

Working Environment Measurement Law

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[In Japanese](#)

The Working Environment Measurement Law is hereby promulgated as follows.

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Chapter I. General Provisions

(Purpose)

Article 1. The purpose of this Law is to secure, in conjunction with the Industrial Safety and Health Law (Law No. 57 of 1972), the optimal working environment by providing for the qualifications of a working environment measurement expert, and matters necessary for working environment measurement agencies, etc., concerning the measurement of working environments, and thereby to maintain the health of workers in workplaces.

(Definitions)

Article 2. For the purpose of this Law, the terms listed in the following items shall have the meanings set forth in the corresponding items:

(1) "Employer" shall be defined as the employer as defined in item 3 of [Article 2 of the Industrial Safety and Health Law](#).

(2) "Working environment measurement" shall be defined as the working environment measurement as defined in item 4 of [Article 2 of the Industrial Safety and Health Law](#).

(3) "Designated workplace" shall be defined as the working place stipulated in [paragraph 1 of Article 65 of the Industrial Safety and Health Law](#) and designated by a relevant Cabinet Order.

(4) "Working environment measurement expert" shall be defined as the class-1 and class-2 working environment measurement experts.

(5) "Class-1 working environment measurement expert" shall be defined as one registered with the Minister of Health, Labour and Welfare, who performs working environment measurement services at designated workplaces and also provides the same services, in the capacity of a class-1 working environment measurement expert, at workplaces other than designated workplaces.

(This provision applies to the next item);

(6) "Class-2 working environment measurement expert" shall be defined as one registered with the Minister of Health, Labour and Welfare, who performs at designated workplaces working environment measurement services (other than analysis (including analytical researches) by means of the instruments and apparatuses designated by Ministry of Health, Labour and Welfare Ordinance) and also provides the same services, in the capacity of a class-2 working environment measurement expert, at workplaces.

(7) "Working environment measurement agency" shall be defined as the person or organization registered with the Minister of Health, Labour and Welfare or the Director General of the Prefectural Labour Bureau, which undertakes as its business working environment measurement services in workplaces at the request of others.

(Implementation of Working Environment Measurement)

Article 3. When the employer wishes to carry out working environment measurement at any of his workplaces in conformity to the provisions of [paragraph 1 of Article 65 of the Industrial Safety and Health Law](#), he shall have such measurement performed by the working environment measurement expert employed by him as provided for by Ministry of Health, Labour and Welfare Ordinance.

2. In the event of inability to perform the working environment measurement stipulated in the preceding paragraph, the employer shall, as provided for by Ministry of Health, Labour and Welfare Ordinance, commission a working environment measurement agency to carry out the said measurement. However, this provision does not apply to the case where any agency belonging to the State or local public body, etc., and designated by the Minister of Health, Labour and Welfare is entrusted with such measurement.

Article 4. The working environment measurement expert shall, in the implementation of the working environment measurements stipulated in [paragraph 1, Article 65 of the Industrial Safety and Health Law](#), act in strict conformity to the Working Environment Measurement Standards provided for in paragraph 2 of the same Article.

2. The working environment measurement agency shall, in implementing the working environment measurement stipulated in [paragraph 1 of Article 65 of the Industrial Safety and Health Law](#) at the request of other, act in strict conformity to the Working Environment Measurement Standards provided for in paragraph 2 of the same Article.

Chapter II. Working Environment Measurement Expert, etc.

Section 1. Working Environment Measurement Expert

(Qualifications of Working Environment Measurement Experts)

Article 5. Those who have passed the qualifying examination for working environment measurement experts (hereinafter referred to as the "examination") and have completed a training course conducted by the Director General of the Prefectural Labour Bureau or a training course conducted by a body designated by the Minister of Health, Labour and Welfare or the Director General of the Prefectural Labour Bureau (hereinafter referred to as the "training course") and those who are judged to have equivalent or superior capabilities to those who have completed the examination and training course and meet the requirements provided for by Ministry of Health, Labour and Welfare Ordinance shall be qualified to be working environment measurement experts.

(Disqualifying Provision)

Article 6. Those who fall under any of the following categories shall not be eligible to be a working environment measurement expert:

- (1) A person who has been adjudicated incompetent or quasi-incompetent.
- (2) A person whose registration was canceled by virtue of the provisions of [paragraph 2 of Article 12](#), and for whom two years have not elapsed since the date of cancellation.
- (3) A person who, having violated the provisions of this Law or the Industrial Safety and Health Law (including ordinances thereunder), was sentenced to a fine or a penalty heavier than a fine and for whom two years have not elapsed since the date when the execution of the sentence was completed or the date when he ceased to be amenable to the execution of the sentence.

(Registration)

Article 7. Those having the qualification for working environment measurement expert and wishing to become one shall do so by having the following items as provided for by Ministry of Health, Labour and Welfare Ordinance entered in the working environment measurement expert register:

- (1) Registration date and number
- (2) Name and date of birth

(3) Class

(4) Any other matters provided for by Ministry of Health, Labour and Welfare Ordinance.

(Working Environment Measurement Expert Register)

Article 8. The working environment measurement expert register shall be kept at the Ministry of Health, Labour and Welfare.

