

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)

改正：平成二十年法律第八十九号

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第一章 総則

CHAPTER I GENERAL PROVISIONS

(労働条件の原則)

(Principle of 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 Working conditions shall be those which should meet the needs of workers who live lives worthy of human beings.

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 are minimum standards. Accordingly, parties to labor relationship shall not reduce working conditions with these standards as an excuse and, instead, should endeavour to raise the working conditions.

(労働条件の決定)

(Determination of 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 Working conditions should be determined by the workers and employers on an equal basis.

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) The workers and employers shall abide by collective agreements, rules of employment and labor contracts, and shall discharge their respective 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、差別的取扱いをしてはならない。

Article 3 An employer shall not engage in discriminatory treatment with respect to wages, working hours or other working conditions by reason of the nationality, creed or social status of any worker.

(男女同一賃金の原則)

(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 shall not engage in discriminatory treatment of a woman as compared with a man with respect to wages by reason of the worker being a woman.

(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 shall not force workers to work against their will by means of physical violence, intimidation, confinement, or any other unfair restraint on the mental or physical freedom of the workers.

(中間搾取の排除)

(Elimination of Intermediate Exploitation)

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 Unless permitted by act, no person shall obtain profit by intervening, as a business, in the employment of others.

(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 shall not refuse when a worker requests time necessary to exercise franchise and other civil rights or to perform public duties during working hours; provided, however, that the employer may change the time requester by the worker to the extent that such change does not hinder the exercise of the right or the performance of the 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 In this Act, worker means one who is employed at an enterprise or office (hereinafter referred to as "enterprise") and receives wages therefrom, without regard to the kind 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, employer means the business operator or manager of the enterprise or any other person who acts on behalf of the business operator of the enterprise in matters concerning the workers of the enterprise.

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 the wage, salary, allowance, bonus and every other payment to the worker from the employer as remuneration for labor, regardless of the name by which such payment may be 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 In this Act, the amount of the average wage means the amount obtained

by dividing the total amount of wages for a period of 3 months preceding the day on which the reason to be calculated the average wage arose by the number of all days during the period; provided, however, that the amount of the average wage shall not be less than the amount calculated by one of the following methods:

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) In the event that the wage is calculated on the basis of working days or hours, or determined in accordance with a piece rate or other contract price, 60 percent of the amount obtained by dividing the total amount of wages by the number of actual working days during the period;

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) In the event that a portion of the wage is determined on the basis of months, weeks, or any other fixed period, the aggregate of (a) the amount obtained by dividing the total amount of any such portion of the wage by the number of all days during that period and (b) the amount under the preceding item.

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) When there is a fixed day for closing the wage account, the periods set forth in the preceding paragraph shall be calculated from the last such fixed day.

3 前二項に規定する期間中に、次の各号の一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 the period mentioned in the preceding two paragraphs includes any of the following items, the number of days and the wages in such a period shall be excluded from the days and total amount of wages under 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) Period of absence from work for medical treatment caused by injury or illness 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) Period of absence from work for women before and 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) Period of absence from work caused by 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（同条第六項から第八項まで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。第三十九条第八項において同じ。）をした期間

(iv) Period of child care leave prescribed in item (i) of Article 2 of the Act Concerning the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave (Act No. 76 of 1991), or period of family care leave prescribed in item (i) of the said Article (including leave for family care prescribed in paragraph (3) of Article 61 of the said Act (including the cases where it is applied mutatis mutandis pursuant to under paragraph (6) through paragraph (8) of the said Article); the same shall apply to paragraph (8) of Article 39);

五 試みの使用期間

(v) 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) The total amount of wages under paragraph (1) shall not include extraordinary wages, wages which are paid periodically for a period exceeding 3 months and wages which are paid in anything other than currency and which are not within a fixed scope.

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) In the event that a wage is paid in anything other than currency, necessary matters relating to the scope of such wage to be included in the total amount of wages under paragraph (1) and the method for calculating such wage shall be set forth by Ordinance of the Ministry of Health, Labour and Welfare.

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 employed for less than 3 months, the period under paragraph (1) shall be the period of his or her employment.

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 day laborer shall be fixed by the Minister of Health, Labour and Welfare according to the kind of enterprise or occupation in which such day laborer 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) In the event that the average wage cannot be calculated in accordance with paragraphs (1) through (6), the average wage will be determined in the manner set forth by the Minister of Health, Labour and Welfare.

第二章 労働契約

CHAPTER II LABOR CONTRACT

(この法律違反の契約)

(Contract 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 A labor contract which provides for working conditions which do not meet the standards of this Act shall be invalid with respect to such portions.

In such a case the portions which have become invalid shall be governed by the standards set forth in this Act.

(契約期間等)

(Period of Contract, etc.)

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 Labor contracts, excluding those without a definite period, and excepting those providing that the period shall be the period necessary for completion of a specified project, shall not be concluded for a period exceeding 3 years (or 5 years with respect to labor contracts that fall under any of the following items).

一 専門的な知識、技術又は経験（以下この号において「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) Labor contracts concluded with workers who have expert knowledge, skills or experience (hereinafter referred to as "expert knowledge, etc." in this item), that expert knowledge, etc., being of an advanced level and coming under the standards prescribed by the Minister of Health, Labour and Welfare (limited to those workers who are appointed to work activities requiring the prescribed advanced level of expert knowledge, etc.).

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) Labor contracts concluded with workers aged 60 years or older (excluding labor contracts stipulated 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) The Minister of Health, Labour and Welfare may, in order to preemptively prevent disputes arising between workers and employers at the time of conclusion and the time of expiry of labor contracts which are of prescribed duration, prescribe standards in relation to the matters in connection with notice to be taken by employers relating to the expiry of the term of the labor contracts and other necessary matters.

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, in relation to the standards set forth in the preceding paragraph, give necessary advice and guidance to employers concluding labor contracts which are of prescribed duration.

(労働条件の明示)

(Clear Indication of Working Conditions)

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 In concluding a labor contract, the employer shall clearly indicate the wages, working hours and other working conditions to the worker. In this case, matters concerning wages and working hours and other matters stipulated by Ordinance of the Ministry of Health, Labour and Welfare shall be clearly indicated in the manner prescribed by Ordinance 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) In the event that the working conditions as clearly indicated under the provisions of the preceding paragraph differ from actual fact, 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 under the preceding paragraph, in the event that a worker who has changed his or her residence for the work returns home within 14 days from the date of cancellation, the employer shall bear the necessary travel expenses for the worker.

(賠償予定の禁止)

(Ban on Predetermined Compensation)

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 shall not make a contract which fixes in advance either a sum payable to the employer for breach of contract or an amount of compensation for damages.

(前借金相殺の禁止)

(Ban on Set-off 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 shall not set-off wages against advances of money or advances of other credits made as a condition for work.

(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 An employer shall not require a contract for savings or make a contract to take charge of savings incidental to 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) An employer, in taking charge of workers' savings entrusted to the employer by the workers, shall conclude a written agreement with a labor union organized by a majority of the workers at the workplace, where such a union exists, or with a

person representing a majority of the workers, where no such union exists, and shall submit the written agreement to 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) An employer, intaking charge of workers' savings entrusted to the employer by the workers, shall establish rules governing the keeping of savings and take steps to inform the workers of these rules, such as posting such rules at the work place.

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) An employer, in taking charge of workers' savings entrusted to the employer by the workers, shall pay interest in the event that the savings kept in custody constitute a deposit accepted. If, in this case, the amount of interest paid is below the amount of interest based on the interest rate established by Ordinance of the Ministry of Health, Labour and Welfare with due consideration of the interest rate for deposits accepted by financial institution the employer shall be deemed to have paid interest equivalent to that based on the rate determined by Ordinance 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) An employer, intaking charge of workers' savings entrusted to the employer by the workers, shall return the savings to the workers 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) In the event that the employer has violated the provisions of the preceding paragraph and the continued taking charge of the workers' savings by the employer is deemed as seriously detrimental to the interests of the workers, the relevant government agency may order the employer to suspend taking charge of the savings in question within such limits as are 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, who has been ordered to suspend taking charge of savings pursuant to the provisions of the preceding paragraph, shall return those savings affected by the above suspension to the workers without delay.

(解雇)

(Dismissal)

第十八条の二 解雇は、客観的に合理的な理由を欠き、社会通念上相当であると認められない場合は、その権利を濫用したものとして、無効とする。

Article 18-2 A dismissal shall, where the dismissal lacks objectively reasonable grounds and is not considered to be appropriate in general societal terms, be treated as a misuse of that right and invalid.

(解雇制限)

(Restrictions on 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 An employer shall not dismiss a worker during a period of absence from work for medical treatment with respect to injuries or illnesses suffered in the course of employment nor within 30 days thereafter, and shall not dismiss a woman during a period of absence from work before and after childbirth in accordance with the provisions of Article 65 nor within 30 days thereafter; provided, however, that this shall not apply in the event that the employer pays compensation for discontinuance in accordance with Article 81 nor when the continuance of the enterprise has been made impossible by a natural disaster or other unavoidable 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 the event of a circumstance under the second sentence of the proviso of the preceding paragraph, the employer shall 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、少な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、三十日以上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 In the event that an employer wishes to dismiss a worker, the employer shall provide at least 30 days advance notice. An employer who does not give 30 days advance notice shall pay the average wages for a period of not less than 30 days; provided, however, that this shall not apply in the event that the continuance of the enterprise has been made impossible by a natural disaster or other unavoidable reason nor when 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 reduced in the event that the employer pays the average wage for each day by which the period is reduced.

