph.

4　使用者及び寄宿舎に寄宿する労働者は、寄宿舎規則を遵守しなければならない。

(4) The employer and the workers who live in the communal housing must observe the house rules.

（寄宿舎の設備及び安全衛生）

(Communal Housing Facilities and Safety and Health)

第九十六条　使用者は、事業の附属寄宿舎について、換気、採光、照明、保温、防湿、清潔、避難、定員の収容、就寝に必要な措置その他労働者の健康、風紀及び生命の保持に必要な措置を講じなければならない。

Article 96 (1) With respect to communal housing associated with a business, the employer must take the necessary measures to provide ventilation, lighting, illumination, heating, damp-proofing, cleanliness, evacuation, maximum accommodation, and sleeping facilities, and other measures necessary to maintain the health and moral order of the workers and to keep them alive.

2　使用者が前項の規定によつて講ずべき措置の基準は、厚生労働省令で定める。

(2) Order of the Ministry of Health, Labour and Welfare prescribes the standards for measures to be taken by an employer pursuant to the preceding paragraph.

（監督上の行政措置）

(Administrative Measures for Supervision)

第九十六条の二　使用者は、常時十人以上の労働者を就業させる事業、厚生労働省令で定める危険な事業又は衛生上有害な事業の附属寄宿舎を設置し、移転し、又は変更しようとする場合においては、前条の規定に基づいて発する厚生労働省令で定める危害防止等に関する基準に従い定めた計画を、工事着手十四日前までに、行政官庁に届け出なければならない。

Article 96-2 (1) If an employer seeks to establish, move, or alter communal housing associated with a business that continuously employs 10 or more workers or communal housing associated with a business that is dangerous or hazardous to one's health and that Order of the Ministry of Health, Labour and Welfare prescribes, the employer must file with the relevant government agency plans that it has established in accordance with the standards for danger and hazard prevention and related actions that are prescribed by the Order of the Ministry of Health, Labour and Welfare issued pursuant to the provisions of the preceding Article, no later than 14 days prior to the start of the construction of that communal housing.

２　行政官庁は、労働者の安全及び衛生に必要であると認める場合においては、工事の着手を差し止め、又は計画の変更を命ずることができる。

(2) The relevant government agency may suspend the start of construction or order the alteration of plans on finding it to be necessary to do so for the safety and health of the workers.

第九十六条の三　労働者を就業させる事業の附属寄宿舎が、安全及び衛生に関し定められた基準に反する場合においては、行政官庁は、使用者に対して、その全部又は一部の使用の停止、変更その他必要な事項を命ずることができる。

Article 96-3 (1) If communal housing associated with a business employing a worker is in violation of the standards established for safety and health, the relevant government agency may order the employer to suspend the use of all or part of the communal housing or to alter all or part of the communal housing, and may issue orders on other necessary matters to the employer.

２　前項の場合において行政官庁は、使用者に命じた事項について必要な事項を労働者に命ずることができる。

(2) In a case as referred to in the preceding paragraph, the relevant government agency may order the workers to do as necessary in connection with the matters on which it has issued orders to the employer.

第十一章　監督機関

Chapter XI Inspection Organizations

（監督機関の職員等）

(Staff Members of Inspection Organizations)

第九十七条　労働基準主管局（厚生労働省の内部部局として置かれる局で労働条件及び労働者の保護に関する事務を所掌するものをいう。以下同じ。）、都道府県労働局及び労働基準監督署に労働基準監督官を置くほか、厚生労働省令で定める必要な職員を置くことができる。

Article 97 (1) Labor standards inspectors and other necessary staff members prescribed by Order of the Ministry of Health, Labour and Welfare may be appointed in the Labor Standards Management Bureau (meaning the department established within the Ministry of Health, Labour and Welfare with administrative responsibility for functions that involve labor conditions and the protection of workers; the same applies hereinafter), prefectural labor offices, and labor standards inspection offices.

２　労働基準主管局の局長（以下「労働基準主管局長」という。）、都道府県労働局長及び労働基準監督署長は、労働基準監督官をもつてこれに充てる。

(2) The Director-General of the Labor Standards Management Bureau (hereinafter referred to as the "Director-General of the Labor Standards Management Bureau"), the directors of prefectural labor offices, and the directors of labor standards inspection offices are appointed from among labor standards inspectors.

３　労働基準監督官の資格及び任免に関する事項は、政令で定める。

(3) Cabinet Order prescribes particulars relating to the qualifications and appointment and dismissal of labor standards inspectors.

４　厚生労働省に、政令で定めるところにより、労働基準監督官分限審議会を置くことができる。

(4) A Labor Standards Inspector Dismissal Council may be established in the Ministry of Health, Labour and Welfare, pursuant to Cabinet Order.

５　労働基準監督官を罷免するには、労働基準監督官分限審議会の同意を必要とする。

(5) The consent of the Labor Standards Inspector Council is required for the dismissal of a labor standards inspector.

６　前二項に定めるもののほか、労働基準監督官分限審議会の組織及び運営に関し必要な事項は、政令で定める。

(6) Beyond what is provided in the preceding two paragraphs, Cabinet Order prescribes the necessary particulars relating to the structure and operation of the Labor Standards Inspector Dismissal Council.

第九十八条　削除

Article 98 Deleted

（労働基準主管局長等の権限）

(Authority of the Director-General of the Labor Standards Management

Bureau)

第九十九条　労働基準主管局長は、厚生労働大臣の指揮監督を受けて、都道府県労働局長を指揮監督し、労働基準に関する法令の制定改廃、労働基準監督官の任免教養、監督方法についての規程の制定及び調整、監督年報の作成並びに労働政策審議会及び労働基準監督官分限審議会に関する事項（労働政策審議会に関する事項については、労働条件及び労働者の保護に関するものに限る。）その他この法律の施行に関する事項をつかさどり、所属の職員を指揮監督する。

Article 99 (1) The Director-General of the Labor Standards Management Bureau, under the direction and supervision of the Minister of Health, Labour and Welfare, directs and supervises the directors of the prefectural labor offices; administers particulars connected with the establishment, amendment, or repeal of laws and regulations concerning labor standards, particulars connected with the appointment, dismissal, and training of labor standards inspectors, particulars connected with the establishment and adjustment of regulations concerning inspection methods, particulars of the preparation of an annual report on inspections, particulars connected with the Labor Policy Council and Labor Standards Inspector Dismissal Investigative Council (limited to the particulars connected with the Labor Policy Council that are related to working conditions and the protection of workers), and other particulars connected with to the enforcement of this Act; and directs and supervises staff members who belong to the Bureau.

２　都道府県労働局長は、労働基準主管局長の指揮監督を受けて、管内の労働基準監督署長を指揮監督し、監督方法の調整に関する事項その他この法律の施行に関する事項をつかさどり、所属の職員を指揮監督する。

(2) The directors of the prefectural labor offices, under the direction and supervision of the Director-General of the Labor Standards Management Bureau, direct and supervise the directors of the labor standards inspection offices within their jurisdiction; administer the particulars of the adjustment of inspection methods and other particulars connected with the enforcement of this Act; and direct and supervise staff members who belong to their offices.

３　労働基準監督署長は、都道府県労働局長の指揮監督を受けて、この法律に基く臨検、尋問、許可、認定、審査、仲裁その他この法律の実施に関する事項をつかさどり、所属の職員を指揮監督する。

(3) The directors of the labor standards inspection offices, under the direction and supervision of the director of the Prefectural Labor Office, administer inspections, examinations, approvals, acknowledgments, investigations, arbitration, and other particulars connected with the implementation of this Act, and direct and supervise staff members who belong to their offices.

４　労働基準主管局長及び都道府県労働局長は、下級官庁の権限を自ら行い、又は所属の労働基準監督官をして行わせることができる。

(4) The Director-General of the Labor Standards Management Bureau and the

directors of prefectural labor offices may themselves exercise the powers of subordinate government agencies or may have labor standards inspectors belonging to their offices exercise those powers.