2. The employer or other persons concerned may ask to peruse the register.

(Procedure of Registration)

Article 9. Those wishing to obtain a place in the register stipulated in [Article 7](#) shall submit an application form indicating the items listed in items 2 to 4 of the same article to the Minister of Health, Labour and Welfare.

2. The application form mentioned in the preceding paragraph shall, as provided for by Ministry of Health, Labour and Welfare Ordinance, be submitted together with the documents testifying to items 2 to 4 of [Article 7](#), the applicant's photograph, and the certificates for the examination and training course stipulated in [Article 16](#) which the applicant has passed and completed (or documents serving as such certificates in the case of the applicant approved to satisfy the requirements of Ministry of Health, Labour and Welfare Ordinance as provided for in [Article 5](#)).

3. The Minister of Health, Labour and Welfare shall, where he considers that the applicant is fully eligible to be a working environment measurement expert, promptly place him in the register mentioned in [Article 7](#) upon receipt of the application filed in accordance with the provision of paragraph 1. However, if he considers that the applicant is not eligible, he shall reject the registration.

4. The Minister of Health, Labour and Welfare shall, where he considers that the application is not acceptable, inform the applicant accordingly without delay indicating the reasons for rejection.

(Certificate of Registration)

Article 10. The Minister of Health, Labour and Welfare shall, after placing the applicant in the register mentioned in [Article 7](#), issue to him the certificate of registration in which the items stipulated in the same article are stated.

(Prohibition of Transfer, etc., of Certificate of Registration)

Article 11. The working environment measurement expert shall not transfer or lease his certificate of registration to any person.

(Cancellation of Registration, etc.)

Article 12. Where the working environment measurement expert came under items 1 or 3 of [Article 6](#) or the certificate for the examination is canceled in accordance with the provisions of [Article 17](#), the Minister of Health, Labour and Welfare shall cancel the certificate concerned.

2. The Minister of Health, Labour and Welfare shall, where the working environment measurement expert has come under any of the following items, cancel the certificate of registration, or order to suspend the working environment measurement services at designated working places or to stop using the title for a certain fixed period of time:

(1) Malpractice committed in connection with the registration.

(2) Violation of the provisions of [paragraph 1 of Article 4](#), preceding Article, or [paragraph 4 of Article 44](#).

(3) Submission of false data in connection with the working environment measurement services.

(4) Violation of the condition or conditions stipulated in [paragraph 1 of Article 48](#).

(5) Apart from those provided for in the preceding each item, any other malpractice committed in connection with the working environment measurement services (including the case where the expert participates in such measurement services as implemented by the working environment measurement agency).

(Deletion of Registration)

Article 13. The Minister of Health, Labour and Welfare shall, where the registration becomes invalid or the holder discontinues the working environment measurement services, delete the registration.

(Examination)

Article 14. The examination shall be conducted by the Minister of Health, Labour and Welfare.

2. The examination shall comprise the class-1 working environment measurement expert examination and the class-2 working environment measurement expert examination, and shall be carried out, as provided for by Ministry of Health, Labour and Welfare Ordinance, by written and oral examination or a written examination.

3. The Minister of Health, Labour and Welfare may, as provided for by Ministry of Health, Labour and Welfare Ordinance, exempt those who are in possession of the qualification as provided for by Ministry of Health, Labour and Welfare Ordinance from the whole or part of the written examination or the oral examination under the preceding paragraph.

(Qualifications for Examination)

Article 15. No person other than those falling under any of the following items shall take the examination:

- (1) Those who graduated in completing the regular course of science from a university or a higher technical school accredited under the School Education Law (Law No. 26 of 1947), and have experience of having engaged in industrial health service for one year or more thereafter.
- (2) Those who graduated in completing the regular course of science from a high school or a secondary education school accredited under the School Education Law and have experience of having engaged in industrial health service for three years or more thereafter.
- (3) Those, as provided for by Ministry of Health, Labour and Welfare Ordinance, who are deemed to have the same (or higher) ability as those mentioned in the preceding two items.

(Certificate for Examination and Training Course)

Article 16. The Minister of Health, Labour and Welfare shall issue the certificate to those who have succeeded in the examination.

2. The Director General of the Prefectural Labour Bureau or the designated training institution stipulated in [paragraph 2 of Article 32](#) shall issue a certificate of completion to those who have completed the training course.

(Cancellation of Certificate, etc.)

Article 17. The Minister of Health, Labour and Welfare may, where any applicant took or attempted to take the examination by a dishonest means, cancel the certificate issued to him or prohibit him from taking the examination.

(Restriction on Use of Title)

Article 18. The employer shall take measures necessary to prevent the propagation of those sounds or vibrations which may give workers in office rooms adverse effects, for example, by providing partitions.

2. The class-2 working environment measurement expert shall not use the title "Class-1 Working Environment Measurement Expert."

(Reference to Ministry of Health, Labour and Welfare Ordinance)

Article 19. Subjects of the examination and training course, application for registration and any other matters not stipulated in this section which are related to the examination, training course and registration (including the certificate of registration for working environment measurement expert) shall be provided for by Ministry of Health, Labour and Welfare Ordinance.