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 shall apply mutatis mutandis to a case under 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 shall not apply to any worker coming under one of the following items; provided, however, that this shall not be the case with respect to a worker coming under item (i) who has been employed consecutively for more than one month, a worker coming under either item (ii) or item (iii) who has been employed consecutively for more than the period set forth in each such item respectively, nor a worker coming under item (iv) who has been employed consecutively for more than 14 days:

一 日日雇い入れられる者

(i) Workers who are employed on a daily basis;

二 二箇月以内の期間を定めて使用される者

- (ii) Workers who are 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) Workers who are employed in seasonal work for a fixed period not longer than 4 months;
四 試の使用期間中の者
- (iv) Workers in a probationary period.

(退職時等の証明)

(Certificate on the Occasion of Retirement, etc.)

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 When a worker on the occasion of retirement requests a certificate stating the period of employment, the kind of occupation, the position in the enterprise, the wages or the cause for retirement (if the cause for retirement is dismissal, including its reason), the employer shall 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) The employer shall, where a worker has, in the period between being given the advance notice in Article 20, paragraph (1) and the day of retirement, requested a certificate in relation to the reason for the said dismissal, issue the certificate without delay; provided, however, that where the worker retires after the day of the advance notice on reasons other than those for the said dismissal, it is not necessary, after the said day of retirement, for the employer to issue the certificate.

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 shall not include in the certificate under the preceding 2 paragraphs any item 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 shall not, in a premeditated plan with a third party and with the

intent to impede the employment of a worker, send any communication concerning the nationality, creed, and social status or union activities of the worker or include any secret sign in the certificates under paragraphs (1) and (2)

(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 Upon a worker's death or retirement, in the event of a request by one having the right thereto, the employer shall pay the wages and return the reserve funds, security deposits, savings, and any other money and goods to which the worker is rightfully entitled, regardless of the name by which such money and goods 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) In the event that there is a dispute over the wages and/or money and goods set forth in the preceding paragraph, the employer shall pay and/or return any undisputed portions 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 Wages shall be paid in currency and in full directly to the workers; provided, however, that payment other than in currency may be permitted in cases otherwise provided for by laws and regulations or collective agreement or in cases where a reliable method of payment of wages defined by Ordinance of

the Ministry of Health, Labour and Welfare is provided for; and partial deduction from wages may be permitted in cases otherwise provided for by laws and regulations or in cases where there exists a written agreement with a labor union organized by a majority of the workers at the workplace (in the case that such labor union is organized), or with a person representing a majority of the workers (in the case that such labor union is not organized).

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 shall be paid at least once a month at a definite date; provided, however, that this shall not apply to extraordinary wages, bonuses, and the like which will be defined by Ordinance of the Ministry of Health, Labour and Welfare (referred to as "special wages etc." 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 In the event that a worker requests the payment of wages to cover emergency expenses for childbirth, illness, disaster, or other emergency as set forth by Ordinance of the Ministry of Health, Labour and Welfare, the employer shall pay accrued wages 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 shall pay an allowance equal to at least 60 percent of the worker's average wage to each worker concerned during the 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 With respect to workers employed under a payment at piece work system or other subcontracting system, the employer shall guarantee a fixed amount of wage proportionate to working hours.

(最低賃金)

(Minimum Wages)

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 shall be in accordance with the provisions of 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 to 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, REST PERIODS, 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 An employer shall not have a worker work more than 40 hours per week, excluding rest 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 shall not have a worker work more than 8 hours per day for each day of the week, excluding rest 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 In the event that an employer has stipulated, pursuant to a written agreement with a labor union organized by a majority of the workers at the workplace (in the case that such labor union is organized), or with a person representing a majority of the workers (in the case that such union is not organized), or pursuant to rules of employment or the equivalent thereof, that the average working hours per week over the course of a fixed period of no more than one month will not exceed the working hours set forth in paragraph (1) of the preceding Article, the employer may, in accordance with such stipulation and regardless of the provisions of the preceding Article, 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 in 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) The employer shall notify the agreement set forth in the preceding paragraph to the relevant government agency, as provided for by Ordinance 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ゆだ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 In the event that the following items have been provided in a written agreement either with a labor union organized by a majority of the workers at the workplace concerned (in the case that such labor union is organized), or with a person representing a majority of the workers (in the case that such labor union is not organized), the employer may, with respect to a worker for whom the starting and ending time for work is left to the worker's own decision pursuant

to rules of employment or the equivalent, and regardless of the provisions of Article 32, have such a worker work in excess of the working hours set forth in paragraph (1) of Article 32 in a week and may have such a worker work in excess of the working hours set forth in paragraph (2) of that Article in a day, to the extent that the average working hours per week during a period provided in the above-mentioned written agreement as the settlement period (of which conditions are defined in item (ii) below) does not exceed the working hours set forth in paragraph (1) of Article 32:

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 under the working hour provisions of this Article;

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、一箇月以内の期間に限るものとする。次号において同じ。）

(ii) A settlement period (which shall be a period, not to exceed one month in length, during which average working hours per week will not exceed the working hours under Article 32, paragraph (1) The same shall apply in the following item.);

三 清算期間における総労働時間

(iii) 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 matters as set forth by Ordinance of the Ministry of Health, Labour and Welfare.

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るときは、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 In the event that the employer has stipulated the following items pursuant to a written agreement either with a labor union organized by a majority of the workers at the workplace concerned (in the case that such labor union is organized), or with a person representing a majority of the workers at a

workplace (in the case that such labor union is not organized), regardless of the provisions of Article 32, the employer may have a worker work in excess of the working hours set forth in paragraph (1) of Article 32 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 in a specified day or days in accordance with the said written agreement (including stipulations that have been set under the provisions of the following paragraph in cases where this is applicable), to the extent that the average working hours per week for the period set in that agreement as the applicable period defined at item (ii) below does not 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 under the working hours 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) Applicable period (a period longer than one month but not exceeding one year, during which the average working hours per week does not exceed 40 hours; hereinafter the same shall apply 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 period (a period within the applicable period when work is particularly busy; the same shall apply 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 the said working days (in cases where the applicable period is divided into sub-periods of one month or more, working days and working hours for each working day in the sub-period which includes the first day of the applicable period (hereinafter in this Article referred to as the "initial sub-period") and the number of working days and total working hours of 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 items as stipulated by Ordinance 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) In the event that in the written agreement set forth in the preceding paragraph the employer has divided the applicable period as provided for in item (iv) of the said paragraph, and stipulated the number of working days and total working hours for each sub-period excluding the initial sub-period, the employer shall, no later than 30 days before the first day of each sub-period, and with the consent of either a labor union organized by a majority of the workers at the workplace (in the case that such labor union is organized) or a person representing a majority of the workers at a workplace (in the case that such labor union is not organized) and in accordance with Ordinance of the Ministry of Health, Labour and Welfare, set the working days within each sub-period, to the extent that it does not exceed the said number of working days and the working hours for each working day in each sub-period, to the extent that it does not exceed the said 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 opinions of the Labor Policy Council, the Minister of Health, Labour and Welfare may establish limits by Ordinance of the Ministry of Health, Labour and Welfare concerning the number of working days in the applicable period, the daily and weekly working hours in the applicable period, and the number of consecutive days within the applicable period (excluding the period set as the specified period by the written agreement stipulated in paragraph (1)) and the period set as the specified period by the written agreement stipulated in the said paragraph on which the employer may have workers 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 paragraph (2) of Article 32-2 shall apply mutatis mutandis to

an agreement under paragraph (1).

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 In the event that, pursuant to the provisions of the preceding Article, an employer has a worker work during the applicable period for a period shorter than the said applicable period, and the average weekly hours the employer has the worker work exceeds 40 hours, the employer shall pay increased wages for the working hours that exceed 40 hours (excluding working hours that have been extended or working hours on days off pursuant to the provisions of Article 33 or paragraph (1) of Article 36) 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 With respect to workers employed in enterprises of which business categories are specified by Ordinance of the Ministry of Health, Labour and Welfare as having an amount of daily business which is often subject to wide fluctuations and given this forecast it would be difficult to fix daily working hours by rules of employment or the equivalent, and of which the number of regular employees is under the number specified by Ordinance of the Ministry of the Health, Labour and Welfare, the employer may, regardless of the provisions of paragraph (2) of Article 32, have workers work for up to ten hours per day, if there is a written agreement either with a labor union organized by a majority of the workers at the workplace (in the case that such labor union is organized) or with a person representing a majority of the workers (in the case that such labor union is not organized).

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) In the event that an employer has a worker work pursuant to the provisions of the preceding paragraph, the employer shall notify the worker in advance of the working hours for each day of the work week in accordance with Ordinance 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 paragraph (2) of Article 32-2 shall apply mutatis mutandis to an agreement under 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)

(Overtime Work, etc., in the Case of an Extraordinary Need Due to Disasters, etc.)

