

Employment Insurance Act

(Act No. 116 of December 28, 1974)

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Chapter I General Provisions

(Purpose)

Article 1 The purpose of the Employment Insurance is to stabilize the standard of living and employment of workers by providing necessary benefits for workers who are unemployed, who are having trouble continuing employment

or who are receiving job-related training, and to facilitate their job-seeking activities, as well as to prevent unemployment, redress the employment situation, increase employment opportunities, develop and improve the capacity of workers, and promote their welfare, so as to contribute to their employment security.

(Administration)

Article 2 (1) The Employment Insurance shall be administered by the government.

(2) Part of the administration of the Employment Insurance may be delegated to prefectural governors pursuant to the provisions of a Cabinet Order.

(Employment Insurance Services)

Article 3 In order to achieve the purposes referred to in Article 1, the Employment Insurance may, in addition to granting benefits for unemployment, etc. undertake services for the stabilization of employment and services for human resources development.

(Definitions)

Article 4 (1) The term "insured person" as used in this Act means a worker who is employed in a covered undertaking other than the person listed in each item of Article 6.

(2) The term "separation from employment" as used in this Act means the termination of the employment relationship between an insured person and the business operator.

(3) The term "unemployment" as used in this Act means the conditions under which an insured person is separated from employment and is unable to find employment in spite of having the will and ability to work.

(4) The term "wage" as used in this Act means the wage, salary, allowance, bonus and all other payments to the worker from the business operator as remuneration for labor under whatever name such remuneration is known (excluding wages that are paid in anything other than currency and are outside the scope specified by an Ordinance of the Ministry of Health, Labour and Welfare).

(5) Necessary matters pertaining to the evaluation of the wages paid to a worker other than in currency shall be specified by an Ordinance of the Ministry of Health, Labour and Welfare.

Chapter II Covered Undertakings, etc.

(Covered Undertakings)

Article 5 (1) In this Act, undertakings in which a worker(s) is employed shall be covered undertakings.

(2) The commencement and expiration of the insurance effect for the covered undertakings are as prescribed by the Act on the Collection of Premiums on Labor Insurance (Act No. 84 of 1969, hereinafter referred to as the "Premiums Collection Act").

(Exclusions from Application)

Article 6 This Act does not apply to those listed in the following items:

- (i) Persons who are employed on or after the day on which they reached 65 years of age (excluding those employed on or after the day on which they reached 65 years of age who have been continuously employed in a covered undertaking by the same business operator from the day before the day on which they reached 65 years of age and those who would, where this Act is deemed to apply, fall under specially insured persons in short-term employment prescribed in paragraph (1) of Article 38 or under insured day workers prescribed in paragraph (1) of Article 43);
- (i)-2 Part-time workers who fall under those listed in each item of paragraph (1) of Article 38 (meaning those whose prescribed weekly working hours are shorter than the prescribed weekly working hours of ordinary workers employed in the same covered undertaking and fewer than the number of hours specified by the Minister of Health, Labour and Welfare; the same shall apply in item (i) of paragraph (1) of Article 13 and excluding those who would, where this Act is deemed to apply, fall under insured day workers prescribed in paragraph (1) of Article 43);
- (i)-3 Day workers prescribed in Article 42 who do not fall under any of the items of paragraph (1) of Article 43 (excluding those who have obtained approval from the Chief of the Public Employment Security Office, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare);
- (ii) Persons who are employed in a seasonal undertaking scheduled for a period not exceeding four months;
- (iii) Insured persons under mariners insurance pursuant to the provision of Article 17 of the Mariners Insurance Act (Act No. 73 of 1939);
- (iv) Persons who are employed by the national, prefectural or municipal governments or in the undertakings of equivalent bodies and who would, in the case of separation from employment, be qualified to receive payment, based on other laws and regulations, ordinances and rules, etc., of benefits that are deemed to exceed the level of job applicant benefits and employment promotion benefits and who are specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(Notification concerning Insured Persons)

Article 7 Pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare, a business operator (where the original contractor is regarded as the business operator pursuant to the provisions of paragraph (1) or paragraph (2) of Article 8 of the Premiums Collection Act, with regard to those workers engaged in said undertaking other than those employed by the original contractor, the sub-contractor who employs said workers; the same shall apply hereinafter) shall notify the Minister of Health, Labour and Welfare of the fact that workers he/she employs have become insured persons or ceased to be insured persons, with regard to a covered undertaking (where a series of undertakings carried out by means of successive contracts is regarded as a single undertaking pursuant to the provisions of paragraph (1) or paragraph (2) of Article 8, with regard to those workers engaged in said undertaking other than those employed by the original contractor, each undertaking pertaining to said successive contracts; the same shall apply hereinafter) carried out by said business operator and of other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare. The same shall apply to a labor insurance affairs association prescribed in paragraph (3) of Article 33 of the Premiums Collection Act that manages affairs relating to the notifications referred to in the first sentence of this Article on behalf of said business operator, pursuant to paragraph (1) of Article 33 of the Premiums Collection Act, as part of the labor insurance-related affairs prescribed in the same paragraph (hereinafter referred to as a "labor insurance affairs association").

(Demand for Confirmation)

Article 8 Any person who is or was an insured person may at any time demand confirmation under the provisions of the following Article.

(Confirmation)

Article 9 (1) Confirmation of the fact that workers have become insured persons or the fact that workers have ceased to be insured persons shall be made by the Minister of Health, Labour and Welfare based on a notification under the provision of Article 7 or a demand under the provision of the preceding Article, or on his/her authority.

(2) With regard to the confirmation referred to in the preceding paragraph, the provisions of Chapter III (excluding Articles 12 and 14) of the Administrative Procedure Act (Act No. 88 of 1993) do not apply.

Chapter III Benefits for Unemployment, etc.

Section 1 General Rules

(Benefits for Unemployment, etc.)

Article 10 (1) Benefits for Unemployment, etc. shall consist of the job applicant benefits, employment promotion benefits, educational training benefits and continuous employment benefits.

(2) The job applicant benefits shall consist of the following:

- (i) Basic allowance;
- (ii) Skill acquisition allowance;
- (iii) Lodging allowance;
- (iv) Injury and disease allowance.

(3) Notwithstanding the provisions of the preceding paragraph, the job applicant benefits for the continuously insured elderly prescribed in paragraph (1) of Article 37-2 shall be the job applicant benefits for the elderly, the job applicant benefits for specially insured persons in short-term employment prescribed in paragraph (1) of Article 38 shall be a special lump sum payment, and the job applicant benefits for the insured day workers prescribed in paragraph (1) of Article 43 shall be the job applicant benefits for day workers.

(4) The employment promotion benefits shall consist of the following:

- (i) Employment promotion allowance;
- (ii) Moving expenses;
- (iii) Wide area job-seeking activity expenses.

(5) The educational training benefits shall consist of payment for the educational training benefits.

(6) The continuous employment benefits shall consist of the following:

- (i) Basic continuous employment benefits for the elderly and re-employment benefits for the elderly (hereinafter referred to as "continuous employment benefits for the elderly" in Subsection 1 of Section 6);
- (ii) Basic childcare leave benefits and re-engagement benefits for persons taking childcare leave (hereinafter referred to as "childcare leave benefits" in Subsection 2 of Section 6);
- (iii) Family care leave benefits.

(Efforts to Find Employment)

Article 10-2 A person who receives payment of the job applicant benefits shall endeavor to find employment by carrying out job-seeking activities sincerely and earnestly, while endeavoring to develop and improve his/her vocational skills as necessary.

(Unpaid Benefits for Unemployment, etc.)

Article 10-3 (1) In the case where a person qualified to receive payment of the

benefits for unemployment, etc. has died and part of the benefits remains unpaid, his/her spouse (including a person in a de facto marital relationship with said person, where the marriage has not been registered), children, parents, grandchildren, grandparents and brothers or sisters, who had shared a livelihood with said person at the time of that person's death, may demand payment of said unpaid part of the benefits for unemployment, etc. in their own names.

- (2) The order of priority in which persons should receive the unpaid part of the benefits for unemployment, etc. pursuant to the provisions of the preceding paragraph, shall be as prescribed in the same paragraph.
- (3) In the case where there are two or more persons of the same rank in the order of priority in which persons are to receive the unpaid part of the benefits for unemployment, etc. pursuant to the provisions of paragraph (1), a demand made by any one of them shall be deemed to have been made on behalf of all of them with regard to the total amount claimable, and any payment made to one of them shall be deemed to have been made to all of them.

(Order to Return Benefits, etc.)

Article 10-4 (1) In the case where a person has received payment of the benefits for unemployment, etc. by means of deceptive or other wrongful conduct, the government may order such person to return the whole or a part of the benefits for unemployment, etc. paid, and may, in accordance with the standards specified by the Minister of Health, Labour and Welfare, order such person to pay the amount not exceeding an amount equivalent to twice the benefits that were received through deceptive or other wrongful conduct.

- (2) In the case referred to in the preceding paragraph, if benefits for unemployment, etc. were paid due to a false notification, report or certification by the business operator, employment placement service provider, etc. (meaning an employment placement provider prescribed in paragraph (7) of Article 4 of the Employment Security Act (Act No. 141 of 1947) or a person who conducts vocational guidance (limited to such guidance as is conducted in accordance with the aptitude, vocational experiences, and other circumstances of a person seeking employment) prescribed in paragraph (4) of the same Article on a regular basis (excluding Public Employment Security Offices and other employment security agencies); the same shall apply hereinafter), or a practitioner of specified educational training (meaning a person who conducts educational training specified by the Minister of Health, Labour and Welfare under paragraph (1) of Article 60-2; the same shall apply hereinafter), the government may order said business operator, employment placement service provider, or practitioner of specified educational training to return the benefits for unemployment, etc., or pay an amount of money, as prescribed in the

preceding paragraph, jointly or severally with the person who received payment of the benefits for unemployment, etc..

(3) The provisions of Article 26 and paragraph (2) of Article 41 of the Premiums Collection Act shall apply mutatis mutandis to cases where the person concerned has failed to pay an amount of money whose return or payment has been ordered pursuant to the provisions of the preceding two paragraphs.

(Protection of the Right to Receive Benefits)

Article 11 The right to receive benefits for unemployment, etc. may not be transferred nor offered as a security nor be subject to attachment.

(Prohibition of Public Imposts)

Article 12 Taxes and other public imposts may not be imposed based on the money received as benefits for unemployment, etc.

Section 2 Job Applicant Benefits for Generally Insured Persons

Subsection 1 Basic Allowance

(Recipient Qualification for the Basic Allowance)

Article 13 (1) The basic allowance shall be paid pursuant to the provisions of this Subsection, where an insured person who becomes unemployed has been insured for a total period of six months or more during the one-year period preceding the day of separation from employment, pursuant to the provisions of the following Article (for insured persons listed in the following items, during the period of one year plus the number of days specified in said respective items (where the aggregate period exceeds four years, four years); referred to as the "period for calculation" in paragraph (1) of Article 17):

- (i) For insured persons who have at one time been part-time workers (hereinafter referred to as "part-time insured persons") for a period during the one-year period preceding the day of separation from employment, the number of days from the day on which said person became a part-time insured worker (when that day is not within the one-year period preceding said day of separation from employment, from the day after the day one year preceding the day of separation) to the day before the day on which the person ceased to be a part-time insured worker;
- (ii) For insured persons who were continuously unable to receive payment of their wages for 30 days or more due to sickness or injury or for any other reason specified by an Ordinance of the Ministry of Health, Labour and Welfare during the one-year period preceding the day of separation from employment (for insured persons listed in the preceding item, for the period of one year plus the number of days specified in the same item), the number

of days for which they were unable to receive payment of their wages for said reason (for insured persons listed in the preceding item, the number of days pursuant to this item plus the number of days specified in the preceding item).

- (2) Confirmation as to whether an insured person falls under a part-time insured worker shall be made by the Minister of Health, Labour and Welfare.

(Insured Period)

Article 14 (1) Each period (limited to those periods with 14 or more days based on which wages were paid) within the overall insured period when the person concerned was an insured person, counted backwards from the day on which said person ceased to be an insured person or from the day before each day that corresponds to that day in each month and is within the overall insured period (for months that do not have a day corresponding to that day, the last day of the month; hereinafter referred to as the "substitute corresponding day" in this paragraph), to the substitute corresponding day in each previous month shall be counted as a full month. Other periods shall not be included in the overall insured period. Provided, however, that, when the number of days in the period from the day on which said person became an insured person, to the day before the first substitute corresponding day thereafter, is 15 days or more and the number of days in the period based on which wages were paid is 14 days or more, said period shall be counted as an insured period of a half month.

- (2) With regard to the application of the provisions of the preceding paragraph in the case where the insured period is a period in which the person concerned was a part-time insured worker, the terms "14 days", "a full month" and "a half month" in the same paragraph shall be deemed to be replaced with "11 days", "a half month" and "a quarter of a month", respectively.

- (3) The periods listed in each of the following items shall not be included when calculating the period in which the person concerned was an insured person prescribed in the preceding two paragraphs pursuant to the provisions of the preceding two paragraphs:

(i) In the case where the person concerned had obtained recipient qualification (meaning qualification for receiving the basic allowance pursuant to the provisions of paragraph (1) of the preceding Article; the same shall apply hereinafter, except in the following Section to Section 4), the recipient qualification for the elderly prescribed in paragraph (2) of Article 37-3 or the special recipient qualification prescribed in paragraph (2) of Article 39, before the day on which he/she most recently became an insured person, the period during which he/she was an insured person preceding the day of separation from employment pertaining to said recipient qualification, recipient qualification for the elderly or special recipient qualification;

- (ii) The period when the person concerned was an insured person before the day two years preceding the day on which it was confirmed that the person had become an insured person pursuant to the provisions of Article 9.

(Recognition of Unemployment)

Article 15 (1) The basic allowance shall be paid with regard to the days on which a person who has recipient qualifications (hereinafter referred to as a "qualified recipient" except in the following Section to Section 4 inclusive) is unemployed (limited to those days with regard to which the recognition of his/her unemployment has been obtained; hereinafter the same shall apply in this Subsection).

(2) To obtain the recognition of unemployment set forth in the preceding paragraph (hereinafter referred to as the "recognition of unemployment" in this Subsection), a qualified recipient shall, after separation from employment, report in person to the Public Employment Security Office and apply for employment pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

(3) The recognition of unemployment shall be given by the Public Employment Security Office to which a qualified recipient has applied for employment, once every four weeks calculated from the day on which he/she first reported in person after separation from employment, with regard to each day of the 28 days immediately before. Provided, however, that the Minister of Health, Labour and Welfare may establish different standards with regard to the recognition of unemployment for qualified recipients who take public vocational training, etc. designated by the Chief of the Public Employment Security Office (meaning vocational training (including training conducted by the Polytechnic University) conducted by Public Human Resources Development Centers established by the State, prefectures or municipalities or the Employment and Human Resources Development Organization of Japan and other training or courses given pursuant to the provisions of laws and regulations, for assisting unemployed persons in adapting to the working environment or for having them acquire the knowledge and skills necessary for gaining employment and that are specified by a Cabinet Order; the same shall apply hereinafter) and for other qualified recipients specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(4) Notwithstanding the provisions of the preceding two paragraphs, in the case where a qualified recipient falls under any of the following items, he/she may obtain the recognition of unemployment by submitting a certificate in which the reason why he/she has been unable to report in person to the Public Employment Security Office is described, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare:

- (i) When he/she has been unable to report in person to the Public Employment Security Office due to sickness or injury and the period thereof has been less than 15 consecutive days;
 - (ii) When he/she has been unable to report in person to the Public Employment Security Office on account of calling on a job offerer to whom he/she has been referred by the Public Employment Security Office;
 - (iii) When he/she has been unable to report in person to the Public Employment Security Office on account of receiving public vocational training, etc., designated by the Chief of the Public Employment Security Office;
 - (iv) When he/she has been unable to report in person to the Public Employment Security Office on account of a natural disaster or other unavoidable reason.
- (5) The recognition of unemployment shall be given by confirming that a qualified recipient has carried out job-seeking activities, such as having called on a job offerer, having been referred to employment by or having received vocational guidance from the Public Employment Security Office and other employment security agencies or employment placement service providers, etc., pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

(Daily Amount of the Basic Allowance)

- Article 16 (1) The daily amount of the basic allowance shall be an amount obtained by multiplying the daily amount of wages by 50 percent (for daily amounts of wages from 2,140 yen up to less than 4,210 yen (when those amounts have been revised pursuant to the provisions of Article 18, the revised amounts), 80 percent; and for daily amounts of wages from 4,210 yen up to not more than 12,220 yen (when those amounts have been revised pursuant to the provisions of Article 18, the revised amounts), the percentage specified by an Ordinance of the Ministry of Health, Labour and Welfare, gradually decreasing within the range of 80 percent to 50 percent, in accordance with the increase in the daily amount of wages).
- (2) With regard to the application of the provisions of the preceding paragraph to qualified recipients who are 60 or over and under 65 years of age on the day of separation from employment pertaining to their recipient qualification, the term "50 percent" in the same paragraph shall be deemed to be replaced with "45 percent" and the term "from 4,210 yen up to not more than 12,220 yen" shall be deemed to be replaced with "from 4,210 yen up to not more than 10,950 yen".

(Daily Amount of Wages)

- Article 17 (1) The daily amount of wages shall be the amount obtained by

dividing by 180 the total amount of wages (excluding wages paid temporarily and wages paid periodically once in a period exceeding three months; the same shall apply in the following paragraph and Section 6) paid during the last six months in the period for calculation that have been counted as the insured period under the provisions of Article 14 (excluding the proviso of paragraph (1) (including cases where that proviso is applied pursuant to paragraph (2) of the same Article, as rephrased therein)) (where said last six months include an insured period counted as a half month under the provisions of paragraph (1) of Article 14 as applied pursuant to paragraph (2) thereof, as rephrased therein, the last six months counted as the insured period when said half month is deemed to be one month in counting the insured period).

(2) In the case where the amount calculated under the provisions of the preceding paragraph is less than the amount listed in each of the following items, the daily amount of wages (excluding those related to qualified recipients who were part-time insured workers on the day of separation from employment pertaining to their recipient qualification) shall, notwithstanding the provisions of the preceding paragraph, be the amount listed in said respective items:

(i) In the case where wages are calculated by the days or hours worked, or are determined by a piece rate or other contract system, the amount equivalent to 70 percent of the amount obtained by dividing the total amount of wages paid during the last six months prescribed in the preceding paragraph by the number of days worked during said last six months;

(ii) In the case where a portion of wages is fixed by the month, the week or any other set period, the total of the amount obtained by dividing the total sum of the portion by the number of days in the period concerned (where a portion of wages is fixed by the month, a month shall be regarded as 30 days) and the amount listed in the preceding item.