Section 2. Designated Testing Institution

(Designation)

Article 20. The Minister of Health, Labour and Welfare shall entrust the execution of business related to the examination (hereinafter referred to as the "test business") to the person who is designated after screening the applications for designation.

2. When the designation stipulated in the preceding paragraph (hereinafter referred to as the "designation" in this section) is given to any applying person (hereinafter referred to as the "designated testing institution"), the designated testing institution may exercise the authority of the Minister of Health, Labour and Welfare in connection with holding the examination, as provided for in [Article 17](#).

3. The Minister of Health, Labour and Welfare shall not undertake the test business in case he has entrusted the designated testing institution with its execution.

(Criteria for Designation)

Article 21. The Minister of Health, Labour and Welfare shall effect the designation after examining whether the conditions given in the following items are satisfied by the application for designation:

(1) The plan of the execution of the test business formulated by the applying institution in respect to the staff, facilities, the method of execution of the test business and other matters is suited for proper and reliable execution of the test business.

(2) The applying institution has a financial and technical footing which is secure enough for proper and reliable execution of the plan of execution of the test business.

2. The Minister of Health, Labour and Welfare shall not make any designation if the application falls under any of the following items:

(1) The applicant has already been designated by another authority.

(2) The applying institution is not a juridical person established in accordance with the provisions of Article 34 of the Civil Code (Law No. 89 of 1896).

(3) Fair and proper execution of the test business is liable to be disturbed by other business undertaken by the applying institution.

(4) The applying institution is a person whose designation was canceled in virtue of the provisions of [Paragraph 1 of Article 30](#) and for whom two years have not elapsed since the date of cancellation.

(5) One of the officers of the applying institution falls under any of the following categories.

- a. A person who, having violated the provisions of this Law or the Industrial Safety and Health Law (or orders issued for the working of either Law), was sentenced to a fine or a penalty heavier than a fine and for whom two years have not elapsed since the date when the execution of the sentence was completed or the date when he ceased to be amenable to the execution of the sentence.
- b. A person who was dismissed by orders issued in accordance with the provision of [paragraph 2 of Article 23](#), and for whom two years have not elapsed since the day of the dismissal.

(Public Announcement of Designation)

Article 22. The Minister of Health, Labour and Welfare shall, where he has effected the designation, announce in the Official Gazette the name and the address of the designated testing institution, the address of the office which executes the test business, and the date on which the designated agency is to start the test business.

2. In case the designated testing institution wishes to change its name or address or the address of the office which carries out the test business, it shall inform the Minister of Health, Labour and Welfare accordingly in advance.

3. The Minister of Health, Labour and Welfare shall, upon receipt of the notification mentioned in the preceding paragraph, announce the same in the Official Gazette.

(Election and Dismissal of Officers)

Article 23. Election and dismissal of the officers of the designated testing institution shall have no effect unless approved by the Minister of Health, Labour and Welfare.

2. In case any officer of the designated testing institution runs counter to this Law or the Industrial Safety and Health Law (including the orders issued for the working of either Law) or the test business regulations stipulated in [paragraph 1 of Article 25](#), or commits an extreme malpractice in connection with the test business, the Minister of Health, Labour and Welfare may order the designated testing institution to dismiss the said officer.

(Working Environment Measurement Expert Examiner)

Article 24. In the execution of the test business, the designated testing institution shall assign the examiner of working environment measurement experts (hereinafter referred to as the "examiner") to the task of passing judgement as to whether the applicant has knowledge and capabilities required of the working environment measurement expert.

2. The examiner shall be appointed from among the persons satisfying the conditions stipulated in Ministry of Health, Labour and Welfare Ordinance relating to the knowledge about and experience in the working environment measurement services.

3. When the designated testing institution appoints an examiner, it shall inform the Minister of Health, Labour and Welfare accordingly within 15 days after the appointment. The same shall apply where it replaced him.

4. In case the examiner runs counter to this Law or the Industrial Safety and Health Law (including orders issued for the working of either Law) or the test business regulations stipulated in paragraph 1 of the next Article, or commits an extreme malpractice in connection with the test business, the Minister of Health, Labour and Welfare may issue orders to the designated testing institution for dismissal of the said examiner.

5. No examiner dismissed by orders stipulated in the preceding paragraph shall be reappointed within two years after the day of dismissal.

(Test Business Rules)

Article 25. The designated testing institution shall lay down rules concerning the execution of the test business (hereinafter in this Section referred to as the "test business rules"), and receive the approval of the Minister of Health, Labour and Welfare, before it starts in the test business. The same shall apply where it is going to alter them.

2. The Minister of Health, Labour and Welfare may, where he considers that the test business rules approved in the preceding paragraph have become inappropriate for proper and reliable execution of the test business, order the alteration of the test business rules.

3. The matters to be stipulated in the test business rules shall be provided for by Ministry of Health, Labour and Welfare Ordinance.

(Approval of a Business Plan, etc)

Article 26. The designated testing institution shall prepare a business plan and revenue and expenditure estimates for each business year and receive the approval of the Minister of Health, Labour and Welfare before the commencement of that business year (or without delay after designation in the business year to which the date of designation belongs). The same shall apply where it is going to alter them.

