

労働者派遣事業の適正な運営の確保及び派遣労働者の就業...  
力働者派遣事業の適正な運営の確保及び派遣労働者の就業...  
整備等に関する法律

Act for Securing the Proper Operation of Worker Dispatching Undertakings  
and Improved Working Conditions for Dispatched Workers

昭和六十年七月五日法律第八十八号

Act No. 88 of July 5, 1985

第一章 総則

Chapter I General Provisions

(目的)

(Purpose)

第一条 この法律は、[職業安定法](#)（昭和二十二年法律第百四十一号）と相まつて労働力の需給の適正な調整を図るため労働者派遣事業の適正な運営の確保に関する措置を講ずるとともに、派遣労働者の就業に関する条件の整備等を図り、もつて派遣労働者の雇用の安定その他福祉の増進に資することを目的とする。

Article 1 The purpose of this Act is to take measures for securing the proper operation of Worker Dispatching Undertakings for the proper adjustment of labor demand and supply, in conjunction with the [Employment Security Act](#) (Act No. 141 of 1947), as well as measures for securing improved working conditions for Dispatched Workers, and thereby to contribute to the stability of employment and otherwise to the promotion of the welfare of Dispatched Workers.

(用語の意義)

(Definitions)

第二条 この法律において、次の各号に掲げる用語の意義は、当該各号に定めるところによる。

Article 2 In this Act, the meanings of the terms listed in the following items shall be as prescribed respectively in said items:

一 労働者派遣 自己の雇用する労働者を、当該雇用関係の下に、かつ、他人の指揮命令を受けて、当該他人のために労働に従事させることをいい、当該他人に対し当該労働者を当該他人に雇用させることを約してするものを含まないものとする。

(i) Worker Dispatching means causing a worker(s) employed by one person so as to be engaged in work for another person under the instruction of the latter, while maintaining his/her employment relationship with the former, but excluding cases where the former agrees with the latter that such worker(s) shall be employed by the latter;

二 派遣労働者 事業主が雇用する労働者であつて、労働者派遣の対象となるものをいう。

(ii) Dispatched Worker means a worker, employed by an employer, who becomes the object of Worker Dispatching;

三 労働者派遣事業 労働者派遣を業として行うことをいう。

(iii) Worker Dispatching Undertaking means carrying out Worker Dispatching in the course of trade;

四 一般労働者派遣事業 特定労働者派遣事業以外の労働者派遣事業をいう。

(iv) General Worker Dispatching Undertaking means a Worker Dispatching Undertaking other

than a Specified Worker Dispatching Undertaking;

五 特定労働者派遣事業 その事業の派遣労働者（業として行われる労働者派遣の対象となるものに限る。）が常時雇用される労働者のみである労働者派遣事業をいう。

(v) Specified Worker Dispatching Undertaking means a Worker Dispatching Undertaking in which the Dispatched Workers (limited to those who become the objects of Worker Dispatching carried out in the course of trade) are composed solely of regularly employed workers;

六 紹介予定派遣 労働者派遣のうち、第五条第一項の許可を受けた者（以下「一般派遣元事業主」という。）又は第十六条第一項の規定により届出書を提出した者（以下「特定派遣元事業主」という。）が労働者派遣の役務の提供の開始前又は開始後に、当該労働者派遣に係る派遣労働者及び当該派遣労働者に係る労働者派遣の役務の提供を受ける者（以下この号において「派遣先」という。）について、[職業安定法](#)その他の法律の規定による許可を受けて、又は届出をして、職業紹介を行い、又は行うことを予定してするものをいい、当該職業紹介により、当該派遣労働者が当該派遣先に雇用される旨が、当該労働者派遣の役務の提供の終了前に当該派遣労働者と当該派遣先との間で約されるものを含むものとする。

(vi) Employment Placement Dispatching means a type of Worker Dispatching in which employment placement is carried out or is prepared to be carried out by a person who has received license under paragraph (1) of Article 5, (hereinafter referred to as a "business operator of a general dispatching undertaking") or a person who has submitted a written notice pursuant to the provisions of paragraph (1) of Article 16 (hereinafter referred to as a "business operator of a specified dispatching undertaking"), either before or after the commencement of the provision of Worker Dispatching services, with regard to the Dispatched Worker(s) pertaining to said Worker Dispatching and the person(s) receiving the provision of Worker Dispatching services pertaining to said Dispatched Worker(s) (hereinafter referred to as the "client(s)" in this item), after having received license or submitted a written notice pursuant to the provisions of the [Employment Security Act](#) and other Acts, and shall include dispatching through said job introduction where the employment of said Dispatched Worker(s) by said client(s) is agreed upon between said Dispatched Worker(s) and said client(s) prior to the conclusion of the provision of said Worker Dispatching services.

(船員に対する適用除外)

(Exclusion from Application for Mariners)

第三条 この法律は、[船員職業安定法](#)（昭和二十三年法律第百三十号）第六条第一項に規定する船員については、適用しない。

Article 3 This Act shall not apply to mariners prescribed in paragraph (1) of Article 6 of the [Mariners Employment Security Act](#) (Act No.130 of 1948).

## 第二章 労働者派遣事業の適正な運営の確保に関する措置

### Chapter II Measures for Securing the Proper Operation of Worker Dispatching Undertakings

#### 第一節 業務の範囲

##### Section 1 Scope of Designated Work

第四条 何人も、次の各号のいずれかに該当する業務について、労働者派遣事業を行つてはならない。

Article 4 No person shall be allowed to carry out a Worker Dispatching Undertaking with regard to services falling under any of the following items:

- 一 港湾運送業務（[港湾労働法](#)（昭和六十三年法律第四十号）第二条第二号に規定する港湾運送の業務及び同条第一号に規定する港湾以外の港湾において行われる当該業務に相当する業務として政令で定める業務をいう。）
    - (i) port transport services (which means port transport services prescribed in item (ii) of Article 2 of the [Port Labor Act](#) (Act No. 40 of 1988) and services designated by a Cabinet Order as services corresponding to port transport services carried out at ports other than those prescribed in item (i) of the same Article);
  - 二 建設業務（土木、建築その他工作物の建設、改造、保存、修理、変更、破壊若しくは解体の作業又はこれらの作業の準備の作業に係る業務をいう。）
    - (ii) construction work (which means work relating to civil engineering, construction, the building, remodeling, maintenance, repairing, renovation, wrecking or dismantling of a structure, or work preparatory to any of these );
  - 三 [警備業法](#)（昭和四十七年法律第百十七号）第二条第一項各号に掲げる業務その他その業務の実施の適正を確保するためには業として行う労働者派遣（次節、第二十三条第二項及び第三項並びに第四十条の二第一項第一号において単に「労働者派遣」という。）により派遣労働者に従事させることが適当でないと認められる業務として政令で定める業務
    - (iii) work listed in each item of paragraph (1) of Article 2 of the [Security Services Act](#) (Act No. 117 of 1972) and other work designated by a Cabinet Order as work for the proper performance of which it is considered inappropriate to allow Dispatched Workers to be engaged therein under arrangements for Worker Dispatching services carried out in the course of trade (simply referred to as "Worker Dispatching" in the following Section, paragraphs (2) and (3) of Article 23 and item (i) of paragraph (1) of Article 40-2).
- 2 厚生労働大臣は、前項第三号の政令の制定又は改正の立案をしようとするときは、あらかじめ、労働政策審議会の意見を聴かなければならない。
    - (2) Before drafting a proposal for the establishment or revision of the Cabinet Order referred to in item (iii) of the preceding paragraph, the Minister of Health, Labour and Welfare shall obtain the opinion of the Labor Policy Council.
  - 3 労働者派遣事業を行う事業主から労働者派遣の役務の提供を受ける者は、その指揮命令の下に当該労働者派遣に係る派遣労働者を第一項各号のいずれかに該当する業務に従事させてはならない。
    - (3) A person who receives the provision of Worker Dispatching services from a business operator of a Worker Dispatching Undertaking shall not have, under his/her instruction, any Dispatched Worker under the Worker Dispatching arrangements engage in work falling under any of the items of paragraph (1).

## 第二節 事業の許可等

### Section 2 License for Worker Dispatching Undertakings, etc.

#### 第一款 一般労働者派遣事業

##### Subsection 1 General Worker Dispatching Undertakings

（一般労働者派遣事業の許可）

(License for General Worker Dispatching Undertakings)

第五条 一般労働者派遣事業を行おうとする者は、厚生労働大臣の許可を受けなければなら

なければならない。

よ。。

Article 5 Any person who intends to carry out a General Worker Dispatching Undertaking shall obtain a license from the Minister of Health, Labour and Welfare.

2 前項の許可を受けようとする者は、次に掲げる事項を記載した申請書を厚生労働大臣に提出しなければならない。

(2) Any person who wishes to be granted the license set forth in the preceding paragraph shall submit to the Minister of Health, Labour and Welfare a written application form stating the following matters:

一 氏名又は名称及び住所並びに法人にあつては、その代表者の氏名

(i) the applicant's name or title and address, and, in the case of a juridical person, the name of its representative;

二 法人にあつては、その役員の氏名及び住所

(ii) in the case of a juridical person, the name and address of its officers;

三 一般労働者派遣事業を行う事業所の名称及び所在地

(iii) the name and location of the place of business where the General Worker Dispatching Undertaking is carried out;

四 第三十六条の規定により選任する派遣元責任者の氏名及び住所

(iv) the name and address of the responsible person acting for the business operator of a dispatching undertaking as appointed pursuant to the provisions of Article 36.

3 前項の申請書には、一般労働者派遣事業を行う事業所ごとの当該事業に係る事業計画書その他厚生労働省令で定める書類を添付しなければならない。

(3) The written application set forth in the preceding paragraph must be accompanied by a business plan for the undertaking for each place of business where the General Worker Dispatching Undertaking is carried out and other documents specified by an Ordinance of the Ministry of Health, Labour and Welfare.

4 前項の事業計画書には、厚生労働省令で定めるところにより、一般労働者派遣事業を行う事業所ごとの当該事業に係る派遣労働者の数、労働者派遣に関する料金の額その他労働者派遣に関する事項を記載しなければならない。

(4) In the business plans set forth in the preceding paragraph, the number of Dispatched Workers, the amount of the fee for Worker Dispatching, and other matters pertaining to Worker Dispatching for the undertaking must be stated for each place of business where the General Worker Dispatching Undertaking is carried out, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

5 厚生労働大臣は、第一項の許可をしようとするときは、あらかじめ、労働政策審議会の意見を聴かなければならない。

(5) Before granting the license referred to in paragraph (1), the Minister of Health, Labour and Welfare shall obtain the opinion of the Labor Policy Council.

(許可の欠格事由)

(Causes for Disqualification for License)

第六条 次の各号のいずれかに該当する者は、前条第一項の許可を受けることができない。

Article 6 A person who falls under any of the following items shall not be granted the license referred to in paragraph (1) of the preceding Article:

一 禁錮（こ）以上の刑に処せられ、又はこの法律の規定その他労働に関する法律の規定（次号に規定する規定を除く。）であつて政令で定めるもの若しくは[暴力団員による不](#)

[当な行為の防止等に関する法律](#)（平成三年法律第七十七号）の規定（同法第四十八条の規定を除く。）により、若しくは[刑法](#)（明治四十年法律第四十五号）第二百四条、第二百六条、第二百八条、第二百八条の三、第二百二十二条若しくは第二百四十七条の罪、暴力行為等処罰に関する法律（大正十五年法律第六十号）の罪若しくは[出入国管理及び難民認定法](#)（昭和二十六年政令第三百十九号）第七十三条の二第一項の罪を犯したことにより、罰金の刑に処せられ、その執行を終わり、又は執行を受けることがなくなった日から起算して五年を経過しない者

- (i) any person who was sentenced to imprisonment or a harsher punishment, or to a fine under the provisions of this Act or the provisions of other Acts relating to labor specified by a Cabinet Order (excluding the provisions referred to in the following item) or the provisions of the Act on the Prevention of Unjust Acts by Organized Crime Group Members (Act No. 77 of 1991) (excluding the provisions of Article 48 of the same Act) or for having committed an offense referred to in Article 204, 206, 208, 208-3, 222 or 247 of the [Penal Code](#) (Act No. 45 of 1907), in the Act on Punishment of Physical Violence and Other Related Matters (Act No. 60 of 1926) or in paragraph (1) of Article 73-2 of the [Immigration Control and Refugee Recognition Act](#) (Cabinet Order No. 319 of 1951), and for whom five years have not elapsed from the date of completion or punishment becomes no longer executable;

二 [健康保険法](#)（大正十一年法律第七十号）第二百八条、第二百十三条の二若しくは第二百十四条第一項、[船員保険法](#)（昭和十四年法律第七十三号）第六十八条、第六十九条ノ三若しくは第七十条第一項、[労働者災害補償保険法](#)（昭和二十二年法律第五十号）第五十一条前段若しくは第五十四条第一項（同法第五十一条前段の規定に係る部分に限る。）、[厚生年金保険法](#)（昭和二十九年法律第百十五号）第百二条第一項、第百三条の二、第百四条第一項（同法第百二条第一項若しくは第百三条の二の規定に係る部分に限る。）、第百八十二条第一項若しくは第二項若しくは第百八十四条（同法第百八十二条第一項若しくは第二項の規定に係る部分に限る。）、[労働保険の保険料の徴収等に関する法律](#)（昭和四十四年法律第八十四号）第四十六条前段若しくは第四十八条第一項（同法第四十六条前段の規定に係る部分に限る。）又は[雇用保険法](#)（昭和四十九年法律第百十六号）第八十三条若しくは第八十六条（同法第八十三条の規定に係る部分に限る。）の規定により罰金の刑に処せられ、その執行を終わり、又は執行を受けることがなくなった日から起算して五年を経過しない者

- (ii) any person sentenced to a fine under the provisions of Article 208, Article 213-2 or paragraph (1) of Article 214 of the [Health Insurance Act](#) (Act No. 70 of 1922), Article 68, Article 69-3 or paragraph (1) of Article 70 of the [Mariners Insurance Act](#) (Act No. 73 of 1939), the first sentence of Article 51 or paragraph (1) of Article 54 (limited to the part pertaining to the provisions of the first sentence of Article 51) of the Workers Accident Compensation [Insurance Act](#) (Act No. 50 of 1947), paragraph (1) of Article 102, Article 103-2, paragraph (1) of Article 104 (limited to the part pertaining to the provisions of paragraph (1) of Article 102 or Article 103-2), paragraph (1) or (2) of Article 182 or Article 184 (limited to the part pertaining to the provisions of paragraph (1) or (2) of Article 182) of the Welfare Pension [Insurance Act](#) (Act No. 115 of 1954), the first sentence of Article 46 or paragraph (1) of Article 48 (limited to the part pertaining to the provisions of the first sentence of Article 46) of the Act Concerning the Collection of Premiums on Labor Insurance (Act No. 84 of 1969) and Article 83 or Article 86 (limited to the part pertaining to the provisions of Article 83) of the [Employment Insurance Act](#) (Act No. 116 of 1974), and for whom five years have not elapsed from the date of completion or punishment becomes no longer executable;

三 成年被後見人若しくは被保佐人又は破産者で復権を得ないもの

- (iii) any person who is an adult ward or person under curatorship or bankrupt who has not had his/her rights restored;

四 第一項各号の二（第一号を除く。）に掲げる法律の規定により罰金に処せられ、その執行を終わり、又は執行を受けることがなくなった日から起算して五年を経過しない者



四 第十四条第一項（第一号を除く。）の規定により一般労働者派遣事業の許可を取り消され、当該取消しの日から起算して五年を経過しない者

(iv) any person whose license for a General Worker Dispatching Undertaking was revoked under the provisions of paragraph (1) (excluding item (i) thereof) of Article 14 and for whom five years have not elapsed from the date of the revocation;

五 営業に関し成年者と同一の行為能力を有しない未成年者であつて、その法定代理人が前各号のいずれかに該当するもの

(v) any minor who does not possess the same capacity for carrying out business as an adult and whose statutory representative falls under any of the preceding items;

六 法人であつて、その役員のうち前各号のいずれかに該当する者があるもの

(vi) any juridical person any of whose officers falls under any of the preceding items.

(許可の基準等)

(Criteria for Granting a License)

第七条 厚生労働大臣は、第五条第一項の許可の申請が次に掲げる基準に適合していると認めるときでなければ、許可をしてはならない。

Article 7 The Minister of Health, Labour and Welfare shall not grant a license, unless the Minister considers that the application for a license referred to in paragraph (1) of Article 5 conforms to the criteria listed below:

一 当該事業が専ら労働者派遣の役務を特定の者に提供することを目的として行われるもの（雇用の機会の確保が特に困難であると認められる労働者の雇用の継続等を図るために必要であると認められる場合として厚生労働省令で定める場合において行われるものを除く。）でないこと。

(i) that the undertaking concerned is not an undertaking carried out for the purpose of providing Worker Dispatching services solely to specified persons (excluding such case as is specified by an Ordinance of the Ministry of Health, Labour and Welfare as a case where such undertaking is necessary for the continued employment of those workers for whom the ensuring of an opportunity for employment is considered to be particularly difficult);

二 申請者が、当該事業の派遣労働者に係る雇用管理を適正に行うに足りる能力を有するものであること。

(ii) that the applicant has sufficient ability to properly manage the employment of Dispatched Workers of the undertaking concerned;

三 個人情報（個人に関する情報であつて、特定の個人を識別することができるもの（他の情報と照合することにより特定の個人を識別することができることとなるものを含む。）をいう。以下同じ。）を適正に管理し、及び派遣労働者等の秘密を守るために必要な措置が講じられていること。

(iii) that necessary measures are taken to properly manage personal information (which means information concerning an individual by which it is possible to identify a specific person (including information that can be compared with other information and thereby make it possible to identify a specific person); the same shall apply hereinafter) and to protect the confidentiality of Dispatched Workers, etc.;

四 前二号に掲げるもののほか、申請者が、当該事業を的確に遂行するに足りる能力を有するものであること。

(iv) in addition to what is listed in the preceding two items, that the applicant has sufficient ability to carry out the undertaking concerned appropriately.

八 厚生労働大臣は、第五各条第一項の許可をしない、し、又は、派遣労働者の雇用管理に...

2 厚生労働大臣は、第五条第一項の許可をしないときは、遅滞なく、理由を小しして理由を当該申請者に通知しなければならない。

(2) Where the Minister of Health, Labour and Welfare does not grant the license referred to in paragraph (1) of Article 5, the Minister shall notify the applicant to that effect, without delay, indicating the grounds therefor.

(許可証)

(License Certificate)

第八条 厚生労働大臣は、第五条第一項の許可をしたときは、厚生労働省令で定めるところにより、一般労働者派遣事業を行う事業所の数に応じ、許可証を交付しなければならない。

Article 8 The Minister of Health, Labour and Welfare must, after granting the license referred to in paragraph (1) of Article 5, issue license certificates in accordance with the number of places of business where the General Worker Dispatching Undertaking is carried out, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

2 許可証の交付を受けた者は、当該許可証を、一般労働者派遣事業を行う事業所ごとに備え付けるとともに、関係者から請求があつたときは提示しなければならない。

(2) Any person who has been issued license certificates must keep them at each place of business where the General Worker Dispatching Undertaking is carried out and produce the certificates to the persons concerned at their request.

3 許可証の交付を受けた者は、当該許可証を亡失し、又は当該許可証が滅失したときは、速やかにその旨を厚生労働大臣に届け出て、許可証の再交付を受けなければならない。

(3) Any person who has been issued a license certificate shall, in the case where it is lost or destroyed, notify the Minister of Health, Labour and Welfare immediately to that effect and apply for reissuance of the license certificate.

(許可の条件)

(Conditions Attached to License)

第九条 第五条第一項の許可には、条件を付し、及びこれを変更することができる。

Article 9 The license set forth in paragraph (1) of Article 5 may be granted under certain conditions, which may be subsequently altered.