（女性主管局長の権限）

(Authority of the Director-General of the Women's Management Bureau)

第百条　厚生労働省の女性主管局長（厚生労働省の内部部局として置かれる局で女性労働者の特性に係る労働問題に関する事務を所掌するものの局長をいう。以下同じ。）は、厚生労働大臣の指揮監督を受けて、この法律中女性に特殊の規定の制定、改廃及び解釈に関する事項をつかさどり、その施行に関する事項については、労働基準主管局長及びその下級の官庁の長に勧告を行うとともに、労働基準主管局長が、その下級の官庁に対して行う指揮監督について援助を与える。

Article 100 (1) The Director-General of the Ministry of Health, Labour and Welfare's Women's Management Bureau (meaning the director of an internal bureau established within the Ministry of Health, Labour and Welfare that is responsible for functions connected with labor issues associated with the unique characteristics of female workers; the same applies hereinafter), under the direction and supervision of the Minister of Health, Labour and Welfare, administers particulars relating to the establishment, amendment, repeal and interpretation of special provisions in this Act relating to women, and advises the Director-General of the Labor Standards Management Bureau and the directors of the government agencies subordinate to that Bureau and assists in the direction and supervision of those subordinate government agencies by the Director-General of the Labor Standards Management Bureau in connection with particulars concerning the enforcement of those provisions.

２　女性主管局長は、自ら又はその指定する所属官吏をして、女性に関し労働基準主管局若しくはその下級の官庁又はその所属官吏の行つた監督その他に関する文書を閲覧し、又は閲覧せしめることができる。

(2) The Director-General of the Women's Management Bureau may view documents related to inspections and other things that the Labor Standards Management Bureau, the government agencies subordinate to that Bureau, or officials of those agencies have undertaken in matters relating to women, personally; or may have the Women's Management Bureau's officials designated by the Director-General view those documents.

３　第百一条及び第百五条の規定は、女性主管局長又はその指定する所属官吏が、この法律中女性に特殊の規定の施行に関して行う調査の場合に、これを準用する。

(3) The provisions of Articles 101 and 105 apply mutatis mutandis to investigations that the Director-General of the Women's Management Bureau or the designated officials belonging to that Bureau carry out in connection with the enforcement of special provisions of this Act relating to women.

（労働基準監督官の権限）

(Authority of Labor Standards Inspectors)

第百一条　労働基準監督官は、事業場、寄宿舎その他の附属建設物に臨検し、帳簿及び書類の提出を求め、又は使用者若しくは労働者に対して尋問を行うことができる。

Article 101 (1) Labor standards inspectors are authorized to inspect workplaces, communal housing, and other associated buildings; to demand the production of books and records; and to question employers and workers.

２　前項の場合において、労働基準監督官は、その身分を証明する証票を携帯しなければならない。

(2) In a case as referred to in the preceding paragraph, a labor standards inspector must carry identification.

第百二条　労働基準監督官は、この法律違反の罪について、刑事訴訟法に規定する司法警察官の職務を行う。

Article 102 Labor standards inspectors carry out the duties of judicial police officers under the Code of Criminal Procedure regarding criminal violations of this Act.

第百三条　労働者を就業させる事業の附属寄宿舎が、安全及び衛生に関して定められた基準に反し、且つ労働者に急迫した危険がある場合においては、労働基準監督官は、第九十六条の三の規定による行政官庁の権限を即時に行うことができる。

Article 103 If communal housing associated with a business that employs workers violates the standards that have been established for safety and health and there is imminent danger to workers, a labor standards inspector may immediately exercise the powers of the relevant government agency under the provisions of Article 96-3.

（監督機関に対する申告）

(Report to Inspection Organizations)

第百四条　事業場に、この法律又はこの法律に基いて発する命令に違反する事実がある場合においては、労働者は、その事実を行政官庁又は労働基準監督官に申告することができる。

Article 104 (1) If there are factual circumstances that violate this Act or an Order issued pursuant to this Act at a workplace, a worker may report those factual circumstances to the relevant government agency or to a labor standards inspector.

２　使用者は、前項の申告をしたことを理由として、労働者に対して解雇その他不利益な取扱をしてはならない。

(2) An employer must not dismiss a worker or subject a worker to other disadvantageous treatment due to the worker having made a report as referred to in the preceding paragraph.

（報告等）

(Reports)

第百四条の二　行政官庁は、この法律を施行するため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り、使用者又は労働者に対し、必要な事項を報告させ、又は出頭を命ずることができる。

Article 104-2 (1) If an relevant government agency finds it to be necessary to do so in order to enforce this Act, it may have an employer or a worker submit a report on the necessary matters or may order an employer or a worker to appear pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

２　労働基準監督官は、この法律を施行するため必要があると認めるときは、使用者又は労働者に対し、必要な事項を報告させ、又は出頭を命ずることができる。

(2) If a labor standards inspector finds it to be necessary to do so in order to enforce this Act, the inspector may have an employer or a worker report the necessary particulars or order an employer or a worker to appear before the inspector.

（労働基準監督官の義務）

(Duties of Labor Standards Inspectors)

第百五条　労働基準監督官は、職務上知り得た秘密を漏してはならない。労働基準監督官を退官した後においても同様である。

Article 105 A labor standards inspector must not reveal confidential information learned in the course of duty. The same applies even after a labor standards inspector has left that position.

第十二章　雑則
Chapter XII Miscellaneous Provisions

（国の援助義務）

(The State's Duty to Provide Assistance)

第百五条の二　厚生労働大臣又は都道府県労働局長は、この法律の目的を達成するために、労働者及び使用者に対して資料の提供その他必要な援助をしなければならない。

Article 105-2 The Minister of Health, Labour and Welfare and the directors of the prefectural labor offices must provide workers and employers with materials and other necessary assistance in order to achieve the purpose of this Act.

（法令等の周知義務）

(Duty to Make Known Laws and Regulations)

第百六条　使用者は、この法律及びこれに基づく命令の要旨、就業規則、第十八条第二

項、第二十四条第一項ただし書、第三十二条の二第一項、第三十二条の三第一項、第三十二条の四第一項、第三十二条の五第一項、第三十四条第二項ただし書、第三十六条第一項、第三十七条第三項、第三十八条の二第二項、第三十八条の三第一項並びに第三十九条第四項、第六項及び第九項ただし書に規定する協定並びに第三十八条の四第一項及び同条第五項（第四十一条の二第三項において準用する場合を含む。）並びに第四十一条の二第一項に規定する決議を、常時各作業場の見やすい場所へ掲示し、又は備え付けること、書面を交付することその他の厚生労働省令で定める方法によつて、労働者に周知させなければならない。

Article 106 (1) An employer must make known to workers the substance of this Act and any Order issued based on this Act, the rules of employment, any agreement as referred to in Article 18, paragraph (2), the proviso to Article 24, paragraph (1), Article 32-2, paragraph (1), Article 32-3, paragraph (1), Article 32-4, paragraph (1), Article 32-5, paragraph (1), the proviso to Article 34, paragraph (2), Article 36, paragraph (1), Article 37, paragraph (3), Article 38-2, paragraph (2), Article 38-3, paragraph (1), Article 39, paragraph (4) and paragraph (6), and the proviso to Article 39, paragraph (9), and any resolution as provided in Article 38-4, paragraph (1), Article 38-4, paragraph (5) (including as applied mutatis mutandis pursuant to Article 41-2, paragraph (3)), and Article 41-2, paragraph (1), by displaying or posting them at all times in a conspicuous location or locations in the workplace, by distributing written copies, or by any other such means that is prescribed by Order of the Ministry of Health, Labour and Welfare.

2　使用者は、この法律及びこの法律に基いて発する命令のうち、寄宿舎に関する規定及び寄宿舎規則を、寄宿舎の見易い場所に掲示し、又は備え付ける等の方法によつて、寄宿舎に寄宿する労働者に周知させなければならない。

(2) An employer must make known to workers living in communal housing the provisions of this Act and any Order issued pursuant to this Act relating to communal housing and house rules, by displaying or posting them in a conspicuous location or locations in the communal housing, or by other such means.