2. The designated testing institution shall, within three months after the end of each business year, prepare and submit to the Minister of Health, Labour and Welfare the business report and the settlement of accounts for that business year.

(Responsibility for Confidentiality, etc.)

Article 27. An officer and a member of the staff (including a license examiner) of the designated testing institution and all persons who held such a post must not reveal to any person confidential information which learned in the course of the conducting of the test business.

2. An officer or a member of the staff (including a license examiner) of the designated testing institution who is engaged in the test business shall be regarded as a member of the staff engaged in public service under the laws and regulations, in respect of the application of the Penal Code (Law No. 45 of 1907) and other penal provisions.

(Supervision and Dispatch of Orders)

Article 28. The Minister of Health, Labour and Welfare may, where he deems it necessary for the enforcement of this Law, dispatch necessary orders to the designated testing institution for the supervision of its test business.

(Suspension or Discontinuance of the Test Business)

Article 29. The designated testing institution shall neither suspend nor discontinue the whole or part of the test business without permission from the Minister of Health, Labour and Welfare.

2. In case the Minister of Health, Labour and Welfare gives the permission mentioned in the preceding paragraph, he shall announce accordingly in the Official Gazette.

(Cancellation of Designation, etc.)

Article 30. Where the designation examination agency comes under any of the following items, the Minister of Health, Labour and Welfare shall cancel the designation concerned or order suspension of the whole or part of its activities related to the test business for a certain fixed period of time:

(1) Where it has committed malpractice in connection with the gaining of designation.

(2) Where it has violated any of the provisions of this Section.

(3) Where it has come under item 5 of [paragraph 2 of Article 21](#).

(4) Where it has contravened the order issued under the provisions of [paragraph 2 of Article 23](#), [paragraph 4 of Article 24](#), [paragraph 2 of Article 25](#), or [Article 28](#).

(5) Where it has conducted the test business without conforming to the test business rules approved under the provisions of [paragraph 1 of Article 25](#).

(6) Where it has violated the conditions referred to in [paragraph 1 of Article 48](#).

2. When the Minister of Health, Labour and Welfare has canceled the designation in accordance with the provisions of the preceding paragraph or ordered the partial or total suspension of the activities related to the test business, he shall announce accordingly in the Official Gazette.

(Execution of the Test Business by the Minister of Health, Labour and Welfare)

Article 31. The Minister of Health, Labour and Welfare shall, where he deems it necessary, carry out the test business himself;

(1) Where the designated testing institution suspended the whole or part of the activities related to the test business under the provisions of [paragraph 1 of Article 29](#).

(2) Where the Minister of Health, Labour and Welfare ordered the designated testing institution to suspend the whole or part of the activities related to the test business under the provisions of paragraph 1 of the preceding Article.

(3) Where it became difficult by reason of some natural calamity or other causes for the designated testing institution to carry out the test business.

2. In case the Minister of Health, Labour and Welfare is to carry out the test business himself under the provision of the preceding paragraph or to suspend the said test business, he shall announce it in advance in the Official Gazette.

3. When the Minister of Health, Labour and Welfare is to carry out the test business himself under the provisions of paragraph 1 or permits discontinuation of the activities related to the test business as provided for in [paragraph 1 of Article 29](#) or cancels the designation in accordance with the provisions of paragraph 1 of the preceding Article, the transfer of test business and other necessary matters shall be provided for by Ministry of Health, Labour and Welfare Ordinance.

Section 3. Designated Training Institution

Article 32. Designation under the provisions of [Article 5](#) and [paragraph 1 of Article 44](#) shall, as provided for by Ministry of Health, Labour and Welfare Ordinance, be made on the application of one who intends to give the training course or the training stipulated in the same paragraph.

2. The provisions of [paragraphs 2 and 3 of Article 46](#), and [Articles 48, 50, 52](#) and [53](#) of the Industrial Safety and Health Law shall apply mutatis mutandis to a body designated under the provisions of [Article 5](#) or [paragraph 1 of Article 44](#) that conducts training courses or training covered by the provisions of the same paragraph (called the "designated training institution" below). In such case, "this Law or orders based thereon" in item 1, [paragraph 2 of Article 46 of the Industrial Safety and Health Law](#) shall be read as "this Law or the Working Environment Measurement Law (Law No. 28, 1975), or orders based thereon," "the Minister of Health, Labour and Welfare" in [paragraph 3 of Article 46](#), [paragraphs 1 and 3 of Article 48](#), and [Article 50](#) and [53](#) of the said Law shall be read as "the Minister of Health, Labour and Welfare or the Director General of the Prefectural Labour Bureau," "paragraph 1" in paragraph 3, Article 46 of the said Law shall be read as "paragraph 1 of Article 32 of the Working Environment Measurement Law," "inspection at time of manufacture, etc." in [paragraphs 1 and 3 of Article 48](#), [Article 52](#) and [paragraph 2 of Article 53](#) of the said Law shall be read as "the training course as provided for in [Article 5](#) of the Working Environment Measurement Law or the training stipulated in [paragraph 1 of Article 44](#) of the said Law," "or within a period not exceeding six

months" in sections other than the listed items of the said paragraph shall be read as "or," "Articles 47, 49 or 50" in item 2 of the said paragraph shall read "Article 50," "paragraph 3 of Article 48 or paragraph 2 of Article 51" in item 4 of the said paragraph shall read "paragraph 3 of Article 48," and "paragraph 1 of Article 110" in item 5 of the said paragraph shall read "[paragraph 1 of Article 48](#) of the Working Environment Measurement Law."