2 前項の条件は、当該許可の趣旨に照らして、又は当該許可に係る事項の確実な実施を図るために必要な最小限度のものに限り、かつ、当該許可を受ける者に不当な義務を課することとなるものであつてはならない。

(2) The conditions set forth in the preceding paragraph shall be limited to the minimum necessary in view of the purpose of the license concerned or for ensuring the implementation of matters related to the license concerned, and shall not be such as to impose any undue obligation upon the person who is granted the license.

(許可の有効期間等)

(Valid Period, etc. of License)

第十条 第五条第一項の許可の有効期間は、当該許可の日から起算して三年とする。

Article 10 The valid period of the license referred to in paragraph (1) of Article 5 shall be three years from the date of issuance.

2 前項に規定する許可の有効期間（当該許可の有効期間についてこの項の規定により更新

を受けたときにあつては、当該更新を受けた許可の有効期間)の満了後引き続き当該許可に係る一般労働者派遣事業を行おうとする者は、厚生労働省令で定めるところにより、許可の有効期間の更新を受けなければならない。

- (2) Any person who wishes to continue to carry out the General Worker Dispatching Undertaking covered by the license prescribed in the preceding paragraph after the expiration of the valid period of the license concerned (where the valid period of the license concerned has been renewed under the provisions of this paragraph, the renewed valid period of the license) shall obtain a renewal of the valid period of the license, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.
- 3 厚生労働大臣は、前項に規定する許可の有効期間の更新の申請があつた場合において、当該申請が第七条第一項各号に掲げる基準に適合していないと認めるときは、当該許可の有効期間の更新をしてはならない。
- (3) Where an application for the renewal of the valid period of the license prescribed in the preceding paragraph has been submitted, when the Minister of Health, Labour and Welfare considers that the application is not in conformity with the criteria listed in each item of paragraph (1) of Article 7, the Minister shall not renew the valid period of the license concerned.
- 4 第二項の規定によりその更新を受けた場合における第五条第一項の許可の有効期間は、当該更新前の許可の有効期間が満了する日の翌日から起算して五年とする。
- (4) The valid period of the license referred to in paragraph (1) of Article 5 shall, where renewed under the provisions of paragraph (2), be five years from the day following the date of expiration of the valid period of the license before the renewal.
- 5 第五条第二項から第四項まで、第六条(第四号を除く。)及び第七条第二項の規定は、第二項に規定する許可の有効期間の更新について準用する。
- (5) The provisions of paragraphs (2) to (4) inclusive of Article 5, Article 6 (excluding item (iv) thereof) and paragraph (2) of Article 7 shall apply mutatis mutandis to the renewal of the valid period of the license referred to in paragraph (2).

(変更の届出)

(Notification of Changes)

第十一条 一般派遣元事業主は、第五条第二項各号に掲げる事項に変更があつたときは、遅滞なく、その旨を厚生労働大臣に届け出なければならない。この場合において、当該変更に係る事項が一般労働者派遣事業を行う事業所の新設に係るものであるときは、当該事業所に係る事業計画書その他厚生労働省令で定める書類を添付しなければならない。

Article 11 A business operator of a general dispatching undertaking shall, where there has been a change in any of the matters listed in each item of paragraph (2) of Article 5 notify the Minister of Health, Labour and Welfare to that effect without delay. In this case, where the changed matters relate to the establishment of a new place(s) of business for carrying out the General Worker Dispatching Undertaking, the notification shall be accompanied by business plans pertaining to said place(s) of business and other documents specified by an Ordinance of the Ministry of Health, Labour and Welfare.

- 2 第五条第四項の規定は、前項の事業計画書について準用する。
- (2) The provisions of paragraph (4) of Article 5 shall apply mutatis mutandis to the business plans s in the preceding paragraph.
- 3 厚生労働大臣は、第一項の規定により一般労働者派遣事業を行う事業所の新設に係る変更の届出があつたときは、厚生労働省令で定めるところにより、当該新設に係る事業所の数に応じ、許可証を交付しなければならない。



次に掲げる事項に該当する場合は、前項の規定は適用しない。

- (3) Upon receiving the notification of changes pertaining to the establishment of a place(s) of business for carrying out the General Worker Dispatching Undertaking filed under paragraph (1), the Minister of Health, Labour and Welfare shall issue a license certificate(s) in accordance with the number of places of business to be established, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.
- 4 一般派遣元事業主は、第一項の規定による届出をする場合において、当該届出に係る事項が許可証の記載事項に該当するときは、厚生労働省令で定めるところにより、その書換えを受けなければならない。
- (4) Where a business operator of a general dispatching undertaking files a notification under paragraph (1), and when the matters pertaining to said notification fall under any of the matters stated in the license certificate, he/she shall apply for a revision of the license certificate, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

## 第十二条 削除

### Article 12 Deleted

(事業の廃止)

(Discontinuance of Undertaking)

第十三条 一般派遣元事業主は、当該一般労働者派遣事業を廃止したときは、遅滞なく、厚生労働省令で定めるところにより、その旨を厚生労働大臣に届け出なければならない。

Article 13 A business operator of a general dispatching undertaking shall, when he/she has discontinued the General Worker Dispatching Undertaking concerned, notify, without delay, the Minister of Health, Labour and Welfare to that effect, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

2 前項の規定による届出があつたときは、第五条第一項の許可は、その効力を失う。

(2) When a notification has been filed under the provisions of the preceding paragraph, the license set forth in paragraph (1) of Article 5 shall lose its effect.

(許可の取消し等)

(Revocation of License, etc.)

第十四条 厚生労働大臣は、一般派遣元事業主が次の各号のいずれかに該当するときは、第五条第一項の許可を取り消すことができる。

Article 14 The Minister of Health, Labour and Welfare may revoke the license granted to a business operator of a general dispatching undertaking under the provisions of paragraph (1) of Article 5, where said operator falls under any of the following items:

一 第六条各号（第四号を除く。）のいずれかに該当しているとき。

(i) when said operator falls under any of the items (excluding item (iv)) of Article 6;

二 この法律（次章第四節の規定を除く。）若しくは[職業安定法](#)の規定又はこれらの規定に基づく命令若しくは処分違反したとき。

(ii) when said operator violates the provisions of this Act (excluding the provisions of Section 4 of the following Chapter) or the [Employment Security Act](#), or orders or dispositions based on these provisions;

三 第九条第一項の規定により付された許可の条件に違反したとき。

(iii) when said operator violates any conditions attached to the license under the provisions of paragraph (1) of Article 9.

2 厚生労働大臣は、一般派遣元事業主が前項第二号又は第三号に該当するときは、期間を定めて当該一般労働者派遣事業の全部又は一部の停止を命ずることができる。

(2) Where a business operator of a general dispatching undertaking falls under item (ii) or (iii) of the preceding paragraph, the Minister of Health, Labour and Welfare may order him/her to suspend the whole or a part of the operations of the General Worker Dispatching Undertaking concerned for a stated period of time.

(名義貸しの禁止)

(Prohibition of Name Lending)

第十五条 一般派遣元事業主は、自己の名義をもつて、他人に一般労働者派遣事業を行わせてはならない。

Article 15 A business operator of a general dispatching undertaking shall not allow any other person to conduct a General Worker Dispatching Undertaking under his/her name.

第二款 特定労働者派遣事業

Subsection 2 Specified Worker Dispatching Undertakings

(特定労働者派遣事業の届出)

(Notification of Specified Worker Dispatching Undertaking)

第十六条 特定労働者派遣事業を行おうとする者は、第五条第二項各号に掲げる事項を記載した届出書を厚生労働大臣に提出しなければならない。この場合において、同項第三号中「一般労働者派遣事業」とあるのは、「特定労働者派遣事業」とする。

Article 16 Any person who intends to carry out a Specified Worker Dispatching Undertaking must submit to the Minister of Health, Labour and Welfare a written notice containing the matters listed in each item of paragraph (2) of Article 5. In this case, the term "General Worker Dispatching Undertaking" in item (iii) of the same paragraph shall be deemed to be replaced with "Specified Worker Dispatching Undertaking".

2 前項の届出書には、特定労働者派遣事業を行う事業所ごとの当該事業に係る事業計画書その他厚生労働省令で定める書類を添付しなければならない。

(2) The written notice set forth in the preceding paragraph must be accompanied by a business plan for the undertaking for each place of business where the Specified Worker Dispatching Undertaking is carried out and other documents specified by an Ordinance of the Ministry of Health, Labour and Welfare.

3 前項の事業計画書には、厚生労働省令で定めるところにより、特定労働者派遣事業を行う事業所ごとの当該事業に係る派遣労働者の数、労働者派遣に関する料金の額その他労働者派遣に関する事項を記載しなければならない。

(3) The business plan set forth in the preceding paragraph shall contain the number of Dispatched Workers, the amount of the fee for Worker Dispatching, and other matters pertaining to Worker Dispatching for the undertaking for each place of business where the Specified Worker Dispatching Undertaking is carried out, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

(事業開始の欠格事由)

(Reasons for Disqualification from Commencing an Undertaking)

第十七条 第六条各号のいずれかに該当する者は、新たに特定労働者派遣事業の事業所を設けて当該特定労働者派遣事業を行ってはならない。

Article 17 A person who falls under any of the items of Article 6 shall not newly establish a place of business for nor carry out a Specified Worker Dispatching Undertaking.

(書類の備付け等)

(Keeping Documents, etc.)

第十八条 特定派遣元事業主は、第十六条第一項の届出書を提出した旨その他厚生労働省令で定める事項を記載した書類を、特定労働者派遣事業を行う事業所ごとに備え付けるとともに、関係者から請求があつたときは提示しなければならない。

Article 18 A business operator of a specified dispatching undertaking must keep, at each place of business where the Specified Worker Dispatching Undertaking is carried out, documents stating the fact that he/she has submitted a written notice and other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare, and must produce such documents to the persons concerned at their request.

(変更の届出)

(Notification of Changes)

第十九条 特定派遣元事業主は、第十六条第一項の届出書に記載すべき事項に変更があつたときは、遅滞なく、その旨を厚生労働大臣に届け出なければならない。この場合において、当該変更に係る事項が特定労働者派遣事業を行う事業所の新設に係るものであるときは、当該事業所に係る事業計画書その他厚生労働省令で定める書類を添付しなければならない。

Article 19 A business operator of a specified dispatching undertaking shall, where there has been a change in any of the matters to be stated in the written notice referred to in paragraph (1) of Article 16, notify the Minister of Health, Labour and Welfare to that effect without delay. In this case, where the changed matter relates to the establishment of a new place(s) of business for carrying out the Specified Worker Dispatching Undertaking, the notification shall be accompanied by business plans pertaining to said place(s) of business and other documents specified by an Ordinance of the Ministry of Health, Labour and Welfare.

2 第十六条第三項の規定は、前項の事業計画書について準用する。

(2) The provisions of paragraph (3) of Article 16 shall apply mutatis mutandis to the business plans referred to in the preceding paragraph.

(事業の廃止)

(Discontinuance of Undertaking)

第二十条 特定派遣元事業主は、当該特定労働者派遣事業を廃止したときは、遅滞なく、その旨を厚生労働大臣に届け出なければならない。

Article 20 A business operator of a specified dispatching undertaking shall, when he/she has discontinued the Specified Worker Dispatching Undertaking concerned, notify the Minister of Health, Labour and Welfare to that effect, without delay.

(事業廃止命令等)

(Order to Discontinue or Suspend Undertaking, etc.)

第二十一条 厚生労働大臣は、特定派遣元事業主が第六条各号（第四号を除く。）のいずれかに該当するときは当該特定労働者派遣事業の廃止を、当該特定労働者派遣事業（二以上の事業所を設けて特定労働者派遣事業を行う場合にあつては、各事業所ごとの特定労働者

派遣事業。以下この項において同じ。)の開始の当時同条第四号に該当するときは当該特定労働者派遣事業の廃止を、命ずることができる。

Article 21 When a business operator of a specified dispatching undertaking falls under any item (excluding item (iv)) of Article 6, the Minister of Health, Labour and Welfare may order him/her to discontinue the Specified Worker Dispatching Undertaking concerned. When a business operator of a specified dispatching undertaking falls under item (iv) of the same Article at the time of commencing the Specified Worker Dispatching Undertaking concerned (where he/she establishes two or more places of business, and carries out the Specified Worker Dispatching Undertakings, the Specified Worker Dispatching Undertaking at each place of business; hereinafter the same shall apply in this paragraph), the Minister of Health, Labour and Welfare may order him/her to discontinue the Specified Worker Dispatching Undertaking concerned.

2 厚生労働大臣は、特定派遣元事業主がこの法律（次章第四節の規定を除く。）若しくは [職業安定法](#)の規定又はこれらの規定に基づく命令若しくは処分に違反したときは、期間を定めて当該特定労働者派遣事業の全部又は一部の停止を命ずることができる。

(2) Where a business operator of a specified dispatching undertaking has violated the provisions of this Act (excluding the provisions of Section 4 of the following Chapter) or the [Employment Security Act](#), or orders or dispositions based on these provisions, the Minister of Health, Labour and Welfare may order him/her to suspend the whole or a part of the operations of the Specified Worker Dispatching Undertaking concerned for a stated period of time.

(名義貸しの禁止)

(Prohibition of Name Lending)

第二十二條 特定派遣元事業主は、自己の名義をもつて、他人に特定労働者派遣事業を行わせてはならない。

Article 22 A business operator of a Specified Worker Dispatching Undertaking shall not allow any other person to carry out a Specified Worker Dispatching Undertaking under his/her name.

### 第三節 補則

#### Section 3 Auxiliary Provisions

(事業報告等)

(Business Reports, etc.)

第二十三條 一般派遣元事業主及び特定派遣元事業主（以下「派遣元事業主」という。）は、厚生労働省令で定めるところにより、労働者派遣事業を行う事業所ごとの当該事業に係る事業報告書及び収支決算書を作成し、厚生労働大臣に提出しなければならない。

Article 23 A business operator of a general dispatching undertaking or of a specified dispatching undertaking (hereinafter referred to as a "dispatching business operator") shall prepare business reports for the undertaking and settlements of accounts for each place of business where the Worker Dispatching Undertaking is carried out and submit them to the Minister of Health, Labour and Welfare, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

2 前項の事業報告書には、厚生労働省令で定めるところにより、労働者派遣事業を行う事業所ごとの当該事業に係る派遣労働者の数、労働者派遣の役務の提供を受けた者の数、労働者派遣に関する料金の額その他労働者派遣に関する事項を記載しなければならない。

(2) The business reports set forth in the preceding paragraph shall contain the number of Dispatched Workers, the number of persons who have received the Worker Dispatching services, the amount of the fee for Worker Dispatching, and other matters pertaining to Worker Dispatching for each place of

business where the Worker Dispatching Undertaking is carried out, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

3 派遣元事業主は、派遣労働者をこの法律の施行地外の地域に所在する事業所その他の施設において就業させるための労働者派遣（以下「海外派遣」という。）をしようとするときは、厚生労働省令で定めるところにより、あらかじめ、その旨を厚生労働大臣に届け出なければならない。

(3) Where any dispatching business operator intends to carry out Worker Dispatching in which Dispatched Workers will be engaged in work at places of business or other facilities located outside the enforcement area of this Act (hereinafter referred to as "overseas dispatching"), he/she shall notify the Minister of Health, Labour and Welfare to that effect, in advance, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

（[職業安定法](#)第二十条の準用）

(Mutatis Mutandis Application of Article 20 of the [Employment Security Act](#))

第二十四条 [職業安定法](#)第二十条の規定は、労働者派遣事業について準用する。この場合において、同条第一項中「公共職業安定所」とあるのは「[労働者派遣事業の適正な運営の確保及び派遣労働者の就業条件の整備等に関する法律](#)（以下「労働者派遣法」という。）第二十三条第一項に規定する派遣元事業主（以下単に「派遣元事業主」という。）」と、「事業所に、求職者を紹介してはならない」とあるのは「事業所に関し、労働者派遣法第二条第一号に規定する労働者派遣（以下単に「労働者派遣」という。）（当該同盟罷業又は作業所閉鎖の行われる際に当該事業所に関し労働者派遣をしている場合にあつては、当該労働者派遣及びこれに相当するものを除く。）をしてはならない」と、同条第二項中「求職者を無制限に紹介する」とあるのは「無制限に労働者派遣がされる」と、「公共職業安定所は当該事業所に対し、求職者を紹介してはならない」とあるのは「公共職業安定所は、その旨を派遣元事業主に通報するものとし、当該通報を受けた派遣元事業主は、当該事業所に関し、労働者派遣（当該通報の際現に当該事業所に関し労働者派遣をしている場合にあつては、当該労働者派遣及びこれに相当するものを除く。）をしてはならない」と、「使用されていた労働者」とあるのは「使用されていた労働者（労働者派遣に係る労働に従事していた労働者を含む。）」と、「労働者を紹介する」とあるのは「労働者派遣をする」と読み替えるものとする。

Article 24 The provisions of Article 20 of the [Employment Security Act](#) shall apply mutatis mutandis to Worker Dispatching Undertakings. In this case, in paragraph (1) of said Article, the term "The Public Employment Security Offices" shall be deemed to be replaced with "The dispatching business operator prescribed in paragraph (1) of Article 23 of the [Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers](#) (hereinafter referred to as "the Worker Dispatching Act") (hereinafter simply referred to as a "dispatching business operator")" and the term "shall not introduce job seekers to a place of business" shall be deemed to be replaced with "shall not carry out Worker Dispatching prescribed in item (i) of Article 2 of the Worker Dispatching Act (hereinafter simply referred to as "Worker Dispatching") (where Worker Dispatching is actually carried out for the place of business at the time of said strike or lock-out, excluding said Worker Dispatching and arrangements equivalent thereto)"; in paragraph (2) of said Article, the term "unlimited introduction of job seekers" shall be deemed to be replaced with "unlimited Worker Dispatching", the term "the Public Employment Security Office shall not introduce job seekers to that place of business" shall be deemed to be replaced with "the Public Employment Security Office shall notify the dispatching business operator to that effect, and the dispatching business operator, having received the notification, shall not carry out Worker Dispatching for the place of business concerned (where Worker Dispatching is actually carried out

Dispatching for the place of business concerned (where worker Dispatching is actually carried out for the place of business at the time of the notification, excluding said Worker Dispatching and arrangements equivalent thereto)", the term "workers normally employed" shall be deemed to be replaced with "workers (including workers having been engaged in work under Worker Dispatching arrangements) normally employed", and the term "the introduction of workers" shall be deemed to be replaced with "the provision of Worker Dispatching services".

(派遣元事業主以外の労働者派遣事業を行う事業主からの労働者派遣の受入れの禁止)

(Prohibition of Receiving Worker Dispatching Services from a Business Operator Who Carries Out a Worker Dispatching Undertaking Other Than a Dispatching Business Operator)

第二十四条の二 労働者派遣の役務の提供を受ける者は、派遣元事業主以外の労働者派遣事業を行う事業主から、労働者派遣の役務の提供を受けてはならない。

Article 24-2 Any person who receives Worker Dispatching services shall not receive Worker Dispatching services from a business operator who carries out a Worker Dispatching Undertaking other than a dispatching business operator.

(個人情報の取扱い)

(Handling of Personal Information)

第二十四条の三 派遣元事業主は、労働者派遣に関し、労働者の個人情報を収集し、保管し、又は使用するに当たっては、その業務（紹介予定派遣をする場合における職業紹介を含む。次条において同じ。）の目的の達成に必要な範囲内で労働者の個人情報を収集し、並びに当該収集の目的の範囲内でこれを保管し、及び使用しなければならない。ただし、本人の同意がある場合その他正当な事由がある場合は、この限りでない。

Article 24-3 With regard to collecting, retaining or using personal information of workers with regard to Worker Dispatching, a dispatching business operator must collect personal information of workers within the extent necessary for the achievement of the purpose of that business (including employment placement where Employment Placement Dispatching is carried out; the same shall apply in the following Article) and retain and use such information within the extent of the purpose of said collection. Provided, however, that this does not apply where consent has been given by the worker concerned or where there are other justifiable reasons.