（労働者名簿）

(Roster of Workers)

第百七条　使用者は、各事業場ごとに労働者名簿を、各労働者（日日雇い入れられる者を除く。）について調製し、労働者の氏名、生年月日、履歴その他厚生労働省令で定める事項を記入しなければならない。

Article 107 (1) An employer must prepare a roster of workers for each workplace and enter the name, date of birth, personal history, and other particulars prescribed by Order of the Ministry of Health, Labour and Welfare in the roster for each worker (other than persons hired on a day-to-day basis).

2　前項の規定により記入すべき事項に変更があつた場合においては、遅滞なく訂正し

なければならない。
(2) If a particular that is required to be entered in a roster pursuant to the provisions of the preceding paragraph changes, the employer must make a correction without delay.

（賃金台帳）
(Wage Ledger)
第百八条　使用者は、各事業場ごとに賃金台帳を調製し、賃金計算の基礎となる事項及び賃金の額その他厚生労働省令で定める事項を賃金支払の都度遅滞なく記入しなければならない。
Article 108 An employer must prepare a wage ledger for each workplace and must enter the facts upon which wage calculations are based, the amount of wages, and other matters as prescribed by Order of the Ministry of Health, Labour and Welfare without delay each time wage payments are made.

（記録の保存）
(Preservation of Records)
第百九条　使用者は、労働者名簿、賃金台帳及び雇入、解雇、災害補償、賃金その他労働関係に関する重要な書類を三年間保存しなければならない。
Article 109 An employer must preserve the rosters of workers, wage ledgers, and important documents concerning hiring, dismissal, compensation for injury or illness, wages, and other matters of labor relations for a period of 3 years.

第百十条　削除
Article 110 Deleted

（無料証明）
(Free Certification)
第百十一条　労働者及び労働者になろうとする者は、その戸籍に関して戸籍事務を掌る者又はその代理者に対して、無料で証明を請求することができる。使用者が、労働者及び労働者になろうとする者の戸籍に関して証明を請求する場合においても同様である。
Article 111 A worker or a person seeking to become a worker may request a certificate of the family register thereof free of charge from the person responsible for family registers or a deputy thereof. The same applies if an employer requests a certificate of the family register of a worker and a person seeking to become a worker.

（国及び公共団体についての適用）
(Application to the State and Public Organizations)
第百十二条　この法律及びこの法律に基いて発する命令は、国、都道府県、市町村その

他これに準ずべきものについても適用あるものとする。
Article 112 This Act and orders issued based on this Act are to apply to the state, prefectures, municipalities, and other equivalent bodies.

（命令の制定）
(Establishment of Orders)
第百十三条　この法律に基いて発する命令は、その草案について、公聴会で労働者を代表する者、使用者を代表する者及び公益を代表する者の意見を聴いて、これを制定する。
Article 113 Any Order issued pursuant to this Act is established after a hearing of opinions of the representatives of workers, representatives of employers, and representatives of the public interest regarding the draft of the Order at a public hearing.

（付加金の支払）
(Payment of Additional Monies)
第百十四条　裁判所は、第二十条、第二十六条若しくは第三十七条の規定に違反した使用者又は第三十九条第九項の規定による賃金を支払わなかつた使用者に対して、労働者の請求により、これらの規定により使用者が支払わなければならない金額についての未払金のほか、これと同一額の付加金の支払を命ずることができる。ただし、この請求は、違反のあつた時から二年以内にしなければならない。
Article 114 At the request of a worker, the court may order an employer who has violated the provisions of Articles 20, 26 or 37, or an employer who has not paid wages under the provisions of Article 39, paragraph (9), to pay, in addition to the unpaid portion of the amount that the employer was required to pay under those provisions, additional monies in the same amount; provided, however, that this request must be made within two years from the date of the violation.

（時効）
(Prescription)
第百十五条　この法律の規定による賃金（退職手当を除く。）、災害補償その他の請求権は二年間、この法律の規定による退職手当の請求権は五年間行わない場合においては、時効によつて消滅する。
Article 115 Claims for wages (excluding retirement allowances and severance pay), compensation for injury or illness, and other claims under the provisions of this Act lapse by prescription if not made within two years; and claims for retirement allowances and severance pay under the provisions of this Act lapse by prescription if not made within 5 years.

（経過措置）

(Transitional Measures)

第百十五条の二　この法律の規定に基づき命令を制定し、又は改廃するときは、その命令で、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（罰則に関する経過措置を含む。）を定めることができる。

Article 115-2 When, pursuant to this Act, an Order is established, amended, or repealed, the necessary transitional measures (including transitional measures on penal provisions) may be prescribed by that Order, within limits reasonably judged to be necessary in connection with its establishment, amendment, or repeal.

（適用除外）

(Exclusion from Application)

第百十六条　第一条から第十一条まで、次項、第百十七条から第百十九条まで及び第百二十一条の規定を除き、この法律は、船員法（昭和二十二年法律第百号）第一条第一項に規定する船員については、適用しない。

Article 116 (1) With the exception of the provisions of Articles 1 through 11, paragraph (2) below, Articles 117 through 119, and Article 121, this Act does not apply to the mariners provided for in Article 1, paragraph (1) of the Mariners Law (Act No. 100 of 1947).

２　この法律は、同居の親族のみを使用する事業及び家事使用人については、適用しない。

(2) This Act does not apply to a business that employs only cohabiting relatives, nor to domestic workers.

第十三章　罰則
Chapter XIII Penal Provisions

第百十七条　第五条の規定に違反した者は、これを一年以上十年以下の懲役又は二十万円以上三百万円以下の罰金に処する。

Article 117 A person violating the provisions of Article 5 is subject to imprisonment with work for not less than one year and not more than 10 years, or to a fine of not less than 200,000 yen and not more than 3,000,000 yen.

第百十八条　第六条、第五十六条、第六十三条又は第六十四条の二の規定に違反した者は、これを一年以下の懲役又は五十万円以下の罰金に処する。

Article 118 (1) A person violating the provisions of Article 6, Article 56, Article 63, or Article 64-2 is subject to imprisonment with work for not more than one year or to a fine of not more than 500,000 yen.

２　第七十条の規定に基づいて発する厚生労働省令（第六十三条又は第六十四条の二の規定に係る部分に限る。）に違反した者についても前項の例による。

(2) A person violating an Order of the Ministry of Health, Labour and Welfare

issued pursuant to the provisions of Article 70 (but limited to those parts of that Order that are related to Article 63 or Article 64-2) is also treated in accordance with the preceding paragraph.

第百十九条　次の各号のいずれかに該当する者は、六箇月以下の懲役又は三十万円以下の罰金に処する。

Article 119 A person falling under one of the following items is subject to imprisonment with work for not more than 6 months or to a fine of not more than 300,000 yen:

一　第三条、第四条、第七条、第十六条、第十七条、第十八条第一項、第十九条、第二十条、第二十二条第四項、第三十二条、第三十四条、第三十五条、第三十六条第六項、第三十七条、第三十九条（第七項を除く。）、第六十一条、第六十二条、第六十四条の三から第六十七条まで、第七十二条、第七十五条から第七十七条まで、第七十九条、第八十条、第九十四条第二項、第九十六条又は第百四条第二項の規定に違反した者

(i) a person violating the provisions of Article 3, Article 4, Article 7, Article 16, Article 17, Article 18, paragraph (1), Article 19, Article 20, Article 22, paragraph (4), Article 32, Article 34, Article 35, Article 36, paragraph (6), Article 37, Article 39 (excluding paragraph (7)), Article 61, Article 62, Articles 64-3 through 67, Article 72, Articles 75 through 77, Article 79, Article 80, Article 94, paragraph (2), Article 96, or Article 104, paragraph (2);

二　第三十三条第二項、第九十六条の二第二項又は第九十六条の三第一項の規定による命令に違反した者

(ii) a person violating an Order under the provisions of Article 33, paragraph (2), Article 96-2, paragraph (2), or Article 96-3, paragraph (1);

三　第四十条の規定に基づいて発する厚生労働省令に違反した者

(iii) a person violating an Order of the Minister of Health, Labour and Welfare issued pursuant to the provisions of Article 40;

四　第七十条の規定に基づいて発する厚生労働省令（第六十二条又は第六十四条の三の規定に係る部分に限る。）に違反した者

(iv) a person violating an Order of the Ministry of Health, Labour and Welfare issued pursuant to the provisions of Article 70 (but limited to those parts of that Order that are related to the provisions of Article 62 or Article 64-3).