Section 4. Designated Registration Institution

Article 32-2. The Minister of Health, Labour and Welfare may have those who are designated based on their applications undertake the registration (hereinafter referred to as "registration business" in this article, [Article 45](#) and [Article 55](#)) provided for in [Article 7](#) (not including the services relating to the cancellation of the registration and issuance of the order conforming to the provisions of [Article 12](#)).

2. The Minister of Health, Labour and Welfare shall not execute registration business which have already been commissioned to those who have been designated according the provision of the preceding paragraph (hereinafter referred to as "designated registration institution."

3. For the application of the provisions of [paragraph 1 of Article 8](#) and [paragraph 1 of Article 9](#) to be applied to the registration business to be undertaken by the designated registration institution, "the Ministry of Health, Labour and Welfare" in [paragraph 1 of Article 8](#) and "Minister of Health, Labour and Welfare" in [paragraph 1 of Article 9](#) shall both be read as "the designated registration institution provided in [paragraph 2 of Article 32-2](#)."

4. The provisions of Section 2 (excluding those of [Article 20](#) and [Article 24](#) concerning the examination committee on the examination for the registered working environment measure) shall be applied with necessary modifications to the designated registration institution, providing that the part expressed as "service for examination" in item 1, [paragraph 1 of Article 21](#) shall be read as "the service concerning the execution of the registration (hereinafter referred to as "registration business") conforming to [Article 7](#), excluding the services concerning the cancellation of the registration and the issue of the order conforming to the provision of [Article 12](#)"; "concerning the service for examination" as "concerning the service for registration"; "appropriateness of the service for examination" as "appropriateness of registration business"; "service for examination" in item 2, paragraph 1 and item 3, paragraph 2 of the said article, [paragraphs 1 and 2 of Article 22](#), [paragraph 2 of Article 23](#), [paragraphs 1 and 2 of Article 25](#), [Article 27](#), [Article 28](#), [paragraph 1 of Article 29](#), [Article 30](#) and [Article 31](#) as "registration business"; "examination service procedure" in [paragraph 2 of Article 23](#), [Article 25](#) and item 5, [paragraph 1 of Article 30](#) as "registration business procedure"; "personnel (including member of examination committee)" in [Article 27](#) as "personnel"; "this section" in item 2, [paragraph 1 of Article 30](#) as "this section (not including [Articles 20](#) and [24](#))"; and "[paragraph 2 of Article 23](#) and [paragraph 4 of Article 24](#)" in item 4 of the said paragraph as "[paragraph 2 of Article 23](#)."

Chapter III. Working Environment Measurement Agency

(Working Environment Measurement Agency)

Article 33. Any person wishing to become a working environment measurement agency shall, as provided for by Ministry of Health, Labour and Welfare Ordinance, apply for the registration of the following items in the register of working environment measurement agencies:

- (1) Registration date and number.
- (2) Name or title, and address, and the name of the representative if the applicant is a juridical person.
- (3) Any other matters prescribed by Ministry of Health, Labour and Welfare Ordinance.

(Mutatis Mutandis Application)

Article 34. The provisions of [paragraph 2 and 3 of Article 46](#), [Article 47](#), [Article 50](#), [Article 53](#) (excluding item 5 of paragraph 2; this applies, hereinafter, in this paragraph) and [Article 54-5](#) of the Industrial Safety and Health Law shall apply mutatis mutandis to the working environment measurement agency. In such case, "designation" in [paragraphs 2 and 3 of Article 46](#) and [Article 53](#) of the Industrial Safety and Health Law shall be read as "registration," "this Law or orders based thereupon" in item 1 of [paragraph 2 of Article 46 of the same Law](#) as "this Law or the Working Environment Measurement Law (Law No. 28, 1975) or orders based thereon," "the Minister of Health, Labour and Welfare" in [paragraph 3 of Article 46](#), and [Articles 50](#) and [53](#) of the same Law as "the Minister of Health, Labour and Welfare or the Director General of the Prefectural Labour Bureau," "the application mentioned in paragraph 1" in [paragraph 3 of Article 46 of the same Law](#) as "the application for registration of the working environment measurement agency," "inspection at time of manufacture, etc." in [paragraph 1 of Article 47 of the same Law](#) as "the working environment measurement as provided for in [paragraph 2, Article 3](#) of the Working Environment Measurement Law." In [paragraph 2 of the same Article](#) "the time of manufacture, etc., inspection" shall be read as "the working environment measurement performed at the request of others," "those holding the qualifications stipulated by Ministry of Health, Labour and Welfare Ordinance" as "the working environment measurement expert stipulated in Ministry of Health, Labour and Welfare Ordinance," and "business report and settlement report" in [Articles 50 of the same Law](#) as "business report," "the time of manufacture, etc., inspection" in [paragraph 2, Article 53 of the same Law](#) as "the working environment measurement." Further, "or within a period not exceeding six months" in parts other than the items of paragraphs of the same Article of the Law shall be read as "or," "Article 49 or Article 50" in item 2 of the same paragraph as "or Article 50 or [Article 35-2](#) of the Working Environment Measurement Law," "has been approved in accordance with paragraph 1 of Article 48" in item 3 of the said paragraph as "reported in accordance with the provisions of [paragraph 1 of Article 34-2](#) of the Working Environment Measurement Law," "paragraph 3 of Article 48 or paragraph 2 of Article 51" in item 4 of the same paragraph as "[paragraph 2 of Article 34-2](#) of the Working Environment Measurement Law," and "any of the items of [paragraph 2 of Article 54-3](#)" in [item 1 of Article 54-5](#) of the said Law as "any of the items of paragraph 2 of Article 46 which applies mutatis mutandis to [paragraph 1 of Article 34](#) of the Working Environment Measurement Law."