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 If there is an extraordinary need due to disaster or other unavoidable event, an employer may extend the working hours stipulated in Articles 32 through 32-5 or Article 40, or may have workers work on the days off stipulated in Article 35 with the permission of the relevant government agency to the extent that such action is needed; provided, however, that in the case that the necessity is so urgent that the employer does not have time to obtain the permission of the relevant government agency, the employer does not need to obtain such permission but shall notify the relevant government agency of such action after the fact without delay.

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相当と認めるときは、その後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) In the case that a retrospective notification has been submitted pursuant to the proviso of the preceding paragraph, if the relevant government agency determines that it is inappropriate that the employer extended the working hours or had the workers work on the days off, it may order the employer to provide the workers thereafter with rest periods or days off equivalent to the time that they worked during the extended hours or days off.

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 an extra ordinary need for the purposes of public service, in so far as national public officers and local public officers who engage in business of public agencies (excluding businesses stipulated in Annexed Table No.1) are concerned, the employer may extend the working hours stipulated in Articles 32 through 32-5 or Article 40 or may have workers work on the days off stipulated in Article 35.

(休憩)

(Rest Periods)

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 An employer shall provide workers with at least 45 minutes of rest periods during working hours in the event that working hours exceed 6 hours, and at least one hour in the event that 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) The rest periods set forth in the preceding paragraph shall be provided to all workers at the same time; provided, however, that this shall not apply to the cases where the employer has entered into a written agreement regarding providing rest periods to employees at different times, either with a labor union organized by a majority of the workers at the workplace (in the case that such labor union is organized) or with a person representing a majority of the workers (in the case that such labor union is not organized).

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 shall permit workers to use the rest periods stipulated in paragraph (1) freely.

(休日)

(Days Off)

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

Article 35 An employer shall provide workers 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 set forth in the preceding paragraph shall not apply to an employer who provides workers with 4 days off or more during a four-week period.

(時間外及び休日の労働)

(Overtime 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、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（以下この項において「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。ただし、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の労働時間の延長は、一日について二時間を超えてはならない。

Article 36 In the event that the employer has entered into a written agreement either with a labor union organized by a majority of the workers at the workplace (in the case that such labor union is organized) or with a person representing a majority of the workers (in the case that such labor union is not organized) and has notified the relevant government agency of such agreement, the employer may, notwithstanding the provisions with respect to working hours stipulated in Articles 32 through 32-5 or Article 40 (hereinafter in this Article referred to as "working hours") or the provisions with respect to days off stipulated in the preceding Article (hereinafter in this paragraph referred to as "days off"), extend the working hours or have workers work on days off in accordance with the provisions of the said agreement; provided, however, that the extension of working hours for belowground labor and other work especially harmful to health as stipulated in the Ordinance of the Ministry of Health, Labour and Welfare shall not exceed 2 hours per day.

2 厚生労働大臣は、労働時間の延長を適正なものとするため、前項の協定で定める労働時間の延長の限度、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、労働者の福祉、時間外労働の動向その他の事情を考慮して基準を定めること

ができる。

(2) The Minister of Health, Labour and Welfare may, in order to ensure that the extension of working hours be appropriate, prescribe standards for the limits on the extension of working hours set forth in the agreement set forth in the preceding paragraph, prescribe standards for the rate of increased wages pertaining to the extension of in the said working hours and also prescribe standards for other necessary items, in consideration of the welfare of workers, trends in overtime work and any other relevant factors.

3 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を定めるに当たり、当該協定の内容が前項の基準に適合したものととなるようにしなければならない。

(3) The employer and the labor union or the person representing a majority of the workers who enter into the agreement stipulated in paragraph (1), in setting an extension of the working hours in the said agreement, shall ensure that the content of the said agreement conforms with the standards set forth in the preceding paragraph.

4 行政官庁は、第二項の基準に関し、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。

(4) With respect to the standards stipulated in paragraph (2), the relevant government agency may provide the employer and the labor union or the person representing a majority of the workers who entered into the agreement stipulated in paragraph (1) with necessary advice and guidance.

(時間外、休日及び深夜の割増賃金)

(Increased Wages for Overtime 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 In the event that 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, the employer shall pay increased wages for work

during such hours or on such days at a rate no less than the rate stipulated by cabinet order within the range of no less than 25 percent and no more than 50 percent over the normal wage per working hour or working day; provided, however, that in the event that the working hours thus extended exceed 60 hours per month, the employer shall pay increased wages for work during those exceeding hours at a rate no 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 shall be set taking into consideration the welfare of workers, the trends of overtime work and of work on days off, and any other relevant 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いに代えて、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) In the event that an employer determines, pursuant to a written agreement either with a labor union organized by a majority of the workers at the workplace concerned (in the case that such labor union is organized) or with a person representing a majority of the workers (in the case that such labor union is not organized), that leave with the normal wage per working hour (excluding paid leave under Article 39) is to be granted, in lieu of paying increased wages under the proviso to paragraph (1), to workers eligible to receive the said increased wages, as prescribed by Ordinance of the Ministry of Health, Labour and Welfare, when a worker takes the said leave, the employer shall not be required to pay increased wages under the proviso to paragraph (1) for work during hours specified by cabinet order as corresponding to the said leave, out of the said worker's work during hours exceeding the hours prescribed in the proviso to the said 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

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) In the event that an employer has a worker work during the period between 10 p.m. and 5 a.m. (or the period between 11 p.m. and 6 a.m., in case that the Minister of Health, Labor and Welfare admits the necessity of the application of those hours for a certain area or time of the year), the employer shall pay increased wages for work during such hours at a rate no 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 elements of wages as stipulated by the Ordinance of the Ministry of Health, Labour and Welfare shall not be added to the base wages underlying the increased wages set forth in paragraph (1) and the preceding paragraph.

(時間計算)

(Computation of Working Hour)

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 As far as application of the provisions on working hours is concerned, total hours worked shall be aggregated, even if the hours are worked in different workplaces.

2 坑内労働については、労働者が坑口に入っ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) With regard to belowground labor, the working hours shall be deemed to be the time from entry into the mouth of the mine to exit from the mouth of the mine, including rest periods; provided, however, that in this case, the provisions of Article 34, paragraphs (2) and (3) regarding rest periods shall 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 In cases where workers perform their work outside of the work place during all or part of their working hours and it would be difficult to calculate working hours, the number of hours worked shall be 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 accomplish the said work, the number of hours worked shall be deemed to be the number of hours normally necessary to accomplish such work as stipulated by the Ordinance of the Ministry of Health, Labour and Welfare.

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 under the proviso of the preceding paragraph, when there is a written agreement regarding the said work either with a labor union organized by a majority of the workers at the workplace (in the case that such labor union is organized) or with a person representing a majority of the workers (in the case that such labor union is not organized), the number of hours specified in such agreement shall be regarded as the number of hours normally necessary to accomplish the work under that proviso.

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) The employer shall file the agreement set forth in the preceding paragraph with the relevant government agency in accordance with the Ordinance 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 When an employer has provided the following items in a written agreement either with a labor union organized by a majority of the workers at the workplace concerned (in the case that such labor union is organized), or with a person representing a majority of the workers (in the case that such labor union is not organized), in the event that the employer has assigned a worker to the work listed in item (i), such worker shall be regarded as having worked the

hours listed in item (ii), as prescribed by the Ordinance 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) that work which is assigned to a worker (hereinafter in this Article "covered work") as prescribed by the Ordinance of the Ministry of Health, Labour and Welfare as work for which it is difficult for the employer to give concrete directions regarding the decisions on the means of execution of the work and the allocation of time to the work, etc., because the methods of execution of the work need, owing to the nature of the work, to be left largely to the discretion of the workers engaged in such 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 calculated as the working hours of a worker engaged in the 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 the worker engaged in the covered work in relation to the decisions on the means of execution of the covered work and the allocation of time to the 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 the employer will take measures pursuant to the provisions of such agreement in order to secure the worker's health and welfare as appropriate for the circumstances of the working hours of the worker engaged in the 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 the employer will take measures pursuant to the provisions of the said agreement in relation to the handling of complaints from the worker engaged in the 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) matters prescribed by the Ordinance of the Ministry of Health, Labour and Welfare other than those listed 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 shall apply mutatis mutandis to the agreement set forth 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 If, at a workplace where a committee (limited to committees comprising the employer and representatives of workers at the workplace) is established with the aim of examining and deliberating on wages, working hours and other matters concerning working conditions at the workplace concerned and of stating its opinions regarding the said matters to the proprietor of the enterprise, the said committee adopts a resolution by a majority of four fifths or more of its members regarding the following items and the employer notifies the relevant government agency of the said resolution in accordance with the Ordinance of the Ministry of Health, Labour and Welfare, and if the employer has a worker, who comes under the scope of the workers stipulated in item (ii), perform the work stipulated in item (i) at the workplace concerned, the said worker shall be deemed to have worked the hours stipulated in item (iii) as prescribed by the Ordinance 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) that work of planning, drafting, researching and analyzing matters regarding business operations for which the employer does not give concrete directions regarding the decisions on the means of execution of the work and the allocation of time to the work, etc., since the nature of the work is such that the methods of execution of the work for its proper accomplishment need to be left largely to the discretion of the workers (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 the workers who possess the knowledge and experience etc.

necessary to accomplish the covered work properly, and who are deemed to have worked the hours stipulated by the said resolution when engaged in the said 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 calculated as working hours of workers who are engaged in the covered work and who come under the scope of the workers stipulated 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) employers shall adopt measures as prescribed in the said resolution to secure the health and welfare of workers, who are engaged in the covered work and who come under the scope of the workers stipulated in item (ii), according to the working hours of the said workers;

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) employers shall adopt measures as prescribed in the said resolution to deal with complaints from workers who are engaged in the covered work and who come under the scope of the workers stipulated 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) when having workers who come under the scope of the workers stipulated in item (ii) perform the covered work as prescribed in this paragraph, employers must obtain the consent of the said workers with respect to the fact that they shall be deemed to have worked the hours stipulated in item (iii), and shall not dismiss or treat in any other disadvantageous manner the said worker who does not give the said consent;

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) other matters not stipulated in the preceding items as prescribed by the Ordinance of the Ministry of Health, Labour and Welfare.