第百二十条　次の各号のいずれかに該当する者は、三十万円以下の罰金に処する。

Article 120 A person falling under one of the following items is subject to a fine of not more than 300,000 yen:

一　第十四条、第十五条第一項若しくは第三項、第十八条第七項、第二十二条第一項から第三項まで、第二十三条から第二十七条まで、第三十二条の二第二項（第三十二条の三第四項、第三十二条の四第四項及び第三十二条の五第三項において準用する場合を含む。）、第三十二条の五第二項、第三十三条第一項ただし書、第三十八

条の二第三項（第三十八条の三第二項において準用する場合を含む。）、第三十九条第七項、第五十七条から第五十九条まで、第六十四条、第六十八条、第八十九条、第九十条第一項、第九十一条、第九十五条第一項若しくは第二項、第九十六条の二第一項、第百五条（第百条第三項において準用する場合を含む。）又は第百六条から第百九条までの規定に違反した者

(i) a person violating the provisions of Article 14, Article 15, paragraph (1) or (3), Article 18, paragraph (7), Article 22, paragraphs (1) through (3), Articles 23 through 27, Article 32-2, paragraph (2) (including as applied mutatis mutandis pursuant to Article 32-3, paragraph (4), Article 32-4, paragraph (4) and Article 32-5, paragraph (3)), Article 32-5, paragraph (2), the proviso to Article 33, paragraph (1), Article 38-2, paragraph (3) (including as applied mutatis mutandis pursuant to Article 38-3, paragraph (2)), Article 39, paragraph (7), Articles 57 through 59, Article 64, Article 68, Article 89, Article 90, paragraph (1), Article 91, Article 95, paragraph (1) or (2), Article 96-2, paragraph (1), Article 105 (including as applied mutatis mutandis pursuant to Article 100, paragraph (3)), or Articles 106 through 109;

二　第七十条の規定に基づいて発する厚生労働省令（第十四条の規定に係る部分に限る。）に違反した者

(ii) a person violating an Order of the Ministry of Health, Labour and Welfare issued pursuant to the provisions of Article 70 (but limited to the parts of that Order that are related to the provisions of Article 14);

三　第九十二条第二項又は第九十六条の三第二項の規定による命令に違反した者

(iii) a person violating an Order under the provisions of Article 92, paragraph (2), or Article 96-3, paragraph (2);

四　第百一条（第百条第三項において準用する場合を含む。）の規定による労働基準監督官又は女性主管局長若しくはその指定する所属官吏の臨検を拒み、妨げ、若しくは忌避し、その尋問に対して陳述をせず、若しくは虚偽の陳述をし、帳簿書類の提出をせず、又は虚偽の記載をした帳簿書類の提出をした者

(iv) a person who has refused, impeded, or evaded an inspection by a labor standards inspector or by the Director-General of the Women's Management Bureau or an official of that Bureau designated by the Director-General based on the provisions of Article 101 (including as applied mutatis mutandis pursuant to Article 100, paragraph (3)); has not replied or has made false statements in response to questioning by them; has not submitted books and records to them; or has submitted books and records containing false entries to them;

五　第百四条の二の規定による報告をせず、若しくは虚偽の報告をし、又は出頭しなかつた者

(v) a person who has not given the report, has given a false report, or has not appeared as under the provisions of Article 104-2.

第百二十一条　この法律の違反行為をした者が、当該事業の労働者に関する事項について、事業主のために行為した代理人、使用人その他の従業者である場合においては、事業主に対しても各本条の罰金刑を科する。ただし、事業主（事業主が法人である場合においてはその代表者、事業主が営業に関し成年者と同一の行為能力を有しない未成年者又は成年被後見人である場合においてはその法定代理人（法定代理人が法人であるときは、その代表者）を事業主とする。次項において同じ。）が違反の防止に必要な措置をした場合においては、この限りでない。

Article 121 (1) If a person violating this Act is an agent, employee, or other staff member who was acting on behalf of the person in control of the business in connection with a particular that concerns a worker at that business, the fine under the relevant Article is also assessed against the person in control of the business; provided, however, that this does not apply if the person in control of the business has taken the necessary measures to prevent the violation (if the person in control of the business is a juridical person, the representative thereof is deemed to be the person in control of the business; and if the person in control of the business is a minor or an adult ward without the same legal capacity to act as an adult in connection with that business, the statutory representative thereof is deemed person in control of the business (if the statutory representative is a juridical person, the representative thereof). The same applies hereinafter in this Article).

２　事業主が違反の計画を知りその防止に必要な措置を講じなかつた場合、違反行為を知り、その是正に必要な措置を講じなかつた場合又は違反を教唆した場合においては、事業主も行為者として罰する。

(2) If a person in control of the business learns of a plan for a violation but does not take the necessary measures to prevent it, knows of a violation but does not take the necessary measures to rectify it, or induces the violation, the person in control of the business is also punished as a violator.

附　則　〔抄〕
Supplementary Provisions [Extract]

第百二十二条　この法律施行の期日は、勅令で、これを定める。

Article 122 The effective date of this Act is specified by Imperial Ordinance.

第百二十三条　工場法、工業労働者最低年齢法、労働者災害扶助法、商店法、黄燐燐寸製造禁止法及び昭和十四年法律第八十七号は、これを廃止する。

Article 123 The Factory Act, Act on the Minimum Age of Industrial Workers, Workers' Compensation Act, Shop Act, Act on the Prohibition of Manufacturing Yellow Phosphorus Matches, and Act No. 87 of 1939 are hereby repealed.

第百二十九条　この法律施行前、労働者が業務上負傷し、疾病にかかり、又は死亡した

場合における災害補償については、なお旧法の扶助に関する規定による。

Article 129 Compensation for injury or illness for a worker's injury, illness, or death in the course of employment that has occurred prior to the enforcement of this Act continues to be subject to the provisions of the former Act concerning support.

第百三十一条　命令で定める規模以下の事業又は命令で定める業種の事業に係る第三十二条第一項（第六十条第二項の規定により読み替えて適用する場合を除く。）の規定の適用については、平成九年三月三十一日までの間は、第三十二条第一項中「四十時間」とあるのは、「四十時間を超え四十四時間以下の範囲内において命令で定める時間」とする。

Article 131 (1) To apply the provisions of Article 32, paragraph (1) (excluding as applied following a deemed replacement of terms pursuant to Article 60, paragraph (2)) to businesses not larger than the scale specified by an order or businesses of the business types specified by an order, the term "40 hours" in Article 32, paragraph (1) is deemed to be replaced with "hours specified by an order within the range exceeding 40 hours but not more than 44 hours" until March 31, 1997.

２　前項の規定により読み替えて適用する第三十二条第一項の命令は、労働者の福祉、労働時間の動向その他の事情を考慮して定めるものとする。

(2) The order set forth in Article 32, paragraph (1), as applied following a deemed replacement of terms pursuant to the provisions of the preceding paragraph, is established in consideration of workers' welfare, trends in working hours, and other circumstances.

３　第一項の規定により読み替えて適用する第三十二条第一項の命令を制定し、又は改正する場合においては、当該命令で、一定の規模以下の事業又は一定の業種の事業については、一定の期間に限り、当該命令の制定前又は改正前の例による旨の経過措置（罰則に関する経過措置を含む。）を定めることができる。

(3) If an order set forth in Article 32, paragraph (1), as applied following the deemed replacement of terms pursuant to the provisions of paragraph (1), is established or amended, transitional measures (including transitional measures for penal provisions) to the effect that the rules prior to the establishment or amendment of the order continue to govern businesses not larger than a certain scale or of certain business types only for a certain period may be prescribed by that order.

４　労働大臣は、第一項の規定により読み替えて適用する第三十二条第一項の命令の制定又は改正の立案をしようとするときは、あらかじめ、中央労働基準審議会の意見を聴かなければならない。

(4) The Minister of Labor must hear the opinions of the Central Labor Standards Council prior to planning the establishment or amendment of the order set forth in Article 32, paragraph (1), as applied following a deemed replacement of

terms pursuant to the provisions of paragraph (1).