(3) In the case where it is difficult to calculate the daily amount of wages pursuant to the provisions of the preceding two paragraphs or where it is found inappropriate to deem the amount calculated pursuant to the provisions of the preceding two paragraphs to be the daily amount of wages, the amount calculated in accordance with the specifications of the Minister of Health, Labour and Welfare shall be deemed to be the daily amount of wages.

(4) Notwithstanding the provisions of the preceding three paragraphs, in the case where the daily amount of wages calculated under these provisions is less than the amount listed in item (i), the amount listed therein, and in the case where the above daily amount of wages exceeds the amount listed in item (ii), the amount listed therein, shall respectively be the daily amount of wages:

(i) 2,140 yen (when the amount has been revised pursuant to the provisions of the following Article, the revised amount);

- (ii) In accordance with the classification of qualified recipients listed in (a) to (d) inclusive below, the amounts specified in (a) to (d) below (when these amounts have been revised pursuant to the provisions of the following Article, the revised amounts, respectively);
- (a) For a qualified recipient who is 60 or over and under 65 years of age on the day of separation from employment pertaining to recipient qualification, 15,580 yen;
 - (b) For a qualified recipient who is 45 or over and under 60 years of age on the day of separation from employment pertaining to recipient qualification, 16,080 yen;
 - (c) For a qualified recipient who is 30 or over and under 45 years of age on the day of separation from employment pertaining to recipient qualification, 14,620 yen;
 - (d) For a qualified recipient who is under 30 years of age on the day of separation from employment pertaining to recipient qualification, 13,160 yen.

(Automatic Revision of the Range, etc. of the Daily Amount of Wages used in Calculating the Daily Amount of the Basic Allowance)

Article 18 (1) When the average earnings (meaning the average amount earned per worker calculated pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare, based on the average regular earnings for workers indicated in the Monthly Labor Statistics compiled by the Ministry of Health, Labour and Welfare, the same shall apply hereinafter) of the fiscal year (meaning April 1 to March 31 of the following year, the same shall apply hereinafter) have either exceeded or fallen below the average earnings for the fiscal year starting April 1, 2001 (when the amount subject to automatic revision has been revised pursuant to the provisions of this Article, the fiscal year preceding the fiscal year when said revision was implemented), the Minister of Health, Labour and Welfare shall revise the daily amount of wages subject to automatic revision applicable from August 1 of the following fiscal year in accordance with the rate of the increase or decrease.

- (2) In the case where there is a fractional amount of one to four yen in the amount subject to automatic revision revised pursuant to the provisions of the preceding paragraph, the amount shall be rounded down to the nearest ten yen. A fractional amount of five to nine yen shall be rounded up to the nearest ten yen.
- (3) "The amount subject to automatic revision" referred to in the preceding two paragraphs means the amounts used in calculating the daily amount of the basic allowance pursuant to the provisions of paragraph (1) of Article 16 (including cases where they are applied pursuant to paragraph (2) of the same

Article, as rephrased therein), being the daily wage range of 2,140 yen to less than 4,210 yen, which is multiplied by 80 percent pursuant to the provisions of paragraph (1) of the same Article and the daily wage range of 4,210 yen to less than 12,220 yen, which is multiplied by a rate from 80 percent to 50 percent pursuant to the provisions of the same paragraph and the amounts listed in each item of paragraph (4) of the preceding Article.

(Reduction in the Amount of the Basic Allowance)

- Article 19 (1) In the case where a qualified recipient has earned money by his/her labor during a period for which he/she has obtained the recognition of unemployment, payment of the basic allowance for the number of days on which those earnings have been based (hereinafter referred to as the "number of basis days" in this paragraph) shall be specified by the following provisions:
- (i) When the total of the amount obtained by deducting 1,388 yen (when the amount has been revised pursuant to the provisions of the following paragraph, the revised amount; hereinafter referred to as the "amount of deduction" in this paragraph), from the amount equivalent to the daily amount of earnings (meaning the amount obtained by dividing the total earnings by the number of basis days) and adding the daily amount of the basic allowance (referred to as "the total" in the following item) does not exceed an amount equivalent to 80 percent of the daily amount of wages, the amount obtained by multiplying the daily amount of the basic allowance by the number of basis days shall be paid;
 - (ii) When the total exceeds an amount equivalent to 80 percent of the daily amount of wages (excluding cases falling under the following item), the amount obtained by multiplying the remainder after deducting said excess amount (referred to as "the excess" in the following item) from the daily amount of the basic allowance by the number of basis days shall be paid;
 - (iii) When the excess is more than the daily amount of the basic allowance, the basic allowance for the number of basis days shall not be paid.
- (2) In the case where the average earnings for the fiscal year have exceeded or fallen below the average earnings for the fiscal year starting April 1, 2001 (when the amount of deduction has been revised pursuant to the provisions of this paragraph, the fiscal year preceding the fiscal year when the said revision was implemented), the Minister of Health, Labour and Welfare shall revise the amount of deduction applicable from August 1 of the following fiscal year in accordance with the rate of the increase or decrease.
- (3) In the case where a qualified recipient has earned money by his/her labor during a period for which he/she has obtained the recognition of unemployment, he/she shall submit a report on the amount of earnings and other matters to the Chief of the Public Employment Security Office, pursuant to the provisions

of an Ordinance of the Ministry of Health, Labour and Welfare.

(Benefit Period and the Duration of Benefits)

Article 20 (1) The basic allowance shall be paid, unless otherwise specified in this Act, in accordance with the classification of qualified recipients listed in the following items, for the days of unemployment within the period prescribed in each of said items (where a qualified recipient, who is unable to work for a continuous period of 30 days or more within said period due to pregnancy, childbirth or childcare or for other reasons specified by an Ordinance of the Ministry of Health, Labour and Welfare, has reported to that effect to the Chief of the Public Employment Security Office pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare, the number of days for which the person is unable to work due to said reasons shall be added to said period and where the total period after that addition exceeds four years, the prescribed period shall be four years), within the limit of the number of benefit days equivalent to the prescribed duration of benefits provided for in paragraph (1) of Article 22:

- (i) For qualified recipients other than those listed in items (ii) and (iii) below, one year calculated from the day after the day of separation from employment pertaining to recipient qualification for said basic allowance (hereinafter referred to as "the basis day" in this Subsection);
 - (ii) For qualified recipients who fall under item (i) of paragraph (2) of Article 22 on the basis day, a period of a year plus 60 days calculated from the day after the basis day;
 - (iii) For specific qualified recipients prescribed in paragraph (2) of Article 23 who fall under item (ii), (a) of paragraph (1) of Article 23 on the basis day, a period of a year plus 30 days calculated from the day after the basis day.
- (2) In the case where a qualified recipient whose separation from employment pertaining to said recipient qualification is because of reaching retirement age (limited to retirement ages equal to or exceeding the ages specified by an Ordinance of the Ministry of Health, Labour and Welfare) or for any other reasons specified by an Ordinance of the Ministry of Health, Labour and Welfare, does not wish to apply for employment as prescribed in paragraph (2) of Article 15, during a certain period after said separation from employment, and makes a report to this effect to the Chief of the Public Employment Security Office, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare, the terms "in accordance with the classification of qualified recipient listed in the following items...within the period prescribed in each of said items" and "within said period" in the preceding paragraph shall be deemed to be replaced, respectively, with "within the total of the period prescribed in each of said items plus the period equivalent to a certain period

(limited to one year) during which he/she does not wish to apply for employment as prescribed in the following paragraph (where he/she has applied for employment as prescribed in paragraph (2) of Article 15, during said certain period in which he/she does not wish to apply for employment, the total of the period prescribed in each of said items plus a period equivalent to the period from the day after the day of separation from employment pertaining to recipient qualification for said basic allowance (hereinafter referred to as "the basis day" in this Subsection) until the day before said application for employment is made" and "within said total period"; the term "the day of separation from employment pertaining to recipient qualification for said basic allowance (hereinafter referred to as "the basis day" in this Subsection)" in item (i) of the same paragraph shall be deemed to be replaced with "the basis day".

- (3) In the case referred to in the preceding two paragraphs, when a person who has the recipient qualification referred to in paragraph (1) (hereinafter referred to as "previous recipient qualification" in this paragraph) has newly obtained recipient qualification, recipient qualification for the elderly prescribed in paragraph (2) of Article 37-3, or special recipient qualification prescribed in paragraph (2) of Article 39 during the period under the provisions of the preceding two paragraphs, the basic allowance based on the previous recipient qualification shall not be paid as from the date of obtaining such new qualification.

(Waiting Period)

Article 21 The basic allowance shall not be paid unless a qualified recipient has been unemployed for a period of seven days in total (including days on which he/she is unable to work on account of sickness or injury) as from the day of the first application for employment to the Public Employment Security Office after separation from employment pertaining to recipient qualification for the basic allowance concerned.

(Prescribed Duration of Benefits)

Article 22 (1) The number of days for which the basic allowance is payable based on single recipient qualification (hereinafter referred to as the "prescribed duration of benefits") shall be the number of days specified in each of the following items in accordance with the classification of qualified recipients listed in said respective items:

- (i) For qualified recipients with a basic period for calculation of 20 years or more -- 150 days;
- (ii) For qualified recipients with a basic period for calculation of ten years or more and less than 20 years -- 120 days;

- (iii) For qualified recipients with a basic period for calculation of less than ten years -- 90 days.
- (2) Notwithstanding the provisions of the preceding paragraph, the prescribed duration of benefits for qualified recipients set forth in the preceding paragraph who have difficulty in finding employment for reasons specified by an Ordinance of the Ministry of Health, Labour and Welfare shall be the number of days specified in the following item in accordance with the classification of qualified recipients listed in said item for those with a basic period for calculation equal to or exceeding one year, and 150 days for those with a basic period for calculation of less than one year:
- (i) For qualified recipients who are 45 or over and under 65 years of age on the basis day -- 360 days;
- (ii) For qualified recipients who are under 45 years of age on the basis day -- 300 days.
- (3) The basic period for calculation referred to in the two preceding paragraphs shall be the period in which a qualified recipient specified in those paragraphs has been employed as an insured person in a covered undertaking by the same business operator continuously until the basis day (as for a person who had at one time been an insured person before he/she became an insured person pertaining to said employment period, the total of said employment period and the period for which he/she was such insured person). Provided, however, that, in the case where said period includes periods listed in the following items, the period shall be that calculated by excluding all the periods falling under periods listed in said respective items:
- (i) When the day on which a person most recently ceased to be an insured person immediately preceding the day on which said person became an insured person pertaining to said insured period or said employment period, is not within the one-year period preceding the day on which said person became an insured person, the insured period preceding that immediately preceding said day on which he/she most recently ceased to be an insured person;
- (ii) For those who had received the basic allowance or a special lump sum payment before the day on which they became insured persons pertaining to said employment period, the period during which they were insured persons before the day of their separation from employment pertaining to recipient qualification for these benefits or to the special recipient qualification prescribed in paragraph (2) of Article 39.
- (4) With regard to a single insured period, where the day on which a person became an insured person was before the day two years preceding the day on which confirmation of the person's status as an insured person was made pursuant to the provisions of Article 9, the calculations under the preceding

paragraph shall be carried out by deeming said person to have become an insured person on the day two years preceding the day of said confirmation.

Article 23 (1) Notwithstanding the provisions of paragraph (1) of the preceding Article, the prescribed duration of benefits for specific qualified recipients (limited to those with the basic period for calculation prescribed in paragraph (3) of the preceding Article (hereinafter referred to simply as a "basic period for calculation" in this Article) for one year or more (or for five years or more for the specific qualified recipients listed in items (iii) to (v) inclusive) shall, in accordance with the classification of said specific qualified recipients listed in the following items, be the number of days specified in said items.

- (i) For specific qualified recipients who are 60 or over and under 65 years of age on the basis day, the number of days specified in (a) to (d) inclusive below, in accordance with the classification of the basic periods for calculation listed in (a) to (d) below:
 - (a) Twenty years or more -- 240 days;
 - (b) Ten years or more and less than 20 years -- 210 days;
 - (c) Five years or more and less than ten years -- 180 days;
 - (d) One year or more and less than five years -- 150 days;
- (ii) For specific qualified recipients who are 45 or over and under 60 years of age on the basis day, the number of days specified in (a) to (d) inclusive below, in accordance with the classification of the basic periods for calculation listed in (a) to (d) below:
 - (a) Twenty years or more -- 330 days;
 - (b) Ten years or more and less than 20 years -- 270 days;
 - (c) Five years or more and less than ten years -- 240 days;
 - (d) One year or more and less than five years -- 180 days.
- (iii) For specific qualified recipients who are 35 or over and under 45 years of age on the basis day, the number of days specified in (a) to (c) inclusive below, in accordance with the classification of the basic periods for calculation listed in (a) to (c) below:
 - (a) Twenty years or more -- 270 days;
 - (b) Ten years or more and less than 20 years -- 240 days;
 - (c) Five years or more and less than ten years -- 180 days.
- (iv) For specific qualified recipients who are 30 or over and under 35 years of age on the basis day, the number of days specified in (a) to (c) inclusive below, in accordance with the classification of the basic periods for calculation listed in (a) to (c) below:
 - (a) Twenty years or more -- 240 days;
 - (b) Ten years or more and less than 20 years -- 210 days;
 - (c) Five years or more and less than ten years -- 180 days.

- (v) For specific qualified recipients who are under 30 years of age on the basis day, the number of days specified in (a) or (b) below, in accordance with the classification of the basic periods for calculation listed in (a) or (b) below:
 - (a) Ten years or more -- 180 days;
 - (b) Five years or more and less than ten years -- 120 days.
- (2) The specific qualified recipients set forth in the preceding paragraph are qualified recipients who fall under either of the following items (excluding qualified recipients prescribed in paragraph (2) of the preceding Article):
 - (i) Persons whose separation from employment pertaining to recipient qualification for the basic allowance has been designated by an Ordinance of the Ministry of Health, Labour and Welfare as having accompanied insolvency (meaning the commencement of bankruptcy proceedings, commencement of rehabilitation proceedings, commencement of reorganization proceedings, an application for the commencement of special liquidation or other situations falling under reasons specified by an Ordinance of the Ministry of Health, Labour and Welfare; the same shall apply in item (i) of paragraph (2) of Article 57) that occurred with regard to the undertaking by a business operator who had been employing said persons or the downsizing or discontinuance of a covered undertaking by said business operator;
 - (ii) In addition to what is prescribed in the preceding item, persons who have been dismissed (excluding those who have been dismissed for significant cause imputable to the accused themselves; the same shall apply in item (ii) of paragraph (2) of Article 57) or separated from employment for other reasons specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(Extended Training Benefits)

Article 24 (1) In the case where a qualified recipient takes public vocational training, etc. as directed by the Chief of the Public Employment Security Office (excluding such training, etc. that exceeds the duration specified by a Cabinet Order; hereinafter the same applies in this Article, paragraphs (1) and (2) of Article 36 and paragraph (1) of Article 41), the basic allowance may be paid to the person for a period in excess of the prescribed duration of benefits (where the number of days for which said qualified recipient has received payment of the basic allowance within the period under paragraphs (1) and (2) of Article 20 is less than the prescribed duration of benefits, said number of days for which he/she has received payment of the basic allowance; hereinafter the same shall apply in this Section, except in paragraph (3) of Article 33), with regard to days when the person is unemployed during the duration of said public vocational training, etc. (including periods of time that the person

spends waiting to receive said public vocational training, etc. (limited to the period specified by a Cabinet Order)).

- (2) In the case where the Chief of the Public Employment Security Office finds, in light of criteria specified by a Cabinet Order, that a qualified recipient receiving public vocational training, etc. as directed by the Chief of the Public Employment Security Office (limited to qualified recipients for whom the remaining number of basic allowance benefit days as on the day of completion of said public vocational training, etc. (meaning the number of days for which the basic allowance is payable within the period from the day after the day of completion of said course of public vocational training, etc. to the last day of the benefit period (meaning the period for which the basic allowance is payable for days of unemployment within said period; the same shall apply hereinafter) in the case where the provisions of paragraph (4) do not apply; hereinafter the same shall apply in this paragraph and paragraph (4)) is less than the number of days specified by a Cabinet Order), is a person who has considerable difficulty in finding employment even after completion of said public vocational training, etc., the basic allowance may be paid to that person in excess of the prescribed duration of benefits with regard to the days of unemployment within the period prescribed in paragraph (4). In this case, the number of days for which the basic allowance is payable in excess of the prescribed duration of benefits shall be limited to the number of days obtained by deducting the remaining number of benefit days from the number of days specified by a Cabinet Order as prescribed in the first sentence of this paragraph.
- (3) In the case where a qualified recipient, who receives payment of the basic allowance pursuant to the provisions of paragraph (1), takes public vocational training, etc. as directed by the Chief of the Public Employment Security Office in excess of the duration of benefits prescribed in paragraphs (1) and (2) of Article 20, that person's benefit period shall, notwithstanding these provisions, be the period until the day of completion of said public vocational training, etc.
- (4) The benefit period for a qualified recipient who receives payment of the basic allowance under the provisions of paragraph (2) shall, notwithstanding the provisions of paragraphs (1) and (2) of Article 20, be the total of the period specified in these provisions plus the number of days obtained by deducting the remaining number of benefit days from the number of days specified by a Cabinet Order as prescribed in the first sentence of paragraph (2) of this Article (for persons who take public vocational training, etc. as directed by the Chief of the Public Employment Security Office in excess of the duration of benefits prescribed in paragraphs (1) and (2) of the same Article and who are qualified to receive payment of the basic allowance pursuant to the provisions of paragraph (1), with regard to the day of completion of said public vocational training, etc., the period from that day until the day on which the number of

days specified by a Cabinet Order as prescribed in the first sentence of paragraph (2) have elapsed).