2. The provisions of [Articles 8 to 10](#), [paragraph 2 of Article 12](#) and [Articles 13 and 19](#) of the Law shall apply mutatis mutandis to the working environment measurement agency. In such case, "the register of working environment measurement experts" in [Article 8](#) shall be read as "the register of working environment measurement agencies," "the Ministry of Health, Labour and Welfare" in paragraph 1 of the same Article as "the Ministry of Health, Labour and Welfare or the Prefectural Labour Bureau," "[Article 7](#)" in paragraphs 1 and 3 of [Article 9](#) and [Article 10](#) as "[Article 33](#)," "to item 4" in [paragraph 1 of Article 9](#) as "and item 3," "the Minister of Health, Labour and Welfare" in paragraphs 1, 3 and 4 of Article 9, [Article 10](#), [paragraph 2 of Article 12](#) and [Article 13](#) as "the Minister of Health, Labour and Welfare or the Director General of the Prefectural Labour Bureau," "together with the documents testifying to items 2 to 4 of [Article 7](#), the applicant's photograph, and the certificates for the examination and training course stipulated in Article 16 which the applicant has passed and completed (or the documents serving as such certificates in the case of the applicant approved to satisfy the requirements of Ministry of Health, Labour and Welfare Ordinance as provided for by [Article 5](#))" in [paragraph 2 of Article 9](#) as "together with the documents testifying to items 2 and 3 of [Article 33](#)," "the certificate of registration for the working environment measurement expert" in [Article 10](#) as "the certificate of registration for the working environment measurement agency," "suspend the working environment measurement services at the designated working places or stop using the title for a certain fixed period of time" in parts other than those enumerated in [paragraph 2 of Article 12](#) as "suspend some or all of the working environment measurement services," "[paragraph 1 of Article 4](#), the preceding article or [paragraph 4 of Article 44](#)," in item 2 of the same paragraph as "[paragraph 2 of Article 4](#)," "the working environment measurement services (including cases where the expert participates in such measurement services as implemented by the working environment measurement agency)" in item 5 of the same paragraph as "the working environment measurement services," and "subjects of the examination and training course, application for registration and any other matters not stipulated in this section which are related to the examination, training course and registration (including the certificate of registration)" in [Article 19](#) as "application for registration or any other matters related to the registration (including the certificate of registration for the working environment measurement agency)."

(Service Procedure)

Article 34-2. The working environment measurement agency shall establish working environment measurement procedures (hereinafter referred to as "service procedure" in this article) and submit the service procedures to the Minister of Health, Labour and Welfare or the Director General of the Prefectural Labour Bureau without delay in accordance with the provisions of the Ministry of Health, Labour and Welfare Ordinance. The same shall apply where there is an amendment to the said service procedures.

2. The Minister of Health, Labour and Welfare or the Director General of the Prefectural Labour Bureau may require the amendment of the service procedures if they are found inappropriate to the fair execution of working environment measurements.

3. The matters to be stipulated in the service procedure shall be decided by the Ministry of Health, Labour and Welfare Ordinance.

(Responsibility for Confidentiality, etc.)

Article 35. An officer and a member of the staff (including a working environment measurement expert who is concurrently a working environment measurement agency) of the working environment measurement agency and all person who held such a post must not reveal to any person any confidential information which they have learned in the course of the conducting of the working environment measurement service.

(Notification for Suspension or Discontinuation, etc., of Service)

Article 35-2. A working environment measurement agency that suspends or discontinues some or all of its service shall notify the Minister of Health, Labour and Welfare or the Director General of the Prefectural Labour Bureau in accordance with the provisions stipulated by Ministry of Health, Labour and Welfare Ordinance without delay. The same shall apply when resuming the service of some or all of a suspended working environment measurement service.

(Japan Working Environment Measurement Association)

Article 36. The working environment measurement experts and the working environment measurement agencies may establish a juridical person under the provisions of Article 34 of the Civil Code in the appellation of the Japan Working Environment Measurement Association, only one throughout the country.

2. The purpose of the Japan Working Environment Measurement Association shall be to perform the business concerning guidance of and liaison among the members for contributing to the maintenance of the dignity of working environment measurement experts and the progress and improvement of the service of working environment measurement experts and working environment measurement agencies.