第百三十二条　前条第一項の規定が適用される間における同項に規定する事業に係る第三十二条の四第一項の規定の適用については、同項各号列記以外の部分中「次に掲げる事項を定めたときは、第三十二条の規定にかかわらず、その協定で」とあるのは「次に掲げる事項及び」と、「労働時間が四十時間」とあるのは「労働時間を四十時間（命令で定める規模以下の事業にあつては、四十時間を超え四十二時間以下の範囲内において命令で定める時間）以内とし、当該時間を超えて労働させたときはその超えた時間（第三十七条第一項の規定の適用を受ける時間を除く。）の労働について同条の規定の例により割増賃金を支払う定めをしたときは、第三十二条の規定にかかわらず、当該期間を平均し一週間当たりの労働時間が同条第一項の労働時間」と、「労働させることができる」とあるのは「労働させることができる。この場合において、使用者は、当該期間を平均し一週間当たり四十時間（前段の命令で定める規模以下の事業にあつては、前段の命令で定める時間）を超えて労働させたときは、その超えた時間（第三十七条第一項の規定の適用を受ける時間を除く。）の労働について、第三十七条の規定の例により割増賃金を支払わなければならない」と、同項第二号中「四十時間」とあるのは「第三十二条第一項の労働時間」とする。

Article 132 (1) To apply the provisions of Article 32-4, paragraph (1) to a business as prescribed in paragraph (1) of the preceding Article while the provisions of that paragraph apply, the wording in the parts of paragraph (1) of Article 32-4 other than the items is deemed to be replaced with "Notwithstanding the provisions of Article 32, if the employer has established the following particulars and the average working hours per week for the period determined as the applicable period set forth in item (ii) are within 40 hours (or within the number of hours specified by an order within the range exceeding 40 hours but not more than 42 hours for businesses not larger than the scale specified by an order) and premium wages are paid for hours worked (excluding hours subject to the provisions of Article 37, paragraph (1)) in excess of the working hours in accordance with the provisions of that Article, pursuant to a written agreement with the labor union that has been organized by a majority of the workers at that workplace, if there is one, or with a person representing a majority of the workers at that workplace, if there is no such union, the employer may have a worker work in excess of the working hours set forth in Article 32, paragraph (1) in a specified week or weeks, and have a worker work in excess of the working hours set forth in paragraph (2) of that Article on a specified day or days in accordance with that written agreement (including what has been prescribed as under the provisions of the following paragraph, if applicable), within a scope that does not cause the weekly average working hours for the period established in that agreement as the applicable period referred to in item (ii) to exceed the working hours set forth in paragraph (1) of that Article. In such a case, if the employer has a worker

work in excess of 40 hours (or hours specified by an order set forth in the first sentence for businesses not larger than the scale specified by an order set forth in the first sentence) as the average working hours per week for the above period, the employer must pay the worker premium wages for the hours worked in excess (excluding hours subject to the provisions of Article 37, paragraph (1)) in accordance with the provisions of Article 37.", and the wording "40 hours" in item (ii) of that paragraph is deemed to be replaced with "the working hours set forth in Article 32, paragraph (1)".

2　前条第一項の規定が適用される間における同項に規定する事業に係る第三十二条の五第一項の規定の適用については、同項中「協定がある」とあるのは「協定により、一週間の労働時間を四十時間（命令で定める規模以下の事業にあつては、四十時間を超え四十二時間以下の範囲内において命令で定める時間）以内とし、当該時間を超えて労働させたときはその超えた時間（第三十七条第一項の規定の適用を受ける時間を除く。）の労働について同条の規定の例により割増賃金を支払う定めをした」と、「一日について」とあるのは「一週間について同条第一項の労働時間を超えない範囲内において、一日について」と、「労働させることができる」とあるのは「労働させることができる。この場合において、使用者は、一週間について四十時間（前段の命令で定める規模以下の事業にあつては、前段の命令で定める時間）を超えて労働させたときは、その超えた時間（第三十七条第一項の規定の適用を受ける時間を除く。）の労働について、第三十七条の規定の例により割増賃金を支払わなければならない」とする。

(2) To apply the provisions of Article 32-5, paragraph (1) to a business as prescribed in paragraph (1) of the preceding Article while the provisions of that paragraph apply, in Article 32-5, paragraph (1), the phrase "if there is a written agreement with the labor union that has been organized by a majority of the workers at that workplace, if there is one, or with a person representing a majority of the workers at that workplace" is deemed to be replaced with " if the employer has established that the working hours per week are within 40 hours (or hours specified by an order within the range exceeding 40 hours but not more than 42 hours for businesses not larger than the scale specified by an order) and premium wages are paid for hours worked (excluding hours subject to the provisions of paragraph (1) of Article 37) in excess of those working hours in accordance with the provisions of that Article, in a written agreement with the labor union that has been organized by a majority of the workers at that workplace, if there is one, or with a person representing a majority of the workers at that workplace, if there is no such union", and the phrase "per day if that worker is employed in a business prescribed by Order of the Ministry of Health, Labour and Welfare in which there is frequently substantial fluctuation in daily business, in which, since this is anticipated, it is found to be difficult to fix daily working hours through rules of employment or their equivalent, and in which the number of regular employees is below the number

prescribed by Order of the Ministry of the Health, Labour and Welfare" is deemed to be replaced with "per day within the working hours set forth in paragraph (1) of that Article per week if that worker is employed in a business prescribed by Order of the Ministry of Health, Labour and Welfare in which there is frequently substantial fluctuation in daily business, in which, since this is anticipated, it is found to be difficult to fix daily working hours through rules of employment or their equivalent, and in which the number of regular employees is below the number prescribed by Order of the Ministry of the Health, Labour and Welfare. In such a case, if the employer has a worker work in excess of 40 hours (or hours specified by an order set forth in the first sentence for businesses not larger than the scale specified by an order set forth in the first sentence) per week, the employer must pay the worker premium wages for the hours worked in excess (excluding hours subject to the provisions of Article 37, paragraph (1)) in accordance with the provisions of Article 37".

3　前条第四項の規定は、前二項の規定により読み替えて適用する第三十二条の四第一項及び第三十二条の五第一項（第二項の規定により読み替えた部分に限る。）の命令について準用する。

(3) The provisions of paragraph (4) of the preceding Article apply mutatis mutandis to the orders set forth in Article 32-4, paragraph (1) and Article 32-5, paragraph (1) (limited to the part subject to deemed replacement pursuant to the provisions of paragraph (2)), as applied following a deemed replacement of their terms pursuant to the provisions of the preceding two paragraphs.

第百三十三条　厚生労働大臣は、第三十六条第二項の基準を定めるに当たつては、満十八歳以上の女性のうち雇用の分野における男女の均等な機会及び待遇の確保等のための労働省関係法律の整備に関する法律（平成九年法律第九十二号）第四条の規定による改正前の第六十四条の二第四項に規定する命令で定める者に該当しない者について平成十一年四月一日以後同条第一項及び第二項の規定が適用されなくなつたことにかんがみ、当該者のうち子の養育又は家族の介護を行う労働者（厚生労働省令で定める者に限る。以下この条において「特定労働者」という。）の職業生活の著しい変化がその家庭生活に及ぼす影響を考慮して、厚生労働省令で定める期間、特定労働者（その者に係る時間外労働を短いものとすることを使用者に申し出た者に限る。）に係る第三十六条第一項の協定で定める労働時間の延長の限度についての基準は、当該特定労働者以外の者に係る同項の協定で定める労働時間の延長の限度についての基準とは別に、これより短いものとして定めるものとする。この場合において、一年についての労働時間の延長の限度についての基準は、百五十時間を超えないものとしなければならない。

Article 133　Considering that the provisions of Article 64-2, paragraph (1) and paragraph (2) prior to its amendment under Article 4 of the Act on the Revision of Acts Related to the Ministry of Labour for Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment (Act No.