(Wide Area Extended Benefits)

Article 25 (1) In the case where the Minister of Health, Labour and Welfare finds that it is difficult for job applicants residing in a certain area to find employment in the area, based on employment and other conditions in the area, has established plans to promote the employment of such job applicants in other areas and has had the Prefectural Labor Director and the Chief of the Public Employment Security Offices concerned carry out employment placement activities over a wide area under these plans (hereinafter referred to as "wide area employment placement activities" in this Article), and where the Minister finds it necessary in light of the standards specified by a Cabinet Order, with regard to said area covered by the wide area employment placement activities, the Minister may make a decision about measures for paying the basic allowance to qualified recipients whom the Chief of the Public Employment Security Office finds to be appropriate for referral to employment through wide area employment placement activities for said area, in excess of the prescribed duration of benefits, with regard to the days of unemployment within the period prescribed in paragraph (4), but limited to the period designated by the Minister. In this case, the number of days for which the basic allowance is payable in excess of the prescribed duration of benefits shall be limited to the number of benefit days specified by a Cabinet Order.

(2) In the case where a person who is qualified to receive payment of the basic allowance based on the measures set forth in the preceding paragraph (hereinafter referred to as the "wide area extended benefits") has changed his/her domicile or address to a place within the area designated by the Minister of Health, Labour and Welfare, the basic allowance may continue to be paid based on said measures.

(3) In determining whether or not a qualified recipient is appropriate for referral to employment through wide area employment placement activities, the Chief of the Public Employment Security Office shall conform to the standards specified by the Minister of Health, Labour and Welfare.

(4) The benefit period for a qualified recipient who is to receive payment of the wide area extended benefits shall, notwithstanding the provisions of paragraphs (1) and (2) of Article 20 be the total of the period specified in these provisions plus the number of days specified by a Cabinet Order as prescribed in the second sentence of paragraph (1).

Article 26 (1) The basic allowance based on the measures referred to in paragraph (1) of the preceding Article shall not be paid to a qualified recipient

who, on or after the day on which the decision on said measures was made, has moved from another area to the area covered by said measures and has been found to have no special reason for the move.

- (2) The determination as to whether or not there is any special reason for the move of a qualified recipient prescribed in the preceding paragraph shall be made by the Chief of the Public Employment Security Office in accordance with the standards specified by the Minister of Health, Labour and Welfare.

(National Extended Benefits)

Article 27 (1) The Minister of Health, Labour and Welfare may, where there has been a severe nationwide worsening of unemployment reaching the standards specified by a Cabinet Order, and the Minister finds it necessary from the perspective of employment prospects for qualified recipients, make a decision about measures for paying the basic allowance to qualified recipients in excess of the prescribed duration of benefits, for a limited period designated by the Minister, with regard to the days of unemployment within the period prescribed in paragraph (3). In this case, the number of days for which the basic allowance is payable in excess of the prescribed duration of benefits shall be limited to the number of days specified by a Cabinet Order.

- (2) The Minister of Health, Labour and Welfare may, when he/she finds it necessary in light of the standards specified by a Cabinet Order after having made a decision about the measures referred to in the preceding paragraph, extend the period designated under the provisions of the preceding paragraph (when the period has been extended under the provisions of this paragraph, said extended period).
- (3) The benefit period for a qualified recipient who is qualified to receive payment of the basic allowance based on the measures referred to in paragraph (1) (hereinafter referred to as the "national extended benefits") shall, notwithstanding the provisions of paragraphs (1) and (2) of Article 20, be the total of the period specified in these provisions plus the number of days specified by a Cabinet Order as prescribed in the second sentence of paragraph (1).

(Adjustment Concerning Extended Benefits)

Article 28 (1) With regard to qualified recipients receiving the wide area extended benefits, unless payment of said wide area extended benefits has ended, the national extended benefits and the training extended benefits (meaning payment of the basic allowance under the provisions of paragraph (1) or paragraph (2) of Article 24; the same shall apply hereinafter) shall not be paid; with regard to qualified recipients receiving the national extended benefits, unless payment of said national extended benefits has ended, the

training extended benefits shall not be paid.

- (2) In the case where it has been decided that the wide area extended benefits or the national extended benefits is to be paid to a qualified recipient receiving the training extended benefits, the training extended benefits shall not be paid to said person as long as these extended benefits are being paid; in the case where it has been decided that the wide area extended benefits are to be paid to a qualified recipient receiving the national extended benefits, the national extended benefits shall not be paid to said person as long as the wide area extended benefits are being paid.
- (3) In addition to what is prescribed in the preceding two paragraphs, the number of days for which the basic allowance is payable, the benefit period, and other matters necessary for the adjustment of extended benefits for qualified recipients who consecutively receive payment of various kinds of extended benefits prescribed in paragraph (1), shall be specified by a Cabinet Order.

(Restriction on Benefits Where the Duration of Benefits Has Been Extended)

Article 29 (1) In the case where a qualified recipient receiving the training extended benefits (limited to payment of the basic allowance under the provisions of paragraph (2) of Article 24; the same shall apply in paragraph (1) of Article 32), the wide area extended benefits or the national extended benefits has refused, without justifiable reason, to take up the employment to which he/she has been referred by the Public Employment Security Office, to take a course of public vocational training, etc., as directed by the Chief of the Public Employment Security Office or to receive the vocational guidance necessary for facilitating re-employment given by the Public Employment Security Office in accordance with the standards specified by the Minister of Health, Labour and Welfare, the basic allowance shall not be paid as from the date of such refusal. Provided, however, that this shall not apply to such person who has newly obtained recipient qualification.

- (2) The determination as to whether or not there is a justifiable reason referred to in the preceding paragraph shall be made by the Chief of the Public Employment Security Office in accordance with the standards specified by the Minister of Health, Labour and Welfare.

(Method and Date of Payment)

Article 30 (1) The basic allowance shall be paid once every four weeks, with regard to the days for which the recognition of unemployment has been given, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare. Provided, however, that the Minister of Health, Labour and Welfare may establish different standards for paying the basic allowance to

qualified recipients who take a course of public vocational training, etc., as directed by the Chief of the Public Employment Security Office and to other qualified recipients as specified by an Ordinance of the Ministry of Health, Labour and Welfare.

- (2) The Chief of the Public Employment Security Office shall specify the date to pay the basic allowance to each qualified recipient and inform such recipient thereof.

(Demanding for Unpaid Basic Allowance)

Article 31 (1) A person, who demands, under the provisions of paragraph (1) of Article 10-3, for payment of the basic allowance for a period for which the recognition of unemployment could not be obtained due to the death of the qualified recipient, shall obtain the recognition of unemployment for said qualified recipient pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

- (2) In the case where a qualified recipient set forth in the preceding paragraph falls under the provisions of paragraph (1) of Article 19, a person who is to be paid the unpaid part of the basic allowance pursuant to the provisions of paragraph (1) of Article 10-3 shall, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare, report the amount of earnings referred to in paragraph (1) of Article 19 and other matters to the Chief of the Public Employment Security Office.

(Restriction on Benefits)

Article 32 (1) In the case where a qualified recipient (excluding one who is receiving the training extended benefits, wide area extended benefits or national extended benefits; hereinafter the same applies in this Article) has refused to take up the employment to which he/she has been referred by the Public Employment Security Office or to take a course of public vocational training, etc., as directed by the Chief of the Public Employment Security Office, the basic allowance shall not be paid for one month as from the date of such refusal. Provided, however, that this shall not apply to the case where said person falls under any of the following items:

- (i) When it is found that the employment to which the qualified recipient has been referred, or the occupation for which he/she has been directed to take public vocational training, etc. is not appropriate in light of his/her abilities;
- (ii) When a change to his/her current domicile or address would be required in order to take up the employment or take public vocational training, etc. and it is found that the change would be difficult;
- (iii) When the wage offered by the employer is unjustifiably low in comparison to the wage level usual for work of the same degree of skill in the same kind

- of business in the same locality;
- (iv) When he/she has been referred to a place of business that falls under the provisions of Article 20 (excluding the provisions of paragraph (2)) of the Employment Security Act;
 - (v) When there is any other justifiable reason.
- (2) In the case where a qualified recipient has refused, without justifiable reason, to receive vocational guidance necessary for facilitating re-employment given by the Public Employment Security Office in accordance with the standards specified by the Minister of Health, Labour and Welfare, the basic allowance shall not be paid during the period specified by the Chief of the Public Employment Security Office within a limit not exceeding one month calculated from the day of such refusal.
- (3) The Chief of the Public Employment Security Office shall determine whether a qualified recipient falls under any of the items of paragraph (1) and whether any justifiable reason set forth in the preceding paragraph exists in accordance with the standards specified by the Minister of Health, Labour and Welfare.

Article 33 (1) In the case where an insured person has been dismissed due to significant cause imputable to the accused himself/herself or has resigned voluntarily without justifiable reason, the basic allowance shall not be paid for a period specified by the Chief of the Public Employment Security Office of one month or more and less than three months, following the expiration of the period prescribed in Article 21. Provided, however, that this shall not apply to a period during which he/she takes public vocational training, etc. as directed by the Chief of the Public Employment Security Office, nor to a period after the day of completion of said public vocational training, etc.

- (2) The determination as to whether or not a qualified recipient falls under any of the cases set forth in the preceding paragraph shall be made by the Chief of the Public Employment Security Office in accordance with the standards specified by the Minister of Health, Labour and Welfare.
- (3) In the case where the basic allowance is not payable under the provisions of paragraph (1) with regard to the separation from employment pertaining to recipient qualification for the basic allowance and the total of the period in which said basic allowance is not payable, plus the seven to 30 day period specified by an Ordinance of the Ministry of Health, Labour and Welfare and the number of days equivalent to the prescribed duration of benefits pertaining to said recipient qualification, exceeds one year (a period of one year plus 60 days for a qualified recipient who falls under item (i) of paragraph (2) of Article 22 on the day of separation from employment pertaining to recipient qualification for said basic allowance), the benefit period for said qualified recipient shall, notwithstanding the provisions of paragraphs (1) and (2) of

Article 20, be the total of the period prescribed in these provisions plus the period in excess of one year.

- (4) With regard to qualified recipients falling under the provisions of the preceding paragraph, the term "paragraphs (1) and (2) of Article 20" in paragraph (1) of Article 24 shall be deemed to be replaced with " paragraph (3) of Article 33".
- (5) In the case where a qualified recipient falling under the provisions of paragraph (3) receives payment of the wide area extended benefits, national extended benefits or training extended benefits, necessary matters concerning adjustments of the benefit period for such person shall be specified by an Ordinance of the Ministry of Health, Labour and Welfare.

Article 34 (1) The basic allowance shall not be paid to a person who has received or attempted to receive payment of the job applicant benefits or employment promotion benefits by means of deception or other wrongful conduct, as from the day on which said person received or attempted to receive payment of those benefits. Provided, however, that, in the case where there are unavoidable circumstances, the whole or a part of the basic allowance may be paid.

- (2) In the case where a person prescribed in the preceding paragraph has newly obtained recipient qualification after the day prescribed in the same paragraph, the basic allowance based on the newly obtained qualification shall be paid, notwithstanding the provisions of the preceding paragraph.
- (3) Even in the case where a qualified recipient has, because of having had payment of the basic allowance withheld under the provisions of paragraph (1), become unable to receive payment of the basic allowance for the entire number of benefit days for which he/she would otherwise have been qualified to receive payment of the basic allowance based on said recipient qualification, he/she shall be deemed, with regard to the application of the provisions of paragraph (3) of Article 22, to have been paid the basic allowance based on said recipient qualification.
- (4) In the case where a qualified recipient has, because of having had payment of the basic allowance withheld under the provisions of paragraph (1), become unable to receive payment of the basic allowance, as from the day prescribed in the same paragraph, for the whole or a part of the number of benefit days for which he/she would otherwise have been qualified to receive payment of the basic allowance based on said recipient qualification, he/she shall be deemed, with respect to the application of the provisions of paragraph (4) of Article 37, to have been paid the basic allowance for the number of benefit days for which it has been decided that the basic allowance is not payable.

(Special Provisions for Cases, etc., Where Insured Persons Other than Part-

time Insured Workers Have Become Part-time Insured Workers without Interruption)

- Article 35 (1) In the case where the following reasons have become apparent during a period in which an insured person was continuously employed in a covered undertaking by the same business operator, said insured person shall, with regard to the application of the provisions of this Subsection (excluding paragraphs (2) and (3) of Article 15, paragraph (2) of Article 20, Article 21, Article 23 and Article 33), be deemed to have been separated from employment on the day before the day on which said reasons became apparent:
- (i) An insured person other than a part-time insured worker has become a part-time insured worker;
 - (ii) A part-time insured worker has become an insured person other than a part-time insured worker.
- (2) With regard to the application of the provisions of Article 14 in cases prescribed in the preceding paragraph, the said insured person shall be deemed to have ceased to be an insured person on the day on which the reasons listed in each item of the preceding paragraph became apparent and to have newly become an insured person on the same day.
- (3) With regard to the application of the provisions of paragraph (1) of Article 20 in cases prescribed in paragraph (1), the term "the period prescribed in each of said items (... within said period)" in paragraph (1) of Article 20 shall be deemed to be replaced with "the period which is the total of the period prescribed in each of said items plus the period equivalent to the period from the day after said day of separation from employment until the last day of the period in which the person concerned was continuously employed as an insured person in a covered undertaking by the same business operator (when that period exceeds three years, three years) (... within said total period)".
- (4) With regard to the application of the provisions of paragraphs (1), (3) and (4) of Article 24, paragraph (4) of Article 25, paragraph (3) of Article 27 and paragraphs (3) and (4) of Article 33 in cases prescribed in paragraph (1), the term "paragraph (1) of Article 20" in these provisions shall be deemed to be replaced with "paragraph (1) of Article 20 (including cases where it is applied pursuant to paragraph (3) of Article 35, as rephrased therein)", the term "paragraph (1) of the same Article" in paragraph (4) of Article 24 shall be deemed to be replaced with "paragraph (1) of Article 20 (including cases where it is applied pursuant to paragraph (3) of Article 35, as rephrased therein)", the term "paragraph (1) of Article 24" in paragraph (4) of Article 33 shall be deemed to be replaced with "paragraph (1) of Article 24 as applied pursuant to paragraph (4) of Article 35, as rephrased therein" and the term "paragraph (3) of Article 33" shall be deemed to be replaced with "paragraph (3) of Article 33 (including cases where it is applied pursuant to paragraph (4) of Article 35, as

rephrased therein) ".

Subsection 2 Skill Acquisition Allowance and Lodging Allowance

(Skill Acquisition Allowance and Lodging Allowance)

Article 36 (1) In the case where a qualified recipient takes a course of public vocational training, etc., as directed by the Chief of the Public Employment Security Office, a skill acquisition allowance shall be paid for the period of said course.

(2) In the case where a qualified recipient takes up lodging separately from relatives with whom he/she has been residing and whom he/she is supporting financially (including a person with whom a marriage is not registered but with whom he/she is in a de facto marital relationship, the same shall apply in paragraph (2) of Article 58) in order to take public vocational training, etc. as directed by the Chief of the Public Employment Security Office, a lodging allowance shall be paid for the period of lodging.

(3) The skill acquisition allowance and the lodging allowance shall not be paid for a period for which the basic allowance is not to be paid pursuant to the provisions of paragraphs (1) and (2) of Article 32, and paragraph (1) of Article 33.

(4) The requirements for payment and the amount of the skill acquisition allowance and of the lodging allowance shall be specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(5) The provisions of paragraphs (1) and (2) of Article 34 shall apply mutatis mutandis to the skill acquisition allowance and the lodging allowance.

Subsection 3 Injury and Disease Allowance

(Sickness and Injury Allowance)

Article 37 (1) In the case where a qualified recipient becomes unable to work due to sickness or injury after reporting in person and applying for employment at the Public Employment Security Office following separation from employment, an injury and disease allowance shall be paid, within the limit of the number of days equivalent to the number of days prescribed in paragraph (4), with regard to the days within the period prescribed in paragraph (1) of Article 20

(including cases where it is applied pursuant to paragraph (3) of Article 35, as rephrased therein; the same shall apply in paragraph and item (i) of paragraph (3) of Article 56-2, paragraphs (1) and (2) of Article 57, and Article 78) and paragraph (2) of Article 20 (for those falling under the provisions of paragraph (3) of Article 33 (including cases where they are applied pursuant to paragraph (4) of Article 35, as rephrased therein; hereinafter the same shall apply in this

paragraph, paragraph (1) and item (i) of paragraph (3) of Article 56-2, and paragraphs (1) and (2) of Article 57), the period prescribed in paragraph (3) of Article 33 and for those falling under the provisions of paragraph (1) of Article 57, the period prescribed in the said paragraph), during which payment of the basic allowance could not be received due to said sickness or injury (limited to those days with regard to which recognition of the fact that he/she cannot receive payment of the basic allowance due to sickness or injury has been obtained).

- (2) The recognition set forth in the preceding paragraph shall be given by the Chief of the Public Employment Security Office, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.
- (3) The daily amount of the injury and disease allowance shall be the amount equivalent to the daily amount of the basic allowance under the provisions of Article 16.
- (4) The number of days for which the sickness and injury allowance is payable shall be the number of days obtained by deducting from the prescribed duration of benefits for the qualified recipient having obtained the recognition referred to in paragraph (1), the number of days for which the basic allowance has already been paid to said qualified recipient based on the recipient qualification concerned.
- (5) The injury and disease allowance shall not be paid for a period for which the basic allowance is not to be paid pursuant to the provisions of paragraph (1) or (2) of Article 32, or paragraph (1) of Article 33.
- (6) In the case where the injury and disease allowance has been paid, with regard to the application of the provisions of this Act (excluding the provisions of Article 10-4 and Article 34), the basic allowance shall be deemed to have been paid for the number of days equivalent to the number of days for which said injury and disease allowance was paid.
- (7) The injury and disease allowance shall be paid, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare, for the days with regard to which the recognition referred to in paragraph (1) has been obtained, on the day on which payment of the basic allowance is due for the first time after the reason that the person concerned cannot take up said employment has ceased to exist (where there is no day on which payment of the basic allowance is due after the reason that the person concerned cannot take up said employment has ceased to exist, the day designated by the Chief of the Public Employment Security Office). Provided, however, that the Minister of Health, Labour and Welfare, may, when he/she finds it necessary, establish different standards for paying the injury and disease allowance.
- (8) The injury and disease allowance shall not be paid where a qualified recipient who has obtained the recognition referred to in paragraph (1) can, with regard

to the days for which said recognition was obtained, receive payment of the injury and disease allowance prescribed in Article 99 of the Health Insurance Act (Act No. 70 of 1922), the compensation for absence from work prescribed in Article 76 of the Labor Standards Act (Act No. 49 of 1947), the temporary absence from work compensation benefits or the temporary absence from work benefits prescribed in the Workers' Accident Compensation Insurance Act (Act No. 50 of 1947) or other benefits equivalent thereto that are specified by a Cabinet Order from among the benefits provided pursuant to laws and regulations (including ordinances or rules enacted based on the provisions of laws and regulations).