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 set forth in the preceding paragraph must conform 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 the said committee was appointed for a set term of office as prescribed by the Ordinance of the Ministry of Health, Labour and Welfare by a labor union organized by a majority of the workers at the workplace concerned (in the case that such labor union is organized), or by a person representing a majority of the workers (in the case that such labor union is not organized);

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 proceedings of the said committee were prepared and maintained as prescribed by the Ordinance of the Ministry of Health, Labor and Welfare, and were made known to the workers at the workplace concerned;

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) other requirements not stipulated in the preceding two items, as prescribed by the Ordinance of the Ministry of Health, Labour and Welfare.

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) The Minister of Health, Labour and Welfare, in order to ensure appropriate working conditions for workers engaged in covered work, and after hearing the opinions of the Labor Policy Council, shall set and announce guidelines with respect to matters stipulated in each item of paragraph (1) and to other matters decided up on by the committee stipulated in the said 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) An employer who has given notification as stipulated in paragraph (1) must, as prescribed by the Ordinance of the Ministry of Health, Labour and Welfare, regularly submit to there levant government agency a report on the state of implementation of the measures stipulated in item (iv) of the said paragraph.

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條の二第一項、第三十二條の三、第三十二條の四第一項及び第二項、第三十二條の五第一項、第三十四條第二項ただし書、第三十六條第一項、第三十七條第三項、第三十八條の二第二項、前條第一項並びに次條第四項、第六項及び第七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條の二第一項、第三十二條の三、第三十二條の四第一項から第三項まで、第三十二條の五第一項、第三十四條第二項ただし書、第三十六條、第三十七條第三項、第三十八條の二第二項、前條第一項並びに次條第四項、第六項及び第七項ただし書の規定の適用については、第三十二條の二第一項中「協定」とあるのは「協定若しくは第三十八條の四第一項に規定する委員会の決議（第百六條第一項を除き、以下「決議」という。）」と、第三十二條の三、第三十二條の四第一項から第三項まで、第三十二條の五第一項、第三十四條第二項ただし書、第三十六條第二項、第三十七條第三項、第三十八條の二第二項、前條第一項並びに次條第四項、第六項及び第七項ただし書中「協定」とあるのは「協定又は決議」と、第三十二條の四第二項中「同意を得て」とあるのは「同意を得て、又は決議に基づき」と、第三十六條第一項中「届け出た場合」とあるの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、は「届け出た場合又は決議同條第三項中「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、同條第四項中「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) With respect to the application of the provisions of paragraph (1) of Article 32-2, Article 32-3, paragraphs (1) through (3) of Article 32-4, paragraph (1) of Article 32-5, the proviso to paragraph (2) of Article 34, paragraph (1) of Article 36, paragraph (3) of Article 37, paragraph (2) of Article 38-2, paragraph (1) of the preceding Article and paragraph (4), (6) and the proviso to paragraph (7) of the following Article, in the event that the committee stipulated in paragraph (1) makes a decision by a majority of four fifths or more of the members regarding matters stipulated in paragraph (1) of Article 32-2, Article 32-3, paragraphs (1) and (2) of Article 32-4, paragraph (1) of Article 32-5, the proviso to paragraph (2) of Article 34, paragraph (1) of Article 36, paragraph (3) of Article 37, paragraph (2) of Article 38-2, paragraph (1) of the preceding Article, and paragraph (4), (6) and the proviso to paragraph (7) of the following Article, the phrase "agreement with a labor union organized by a majority of the workers at the workplace (in the case that such union is organized), or with a person representing a majority of the workers (in the case that such union is not organized)" in paragraph (1) of Article 32-2 shall be read as "agreement with a labor union organized by a

majority of the workers at the workplace (in the case that such union is organized), or with a person representing a majority of the workers (in the case that such union is not organized), or a resolution of the committee stipulated in paragraph (1) of Article 38-4 (hereinafter referred to as 'resolution' except in paragraph (1) of Article 106)", the phrase "written agreement" in Article 32-3, paragraphs (1) through 3 of Article 32-4, paragraph (1) of Article 32-5, the proviso to paragraph (2) of Article 34, paragraph (2) of Article 36, paragraph (3) of Article 37, paragraph (2) of Article 38-2, paragraph (1) of the preceding Article, and paragraph (4), (6) and the proviso to paragraph (7) of the following Article shall be read as "written agreement or resolution", , the phrase "with the consent of either a labor union organized by a majority of the workers at the workplace concerned (in the case that such labor union is organized) or a person representing a majority of the workers at a workplace (in the case that such labor union is not organized)" in paragraph (2) of Article 32-4 shall be read as "with the consent of either a labor union organized by a majority of the workers at the workplace concerned (in the case that such labor union is organized) or a person representing a majority of the workers at a workplace (in the case that such labor union is organized), or based on a resolution", the phrases "notified the relevant government agency of the such agreement" and "in accordance with the provisions of the said agreement" in paragraph (1) of Article 36 shall be read respectively as "notified the relevant government agency of the such agreement or resolution" and "in accordance with the provisions of the said agreement or resolution", the phrases "or the person representing a majority of the workers who enter into the agreement stipulated in paragraph (1)" and "the said agreement" in paragraph (3) of Article 36 shall be read respectively as "or the person representing a majority of the workers who enter into the agreement stipulated in paragraph (1), or the committee members making the resolution stipulated in the said paragraph," and "the said agreement or resolution", and the phrase "or the person representing a majority of the workers who enter into the agreement stipulated in paragraph (1)" in paragraph (4) of Article 36 shall be read as "or the person representing a majority of the workers who enter into the agreement stipulated in paragraph (1), or the committee members making the resolution stipulated in the said 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 An employer shall grant annual paid leave of 10 working days, either consecutive or divided, to workers who have been employed continuously for 6 months from the day of their being hired and who have reported for 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) With respect to workers who have been employed continuously for at least one year and a half, an employer shall grant annual paid leave, calculated by adding to the number of days set forth in the preceding paragraph, the number of working days stipulated in the lower row of the following table corresponding to the number of years of continuous service from the day of their having served continuously for 6 months (hereinafter referred to as "6 months completion day") in the upper row of the table for each additional year of continuous service from the 6 months completion day; provided, however, that for workers who have reported for work on less than 80 percent of the total working days for the one-year period ending with the day before the first day of each one-year period from the 6 months completion day (when the final period is less than one year, the period concerned), the employer is not required to grant paid leave for the one year following the said first day.

六箇月経過日から起算した継続勤務年数 Number of years of continuous service from the six months 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) The number of days of annual paid leave for workers specified in the following items (excluding workers whose prescribed weekly working hours are not less than the hours fixed by the Ordinance of the Ministry of Health, Labour and Welfare) shall be based on the number of days of annual paid leave specified in the two preceding paragraphs, but, regardless of the provisions of those two paragraphs, shall be fixed by the Ordinance of the Ministry of Health, Labor and Welfare with due consideration to the ratio of the number of days specified by the Ordinance of the Ministry of Health, Labour and Welfare as the prescribed working days in a week for ordinary workers (referred to as "the prescribed weekly working days of ordinary workers" in item (i)) to either the number of prescribed weekly working days for the workers concerned or the average number of prescribed working days per week for the workers 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) Workers for whom the number of prescribed weekly working days is not more than the number of days specified by the Ordinance 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 ordinary workers;

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) With respect to workers for whom the number of prescribed working days is calculated on the basis of units of time other than weeks, those workers for whom the number of prescribed annual working days is not more than the number of days specified by the Ordinance of the Ministry of Health, Labour and Welfare, with due consideration to the number of prescribed annual working days for workers for whom the number of prescribed weekly working days is deemed to be greater by one than the number specified by the Ordinance of the Ministry of Health, Labour and Welfare referred to in the preceding item and to 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。

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

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。)

三 その他厚生労働省令で定める事項

(4) In the event that an employer determines the following matters, pursuant to a written agreement either with a labor union organized by a majority of the workers at the workplace concerned (in the case that such labor union is organized) or with a person representing a majority of the workers (in the case that such labor union is not organized), when a worker falling under the category of workers listed in item (i) requests paid leave by the hour, the employer may grant paid leave by the hour, as specified by the said written agreement, for the number of days listed in item (ii) out of the paid leave under the preceding three paragraphs, irrespective of these provisions:

(i) The category of workers to whom paid leave may be granted by the hour;

(ii) The number of days during paid leave that may be granted by the hour (not exceeding five days);

(iii) Other matters as set forth by Ordinance 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) The employer shall grant paid leave under the provisions of the each preceding paragraphs during the period requested by the worker; provided, however, that when the granting of leave in the requested period would interfere with the normal operation of the enterprise, the employer may grant the leave during another period.