92 of 1997) ceased to apply on April 1, 1999 to women of 18 years of age or over who did not fall under the category of persons provided by the order prescribed in Article 64-2, paragraph (4) prior to that amendment, and also taking into the consideration the impact which significant changes in the vocational life of the women in question who constitute workers taking care of their children or other family members (those women are limited to those prescribed by Order of the Ministry of Health, Labour and Welfare; hereinafter referred to as "specified workers " in this Article) will bring on their family life, when the Minister of Health, Labour and Welfare establishes the standards set forth in Article 36, paragraph (2) of this Act, the Minister is to establish the standards for the specified workers (limited to those who notify their employers of their intention to shorten their off-hours work) separately from the standards for those other than specified workers, with respect to the limits on the extension of working hours set forth in the agreement in Article 36, paragraph (1) of this Act, and set them so that the working hour extension limit is shorter than that of the standards for those other than specified workers, for the period prescribed by Order of the Ministry of Health, Labour and Welfare. In such a case, the standard for limits on the extension of working hours per year must be set at one that does not exceed 150 hours.

第百三十四条　常時三百人以下の労働者を使用する事業に係る第三十九条の規定の適用については、昭和六十六年三月三十一日までの間は同条第一項中「十労働日」とあるのは「六労働日」と、同年四月一日から昭和六十九年三月三十一日までの間は同項中「十労働日」とあるのは「八労働日」とする。

Article 134 To apply the provisions of Article 39 to a business that continuously employs not more than 300 workers, the term "10 working days" in paragraph (1) of that Article is deemed to be replaced with "six working days" until March 31, 1991, and the term "10 working days" in that paragraph is deemed to be replaced with "eight working days" from April 1, 1991 until March 31, 1994.

第百三十五条　六箇月経過日から起算した継続勤務年数が四年から八年までのいずれかの年数に達する日の翌日が平成十一年四月一日から平成十二年三月三十一日までの間にある労働者に関する第三十九条の規定の適用については、同日までの間は、次の表の上欄に掲げる当該六箇月経過日から起算した継続勤務年数の区分に応じ、同条第二項の表中次の表の中欄に掲げる字句は、同表の下欄に掲げる字句とする。

Article 135 (1) To apply the provisions of Article 39 to a worker whom an employer has continuously employed for four to eight years after the six-month mark, if the day following that on which the worker reaches one of those years of continuous employment after the six-month mark falls during the period from April 1, 1999 to March 31, 2000, for each category of the number of years of continuous employment from the six-month mark set forth in the left-hand

column of the following table, the phrase in the table referred to in Article 39, paragraph (2) that is set forth in the middle column of the following table is deemed to be replaced with the phrase set forth in the right-hand column of the following table until March 31, 2000.

四年 Four years	六労働日 Six working days	五労働日 Five working days
五年 Five years	八労働日 Eight working days	六労働日 Six working days
六年 Six years	十労働日 Ten working days	七労働日 Seven working days
七年 Seven years	十労働日 Ten working days	八労働日 Eight working days
八年 Eight years	十労働日 Ten working days	九労働日 Nine working days

２　六箇月経過日から起算した継続勤務年数が五年から七年までのいずれかの年数に達する日の翌日が平成十二年四月一日から平成十三年三月三十一日までの間にある労働者に関する第三十九条の規定の適用については、平成十二年四月一日から平成十三年三月三十一日までの間は、次の表の上欄に掲げる当該六箇月経過日から起算した継続勤務年数の区分に応じ、同条第二項の表中次の表の中欄に掲げる字句は、同表の下欄に掲げる字句とする。

(2) To apply the provisions of Article 39 to a worker whom an employer has continuously employed for five to seven years after the six-month mark, if the day following that on which the worker reaches one of those years of continuous employment after the six-month mark falls during the period from April 1, 2000 to March 31, 2001, for each category of the number of years of continuous employment from the six-month mark set forth in the left-hand column of the following table, the phrase in the table referred to in paragraph (2) of Article 39 that is set forth in the middle column of the following table is deemed to be replaced with the phrase set forth in the right-hand column of the following table during the period from April 1, 2000 to March 31, 2001.

五年 Five years	八労働日 Eight working days	七労働日 Seven working days
六年 Six years	十労働日 Ten working days	八労働日 Eight working days
七年 Seven years	十労働日 Ten working days	九労働日 Nine working days

３　前二項の規定は、第七十二条に規定する未成年者については、適用しない。

(3) The provisions of the preceding two paragraphs do not apply to the minors prescribed in Article 72.

第百三十六条　使用者は、第三十九条第一項から第四項までの規定による有給休暇を取得した労働者に対して、賃金の減額その他不利益な取扱いをしないようにしなければならない。

Article 136 An employer must strive not to reduce the wages of a worker who has taken paid leave under the provisions of paragraphs (1) through (4) of Article 39 or subject such a worker to other disadvantageous treatment.

第百三十七条　期間の定めのある労働契約（一定の事業の完了に必要な期間を定めるものを除き、その期間が一年を超えるものに限る。）を締結した労働者（第十四条第一項各号に規定する労働者を除く。）は、労働基準法の一部を改正する法律（平成十五年法律第百四号）附則第三条に規定する措置が講じられるまでの間、民法第六百二十八条の規定にかかわらず、当該労働契約の期間の初日から一年を経過した日以後においては、その使用者に申し出ることにより、いつでも退職することができる。

Article 137 Notwithstanding the provisions of Article 628 of the Civil Code, until the measures provided for in Article 3 of the Supplementary Provisions of the Act on the Partial Revision of the Labor Standards Act (Act No. 104 of 2003) are taken, beginning on the day that falls one year after the first day of the term of the labor contract, a worker who has entered into a fixed-term labor contract (but only one with a term of over one year; contracts in which it is provided that the contract period is the period necessary for the completion of a specific undertaking business are excluded) (other than a worker as prescribed in the items of paragraph (1) of Article 14), may separate from employment at any time by giving notice of this to the employer.

第百三十八条　削除

Article 138 Deleted

第百三十九条　工作物の建設の事業（災害時における復旧及び復興の事業に限る。）その他これに関連する事業として厚生労働省令で定める事業に関する第三十六条の規定の適用については、当分の間、同条第五項中「時間（第二項第四号に関して協定した時間を含め百時間未満の範囲内に限る。）」とあるのは「時間」と、「同号」とあるのは「第二項第四号」とし、同条第六項（第二号及び第三号に係る部分に限る。）の規定は適用しない。

Article 139 (1) To apply the provisions of Article 36 to a business for constructing structures (limited to projects for recovery and reconstruction after a disaster) and other related business prescribed by Order of the Ministry of Health, Labour and Welfare, the phrases "the number of hours by which the employer may extend the working hours it has a worker work per month and the number of hours it may have a worker work on days off per month (limited in scope to fewer than 100 hours including the hours prescribed in the

agreement in connection with paragraph (2), item (iv))" and "that item" in Article 36, paragraph (5) are deemed to be respectively replaced with "the number of hours by which the employer may extend the working hours it has a worker work per month and the number of hours it may have a worker work on days off per month" and "paragraph (2), item (iv)"; and the provisions of Article 36, paragraph (6) (limited to the parts that concern items (ii) and (iii)) do not apply, until otherwise provided for by law.

2　前項の規定にかかわらず、工作物の建設の事業その他これに関連する事業として厚生労働省令で定める事業については、平成三十六年三月三十一日（同日及びその翌日を含む期間を定めている第三十六条第一項の協定に関しては、当該協定に定める期間の初日から起算して一年を経過する日）までの間、同条第二項第四号中「一箇月及び」とあるのは、「一日を超え三箇月以内の範囲で前項の協定をする使用者及び労働組合若しくは労働者の過半数を代表する者が定める期間並びに」とし、同条第三項から第五項まで及び第六項（第二号及び第三号に係る部分に限る。）の規定は適用しない。

(2) Notwithstanding the provisions of the preceding paragraph, as concerns a business for constructing structures or any other business prescribed by Order of the Ministry of Health, Labour and Welfare as being related thereto, the phrase "month, and" in Article 36, paragraph (2), item (iv) is deemed to be replaced with "period as prescribed by the employer and the labor union or a person representing a majority of the workers in the agreement as set forth in the preceding paragraph, of more than one day but not more than three months, and", and the provisions of Article 36, paragraphs (iii) through (v) and paragraph (vi) (limited to the parts that concern items (ii) and (iii)) do not apply, until March 31st, 2024 (or, if an agreement as set forth in Article 36, paragraph (1) establishes a period that includes the aforementioned date and the date that immediately follows it, until one year passes from the start date of that period).