- (9) The provisions of Article 19, Article 21, Article 31 and paragraphs (1) and (2) of Article 34 shall apply mutatis mutandis to the injury and disease allowance. In this case, the term "recognition of unemployment" in paragraphs (1) and (3) of Article 19 and paragraph (1) of Article 31, shall be deemed to be replaced with "recognition referred to in paragraph (1) of Article 37".

Section 2-2 Job Applicant Benefits for Continuously Insured Elderly

(Continuously Insured Elderly Persons)

Article 37-2 (1) The job applicant benefits for the elderly shall be paid, pursuant to the provisions of this Section, where an insured person who has been continuously employed in a covered undertaking by the same business operator from the day before he/she reached 65 years of age to the day after he/she reached 65 years of age (excluding specially insured persons in short-term employment prescribed in paragraph (1) of Article 38 and insured day workers prescribed in paragraph (1) of Article 43; hereinafter referred to as "continuously insured elderly persons"), has become unemployed.

- (2) The provisions of the preceding Section (excluding paragraph (2) of Article 13 and Article 14), the following Section and Section 4 shall not apply to continuously insured elderly persons.

(Recipient Qualification for the Elderly)

Article 37-3 (1) The job applicant benefits for the elderly shall be paid, pursuant to the provisions of the following Article, where a continuously insured elderly person becomes unemployed and the total insured period under Article 14 during the one-year period preceding the day of separation from employment (for continuously insured elderly persons prescribed in each of the following items, the period of one year plus the number of days prescribed in each said item (where the period exceeds four years, four years)) is six months or more:

- (i) For a continuously insured elderly person who had at one time been a part-time insured worker for a period during the one-year period preceding the

day of separation from employment, the number of days from the day on which he/she became said part-time insured worker (when that day is not within the one-year period preceding the day of separation from employment, the next day of the day one year before the day of said separation from employment) until the day before the day on which he/she ceased to be said part-time insured worker;

(ii) For a continuously insured elderly person who was continuously unable to receive payment of wages for 30 days or more due to sickness, injury or other reasons specified by an Ordinance of the Ministry of Health, Labour and Welfare during the one-year period preceding the day of separation from employment (for an insured person who is a continuously insured elderly person listed in the preceding item, the total of the number of days prescribed in the same item plus one year), the number of days for which he/she was unable to receive payment of wages for said reason (for an insured person who is a continuously insured elderly person listed in the preceding item, the number of days prescribed in the same item plus the number of days prescribed in this item).

(2) In the case where a person who is qualified to receive payment of the job applicant benefits for the elderly pursuant to the provisions of the preceding paragraph (hereinafter referred to as "recipient qualification for the elderly") (hereinafter such person shall be referred to as an "elderly qualified recipient"), took up employment without receiving the job applicant benefits for the elderly during the period prescribed in paragraph (4) of the following Article and thereafter again became unemployed (excluding the case where he/she has newly obtained a special recipient qualification prescribed in paragraph (2) of Article 39), if such person has obtained the recognition referred to in paragraph (4) of the following Article after reporting in person to the Public Employment Security Office and applying for employment during said period, he/she may receive payment of the job applicant benefits for the elderly based on said recipient qualification for the elderly.

(Job Applicant Benefits for the Elderly)

Article 37-4 (1) The amount of the job applicant benefits for the elderly shall be the amount obtained by multiplying the daily amount of the basic allowance to be paid where the provisions of Articles 16 to 18 inclusive (excluding item (ii) of paragraph (4) of Article 17) are applied to qualified recipients by regarding elderly qualified recipients as qualified recipients prescribed in paragraph (1) of Article 15 by the number of days prescribed in the items below in accordance with the classification of the basic periods for calculation listed in said items (where the number of days from the day on which the recognition referred to in paragraph (4) was obtained until the final day of the period prescribed in the

same paragraph is less than the number of days prescribed in the same items, the number of days equivalent to the number of days from the day on which said recognition was obtained until said final day):

(i) One year or more -- 50 days;

(ii) Less than one year -- 30 days.

(2) Notwithstanding the provisions of the preceding paragraph, in the case where the daily amount of wages for elderly qualified recipients calculated pursuant to the provisions of the same paragraph exceeds the amount listed in item (ii), (d) of paragraph (4) of Article 17 (where the amount has been revised pursuant to the provisions of Article 18, the revised amount), this amount shall be the daily amount of wages.

(3) The basic period for calculation referred to in paragraph (1) shall be the period equivalent to the period calculated when said elderly qualified recipients are regarded as qualified recipients prescribed in paragraph (1) of Article 15 and the provisions of paragraphs (3) and (4) of Article 22 are applied, regarding the day of separation from employment pertaining to said recipient qualification for the elderly as the basis day prescribed in item (i), paragraph (1) of Article 20. In this case, with regard to a period, during a period of continuous employment in a covered undertaking by the same employer, on or after the day on which the person reached 65 years of age until the basis day prescribed in paragraph (3) of the same Article, the said period shall be the period obtained by multiplying said period by a rate specified by an Ordinance of the Ministry of Health, Labour and Welfare, within the limit of 100 percent.

(4) An elderly qualified recipient seeking to receive payment of the job applicant benefits for the elderly shall report in person to the Public Employment Security Office, by the day on which one year has elapsed from the day following the day of separation from employment, apply for employment, and then obtain the recognition of unemployment, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

(5) The provisions of Article 21, paragraph (1) of Article 31, Article 32, paragraphs (1) and (2) of Article 33, and paragraph (1) of Article 34, shall apply mutatis mutandis with regard to the job applicant benefits for the elderly. In this case, the term "qualified recipients" and "recipient qualification" in these provisions shall be deemed to be replaced, respectively, with "elderly qualified recipients" and "recipient qualification for the elderly"; in paragraph (1) of Article 31, the terms "a period for which the recognition of unemployment could not be obtained" and "shall obtain the recognition of unemployment" shall be deemed to be replaced, respectively, with "elderly qualified recipients where the recognition referred to in Article 37-4, paragraph (4) could not be obtained" and "shall obtain the recognition referred to in the same paragraph"; and the term "the period prescribed in Article 21" in

paragraph (1) of Article 33 shall be deemed to be replaced with "the period prescribed in Article 21 as applied mutatis mutandis pursuant to paragraph (5) of Article 37-4".

(Special Provisions for the Cases, etc. where Continuously Insured Elderly Persons Other than Part-time Insured Workers Have Become Continuously Insured Elderly Part-time Workers without Interruption)

- Article 37-5 (1) With regard to the application of the provisions of Article 14, paragraph (1) of Article 37-3, and the preceding Article (excluding paragraph (4)), in the case where the reasons listed below have become apparent during the period in which a continuously insured elderly person was continuously employed in a covered undertaking by the same business operator (limited to the period following the day on which said elderly person reached 65 years of age), said continuously insured elderly person shall be deemed to have been separated from employment on the day before said reason became apparent:
- (i) A continuously insured elderly person other than a part-time insured worker has become a continuously insured elderly part-time worker;
 - (ii) A continuously insured elderly part-time worker has become a continuously insured elderly person other than a part-time insured worker.
- (2) With regard to the application of the provisions of Article 14 in the case prescribed in the preceding paragraph, said continuously insured elderly person shall be deemed to have ceased to be an insured person on the day on which the reasons listed in the items of the same paragraph became apparent, and to have newly become an insured person on the same day.
- (3) With regard to the application of the provisions of paragraph (5) of the preceding Article in the case prescribed in paragraph (1), the term "in Article, 31 paragraph (1)" in the same paragraph shall be deemed to be replaced with "the term 'separation from employment' in Article 21 shall be deemed to be replaced with 'separation from employment (excluding the case where a person is deemed to have been separated from employment pursuant to the provisions of paragraph (1) of Article 37-5.)'; in paragraph (1) of Article 31".
- (4) Necessary matters concerning the application of the provisions of Article 14 and the preceding Article in the case where the reasons listed in the items of paragraph (1) of Article 35 have become apparent during the period before a continuously insured elderly person reached 65 years of age shall be specified by an Ordinance of the Ministry of Health, Labour and Welfare.

Section 3 Job Applicant Benefits for Specially Insured Persons in Short-Term Employment

(Specially Insured Persons in Short-Term Employment)

Article 38 (1) In the case where an insured person who falls under any of the following items (excluding insured day workers prescribed in paragraph (1) of Article 43; hereinafter referred to as a "specially insured person in short-term employment") has become unemployed, a special lump sum payment shall be made, pursuant to the provisions of this Section:

- (i) Persons employed seasonally (excluding those listed in the following item);
- (ii) Persons who are normally engaged in short-term employment (meaning employment where the term for which such persons are employed continuously by the same business operator as insured persons is less than one year).

(2) The confirmation as to whether or not an insured person falls under any of the items of the preceding paragraph shall be made by the Minister of Health, Labour and Welfare.

(3) The provisions of Section 2 (excluding paragraph (2) of Article 13 and Article 14 (including cases where they are applied pursuant to paragraph (2) of Article 35)), the preceding Section and the following Section shall not apply to specially insured persons in short-term employment.

(Special Recipient Qualification)

Article 39 (1) A special lump sum payment shall be made pursuant to the provisions of the following Article, where a specially insured person in short-term employment has become unemployed and his/her total insured period under Article 14 during the one-year period preceding the day of separation from employment has been six months or more (for insured persons who are specially insured persons in short-term employment listed in the following items, the period of one year plus the number of days prescribed in said items (where the total period exceeds four years, four years)):

- (i) For a specially insured person in short-term employment who had at one time been a part-time insured worker for a period during the one-year period preceding the day of separation from employment (excluding the period from the day on which he/she most recently became an insured person until the day of said separation from employment), the number of days from the day on which he/she became said part-time insured worker (where that day is not within the one-year period preceding the day of said separation from employment, the day after the day one year before the day of said separation from employment), until the day before the day on which he/she ceased to be said part-time insured worker;
- (ii) For a specially insured person in short-term employment who was continuously unable to receive payment of wages for 30 days or more due to sickness, injury or other reasons specified by an Ordinance of the Ministry of Health, Labour and Welfare during the one-year period preceding the day of

separation from employment (for an insured person who is a specially insured person in short-term employment listed in the preceding item, the period of one year plus the number of days prescribed in the same item), the number of days for which he/she was unable to receive payment of wages due to said reason (for an insured person who is a specially insured person in short-term employment listed in the preceding item, that number of days plus the number of days prescribed in the same item).

- (2) In the case where a person who is qualified to receive the special lump sum payment pursuant to the provisions of the preceding paragraph (hereinafter referred to as a "special recipient qualification") (hereinafter such person shall be referred to as a "specially qualified recipient") has obtained employment without receiving the special lump sum payment within the period prescribed in paragraph (3) of the following Article and has subsequently become unemployed again (excluding the case where such person has newly obtained a recipient qualification prescribed in item (i) of paragraph (3) of Article 14 recipient qualification for the elderly or special recipient qualification), when he/she, within said period, has obtained the recognition referred to in paragraph (3) of the following Article after reporting in person at the Public Employment Security Office and applying for employment, such person shall be qualified to receive the special lump sum payment based on said special recipient qualification.

(Special Lump Sum Payment)

- Article 40 (1) The amount of the special lump sum payment shall be an amount equivalent to the daily amount of the basic allowance that would be payable to a specially qualified recipient if said recipient were regarded as a qualified recipient prescribed in paragraph (1) of Article 15 and the provisions of Articles 16 to 18 inclusive were applied to the recipient, multiplied by 50 days (where the number of days from the day on which the recognition referred to in paragraph (3) was made until the last day of the period under the same paragraph is less than 50 days, the number of days equivalent to that number of days).
- (2) With regard to the application of the provisions of paragraph (4) of Article 17 in the case prescribed in the preceding paragraph, the term "under 30 years of age" in item (ii), (d) of the same paragraph shall be deemed to be replaced with "under 30 years of age or 65 years of age or older".
- (3) A specially qualified recipient who seeks to receive the special lump sum payment shall, before the day on which six months have elapsed from the day following the day of separation from employment and pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare, obtain the recognition of unemployment by reporting in person at the Public

Employment Security Office and applying for employment.

- (4) The provisions of Article 21, paragraph (1) of Article 31, Article 32, paragraphs (1) and (2) of Article 33, and paragraphs (1) to (3) of Article 34, inclusive shall apply mutatis mutandis to the special lump sum payment. In this case, the terms "qualified recipient" and "recipient qualification" in Article 21 shall be deemed to be replaced, respectively, with "specially qualified recipient" and "special recipient qualification"; the terms "qualified recipient", "a period for which the recognition of unemployment could not be obtained" and "shall obtain the recognition of unemployment" in paragraph (1) of Article 31 shall be deemed to be replaced, respectively, with "specially qualified recipient", "said specially qualified recipients where the recognition of unemployment referred to in paragraph (3) of Article 40 could not be obtained" and "shall obtain the recognition referred to in the same paragraph"; the term "qualified recipient" in Article 32 shall be deemed to be replaced with "specially qualified recipient"; the term "Provided, however, that this shall not apply to a period during which he/she takes public vocational training, etc. as directed by the Chief of the Public Employment Security Office, nor to the period after the day of completion of said public vocational training, etc." in paragraph (1) of Article 33 shall be deleted; the term "qualified recipient" in paragraph (2) of the same Article shall be deemed to be replaced with "specially qualified recipient"; the term "recipient qualification" in Article 34, paragraph (2) shall be deemed to be replaced with "special recipient qualification" and the terms "qualified recipient" and "recipient qualification" in paragraph (3) of the same Article shall be deemed to be replaced, respectively, with "specially qualified recipient" and "special recipient qualification".

(Case of Taking a Course of Public Vocational Training, etc.)

- Article 41 (1) In the case where a specially qualified recipient is to take a course of public vocational training, etc. (excluding one for a period which is less than that specified by a Cabinet Order), as directed by the Chief of the Public Employment Security Office, before receiving the special lump sum payment based on the special recipient qualification concerned, the special lump sum payment shall not be paid, notwithstanding the provisions of paragraph (3) of Article 10 and the preceding three Articles, and the job applicant benefits shall be paid, pursuant to the provisions of Section 2 (excluding the provisions of the proviso of paragraph (1) of Article 33), by deeming such person to be a qualified recipient prescribed in paragraph (1) of Article 15, limited to the period until the day of completion of said course of public vocational training, etc.
- (2) A specially qualified recipient referred to in the preceding paragraph shall be qualified to receive payment of the job applicant benefits pursuant to the provisions of the same paragraph, even where such person had been found to

be unable to receive payment of the basic allowance pursuant to the provisions of Article 29, paragraph (1) or Article 34, paragraph (1), before the day on which he/she became an insured person pertaining to the special recipient qualification concerned.

Section 4 Job Applicant Benefits for Insured Day Workers

(Day Workers)

Article 42 In this Section, the term "day worker" means a worker who falls under any of the following items (excluding those who have been employed in a covered undertaking by the business operator for 18 days or more in each of the preceding two months (except those who have obtained the approval referred to in paragraph (2) of the following Article)):

- (i) Persons who are employed by the day;
- (ii) Persons who are employed for a fixed period of employment of 30 days or less.

(Insured Day Workers)

Article 43 (1) In the case where a day worker who is an insured person and falls under any of the following items or has obtained the approval referred to in item (i)-3 of Article 6 (hereinafter referred to as an "insured day worker ") has become unemployed, job applicant benefits for day workers shall be paid pursuant to the provisions of this Section:

- (i) Persons who reside in a special ward or an area of a municipality in which a Public Employment Security Office is located (excluding areas designated by the Minister of Health, Labour and Welfare) or in the entire area of or parts of neighboring municipalities designated by the Minister of Health, Labour and Welfare (hereinafter referred to as the "covered area" in this paragraph) and are employed in a covered undertaking;
 - (ii) Persons who reside outside the covered area and are employed in a covered undertaking located inside the covered area;
 - (iii) Persons who reside outside the covered area and are employed in a covered undertaking located outside the covered area which has been designated by the Minister of Health, Labour and Welfare based on the situation in the day labor market and other circumstances.
- (2) In the case where an insured day worker was employed in a covered undertaking by the same business operator for 18 days or more in each of the preceding two months, when said day worker has obtained an approval by the Chief of the Public Employment Security Office, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare, said day worker may continue to be an insured day worker.

- (3) In the case where an insured day worker, who was employed in a covered undertaking by the same business operator for 18 days or more in each of the preceding two months has been separated from employment in the first month in which he/she ceased to be treated as an insured day worker due to not having received the approval referred to in the preceding paragraph and who has become unemployed, said person shall be deemed to be an insured day worker, with regard to payment of the job applicant benefits for day workers during the month in which he/she became unemployed.
- (4) The provisions of Article 6 (limited to item (ii)), Articles 7 to 9 inclusive and the preceding three Sections shall not apply to insured day workers.

(Insured Day Worker's Benefits Book)

Article 44 An insured day worker shall, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare, receive the insured day worker's benefits book at the Public Employment Security Office.

(Recipient Qualification for the Job Applicant Benefits for Day Workers)

Article 45 In the case where an insured day worker has become unemployed, and when the stamp premiums referred to in item (iv) of paragraph (2) of Article 10 of the Premiums Collection Act (hereinafter referred to as "stamp premiums") are paid with regard to such person for 26 days or more in total during the period of two months before the month containing the date of unemployment, the job applicant benefits for day workers shall be paid pursuant to the provisions of Articles 47 to 52 inclusive.

Article 46 In the case where a person who is qualified to receive payment of the job applicant benefits for day workers pursuant to the provisions of the preceding Article is a qualified recipient prescribed in paragraph (1) of Article 15, the job applicant benefits for day workers shall not be paid with regard to the days for which he/she has received payment of the basic allowance, and the basic allowance shall not be paid with regard to the days for which he/she has received payment of the job applicant benefits for day workers.

(Recognition of Unemployment of an Insured Day Worker)

- Article 47 (1) The job applicant benefits for day workers shall be paid with regard to the days on which an insured day worker is unemployed (limited to those days with regard to which the recognition of unemployment has been obtained; the same shall apply in Article 54, item (i)).
- (2) A person who seeks to obtain the recognition of unemployment referred to in the preceding paragraph (hereinafter referred to as the "recognition of unemployment" in this Section) shall report in person to the Public

Employment Security Office and apply for employment, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

- (3) The Minister of Health, Labour and Welfare may, when he/she finds it necessary, establish different standards for the recognition of unemployment of insured day workers, notwithstanding the provisions of the preceding paragraph.