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) In the event that an employer, pursuant to a written agreement either with a labor union organized by a majority of the workers at the workplace concerned (in the case that such labor union is organized) or with a person representing a majority of the workers (in the case that such labor union is not organized), has made a stipulation with regard to the period in which paid leave under the provisions of paragraphs (1) to (3) inclusive will be granted, the employer may, notwithstanding the provisions of the preceding paragraph, grant paid leave in accordance with such stipulation for the portions of paid leave under the provisions of paragraphs (1) to (3) inclusive in excess of 5 days.

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）第九十九条第一項に定める標準報酬日額に相当する金額又は当該金額を基準として厚生労働省令で定める所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。

(7) For the period of paid leave under the provisions of paragraphs (1) through (3) inclusive or the hours of paid leave under the provisions of paragraph (4), the

employer shall, in accordance with the rules of employment or the equivalent thereto, pay any of the average wage, the amount of wages that would normally be paid for working the prescribed working hours, or the amount of wages calculated based on these amounts as specified by Ordinance of the Ministry of Health, Labor and Welfare; however, that when there is a written agreement either with a laborunion organized by a majority of the workers at the workplace concerned (in the case that where such laborunion is organized) or with a person representing a majority of the workers in the case that such labor union is not organized), which provides for the payment for the period or the hours respectively of asum equivalent to the daily amount of standard remuneration, or the amount calculated based on these amounts as specified by Ordinance of Ministry of Health, and Welfare; provided for under paragraph (1) of Article 99 of the Health Insurance Law (Act No.70 of 1922), such agreement shall be complied with.

8 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。

(8) With respect to the application of the provisions of paragraphs (1) and (2), a worker shall be deemed to have reported for work during periods of rest for medical treatment for injuries or illness suffered in the course of employment, during periods of rest for child care leave prescribed in item (i) of Article 2 of the Law Concerning the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave or for family care leave prescribed in item (ii) of the said Article, and during periods of rest for women before and after child birth pursuant to the provisions of Article 65.

(労働時間及び休憩の特例)

(Special Provisions on Working Hours and Rest Periods)

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 With respect to enterprises other than those stipulated in items (i)

through (iii), (vi) and (vii) of Annexed Table No.1, as to which there is a need in order to avoid public inconvenience or another special need, special provisions may be established by the Ordinance of the Ministry of Health, Labour and Welfare to the extent of the unavoidable needs, regarding working hours under Articles 32 through 32-5 and rest periods under Article 34.

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 special provisions set forth in the preceding paragraph shall conform closely to the standards set forth in this Act and shall not be detrimental to the health and welfare of workers.

(労働時間等に関する規定の適用除外)

(Exclusion from Application of Provisions on Working Hours, etc.)

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 regarding working hours, rest periods and days off set forth in this Chapter, Chapter VI and Chapter VI-II shall not apply to workers coming 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) Persons engaged in enterprises stipulated in item (vi) (excluding forestry) or item (vii) of Annexed Table No. 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) Persons in positions of supervision or management or persons handling confidential matters, regardless of the type of enterprise;

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) Persons engaged in monitoring or in intermittent labor, with respect to which the employer has obtained permission from the relevant government agency.

第五章 安全と衛生

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 Matters concerning the safety and health of workers shall be as provided for in the Industrial Safety and Health Law (Act No. 57 of 1972).

第四十三条から第五十五条まで 削除
Articles 43 to 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 An employer shall not employ children until the end of the first 31st of March that occurs on or after the day when they reach the age of 15 years.

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, children 13 years of age and above may be employed in occupations in enterprises other than those stipulated in items (i) through (v) of Annexed Table No.1, which involve light labor that is not injurious to the health and welfare of the children, with the permission of the relevant government agency. The same shall apply to children under 13 years of age employed in motion picture production and theatrical performance enterprises.

(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 The employer shall keep at the workplace family register certificates which certify the age 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) With respect to a child employed pursuant to paragraph (2) of the preceding

Artic, the employer shall 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 of 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 The person who has parental authority for, or is the legal guardian of, the minor shall not make 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) The person who has parental authority for, or is the legal guardian of, the 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 The minor may request wages in dependently. The person who has parental authority for, or the legal guardian of, the minor, shall not receive the wages earned by the minor 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、第三十六条及び第四十条の規定は、満十八歳に満たない者については、これを適用しない。

Articl 60 The provisions of Articles 32-2 through 32-5, 36 and 40 shall not apply to minors 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) With respect to the application of the provisions of Article 32 to children employed pursuant to paragraph (2) of Article 56, the phrase "40 hours perweek" in paragraph (1) of Article 32 shall be read as "40 hours per week including school hours", and the phrase "8 hours per day" in paragraph (2) of Article 32 shall be read as "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, with respect to minors 15 years or more of age and under 18 years of age, until they reach the age of 18 years (excluding the period until the first 31st of March that occurs on or after the day when they reach the age of 15 years) they may be employed in accordance with the following provisions:

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) In the event that the total working hours in a week does not exceed the working hours stipulated in paragraph (1) of Article 32, and the working hours for any one day of the week has been reduced to no more than 4 hours, the working hours for the other days 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) For the weekly working hours to be stipulated by the Ordinance of the Ministry of Health, Labour and Welfare which do not exceed 48 hours and for the daily working hours not exceeding 8 hours, an employer may have the workers work in accordance with the provisions of Article 32-2 or Article 32-4 and Article 32-4-2.

(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 An employer shall not have a person under 18 years of age work between the hours of 10 p.m. to 5 a.m.; provided, however, that this shall not apply to males 16 years or more of age employed on a shift work basis.

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) In the event that the Minister of Health, Labour and Welfare deems it necessary, the Minister may change the hours set forth in the preceding

paragraph to the hours of 11p.m. to 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) With respect to work that is done in shifts, with the permission of the relevant government agency, an employer may have workers work until 10:30 p.m., notwithstanding the provisions of paragraph (1), or may have workers work from 5:30 a.m., notwithstanding the provisions of the preceding paragraph.

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 shall not apply in the event that the employer extends the working hours or has workers work on days off pursuant to the provisions of paragraph (1) of Article 33, nor shall they apply to enterprises stipulated in items (vi), (vii) or 13 of Annexed Table No.1, or to the 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) With respect to children employed pursuant to the provisions of paragraph (2) of Article 56, the hours set forth in paragraph (1) shall be the hours of 8 p.m. to 5 a.m., and the hours set forth in paragraph (2) shall be the hours of 9 p.m. to 6 a.m.

(危険有害業務の就業制限)

(Restrictions on Dangerous and Harmful Jobs)

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 An employer shall not allow persons under 18 years of age to clean, oil, inspect or repair the dangerous parts of any machinery or power-transmission apparatus while in operation, to put on or take off the driving belts or ropes of any machinery or power-transmission apparatus while in operation, to operate a

crane, or to engage in any other dangerous work as specified by the Ordinance of the Ministry of Health, Labour and Welfare, or to handle heavy materials as specified by the Ordinance 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 shall not have persons under 18 years of age engage in work involving the handling of poisons, deleterious substances or other injurious substances, or explosive, combustible or inflammable substances, or work in places where dust or powder is dispersed, or harmful gas or radiation is generated, or places of high temperatures or pressures, or other places which are dangerous or injurious 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) The scope of the work prescribed in the preceding paragraph shall be provided for by the Ordinance of the Ministry of Health, Labour and Welfare.

(坑内労働の禁止)

(Ban 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 shall not have persons 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 In the event that a worker under 18 years of age returns home within 14 days from dismissal, the employer shall bear the necessary traveling expenses; provided, however, that this shall not apply to a worker under 18 years of age if such worker was dismissed for reasons attributable to that worker and the employer has obtained acknowledgment of such reasons by the relevant government agency.

第六章の二 女性

CHAPTER VI-II WOMEN

(坑内労働の禁止)

(Ban on Belowground Labor)

第六十四条の二 使用者は、満十八才以上の女性を坑内で労働させてはならない。ただし、臨時の必要のため坑内で行われる業務で厚生労働省令で定めるものに従事する者（次条第一項に規定する妊産婦で厚生労働省令で定めるものを除く。）については、この限りでない。

Article 64-2 An employer shall not have women 18 years or more of age work underground; provided, however, that this shall not apply to those engaged in work specified by the Ordinance of the Ministry of Health, Labour and Welfare which is performed underground due to temporary necessity (excluding those specified by the Ordinance of the Ministry of Health, Labour and Welfare as expectant or nursing mothers, as provided in paragraph (1) of the following Article).

(妊産婦等に係る危険有害業務の就業制限)

(Limitations on Dangerous and Injurious Work for Expectant and Nursing Mothers)

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 An employer shall not assign pregnant women or women within one year after childbirth (hereinafter referred to as "expectant or nursing mothers") to work involving the handling of heavy materials, work in places where harmful gas is generated, or other work injurious to pregnancy, childbirth, nursing and the like.