(Restriction on the Use of Title)

Article 37. No person who is not a working environment measurement agency shall use the appellation of "Working Environment Measurement Agency" or any other similar titles.

2. No person other than the juridical person under paragraph 1 of the preceding Article shall use in its appellation the characters of "Japan Working Environment Measurement Association."

Chapter IV. Miscellaneous Provisions

(Chief of Labour Standards Inspection Office and Labour Standards Inspector)

Article 38. The Chief of the Labour Standards Inspection Office and the Labour Standards Inspector shall be in charge of the business concerning the enforcement of this Law as provided for by Ministry of Health, Labour and Welfare Ordinance.

(Powers of Labour Standards Inspectors)

Article 39. The labour standards inspector is, where he deems it necessary for enforcing this Law, authorized to enter into the workplace, question the persons concerned, inspect records, documents and other articles.

2. In the cases under the preceding paragraph, the Labour Standards Inspector shall carry with him an identification card certifying his status and show it to the persons concerned.

3. The power of spot inspection under the provisions of paragraph 1 shall not be interpreted as authorization for the purpose of searching for crimes.

Article 40. In regard to the crime of violation of this Law, the Labour Standards Inspector is authorized to exercise the right of a judicial police officer stipulated in the Criminal Procedure Law (Law No. 131 of 1948).

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

Article 41. The Minister of Health, Labour and Welfare or the Director General of the Prefectural Labour Bureau is authorized, where deemed necessary to ensure the proper operation of the services of the working environment measurement agency, designated testing institution, designated training institution or designated registration institution, to have their officials enter the office, question the people concerned and inspect records, documents and other articles related to the service, or carry away with no payment the specimens or other articles related to the activities of the working environment measurement agency within the limits of the necessity arising from the inspection.

2. The provisions of [paragraphs 2 and 3 of Article 39](#) shall apply mutatis mutandis in respect to spot inspection under the provisions of the preceding paragraph.

(As of April 1, 2000, this Article shall be amended as follows by Law No. 87 of 1999.)

(Report, etc.)

Article 42. The Minister of Health, Labour and Welfare, the Director General of the Prefectural Labour Bureau, the Chief of the Labour Standards Inspection Office or the Labour Standards Inspector may, where they deem it necessary for the enforcement of this Law, order the employer to report essential matters or appear in person as prescribed by Ministry of Health, Labour and Welfare Ordinance.

2. The Minister of Health, Labour and Welfare, the Director General of the Prefectural Labour Bureau, or the Chief of the Labour Standards Inspection Office may, where they deem it necessary for the enforcement of this Law, order the working environment measurement agency, designated testing institution, designated training institution, designated registration institution or working environment measurement expert to report essential matters as prescribed by Ministry of Health, Labour and Welfare Ordinance.

(Filing of Documents, etc.)

Article 43. The working environment measurement agency, designated testing institution, designated training institution or designated registration institution shall, as prescribed by Ministry of Health, Labour and Welfare Ordinance, prepare and keep records in which are entered the matters pertaining to working environment measurement, the examination, training course or the training provided for in paragraph 1 of the next Article or registration in Article 7 as prescribed by Ministry of Health, Labour and Welfare Ordinance.

(Instructions for Training)

Article 44. The Director General of the Prefectural Labour Bureau may, where deemed necessary to ensure the satisfactory implementation of working environment measurement, instruct a working environment measurement expert to receive training provided by the Director General of the Prefectural Labour Bureau or by a person designated by the Minister of Health, Labour and Welfare or the Director General of the Prefectural Labour Bureau (hereinafter referred to as "training" below) for a fixed period.

2. If the working environment measurement expert is employed by an employer or the working environment measurement agency, the instructions mentioned in the preceding paragraph shall be issued to such employer or agency.

3. The employer or the working environment measurement agency to whom the instructions mentioned in the preceding paragraph shall arrange for the working environment measurement expert concerned to receive the training for the period specified in the instructions.

4. The working environment measurement expert instructed to receive the training in accordance with the provisions of paragraph 1 or 2 shall undergo the training for the period specified in the instructions.

5. The subjects of training or other matters relating to the training which are not stipulated in the foregoing paragraphs shall be provided for by Ministry of Health, Labour and Welfare ordinances.

(Request to Examination for Action, etc. executed by Designated Testing Institution)

Article 45. With respect to an action concerning the test business executed by the designated testing institution or the registration business executed by the designated registration institution, or to the forbearance of such an action, an examination under the Law for the Examination of Objections against Administrative Acts (Law No. 160 of 1962) may be requested to the Minister of Health, Labour and Welfare.

(Hearing)

Article 46. (Deleted)

(Assistance by the State)

Article 47. The Government shall, for the purpose of elevating the quality of working environment measurement experts and optimizing the activities of working environment measurement agencies and designated training institutions, provide materials and data, develop measuring methods, disseminate results, and offer other assistance.

(Conditions for Registration, etc.)

Article 48. Conditions may be attached to the registration, designation or approval under the provisions of this Law and they may be altered.