(Daily Amount of Job Applicant Benefits for Day Workers)

Article 48 The daily amount of the job applicant benefits for day workers shall be the amount prescribed in the following items, in accordance with the classification listed in said items:

- (i) When stamp premiums of the amount listed in item (i) of paragraph (1) of Article 22 of the Premiums Collection Act (hereinafter referred to as "first class stamp premiums") (where the amount has been revised pursuant to the provisions of paragraph (2) or (4) of the same Article, the revised amount) out of the stamp premiums paid during the preceding two months are for 24 days or more -- 7,500 yen (where this amount has been revised pursuant to the provisions of paragraph (1) of the following Article, the revised amount);
- (ii) When falling under any one of the following -- 6,200 yen (or, in the case this amount has been revised pursuant to the provisions of paragraph (1) of the following Article, the revised amount):
- (a) When the first class stamp premiums and the stamp premiums of the amount listed in item (ii) of paragraph (1) of Article 22 of the Premiums Collection Act (hereinafter referred to as "second class stamp premiums") (where the amount has been revised pursuant to the provisions of paragraph (2) or (4) of the same Article, the revised amount) out of the stamp premiums paid during the preceding two months are for 24 days or more (excluding cases falling under the preceding item);
- (b) When, out of the stamp premiums paid during the preceding two months, the first class stamp premiums and the second class stamp premiums are for less than 24 days, and the amount obtained by dividing by 24 the total of the first class stamp premiums amount paid and the second class stamp premiums paid plus the amount paid for the number of days equivalent to the number of days after deducting, from 24 days, the number of days for which first class stamp premiums and second class stamp premiums were paid, of the stamp premiums listed in item (iii) of paragraph (1) of Article 22 of the Premiums Collection Act (hereinafter referred to as the "third class stamp premiums") (where the amount has been revised pursuant to the provisions of paragraph (2) or (4) of the same Article, the revised amount), is not less than the daily amount of second class stamp premiums.
- (iii) When not falling under any one of the preceding two items -- 4,100 yen

(where this amount has been revised pursuant to the provisions of paragraph (1) of the following Article, the revised amount).

(Automatic Revision of the Daily Amounts, etc. of Job Applicant Benefits for Day Workers)

Article 49 (1) When the average regular earnings (meaning the average regular earnings referred to in paragraph (1) of Article 18, hereinafter the same shall apply in this paragraph) have either exceeded 120 percent or fallen below 83 percent of the average regular earnings for September 1994 (the average regular earnings which were the basis of the most recent revision where the daily amounts, etc. of the job applicant benefits for day workers have been revised, based on the provisions of this paragraph), and when the situation is found to be likely to persist, the Minister of Health, Labour and Welfare shall revise the daily amounts, etc. of the job applicant benefits for day workers, in accordance with the rate of increase or decrease of said average regular earnings.

(2) The "daily amounts, etc. of the job applicant benefits for day workers" referred to in the preceding paragraph means the daily amount of wages pertaining to the classification of the first class stamp premiums and the second class stamp premiums (where the amounts have been revised pursuant to the provisions of the preceding paragraph, the revised amounts; referred to as "daily amounts of wages pertaining to the first and second class stamp premium classification" in the following paragraph) and the daily amount of wages pertaining to the classification of the second class stamp premiums and the third class stamp premiums (where the amounts have been revised pursuant to the provisions of the preceding paragraph, the revised amounts; referred to as "daily amounts of wages pertaining to the second and third class stamp premium classification" in the following paragraph), out of the daily amount of the job applicant benefits for day workers prescribed in item (i) of the preceding Article (referred to as "first class benefits" in the following paragraph and Article 54), the daily amount of the job applicant benefits for day workers prescribed in item (ii) of the preceding Article (referred to as "second class benefits" in the following paragraph and Article 54), the daily amount of the job applicant benefits for day workers prescribed in item (iii) of the preceding Article (referred to as "third class benefits" in the following paragraph and Article 54) and the daily amounts of wages pertaining to the classification of the amounts of stamp premiums prescribed in Article 22, paragraph (1) of the Premium Collection Act.

(3) In the case where the daily amounts of the first class premiums, the second class premiums, and the third class premiums prescribed in Article 22, paragraph (2) of the Premiums Collection Act have been revised pursuant to

the provisions of paragraph (5) of the same Article, the Minister of Health, Labour and Welfare may not revise the daily amounts of the first class benefits, the second class benefits, and the third class benefits nor of the daily amounts of wages pertaining to the first and second class stamp premium classification or of wages pertaining to the second and third class stamp premium classification pursuant to the provisions of paragraph (1), during the period from the date of such revision until the day before the day on which one year has elapsed from the date of said revision (where there has been a Diet decision with regard to the revision concerned before said day, the day before the day of said decision).

(Duration, etc., of the Job Applicant Benefits for Day Workers)

- Article 50 (1) The job applicant benefits for day workers shall be paid, with regard to the days in the month containing the day on which an insured day worker became unemployed, for which the recognition of unemployment was obtained, within the limit of 13 benefit days in total, when stamp premiums have been paid for said insured day worker for less than 28 days in total during the two-month period before the month containing the day of unemployment and within the limit of the number of benefit days obtained by adding one day to the 13 days above for every four days in excess of said 28 days, when stamp premiums have been paid for said insured day worker for more than 28 days in total. Provided, however, that the job applicant benefits for day workers shall not be paid for more than 17 days in total for that month.
- (2) The job applicant benefits for day workers shall not be paid for the first day in each week (meaning the seven day period from Sunday to Saturday) on which the insured day worker did not take up employment.

(Method of Payment for the Job Applicant Benefits for Day Workers, etc.)

- Article 51 (1) The job applicant benefits for day workers shall be paid at the Public Employment Security Office on the day on which the recognition of unemployment is given.
- (2) The Minister of Health, Labour and Welfare may, when he/she finds it necessary, establish different standards for paying the job applicant benefits for day workers, notwithstanding the provisions of the preceding paragraph.
- (3) The provisions of paragraph (1) of Article 31, shall apply mutatis mutandis to the job applicant benefits for day workers. In this case, the terms "qualified recipient" and "recognition of unemployment" in the same paragraph shall be deemed to be replaced, respectively, with "person qualified to receive payment of the job applicant benefits for day workers" and "recognition of unemployment referred to in paragraph (2) of Article 47".

(Restriction on Benefits)

Article 52 (1) In the case where a day worker who is qualified to receive payment of the job applicant benefits for day workers has refused to take up the employment to which he/she was referred by the Public Employment Security Office, the job applicant benefits for day workers shall not be paid for seven days as from the day on which he/she refused to take up the employment; however, where he/she falls under any of the following items, this shall not apply:

- (i) When it is found that the employment to which he/she was referred is not appropriate in the light of said person's abilities;
 - (ii) When the wage for the employment to which he/she was referred is unjustifiably low in comparison to the wage level usual for work to the same degree of skill in the same kind of business in the same locality;
 - (iii) When he/she was referred to a place of business that falls under the provisions of Article 20 (excluding the proviso of paragraph (2)) of the Employment Security Act;
 - (iv) When there is other justifiable reason.
- (2) The determination as to whether or not a person who is qualified to receive payment of the job applicant benefits for day workers falls under any of the items of the preceding paragraph shall be made by the Chief of the Public Employment Security Office in accordance with the standards specified by the Minister of Health, Labour and Welfare.
- (3) In the case where a person qualified to receive payment of the job applicant benefits for day workers has received or attempted to receive payment of the job applicant benefits or employment promotion benefits by means of deception or other wrongful conduct, the job applicant benefits for day workers shall not be paid to such person for the month for which he/she received or attempted to receive payment of the job applicant benefits or the employment promotion benefits, and for the period of three months as from the month following said month. Provided, however, that, in the case where there are unavoidable reasons, the whole or a part of the job applicant benefits for day workers may be paid.

(Special Provisions Concerning the Job Applicant Benefits for Day Workers)

Article 53 (1) In the case where an insured day worker has become unemployed and falls under all of the following items, he/she may report to that effect to the Chief of the Public Employment Security Office and receive payment of the job applicant benefits for day workers prescribed in the following Article:

- (i) Stamp premiums have been paid for said insured day worker for 11 days or more in each month and for 78 days or more in total during six consecutive months;

- (ii) He/she has not received payment of the job applicant benefits for day workers under the provisions of Article 45 during the last five months out of the six consecutive months referred to in the preceding item (hereinafter referred to as the "basis period");
 - (iii) He/she has not received payment of the job applicant benefits for day workers under the provisions of Article 45 during the period of two months as from the month following the last month of the basis period (when the date of the report falls within said two month period, the period up to the date of the report).
- (2) The report referred to in the preceding paragraph shall be made within the period of four months as from the month following the last month of the basis period.

Article 54 The payment of the job applicant benefits for day workers to a person who has made the report referred to in paragraph (1) of the preceding Article shall, notwithstanding the provisions of Article 48 and paragraph (1) of Article 50, be as prescribed in the following items:

- (i) The period during which and the number of days for which the job applicant benefits for day workers may be received shall be limited to 60 days in total, with regard to days of unemployment within the period of four months as from the month following the last month of the basis period;
- (ii) The daily amount of the job applicant benefits for day workers shall be the amount prescribed, respectively, in (a) to (c) below, in accordance with the classification listed in (a) to (c) below:
 - (a) When the first class stamp premiums out of the stamp premiums paid during the basis period have been paid for 72 days or more, the daily amount of first class benefits;
 - (b) When falling under any one of the following, the daily amount of second class benefits:
 - 1. When the first class stamp premiums and the second class stamp premiums out of the stamp premiums paid during the basis period have been paid for 72 days or more (excluding cases falling under (a) above);
 - 2. When, out of the stamp premiums paid in the basis period, the first class stamp premiums and second class stamp premiums have been paid for less than 72 days and when the amount obtained by dividing by 72 the total of the first class stamp premiums paid and the second class stamp premiums paid plus the amount of the third class stamp premiums paid for the number of days equivalent to the number of days after deducting, from 72 days, the number of days for which first class stamp premiums and second class stamp premiums were paid, is

- not less than the daily amount of the second class stamp premiums.
- (c) When not falling under (a) or (b) above, the daily amount of the third class benefits.

Article 55 (1) With regard to a person who has made the report referred to in paragraph (1) of Article 53 within the period of two months following the last month of the basis period, the job applicant benefits for day workers under the provisions of Article 45 shall not be paid until the day on which said two months have elapsed.

(2) In the case where a person who has made the report referred to in paragraph (1) of Article 53 has received payment of the job applicant benefits for day workers under the provisions of Article 45 in the third or fourth month as from the month following the last month of the basis period, the job applicant benefits for day workers under the provisions of the preceding Article shall not be paid with regard to the days for which said job applicant benefits for day workers were paid; and where the person has received payment of the job applicant benefits for day workers under the provisions of the preceding Article, the job applicant benefits for day workers under the provisions of Article 45 shall not be paid with regard to the days for which said job applicant benefits for day workers were paid.

(3) With regard to the application of the provisions of item (ii) of paragraph (1) of Article 53 in the case where a person who, after having received payment of the job applicant benefits for day workers under the provisions of the preceding Article, makes the report referred to in paragraph (1) of Article 53, the person shall be deemed to have received payment of the job applicant benefits for day workers under the provisions of Article 45.

(4) The provisions of Article 46, Article 47, paragraph (2) of Article 50, and Articles 51 and 52 shall apply mutatis mutandis to the job applicant benefits for day workers under the provisions of the preceding Article.

(Special Provisions Concerning the Insured Period, etc. with Regard to a Person Who Was an Insured Day Worker)

Article 56 (1) In the case where an insured day worker had been employed in a covered undertaking by the same business operator for 18 days or more in each of two months and was separated from employment in or after the following month, said two months may be calculated as two months of the insured period under the provisions of Article 14. Provided, however, that this shall not apply in the case where the provisions of paragraph (2) or (3) of Article 43 have been applied to said worker.

(2) In the case where the daily amount of wages prescribed in Article 17 is calculated for a person who has obtained recipient qualification, recipient

qualification for the elderly or special recipient qualification prescribed in item (i) of paragraph (3) of Article 14 by calculating the two months prescribed in the preceding paragraph as the insured period pursuant to the provisions of the same paragraph, the amount obtained by dividing the amount of the stamp premiums paid in each of those two months by the rate specified by an Ordinance of the Ministry of Health, Labour and Welfare shall be deemed to be the amount of wages paid in each month.

- (3) The provisions of paragraph (1) shall apply mutatis mutandis to the calculation of the basis period for calculation under the provisions of paragraph (3) of Article 22. In this case, the term "said two months may be calculated as two months of the insured period under the provisions of Article 14" shall be deemed to be replaced with "said employed period may be calculated as a period falling under the period in which said person was employed as an insured person in a covered undertaking by the same business operator continuously until the basis day prescribed in paragraph (3) of Article 22".

Section 5 Employment Promotion Benefits

(Employment Promotion Allowance)

Article 56-2 (1) An employment promotion allowance shall be paid to a person who falls under any of the following items when the Chief of the Public Employment Security Office finds it necessary in accordance with the standards specified by an Ordinance of the Ministry of Health, Labour and Welfare:

- (i) A qualified recipient falling under (a) or (b) below for whom the remaining number of payment days for the basic allowance on the day before the day on which he/she took up said employment (meaning the number of days for which the basic allowance would have been payable to the person, assuming he/she had not taken up the employment, during the period between the day after the day on which he/she took up said employment and the final day of the period prescribed in paragraphs (1) and (2) of Article 20 pertaining to the recipient qualification (for qualified recipients falling under the provisions of paragraph (3) of Article 33, the period under the provisions of the same paragraph and for qualified recipients falling under the provisions of paragraph (1) of the following Article, the period under the provisions of the same paragraph); the same shall apply hereinafter) is one-third or more of the prescribed duration of benefits based on said recipient qualification and 45 days or more:
- (a) Persons who have taken up employment and do not fall under (b) below;
- (b) Persons who have taken up stable employment specified by an Ordinance of the Ministry of Health, Labour and Welfare;

- (ii) A qualified recipient (limited to a person for whom the remaining number of payment days for the basic allowance on the day before the day on which he/she took up said employment is less than one-third of the prescribed duration of benefits based on the recipient qualification or less than 45 days), specially qualified recipient (including one who has received the special lump sum payment and for whom six months calculated from the day after the day of separation from employment pertaining to the special recipient qualification concerned have not elapsed; the same shall apply hereinafter), or qualified day worker recipient (meaning a person qualified to receive payment of the job applicant benefits for day workers pursuant to the provisions of Article 45 or Article 54; the same applies hereinafter) who has taken up stable employment specified by an Ordinance of the Ministry of Health, Labour and Welfare and who is designated as a physically disabled person or any other person who has difficulty finding employment by an Ordinance of the Ministry of Health, Labour and Welfare.
- (2) In the case where a qualified recipient, specially qualified recipient, or qualified day worker recipient (referred to as a "qualified recipient, etc." in Article 58 and paragraph (1) of Article 59) has received payment of an employment promotion allowance (excluding an allowance pertaining to those falling under item (i), (a) of the preceding paragraph; hereinafter the same shall apply in this paragraph) with regard to the employment during the period specified by an Ordinance of the Ministry of Health, Labour and Welfare before the day on which he/she took up the stable employment prescribed in item (i), (b) or item (ii) of the preceding paragraph, the employment promotion allowance shall not be paid, notwithstanding the provisions of the preceding paragraph.
- (3) The amount of the employment promotion allowance shall be the amount prescribed respectively in the following items, in accordance with the classification of persons listed in said items:
- (i) Persons falling under item (i), (a) of paragraph (1) -- with regard to days during which they are actually employed (limited to the case where there are any days on which the basic allowance would have been payable, assuming they had not taken up the employment, during the period between the day on which they took up said employment and the final day of the period prescribed in paragraphs (1) and (2) of Article 20 pertaining to the recipient qualification for the basic allowance pertaining to said employment promotion allowance (for qualified recipients falling under the provisions of paragraph (3) of Article 33, the period under the provisions of the same paragraph and for qualified recipients falling under the provisions of paragraph (1) of the following Article, the period under the provisions of the same paragraph), the amount obtained by multiplying the daily amount of

- the basic allowance under the provisions of Article 16 (when the amount exceeds the amount obtained by multiplying 12,220 yen (when the amount has been revised pursuant to the provisions of Article 18, the revised amount) prescribed in paragraph (1) of Article 16, (including cases where it is applied pursuant to paragraph (2) of the same Article, as rephrased therein) by 50 percent (for qualified recipients who are 60 or over and under 65 years of age on the day of separation from employment pertaining to their recipient qualification, 45 percent), said amount; hereinafter referred to as the "daily amount of the basic allowance" in this Article) by 0.3;
- (ii) Persons falling under item (i), (b) of paragraph (1) -- the amount obtained by multiplying the daily amount of the basic allowance by the number obtained by multiplying the number of days equivalent to the remaining number of payment days by 0.3;
- (iii) Persons falling under item (ii) of paragraph (1) -- the amount specified by an Ordinance of the Ministry of Health, Labour and Welfare in accordance with the classification of persons listed in (a) to (c) below, within the limit of the amount obtained by multiplying the amount prescribed in (a) to (c) below by 30:
- (a) Qualified recipients -- the daily amount of the basic allowance;
- (b) Specially qualified recipients -- the daily amount of the basic allowance to be paid to the persons in the case where the provisions of Articles 16 to 18 are applied by deeming them to be qualified recipients of the basic allowance (when the amount exceeds the amount obtained by multiplying 12,220 yen (when the amount has been revised pursuant to the provisions of Article 18, the revised amount) prescribed in paragraph (1) of Article 16 (including cases where it is applied pursuant to paragraph (2) of the same Article, as rephrased therein) which is applied by deeming the persons to be qualified recipients of the basic allowance, by 50 percent (for qualified recipients who are 60 or over and under 65 years of age on the day of separation from employment pertaining to their special recipient qualifications, 45 percent), said amount);
- (c) Qualified day worker recipients -- the daily amount of the job applicant benefits for day workers under the provisions of Article 48 or Article 54, item (ii).
- (4) When the employment promotion allowance pertaining to persons falling under item (i), (a) of paragraph (1) has been paid, with regard to the application of the provisions of this Act (excluding the provisions of Articles 10-3 and 34; the same shall apply in the following paragraph), the basic allowance shall be deemed to have been paid for the number of days equivalent to the number of days for which said employment promotion allowance was paid.
- (5) When the employment promotion allowance pertaining to persons falling

under item (i), (b) of paragraph (1) has been paid, with regard to the application of the provisions of this Act, the basic allowance shall be deemed to have been paid for the number of days equivalent to the number of days obtained by dividing the amount of said employment promotion allowance by the daily amount of the basic allowance.