第百四十条　一般乗用旅客自動車運送事業（道路運送法（昭和二十六年法律第百八十三号）第三条第一号ハに規定する一般乗用旅客自動車運送事業をいう。）の業務、貨物自動車運送事業（貨物自動車運送事業法（平成元年法律第八十三号）第二条第一項に規定する貨物自動車運送事業をいう。）の業務その他の自動車の運転の業務として厚生労働省令で定める業務に関する第三十六条の規定の適用については、当分の間、同条第五項中「時間（第二項第四号に関して協定した時間を含め百時間未満の範囲内に限る。）並びに一年について労働時間を延長して労働させることができる時間（同号に関して協定した時間を含め七百二十時間を超えない範囲内に限る。）を定めることができる。この場合において、第一項の協定に、併せて第二項第二号の対象期間において労働時間を延長して労働させる時間が一箇月について四十五時間（第三十二条の四第一項第二号の対象期間として三箇月を超える期間を定めて同条の規定により労働させる場合にあつては、一箇月について四十二時間）を超えることができる月数（一

年について六箇月以内に限る。）を定めなければならない」とあるのは、「時間並びに一年について労働時間を延長して労働させることができる時間（第二項第四号に関して協定した時間を含め九百六十時間を超えない範囲内に限る。）を定めることができる」とし、同条第六項（第二号及び第三号に係る部分に限る。）の規定は適用しない。

Article 140 (1) To apply the provisions of Article 36 to the services of vehicle transportation businesses serving general passengers (meaning vehicle transportation businesses serving general passengers as defined in Article 3, item (i), (c) of the Road Transportation Act (Act No. 183 of 1951)), the services of motor truck transportation business (the motor truck transportation business as defined in Article 2, paragraph (1) of the Motor Truck Transportation Business Act (Act No. 83 of 1989)), and other services that involve vehicle operation as prescribed by Order of the Ministry of Health, Labour and Welfare, the phrase "(limited in scope to fewer than 100 hours including the hours prescribed in the agreement in connection with paragraph (2), item (iv))", as well as the number of hours by which the employer may extend the working hours it has a worker work per year (limited in scope to fewer than 720 hours including the hours prescribed in the agreement in connection with that item), If it needs to temporarily have a worker work more than the off-hours maximum referred to in paragraph (3) due to an ordinarily unforeseeable, significant increase in the workload at the workplace. In such a case, the agreement referred to in paragraph (1) must also prescribe the number of months (up to six months per year) in the applicable period referred to in paragraph (2), item (ii) during which the number of hours by which the employer extends the working hours it has a worker work may exceed 45 hours per month (or 42 hours per month, if the employer has a worker work pursuant to the provisions of Article 32-4 after setting a period exceeding three months as the applicable period referred to in Article 32-4, paragraph (1), item (ii))" in Article 36, paragraph (5) is deemed to be replaced with "and the number of hours by which the employer may extend the working hours it has a worker work per year (limited in scope to not more than 960 hours including the hours prescribed in the agreement concerning paragraph (2), item (iv))", and the provisions of Article 36, paragraph (6) (limited to the parts that concern items (ii) and (iii)) do not apply, until otherwise provided for by law.

2　前項の規定にかかわらず、同項に規定する業務については、平成三十六年三月三十一日（同日及びその翌日を含む期間を定めている第三十六条第一項の協定に関しては、当該協定に定める期間の初日から起算して一年を経過する日）までの間、同条第二項第四号中「一箇月及び」とあるのは、「一日を超え三箇月以内の範囲で前項の協定をする使用者及び労働組合若しくは労働者の過半数を代表する者が定める期間並びに」とし、同条第三項から第五項まで及び第六項（第二号及び第三号に係る部分に限る。）の規定は適用しない。

(2) Notwithstanding the provisions of the preceding paragraph, as concerns services as prescribed in the preceding paragraph, the phrase "month, and" in Article 36, paragraph (2), item (iv) is deemed to be replaced with "period established by the employer and the labor union or a person representing a majority of the workers in the agreement as set forth in the preceding paragraph, of more than one day but not more than three months, and", and the provisions of Article 36, paragraphs (iii) through (v) and paragraph (vi) (limited to the parts that concern items (ii) and (iii)) do not apply, until March 31st, 2024 (or, if an agreement as set forth in Article 36, paragraph (1) establishes a period that includes the aforementioned date and the date that immediately follows it, until one year passes from the start date of that period).

第百四十一条　医業に従事する医師（医療提供体制の確保に必要な者として厚生労働省令で定める者に限る。）に関する第三十六条の規定の適用については、当分の間、同条第二項第四号中「における一日、一箇月及び一年のそれぞれの期間について」とあるのは「における」とし、同条第三項中「限度時間」とあるのは「限度時間並びに労働者の健康及び福祉を勘案して厚生労働省令で定める時間」とし、同条第五項及び第六項（第二号及び第三号に係る部分に限る。）の規定は適用しない。

Article 141 (1) To apply the provisions of Article 36 to medical practitioners engaged in medical practice (limited to the medical practitioners that are necessary for ensuring the medical care delivery system as prescribed by Order of the Ministry of Health, Labour and Welfare), the phrase "the number of hours by which the employer may extend the working hours it has a worker work per day, month, and year during the applicable period" in Article 36, paragraph (2), item (iv) is deemed to be replaced with "the number of hours by which the employer may extend the working hours it has a worker work during the applicable period" and the phrase "the off-hours maximum" in Article 36, paragraph (3) is deemed to be replaced with "the off-hours maximum and the hours that are prescribed by Order of the Ministry of Health, Labour and Welfare in consideration of the health and welfare of the workers", and the provisions of Article 36, paragraphs (5) and (6) (limited to the portions that concern items (ii) and (iii)) do not apply, until otherwise provided for by law.

２　前項の場合において、第三十六条第一項の協定に、同条第二項各号に掲げるもののほか、当該事業場における通常予見することのできない業務量の大幅な増加等に伴い臨時的に前項の規定により読み替えて適用する同条第三項の厚生労働省令で定める時間を超えて労働させる必要がある場合において、同条第二項第四号に関して協定した時間を超えて労働させることができる時間（同号に関して協定した時間を含め、同条第五項に定める時間及び月数並びに労働者の健康及び福祉を勘案して厚生労働省令で定める時間を超えない範囲内に限る。）その他厚生労働省令で定める事項を定めることができる。

(2) In a case as referred to in the preceding paragraph, the agreement referred to

in Article 36, paragraph (1) may establish the number of hours by which the employer may extend the working hours it has a worker work in excess of the hours established in the agreement concerning Article 36, paragraph (2), item (iv) (including the number of hours established in the agreement concerning Article 36, paragraph (2), item (iv), and limited in scope to not more than the number of hours and the number of months prescribed in Article 36, paragraph (5) and the number of hours prescribed by Order of the Ministry of Health, Labour and Welfare in consideration of the health and welfare of the workers) if the employer needs to temporarily have a worker work more than the hours prescribed by Order of the Ministry of Health, Labour and Welfare referred to in Article 36, paragraph (3) as applied following a deemed replacement of terms pursuant to the provisions of the preceding paragraph due to an ordinarily unforeseeable, significant increase in the workload at the workplace, as well as any other matters prescribed by Order of the Ministry of Health, Labour and Welfare, in addition to the items of paragraph (2) of Article 36.

3　使用者は、第一項の場合において、第三十六条第一項の協定で定めるところによつて労働時間を延長して労働させ、又は休日において労働させる場合であつても、同条第六項に定める要件並びに労働者の健康及び福祉を勘案して厚生労働省令で定める時間を超えて労働させてはならない。

(3) In a case as referred to in paragraph (1), even if the employer extends the working hours it has a worker work or has a worker work on a day off pursuant to the agreement as prescribed in Article 36, paragraph (1), it must not have that worker work beyond the hours prescribed by Order of the Ministry of Health, Labour and Welfare in consideration of the requirements provided for in Article 36, paragraph (6) and workers' health and welfare.