2 派遣元事業主は、労働者の個人情報を適正に管理するために必要な措置を講じなければならない。

(2) A dispatching business operator shall take measures necessary for the proper management of personal information of workers.

(秘密を守る義務)

(Obligation of Confidentiality)

第二十四条の四 派遣元事業主及びその代理人、使用人その他の従業者は、正当な理由がある場合でなければ、その業務上取り扱ったことについて知り得た秘密を他に漏らしてはならない。派遣元事業主及びその代理人、使用人その他の従業者でなくなつた後においても、同様とする。

Article 24-4 A dispatching business operator, as well as his/her agent, employee or other worker, shall not disclose to another person a secret learned with regard to a matter he/she handled in the course of business, unless there are justifiable grounds. The same shall apply to any person who ceased to be a dispatching business operator or his/her agent, employee or other worker.

(運用上の配慮)



(Special Consideration to Be Given in Application of the Act)

第二十五条 厚生労働大臣は、労働者派遣事業に係るこの法律の規定の運用に当たっては、労働者の職業生活の全期間にわたるその能力の有効な発揮及びその雇用の安定に資すると認められる雇用慣行を考慮するとともに、労働者派遣事業による労働力の需給の調整が職業安定法に定める他の労働力の需給の調整に関する制度に基づくものとの調和の下に行われるように配慮しなければならない。

Article 25 In applying the provisions of this Act pertaining to Worker Dispatching Undertakings, the Minister of Health, Labour and Welfare shall take into consideration employment practices which are considered to contribute to the effective realization of the capacities of workers and the stability of their employment throughout their working lives, and, at the same time, shall give consideration so that the adjustment of labor demand and supply by means of Worker Dispatching Undertakings may be in harmony with the adjustment of labor demand and supply under the other systems specified in the [Employment Security Act](#).

第三章 派遣労働者の就業条件の整備等に関する措置

Chapter III Measures for Securing Improved Working Conditions for Dispatched Workers

第一節 労働者派遣契約

Section 1 Worker Dispatch Contract

(契約の内容等)

(Contents of Contract, etc.)

第二十六条 労働者派遣契約（当事者の一方が相手方に対し労働者派遣をすることを約する契約をいう。以下同じ。）の当事者は、厚生労働省令で定めるところにより、当該労働者派遣契約の締結に際し、次に掲げる事項を定めるとともに、その内容の差異に応じて派遣労働者の人数を定めなければならない。

Article 26 The parties to a worker dispatch contract (meaning a contract by which one party to the contract agrees to carry out Worker Dispatching on behalf of the other; the same shall apply hereinafter) shall stipulate the following matters, as well as the number of workers to be dispatched, in accordance with the varying contents of the stipulated matters, upon conclusion of the contract concerned, pursuant to the provisions of an Ordinance of the Minister of Health, Labour and Welfare:

一 派遣労働者が従事する業務の内容

(i) the contents of the work in which the Dispatched Workers are to be engaged;

二 派遣労働者が労働者派遣に係る労働に従事する事業所の名称及び所在地その他労働者派遣に係る派遣労働者の就業（以下「派遣就業」という。）の場所

(ii) the name and location of the place of business where the Dispatched Workers are to be engaged in work under Worker Dispatching arrangements and other places where the Dispatched Workers are to be engaged in work under Worker Dispatching arrangements (hereinafter referred to as "dispatch work");

三 労働者派遣の役務の提供を受ける者のために、就業中の派遣労働者を直接指揮命令する者に関する事項

(iii) matters relating to the person who directly instructs the Dispatched Workers, in the course of their work, on behalf of the person receiving Worker Dispatching services;

四 労働者派遣の期間及び派遣就業をする日

(iv) the period of Worker Dispatching and the days on which the dispatch work is to be performed;

五 派遣就業の開始及び終了の時刻並びに休憩時間

(v) the hours of starting and ending the dispatch work and the time of rest breaks in such work;

六 安全及び衛生に関する事項

(vi) matters relating to the safety and health;

七 派遣労働者から苦情の申出を受けた場合における当該申出を受けた苦情の処理に関する事項

(vii) matters relating to the handling of the complaints which have been submitted by the Dispatched Workers;

八 労働者派遣契約の解除に当たつて講ずる派遣労働者の雇用の安定を図るために必要な措置に関する事項

(viii) matters relating to measures necessary for ensuring the employment security of the Dispatched Workers to be taken at the time of termination of a worker dispatch contract;

九 労働者派遣契約が紹介予定派遣に係るものである場合に於ては、当該紹介予定派遣に関する事項

(ix) where the worker dispatch contract is for Employment Placement Dispatching, matters relating to said Employment Placement Dispatching;

十 前各号に掲げるもののほか、厚生労働省令で定める事項

(x) In addition to what is listed in each of the preceding items, matters specified by an Ordinance of the Ministry of Health, Labour and Welfare.

2 派遣元事業主は、前項第四号に掲げる労働者派遣の期間（第四十条の二第一項第三号及び第四号に掲げる業務に係る労働者派遣の期間を除く。）については、厚生労働大臣が当該労働力の需給の適正な調整を図るため必要があると認める場合において業務の種類に応じ当該労働力の需給の状況、当該業務の処理の実情等を考慮して定める期間を超える定めをしてはならない。

(2) No dispatching business operator shall, with regard to the period of Worker Dispatching listed in item (iv) of the preceding paragraph (excluding the period of Worker Dispatching pertaining to work listed in items (iii) and (iv) of paragraph (1) of Article 40-2), stipulate a period exceeding the period that the Minister of Health, Labour and Welfare specifies in accordance with the kind of work and taking into consideration the situation of the labor demand and supply concerned and the state of progress of the work concerned, etc., where the Minister considers it necessary for the proper adjustment of the labor demand and supply concerned.

3 前二項に定めるもののほか、派遣元事業主は、労働者派遣契約であつて海外派遣に係るものの締結に際しては、厚生労働省令で定めるところにより、当該海外派遣に係る役務の提供を受ける者が次に掲げる措置を講ずべき旨を定めなければならない。

(3) In addition to what is prescribed in the preceding two paragraphs, a dispatching business operator shall, when concluding a worker dispatch contract for overseas dispatching, stipulate that the person receiving such overseas dispatching services shall take the following measures, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare:

一 第四十一条の派遣先責任者の選任

(i) appointment of a responsible person acting for the client, as referred to in Article 41;

二 第四十二条第一項の派遣先管理台帳の作成、同項各号に掲げる事項の当該台帳への記載及び同条第三項の厚生労働省令で定める条件に従つた通知

(ii) preparation of the client's record of management, as referred to in paragraph (1) of Article 42;

entry in said record of the matters listed in each item of the same paragraph; and notification, in

entry in said record of the matters listed in each item of the same paragraph, and notification, in conformity with the conditions specified by an Ordinance of the Ministry of Health, Labour and Welfare, as referred to in paragraph (3) of the same Article;

三 その他厚生労働省令で定める当該派遣就業が適正に行われるため必要な措置

(iii) any other measures specified by an Ordinance of the Ministry of Health, Labour and Welfare which are necessary for the proper performance of the dispatch work concerned.

4 派遣元事業主は、第一項の規定により労働者派遣契約を締結するに当たっては、あらかじめ、当該契約の相手方に対し、第五条第一項の許可を受け、又は第十六条第一項の規定により届出書を提出している旨を明示しなければならない。

(4) In concluding a worker dispatch contract under the provisions of paragraph (1), a dispatching business operator shall clearly indicate to the other party to the contract, in advance, that he/she has obtained the license referred to in paragraph (1) of Article 5, or has submitted a written notice pursuant to the provisions of paragraph (1) of Article 16.

5 第四十条の二第一項各号に掲げる業務以外の業務について派遣元事業主から新たな労働者派遣契約に基づく労働者派遣の役務の提供を受けようとする者は、第一項の規定により当該労働者派遣契約を締結するに当たり、あらかじめ、当該派遣元事業主に対し、当該労働者派遣の役務の提供が開始される日以後当該業務について同条第一項の規定に抵触することとなる最初の日を通知しなければならない。

(5) A person who intends to receive Worker Dispatching services from a dispatching business operator, with regard to work other than the work listed in each item of paragraph (1) of Article 40-2, based on a new worker dispatch contract, shall, in concluding the worker dispatch contract concerned pursuant to the provisions of paragraph (1), notify the dispatching business operator concerned, in advance, of the first day on which receiving Worker Dispatching services will be in conflict with the provisions of paragraph (1) of the same Article with regard to the work concerned since the day on which provision of the Worker Dispatching services concerned commences.

6 派遣元事業主は、第四十条の二第一項各号に掲げる業務以外の業務について新たな労働者派遣契約に基づく労働者派遣の役務の提供を受けようとする者から前項の規定による通知がないときは、当該者との間で、当該業務に係る労働者派遣契約を締結してはならない。

(6) When a dispatching business operator does not receive a notice under the provisions of the preceding paragraph from the person who intends to receive Worker Dispatching services with regard to work other than the work listed in each item of paragraph (1) of Article 40-2 based on a new worker dispatch contract, he/she shall not conclude a worker dispatch contract with regard to the work concerned with the person concerned.

7 労働者派遣（紹介予定派遣を除く。）の役務の提供を受けようとする者は、労働者派遣契約の締結に際し、当該労働者派遣契約に基づく労働者派遣に係る派遣労働者を特定することを目的とする行為をしないように努めなければならない。

(7) A person who intends to receive Worker Dispatching services (excluding Employment Placement Dispatching services) shall, in concluding a worker dispatch contract, endeavor not to commit any act intended to specify the workers to be dispatched under the Worker Dispatching arrangements based on the worker dispatch contract concerned.

(契約の解除等)

(Cancellation of a Contract, etc.)

第二十七条 労働者派遣の役務の提供を受ける者は、派遣労働者の国籍、信条、性別、社会的身分、派遣労働者が労働組合の正当な行為をしたこと等を理由として、労働者派遣契約

を解除してはならない。

Article 27 No person receiving Worker Dispatching services shall cancel a worker dispatch contract on the grounds of a Dispatched Worker's nationality, creed, sex or social status or his/her having engaged in proper labor union activities, etc.

第二十八条 労働者派遣をする事業主は、当該労働者派遣の役務の提供を受ける者が、当該派遣就業に関し、この法律又は第四節の規定により適用される法律の規定（これらの規定に基づく命令の規定を含む。第三十一条において同じ。）に違反した場合においては、当該労働者派遣を停止し、又は当該労働者派遣契約を解除することができる。

Article 28 A business operator carrying out a Worker Dispatching Undertaking may, where a person receiving the Worker Dispatching services has violated, with regard to said dispatch work, the provisions of this Act or of Acts applied under the provisions of Section 4 (including the provisions of orders based on these provisions; the same shall apply in Article 31), suspend the Worker Dispatching services or cancel the worker dispatch contract concerned.

第二十九条 労働者派遣契約の解除は、将来に向かつてのみその効力を生ずる。

Article 29 The cancellation of a worker dispatch contract shall have only prospective effect.

#### 第二節 派遣元事業主の講ずべき措置等

##### Section 2 Measures to Be Taken by Dispatching Business Operators, etc.

(派遣労働者等の福祉の増進)

(Promotion of the Welfare of Dispatched Workers, etc.)

第三十条 派遣元事業主は、その雇用する派遣労働者又は派遣労働者として雇用しようとする労働者について、各人の希望及び能力に応じた就業の機会及び教育訓練の機会の確保、労働条件の向上その他雇用の安定を図るために必要な措置を講ずることにより、これらの者の福祉の増進を図るように努めなければならない。

Article 30 A dispatching business operator shall endeavor to promote the welfare of Dispatched Workers he/she employs or workers he/she intends to employ as Dispatched Workers, by taking necessary measures to secure employment opportunities and education and training opportunities meeting each worker's wishes and abilities, to improve their working conditions and otherwise to stabilize their employment.

(適正な派遣就業の確保)

(Securing Proper Dispatch Work)

第三十一条 派遣元事業主は、その雇用する派遣労働者に係る労働者派遣の役務の提供を受ける者（第四節を除き、以下「派遣先」という。）がその指揮命令の下に当該派遣労働者に労働させるに当たって当該派遣就業に関しこの法律又は第四節の規定により適用される法律の規定に違反することがないようにその他当該派遣就業が適正に行われるように、必要な措置を講ずる等適切な配慮をしなければならない。

Article 31 A dispatching business operator shall give such due consideration as taking necessary measures to ensure that a person receiving worker dispatch services performed by Dispatched Workers he/she employs (hereinafter referred to as a "client" except in Section 4), when making the Dispatched Workers work under the client's instruction, does not violate the provisions of this Act or Acts applied under the provisions of Section 4 with regard to the dispatch work concerned and otherwise to ensure that the dispatch work concerned is properly performed.

(派遣労働者であることの明示等)

(Clear Indication to Workers about Being Employed as Dispatched Workers, etc.)

第三十二条 派遣元事業主は、労働者を派遣労働者として雇い入れようとするときは、あらかじめ、当該労働者にその旨（紹介予定派遣に係る派遣労働者として雇い入れようとする場合にあつては、その旨を含む。）を明示しなければならない。

Article 32 A dispatching business operator shall, when employing a worker as a Dispatched Worker, clearly indicate to the worker concerned to that effect, in advance (where he/she intends to employ the worker as a Dispatched Worker for Employment Placement Dispatching, including that fact).

2 派遣元事業主は、その雇用する労働者であつて、派遣労働者として雇い入れた労働者以外のものを新たに労働者派遣の対象としようとするときは、あらかじめ、当該労働者にその旨（新たに紹介予定派遣の対象としようとする場合にあつては、その旨を含む。）を明示し、その同意を得なければならない。

(2) A dispatching business operator shall, when newly transferring an employee who he/she originally employed as a Dispatched Worker to be the subject of a Worker Dispatching arrangement, shall clearly indicate to the worker concerned to that effect, in advance (where he/she intends to newly transfer the worker to be the subject of Employment Placement Dispatching, including that fact) and obtain the worker's consent.

(派遣労働者に係る雇用制限の禁止)

(Prohibition of Restrictions on Employment of Dispatched Workers)

第三十三条 派遣元事業主は、その雇用する派遣労働者又は派遣労働者として雇用しようとする労働者との間で、正当な理由がなく、その者に係る派遣先である者（派遣先であつた者を含む。次項において同じ。）又は派遣先となることとなる者に当該派遣元事業主との雇用関係の終了後雇用されることを禁ずる旨の契約を締結してはならない。

Article 33 A dispatching business operator shall not conclude, with a Dispatched Worker he/she employs or a worker he/she intends to employ as a Dispatched Worker, any contract which prohibits the worker, without any justifiable reason, from being employed, after the termination of the employment relationship with him/her, by the client to whom the worker is dispatched (including a person who was the client; the same shall apply in the following paragraph) or to whom the worker will be dispatched.

2 派遣元事業主は、その雇用する派遣労働者に係る派遣先である者又は派遣先となろうとする者との間で、正当な理由がなく、その者が当該派遣労働者を当該派遣元事業主との雇用関係の終了後雇用することを禁ずる旨の契約を締結してはならない。

(2) A dispatching business operator shall not conclude, with a client to whom a Dispatched Worker he/she employs is or will be dispatched, any contract which prohibits the client, without justifiable reason, from employing the Dispatched Worker concerned after the termination of the worker's employment relationship with him/her.

(就業条件等の明示)

(Clear Indication of Working Conditions, etc.)

第三十四条 派遣元事業主は、労働者派遣をしようとするときは、あらかじめ、当該労働者派遣に係る派遣労働者に対し、厚生労働省令で定めるところにより、次に掲げる事項を明示しなければならない。

Article 34 Where a dispatching business operator intends to carry out Worker Dispatching, he/she must clearly indicate to the Dispatched Workers under said Worker Dispatching arrangement, in advance, following matters, pursuant to the provisions of an Ordinance of the Ministry of Health

advance, following matters, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare:

一 当該労働者派遣をしようとする旨

(i) his/her intention to carry out said Worker Dispatching;

二 第二十六条第一項各号に掲げる事項その他厚生労働省令で定める事項であつて当該派遣労働者に係るもの

(ii) the matters pertaining to said Dispatched Workers listed in each item of paragraph (1) of Article 26 and other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare;

三 第四十条の二第一項各号に掲げる業務以外の業務について労働者派遣をする場合にあつては、当該派遣労働者が従事する業務について派遣先が同項の規定に抵触することとなる最初の日

(iii) where carrying out Worker Dispatching for work other than the work listed in each item of paragraph (1) of Article 40-2, the first day on which the client will be in conflict with the provisions of those items with regard to the work in which said Dispatched Worker will be engaged.

2 派遣元事業主は、派遣先から第四十条の二第五項の規定による通知を受けたときは、遅滞なく、当該通知に係る業務に従事する派遣労働者に対し、厚生労働省令で定めるところにより、当該業務について派遣先が同条第一項の規定に抵触することとなる最初の日を明示しなければならない。

(2) When a dispatching business operator has received a notification pursuant to the provisions of paragraph (5) of Article 40-2 from a client, he/she shall, without delay, clearly indicate to the Dispatched Workers engaged in the work pertaining to said notification the first day on which the client will be in conflict with the provisions of paragraph (1) of the same Article with regard to said work, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

(派遣先への通知)

(Notification to Client)

第三十五条 派遣元事業主は、労働者派遣をするときは、厚生労働省令で定めるところにより、次に掲げる事項を派遣先に通知しなければならない。

Article 35 When a dispatching business operator carries out Worker Dispatching, he/she shall notify the following matters to the client, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare:

一 当該労働者派遣に係る派遣労働者の氏名

(i) the names of the workers to be dispatched under the Worker Dispatching arrangement concerned;

二 当該労働者派遣に係る派遣労働者に関する健康保険法第三十九条第一項の規定による被保険者の資格の取得の確認、厚生年金保険法第十八条第一項の規定による被保険者の資格の取得の確認及び雇用保険法第九条第一項の規定による被保険者となつたことの確認の有無に関する事項であつて厚生労働省令で定めるもの

(ii) with regard to the workers to be dispatched under the Worker Dispatching arrangement concerned, matters specified by an Ordinance of the Ministry of Health, Labour and Welfare regarding whether there exists a confirmation of the acquisition of the qualification as an insured person under the provisions of paragraph (1) of Article 39 of the Health Insurance Act, a confirmation of the acquisition of the qualification as an insured person under the provisions of paragraph (1) of Article 18 of the Welfare Pension Insurance Act and a confirmation of the fact of having become an insured person under the provisions of paragraph (1) of Article 9 of the Employment Insurance Act;

三 その他厚生労働省令で定める事項



(iii) other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(労働者派遣の期間)

(Period of Worker Dispatching)

第三十五条の二 派遣元事業主は、派遣先が当該派遣元事業主から労働者派遣の役務の提供を受けたならば第四十条の二第一項の規定に抵触することとなる場合には、当該抵触することとなる最初の日以降継続して労働者派遣を行つてはならない。

Article 35-2 A dispatching business operator shall not, if a client receiving Worker Dispatching services from him/her comes into conflict with the provisions of paragraph (1) of Article 40-2, continue to carry out Worker Dispatching from the first day the conflict arises.