(Special Provisions for Cases where the Employment Promotion Allowance Has Been Paid)

Article 57 (1) Notwithstanding the provisions of paragraphs (1) and (2) of Article 20 and paragraph (3) of Article 33, when the period listed in item (i) exceeds the period listed in item (ii), with regard to specific recipients of the employment promotion allowance, the basic allowance benefit period for said specific recipients of the employment promotion allowance shall be the period adding the period under these provisions and said exceeding period:

(i) The period adding the period between the day after the day of separation from employment pertaining to the recipient qualification for the basic allowance pertaining to the employment promotion allowance (limited to an allowance pertaining to persons falling under item (i), (b) of paragraph (1) of the preceding Article; hereinafter the same applies in this Article) and the day of a second separation from employment (meaning the first separation from employment after receiving payment of said employment promotion allowance; the same shall apply in the following paragraph (when the recipient qualification, recipient qualification for the elderly, or special recipient qualification has been newly obtained, excluding separation from employment pertaining to said recipient qualification, recipient qualification for the elderly, or special recipient qualification)) and the number of days listed in (a) and (b) below:

(a) The number of days specified by an Ordinance of the Ministry of Health, Labour and Welfare within a limit of 20 days or less;

(b) The number of days obtained by deducting the number of days for which the basic allowance is deemed to have been paid pursuant to the provisions of paragraph (5) of the preceding Article from the remaining number of payment days on the day before the day on which the person took up the employment pertaining to said employment promotion allowance;

(ii) The period prescribed in paragraphs (1) and (2) of Article 20 pertaining to said recipient qualification, assuming the person had not taken up said employment (for qualified recipients falling under the provisions of paragraph (3) of Article 33 the period prescribed in the same paragraph).

(2) The specific recipients of the employment promotion allowance referred to in the preceding paragraph means persons who have received payment of the employment promotion allowance, whose second separation from employment

falls within the period prescribed in paragraphs (1) and (2) of Article 20 pertaining to recipient qualification for the basic allowance pertaining to said employment promotion allowance (for qualified recipients falling under the provisions of paragraph (3) of Article 33 the period prescribed in the same paragraph) and who fall under any of the following items:

- (i) Persons whose second separation from employment has been designated by an Ordinance of the Ministry of Health, Labour and Welfare as having accompanied an insolvency that occurred with regard to the undertaking by the business operator who had been employing said persons, or the downsizing or discontinuance of the covered undertaking by said business operator;
 - (ii) In addition to what is prescribed in the preceding item, persons who have been separated from employment because of dismissal or other reasons specified by an Ordinance of the Ministry of Health, Labour and Welfare.
- (3) With regard to qualified recipients falling under the provisions of paragraph (1), the term "paragraphs (1) and (2) of Article 20" in paragraph (1) of Article 24 shall be deemed to be replaced with " paragraph (1) of Article 57".
- (4) The provisions of paragraph (5) of Article 33 shall apply mutatis mutandis to qualified recipients falling under paragraph (1).

(Moving Expenses)

Article 58 (1) In the case where a qualified recipient, etc., changes his/her domicile or address to take up the employment to which he/she was referred by the Public Employment Security Office or to take a course of public vocational training, etc., as directed by the Chief of the Public Employment Security Office and the Chief of the Public Employment Security Office finds it necessary in accordance with the standards specified by the Minister of Health, Labour and Welfare, moving expenses shall be paid.

- (2) The amount of the moving expenses shall be specified by an Ordinance of the Ministry of Health, Labour and Welfare, taking into account the expenses normally required for removal of a qualified recipient, etc., and the relatives who live with and are supported by him/her.

(Wide Area Job-Seeking Activity Expenses)

Article 59 (1) In the case where a qualified recipient, etc., engages in wide area job-seeking activities through referral by the Public Employment Security Office and the Chief of the Public Employment Security Office finds it necessary in accordance with the standards specified by the Minister of Health, Labour and Welfare, wide area job-seeking activity expenses shall be paid.

- (2) The amount of the wide area job-seeking activity expenses shall be specified by an Ordinance of the Ministry of Health, Labour and Welfare, taking into

account the expenses normally required for the job-seeking activities referred to in the preceding paragraph.

(Restriction on Benefits)

- Article 60 (1) The employment promotion benefits shall not be paid to a person who has received or attempted to receive payment of the job applicant benefits or employment promotion benefits by means of deception or other wrongful conduct, as from the day on which he/she received or attempted to receive payment of these benefits. Provided, however, that, in the case where there are unavoidable reasons, the whole or a part of the employment promotion benefits may be paid.
- (2) If a person prescribed in the preceding paragraph has newly obtained recipient qualification or special recipient qualification on or after the day prescribed in the same paragraph, the employment promotion benefits based on said recipient qualification or special recipient qualification shall be paid, notwithstanding the provisions of the same paragraph.
- (3) Where a person prescribed in paragraph (1), who has been disqualified from receiving payment of the job applicant benefits for day workers pursuant to the provisions of paragraph (3) of Article 52 (including where said provisions are applied mutatis mutandis pursuant to paragraph (4) of Article 55; the same shall apply in the following paragraph), is or has become a qualified day worker recipient, after the expiration of the period of disqualification for said payment the employment promotion benefits shall be paid based on said qualification as a qualified day worker recipient, notwithstanding the provisions of paragraph (1).
- (4) In the case where a person prescribed in paragraph (1) (excluding a person who is deemed to be disqualified from receiving payment of the job applicant benefits for day workers pursuant to the provisions of paragraph (3) of Article 52) has newly become a qualified day worker recipient, the employment promotion benefits based on said qualification as a qualified day worker recipient shall be paid to said person, notwithstanding the provisions of paragraph (1).
- (5) When a qualified recipient has been disqualified from receiving payment of the whole or a part of the employment promotion allowance based on the recipient qualification concerned, due to being denied payment of the employment promotion benefits pursuant to the provisions of paragraph (1), the whole or a part of the employment promotion allowance that the person was disqualified from receiving shall be deemed to have been paid, with regard to the application of the provisions of paragraph (4) of Article 56-2.

Section 5-2 Educational Training Benefits

(Educational Training Benefits)

Article 60-2 (1) The educational training benefits shall be paid in the case where persons falling under any of the following items, take and complete educational training designated by the Minister of Health, Labour and Welfare as job-related educational training necessary for employment security and promotion of job placement pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare (limited to the case where such fact has been certified by the practitioner of specified educational training who conducted said educational training), and where the required period for payment exceeds three years:

- (i) Insured persons (excluding continuously insured elderly persons, specially insured persons in short-term employment and insured day workers; referred to as "generally insured persons" in the following item) on the day of commencing said educational training (hereinafter referred to as "the basis day" in this Article);
- (ii) Persons other than those listed the previous item, whose basis day falls within the period specified by an Ordinance of the Ministry of Health, Labour and Welfare from the day on which they ceased to be generally insured persons immediately before said basis day.

(2) The required period for payment referred to in paragraph (1) shall be the period, within the period before the basis day, during which a person listed in the items of paragraph (1), is employed continuously as an insured person (excluding continuously insured elderly persons, hereinafter the same applies in this paragraph) in a covered undertaking by the same business operator (for persons who had at one time been insured before the day they became an insured person pertaining to said period of employment, the period shall be the aggregate of said period of employment and said period during which he/she had been insured). Provided, however, that, when the periods listed in the following items are included in said period, the period shall be calculated excluding all periods falling under those listed in said items:

- (i) When said period of employment or the day on which said person had ceased to be an insured person immediately before the day he/she became an insured person pertaining to said period during which he/she had been insured is not within a one-year period prior to said day on which he/she had become insured, the period shall be the period during which the person had been insured before said day on which he/she had ceased to be an insured person;
- (ii) When the educational training benefits have been received prior to said basis day, the period shall be the period during which the person was insured prior to the basis day pertaining to said benefits.

- (3) The provisions of paragraph (4) of Article 22 shall apply mutatis mutandis to the calculations of the required period for payment referred to in the preceding paragraph.
- (4) The amount of the educational training benefits shall be an amount obtained by multiplying the amount of expenses which persons listed in the items of paragraph (1) have paid for taking the educational training prescribed in the same paragraph (limited to expenses within the limit specified by an Ordinance of the Ministry of Health, Labour and Welfare, and limited to the amount which has been certified by the practitioner of specified educational training who conducted said educational training as that paid for taking said educational training) by a rate specified by an Ordinance of the Ministry of Health, Labour and Welfare, within the range of 20 percent to 40 percent (when the amount exceeds the amount specified by an Ordinance of the Ministry of Health, Labour and Welfare, the amount specified).
- (5) Notwithstanding the provisions of paragraph (1) and the preceding paragraph, when the amount calculated as the educational training benefits under the provisions of those paragraphs does not exceed the amount specified by an Ordinance of the Ministry of Health, Labour and Welfare, the educational training benefits shall not be paid.

(Restriction on Benefits)

- Article 60-3 (1) The educational training benefits shall not be paid to a person who has received or attempted to receive payment of the educational training benefits by means of deception or other wrongful conduct, as from the day on which said person received or attempted to receive payment of said benefits. Provided, however, that, if there are unavoidable reasons, the whole or a part of the educational training benefits may be paid.
- (2) In the case where a person who has been disqualified from receiving payment of the educational training benefits pursuant to the provisions of the preceding paragraph, has newly become a person qualified to receive payment of the educational training benefits, notwithstanding the provisions of the same paragraph, the educational training benefits shall be paid.
- (3) Even in the case where a person has become unable to receive payment of the educational training benefits pursuant to the provisions of paragraph (1), with regard to the application of the provisions of paragraph (2) of the preceding Article, said benefits shall be deemed to have been paid.

Section 6 Continuous Employment Benefits

Subsection 1 Continuous Employment Benefits for the Elderly

(Basic Continuous Employment Benefits for the Elderly)

Article 61 (1) The basic continuous employment benefits for the elderly shall be paid for the months subject to payment where the amount of wages paid (where there are wages, payment of which could not be received in the months subject to payment due to misconduct, sickness or other reasons specified by an Ordinance of the Ministry of Health, Labour and Welfare, the amount calculated by deeming those wages to have been paid; hereinafter the same shall apply in this paragraph, the items of paragraphs (4) and (5) (including cases where they are applied mutatis mutandis pursuant to paragraph (3) of the following Article) and paragraph (1) of the same Article), to an insured person (excluding specially insured persons in short-term employment and insured day workers; hereinafter the same apply in this Subsection) in said month subject to payment (when said insured person has ceased to fall under item (i), the months subject to payment after the month subject to payment containing the day on which he/she ceased to fall under the same item), has fallen below an amount equivalent to 75 percent of the amount obtained by multiplying by 30 an amount equivalent to the daily amount of wages calculated where the provisions of Article 17 (excluding paragraph (3)) are applied, deeming said insured person to be a qualified recipient and the day on which said insured person reached 60 years of age (when said insured person has ceased to fall under item (i), the day on which he/she ceased to fall under the same item) as the day of separation from employment pertaining to the recipient qualification (hereinafter referred to as the "amount deemed to be the daily amount of wages" in this Article). Provided, however, that this shall not apply when falling under any of the following items:

- (i) When the period equivalent to the period to be calculated when the provisions of paragraphs (3) and (4) of Article 22 have been applied, deeming the insured person to be a qualified recipient and the day on which said insured person reached 60 years of age or the day in the said month subject to payment corresponding to that day (for a month which does not have a day corresponding to that day, the last day of that month) as the basis day prescribed in item (i) of paragraph (1) of Article 20 is less than five years;
 - (ii) When the amount of wages paid in said month subject to payment is 350,880 yen or more (when that amount has been revised pursuant to the provisions of paragraph (7), the revised amount; hereinafter referred to as the "payment amount limit" in this Subsection).
- (2) In this Article, "months subject to payment" means the months within the period from the month containing the day on which the insured person reached 60 years of age until the month containing the day on which he/she reaches 65 years of age (limited to months in which he/she was continuously insured from the first to the last day of the month and in which he/she did not take leave for which he/she could receive payment of the basic childcare leave benefits or

family care leave benefits).

- (3) In the case where the amount deemed to be the daily amount of wages is calculated pursuant to the provisions of paragraph (1), with regard to the application of the provisions of paragraph (4) of Article 17, the term "the provisions of the preceding three paragraphs" in the same paragraph shall be deemed to be replaced with "the provisions of paragraphs (1) and (2)".
- (4) When it is not possible or is difficult to calculate the amount deemed to be the daily amount of wages pursuant to the provisions of paragraph (1), or where it is found inappropriate to apply the provisions of the same paragraph using the amount deemed to be the daily amount of wages calculated pursuant to the provisions of the same paragraph, the amount deemed to be the daily amount of wages shall be an amount calculated as specified by the Minister of Health, Labour and Welfare. In this case, the provisions of paragraph (4) of Article 17 shall apply mutatis mutandis to the amount deemed to be the daily amount of wages calculated pursuant to the provisions of this paragraph.
- (5) The amount of the basic continuous employment benefits for the elderly for a single month subject to payment shall be the amount obtained, in accordance with the classification listed in the following items, by multiplying the amount of wages paid in said month subject to payment by the rates prescribed in said items. Provided, however, that, where the amount obtained by adding said amount of wages to that amount exceeds the payment amount limit, it shall be the amount obtained by deducting said amount of wages from the payment amount limit:
 - (i) When said amount of wages is less than the amount equivalent to 61 percent of the amount obtained by multiplying the amount deemed to be the daily amount of wages by 30 -- 15 percent;
 - (ii) When not falling under the preceding item -- the percentage specified by an Ordinance of the Ministry of Health, Labour and Welfare, gradually decreasing from 15 percent in set proportion in accordance with the degree of gradual increase in the proportion of said amount of wages to the amount obtained by multiplying the amount deemed to be the daily amount of wages by 30.
- (6) Notwithstanding the provisions of paragraph (1) and the preceding paragraph, the basic continuous employment benefits for the elderly shall not be paid for the month subject to payment, when the amount calculated as the amount of the basic continuous employment benefits for the elderly for said month subject to payment does not exceed the amount equivalent to 80 percent of the amount listed in item (i) of paragraph (4) of Article 17 (where that amount has been revised pursuant to the provisions of Article 18, the revised amount).
- (7) Where the average earnings for the fiscal year have either exceeded or fallen below the average earnings for the year beginning on April 1, 2001 (where the

payment amount limit has been revised pursuant to the provisions of this paragraph, the fiscal year preceding the fiscal year of the most recent revision), the Minister of Health, Labour and Welfare shall revise the payment amount limit applicable from August 1 of the following fiscal year, in accordance with the rate of increase or decrease.

(Re-employment Benefits for the Elderly)

- Article 61-2 (1) The re-employment benefits for the elderly shall be paid for the months subject to payment after re-employment, where a qualified recipient (limited to one whose basic period for calculation pursuant to the provisions of paragraph (3) of Article 22 as on the day of separation from employment pertaining to said recipient qualification is not less than five years and who has received payment of the basic allowance based on said recipient qualification) has become an insured person due to taking stable employment on or after the day on which he/she reached 60 years of age, and when the amount of wages paid to said insured person in the months subject to payment after re-employment has fallen below the amount equivalent to 75 percent of the amount obtained by multiplying by 30 the daily amount of wages, which was the basis of the calculation of the daily amount of said basic allowance. Provided, however, that this shall not apply when falling under any of the following items:
- (i) Where the remaining number of payment days as on the day before the day on which he/she took up said employment (referred to as the "employment day" in the following paragraph) is less than 100 days;
 - (ii) Where the amount of wages paid in the months subject to payment after said re-employment is not less than the payment amount limit.
- (2) The "months subject to payment after re-employment" referred to in the preceding paragraph, means the months within the period between the month containing the employment day and the month containing the day on which two years (for an insured person referred to in the same paragraph whose remaining number of payment days on the day before said employment day is less than 200 days, one year) have elapsed from the day after said employment day (where such month is a month after the month in which the insured person referred to in the same paragraph reaches 65 years of age, the month in which he/she reaches 65 years of age) (limited to months in which he/she was continuously insured from the first to the last day of the month and in which he/she did not take leave for which he/she could receive payment of the basic childcare leave benefits or family care benefits).
- (3) The provisions of paragraphs (5) and (6) of the preceding Article shall apply mutatis mutandis to the amount of the re-employment benefits for the elderly. In this case, the terms in paragraph (5) of the same Article "for a single month

subject to payment", "said month subject to payment" and "the amount deemed to be the daily amount of wages" shall be deemed to be replaced, respectively, with "for a single month subject to payment after re-employment (meaning the months subject to payment after the re-employment prescribed in paragraph (2) of the following Article; the same shall apply in paragraph (6) as applied mutatis mutandis pursuant to paragraph (3) of the following Article)", "said month subject to payment after re-employment" and "the daily amount of wages referred to in paragraph (1) of the following Article"; and the terms in paragraph (6) of the same Article "paragraph (1)" and "the month subject to payment" shall be deemed to be replaced, respectively, with "paragraph (1) of the following Article" and "the month subject to payment after re-employment".

(4) In the case where a person who is qualified to receive payment of the re-employment benefits for the elderly is qualified to receive payment of the employment promotion allowance (limited to an allowance pertaining to persons falling under item (i), (b) of paragraph (1) of Article 56-2; hereinafter the same applies in this paragraph) with regard to the same employment, the re-employment benefits for the elderly shall not be paid when he/she has received payment of the employment promotion allowance, and the employment promotion allowance shall not be paid when he/she has received payment of the re-employment benefits for the elderly.

(Restriction on Benefits)

Article 61-3 The continuous employment benefits for the elderly prescribed in the following items shall not be paid to a person who has received or attempted to receive payment of the benefits for unemployment, etc., listed in the same items by means of deception or other wrongful conduct, as from the day on which he/she received or attempted to receive payment of said benefits. Provided, however, that in the case where there are unavoidable reasons, the whole or a part of said continuous employment benefits for the elderly may be paid:

- (i) Basic continuous employment benefits for the elderly -- basic continuous employment benefits for the elderly;
- (ii) Re-employment benefits for the elderly or job applicant benefits or employment promotion benefits based on the recipient qualification pertaining to said benefits -- re-employment benefits for the elderly.