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) With respect to work injurious to the functions related to pregnancy and childbirth, which is set forth in the provisions of the preceding paragraph, they may be applied mutatis mutandis by the Ordinance of the Ministry of Health, Labour and Welfare to women other than expectant or nursing mothers.

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) The scope of work prescribed in the preceding two paragraphs and the scope of persons who shall not be assigned to such work pursuant thereto shall be specified by the Ordinance of the Ministry of Health, Labour and Welfare.

(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 In the event that a woman who is expected to give birth within 6 weeks (or within 14 weeks in the case of multiple fetuses) requests leave from work, the employer shall 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られた業務に就かせることは、差し支えない。

(2) An employer shall not have a woman work within 8 weeks after childbirth; provided, however, that this shall not prevent an employer from having such a woman work, if she has so requested, after 6 weeks have passed since childbirth in activities which 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) In the event that a pregnant woman has so requested, an employer shall transfer her to other light activities.

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 Notwithstanding the provisions of paragraph (1) of Article 32-2, paragraph (1) of Article 32-4, and paragraph (1) of Article 32-5, an employer shall not have an expectant or nursing mother work in excess of the working hours stipulated in paragraph (1) of Article 32 per week, nor in excess of the working hours stipulated in paragraph (2) of the same Article per day, if so requested by the expectant or nursing mother.

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, paragraphs (1) and (3), and paragraph (1) of Article 36, in the event that an expectant or nursing mother has so requested, an employer shall not have her work overtime nor work 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) In the event that an expectant or nursing mother has so requested, an employer shall not have 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 A woman raising an infant under the age of one year may request time to care for the infant of at least 30 minutes twice a day, in addition to the rest periods stipulated 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) The employer shall not have the said woman work during the childcare time set forth 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 for Whom Work During Menstrual Periods Would Be Especially Difficult)

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 When a woman for whom work during menstrual periods would be especially difficult has requested leave, the employer shall not have the said woman work on days of the 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 Evils of Apprenticeship)

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 An employer shall not exploit an apprentice, student, trainee, or other worker, by whatever name such person may be called, by reason of the fact that such 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 shall 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並びに第六十三条及び第六十四条の二の年少者及び女性の坑内労働の禁止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、満十六才に満たない者に関しては、この限りでない。

Article 70 With respect to workers receiving vocational training which has received recognition as provided for in paragraph (1) of Article 24 of the Vocational Ability Development and Promotion Law (Act No.64 of 1969) (including cases where the same provisions are applied mutatis mutandis under paragraph (2) of Article 27-2 of that Law), when there is a necessity, the provisions of Article 14 paragraph (1) concerning the contract period, the provisions of Articles 62 and 64-3 concerning restrictions on dangerous and injurious jobs for minors and expectant or nursing mothers and others, and the provisions of Articles 63 and 64-2 concerning the ban on belowground labor by minors and women may be otherwise provided for by the Ordinance of the Ministry of Health, Labour and Welfare to the extent of the necessity; provided, however, that with respect to the ban on belowground labor by minors under Article 63, this shall not apply to persons under 16 years of age.

第七十一条 前条の規定に基づ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 An Ordinance of the Ministry of Health, Labour and Welfare issued under the provisions of the preceding Article shall not be applicable 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 the said Ordinance 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 With respect to the application of the provisions of Article 39 to minors who are subject to the application of the Ordinance of the Ministry of Health, Labour and Welfare under the provisions of Article 70, the phrase "10 working days" in paragraph (1) of Article 39 shall be read as "12 working days", and the phrase "10 workingdays" in the "6 years or more" column of the table in paragraph (2) of the said Article shall be read as "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づ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 In the event that an employer, who has received permission pursuant to provisions of Article 71, violates an Ordinance of the Ministry of Health, Labour and Welfare issued pursuant to provisions of Article 70, the relevant government agency may rescind such permission.

第七十四条 削除

Article 74 Deleted.

第八章 災害補償

CHAPTER VIII ACCIDENT COMPENSATION

(療養補償)

(Medical Compensation)

第七十五条 労働者が業務上負傷し、又は疾病にかかった場合においては、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 In the event that a worker suffers an injury or illness in the course of

employment, the employer shall furnish necessary medical treatment at its expense or shall bear the expense for 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) The scope of illness in the course of employment and of medical treatment under the provisions of the preceding paragraph shall be established by the Ordinance of the Ministry of Health, Labour and Welfare.

(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 In the event that a worker does not receive wages because the worker is unable to work by reason of medical treatment under the provisions of the preceding Article, the employer shall pay compensation for 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、又は疾病にかかっ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) In the event that the per capita average monthly amount of ordinary wages payable in the period of January through March, April through June, July through September, or October through December, respectively (any such period being referred to hereinafter as a "quarter"), for the number of the prescribed working hours for a worker at the same workplace and engaged in the same type of work as the worker receiving compensation for absence from work pursuant to the preceding paragraph (or, for a workplace where less than 100 workers are

ordinarily employed, the average monthly amount during the quarter per worker of compensation paid every month 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 shall be referred to as the "average compensation amount") exceeds 120 percent of the average compensation amount during the quarter in which the worker in question suffered the injury or illness in the engagement of the employment, or falls below 80 percent of that same amount, the employer shall 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 such rate of increase or decrease in the second quarter following the quarter in which the increase or decrease occurred; and the employer shall make compensation for absence from work of such adjusted amount from the first month of the quarter in which such adjustment takes effect. Thereafter, adjustment to the previously adjusted amount of compensation for absence from work shall be made in the same manner.

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) The method of adjustment and other necessary matters regarding the adjustment pursuant to the provisions of the preceding paragraph, where it would be difficult to follow those provisions, shall be established by an Ordinance of the Ministry of Health, Labour and Welfare.

(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 With respect to a worker who has suffered an injury or illness in the course of employment and who remains physically disabled after recovery, the employer shall, in accordance with the degree of such disability, pay compensation for the disability of an amount determined by multiplying the average wage by the number of days set forth in Annexed Table No. 2.

(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 In the event that a worker suffers an injury or illness in the course of employment as a result of gross negligence of the worker, and the employer has received acknowledgment of such negligence from 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 In the event that a worker has died in the course of employment, the employer shall pay compensation to the bereaved family equivalent to the average wage that would be earned over 1,000 days.

(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 In the event that a worker has died in the course of employment, the employer shall pay an amount equivalent to the average wage that would be earned over 60 days as funeral expenses to the person managing the funeral rites.

(打切補償)

(Compensation for Discontinuance)

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 In the event that 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 the compensation, equivalent to the average

wage that would be earned over 1,200 days; there after, the employer shall not be obligated to pay compensation under the provisions of this Act.

(分割補償)

(Payment of Compensation 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 In the event that an employer demonstrates an ability to pay and obtains the consent of the person entitled to compensation, the employer may pay an annual compensation for six-years of the amount derived by multiplying the average wage by the number of days set forth in Annexed Table No. 3 in place of the compensation stipulated in Articles 77 or 79.

(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 The right to receive compensation shall not be affected by the retirement of the worker.

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 shall not be transferred or seized.

(他の法律との関係)

(Relation to Other Acts)

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 In the event that payments equivalent to accident compensation under this Act are to be made under the Industrial Accident Compensation Insurance Act (Act No.50 of 1947) or under some other laws and regulations as designated by the Ordinance of the Ministry of Health, Labour and Welfare, for matters that would give rise to accident compensation under the provisions of this Act, the employer shall be exempt from the responsibility of making 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) In the event that an employer has paid compensation under this Act, the employer shall be exempt, up to the amount of such payments, from the responsibility for damages under the Civil Code based on the same grounds.

(審査及び仲裁)

(Examination 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 Persons who object to acknowledgment of injury, illness, or death in the course of employment; the method of medical treatment; the determination of the amount of compensation; or other matters pertaining to the compensation, may apply to the relevant government agency for examination or arbitration of such cases.

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) The relevant government agency, when it deems necessary, may examine or arbitrate cases 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) When a civil action has been filed with respect to a case on which an application for examination or arbitration 1 has been made under paragraph, or with respect to a case on which the relevant government agency has commenced an examination or arbitration pursuant to the preceding paragraph, the relevant government agency shall not conduct an examination or arbitration with respect to the case in question.

4 行政官庁は、審査又は仲裁のために必要が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) The relevant government agency, when it deems it necessary for purposes of the examination or arbitration, may have a physician perform diagnosis or 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) With respect to interruption of the period of prescription, an application for

examination or arbitration under paragraph (1) and/or the commencement of examination or arbitration under paragraph (2) shall be 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 A person having a complaint about the results of an examination and/or arbitration pursuant to the provisions of the preceding Article may apply for examination 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 shall apply mutatis mutandis to an application for examination or arbitration pursuant to the provisions of the preceding paragraph.

(請負事業に関する例外)

(Exceptions for Contract 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 For enterprises designated by the Ordinance of the Ministry of Health, Labour and Welfare pursuant to a series of contracts for work, the prime contractor shall be deemed to be the employer with respect to accident compensation.

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 the case set forth in the preceding paragraph, if the prime contractor has by written contract had a subcontractor assume responsibility for the compensation, the subcontractor shall also be regarded as the employer; provided, however, that the prime contractor shall not have two or more subcontractors assume responsibility for compensation with respect to the same enterprise.