2 派遣元事業主は、前項の当該抵触することとなる最初の日の一月前の日から当該抵触することとなる最初の日の前日までの間に、厚生労働省令で定める方法により、当該抵触することとなる最初の日以降継続して労働者派遣を行わない旨を当該派遣先及び当該労働者派遣に係る派遣労働者に通知しなければならない。

(2) A dispatching business operator must, within the period from the day one month before the first day the conflict arises as referred to in the preceding paragraph until the day before said first day the conflict arises, notify said client and the Dispatched Workers under said Worker Dispatching arrangement that he/she will not continue to carry out Worker Dispatching from the first day the conflict arises, in the manner specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(派遣元責任者)

(Responsible Person Acting for Dispatching Undertaking)

第三十六条 派遣元事業主は、派遣就業に関し次に掲げる事項を行わせるため、厚生労働省令で定めるところにより、第六条第一号から第四号までに該当しない者（未成年者を除く。）のうちから派遣元責任者を選任しなければならない。

Article 36 A dispatching business operator shall, in order to carry out the following matters with regard to dispatch work, appoint a responsible person acting for the dispatching undertaking from among persons (excluding minors) who do not fall under items (i) to (iv) inclusive of Article 6, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare:

一 第三十二条、第三十四条、第三十五条、前条第二項及び次条に定める事項に関すること。

(i) matters relating to those prescribed in Articles 32, 34, 35, paragraph (2) of the preceding Article and the following Article;

二 当該派遣労働者に対し、必要な助言及び指導を行うこと。

(ii) giving necessary advice and guidance to the Dispatched Workers concerned;

三 当該派遣労働者から申出を受けた苦情の処理に当たること。

(iii) matters relating to the handling of the complaints submitted by the Dispatched Workers concerned;

四 当該派遣労働者等の個人情報の管理に関すること。

(iv) matters relating to the management of personal information of the Dispatched Workers concerned;

五 当該派遣労働者の安全及び衛生に関し、当該事業所の労働者の安全及び衛生に関する業務を統括管理する者及び当該派遣先との連絡調整を行うこと。

- (v) carrying out liaison and coordination with the person who oversees the administration of affairs relating to the safety and health of the workers at the place of business concerned and the client on matters relating to safety and health of the Dispatched Workers concerned;

六 前号に掲げるもののほか、当該派遣先との連絡調整に関すること。

- (vi) in addition to what is listed in the preceding item, matters relating to liaison and coordination with the client concerned.

(派遣元管理台帳)

(Management Record of Dispatching Undertaking)

第三十七条 派遣元事業主は、厚生労働省令で定めるところにより、派遣就業に関し、派遣元管理台帳を作成し、当該台帳に派遣労働者ごとに次に掲げる事項を記載しなければならない。

Article 37 A dispatching business operator shall prepare a management record with regard to dispatch work, and enter in the record concerned the following matters with regard to each Dispatched Worker, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare:

一 派遣先の氏名又は名称

- (i) the name or title of the client;

二 事業所の所在地その他派遣就業の場所

- (ii) the location of the place of business and any other place where the dispatch work is to be carried out;

三 労働者派遣の期間及び派遣就業をする日

- (iii) the period of Worker Dispatching and the days on which the dispatch work is to be performed;

四 始業及び終業の時刻

- (iv) the hours of starting and ending work;

五 従事する業務の種類

- (v) the kind of work to be engaged in;

六 派遣労働者から申出を受けた苦情の処理に関する事項

- (vi) matters relating to the handling of the complaints submitted by Dispatched Workers;

七 紹介予定派遣に係る派遣労働者については、当該紹介予定派遣に関する事項

- (vii) with regard to Dispatched Workers pertaining to Employment Placement Dispatching, matters relating to said Employment Placement Dispatching;

八 その他厚生労働省令で定める事項

- (viii) other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare.

2 派遣元事業主は、前項の派遣元管理台帳を三年間保存しなければならない。

(2) A dispatching business operator shall retain the management record set forth in the preceding paragraph for three years.

(準用)

(Application, Mutatis Mutandis)

第三十八条 第三十三条及び第三十四条第一項（第三号を除く。）の規定は、派遣元事業主以外の労働者派遣をする事業主について準用する。この場合において、第三十三条中「派遣先」とあるのは、「労働者派遣の役務の提供を受ける者」と読み替えるものとする。

Article 38 The provisions of Article 33 and paragraph (1) (excluding item (iii)) of Article 34 shall apply mutatis mutandis to a business operator, other than a dispatching business operator, who carries out Worker Dispatching. In this case, the term "client" in Article 33 shall be deemed to be replaced with "person receiving Worker Dispatching services".

### 第三節 派遣先の講ずべき措置等

#### Section 3 Measures to Be Taken by Clients, etc.

(労働者派遣契約に関する措置)

#### (Measures Concerning Worker Dispatch Contracts)

第三十九条 派遣先は、第二十六条第一項各号に掲げる事項その他厚生労働省令で定める事項に関する労働者派遣契約の定めを反することのないように適切な措置を講じなければならない。

Article 39 A client shall take appropriate measures so that there will not be a violation of the stipulations of the worker dispatch contract concerning the matters listed in each item of paragraph (1) of Article 26 and other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(適正な派遣就業の確保等)

#### (Securing Proper Dispatch Work, etc.)

第四十条 派遣先は、その指揮命令の下に労働させる派遣労働者から当該派遣就業に関し、苦情の申出を受けたときは、当該苦情の内容を当該派遣元事業主に通知するとともに、当該派遣元事業主との密接な連携の下に、誠意をもって、遅滞なく、当該苦情の適切かつ迅速な処理を図らなければならない。

Article 40 When a client receives any complaint from a Dispatched Worker working under his/her instruction with regard to the dispatch work, he/she shall notify the dispatching business operator concerned of the contents of the complaint and shall endeavor, in good faith and without delay, to handle the complaint appropriately and promptly in close cooperation with the dispatching business operator concerned.

2 前項に定めるもののほか、派遣先は、その指揮命令の下に労働させる派遣労働者について、当該派遣就業が適正かつ円滑に行われるようにするため、適切な就業環境の維持、診療所、給食施設等の施設であつて現に当該派遣先に雇用される労働者が通常利用しているものの利用に関する便宜の供与等必要な措置を講ずるように努めなければならない。

(2) In addition to what is prescribed in the preceding paragraph, the client shall, with regard to Dispatched Workers who are caused to work under his/her instruction, endeavor to take measures necessary for the proper and smooth performance of the dispatch work concerned, such as maintenance of the proper work environment and provision of convenient use of facilities such as the infirmary, food service facilities, etc., which are in fact usually used by the regular employees of the client concerned.

(労働者派遣の役務の提供を受ける期間)

#### (Period of Receiving Worker Dispatching Services)

第四十条の二 派遣先は、当該派遣先の事業所その他派遣就業の場所ごとの同一の業務（次に掲げる業務を除く。第三項において同じ。）について、派遣元事業主から派遣可能期間を超える期間継続して労働者派遣の役務の提供を受けてはならない。

Article 40-2 A client shall not receive Worker Dispatching services from a dispatching business

operator continuously for a period exceeding the period for which dispatching is possible for the same work at each of the client's places of business or any other places at which the dispatch work is to be performed (excluding the following types of work; the same shall apply in paragraph (3)):

一 次のイ又はロに該当する業務であつて、当該業務に係る労働者派遣が労働者の職業生活の全期間にわたるその能力の有効な発揮及びその雇用の安定に資すると認められる雇用慣行を損なわないと認められるものとして政令で定める業務

(i) work falling under (a) or (b) below which is specified by a Cabinet Order as work with regard to which the worker dispatch does not damage an employment practice that is considered to be conducive to the effective exhibition of the ability of the workers during the entire period of their employment careers and to the security of their employment;

イ その業務を迅速かつ的確に遂行するために専門的な知識、技術又は経験を必要とする業務

(a) work which requires expert knowledge, technical skill or experience in order to perform it promptly and accurately;

ロ その業務に従事する労働者について、就業形態、雇用形態等の特殊性により、特別の雇用管理を行う必要があると認められる業務

(b) work which is considered to require special employment management with regard to the workers engaging in it because of the peculiarity of its work form, employment form, etc.;

二 前号に掲げるもののほか、次のイ又はロに該当する業務

(ii) in addition to what is listed in the preceding item, work falling under (a) or (b) below:

イ 事業の開始、転換、拡大、縮小又は廃止のための業務であつて一定の期間内に完了することが予定されているもの

(a) work intended for the commencement, conversion, expansion, reduction or discontinuation of an undertaking that is scheduled to be completed within a certain period of time;

ロ その業務が一箇月間に行われる日数が、当該派遣就業に係る派遣先に雇用される通常の労働者の一箇月間の所定労働日数に比し相当程度少なく、かつ、厚生労働大臣の定める日数以下である業務

(b) work where the number of days on which that work is performed in a period of one month is considerably less than the normal prescribed number of working days per month for workers employed by the client pertaining to said dispatch work and is less than the number of days specified by the Minister of Health, Labour and Welfare;

三 当該派遣先に雇用される労働者が[労働基準法](#)（昭和二十二年法律第四十九号）第六十五条第一項及び第二項の規定により休業し、並びに[育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律](#)（平成三年法律第七十六号）第二条第一号に規定する育児休業をする場合における当該労働者の業務その他これに準ずる場合として厚生労働省令で定める場合における当該労働者の業務

(iii) work of a worker employed by the client concerned in the case where said worker takes leave under the provisions of paragraphs (1) and (2) of Article 65 of the [Labor Standards Act](#) (Act No. 49 of 1947), or takes child-care leave prescribed in item (i) of Article 2 of the [Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave](#) (Act No. 76 of 1991), as well as any other work of said worker in a case specified by an Ordinance of the Ministry of Health, Labour and Welfare as equivalent to the preceding case;

四 当該派遣先に雇用される労働者が[育児休業、介護休業等育児又は家族介護を行う労働者の福祉に関する法律](#)第二条第二号に規定する介護休業をし、及びこれに準ずる休業と

して厚生労働省令で定める休業をする場合における当該労働者の業務

- (iv) work of a worker employed by the client concerned in the case where said worker takes family care leave prescribed in item (ii) of Article 2 of the [Act on the Welfare of Workers Who Take Care of Children or Other Family Members Including Child Care and Family Care Leave](#) and, as well as leave specified by an Ordinance of the Ministry of Health, Labour and Welfare as equivalent to the preceding leave.
- 2 前項の派遣可能期間は、次の各号に掲げる場合の区分に応じ、それぞれ当該各号に定める期間とする。
- (2) The periods for which dispatching is possible set forth in the preceding paragraph shall be the periods prescribed respectively in the following items in accordance with the categories for the cases listed in said items:
- 一 次項の規定により労働者派遣の役務の提供を受けようとする期間が定められている場合 その定められている期間
- (i) where the period for which the provision of Worker Dispatching services can be received is stipulated pursuant to the provisions of the following paragraph: the stipulated period;
- 二 前号に掲げる場合以外の場合 一年
- (ii) in cases other than the case listed in the preceding item. one year.
- 3 派遣先は、当該派遣先の事業所その他派遣就業の場所ごとの同一の業務について、派遣元事業主から一年を超え三年以内の期間継続して労働者派遣の役務の提供を受けようとするときは、あらかじめ、厚生労働省令で定めるところにより、当該労働者派遣の役務の提供を受けようとする期間を定めなければならない。
- (3) A client shall, when intending to receive the provision of Worker Dispatching services from a dispatching business operator continuously for a period exceeding one year and less than three years, with regard to the same work at each of the client's places of business or any other places at which the dispatch work is to be performed, stipulate the period for which he/she intends to receive the provision of said Worker Dispatching services, in advance, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.
- 4 派遣先は、前項の期間を定め、又はこれを変更しようとするときは、あらかじめ、当該派遣先の事業所に、労働者の過半数で組織する労働組合がある場合においてはその労働組合に対し、労働者の過半数で組織する労働組合がない場合においては労働者の過半数を代表する者に対し、当該期間を通知し、その意見を聴くものとする。
- (4) A client shall, when stipulating or intending to change the period set forth in the preceding paragraph, notify said period, in advance, where the client's place of business has a labor union comprising a majority of the workers, to said labor union, and where the client's place of business has no labor union comprising a majority of the workers, to a person who represents the majority of the workers and listens to the workers' opinions.
- 5 派遣先は、労働者派遣契約の締結後に当該労働者派遣契約に基づく労働者派遣に係る業務について第三項の期間を定め、又はこれを変更したときは、速やかに、当該労働者派遣をする派遣元事業主に対し、当該業務について第一項の規定に抵触することとなる最初の日を通知しなければならない。
- (5) A client shall, when having stipulated the period referred to in paragraph (3) or changed it with regard to work pertaining to Worker Dispatching based on a worker dispatch contract after the conclusion of said worker dispatch contract, promptly notify the dispatching business operator carrying out the Worker Dispatching concerned of the first day the work concerned will come into conflict with the provisions of paragraph (1)

connect with the provisions of paragraph (1).

6 厚生労働大臣は、第一項第一号の政令の制定若しくは改正の立案をし、又は同項第三号若しくは第四号の厚生労働省令の制定若しくは改正をしようとするときは、あらかじめ、労働政策審議会の意見を聴かなければならない。

(6) In making a proposal for enactment or amendment of a Cabinet Order set forth in item (i) of paragraph (1) or when intending to enact or amend an Ordinance of the Ministry of Health, Labour and Welfare set forth in item (iii) or (iv) of the same paragraph, the Minister of Health, Labour and Welfare shall obtain the opinion of the Labor Policy Council.

(派遣労働者の雇用)

(Employment of Dispatched Workers)

第四十条の三 派遣先は、当該派遣先の事業所その他派遣就業の場所ごとの同一の業務（前条第一項各号に掲げる業務を除く。）について派遣元事業主から継続して一年以上前条第一項の派遣可能期間以内の期間労働者派遣の役務の提供を受けた場合において、引き続き当該同一の業務に労働者を従事させるため、当該労働者派遣の役務の提供を受けた期間（以下この条において「派遣実施期間」という。）が経過した日以後労働者を雇い入れようとするときは、当該同一の業務に派遣実施期間継続して従事した派遣労働者であつて次の各号に適合するものを、遅滞なく、雇い入れるように努めなければならない。

Article 40-3 A client, when having received Worker Dispatching services from the dispatching business operator concerned continuously for a period exceeding one year and within the period for which dispatching is possible set forth in paragraph (1) of the preceding Article with regard to the same work (excluding the work listed in each item of paragraph (1) of the preceding Article) at each of the client's places of business or any other places at which the dispatch work is performed, and who intends to employ a worker on and after the day on which the period for receiving the provision of said worker dispatch services (hereinafter referred to as a "dispatch implementation period" in this Article) expires for the purpose of continuing to have a worker engage in the same work concerned, shall endeavor to employ without delay the Dispatched Worker who has engaged in the same work concerned continuously for the dispatch implementation period and who conforms to each of the following items:

一 派遣実施期間が経過した日までに、当該派遣先に雇用されて当該同一の業務に従事することを希望する旨を当該派遣先に申し出たこと。

(i) the person has notified the client concerned that he/she wishes to be employed by the client concerned and engage in the same work concerned by the day on which the dispatch implementation period expired;

二 派遣実施期間が経過した日から起算して七日以内に当該派遣元事業主との雇用関係が終了したこと。

(ii) the employment relationship with the dispatching business operator concerned was terminated within seven days of the expiration of the dispatch implementation period.

第四十条の四 派遣先は、第三十五条の二第二項の規定による通知を受けた場合において、当該労働者派遣の役務の提供を受けたならば第四十条の二第一項の規定に抵触することとなる最初の日以降継続して第三十五条の二第二項の規定による通知を受けた派遣労働者を使用しようとするときは、当該抵触することとなる最初の日の前日までに、当該派遣労働者であつて当該派遣先に雇用されることを希望するものに対し、雇用契約の申込みをしななければならない。

Article 40-4 A client shall, when having received a notification under the provisions of paragraph (2) of Article 35-2 and when intending to employ the Dispatched Worker for whom he/she has received



of Article 35-2 and when intending to employ the Dispatched Worker, for whom he/she has received the notification under the provisions of paragraph (2) of Article 35-2, continuously on and after the first day on which receipt of the provision of said Worker Dispatching services will be in conflict with the provisions of paragraph (1) of Article 40-2, offer an employment contract to the Dispatched Worker concerned who wishes to be employed by him/her by the day before the first day on which said conflict will arise.

第四十条の五 派遣先は、当該派遣先の事業所その他派遣就業の場所ごとの同一の業務（第四十条の二第一項各号に掲げる業務に限る。）について、派遣元事業主から三年を超える期間継続して同一の派遣労働者に係る労働者派遣の役務の提供を受けている場合において、当該同一の業務に労働者を従事させるため、当該三年が経過した日以後労働者を雇い入れようとするときは、当該同一の派遣労働者に対し、雇用契約の申込みをしなければならない。

Article 40-5 A client shall, with regard to the same work at each of the client's places of business and any other places at which dispatch work is performed (limited to work listed in each item of paragraph (1) of Article 40-2), when having received the provision of Worker Dispatching services pertaining to the same Dispatched Worker from the dispatching business operator concerned continuously for a period exceeding three years and when intending to employ the worker on and after the day on which said three years expire for the purpose of continuing to have the worker engage in the same work concerned, offer an employment contract to said same Dispatched Worker.

(派遣先責任者)

(Responsible Person Acting for Client)

第四十一条 派遣先は、派遣就業に関し次に掲げる事項を行わせるため、厚生労働省令で定めるところにより、派遣先責任者を選任しなければならない。

Article 41 A client shall appoint a responsible person acting for the client so as to have the person carry out the following matters with regard to dispatch work, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare:

一 次に掲げる事項の内容を、当該派遣労働者の業務の遂行を指揮命令する職務上の地位にある者その他の関係者に周知すること。

(i) making the contents of the following matters known to persons empowered to instruct the performance of the work of the Dispatched Workers and to other persons concerned:

イ この法律及び次節の規定により適用される法律の規定（これらの規定に基づく命令の規定を含む。）

(a) the provisions of this Act and the Acts applied under the provisions of the following Section (including the provisions of orders based on these provisions);

ロ 当該派遣労働者に係る第三十九条に規定する労働者派遣契約の定め

(b) the stipulations of the worker dispatch contract prescribed in Article 39, pertaining to the Dispatched Workers concerned;

ハ 当該派遣労働者に係る第三十五条の規定による通知

(c) the notification under the provisions of Article 35, pertaining to the Dispatched Workers concerned;

二 第四十条の二第五項及び次条に定める事項に関すること。

(ii) matters relating to those prescribed in paragraph (5) of Article 40-2 and the following Article;

三 当該派遣労働者から申出を受けた苦情の処理に当たること。

(iii) matters relating to the handling of the complaints submitted by the Dispatched Workers concerned;

四 当該派遣労働者の安全及び衛生に関し、当該事業所の労働者の安全及び衛生に関する業務を統括管理する者及び当該派遣元事業主との連絡調整を行うこと。

(iv) carrying out liaison and coordination with the person who oversees the administration of affairs relating to the safety and health of the workers at the place of business concerned and the dispatching business operator concerned on matters relating to the safety and hygiene of the Dispatched Workers concerned;

五 前号に掲げるもののほか、当該派遣元事業主との連絡調整に関すること。

(v) in addition to what is listed in the preceding item, matters relating to liaison and coordination with the dispatching business operator.

(派遣先管理台帳)

(Management Record of Client)

第四十二条 派遣先は、厚生労働省令で定めるところにより、派遣就業に関し、派遣先管理台帳を作成し、当該台帳に派遣労働者ごとに次に掲げる事項を記載しなければならない。

Article 42 A client shall prepare a management record with regard to dispatch work, and enter in the record the following matters with regard to each Dispatched Worker, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare:

一 派遣元事業主の氏名又は名称

(i) the name or title of the dispatching business operator;

二 派遣就業をした日

(ii) the days on which the dispatch work was performed;

三 派遣就業をした日ごとの始業し、及び終業した時刻並びに休憩した時間

(iii) the hours of starting and ending work and the time of rest breaks in such work, for each day on which the dispatch work was performed;

四 従事した業務の種類

(iv) the kind of work in which the Dispatched Worker was engaged;

五 派遣労働者から申出を受けた苦情の処理に関する事項

(v) matters pertaining to the handling of the complaints submitted by the Dispatched Workers;

六 紹介予定派遣に係る派遣労働者については、当該紹介予定派遣に関する事項

(vi) with regard to Dispatched Workers for Employment Placement Dispatching, matters relating to said Employment Placement Dispatching;

七 その他厚生労働省令で定める事項

(vii) other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare.