Subsection 2 Childcare Leave Benefits

(Basic Childcare Leave Benefits)

Article 61-4 (1) The basic childcare leave benefits shall be paid for the payment unit period where an insured person (excluding continuously insured elderly

persons, specially insured persons in short-term employment and insured day workers; hereinafter the same applies in this Subsection and the following Subsection) has, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare, taken leave in order to take care of his/her child under one year of age (when falling under the case specified by an Ordinance of the Ministry of Health, Labour and Welfare as the case where it is found especially necessary to take leave on or after the day on which the child reaches one year of age for the purpose of continuing employment, one and a half years of age), when the period deemed to be the insured period is a total of 12 months or more within the two-year period preceding the day on which said leave was commenced (for an insured person who was continuously unable to receive payment of wages for 30 days or more due to sickness, injury or other reasons specified by an Ordinance of the Ministry of Health, Labour and Welfare during the two-year period preceding the day on which said leave was commenced, the total of the number of days for which payment of wages could not be received due to said reason plus two years (when that total period exceeds four years; four years)).

- (2) The "period deemed to be the insured period" referred to in the preceding paragraph shall be the period equivalent to the insured period to be calculated when the provisions of Article 14 (excluding paragraph (2)) have been applied, deeming the day on which the leave prescribed in the preceding paragraph was commenced to be the day on which the person ceased to be an insured person. In this case, with regard to the application of the provisions of paragraphs (1) and (3) of the same Article, the term "14 days" in paragraph (1) of the same Article shall be deemed to be replaced with "11 days"; the terms "of the preceding two paragraphs" and "in the preceding two paragraphs" in paragraph (3) of the same Article shall be deemed to be replaced, respectively, with "of paragraph (1)" and "in the same paragraph".
- (3) The "payment unit period" in this Article and paragraph (2) of the following Article means a single period when the period of leave taken pursuant to the provisions of paragraph (1) has been classified into each period from the day on which said leave was commenced or the day corresponding to that day in each month within the period of said leave (for a month which does not have a day corresponding to that day, the last day of the month; hereinafter referred to as the "corresponding leave commencement day" in this paragraph and item (ii) of the following paragraph) until the day before the corresponding leave commencement day in each successive month (for the month containing the day on which the leave was concluded, said day on which the leave was concluded), in accordance with said classification.
- (4) The amount of the basic childcare leave benefits for a single payment unit period shall be an amount equivalent to 30 percent of the amount obtained by

multiplying the amount equivalent to the daily amount of wages to be calculated when the provisions of Article 17 have been applied, deeming the person qualified to receive payment of the basic childcare leave benefits to be a qualified recipient and the day before the day on which said qualified recipient commenced the leave pertaining to payment of said basic childcare leave benefits as the day of separation from employment pertaining to the recipient qualification (hereinafter referred to as the "daily amount of wages at the commencement of leave" in this Subsection), by the duration of benefits prescribed in the following items in accordance with the classification of payment unit periods listed in the same items (referred to as the "duration of benefits" in this paragraph and paragraph (2) of the following Article). In this case, with regard to the application of the provisions of the same Article, the term "where it is difficult" in paragraph (3) of the same Article shall be deemed to be replaced with "when it is not possible or difficult"; the term "item (ii)" in paragraph (4) of the same Article shall be deemed to be replaced with "item (ii), (c)":

- (i) Payment unit periods other than the payment unit period listed in the following item -- 30 days;
 - (ii) The payment unit period containing the day on which said leave was concluded -- the number of days from the day on which said leave was commenced or the corresponding leave commencement day until the day on which said leave was concluded during said payment unit period.
- (5) Notwithstanding the provisions of the preceding paragraph, in the case where wages have been paid during the payment unit period to the insured person who has taken the leave prescribed in paragraph (1) by the business operator who employs said insured person, when the amount obtained by adding the amount of the basic childcare leave benefits for said payment unit period to said amount of wages exceeds the amount equivalent to 80 percent of the amount obtained by multiplying the daily amount of wages at the commencement of leave by the duration of benefits, the amount obtained by deducting said amount of wages from the amount equivalent to 80 percent of the amount obtained by multiplying the daily amount of wages at the commencement of leave by the duration of benefits shall be the amount of the basic childcare leave benefits for said payment unit period. In this case, when said amount of wages is not less than the amount equivalent to 80 percent of the amount obtained by multiplying the daily amount of wages at the commencement of leave by the duration of benefits, notwithstanding the provisions of the same paragraph, the basic childcare leave benefits shall not be paid for the payment unit period for which said wages were paid.

(Re-engagement Benefits for Persons Taking Childcare Leave)

Article 61-5 (1) The re-engagement benefits for persons taking childcare leave shall be paid when an insured person qualified to receive payment of the basic childcare leave benefits has been employed by the business operator who employed him/her as an insured person during the period of the leave pertaining to said basic childcare leave benefits which he/she is qualified to receive, for six months or more continuously on or after the day on which said leave was concluded.

(2) The amount of the re-engagement benefits for persons taking childcare leave shall be the amount obtained by multiplying the amount equivalent to 10 percent of the daily amount of wages at the commencement of leave pertaining to the basic childcare leave benefits which he/she is qualified to receive during said payment unit period, by the total duration of benefits for the payment unit periods (limited to periods for which payment of the basic childcare leave benefits can be received) during the period of leave taken referred to in the preceding paragraph.

(Restriction on Benefits)

Article 61-6 (1) The childcare leave benefits shall not be paid to a person who has received or attempted to receive payment of the basic childcare leave benefits by means of deception or other wrongful conduct, as from the day on which he/she received or attempted to receive payment of said benefits. Provided, however, that, in the case where there are unavoidable reasons, the whole or a part of the childcare leave benefits may be paid.

(2) In the case where a person who has been disqualified from receiving payment of the childcare leave benefits pursuant to the provisions of the preceding paragraph has newly taken leave as prescribed in Article 61-4, paragraph (1), following the day prescribed in the preceding paragraph, and who has become a person qualified to receive payment of the basic childcare leave benefits, the childcare leave benefits pertaining to said leave shall be paid notwithstanding the provisions of the preceding paragraph.

Subsection 3 Family Care Leave Benefits

(Family Care Leave Benefits)

Article 61-7 (1) The family care leave benefits shall be paid for the payment unit period where an insured person has, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare, taken leave in order to take care of his/her specified family members (meaning said insured person's spouse (including a person in a relationship with said insured person where a marital relationship is de facto, though a marriage has not been registered; hereinafter the same applies in this paragraph), parents, children (including

those specified as such by an Ordinance of the Ministry of Health, Labour and Welfare) and the parents of the insured person's spouse; hereinafter the same applies in this Article), when the period deemed to be the insured period is a total of 12 months or more within the two-year period preceding the day on which said leave was commenced (for an insured person who was continuously unable to receive payment of wages for 30 days or more due to sickness, injury of other reasons specified by an Ordinance of the Ministry of Health, Labour and Welfare during the two-year period preceding the day on which said leave was commenced, the total of the number of days for which payment of wages could not be received due to said reason plus two years (when that period exceeds four years, four years)).

- (2) The period deemed to be the insured period referred to in the preceding paragraph shall be the period equivalent to the insured period to be calculated when the provisions of Article 14 (excluding paragraph (2)) have been applied, deeming the day on which the leave prescribed in the preceding paragraph was commenced to be the day on which the person ceased to be an insured person. In this case, with regard to the application of the provisions of paragraphs (1) and (3) of the same Article, the term "14 days" in paragraph (1) of the same Article shall be deemed to be replaced with "11 days"; the terms "of the preceding two paragraphs" and "in the preceding two paragraphs" in paragraph (3) of the same Article shall be deemed to be replaced, respectively, with "of paragraph (1)" and "in the same paragraph".
- (3) The "payment unit period" in this Article means a single period when the period of leave taken pursuant to the provisions of paragraph (1) (limited to the period until the day on which three months have elapsed since the day on which said leave taken in order to take care of the specified family members was commenced) has been classified into each period from the day on which said leave was commenced or the day corresponding to that day in each month within the period of said leave (for a month which does not have a day corresponding to that day, the last day of the month, hereinafter referred to as the "corresponding leave commencement day" in this paragraph and item (ii) of the following paragraph) until the day before the corresponding leave commencement day in each successive month (for the month containing the day on which said leave was concluded, said day on which the leave was concluded), in accordance with said classification.
- (4) The amount of the basic family care leave benefits for a single payment unit period, shall be an amount equivalent to 40 percent of the amount obtained by multiplying the amount equivalent to the daily amount of wages to be calculated when the provisions of Article 17 have been applied, deeming the person qualified to receive payment of the basic family care leave benefits to be a qualified recipient and the day before the day on which said qualified

recipient commenced the leave pertaining to payment of said basic family care leave benefits to be the day of separation from employment pertaining to the recipient qualification (hereinafter referred to as the "daily amount of wages at the commencement of leave" in the following paragraph), by the duration of benefits prescribed in the following items in accordance with the classification of payment unit periods listed in the same items (referred to as the "duration of benefits" in the following paragraph). In this case, with regard to the application of the provisions of the same Article, the term "where it is difficult" in paragraph (3) of the same Article shall be deemed to be replaced with "when it is not possible or difficult"; the term "item (ii)" in paragraph (4) of the same Article shall be deemed to be replaced with "item (ii), (c)":

- (i) Payment unit periods other than the payment unit period listed in the following item -- 30 days;
 - (ii) The payment unit period containing the day on which said leave was concluded -- the number of days from the day on which said leave was commenced or the corresponding leave commencement day until the day on which said leave was concluded during said payment unit period.
- (5) Notwithstanding the provisions of the previous paragraph, in the case where wages have been paid during the payment unit period to the insured person who has taken leave prescribed in paragraph (1) by the business operator who employs said insured person, when the amount obtained by adding the amount of the family care leave benefits for said payment unit period to said amount of wages exceeds the amount equivalent to 80 percent of the amount obtained by multiplying the daily amount of wages at the commencement of leave by the duration of benefits, the amount obtained by deducting said amount of wages from the amount equivalent to 80 percent of the amount obtained by multiplying the daily amount of wages at the commencement of leave by the duration of the benefits shall be the amount of the family care leave benefits for said payment unit period. In this case, when said amount of wages is not less than the amount equivalent to 80 percent of the amount obtained by multiplying the daily amount of wages at the commencement of leave by the duration of benefits, notwithstanding the provisions of the same paragraph, the basic family care leave benefits shall not be paid for the payment unit period for which said wages were paid.
- (6) Notwithstanding the provisions of paragraph (1), in the case where an insured person has received payment of the family care leave benefits with regard to leave taken in order to take care of his/her specified family members, pursuant to the provisions of this Subsection, and when said insured person has taken leave falling under any of the following items after the day on which 93 days have elapsed since the day on which said leave was commenced, the family care leave benefits shall not be paid:

- (i) Leave in order to take care of the specified family members who have been in need of care continuously since the day on which said leave was commenced;
- (ii) Leave with regard to each period of leave taken by said insured person for said specified family members (meaning leave taken in order to take care of the specified family members; hereinafter the same applies in this item), taken after the day on which the total number of days from the day on which the leave was commenced to the day on which the leave was concluded has reached 93 days.

(Restriction on Benefits)

Article 61-8 (1) The family care leave benefits shall not be paid to a person who has received or attempted to receive payment of the family care leave benefits by means of deception or other wrongful conduct, as from the day on which he/she received or attempted to receive payment of said benefits. Provided, however, that in the case where there are unavoidable reasons, the whole or a part of the family care leave benefits may be paid.

- (2) In the case where a person who has been disqualified from receiving payment of the family care leave benefits pursuant to the provisions of the preceding paragraph, has newly taken leave prescribed in paragraph (1) of the preceding Article, following the day prescribed in the same paragraph, and who has become a person qualified to receive payment of the family care leave benefits, notwithstanding the provisions of the preceding paragraph, the family care leave benefits pertaining to said leave shall be paid.

Chapter IV Services for the Stabilization of Employment, etc.

(Services for the Stabilization of Employment)

Article 62 (1) The government may undertake the following services with regard to insured persons and those who were or are intending to become insured persons (hereinafter referred to as "insured persons, etc." in this Chapter), as services for the stabilization of employment, with a view to preventing unemployment, redressing the employment situation, increasing employment opportunities and otherwise stabilizing employment:

- (i) Providing necessary aid and assistance for business operators who lay off workers or take other measures necessary for stabilizing worker employment in the case where the business operator have been compelled to curtail business activities due to changes in the economy or in the industrial structure or other economic reasons;
- (ii) Providing necessary aid and assistance for business operators who provide leave under the provisions of Article 26, paragraph (1) of the Employment

- Measures Act (Act No. 132 of 1966) to workers who have been compelled to be separated from employment or for business operators who take other measures necessary for promoting the re-employment of said workers;
- (iii) Providing necessary aid and assistance for the business operators who raise the retirement age, extend the employment of the elderly such as through introducing the continuous employment system prescribed in Article 9 of the Act Concerning Stabilization of Employment of the Elderly, etc. (Act No. 618 of 1971), assist the elderly, etc. prescribed in Article 2, paragraph (2) of the same Act (hereinafter referred to simply as "the elderly, etc." in this item) with their re-employment, or hire the elderly, etc., and for business operators who take other measures necessary for stabilizing the employment of the elderly, etc.;
 - (iv) Providing necessary aid and assistance to business operators who newly employ workers through relocating their places of business to areas where there is a need for increased employment opportunities, business operators who employ, throughout the year, persons who become unemployed on a seasonal basis in areas where many such persons reside, or business operators who take other measures necessary for stabilizing worker employment in areas where improvement in the conditions relating to employment is necessary;
 - (v) In addition to what is listed in the preceding items, other services, specified by an Ordinance of the Ministry of Health, Labour and Welfare, which are necessary for promoting the employment of physically disabled persons and others having particular difficulty in finding employment, for promoting the employment of workers in the case where the status of employment has become unstable nationwide and for stabilizing the employment of insured persons, etc.
- (2) Necessary standards for the implementation of the services listed in the items of the preceding paragraph shall be specified by an Ordinance of the Ministry of Health, Labour and Welfare.
- (3) The government shall entrust part of the services listed in the items of paragraph (1) to the Employment and Human Resources Development Organization of Japan and the Japan Organization for Employment of the Elderly and Persons with Disabilities, pursuant to the provisions of the Act on the Employment and Human Resources Development Organization of Japan (Act No. 170 of 2002) and the Act on the Japan Organization for Employment of the Elderly and Persons with Disabilities (Act No. 165 of 2002) and the orders issued thereunder.

(Services for the Human Resources Development)

Article 63 (1) The government may undertake the following services with regard

to insured persons, as services for human resources development with a view to promoting the development and the improvement of their abilities throughout their working lives:

- (i) Providing the business operators and the like prescribed in Article 13 of the Human Resources Development Promotion Act (Act No. 64 of 1969) and persons engaged in activities for the promotion of vocational training, with the aid and assistance necessary for the promotion of vocational training based on the plan prescribed in Article 11 of the same Act, authorized vocational training prescribed in Article 24, paragraph (3) of the same Act (including cases where it is applied mutatis mutandis pursuant to Article 27-2, paragraph (2) of the same Act) (referred to as "authorized vocational training" in item (v)) or other vocational training provided by said business operators and the like, and providing prefectures that provide the aid and assistance necessary for the promotion of said vocational training with subsidies for the whole or a part of the expenses required;
- (ii) Establishing or operating public human resources development facilities (including lodging facilities for persons taking vocational training conducted by public human resources development facilities; hereinafter the same applies in this item) or the Polytechnic University (including lodging facilities for persons taking instructor training or vocational training conducted by the Polytechnic University), conducting the vocational training prescribed in the proviso of Article 15-6, paragraph (1) of the Human Resources Development Promotion Act and providing prefectures establishing or operating public human resources development facilities with subsidies for the whole or a part of the expenses required;
- (iii) Implementing training to allow for adaptation to the work environment and courses to allow the acquisition of the skills and knowledge necessary for facilitating re-employment (referred to as "vocational courses" in item (v)) for job applicants and persons planning to retire;
- (iv) Providing necessary aid and assistance for business operators who grant the paid educational training leave prescribed in Article 10-4, paragraph (2) of the Human Resources Development Promotion Act;
- (v) Providing workers who take vocational training (limited to training conducted by public human resources development facilities or the Polytechnic University) or a vocational course, with the necessary grant for facilitating or promoting their taking of said vocational training or vocational course and providing necessary aid for business operators (limited to those who pay workers the wages usually payable for prescribed working hours, for the period during which the workers take vocational training) who allow the workers they employ to take vocational training based on the plan prescribed in Article 11 of the Human Resources Development Promotion Act,

- authorized vocational training or other vocational training;
- (vi) Bearing the expenses necessary for the implementation of trade skill testing, providing the aid necessary for the promotion of trade skill testing for juridical persons and other organizations that conduct trade skill testing and providing prefectures that provide the aid and assistance necessary for the promotion of trade skill testing with subsidies for the whole or a part of the expenses required;
 - (vii) In addition to what is listed in the preceding items, other services necessary for the development and improvement of workers' abilities, which are specified by an Ordinance of the Ministry of Health, Labour and Welfare.
- (2) With regard to necessary standards for the implementation of the services listed in the items of the preceding paragraph, those pertaining to the subsidies for expenses to be provided to prefectures under the provisions of item (ii) of the same paragraph shall be specified by a Cabinet Order and those pertaining to other services shall be specified by an Ordinance of the Ministry of Health, Labour and Welfare.
- (3) The government shall entrust part of the services listed in the items of paragraph (1) to the Employment and Human Resources Development Organization of Japan, pursuant to the provisions of the Act on the Employment and Human Resources Development Organization of Japan and the orders issued thereunder.

Article 64 Deleted

(Utilization of the Services, etc.)

Article 65 The services prescribed in Articles 62 and 63 and the facilities pertaining to said services may be made available to persons other than the insured persons, etc., insofar as it does not constitute a hindrance to use by the insured persons, etc. and does not harm their interests.