4　前三項の規定にかかわらず、医業に従事する医師については、平成三十六年三月三十一日（同日及びその翌日を含む期間を定めている第三十六条第一項の協定に関しては、当該協定に定める期間の初日から起算して一年を経過する日）までの間、同条第二項第四号中「一箇月及び」とあるのは、「一日を超え三箇月以内の範囲で前項の協定をする使用者及び労働組合若しくは労働者の過半数を代表する者が定める期間並びに」とし、同条第三項から第五項まで及び第六項（第二号及び第三号に係る部分に限る。）の規定は適用しない。

(4) Notwithstanding the provisions of the preceding three paragraphs, as concerns a medical practitioner engaged in medical practice, "month, and" in Article 36, paragraph (2), item (iv) is deemed to be replaced with "period as prescribed by the employer and the labor union or a person representing a majority of the workers in the agreement as set forth in the preceding paragraph, of more than one day but not more than three months, and", and the provisions of Article 36, paragraphs (iii) through (v) and paragraph (vi) (limited to the parts that concern items (ii) and (iii)) do not apply, until March 31st, 2024 (or, if an agreement as set forth in Article 36, paragraph (1)

establishes a period that includes the aforementioned date and the date that immediately follows it, until one year passes from the start date of that period).

５　第三項の規定に違反した者は、六箇月以下の懲役又は三十万円以下の罰金に処する。

(5) A person violating the provisions of paragraph (3) is subject to imprisonment with work of not more than 6 months or to a fine of not more than 300,000 yen.

第百四十二条　鹿児島県及び沖縄県における砂糖を製造する事業に関する第三十六条の規定の適用については、平成三十六年三月三十一日（同日及びその翌日を含む期間を定めている同条第一項の協定に関しては、当該協定に定める期間の初日から起算して一年を経過する日）までの間、同条第五項中「時間（第二項第四号に関して協定した時間を含め百時間未満の範囲内に限る。）」とあるのは「時間」と、「同号」とあるのは「第二項第四号」とし、同条第六項（第二号及び第三号に係る部分に限る。）の規定は適用しない。

Article 142 To apply the provisions of Article 36 to sugar manufacturing businesses in Kagoshima Prefecture and Okinawa Prefecture, the phrase "the number of hours by which the employer may extend the working hours it has a worker work per month and the number of hours it may have a worker work on days off per month (limited in scope to fewer than 100 hours including the hours prescribed in the agreement in connection with paragraph (2), item (iv))" and "that item" in Article 36, paragraph (5) are deemed to be respectively replaced with " the number of hours by which the employer may extend the working hours it has a worker work per month and the number of hours it may have a worker work on days off per month" and "paragraph (2), item (iv)", and the provisions of Article 36, paragraph (6) (limited to the parts that concern items (ii) and (iii)) do not apply, until March 31st, 2024 (or, if an agreement as referred to in Article 36, paragraph (1) establishes a period that includes the aforementioned date and the date that immediately follows it, until one year passes from the start date of that period).

別表第一（第三十三条、第四十条、第四十一条、第五十六条、第六十一条関係）

Appended Table 1 (Re: Art. 33, Art. 40, Art. 41, Art. 56, and Art. 61)

一　物の製造、改造、加工、修理、洗浄、選別、包装、装飾、仕上げ、販売のためにする仕立て、破壊若しくは解体又は材料の変造の事業（電気、ガス又は各種動力の発生、変更若しくは伝導の事業及び水道の事業を含む。）

(i) a business that manufactures, converts, processes, repairs, washes, sorts, packs, decorates, finishes, tailors for sale, destroys, or dismantles objects, or alters materials (including a business that generates, changes, or transmits electricity, gas, or other power sources, and a water supply business)

二　鉱業、石切り業その他土石又は鉱物採取の事業

(ii) a mining, quarrying, or other soil- or mineral-collection business

三　土木、建築その他工作物の建設、改造、保存、修理、変更、破壊、解体又はその

準備の事業
(iii) a civil engineering business or a business that builds or otherwise constructs, remodels, preserves, repairs, changes, destroys, or dismantles structures, or prepares therefor
四　道路、鉄道、軌道、索道、船舶又は航空機による旅客又は貨物の運送の事業
(iv) a business that transports passengers or freight by road, railway, tram, cableway, ship, or aircraft
五　ドック、船舶、岸壁、波止場、停車場又は倉庫における貨物の取扱いの事業
(v) a business that handles freight at, on, or in docks, ships, quays, wharfs, stations, or warehouses
六　土地の耕作若しくは開墾又は植物の栽植、栽培、採取若しくは伐採の事業その他農林の事業
(vi) a business that cultivates or reclaims land, or plants, grows, harvests, or cuts plants, or any other agricultural or forestry business
七　動物の飼育又は水産動植物の採捕若しくは養殖の事業その他の畜産、養蚕又は水産の事業
(vii) a business that breeds animals, or harvests or cultivates aquatic animals or plants, or any other such livestock, sericulture, or fishery business
八　物品の販売、配給、保管若しくは賃貸又は理容の事業
(viii) a business that sells, supplies, retains, or leases goods, or a business involving hairdressing
九　金融、保険、媒介、周旋、集金、案内又は広告の事業
(ix) a financial, insurance, intermediation, brokering, money-collecting, guiding, or advertising business
十　映画の製作又は映写、演劇その他興行の事業
(x) a business that makes or shows motion pictures, a business involved in theatrical productions, or any other business involving entertainment
十一　郵便、信書便又は電気通信の事業
(xi) a mail, correspondence delivery, or telecommunications business
十二　教育、研究又は調査の事業
(xii) a business involving education, research, or surveys
十三　病者又は虚弱者の治療、看護その他保健衛生の事業
(xiii) a business that treats or nurses sick or infirm people, or any other business involving health and hygiene
十四　旅館、料理店、飲食店、接客業又は娯楽場の事業
(xiv) a hotel or restaurant business, a business involving an eating and drinking establishment, a business in the service industry, or a business involving an amusement center
十五　焼却、清掃又はと畜場の事業
(xv) an incineration, cleaning, or slaughterhouse business

別表第二　身体障害等級及び災害補償表（第七十七条関係）

Appended Table 2 Table of Physical Disability Grades and Compensation for Injury or Illness (Re: Art. 77)

等級 Grade	災害補償 Accident compensation
第一級 Grade 1	一三四〇日分 1,340 days
第二級 Grade 2	一一九〇日分 1,190 days
第三級 Grade 3	一〇五〇日分 1,050 days
第四級 Grade 4	九二〇日分 920 days
第五級 Grade 5	七九〇日分 790 days
第六級 Grade 6	六七〇日分 670 days
第七級 Grade 7	五六〇日分 560 days
第八級 Grade 8	四五〇日分 450 days
第九級 Grade 9	三五〇日分 350 days
第一〇級 Grade 10	二七〇日分 270 days
第一一級 Grade 11	二〇〇日分 200 days
第一二級 Grade 12	一四〇日分 140 days
第一三級 Grade 13	九〇日分 90 days
第一四級 Grade 14	五〇日分 50 days

別表第三　分割補償表（第八十二条関係）

Appended Table 3 Table of Payment of Compensation Installments (Re: Art. 82)

種別 Category	等級 Grade	災害補償 Accident compensation
障害補償 Compensation for disabilities	第一級 Grade 1	二四〇日分 240 days
	第二級 Grade 2	二一三日分 213 days
	第三級 Grade 3	一八八日分 188 days
	第四級 Grade 4	一六四日分 164 days

	第五級 Grade 5	一四二日分 142 days
	第六級 Grade 6	一二〇日分 120 days
	第七級 Grade 7	一〇〇日分 100 days
	第八級 Grade 8	八〇日分 80 days
	第九級 Grade 9	六三日分 63 days
	第一〇級 Grade 10	四八日分 48 days
	第一一級 Grade 11	三六日分 36 days
	第一二級 Grade 12	二五日分 25 days
	第一三級 Grade 13	一六日分 16 days
	第一四級 Grade 14	九日分 9 days
遺族補償 Compensation for bereaved families		一八〇日分 180 days