2 派遣先は、前項の派遣先管理台帳を三年間保存しなければならない。

(2) A client shall retain the management record set forth in the preceding paragraph for three years.

3 派遣先は、厚生労働省令で定めるところにより、第一項各号（第一号を除く。）に掲げる事項を派遣元事業主に通知しなければならない。

(3) A client shall, as prescribed by Ministry of Health, Labor and Welfare Ordinance, notify a dispatching business operator of the matters listed in each item (excluding item (i)) of paragraph (1).

(準用)

(Application, Mutatis Mutandis)

第四十三条 第三十九条の規定は、労働者派遣の役務の提供を受ける者であつて派遣先以外のものについて準用する。

Article 43 The provisions of Article 39 shall apply mutatis mutandis to persons receiving Worker Dispatching services other than clients.

第四節 [労働基準法](#)等の適用に関する特例等

Section 4 Special Application of the [Labor Standards Act](#) and Related Acts

([労働基準法](#)の適用に関する特例)

(Special Application of the [Labor Standards Act](#))

第四十四条 [労働基準法](#)第九条に規定する事業（以下この節において単に「事業」という。）の事業主（以下この条において単に「事業主」という。）に雇用され、他の事業主の事業における派遣就業のために当該事業に派遣されている同条に規定する労働者（同居の親族のみを使用する事業に使用される者及び家事使用人を除く。）であつて、当該他の事業主（以下この条において「派遣先の事業主」という。）に雇用されていないもの（以下この節において「派遣中の労働者」という。）の派遣就業に関しては、当該派遣中の労働者が派遣されている事業（以下この節において「派遣先の事業」という。）もまた、派遣中の労働者を使用する事業とみなして、同法第三条、第五条及び第六十九条の規定（これらの規定に係る罰則の規定を含む。）を適用する。

Article 44 With regard to dispatch work performed by a worker prescribed in Article 9 of the [Labor Standards Act](#) (excluding a person who is engaged in an undertaking where only relatives living together are engaged or a domestic servant), who is employed by a business operator of an undertaking prescribed in said Article (hereinafter referred to simply as an "undertaking" in this Section) (hereinafter such business operator shall be referred to simply as a "business operator" in this Article) and dispatched to said undertaking for the dispatch work for another business operator, and who is not employed by the other business operator concerned (hereinafter such business operator shall be referred to as a "client business operator" in this Article) (hereinafter such worker shall be referred to as a "worker under dispatching" in this Section), the provisions of Articles 3, 5 and 69 of the same Act (including penal provisions pertaining to these provisions) shall apply to the undertaking to which the worker under dispatching concerned is dispatched (hereinafter referred to as a "client undertaking" in this Section), by deeming it to also be an undertaking employing a worker under dispatching.

2 派遣中の労働者の派遣就業に関しては、派遣先の事業のみを、派遣中の労働者を使用する事業とみなして、[労働基準法](#)第七条、第三十二条、第三十二条の二第一項、第三十二条の三、第三十二条の四第一項から第三項まで、第三十三条から第三十五条まで、第三十六条第一項、第四十条、第四十一条、第六十条から第六十三条まで、第六十四条の二、第六十四条の三及び第六十六条から第六十八条までの規定並びに当該規定に基づいて発する命令の規定（これらの規定に係る罰則の規定を含む。）を適用する。この場合において、同法第三十二条の二第一項中「当該事業場に」とあるのは「[労働者派遣事業の適正な運営の確保及び派遣労働者の就業条件の整備等に関する法律](#)（以下「労働者派遣法」という。）第四十四条第三項に規定する派遣元の使用者（以下単に「派遣元の使用者」という。）が、当該派遣元の事業（同項に規定する派遣元の事業をいう。以下同じ。）の事業場に」と、同法第三十二条の三中「就業規則その他これに準ずるものにより、」とあるのは「派遣元の使用者が就業規則その他これに準ずるものにより」と、「とした労働者」とあるのは「とした労働者であつて、当該労働者に係る労働者派遣法第二十六条第一項に規定する労働者派遣契約に基き、その各の担当に於て労働時間、労働場所、労働条件を定め、

労働者派遣契約に基づきこの条の規定による労働時間により労働させることが出来るもの」と、「当該事業場の」とあるのは「派遣元の使用者が、当該派遣元の事業の事業場の」と、同法第三十二条の四第一項及び第二項中「当該事業場に」とあるのは「派遣元の使用者が、当該派遣元の事業の事業場に」と、同法第三十六条第一項中「当該事業場に」とあるのは「派遣元の使用者が、当該派遣元の事業の事業場に」と、「これを行政官庁に」とあるのは「及びこれを行政官庁に」とする。

(2) With regard to dispatch work performed by a worker under dispatching, the provisions of Article 7, Article 32, paragraph (1) of Article 32-2, Article 32-3, paragraphs (1) to (3) inclusive of Article 32-4, Articles 33 to 35 inclusive, paragraph (1) of Article 36, Article 40, Article 41, Articles 60 to 63 inclusive, Article 64-2, Article 64-3 and Articles 66 to 68 inclusive of the [Labor Standards Act](#) and the provisions of orders based on said provisions (including penal provisions pertaining to these provisions) shall apply only to the client undertaking, by deeming it to be an undertaking employing a worker under dispatching. In this case, the term "at the workplace" in paragraph (1) of Article 32-2 of the same Act shall be deemed to be replaced with "at the workplace of a business of the dispatching undertaking (which means the dispatching undertaking prescribed in the same paragraph; the same shall apply hereinafter), where an employer of the dispatching undertaking prescribed in paragraph (3) of Article 44 of the [Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers](#) (hereinafter referred to as "the Worker Dispatching Act") (hereinafter such employer shall be simply referred to as a "dispatching employer")"; the term "pursuant to rules of employment or the equivalent thereof" in Article 32-3 of the same Act shall be deemed to be replaced with "pursuant to rules of employment or the equivalent, a dispatching employer"; the term "a worker for whom" in the same Article shall be deemed to be replaced with "a worker who can be made to work for working hours under the provisions of Article 26 of the Worker Dispatching Act, based on the worker dispatch contract with regard to the worker concerned under paragraph (1) of the same Article"; the term "at the workplace concerned" in the same Article shall be deemed to be replaced with "at the workplace of a business of the dispatching undertaking, where the dispatching employer"; the term "at the workplace " in paragraphs (1) and (2) of Article 32-4 of the same Act shall be deemed to be replaced with "at the workplace of a business of the dispatching undertaking, where the dispatching employer"; the term "at the workplace" in paragraph (1) of Article 36 of the same Act shall be deemed to be replaced with "at the workplace of a business of the dispatching undertaking, where the dispatching employer"; and the term "this to the relevant government agency " in the same Article shall be deemed to be replaced with "and this to the relevant government agency".

3 労働者派遣をする事業主の事業（以下この節において「派遣元の事業」という。）の[労働基準法](#)第十条に規定する使用者（以下この条において「派遣元の使用人」という。）は、労働者派遣をする場合であつて、前項の規定により当該労働者派遣の役務の提供を受ける事業主の事業の同条に規定する使用者とみなされることとなる者が当該労働者派遣に係る労働者派遣契約に定める派遣就業の条件に従つて当該労働者派遣に係る派遣労働者を労働させたならば、同項の規定により適用される同法第三十二条、第三十四条、第三十五条、第三十六条第一項ただし書、第四十条、第六十一条から第六十三条まで、第六十四条の二若しくは第六十四条の三の規定又はこれらの規定に基づいて発する命令の規定（次項において「[労働基準法令](#)の規定」という。）に抵触することとなるときには、当該労働者派遣をしてはならない。

(3) The employer prescribed in Article 10 of the [Labor Standards Act](#) of an undertaking carried out by a business operator carrying out Worker Dispatching (hereinafter such undertaking shall be referred to as a "dispatching undertaking" in this Section) (hereinafter such employer shall be referred to as a "dispatching employer" in this Article) shall not carry out the Worker Dispatching

concerned, where Worker Dispatching is carried out, and when, if a person deemed to be the employer prescribed in the same Article of an undertaking carried out by a business operator receiving Worker Dispatching services under the provisions of the preceding paragraph is to cause a Dispatched Worker under the Worker Dispatching arrangement concerned to work in accordance with the conditions of dispatch work stipulated in the worker dispatch contract for the Worker Dispatching concerned, this would result in conflict with the provisions of Article 32, Article 34, Article 35, the proviso to paragraph (1) of Article 36, Article 40, Articles 61 to 63 inclusive, Article 64-2 or Article 64-3 of the same Act, or the provisions of orders based on these provisions (referred to as "the provisions of the laws and regulations concerning labor standards" in the following paragraph), as applied under the provisions of the preceding paragraph.

4 派遣元の使用者が前項の規定に違反したとき（当該労働者派遣に係る派遣中の労働者に関し第二項の規定により当該派遣先の事業の労働基準法第十条に規定する使用者とみなされる者において当該労働基準法令の規定に抵触することとなつたときに限る。）は、当該派遣元の使用者は当該労働基準法令の規定に違反したものとみなして、同法第百十八条、第百十九条及び第百二十一条の規定を適用する。

(4) When a dispatching employer has violated the provisions of the preceding paragraph (limited to a case where, with regard to a worker under dispatching under the Worker Dispatching arrangements concerned, the person deemed to be the employer prescribed in Article 10 of the [Labor Standards Act](#), of the client undertaking concerned under the provisions of paragraph (2) has come to be in conflict with the provisions of the laws and regulations concerning the labor standards concerned), the dispatching employer shall be deemed to have violated the provisions of the laws and regulations concerning the labor standards concerned and the provisions of Articles 118, 119 and 121 of the [Labor Standards Act](#) shall apply to said dispatching employer.

5 前各項の規定による労働基準法の特例については、同法第三十八条の二第二項中「当該事業場」とあるのは「当該事業場（労働者派遣事業の適正な運営の確保及び派遣労働者の就業条件の整備等に関する法律（以下「労働者派遣法」という。）第二十六条第一項に規定する派遣就業にあつては、労働者派遣法第四十四条第三項に規定する派遣元の事業の事業場）」と、同法第三十八条の三第一項中「就かせたとき」とあるのは「就かせたとき（派遣先の使用（労働者派遣法第四十四条第一項又は第二項の規定により同条第一項に規定する派遣先の事業の第十条に規定する使用者とみなされる者をいう。以下同じ。）が就かせたときを含む。）」と、同法第九十九条第一項、第三項及び第四項、第百条第一項及び第三項並びに第百四条の二中「この法律」とあるのは「この法律及び労働者派遣法第四十四条の規定」と、同法第百一条第一項、第百四条第二項、第百四条の二、第百五条の二、第百六条第一項及び第百九条中「使用者」とあるのは「使用者（派遣先の使用を含む。）」と、同法第百二条中「この法律違反の罪」とあるのは「この法律（労働者派遣法第四十四条の規定により適用される場合を含む。）の違反の罪（同条第四項の規定による第百十八条、第百十九条及び第百二十一条の罪を含む。）」と、同法第百四条第一項中「この法律又はこの法律に基いて発する命令」とあるのは「この法律若しくはこの法律に基づいて発する命令の規定（労働者派遣法第四十四条の規定により適用される場合を含む。）又は同条第三項の規定」と、同法第百六条第一項中「この法律」とあるのは「この法律（労働者派遣法第四十四条の規定を含む。以下この項において同じ。）」と、「協定並びに第三十八条の四第一項及び第五項に規定する決議」とあるのは「協定並びに第三十八条の四第一項及び第五項に規定する決議（派遣先の使用にあつては、この法律及びこれに基づく命令の要旨）」と、同法第百十二条中「この法律及びこの法律に基いて発する命令」とあるのは「この法律及びこの法律に基づいて発する命令の規定（労働者派遣法第四十四条の規定により適用される場合を含む。）並びに同条第三項の規定」として、これらの規定（これらの規定に係る罰則の規定を含む。）を適用する。



(5) With regard to the special application of the [Labor Standards Act](#) under the provisions of each of the preceding paragraphs, the following provisions (including penal provisions relating to these provisions) shall be applied by replacing the following terms in the respective manners set forth below: the term "the workplace concerned" in paragraph (2) of Article 38-2 of said Act shall be deemed to be replaced with "the place of the business concerned (for the dispatch work prescribed in paragraph (1) of Article 26 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Act"), the place of business of the dispatching undertaking prescribed in paragraph (3) of Article 44 of the Worker Dispatching Act"; the term "in the event that the employer has assigned a worker" in paragraph (1) of Article 38-3 shall be deemed to be replaced with "in the event that the employer has assigned a worker (including cases where the client employer (which means the person deemed to be the employer prescribed in Article 10 of the Worker Dispatching Act of the client undertaking prescribed in paragraph (1) under the provisions of paragraph (1) or (2) of Article 44 of the same Act; the same shall apply hereinafter) has assigned a worker)"; the term "this Act" in paragraphs (1), (3) and (4) of Article 99, paragraphs (1) and (3) of Article 100 and Article 104-2 shall be deemed to be replaced with "this Act and the provisions of Article 44 of the Worker Dispatching Act"; the term "employer" in paragraph (1) of Article 101, paragraph (2) of Article 104, Article 104-2, Article 105-2, paragraph (1) of Article 106 and Article 109 shall be deemed to be replaced with "employer (including client employers)"; the term "a violation of this Act" in Article 102 shall be deemed to be replaced with "a violation (including a crime under Articles 118, 119 and 121 pursuant to the provisions of paragraph (4) of Article 44 of the Worker Dispatching Act) of this Act (including cases where this Act is applied under the provisions of the same Article)"; the term "this Act or an order issued pursuant to this Act" in paragraph (1) of Article 104 shall be deemed to be replaced with "this Act or the provisions of orders issued pursuant to this Act (including cases where this Act or the provisions of such orders are applied under the provisions of Article 44 of the Worker Dispatching Act) or the provisions of paragraph (3) of the same Article"; the term "this Act" in paragraph (1) of Article 106 shall be deemed to be replaced with "this Act (including the provisions of Article 44 of the Worker Dispatching Act; hereinafter the same shall apply in this paragraph)"; the term "the agreements stipulated in paragraphs (1) and (5) of Article 38-4" in paragraph (1) of Article 106 shall be deemed to be replaced with "the agreements stipulated in paragraphs (1) and (5) of Article 38-4 (for the client employer, the substance of this Act and orders issued under this Act)"; and the term "this Act and orders issued under this Act" in Article 112 shall be deemed to be replaced with "this Act and the provisions of orders issued under this Act (including cases where this Act and the provisions of such orders are applied under the provisions of Article 44 of the Worker Dispatching Act) and the provisions of paragraph (3) of the same Article".

6 この条の規定により [労働基準法](#) 及び同法に基づいて発する命令の規定を適用する場合における技術的読替えその他必要な事項は、命令で定める。

(6) Technical replacements and other necessary matters, in cases where the provisions of the [Labor Standards Act](#) and the provisions of orders issued based on this Act are applied under the provisions of this Article, shall be specified by an order.

([労働安全衛生法](#)の適用に関する特例等)

(Special Application of the [Industrial Safety and Health Act](#))

第四十五条 労働者がその事業における派遣就業のために派遣されている派遣先の事業に関しては、当該派遣先の事業を行う者もまた当該派遣中の労働者を使用する事業者 ([労働安全衛生法](#) (昭和四十七年法律第五十七号) 第二条第三号に規定する事業者をいう。以下この条において同じ。) と、当該派遣中の労働者を当該派遣先の事業を行う者にもまた使田

ン本にわ、て同し。ア、当該派遣中の労働者を当該派遣元の事業を行う者にもまたは用  
される労働者とみなして、同法第三条第一項、第四条、第十条、第十二条から第十三条  
(第二項を除く。)まで、第十三条の二、第十八条、第十九条の二、第五十九条第二項、  
第六十条の二、第六十二条、第六十六条の五第一項、第六十九条及び第七十条の規定(こ  
れらの規定に係る罰則の規定を含む。)を適用する。この場合において、同法第十条第一  
項中「第二十五条の二第二項」とあるのは「第二十五条の二第二項(労働者派遣事業の適  
正な運営の確保及び派遣労働者の就業条件の整備等に関する法律(以下「労働者派遣法」  
という。))第四十五条第三項の規定により適用される場合を含む。)」と、「次の業務」  
とあるのは「次の業務(労働者派遣法第四十四条第一項に規定する派遣中の労働者(以下  
単に「派遣中の労働者」という。))に関しては、第二号の業務(第五十九条第三項に規定  
する安全又は衛生のための特別の教育に係るものを除く。)、第三号の業務(第六十六条  
第一項の規定による健康診断(同条第二項後段の規定による健康診断であつて厚生労働省  
令で定めるものを含む。))及び当該健康診断に係る同条第四項の規定による健康診断並び  
にこれらの健康診断に係る同条第五項ただし書の規定による健康診断に係るものに限  
る。))及び第五号の業務(厚生労働省令で定めるものに限る。))を除く。第十二条第一項  
及び第十二条の二において「派遣先安全衛生管理業務」という。)」と、同法第十二条第  
一項及び第十二条の二中「第十条第一項各号の業務」とあるのは「派遣先安全衛生管理業  
務」と、「第二十五条の二第二項」とあるのは「第二十五条の二第二項(労働者派遣法第  
四十五条第三項の規定により適用される場合を含む。)」と、「同条第一項各号」とある  
のは「第二十五条の二第一項各号」と、同法第十三条第一項中「健康管理その他の厚生勞  
働省令で定める事項(以下」とあるのは「健康管理その他の厚生労働省令で定める事項  
(派遣中の労働者に関しては、当該事項のうち厚生労働省令で定めるものを除く。第三項  
及び次条において」と、同法第十八条第一項中「次の事項」とあるのは「次の事項(派遣  
中の労働者に関しては、当該事項のうち厚生労働省令で定めるものを除く。))」とする。

Article 45 With regard to a client undertaking to which workers are dispatched for dispatch work in said undertaking, the provisions of paragraph (1) of Article 3, Article 4, Article 10, Articles 12 to 13 inclusive (excluding paragraph (2)), Article 13-2, Article 18, Article 19-2, paragraph (2) of Article 59, Article 60-2, Article 62, paragraph (1) of Article 66-5, Article 69 and Article 70 of the [Industrial Safety and Health Act](#) (Act No. 57 of 1972) (including penal provisions pertaining to these provisions) shall apply, by deeming the person carrying out said client undertaking to also be a business operator employing the workers under dispatching (which means a business operator prescribed in item (iii) of Article 2 of the same Act; hereinafter the same shall apply in this Article), and by deeming the workers under dispatching concerned to be workers also employed by the person carrying out the client undertaking concerned. In this case, in paragraph (1) of Article 10 of the same Act, the term "paragraph (2) of Article 25-2" shall be deemed to be replaced with "paragraph (2) of Article 25-2 (including cases where the provisions of said paragraph are applied under the provisions of paragraph (3) of Article 45 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Act")), and the term "the following matters" shall be deemed to be replaced with "the following matters (with regard to a worker under dispatching prescribed in paragraph (1) of Article 44 of the Worker Dispatching Act (hereinafter referred to simply as a "worker under dispatching"), the matters referred to in item (ii) (excluding those pertaining to special education on safety and/or health prescribed in paragraph (3) of Article 59), the matters referred to in item (iii) (limited to those matters pertaining to medical examinations under the provisions of paragraph (1) of Article 66 (including medical examinations under the provisions of the second sentence of paragraph (2) of the same Article which are specified by an Ordinance of the Ministry of Health, Labour and Welfare), medical examinations pertaining to said medical examinations, under the provisions of paragraph (4) of the same Article and medical examinations pertaining to those



the provisions of paragraph (1) of the same Article, and medical examinations pertaining to those medical examinations under the provisions of the proviso to paragraph (5) of the same Article) and the matters referred to in item (v) (limited to those matters specified by an Ordinance of the Ministry of Health, Labour and Welfare ) shall be excluded; such matters shall be referred to as "safety and health management at the client's place of business" in paragraph (1) of Article 12 and Article 12-2"; in paragraph (1) of Article 12 and in Article 12-2, the term "the matters listed in each item of paragraph (1) of Article 10" shall be deemed to be replaced with "safety and health management at the client's place of business," the term "paragraph (2) of Article 25-2" shall be deemed to be replaced with "paragraph (2) of Article 25-2 (including cases where the provisions of said paragraph are applied under the provisions of paragraph (3) of Article 45 of the Worker Dispatching Act)" and the term "in each item of paragraph (1) of said Article" shall be deemed to be replaced with "in each item of paragraph (1) of Article 25-2"; in paragraph (1) of Article 13, the term "health care for workers and (carry out) other matters provided for by the Ordinance of the Ministry of Health, Labour and Welfare (hereinafter" shall be deemed to be replaced with "health care for workers and (carry out) other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare (with regard to workers under dispatching, matters specified by an Ordinance of the Ministry of Health, Labour and Welfare shall be excluded from the matters concerned; in paragraph (3) and in the following Article"; and in paragraph (1) of Article 18, the term "the following matters" shall be deemed to be replaced with "the following matters (with regard to workers under dispatching, matters specified by an Ordinance of the Ministry of Health, Labour and Welfare shall be excluded from the matters concerned)".