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、まず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 the case set forth in the preceding paragraph, if the prime contractor has

received a request for compensation, the prime contractor may request that a demand for compensation first be made to the subcontractor that has assumed responsibility for compensation; provided, however, that this shall not apply in the event that the subcontractor has been subject to the commencement of bankruptcy procedures or has disappeared.

(補償に関する細目)

(Particulars Regarding 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 Particulars regarding compensation other than those set forth in this Chapter shall be stipulated by the Ordinance of the Ministry of Health, Labor and Welfare.

第九章 就業規則

CHAPTER IX RULES OF EMPLOYMENT

(作成及び届出の義務)

(Responsibility for Drawing up and Submitting)

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 who continuously employs 10 or more workers shall draw up rules of employment covering the following items and shall submit those rules of employment to the relevant government agency. In the event that the employer alters the following items, the same shall apply:

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) Matters pertaining to the times at which work begins and at which work ends, rest periods, days off, leaves, and matters pertaining to shifts when workers are employed 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) Matters pertaining to the methods for determination, computation and payment of wages (excluding extraordinary wages and the like; hereinafter in this item the same qualification shall apply); the dates for closing 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) Matters pertaining to retirement (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 In the event that there are stipulations for retirement allowances, matters pertaining to the scope of workers covered; methods for determination, computation, and payment of retirement allowances; and the dates for payment of retirement allowances;

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) In the event that there are stipulations for extraordinary wages and the like (but excluding retirement allowances) and/or minimum wage amounts, matters pertaining thereto;

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) In the event that there are stipulations for having workers bear the cost of food supplies for work, and other expenses, matters pertaining thereto;

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) In the event that there are stipulations concerning safety and health, matters pertaining thereto;

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) In the event that there are stipulations concerning vocational training, matters pertaining thereto;

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) In the event that there are stipulations concerning accident compensation and support for injury or illness outside the course of employment, matters pertaining thereto;

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) In the event that there are stipulations concerning commendations and/or sanctions, matters pertaining to their kind and degree;

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) In the event that there are stipulations applicable to all workers at the workplace in addition to those contained in the preceding items, matters pertaining thereto.

(作成の手續)

(Procedures for Drawing Up)

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 In drawing up or changing the rules of employment, the employer shall ask the opinion of either a labor union organized by a majority of the workers at the workplace concerned (in the case that such labor union is organized), or a person representing a majority of the workers (in the case that such labor union is not organized).

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 submitting the rules of employment pursuant to the provisions of the preceding Article, the employer shall attach a document setting forth the opinion set forth in the preceding paragraph.

(制裁規定の制限)

(Restrictions on Sanction Provisions)

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 In the event that the rules of employment provide for a decrease in wages as a sanction against a worker, the amount of decrease for a single occasion shall not exceed 50 percent of the daily average wage, and the total amount of decrease shall 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)

(Relation 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 The rules of employment shall not infringe 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抵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 rules of employment which conflict with laws and regulations or with collective agreements.

(効力)

(Validity)

第九十三条 就業規則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、就業規則で定める基準による。

Article 93 Labor contracts which stipulate working conditions that do not meet the standards established by the rules of employment shall be invalid with respect to such portions. In such case the portions which have become invalid shall be governed by the standards established by the rules of employment.

第十章 寄宿舍

CHAPTER X DORMITORIES

(寄宿舍生活の自治)

(Autonomy of Dormitory Life)

第九十四条 使用者は、事業の附属寄宿舍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 An employer shall not infringe upon the freedom of personal lives of workers living in dormitories attached to the enterprise.

2 使用者は、寮長、室長その他寄宿舍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 shall not interfere in the selection of dormitory leaders, room leaders, and other leaders necessary for the autonomy of dormitory life.

(寄宿舍生活の秩序)

(Order in Dormitory Life)

第九十五条 事業の附属寄宿舍に労働者を寄宿させる使用者は、左の事項について寄宿舍規則を作成し、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 An employer who has workers live in dormitories attached to the enterprise shall draw up dormitory rules with respect to the following items and shall notify such rules to the relevant government agency. In the event that the employer alters these rules, the same shall apply:

一 起床、就寝、外出及び外泊に関する事項

(i) Matters pertaining to rising, going to bed, going out, and staying out overnight;

二 行事に関する事項

(ii) Matters pertaining to regular events;

三 食事に関する事項

(iii) Matters pertaining to meals;

四 安全及び衛生に関する事項

(iv) Matters pertaining to safety and health;

五 建設物及び設備の管理に関する事項

(v) Matters pertaining 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) With respect to drafting and/or alteration of provisions concerning items (i) through (iv) of the preceding paragraph, the employer shall obtain the consent of a person representing a majority of the workers living in the dormitory.

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 submitting the rules pursuant to the provisions of paragraph (1), the employer shall attach a document establishing the consent set forth 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 living in the dormitory shall observe the dormitory rules.

(寄宿舎の設備及び安全衛生)

(Dormitory 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 With respect to a dormitory attached to the enterprise, an employer shall take necessary measures for ventilation, lighting, illumination, heating, damp-proofing, cleanliness, evacuation, maximum accommodation, and sleeping facilities, and such other measures as are necessary for preservation of the health, morals and life of the workers.

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) Standards for measures to be taken by employers pursuant to the preceding paragraph shall be established by Ordinance of the Ministry of Health, Labor

and Welfare.

(監督上の行政措置)

(Administrative Action 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舍を設置し、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 In the event that an employer seeks to establish, move, or alter a dormitory attached to an enterprise that continuously employs 10 or more workers or a dormitory attached to an enterprise that is dangerous or injurious to health as stipulated by Ordinance of the Ministry of Health, Labour and Welfare, the employer shall submit to the relevant government agency plans that have been established in accordance with standards concerning the prevention of danger and injury and other matters, as set forth in Ordinance 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 construction.

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 the plans when it deems necessary 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舍が、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 In the event that a dormitory attached to an enterprise employing workers is in violation of standards established with respect to safety and health, the relevant government agency may order the employer to suspend use of all or part of the dormitory or to alter all or part of the dormitory, and may make 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 under the preceding paragraph, the relevant government agency may make orders to the workers on necessary matters in connection with the matters

on which it has made orders to the employer.

第十一章 監督機関

CHAPTER XI SUPERVISING BODY

(監督機関の職員等)

(Staff Members of Supervising Body, etc.)

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 Labor Standards Inspectors and other necessary staff members prescribed by Ordinance of the Ministry of Health, Labor and Welfare may be appointed in the Labor Standards Management Bureau (i.e., the department established within the Ministry of Health, Labour and Welfare with administrative responsibility for matters relating to labor conditions and the protection of workers; the same shall apply 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 Standard Inspection Offices shall be 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) Matters relating to the qualifications and appointment and dismissal of Labor Standards Inspectors shall be prescribed by Cabinet Order.

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 pursuant to Cabinet Order in the Ministry of Health, Labour and Welfare.

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) In addition to the provisions of the above two paragraphs, necessary matters relating to the structure and operation of the Labor Standards Inspector Dismissal Council shall be prescribed by Cabinet Order.

第九十八条 削除

Article 98 Deleted.

(労働基準主管局長等の権限)

(Authority of 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。

Articl 99 The Director-General of the Labor Standards Management Bureau, under the direction and supervision of the Minister of Health, Labour and Welfare, shall direct and supervise the directors of the Prefectural Labor Offices; shall administer matters concerning the establishment, revision or abrogation of laws and regulations concerning labor standards, matters concerning the appointment, dismissal and training of labor standards inspectors, matters concerning the establishment and adjustment of regulations concerning inspection methods, matters concerning the preparation of an annual report on inspection, matters concerning the Labor Policy Council and Labor Standards Inspector Dismissal Investigative Council (With respect to matters relating to the Labor Policy Council, limited to those relating to working conditions and the protection of workers.), and other matters relating to the enforcement of this Act; and shall direct and supervise 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, shall direct and supervise the directors of the Labor Standards Inspection Offices within their jurisdiction; shall administer matters concerning the adjustment of inspection methods and other matters relating to the

enforcement of this Act; and shall 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, shall administer inspections, questioning, approvals, acknowledgments, investigations, arbitration, and other matters relating to the implementation of this Act, and shall 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 powers of subordinate government agencies or may have labor standards inspectors belonging to their offices exercise such powers.

(女性主管局長の権限)

(Authority of 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 The Director-General of the Women's Management Bureau (the director of an internal bureau, within the Ministry of Health, Labour and Welfare, responsible for matters relating to Labor issues associated with the special characteristics of women workers; the same shall apply hereinafter) of the Ministry of Health, Labour and Welfare, under the direction and supervision of the Minister of Health, Labour and Welfare, shall administer matters relating to the establishment, revision, abrogation and interpretation of special provisions in this Act relating to women, and, with respect to matters concerning the enforcement thereof, shall advise the Director-General of the Labor Standards Management Bureau and the directors of the government agencies subordinate to that Bureau and shall assist in the direction and supervision of

those subordinate government agencies by the Director-General of the Labor Standards Management Bureau.

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った監督その他に関する文書を読覧し、又は閲覧せしめることができる。

(2) The Director-General of the Women's Management Bureau, personally or through officials of that Bureau designated by the Director-General, may read or have read documents concerning inspections and other matters performed by the Labor Standards Management Bureau or the government agencies subordinate to that Bureau in matters relating to women.