2. The conditions under the preceding paragraph shall be limited to the minimum necessary for the sure implementation of the matters related to the said registration, designation or approval and shall not be such as to impose unjustifiable obligations on the person who obtains the said registration, designation or approval.

(Fees)

Article 49. The following persons shall, as prescribed by Cabinet Order, pay the fees stipulated by Cabinet Order in consideration of the actual expense to the State (to the designated testing institution in the case of one who intends to take the examination conducted by the said agency or requesting the reissue of the certificate for the examination, to the designated registration institution in the case of one who intends to receive the registration conducted by the said agency or requesting the reissue or renewal of the certificate for the registration of a working environment measurement expert).

(1) A person who intends to take the examination.

(2) A person who intends to obtain designation stipulated in [Article 5](#) or [paragraph 1 of Article 44](#).

(3) A person who intends to take a training course or training (conducted only by the Director General of the Prefectural Labour Bureau).

(4) A person who intends to receive the registration under [Article 7](#) or [Article 33](#).

(5) A person who intends to obtain the reissue or renewal of the certificate of the registration of working environment measurement expert or working environment measurement agency.

(6) A person who intends to obtain the reissue of an examination certificate or a certificate for completion of a training course (limited to training courses offered by the Director General of the Prefectural Labour Bureau).

2. The fees paid to the designated testing institution or the designated registration institution under the provisions of the preceding paragraph shall be the revenue of those agencies.

(Transitional Measures)

Article 50. Where an order or ordinance is enacted, amended or abrogated under the provisions of this Law, necessary transitional measures (including the transitional measure concerning penal provisions) may be laid down by the said order or ordinance within the scope deemed reasonably necessary in connection with the enactment, amendment or abrogation.

(Reference to Ministry of Health, Labour and Welfare Ordinance)

Article 51. All the necessary matters relating to the enforcement of this Law which are not stipulated herein shall be provided for by Ministry of Health, Labour and Welfare Ordinance.

Chapter V. Penal Provisions

Article 52. A person who has violated the provisions of [paragraph 1 of Article 27](#) (including the case where the same provisions applies in mutatis mutandis in [paragraph 4 of Article 32-2](#)) or [Article 35](#) shall be punished with penal servitude not exceeding one year or with a fine not exceeding 1,000,000 yen.

Article 53. Where there was a violation of the order to suspend the service or business under the provision of [paragraph 2 of Article 53 of the Industrial Safety and Health Law](#) which applies mutatis mutandis in [paragraph 1 of Article 30](#) (including the cases where [paragraph 4 of Article 32-2](#) is to be applied), paragraph 2 of Article 32 or [paragraph 1 of Article 34](#), or of [paragraph 2 of Article 12](#) which applies mutatis mutandis in [paragraph 2 of Article 34](#), the officer or the personnel of the designated testing institution, the designated registration institution or the designated training institution, or the officer or the personnel of the working environment measurement agency (including the working environment measurement expert who is a working environment measurement agency), who perpetrated the violation shall be punished with penal servitude not exceeding one year or with a fine not exceeding 1000,000 yen.

Article 54. A person who comes under any of the following items shall be punished with a fine not exceeding 500,000 yen:

- (1) A person who has violated the provisions of [Articles 3, 18 or 37](#) or [paragraph 3 of Article 44](#).
- (2) A person who has violated the order under the provisions of [paragraph 2 of Article 12](#).
- (3) A person who has rejected, obstructed or evaded the spot investigation and inspection stipulated in [paragraph 1 of Article 39](#), or failed to answer or given false answers to questions.
- (4) A person who has failed to report, as provided for in [paragraph 1 of Article 42](#), or made mendacious report or failed to appear when required.

Article 55. Where there was a violation of this Law coming under any of the following items, the officer or the personnel of the designated testing institution, the designated registration institution or the designated training institution, or the officer or the personnel of the working environment measurement agency (including the working environment measurement expert who

is a working environment measurement agency), who perpetrated the violation, shall be punished with a fine not exceeding 500,000 yen:

- (1) Where the whole of the service of the test business was discontinued without obtaining the permission under [paragraph 1 of Article 29](#).
- (2) Where the whole of the service of the registration business was discontinued without obtaining the permission under [paragraph 1 of Article 29](#) which applies mutatis mutandis in [paragraph 4 of Article 32-2](#).
- (3) Where one has failed to report as provided for [Article 35-2](#), or made a mendacious report, of the entire discontinuance of the working environment measurement agency operations.
- (4) Where one has refused, impeded or evaded the entrance, inspection or removal under the provisions of [paragraph 1 of Article 41](#) or has refused to reply or made mendacious replay to the question under the provisions of the said paragraph.
- (5) Where one has failed to report, as provided for in [paragraph 2 of Article 42](#), or made mendacious report.
- (6) Where one has failed to prepare or keep books or documents which are provided for in [Article 43](#), or made mendacious records on books or documents provided by the same Article.

Article 56. Where a representative of a juridical person or a juridical person or a deputy hired or other employee of a juridical person or one has perpetrated in respect of the service of the said juridical person or the said person a violation stated in [Article 54](#), the punishment of a fine stated in the same Article shall be imposed on the said juridical person or the said person in addition to the perpetrator.