2 その事業に使用する労働者が派遣先の事業における派遣就業のために派遣されている派遣元の事業に関する労働安全衛生法第十条第一項、第十二条第一項、第十二条の二、第十三条第一項及び第十八条第一項の規定の適用については、同法第十条第一項中「次の業務」とあるのは「次の業務（労働者派遣事業の適正な運営の確保及び派遣労働者の就業条件の整備等に関する法律（以下「労働者派遣法」という。）第四十四条第一項に規定する派遣中の労働者（以下単に「派遣中の労働者」という。）に関しては、労働者派遣法第四十五条第一項の規定により読み替えて適用されるこの項の規定により労働者派遣法第四十四条第一項に規定する派遣先の事業を行う者がその選任する総括安全衛生管理者に統括管理させる業務を除く。第十二条第一項及び第十二条の二において「派遣元安全衛生管理業務」という。）」と、同法第十二条第一項及び第十二条の二中「第十条第一項各号の業務」とあるのは「派遣元安全衛生管理業務」と、同法第十三条第一項中「健康管理その他の厚生労働省令で定める事項（以下」とあるのは「健康管理その他の厚生労働省令で定める事項（派遣中の労働者に関しては、当該事項のうち厚生労働省令で定めるものに限る。第三項及び次条において」と、同法第十八条第一項中「次の事項」とあるのは「次の事項（派遣中の労働者に関しては、当該事項のうち厚生労働省令で定めるものに限る。）」とする。

(2) With regard to the application of the provisions of paragraph (1) of Article 10, paragraph (1) of Article 12, Article 12-2, paragraph (1) of Article 13 and paragraph (1) of Article 18 of the [Industrial Safety and Health Act](#) concerning a dispatching undertaking in which workers employed in said undertaking are dispatched for dispatch work in a client undertaking, the term "the following matters" in paragraph (1) of Article 10 of said Act shall be deemed to be replaced with "the following matters (with regard to workers under dispatching prescribed in paragraph (1) of Article 44 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Act") (hereinafter such workers shall be referred to simply as "workers under dispatching"), excluding matters in which a person carrying out a client undertaking prescribed in paragraph (1) of Article 44 of the Worker Dispatching Act has the general safety and health manager he/she has appointed exercise overall

Dispatching Act has the general safety and health manager he/she has appointed exercise overall control under the provisions of this paragraph as applied by replacing the terms under the provisions of paragraph (1) of Article 45 of the Worker Dispatching Act; such matters shall be referred to as "safety and health management at the client's place of business" in paragraph (1) of Article 12 and in Article 12-2"); the term "the matters listed in each item of paragraph (1) of Article 10" in paragraph (1) of Article 12 and in Article 12-2 shall be deemed to be replaced with " safety and health management at the client's place of business"; the term "health care for workers and (carry out) other matters provided for by an Ordinance of the Ministry of Health, Labour and Welfare (hereinafter" in paragraph (1) of Article 13 shall be deemed to be replaced with "health care for workers and (carry out) other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare (with regard to workers under dispatching, limited to matters specified by an Ordinance of the Ministry of Health, Labour and Welfare among the matters concerned; in paragraph (3) and in the following Article"; and the term "the following matters" in paragraph (1) of Article 18 shall be deemed to be replaced with "the following matters (with regard to workers under dispatching, limited to those matters specified by an Ordinance of the Ministry of Health, Labour and Welfare among the matters concerned)".

- 3 労働者とその事業における派遣就業のために派遣されている派遣先の事業に関しては、当該派遣先の事業を行う者を当該派遣中の労働者を使用する事業者と、当該派遣中の労働者を当該派遣先の事業を行う者に使用される労働者とみなして、[労働安全衛生法](#)第十一条、第十四条から第十五条の三まで、第十七条、第二十条から第二十七条まで、第二十八条の二から第三十条の三まで、第三十一条の三、第三十六条（同法第三十条第一項及び第四項、第三十条の二第一項及び第四項並びに第三十条の三第一項及び第四項の規定に係る部分に限る。）、第四十五条（第二項を除く。）、第五十七条の三から第五十七条の五まで、第五十九条第三項、第六十条、第六十一条第一項、第六十五条から第六十五条の四まで、第六十六条第二項前段及び後段（派遣先の事業を行う者が同項後段の政令で定める業務に従事させたことのある労働者（派遣中の労働者を含む。）に係る部分に限る。以下この条において同じ。）、第三項、第四項（同法第六十六条第二項前段及び後段並びに第三項の規定に係る部分に限る。以下この条において同じ。）並びに第五項（同法第六十六条第二項前段及び後段、第三項並びに第四項の規定に係る部分に限る。以下この条において同じ。）、第六十六条の三（同法第六十六条第二項前段及び後段、第三項、第四項並びに第五項の規定に係る部分に限る。以下この条において同じ。）、第六十六条の四、第六十八条、第七十一条の二、第九章第一節並びに第八十八条から第八十九条の二までの規定並びに当該規定に基づく命令の規定（これらの規定に係る罰則の規定を含む。）を適用する。この場合において、同法第二十九条第一項中「この法律又はこれに基づく命令の規定」とあるのは「この法律若しくはこれに基づく命令の規定（[労働者派遣事業の適正な運営の確保及び派遣労働者の就業条件の整備等に関する法律](#)（以下「労働者派遣法」という。）第四十五条の規定により適用される場合を含む。）又は同条第十項の規定若しくは同項の規定に基づく命令の規定」と、同条第二項中「この法律又はこれに基づく命令の規定」とあるのは「この法律若しくはこれに基づく命令の規定（労働者派遣法第四十五条の規定により適用される場合を含む。）又は同条第十項の規定若しくは同項の規定に基づく命令の規定」と、同法第三十条第一項第五号及び第八十八条第七項中「この法律又はこれに基づく命令の規定」とあるのは「この法律又はこれに基づく命令の規定（労働者派遣法第四十五条の規定により適用される場合を含む。）」と、同法第六十六条の四中「第六十六条第一項から第四項まで若しくは第五項ただし書又は第六十六条の二」とあるのは「第六十六条第二項前段若しくは後段（派遣先の事業を行う者が同項後段の政令で定める業務に従事させたことのある労働者（労働者派遣法第四十四条第一項に規定する派遣中の労働者を含む。）に係る部分に限る。以下この条において同じ。）、第三項、第四項（第六十六条第一項前段及び後段並びに第三項の規定に係る部分に限る。以下この条において同

ハ、本条第一項の規定は、被派遣労働者（第二項の規定に係る部分に限る。第三項の規定は、この項に限り、第五項ただし書（第六十六条第二項前段及び後段、第三項並びに第四項の規定に係る部分に限る。）とする。

- (3) With regard to a client undertaking to which workers are dispatched for dispatch work in said undertaking, the provisions of Article 11, Articles 14 to 15-3 inclusive, Article 17, Articles 20 to 27 inclusive, Articles 28-2 to 30-3 inclusive, Article 31-3, Article 36 (limited to those parts pertaining to the provisions of paragraphs (1) and (4) of Article 30, paragraphs (1) and (4) of Article 30-2, and paragraphs (1) and (4) of Article 30-3), Article 45 (excluding paragraph (2)), Articles 57-3 to 57-5 inclusive, paragraph (3) of Article 59, Article 60, paragraph (1) of Article 61, Articles 65 to 65-4 inclusive, the first sentence and the second sentence of paragraph (2) of Article 66 (limited to those parts pertaining to workers whom a person carrying out a client undertaking has caused to be engaged in work specified by a Cabinet Order referred to in the second sentence of the same paragraph (including workers under dispatching); hereinafter the same shall apply in this Article), paragraph (3) of Article 66, paragraph (4) of Article 66 (limited to those parts pertaining to the provisions of the first sentence and the second sentence of paragraph (2), and to paragraph (3) of the same Article; hereinafter the same shall apply in this Article) and paragraph (5) of Article 66 (limited to those parts pertaining to the provisions of the first sentence and the second sentence of paragraph (2), and to paragraphs (3) and (4) of the same Article; hereinafter the same shall apply in this Article), Article 66-3 (limited to those parts pertaining to the provisions of the first sentence and the second sentence of paragraph (2), and to paragraphs (3), (4) and (5) of the same Article; hereinafter the same shall apply in this Article), Article 66-4, Article 68, Article 71-2, Section 1 of Chapter 9, Articles 88 to 89-2 inclusive of the [Industrial Safety and Health Act](#) and the provisions of orders based on the provisions concerned (including penal provisions pertaining to these provisions) shall apply, by deeming the person carrying out said client undertaking to be a business operator employing the workers under dispatching, and by deeming the workers under dispatching concerned to be workers employed by the person carrying out the client undertaking concerned. In this case, the term "the provisions of this Act or Order issued thereunder" in paragraph (1) of Article 29 of said Act shall be deemed to be replaced with "the provisions of this Act or orders issued based on this Act (including cases where these provisions are applied under the provisions of Article 45 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Act")), or the provisions of paragraph (10) of the same Article or orders based on the provisions of the same paragraph"; the term "the provisions of this Act or Order issued thereunder" in paragraph (2) of the same Article shall be deemed to be replaced with "the provisions of this Act or orders issued based on this Act (including cases where these provisions are applied under the provisions of Article 45 of the Worker Dispatching Act), or the provisions of paragraph (10) of the same Article or orders based on the provisions of the same paragraph"; the term "this Act and the provisions of ordinances based thereon" in item (v) of paragraph (1) of Article 30 and in paragraph (7) of Article 88 shall be deemed to be replaced with "the provisions of this Act or orders based on this Act (including cases where these provisions are applied under the provisions of Article 45 of the Worker Dispatching Act)"; and the term "paragraph (1) through (4) of Article 66, proviso in paragraph (5) or Article 66-2" in Article 66-4 shall be deemed to be replaced with "the first sentence or the second sentence of paragraph (2) of Article 66 (limited to those parts pertaining to workers whom a person carrying out a client undertaking has caused to be engaged in the work specified by a Cabinet Order referred to in the second sentence of the same paragraph (including workers under dispatching prescribed in paragraph (1) of Article 44 of the Worker Dispatching Act); hereinafter the same shall apply in this Article), paragraph (3) of Article 66, paragraph (4) of Article 66 (limited to those parts pertaining to the provisions of the first sentence and the second sentence of paragraph (2) and paragraph (3) of Article

66; hereinafter the same shall apply in this Article) or the proviso to paragraph (5) of Article 66 (limited to those parts pertaining to the provisions of the first sentence and the second sentence of paragraph (2), paragraph (3) and paragraph (4) of Article 66)".

4 前項の規定により派遣中の労働者を使用する事業者とみなされた者に関しては、[労働安全衛生法](#)第四十五条第二項中「事業者」とあるのは、「[労働者派遣事業の適正な運営の確保及び派遣労働者の就業条件の整備等に関する法律](#)第四十五条第三項の規定により同法第四十四条第一項に規定する派遣中の労働者を使用する事業者とみなされた者」として、同項の規定を適用する。

(4) With regard to a person having been deemed, under the provisions of the preceding paragraph, to be the business operator employing the workers under dispatching, the provisions of paragraph (2) of Article 45 of the [Industrial Safety and Health Act](#) shall be applied by replacing the term "the business operator" in the same paragraph with "a person having been deemed to be the business operator employing workers under dispatching prescribed in paragraph (1) of Article 44 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers, pursuant to the provisions of paragraph (3) of Article 45 of the same Act".

5 その事業に使用する労働者が派遣先の事業における派遣就業のために派遣されている派遣元の事業に関する第三項前段に掲げる規定及び[労働安全衛生法](#)第四十五条第二項の規定の適用については、当該派遣元の事業の事業者は当該派遣中の労働者を使用しないものと、当該派遣中の労働者は当該派遣元の事業の事業者には使用されないものとみなす。

(5) With regard to the application of the provisions of the first sentence of paragraph (3) concerning a dispatching undertaking in which workers employed in said undertaking are dispatched for dispatch work in a client undertaking and of the provisions of paragraph (2) of Article 45 of the [Industrial Safety and Health Act](#), the business operator of the dispatching undertaking concerned shall be deemed as not employing the worker under dispatching concerned, and the worker under dispatching concerned shall be deemed not to be employed by the business operator of the dispatching undertaking concerned.

6 派遣元の事業の事業者は、労働者派遣をする場合であつて、第三項の規定によりその事業における当該派遣就業のために派遣される労働者を使用する事業者とみなされることとなる者が当該労働者派遣に係る労働者派遣契約に定める派遣就業の条件に従つて当該労働者派遣に係る派遣労働者を労働させたならば、同項の規定により適用される[労働安全衛生法](#)第五十九条第三項、第六十一条第一項、第六十五条の四又は第六十八条の規定（次項において単に「[労働安全衛生法](#)の規定」という。）に抵触することとなるときには、当該労働者派遣をしてはならない。

(6) A business operator of a dispatching undertaking shall not carry out the Worker Dispatching, when carrying out a Worker Dispatching, if the person deemed to be the business operator employing a worker dispatched for the dispatch work concerned in said undertaking under the provisions of paragraph (3), were to cause the Dispatched Worker under the Worker Dispatching arrangement concerned to work in accordance with the conditions of dispatch work stipulated in the worker dispatch contract for the worker dispatch concerned, and this would result in conflict with the provisions of paragraph (3) of Article 59, paragraph (1) of Article 61, Article 65-4 or Article 68 of the [Industrial Safety and Health Act](#) (referred to simply as "the provisions of the [Industrial Safety and Health Act](#)" in the following paragraph).

7 派遣元の事業の事業者が前項の規定に違反したとき（当該労働者派遣に係る派遣中の労働者に関し第三項の規定により当該派遣中の労働者を使用する事業者とみなされる者において当該[労働安全衛生法](#)の規定に抵触することとなつたときに限る。）は、当該派遣元の



事業の事業者は当該労働安全衛生法の規定に違反したものとみなして、同法第百十九条及び第百二十二条の規定を適用する。

(7) When a business operator of a dispatching undertaking has violated the provisions of the preceding paragraph (limited to a case where, with regard to a worker under dispatching under the Worker Dispatching arrangement concerned, the person deemed to be the business operator employing said worker under dispatching under the provisions of paragraph (3) has come to be in conflict with the provisions of the [Industrial Safety and Health Act](#)), the business operator of the dispatching undertaking concerned shall be deemed to have violated the provisions of the [Industrial Safety and Health Act](#) and the provisions of Articles 119 and 122 of the same Act shall apply.

8 第一項、第三項及び第四項に定めるもののほか、労働者がその事業における派遣就業のために派遣されている派遣先の事業に関しては、労働安全衛生法第五条第一項中「事業者」とあるのは「事業者（労働者派遣事業の適正な運営の確保及び派遣労働者の就業条件の整備等に関する法律（以下「労働者派遣法」という。）第四十四条第一項に規定する派遣先の事業を行う者（以下「派遣先の事業者」という。）を含む。）」と、同条第四項中「当該事業の事業者」とあるのは「当該事業の事業者又は労働者派遣法第四十五条の規定により当該事業の事業者とみなされる者」と、「当該代表者のみが使用する」とあるのは「当該代表者が使用し、かつ、当該事業の事業者（派遣先の事業者を含む。）のうち当該代表者以外の者が使用しない」と、「この法律」とあるのは「この法律（労働者派遣法第四十五条の規定により適用される場合を含む。）」と、同法第十六条第一項中「第十五条第一項又は第三項」とあるのは「労働者派遣法第四十五条第三項の規定により適用される第十五条第一項又は第三項」と、同法第十九条及び同条第四項において準用する同法第十七条第四項中「事業者」とあるのは「派遣先の事業者」と、同法第十九条第一項中「第十七条及び前条」とあるのは「労働者派遣法第四十五条の規定により適用される第十七条及び前条」と、同条第二項及び第三項並びに同条第四項において準用する同法第十七条第四項及び第五項中「労働者」とあるのは「労働者（労働者派遣法第四十四条第一項に規定する派遣中の労働者を含む。）」として、これらの規定を適用する。

(8) With regard to a client undertaking to which workers are dispatched for dispatch work in said undertaking, in addition to what is prescribed in paragraphs (1), (3) and (4), the following provisions shall be applied to the client undertaking by replacing the following terms in the respective manners set forth below: in paragraph (1) of Article 5 of the [Industrial Safety and Health Act](#), the term "business operators" shall be deemed to be replaced with "business operators (including a person carrying out a client undertaking prescribed in paragraph (1) of Article 44 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Act") (hereinafter such business operator shall be referred to as a "client business operator"))"; in paragraph (4) of the same Article, the term "the business operator in the said undertaking" shall be deemed to be replaced with "the business operator of the undertaking concerned or the person deemed to be the business operator of the undertaking concerned under the provisions of Article 45 of the Worker Dispatching Act", the term "employed by the said representative alone" shall be deemed to be replaced with "employed by said representative and not employed by a person other than said representative out of the business operators of the undertakings concerned (including the client business operator)", and the term "this Act" shall be deemed to be replaced with "this Act (including cases where this Act is applied under the provisions of Article 45 of the Worker Dispatching Act)"; in paragraph (1) of Article 16, the term "paragraph (1) or (3) of Article 15" shall be deemed to be replaced with "paragraph (1) or (3) of Article 15 as applied pursuant to the provisions of paragraph (3) of Article 45 of the Worker Dispatching Act"; in Article 19 and in paragraph (4) of Article 17 as applied

mutatis mutandis pursuant to paragraph (4) of Article 19, the term "the business operator" shall be deemed to be replaced with "the client business operator"; in paragraph (1) of Article 19, the term "Article 17 and the preceding Article" shall be deemed to be replaced with "Article 17 and the preceding Article as applied pursuant to the provisions of Article 45 of the Worker Dispatching Act"; and in paragraphs (2) and (3) of Article 19 and in paragraphs (4) and (5) of Article 17 as applied mutatis mutandis pursuant to paragraph (4) of Article 19, the term "workers" shall be deemed to be replaced with "workers (including workers under dispatching prescribed in paragraph (1) of Article 44 of the Worker Dispatching Act)".