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 shall apply mutatis mutandis to investigations performed by the Director-General of the Women's Management Bureau or by the designated officials belonging to that Bureau, with respect to 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、寄宿舍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 Labor standards inspectors are authorized to inspect workplaces, dormitories, and other associated buildings; to demand the production of books and records; and to conduct questioning of 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 cases under the preceding paragraph, labor standards inspectors shall carry identification proving their status.

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 With respect to a violation of this Act, labor standards inspectors shall exercise the duties of judicial police officers under the Code of Criminal Procedure.

第百三条 労働者を就業させる事業の附属寄宿舍が、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 In the event that a dormitory of an enterprise that employs workers is in violation of standards established with respect to 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 Body)

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 In the event that a violation of this Act or of an ordinance issued pursuant to this Act exists at a workplace, a worker may report such fact 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 shall not dismiss a worker or shall not give a worker other disadvantageous treatment by reason of such worker's having made a report set forth in the preceding paragraph.

(報告等)

(Reports etc.)

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 In the event that the relevant government agency deems it necessary to enforce this Act, the relevant government agency may have an employer or a worker submit a report on the necessary matters or may order an employer or a worker to appear as stipulated by Ordinance 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) In the event that a labor standards inspector deems it necessary to enforce this Act, the inspector may have an employer or a worker submit a report on the

necessary matters or order an employer or a worker to appear.

(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 shall not reveal secrecies learned in the course of duty. The same shall apply even after the labor standards inspector has retired from office.

第十二章 雑則

CHAPTER XII MISCELLANEOUS PROVISIONS

(国の援助義務)

(Assistance Obligation of the State)

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 In order to attain the purpose of this Act, the Minister of Health, Labour and Welfare and the directors of the Prefectural Labor Offices shall provide workers and employers with data and other necessary assistance.

(法令等の周知義務)

(Dissemination of Laws and Regulations, etc.)

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、第六項及び第七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第五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 The employer shall make known to the workers the substance of this Act and ordinances issued under this Act, the rules of employment, the agreements stipulated in paragraph (2) of Article 18, the proviso to paragraph (1) of Article 24, paragraph (1) of Article 32-2, Article 32-3, paragraph (1) of Article 32-4, paragraph (1) of Article 32-5, the proviso to paragraph (2) of Article 34,

paragraph (1) of Article 36, paragraph (3) of Article 37, paragraph (2) of Article 38-2, paragraph (1) of Article 38-3, and paragraph (4), (6) and the proviso to paragraph (7), of Article 39, and the resolutions stipulated in paragraphs (1) and 5 of Article 38-4, by displaying or posting them at all times in a conspicuous location or locations in the workplace, by distributing written copies, or by other methods as prescribed by Ordinance 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) The employer shall make known to the workers living in a dormitory the provisions of this Act and ordinances issued under this Act relating to dormitories and the dormitory rules, by displaying or posting them in a conspicuous location or locations in the dormitory, or by other methods.

(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 The employer shall prepare a roster of workers for each workplace with respect to each worker (excluding day laborers) and shall enter the worker's name, date of birth, personal history, and other matters as prescribed by Ordinance of the Ministry of Health, Labour and Welfare.

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) In the event of a change in any of the matters entered pursuant to the provisions of the preceding paragraph, the employer shall 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 The employer shall prepare a wage ledger for each workplace and shall

enter the facts upon which wage calculations are based, the amount of wages, and other matters as prescribed by Ordinance 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 The employer shall preserve the rosters of workers, wage ledgers and important documents concerning hiring, dismissal, accident compensation, 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 and a person seeking to become a worker may request a certificate of his or her family register free of charge from the person responsible for family registers or a deputy thereof. The same shall apply in the event that 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 ordinances issued under this Act shall be deemed to apply to the state, prefectures, municipalities, and other equivalent bodies.

(命令の制定)

(Establishment of Ordinances of the Ministry)

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 Ordinances issued under this Act shall be established after hearing the opinions of representatives of workers, representatives of employers, and representatives of the public interest on the draft of those ordinances at a public hearing.

(付加金の支払)

(Payment of Additional Amounts)

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七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 A court, pursuant to the request of a worker, may order an employer who has violated the provisions of Articles 20, 26 or 37, or an employer who has not paid wages in accordance with the provisions of Article 39, paragraph (7), to pay, in addition to the unpaid portion of the amount that the employer was required to pay under those provisions, an additional payment of that identical amount; provided, however, that such a request shall 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), accident compensation and other claims under the provisions of this Act shall lapse by prescription if not made within two years; and claims for retirement allowances under the provisions of this Act shall 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 an ordinance under this Act is established, revised or abrogated, necessary transitional measures (including transitional measures on penal provisions) may be stipulated by such ordinance, within limits reasonably deemed to be necessary in connection with such establishment, revision or abrogation.

(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 With the exception of the provisions of Articles 1 through 11, paragraph (2) below, Articles 117 through 119, and Article 121, this Act shall not apply to mariners stipulated in paragraph (1) of Article 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 shall not apply to businesses which employ only relatives who live together 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 who has violated the provisions of Article 5 shall be punished by imprisonment with work of not less than one year and not more than 10 years, or by 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 A person who has violated the provisions of Article 6, Article 56, Article 63 or Article 64-2 shall be punished by imprisonment with work of not more than

one year or by 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 who has violated an Ordinance of the Ministry of Health, Labour and Welfare issued under the provisions of Article 70 (but limited to those portions of such ordinance related to Article 63 or Article 64-2) shall be punished in accordance with the preceding paragraph.

第百十九条 次の各号の一に該当する者は、これを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 Any person who falls under any of the following items shall be punished by imprisonment with work of not more than 6 months or by 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、第二十二條第四項、第三十二条、第三十四条、第三十五条、第三十六条第一項ただし書、第三十七条、第三十九条、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 who has violated the provisions of Article 3, Article 4, Article 7, Article 16, Article 17, paragraph (1) of Article 18, Article 19, Article 20, paragraph (4) of Article 22, Article 32, Article 34, Article 35, the proviso to paragraph (1) of Article 36, Article 37, Article 39, Article 61, Article 62, Articles 64-3 through 67, Article 72, Articles 75 through 77, Article 79, Article 80, paragraph (2) of Article 94, Article 96, or paragraph (2) of Article 104;

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 who has violated an ordinance pursuant to the provisions of paragraph (2) of Article 33, paragraph (2) of Article 96-2, or paragraph (1) of Article 96-3;

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 who has violated an Ordinance of the Minister of Health, Labour and Welfare issued under 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 who has violated an Ordinance of the Ministry of Health, Labour and Welfare issued under the provisions of Article 70 (but limited to those portions of

such ordinance related to the provisions of Article 62 or Article 64-3).

第百二十条 次の各号の一に該当する者は、三十万円以下の罰金に処する。

Article 120 Any person who falls under any of the following items shall be punished by a fine of not more than 300,000 yen:

一 第十四条、第十五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 who has violated the provisions of Article 14, paragraph (1) or (3) of Article 15, paragraph (7) of Article 18, paragraphs (1) through 3 of Article 22, Articles 23 through 27, paragraph (2) of Article 32-2 (including the cases where it is applied mutata smutandis pursuant to paragraph (4) of Article 32-4 and paragraph (3) of Article 32-5), paragraph (2) of Article 32-5, the proviso to paragraph (1) of Article 33, paragraph (3) of Article 38-2 (including the cases where it is applied mutatis mutandis pursuant to paragraph (2) of Article 38-3), Articles 57 through 59, Article 64, Article 68, Article 89, paragraph (1) of Article 90, Article 91, paragraph (1) or 2 of Article 95, paragraph (1) of Article 96-2, Article 105 (including the cases where it is applied mutatis mutandis pursuant to paragraph (3) of Article 100), 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 who has violated an Ordinance of the Ministry of Health, Labour and Welfare issued under the provisions of Article 70 (but limited to those portions of such ordinance 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 who has violated an ordinance under the provisions of paragraph (2) of Article 92, or Article paragraph (2) of 96-3;

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 the cases where it is applied mutatis mutandis pursuant to paragraph (3) of Article 100), a person who has not replied or has made false statements in response to questioning 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, or a person who has not submitted books and records or has submitted books and records containing false entries to a labor standards inspector or to the Director-General of the Women's Management Bureau or an official of that Bureau designated by the Director-General;

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 made a report, has submitted a false report, or has not appeared pursuant to 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 In the event that a person who has violated this Act is an agent or other employee acting on behalf of the business operator of the enterprise, with respect to matters concerning workers at that enterprise, the fine under the relevant Article shall also be assessed against the business operator; provided, however, that this shall not apply in the event that the business operator has taken necessary measures to prevent such violation (In the event that the business operator is a juridical person, the representative thereof shall be deemed business operator; and in the event that the business operator is a minor or an adult ward who lacks the capacity regarding business of an adult, the statutory representative thereof shall be deemed business operator (if the statutory representative is a juridical person, the representative thereof). The same shall apply 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は、

事業主も行為者として罰する。

- (2) In the event that the business operator knew of the plan for the violation but did not take necessary measures to prevent it, knew of the violation and did not take necessary measures to rectify it, or induced the violation, the business operator shall also be punished as the violator.

附 則(抄)

略

Supplementary Provisions

(Omitted)