Chapter V Bearing of Expenses

(Amount to be Borne by the National Treasury)

Article 66 (1) The National Treasury shall bear a part of the expenses necessary for the payment of the job applicant benefits (excluding job applicant benefits for the elderly; the same shall apply in item (i)) and continuous employment benefits (excluding basic continuous employment benefits for the elderly and re-employment benefits for the elderly; the same shall apply in item (iii)), in accordance with the classification listed as follows:

- (i) With regard to the job applicant benefits other than the job applicant benefits for day workers, one-fourth of the expenses necessary for the

- payment of said job applicant benefits;
- (ii) With regard to the job applicant benefits for day workers, one-third of the expenses necessary for the payment of said job applicant benefits for day workers;
 - (iii) With regard to the continuous employment benefits, one-eighth of the expenses necessary for the payment of said continuous employment benefits.
- (2) In each fiscal year, with regard to the job applicant benefits listed in item (i) of the preceding paragraph, in the case where the amount of the general premiums collected pursuant to the provisions of the Premiums Collection Act is exceeded by the amount equivalent to three-quarters of the total amount of said job applicant benefits paid, the National Treasury shall bear an amount up to the amount equivalent to one-third of the total amount of said job applicant benefits paid during said fiscal year, with regard to said excess amount, in addition to the amount to be borne by the National Treasury pursuant to the provisions of the same item, notwithstanding the provisions of the same item.
- (3) The amount of the general premiums prescribed in the preceding paragraph shall be the amount obtained by deducting the total of the amounts listed in items (ii) and (iii) from the amount listed in item (i):
- (i) The total of the amounts listed below (hereinafter referred to as the "general premiums amount collected" in this Article and in paragraph (2) of Article 68):
 - (a) The amount of the portion corresponding to the employment insurance rate (where the rate has been revised pursuant to the provisions of paragraph (5) or paragraph (8) of Article 12 of the Premiums Collection Act, the revised rate; hereinafter the same applies in this Article) out of the amount of the general premiums pertaining to undertakings listed in item (i) of paragraph (1) of Article 12 of the same Act which has been collected pursuant to the provisions of the same Act (where the amount of the general premiums for an undertaking that employs elderly workers is, pursuant to the provisions of Article 11-2 of the Premiums Collection Act, deemed to be the amount prescribed in the same Article, the amount obtained by deducting the elderly worker exemption amount from the amount of the portion corresponding to the employment insurance rate out of the amount obtained by adding the elderly worker exemption amount prescribed in paragraph (6) of Article 12 of the same Act (limited to an exemption amount pertaining to undertakings listed in item (i) of paragraph (1) of the same Article; hereinafter the same shall apply in this item) to said general premiums);
 - (b) The amount of the general premiums pertaining to undertakings listed in item (iii) of paragraph (1) of Article 12 of the Premiums Collection Act.

- (ii) The amount obtained by multiplying the amount equivalent to the amount of the stamp premiums collected under the provisions of the Premiums Collection Act by the rate specified by the Minister of Health, Labour and Welfare in consultation with the Minister of Finance;
 - (iii) The amount obtained by multiplying the amount obtained by deducting the amount listed in the preceding item from the general premiums amount collected by the rate obtained by dividing the rate of 0.35 percent (0.45 percent for the undertakings listed in item (iii) of paragraph (4) of Article 12 of the Premiums Collection Act) by the employment insurance rate (such obtained rate shall be referred to as the "two-program rate" in paragraph (5) and paragraph (2) of Article 68).
- (4) In the case where the employment insurance rate has been revised pursuant to the provisions of paragraph (8) of Article 12 of the Premiums Collection Act, the terms "0.35 percent" and "0.45 percent" in item (iii) of the preceding paragraph shall be deemed to be replaced, respectively, with "0.3 percent" and "0.4 percent".
- (5) With regard to the job applicant benefits for day workers in each fiscal year, in the case where the amount listed in item (i) below exceeds the amount listed in item (ii) below, the National Treasury shall bear the amount obtained by deducting the amount equivalent to said excess amount from the amount to be borne by the National Treasury pursuant to the provisions of item (ii) of paragraph (1), notwithstanding the provisions of the same item (in the case where this amount is less than the amount equivalent to one-fourth of the total amount of the job applicant benefits for day workers paid during said fiscal year, said amount equivalent to one-fourth of the total amount of the job applicant benefits for day workers paid during said fiscal year):
- (i) The total of the amounts listed below:
 - (a) The amount of the stamp premiums collected pursuant to the provisions of the Premiums Collection Act;
 - (b) The amount obtained by deducting from the amount obtained by multiplying an amount equivalent to the amount referred to in (a) above by the rate listed in item (ii) of paragraph (3) which has been specified by the Minister of Health, Labour and Welfare in consultation with the Minister of Finance, the amount obtained by multiplying that amount by the two-program rate.
 - (ii) The amount equivalent to two-thirds of the total amount of the job applicant benefits for day workers which has been paid.
- (6) In addition to what is prescribed in the preceding paragraphs, the National Treasury shall bear the expenses necessary for the administration of the Employment Insurance Services, within the budgetary limits for each fiscal year.

Article 67 In the case where the measures referred to in paragraph (1) of Article 25 have been decided on, notwithstanding the provisions of item (i) of paragraph (1) of the preceding Article the National Treasury shall, bear one-third of the expenses necessary for the payment of the job applicant benefits pertaining to those who receive the wide area extended benefits. In this case, the terms "the total amount of said job applicant benefits paid" and "where the amount of the general premiums" in paragraph (2) of the preceding Article shall be deemed to be replaced, respectively, with "the amount obtained by deducting the total amount of the job applicant benefits pertaining to those who receive the wide area extended benefits from the total amount of said job applicant benefits paid" and "where the amount obtained by deducting the amount equivalent to two-thirds of the total amount of the job applicant benefits pertaining to those who receive the wide area extended benefits from the amount of the general premiums".

(Premiums)

Article 68 (1) The premiums to be collected by the government for the purpose of allocating them for covering the expenses necessary for the Employment Insurance Services shall be specified by the provisions of the Premiums Collection Act.

(2) Of the premiums referred to in the preceding paragraph, the total of the amount equivalent to the stamp premiums amount plus the amount obtained by deducting the amount obtained by multiplying the general premiums amount collected by the two-program rate from said general premiums amount collected, shall be allocated for covering the necessary expenses for benefits for unemployment, etc. and the amount obtained by multiplying the general premiums amount collected by the two-program rate shall be allocated for covering the necessary expenses for services for the stabilization of employment and services for the development of ability.

Chapter VI Appeals and Lawsuits

(Appeal)

Article 69 (1) A person who has an objection to a confirmation pursuant to the provisions of Article 9, a disposition concerning benefits for unemployment, etc. or a disposition pursuant to the provisions of paragraph (1) or paragraph (2) of Article 10-4 may apply for an examination by the Employment Insurance Referee; a person who has an objection to that decision may apply for a re-examination by the Labor Insurance Appeal Committee.

(2) A person applying for an examination referred to in paragraph (1) may, if no

decision has been made concerning said application for examination after three months have elapsed since the day after the day on which he/she made said application for examination, apply for a re-examination with regard to the disposition pertaining to said application for examination by the Labor Insurance Appeal Committee, without awaiting a decision from the Employment Insurance Referee.

- (3) The application for examination referred to in paragraph (1) and the application for re-examination referred to in the preceding two paragraphs shall be deemed to be requisitions for court action with regard to the suspension of the statute of limitations.
- (4) The provisions of Sections 1, 2 (excluding Articles 18 and 19) and 5 of Chapter II of the Administrative Appeal Act (Act No. 160 of 1962) shall not apply to the application for examination referred to in paragraph (1) and re-examination referred to in paragraph (1) or (2).

(Limitation on Reasons for an Objection)

Article 70 Where a disposition for confirmation under the provisions of Article 9 has become final and binding, an objection to said disposition shall not be permitted as a reason for an objection to a disposition for the payment of benefits for unemployment, etc. based on said disposition.

(Relation between an Appeal and a Lawsuit)

Article 71 A lawsuit for the revocation of the disposition prescribed in paragraph (1) of Article 69 cannot be instituted until a determination has been made by the Labor Insurance Appeal Committee with regard to the application for re-examination of said disposition. Provided, however, that this shall not apply when falling under any of the following items:

- (i) When no decision has been made after three months have elapsed since the day after the day on which the application for re-examination was made;
- (ii) When there is an urgent necessity in order to avoid the conspicuous damage that would occur through waiting for a determination concerning the application for re-examination or there are other justifiable reasons for bypassing the determination.

Chapter VII Miscellaneous Provisions

(Consultation with the Labor Policy Council)

Article 72 (1) The Minister of Health, Labour and Welfare shall hear the opinions of the Labor Policy Council in advance when intending to specify the standards referred to in paragraph (1) of Article 25, paragraph (1) or paragraph (2) of Article 27 by a Cabinet Order; when intending to specify the

reasons referred to in item (ii) of paragraph (1) of Article 13, paragraph (1) or paragraph (2) of Article 20 , paragraph (2) of Article 22, item (ii) of paragraph (1) of Article 37-3, item (ii) of paragraph (1) of Article 39, paragraph (1) of Article 61-4, or paragraph (1) of Article 61-7, the standards referred to in paragraph (1) of Article 56-2, or the persons who have difficulty in finding employment as referred to in item (ii) of the same paragraph by an Ordinance of the Ministry of Health, Labour and Welfare; when intending to specify the number of hours referred to in Article 6, item (i)-2 or the standards referred to in paragraph (1) of Article 10-4, paragraph (3) of Article 25, paragraph (2) of Article 26, paragraph (2) of Article 29, paragraph (3) of Article 32 (including cases where it is applied mutatis mutandis pursuant to Article 37-4, paragraph (5) and Article 40, paragraph (4)), paragraph (2) of Article 33, (including cases where it is applied mutatis mutandis pursuant to paragraph (5) of Article 37-4 and paragraph (4) of Article 40), or paragraph (2) of Article 52 (including cases where it is applied mutatis mutandis pursuant to paragraph (4) of Article 55); or when making decisions on other important matters pertaining to the enforcement of this Act.

- (2) In addition to responding to the Minister of Health, Labour and Welfare's requisitions for consultation, the Labor Policy Council may, as necessary, make proposals to the administrative agencies concerned, or may require their reports, concerning the administration of the Employment Insurance Services.

(Prohibition of Disadvantageous Treatment)

Article 73 A business operator shall not dismiss workers or treat them in a disadvantageous manner on the ground of their having required confirmation under the provisions of Article 8.

(Prescription)

Article 74 The right to receive payment of the benefits for unemployment, etc., or to obtain a refund of said benefits and the right to collect an amount which has been ordered to be paid pursuant to the provisions of paragraph (1) or paragraph (2) of Article 10-4, shall be extinguished by prescription when two years have elapsed.

(Free Certification of Matters on Family Register)

Article 75 The head of a municipality (the head of a ward in a special ward and designated cities referred to in paragraph (1) of Article 252-19 of the Local Autonomy Act (Act No. 67 of 1947)), may, pursuant to the provisions of an ordinance of said municipality (including a special ward), issue a certificate concerning the family register of a person who receives payment of the job applicant benefits or employment promotion benefits to the administrative

agency or to the person who receives payment of the job applicant benefits or employment promotion benefits, free of charge.

(Reports, etc.)

Article 76 (1) The administrative agency may, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare, order a business operator who employs or has employed insured persons or qualified recipients, elderly qualified recipients, specially qualified recipients or qualified day worker recipients (hereinafter referred to as "qualified recipients, etc.") or persons falling under any of the items of paragraph (1) of Article 60-2 (hereinafter referred to as "educational training benefit recipients"), a labor insurance affairs association or an organization that was a labour insurance affairs association, to make a report, submit a document or report in person as may be necessary for the enforcement of this Act.

(2) The administrative agency may, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare, order a business operator who intends to employ qualified recipients, etc., an employment placement provider, etc. who conducts employment placement services or vocational guidance for qualified recipients, etc., or a practitioner of specified educational training who conducts the educational training prescribed in paragraph (1) of Article 60-2 for educational training benefit recipients, to make a report or submit a document as may be necessary for the enforcement of this Act.

(3) Those who have been separated from employment may, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare, requisition a previous business operator or a labor insurance affairs association conducting affairs concerning the issuance of certificates necessary for receiving payment of the job applicant benefits, as a part of the labor insurance-related affairs prescribed in paragraph (1) of Article 33 of the Premiums Collection Act, upon being entrusted therewith by said business operator, to issue a certificate necessary for receiving payment of the job applicant benefits. Said employer or labor insurance affairs association when so require, shall issue the certificate as required.

(4) The provisions of the preceding paragraph shall apply mutatis mutandis to a requisition concerning the issuance of certificates necessary for receiving payment of the continuous employment benefits. In this case, the terms "those who have been separated from employment" and "previous business operator" in the preceding paragraph shall be deemed to be replaced, respectively, with "insured persons or those who were insured persons" and "business operator who employed said insured persons or those who were insured persons".

Article 77 The administrative agency may order an insured person, qualified

recipient, etc., educational training benefit recipient or person requiring payment of the unpaid part of the benefits for unemployment, etc., to make a report, submit a report or report in person, as may be necessary for the enforcement of this Act.

(Diagnosis)

Article 78 The administrative agency may, when it finds it necessary for implementing the payment of the job applicant benefits, order a person who obtains or seeks to obtain the recognition of unemployment prescribed in paragraph (2) of Article 15 pursuant to the provisions of item (i) of the same paragraph, a person who has made a report pursuant to the provisions of paragraph (1) of Article 20 or a person who receives or seeks to receive payment of the sickness and injury allowance, to undergo diagnosis by a designated physician.

(On-site Inspection)

Article 79 (1) The administrative agency may, when it finds it necessary for the enforcement of this Act, have its officials enter the place of business which belongs to the business operator who employs or has employed an insured person, qualified recipient, etc., or educational training benefits recipient or the office of the labor insurance affairs association or the office of the organization which was a labor insurance affairs association, and question the persons concerned or inspect the books and documents (in the case where electromagnetic records (meaning records produced by an electronic device, magnetic device or any other device not recognizable to human senses, which are used for data processing by a computer) are prepared and retained in lieu of those books and documents, including said electromagnetic records).

(2) The official who enters and makes an inspection pursuant to the provisions of the preceding paragraph, shall carry a certificate for identification and produce it to the persons concerned.

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

(Delegation of Transitional Measures to Orders)

Article 80 In the case where a Cabinet Order or an Ordinance of the Ministry of Health, Labour and Welfare is established, revised or repealed based on this Act, necessary transitional measures may be established by said Order or Ordinance of the Ministry of Health, Labour and Welfare, respectively, within the limit deemed to be reasonably necessary. The same shall apply to the case where the Minister of Health, Labour and Welfare specifies, revises or

abolishes the amount subject to automatic revision referred to in paragraph (3) of Article 18 and other matters.

(Delegation of Authority)

Article 81 (1) Part of the authority of the Minister of Health, Labour and Welfare provided for in this Act may be delegated to the Prefectural Labor Director, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

(2) The authority delegated to the Prefectural Labor Director under the provisions of the preceding paragraph may be delegated to the chief of the Public Employment Security Office, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

(Delegation to an Ordinance of the Ministry of Health, Labour and Welfare)

Article 82 In addition to what is provided for in this Act, procedural and other matters necessary for the implementation of this Act shall be specified by an Ordinance of the Ministry of Health, Labour and Welfare.

Chapter VIII Penal Provisions

Article 83 In the case where a business operator falls under any of the following items, he/she shall be punished by imprisonment with labor for not more than six months or to a fine of not more than 300,000 yen:

- (i) When he/she has failed to make a notification or has made a false notification, in violation of the provisions of Article 7;
- (ii) When he/she has violated the provisions of Article 73;
- (iii) When he/she has failed to make a report or has made a false report, or has failed to submit documents or has submitted documents containing false entries, in violation of an order under the provisions of paragraph (1) of Article 76;
- (iv) When he/she has refused to issue a certificate, in violation of the provisions of paragraph (3) of Article 76 (including the case where they are applied *mutatis mutandis* pursuant to paragraph (4) of the same Article);
- (v) When he/she has failed to give an answer or has given a false answer to a question by the official concerned under the provisions of paragraph (1) of Article 79 or has refused, obstructed or evaded inspection under the provisions of the same paragraph.

Article 84 In the case where a labor insurance affairs association falls under any of the following items, the representative, agent, or employee or other worker of the association who has committed such violation shall be punished by

imprisonment with labor for not more than six months or to a fine of not more than 300,000 yen:

- (i) When it has failed to make a notification or has made a false notification, in violation of the provisions of Article 7;
- (ii) When it has failed to make a report or has made a false report, or has failed to submit documents or has submitted documents containing false entries, in violation of an order under the provisions of paragraph (1) of Article 76;
- (iii) When it has refused to issue a certificate, in violation of the provisions of paragraph (3) of Article 76 (including the case where they are applied *mutatis mutandis* pursuant to paragraph (4) of the same Article);
- (iv) When it has failed to give an answer or has given a false answer to a question by the official concerned under the provisions of paragraph (1) of Article 79 or has refused, obstructed or evaded inspection under the provisions of the same paragraph.

Article 85 In the case where an insured person, qualified recipient, etc., educational training benefit recipient or person requiring payment of the unpaid part of the benefits for unemployment, etc., or other person concerned falls under any of the following items, he/she shall be punished by imprisonment with labor for not more than six months, or to a fine of not more than 200,000 yen:

- (i) When he/she has obtained an insured day worker's benefits book by means of deception or other wrongful conduct, in violation of the provisions of Article 44;
- (ii) When he/she has failed to make a report or has made a false report, or has failed to submit documents or has submitted documents containing false entries, or has failed to report in person, in violation of an order under the provisions of Article 77;
- (iii) When he/she has failed to give an answer or has given a false answer to a question by the official concerned under the provisions of paragraph (1) of Article 79 or has refused, obstructed or evaded inspection under the provisions of the same paragraph.

Article 86 (1) In the case where a representative of a juridical person (including a labor insurance affairs association which is not a juridical person: hereinafter the same shall apply in this paragraph), or an agent, employee or other worker of a juridical person or an individual, has committed a violation under the preceding three Articles, with regard to the business of said juridical person or individual, not only the offender shall be punished but also said juridical person or individual shall be punished by the fine prescribed in the respective Article.

(2) In the case where a labor insurance affairs association that is not a juridical person is punished pursuant to the provisions of the preceding paragraph, the representative or administrator of that association shall represent the labor insurance affairs association, with regard to procedural acts and the provisions of the Acts applicable in criminal trials where the accused is a juridical person shall apply mutatis mutandis.

Supplementary Provisions [Extract]

(Effective Date)

Article 1 This Act shall come into force as from April 1, 1975; provided, however, that the provisions of Article 21 of the Supplementary Provisions shall come into force as from January 1 of the same year.

(Temporary Measures Concerning Scope of Application)

(The rest omitted.)