9 その事業に使用する労働者が派遣先の事業における派遣就業のために派遣されている派遣元の事業に関する労働安全衛生法第十九条第一項の規定の適用については、同項中「第十七条及び前条」とあるのは、「労働者派遣事業の適正な運営の確保及び派遣労働者の就業条件の整備等に関する法律第四十五条の規定により適用される第十七条及び前条」とする。

(9) With regard to the application of the provisions of paragraph (1) of Article 19 of the [Industrial Safety and Health Act](#) concerning a dispatching undertaking in which workers employed in said undertaking are dispatched for dispatch work in a client undertaking, the term "Article 17 and the preceding Article" in the same paragraph shall be deemed to be replaced with "Article 17 and the preceding Article as applied pursuant to the provisions of Article 45 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers".

10 第三項の規定により派遣中の労働者を使用する事業者とみなされた者（第八項の規定により読み替えて適用される労働安全衛生法第五条第四項の規定により当該者とみなされる者を含む。）は、当該派遣中の労働者に対し第三項の規定により適用される同法第六十六条第二項、第三項若しくは第四項の規定による健康診断を行つたとき、又は当該派遣中の労働者から同条第五項ただし書の規定による健康診断の結果を証明する書面の提出があつたときは、遅滞なく、厚生労働省令で定めるところにより、当該派遣中の労働者に係る第六十六条の三の規定による記録に基づいてこれらの健康診断の結果を記載した書面を作成し、当該派遣元の事業の事業者に送付しなければならない。

(10) A person deemed to be a business operator employing workers under dispatching pursuant to the provisions of paragraph (3) (including a person deemed to be such business operator under the provisions of paragraph (4) of Article 5 of the [Industrial Safety and Health Act](#) which are applied by replacing the terms pursuant to the provisions of paragraph (8)) shall, when he/she has conducted a medical examination of the workers under dispatching under the provisions of paragraph (2), (3) or (4) of Article 66 of the same Act as applied pursuant to the provisions of paragraph (3), or when documents certifying the results of the medical examination under the provisions of the proviso to paragraph (5) of the same Article have been submitted by the workers under dispatching, prepare documents stating the result of such medical examination based on the records under the provisions of Article 66-3 for the workers under dispatching, and send the documents to the business operator of the dispatching undertaking concerned, without delay, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

11 前項の規定により同項の書面の送付を受けた派遣元の事業の事業者は、厚生労働省令で定めるところにより、当該書面を保存しなければならない。

(11) The business operator of the dispatching undertaking who has received the documents referred to in the preceding paragraph under the provisions of the same paragraph shall retain the documents concerned, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

12 前二項の規定は派遣した者は、二十五年以下の罰金に処する

1 2 前二項の規定に違反した者は、二十万円以下の罰金に処する。

(12) Any person who has violated the provisions of the preceding two paragraphs shall be punished by a fine of not more than 300,000 yen.

1 3 法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関して、前項の違反行為をしたときは、行為者を罰するほか、その法人又は人に対しても、同項の罰金刑を科する。

(13) In the case where a representative of a juridical person, or an agent, employee or other worker of a juridical person or a natural person has committed a violation under the preceding paragraph, with regard to the business of said juridical person or said natural person, not only the offender shall be punished but also said juridical person or individual shall be punished by the fine prescribed in the same paragraph.

1 4 第十項の者は、当該派遣中の労働者に対し第三項の規定により適用される[労働安全衛生法](#)第六十六条の四の規定により医師又は歯科医師の意見を聴いたときは、遅滞なく、厚生労働省令で定めるところにより、当該意見を当該派遣元の事業の事業者へ通知しなければならない。

(14) The person referred to in paragraph (10) shall, when he/she has obtained the opinion of a physician or dentist under the provisions of Article 66-4 of the [Industrial Safety and Health Act](#) as applied to the workers under dispatching pursuant to the provisions of paragraph (3), notify the business operator of the dispatching undertaking of such opinion, without delay, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

1 5 前各項の規定による[労働安全衛生法](#)の特例については、同法第九条中「事業者、」とあるのは「事業者（[労働者派遣事業の適正な運営の確保及び派遣労働者の就業条件の整備等に関する法律](#)（以下「労働者派遣法」という。）第四十四条第一項に規定する派遣先の事業を行う者（以下「派遣先の事業者」という。）を含む。以下この条において同じ。）、」と、同法第二十八条第四項、第三十二条第一項から第四項まで、第三十三条第一項、第三十四条、第六十三条、第六十六条の五第三項、第七十条の二第二項、第七十一条の三第二項、第七十一条の四、第九十三条第二項及び第三項、第九十七条第二項、第九十八条第一項、第九十九条第一項、第九十九条の二第一項及び第二項、第百条から第百二条まで、第百三条第一項、第百六条第一項並びに第百八条の二第三項中「事業者」とあるのは「事業者（派遣先の事業者を含む。）」と、同法第三十一条第一項中「の労働者」とあるのは「の労働者（労働者派遣法第四十四条第一項に規定する派遣中の労働者（以下単に「派遣中の労働者」という。）を含む。）」と、同法第三十一条の二、第三十一条の四並びに第三十二条第四項、第六項及び第七項中「労働者」とあるのは「労働者（派遣中の労働者を含む。）」と、同法第三十一条の四及び第九十七条第一項中「この法律又はこれに基づく命令の規定」とあるのは「この法律若しくはこれに基づく命令の規定（労働者派遣法第四十五条の規定により適用される場合を含む。）又は同条第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定」と、同法第九十条、第九十一条第一項及び第百条中「この法律」とあるのは「この法律及び労働者派遣法第四十五条の規定」と、同法第九十二条中「この法律の規定に違反する罪」とあるのは「この法律の規定（労働者派遣法第四十五条の規定により適用される場合を含む。）に違反する罪（同条第七項の規定による第百十九条及び第百二十二条の罪を含む。）並びに労働者派遣法第四十五条第十二項及び第十三項の罪」と、同法第九十八条第一項中「第三十四条の規定」とあるのは「第三十四条の規定（労働者派遣法第四十五条の規定により適用される場合を含む。）」と、同法第百一条第一項中「この法律」とあるのは「この法律（労働者派遣法第四十五条の規定を含む。）」と、同法第百三条第一項中「この法律又はこれに基づく命令の規定」とあるのは「この法律又はこれに基づく命令の規定（労働者派遣法第四十五条の相定により適用される場合を含む。）」と、同法第百十五條第一項中「（第一音の相定を



規定により適用されるものを除く。）とし、同法第百二十五条第一項（第一号の規定を除く。）とあるのは「（第二章の規定を除く。）及び労働者派遣法第四十五条の規定」として、これらの規定（これらの規定に係る罰則の規定を含む。）を適用する。

- (15) With regard to the special application of the [Industrial Safety and Health Act](#) under the provisions of each of the preceding paragraphs, the following provisions (including penal provisions related to these provisions) shall be applied by replacing the following terms in the respective manners set forth below: the term "business operators" in Article 9 of the same Act shall be deemed to be replaced with "business operators (including persons carrying out a client undertaking prescribed in paragraph (1) of Article 44 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Act") (hereinafter such business operator shall be referred to as a "client business operator"); hereinafter the same shall apply in this Article"); the term "business operators" in paragraph (4) of Article 28, paragraphs (1) to (4) inclusive of Article 32, paragraph (1) of Article 33, Article 34, Article 63, paragraph (3) of Article 66-5, paragraph (2) of Article 70-2, paragraph (2) of Article 71-3, Article 71-4, paragraphs (2) and (3) of Article 93, paragraph (2) of Article 97, paragraph (1) of Article 98, paragraph (1) of Article 99, paragraphs (1) and (2) of Article 99-2, Articles 100 to 102 inclusive, paragraph (1) of Article 103, paragraph (1) of Article 106 and paragraph (3) of Article 108-2 shall be deemed to be replaced with "business operators (including client business operators)"; the term "workers, employed by" in paragraph (1) of Article 31 shall be deemed to be replaced with "workers (including workers under dispatching prescribed in paragraph (1) of Article 44 of the Worker Dispatching Act (hereinafter referred to simply as "workers under dispatching"), employed by"; the term "workers" in Article 31-2 and paragraphs (4), (6), and (7) of Article 32 shall be deemed to be replaced with "workers (including workers under dispatching)"; the term "the provisions of this Act or of orders based on it " in Article 31-4 and the term "the provisions of this Act or orders thereunder" in paragraph (1) of Article 97 shall be deemed to be replaced with "the provisions of this Act or of orders issued based on this Act (including cases where these provisions are applied under the provisions of Article 45 of the Worker Dispatching Act) or the provisions of paragraph (6), (10) or (11) of the same Article or the provisions of orders based on these provisions"; the term "this Act" in Article 90, paragraph (1) of Article 91 and Article 100 shall be deemed to be replaced with "this Act and the provisions of Article 45 of the Worker Dispatching Act"; the term "a violation of this Act" in Article 92 shall be deemed to be replaced with "a violation (including a crime under Articles 119 and 122 pursuant to the provisions of paragraph (7) of Article 45 of the Worker Dispatching Act) of this Act (including cases where this Act is applied under the provisions of the same Article) and crimes referred to in paragraphs (12) and (13) of Article 45 of the Worker Dispatching Act"; the term "Article 34" in paragraph (1) of Article 98 shall be deemed to be replaced with "Article 34 (including cases where these provisions are applied under the provisions of Article 45 of the Worker Dispatching Act)"; the term "this Act" in paragraph (1) of Article 101 of the same Act shall be deemed to be replaced with "this Act (including the provisions of Article 45 of the Worker Dispatching Act)"; the term "the provisions of this Act or of orders based on this Act" in paragraph (1) of Article 103 shall be deemed to be replaced with "the provisions of this Act or of orders based on this Act (including cases where these provisions are applied under the provisions of Article 45 of the Worker Dispatching Act)"; and the term "(excepting the provisions of Chapter II)" in paragraph (1) of Article 115 shall be deemed to be replaced with "(excluding the provisions of Chapter II) and the provisions of Article 45 of the Worker Dispatching Act".

- 16 第一項から第五項まで、第七項から第九項まで及び前項の規定により適用される [労働安全衛生法](#)若しくは同法に基づく命令の規定又は第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定若しくはこれらに関する同法の規定の適用に関し、

右し、はこれらの規定に基づき、同法の規定に違反した者に関する同法の規定の適用については、同法第四十六条第二項第一号中「この法律又はこれに基づく命令の規定」とあるのは「この法律若しくはこれに基づく命令の規定（[労働者派遣事業の適正な運営の確保及び派遣労働者の就業条件の整備等に関する法律](#)（以下「労働者派遣法」という。）第四十五条の規定により適用される場合を含む。）又は同条第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定」と、同法第五十四条の三第二項第一号中「第四十五条第一項若しくは第二項の規定若しくはこれらの規定に基づく命令」とあるのは「第四十五条第一項若しくは第二項の規定若しくはこれらの規定に基づく命令の規定（労働者派遣法第四十五条第三項及び第四項の規定により適用される場合を含む。）」と、同法第五十六条第六項中「この法律若しくはこれに基づく命令の規定又はこれらの規定に基づく処分」とあるのは「この法律若しくはこれに基づく命令の規定（労働者派遣法第四十五条の規定により適用される場合を含む。）、これらの規定に基づく処分又は同条第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定」と、同法第七十四条第二項第二号、第七十五条の三第二項第三号（同法第八十三条の三及び第八十五条の三において準用する場合を含む。）、第八十四条第二項第二号及び第九十九条の三第一項中「この法律又はこれに基づく命令の規定」とあるのは「この法律若しくはこれに基づく命令の規定（労働者派遣法第四十五条の規定により適用される場合を含む。）又は同条第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定」と、同法第七十五条の四第二項（同法第八十三条の三及び第八十五条の三において準用する場合を含む。）及び第七十五条の五第四項（同法第八十三条の三において準用する場合を含む。）中「この法律（これに基づく命令又は処分を含む。）」とあるのは「この法律若しくはこれに基づく命令の規定（労働者派遣法第四十五条の規定により適用される場合を含む。）、これらの規定に基づく処分、同条第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定」と、同法第八十四条第二項第三号中「この法律及びこれに基づく命令」とあるのは「この法律及びこれに基づく命令（労働者派遣法第四十五条の規定により適用される場合を含む。）並びに労働者派遣法（同条第六項、第十項及び第十一項の規定に限る。）及びこれに基づく命令」とする。

- (16) With regard to the application of the provisions of the [Industrial Safety and Health Act](#) to a person who has violated the [Industrial Safety and Health Act](#) or the provisions of orders based on the same Act which are applied pursuant to the provisions of paragraphs (1) to (5) inclusive, paragraphs (7) to (9) inclusive and the preceding paragraph, or a person who has violated the provisions of paragraph (6), (10) or (11) or the provisions of orders based on these provisions: the term "the provisions of this Act or of orders based on this Act" in item (i) of paragraph (2) of Article 46 of the same Act shall be deemed to be replaced with "the provisions of this Act or of orders based on this Act (including cases where these provisions are applied under the provisions of Article 45 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Act")), or the provisions of paragraph (6), (10) or (11) of the same Article or the provisions of orders based on these provisions"; the term "the provisions of paragraph (1) or (2) of Article 45 or the orders issued based on these provisions" in item (i) of paragraph (2) of Article 54 shall be deemed to be replaced with "the provisions of paragraph (1) or (2) of Article 45 or of orders issued based on these provisions (including cases where these provisions are applied under the provisions of Article 45 of the Worker Dispatching Act)"; the term "the provisions of this Act or of orders based on this Act or administrative disposition under these provisions" in paragraph (6) of Article 56 shall be deemed to be replaced with "the provisions of this Act or of orders based on this Act (including cases where these provisions are applied under the provisions of Article 45 of the Worker Dispatching Act), dispositions based on these provisions, or the provisions of paragraph (6), (10) or (11) of the same Article or the provisions of orders based on these provisions"; the term "the

(11) of the same Article or the provisions of orders based on these provisions", the term "the provisions of this Act or of orders based on this Act" in item (ii) of paragraph (2) of Article 74, item (iii) of paragraph (2) of Article 75-3 (including cases where the provisions of this item are applied mutatis mutandis under Article 83-3 and Article 85-3), item (ii) of paragraph (2) of Article 84 and paragraph (1) of Article 99-3 shall be deemed to be replaced with "the provisions of this Act or of orders based on this Act (including cases where these provisions are applied under the provisions of Article 45 of the Worker Dispatching Act) or the provisions of paragraph (6), (10) or (11) of the same Article or the provisions of orders based on these provisions"; the term "this Act (including the orders issued or dispositions taken thereunder)" in paragraph (2) of Article 75-4 (including cases where the provisions of this paragraph are applied mutatis mutandis under Article 83-3 and Article 85-3) and paragraph (4) of Article 75-5 (including cases where the provisions of this paragraph are applied mutatis mutandis under Article 83-3) shall be deemed to be replaced with "the provisions of this Act or of orders based on this Act (including cases where these provisions are applied under the provisions of Article 45 of the Worker Dispatching Act), dispositions based on these provisions, or the provisions of paragraph (6), (10) or (11) of the same Article or the provisions of orders based on these provisions"; and the term "this Act and orders based on this Act" in item (iii) of paragraph (2) of Article 84 shall be deemed to be replaced with "this Act and orders based on this Act (including cases where these provisions are applied under the provisions of Article 45 of the Worker Dispatching Act), and the Worker Dispatching Act (limited to the provisions of paragraphs (6), (10) and (11) of the same Article) and orders issued thereunder".

17 この条の規定により [労働安全衛生法](#) 及び同法に基づく命令の規定を適用する場合における技術的読替えその他必要な事項は、命令で定める。

(17) Technical replacements and other necessary matters, in cases where the provisions of the [Industrial Safety and Health Act](#) and of orders based on this Act are applied under the provisions of this Article, shall be specified by an order.

([じん肺法](#)の適用に関する特例等)

(Special Application of the [Pneumoconiosis Act](#))

第四十六条 労働者がその事業における派遣就業のために派遣されている派遣先の事業で、[じん肺法](#)（昭和三十五年法律第三十号）第二条第一項第三号に規定する粉じん作業（以下この条において単に「粉じん作業」という。）に係るものに関しては、当該派遣先の事業を行う者を当該派遣中の労働者（当該派遣先の事業において、常時粉じん作業に従事している者及び常時粉じん作業に従業したことがある者に限る。以下第四項まで及び第七項において同じ。）を使用する同法第二条第一項第五号に規定する事業者（以下この条において単に「事業者」という。）と、当該派遣中の労働者を当該派遣先の事業を行う者に使用される労働者とみなして、同法第五条から第九条の二まで、第十一条から第十四条まで、第十五条第三項、第十六条から第十七条まで及び第三十五条の二の規定（これらの規定に係る罰則の規定を含む。）を適用する。この場合において、同法第九条の二第一項中「、離職」とあるのは「、離職（[労働者派遣事業の適正な運営の確保及び派遣労働者の就業条件の整備等に関する法律](#)（以下「労働者派遣法」という。）第四十六条第一項に規定する派遣中の労働者については、当該派遣中の労働者に係る労働者派遣法第二条第一号に規定する労働者派遣の役務の提供の終了。以下この項において同じ。）」と、同法第三十五条の二中「この法律」とあるのは「この法律（労働者派遣法第四十六条の規定を含む。）」とする。

Article 46 With regard to a client undertaking involving dust work prescribed in item (iii) of paragraph (1) of Article 2 of the [Pneumoconiosis Act](#) (Act No. 30 of 1960) (hereinafter such work shall be referred to as "dust work" in this Article), to which workers are dispatched for dispatch

work in said undertaking, the provisions of Articles 5 to 9-2 inclusive, Articles 11 to 14 inclusive, paragraph (3) of Article 15, Articles 16 to 17 inclusive and Article 35-2 of said Act (including penal provisions pertaining to these provisions) shall be applied to such undertaking, by deeming the person carrying out the client undertaking to be the business operator, as prescribed in item (v) of paragraph (1) of Article 2 of said Act, employing the workers under dispatching (limited to those who are or have been regularly engaged in dust work; hereinafter the same shall apply up to paragraph (4) and in paragraph (7)) (hereinafter such business operator shall be referred to simply as a "business operator" in this Article), and by deeming the workers under dispatching to be workers employed by the person carrying out the client undertaking concerned. In this case, the term "separation from employment" in paragraph (1) of Article 9-2 shall be deemed to be replaced with "separation from employment (with regard to a worker under dispatching prescribed in paragraph (1) of Article 46 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Act"), the termination of the provision of Worker Dispatching services, as prescribed in item (i) of Article 2 of the Worker Dispatching Act, pertaining to the worker under dispatching concerned; hereinafter the same shall apply in this paragraph);" and the term "this Act" in Article 35-2 shall be deemed to be replaced with "this Act (including the provisions of Article 46 of the Worker Dispatching Act)".

2 その事業に使用する労働者が派遣先の事業（粉じん作業に係るものに限る。）における派遣就業のために派遣されている派遣元の事業（粉じん作業に係るものに限る。）に関する前項前段に掲げる規定の適用については、当該派遣元の事業の事業者は当該派遣中の労働者を使用しないものと、当該派遣中の労働者は当該派遣元の事業の事業者には使用されないものとみなす。

(2) With regard to the application of the provisions listed in the first sentence of the preceding paragraph concerning a dispatching undertaking (limited to that involving dust work) in which workers employed in said undertaking are dispatched for dispatch work in a client undertaking (limited to that involving dust work), the business operator of the dispatching undertaking concerned shall be deemed not to be employing the workers under dispatching concerned and the workers under dispatching concerned shall be deemed not to be employed by the business operator of the dispatching undertaking concerned.

3 第一項の規定により [じん肺法](#)の規定を適用する場合には、同法第十条中「事業者は、じん肺健康診断を」とあるのは「[労働者派遣事業の適正な運営の確保及び派遣労働者の就業条件の整備等に関する法律](#)第四十四条第一項に規定する派遣先の事業（以下単に「派遣先の事業」という。）を行う者が同法第四十六条第一項に規定する派遣中の労働者に対してじん肺健康診断を」と、「[労働安全衛生法](#)第六十六条第一項又は第二項の」とあるのは「同法第四十四条第三項に規定する派遣元の事業を行う者にあつては[労働安全衛生法](#)第六十六条第一項又は第二項の、派遣先の事業を行う者にあつては同条第二項の」として、同条の規定を適用する。

(3) Where the provisions of the [Pneumoconiosis Act](#) are applied under paragraph (1), the provisions of Article 10 of said Act shall be applied by replacing the following terms in the respective manners set forth below: in the same Article, the term "A business operator may, where he or she has conducted a pneumoconiosis examination" shall be deemed to be replaced with "A person carrying out a client undertaking prescribed in paragraph (1) of Article 44 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter such undertaking shall be referred to simply as a "client undertaking") may, where he/she has conducted a pneumoconiosis examination for workers under dispatching prescribed in paragraph (1) of Article 46 of the same Act": and the term "in paragraph (1) or (2) of Article 66 of



the [Industrial Safety and Health Act](#)" shall be deemed to be replaced with "in paragraph (1) or (2) of Article 66 of the [Industrial Safety and Health Act](#) in the case of a person carrying out a dispatching undertaking prescribed in paragraph (3) of Article 44 of the same Act, and in paragraph (2) of the same Article in the case of a person carrying out a client undertaking".

4 粉じん作業に係る事業における派遣中の労働者の派遣就業に関しては、当該派遣元の事業を行う者（事業者に該当する者を除く。次項及び第六項において同じ。）を事業者と、当該派遣先の事業を行う者もまた当該派遣中の労働者を使用する事業者と、当該派遣中の労働者を当該派遣先の事業を行う者にもまた使用される労働者とみなして、[じん肺法](#)第二十条の二から第二十一条まで及び第二十二条の二の規定（同法第二十一条の規定に係る罰則の規定を含む。）を適用する。

(4) With regard to dispatch work in an undertaking involving dust work in which workers under dispatching are engaged, the provisions of Articles 20-2 to 21 inclusive and Article 22-2 of the [Pneumoconiosis Act](#) (including penal provisions pertaining to the provisions of Article 21 of the same Act) shall apply, by deeming the person carrying out the dispatching undertaking concerned (excluding a person who is a business operator; the same shall apply in the following paragraph and paragraph (6)) to be the business operator, by deeming the person carrying out the client undertaking concerned to also be a business operator employing the workers under dispatching concerned, and by deeming the workers under dispatching concerned to be workers also employed by the person carrying out the client undertaking concerned.

5 粉じん作業に係る事業における派遣中の労働者の派遣就業に関しては、派遣元の事業を行う者を事業者とみなして、[じん肺法](#)第二十二条の規定（同条の規定に係る罰則の規定を含む。）を適用する。

(5) With regard to dispatch work in an undertaking involving dust work in which workers under dispatching are engaged, the provisions of Article 22 of the [Pneumoconiosis Act](#) (including penal provisions pertaining to the provisions of the same Article) shall apply, by deeming the person carrying out the dispatching undertaking to be the business operator.

6 派遣先の事業において常時粉じん作業に従事したことのある労働者であつて現に派遣元の事業を行う者に雇用されるもののうち、常時粉じん作業に従事する労働者以外の者（当該派遣先の事業において現に粉じん作業以外の作業に常時従事している者を除く。）については、当該派遣元の事業を行う者を事業者とみなして、[じん肺法](#)第八条から第十四条まで、第十五条第三項、第十六条から第十七条まで、第二十条の二、第二十二条の二及び第三十五条の二の規定（これらの規定に係る罰則の規定を含む。）を適用する。この場合において、同法第十条中「事業者は、じん肺健康診断を」とあるのは「[労働者派遣事業の適正な運営の確保及び派遣労働者の就業条件の整備等に関する法律](#)（以下「労働者派遣法」という。）第四十四条第三項に規定する派遣元の事業（以下単に「派遣元の事業」という。）を行う者が同条第一項に規定する派遣中の労働者又は同項に規定する派遣中の労働者であつた者に対してじん肺健康診断を」と、「[労働安全衛生法](#)第六十六条第一項又は第二項の」とあるのは「派遣元の事業を行う者にあつては[労働安全衛生法](#)第六十六条第一項又は第二項の、労働者派遣法第四十四条第一項に規定する派遣先の事業を行う者にあつては[労働安全衛生法](#)第六十六条第二項の」と、同法第三十五条の二中「この法律」とあるのは「この法律（労働者派遣法第四十六条の規定を含む。）」とする。

(6) With regard to persons other than workers regularly engaged in dust work (excluding persons regularly engaged in work other than dust work in the client undertaking concerned), among those workers actually employed by a person carrying out a dispatching undertaking who have been regularly engaged in dust work in the client undertaking, the provisions of Articles 8 to 14 inclusive, paragraph (3) of Article 15, Articles 16 to 17 inclusive, Article 20-2, Article 22-2, and Article 35-2

of the [Pneumoconiosis Act](#) (including penal provisions pertaining to these provisions) shall apply, by deeming the person carrying out the dispatching undertaking to be the business operator. In this case, in Article 10 of the same Act, the term "A business operator may, where he or she has conducted a pneumoconiosis examination" shall be deemed to be replaced with "A person carrying out a dispatching undertaking prescribed in paragraph (3) of Article 44 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Act") (hereinafter such undertaking shall be referred to simply as a "dispatching undertaking") may, where he/she has conducted a pneumoconiosis examination for workers under dispatching prescribed in paragraph (1) of the same Article or for those who have been such workers under dispatching prescribed in the same paragraph" and the term "in paragraph (1) or (2) of Article 66 of the [Industrial Safety and Health Act](#)" shall be deemed to be replaced with "in paragraph (1) or (2) of Article 66 of the [Industrial Safety and Health Act](#) in the case of a person carrying out a dispatching undertaking and in paragraph (2) of Article 66 of the [Industrial Safety and Health Act](#) in the case of a person carrying out a client undertaking prescribed in paragraph (1) of Article 44 of the Worker Dispatching Act"; and the term "this Act" in Article 35-2 shall be deemed to be replaced with "this Act (including the provisions of Article 46 of the Worker Dispatching Act)".

7 第一項の規定により派遣中の労働者を使用する事業者とみなされた者は、当該派遣中の労働者に対してじん肺健康診断を行つたとき又は同項の規定により適用される[じん肺法](#)第十一条ただし書の規定により当該派遣中の労働者からじん肺健康診断の結果を証明する書面その他の書面の提出を受けたときにあつては、厚生労働省令で定めるところにより、当該派遣中の労働者に係る同項の規定により適用される同法第十七条第一項の規定により作成した記録に基づいて当該じん肺健康診断の結果を記載した書面を作成し、第一項の規定により適用される同法第十四条第一項（同法第十五条第三項、第十六条第二項及び第十六条の二第二項において準用する場合を含む。）の規定による通知を受けたときにあつては、厚生労働省令で定めるところにより、当該通知の内容を記載した書面を作成し、遅滞なく、当該派遣元の事業を行う者に送付しなければならない。

(7) A person deemed to be a business operator employing workers under dispatching under the provisions of paragraph (1) shall, when he/she has conducted a pneumoconiosis examination for the workers under dispatching or when he/she has received documents certifying the results of pneumoconiosis examinations and other documents submitted by the workers under dispatching under the provisions of the proviso to Article 11 of the [Pneumoconiosis Act](#) as applied under the provisions of paragraph (1), prepare documents stating the results of the pneumoconiosis examinations concerned based on the records prepared under the provisions of paragraph (1) of Article 17 of the same Act as applied under the provisions of paragraph (1) pertaining to the workers under dispatching concerned, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare, and shall, when he/she has received notification under the provisions of paragraph (1) of Article 14 of the same Act (including cases where these provisions are applied mutatis mutandis under paragraph (3) of Article 15, paragraph (2) of Article 16 and paragraph (2) of Article 16-2 of the same Act) as applied under the provisions of paragraph (1), prepare documents stating the contents of the notification concerned, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare, and, without delay, send those documents to the person carrying out the dispatching undertaking concerned.

8 前項の規定により同項の書面の送付を受けた派遣元の事業を行う者は、厚生労働省令で定めるところにより、当該書面を保存しなければならない。

(8) The person carrying out the dispatching undertaking who has received the documents referred to in the preceding paragraph under the provisions of the same paragraph shall retain the documents

in the preceding paragraph under the provisions of the same paragraph shall retain the documents, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

9 派遣元の事業を行う者は、粉じん作業に係る事業における派遣就業に従事する派遣中の労働者で常時粉じん作業に従事するもの（じん肺管理区分が管理二、管理三又は管理四と決定された労働者を除く。）が労働安全衛生法第六十六条第一項又は第二項の健康診断（当該派遣先の事業を行う者の行うものを除く。）において、じん肺法第二条第一項第一号に規定するじん肺（以下単に「じん肺」という。）の所見があり、又はじん肺にかかっている疑いがあると診断されたときは、遅滞なく、その旨を当該派遣先の事業を行う者に通知しなければならない。

(9) A person carrying out a dispatching undertaking shall, when a worker under dispatching, who is engaged in dispatch work in an undertaking involving dust work and who is regularly engaged in dust work (excluding a worker whose classification for supervision of pneumoconiosis has been determined to be No. II, No. III or No. IV), has been diagnosed in a medical examination referred to in paragraph (1) or (2) of Article 66 of the [Industrial Safety and Health Act](#) (excluding one conducted by the person carrying out the client undertaking), as being affected by pneumoconiosis prescribed in item (i) of paragraph (1) of Article 2 of the [Pneumoconiosis Act](#) (hereinafter referred to simply as "pneumoconiosis"), or as being suspected of having contracted pneumoconiosis, inform the person carrying out the client undertaking concerned to that effect, without delay.

10 前三項の規定に違反した者は、三十万円以下の罰金に処する。

(10) Any person who has violated the provisions of the preceding three paragraphs shall be punished by a fine of not more than 300,000 yen.

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

(11) In case where a representative of a juridical person, or an agent, employee or other worker of a juridical person or a natural person has committed a violation under the preceding paragraph, with regard to the business of said juridical person or said natural person, not only the offender shall be punished but also said juridical person or individual shall be punished by the fine prescribed in the same paragraph.

12 前各項の規定によるじん肺法の特例については、同法第三十二条第一項中「事業者」とあるのは「事業者（労働者派遣事業の適正な運営の確保及び派遣労働者の就業条件の整備等に関する法律（以下「労働者派遣法」という。）第四十六条の規定により事業者とみなされた者を含む。第四十三条の二第二項及び第四十四条において「事業者等」という。）」と、同法第三十九条第二項及び第三項中「この法律」とあるのは「この法律（労働者派遣法第四十六条の規定により適用される場合を含む。）」と、同条第三項中「第二十一条第四項」とあるのは「第二十一条第四項（労働者派遣法第四十六条第四項の規定により適用される場合を含む。）」と、同法第四十条第一項中「粉じん作業を行う事業場」とあるのは「粉じん作業を行う事業場（労働者派遣法第四十六条の規定により事業者とみなされた者の事業場を含む。第四十二条第一項において同じ。）」と、同法第四十一条及び第四十二条第一項中「この法律」とあるのは「この法律及び労働者派遣法第四十六条の規定」と、同法第四十三条中「この法律の規定に違反する罪」とあるのは「この法律の規定（労働者派遣法第四十六条の規定により適用される場合を含む。）に違反する罪並びに同条第十項及び第十一項の罪」と、同法第四十三条の二第一項中「この法律又はこれに基づく命令の規定」とあるのは「この法律若しくはこれに基づく命令の規定（労働者派遣法第四十六条の規定により適用される場合を含む。）又は同条第七項から第九項までの規定若しくはこれらの規定に基づく命令の規定」と、同条第二項及び同法第四十四条中「事業者」とあるのは「事業者等」として、この法律の規定（この法律に係る罰則の規定を含む。）



右」この場合は「争奪自衛」とし、これらの規定（これらの規定に係る罰則の規定を含む。）を適用する。

(12) With regard to the special application of the [Pneumoconiosis Act](#) under the provisions of each of the preceding paragraphs, the following provisions (including penal provisions relating to these provisions) shall be applied by replacing the following terms in the respective manners set forth below: the term "the business operator" in paragraph (1) of Article 32 of the same Act shall be deemed to be replaced with "the business operator (including a person deemed to be the business operator under the provisions of Article 46 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Act"); referred to as "the business operator and the equivalent" in paragraph (2) of Article 43-2 and Article 44)"; the term "This Act" in paragraphs (2) and (3) of Article 39 shall be deemed to be replaced with "This Act (including cases where the provisions of this Act are applied under the provisions of Article 46 of the Worker Dispatching Act)"; the term "paragraph (4) of Article 21" in paragraph (3) of the same Article shall be deemed to be replaced with "paragraph (4) of Article 21 (including cases where these provisions are applied under the provisions of paragraph (4) of Article 46 of the Worker Dispatching Act)"; the term "the place of business where dust work is performed" in paragraph (1) of Article 40 shall be deemed to be replaced with "the place of business where dust work is performed (including the place of business of a person deemed to be the business operator under the provisions of Article 46 of the Worker Dispatching Act; the same shall apply in paragraph (1) of Article 42)"; the term "this Act" in Article 41 and paragraph (1) of Article 42 shall be deemed to be replaced with "this Act and the provisions of Article 46 of the Worker Dispatching Act"; the term "a violation of the provisions of this Act" in Article 43 shall be deemed to be replaced with "a violation of the provisions of this Act (including cases where these provisions are applied under the provisions of Article 46 of the Worker Dispatching Act) and the crimes referred to in paragraphs (10) and (11) of the same Article"; the term "the provisions of this Act or of orders based on this Act" in paragraph (1) of Article 43-2 shall be deemed to be replaced with "the provisions of this Act or of orders based on this Act (including cases where these provisions are applied under the provisions of Article 46 of the Worker Dispatching Act), or the provisions of paragraphs (7) to (9) inclusive of the same Article or the provisions of orders based on these provisions"; and the term "the business operator" in paragraph (2) of the same Article and Article 44 shall be deemed to be replaced with "the business operator and equivalent".

1 3 派遣元の事業を行う者が事業者該当する場合であつてその者が派遣中の労働者に対してじん肺健康診断を行つたときにおける [じん肺法](#) 第十条の規定の適用については、同条中「事業者は、」とあるのは「[労働者派遣事業の適正な運営の確保及び派遣労働者の就業条件の整備等に関する法律](#)（以下「労働者派遣法」という。）第四十四条第三項に規定する派遣元の事業（以下単に「派遣元の事業」という。）を行う者が」と、「[労働安全衛生法](#)第六十六条第一項又は第二項の」とあるのは「派遣元の事業を行う者にあつては [労働安全衛生法](#)第六十六条第一項又は第二項の、労働者派遣法第四十四条第一項に規定する派遣先の事業を行う者にあつては [労働安全衛生法](#)第六十六条第二項の」とする。

(13) With regard to the application of the provisions of Article 10 of the [Pneumoconiosis Act](#), where a person carrying out a dispatching undertaking is a business operator and has conducted a pneumoconiosis examination for workers under dispatching, the term "The business operator" in the same Article shall be deemed to be replaced with "A person carrying out a dispatching undertaking prescribed in paragraph (3) of Article 44 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Act") (hereinafter such undertaking shall be referred to

simply as a "dispatching undertaking"); and the term "in paragraph (1) or (2) of Article 66 of the [Industrial Safety and Health Act](#)" shall be deemed to be replaced with "in paragraph (1) or (2) of Article 66 of the [Industrial Safety and Health Act](#) in the case of a person carrying out a dispatching undertaking and in paragraph (2) of Article 66 of the [Industrial Safety and Health Act](#) in the case of a person carrying out a client undertaking prescribed in paragraph (1) of Article 44 of the Worker Dispatching Act".

1 4 この条の規定により [じん肺法](#) 及び同法に基づく命令の規定を適用する場合における技術的読替えその他必要な事項は、命令で定める。

(14) Technical replacements and other necessary matters, in cases where the provisions of the [Pneumoconiosis Act](#) and the provisions of orders based on this Act are applied under the provisions of this Article, shall be specified by an order.

([作業環境測定法](#)の適用の特例)

(Special Application of the [Working Environment Measurement Act](#))

第四十七条 第四十五条第三項の規定により派遣中の労働者を使用する事業者とみなされた者は、[作業環境測定法](#)（昭和五十年法律第二十八号）第二条第一号に規定する事業者に含まれるものとして、同法第一章、第八条第二項（同法第三十四条第二項において準用する場合を含む。）、第四章及び第五章の規定を適用する。この場合において、同法第三条第一項中「[労働安全衛生法](#)第六十五条第一項」とあるのは、「[労働安全衛生法](#)第六十五条第一項（[労働者派遣事業の適正な運営の確保及び派遣労働者の就業条件の整備等に関する法律](#)第四十五条第三項の規定により適用される場合を含む。次条において同じ。）」とする。

Article 47 With regard to a person deemed to be a business operator employing workers under dispatching under the provisions of paragraph (3) of Article 45, the provisions of Chapter I, paragraph (2) of Article 8 (including cases where said provisions are applied mutatis mutandis under paragraph (2) of Article 34 of the [Working Environment Measurement Act](#) (Act No. 28 of 1975)), and Chapters 4 and 5 of the same Act shall apply, by deeming such person to be included in the concept of the business operator prescribed in item (i) of Article 2 of said Act. In this case, the term "paragraph (1) of Article 65 of the [Industrial Safety and Health Act](#)" in paragraph (1) of Article 3 of the [Working Environment Measurement Act](#) shall be deemed to be replaced with "paragraph (1) of Article 65 of the [Industrial Safety and Health Act](#) (including cases where said provisions are applied under the provisions of paragraph (3) of Article 45 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers; the same shall apply in the following Article)".

2 第四十五条の規定により適用される [労働安全衛生法](#) 若しくは同法に基づく命令の規定、同条第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定又は前項の規定により適用される [作業環境測定法](#) 若しくは同法に基づく命令の規定に違反した者に関する同法の規定の適用については、同法第六条第三号中「この法律又は [労働安全衛生法](#)（これらに基づく命令を含む。）の規定」とあるのは「この法律若しくは [労働安全衛生法](#) 若しくはこれらに基づく命令の規定（[労働者派遣事業の適正な運営の確保及び派遣労働者の就業条件の整備等に関する法律](#)（以下「労働者派遣法」という。）第四十五条又は第四十七条の規定により適用される場合を含む。）又は労働者派遣法第四十五条第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定」と、同法第二十一条第二項第五号イ（同法第三十二条の二第四項において準用する場合を含む。）中「この法律又は [労働安全衛生法](#)（これらに基づく命令を含む。）の規定」とあるのは「この法律若しくは [労働安全衛生法](#) 若しくはこれらに基づく命令の規定（労働者派遣法第四十五条又は第四十七条の規定により適用される場合を含む。）又は労働者派遣法第四十

「第五条第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定」と、同法第二十三条第二項（同法第三十二条の二第四項において準用する場合を含む。）及び第二十四条第四項中「この法律若しくは労働安全衛生法（これらに基づく命令又は処分を含む。）」とあるのは「この法律若しくは労働安全衛生法若しくはこれらに基づく命令の規定（労働者派遣法第四十五条又は第四十七条の規定により適用される場合を含む。）、これらの規定に基づく処分、労働者派遣法第四十五条第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令の規定」と、同法第三十二条第三項及び第三十四条第一項中「この法律若しくは作業環境測定法又はこれらに基づく命令」とあるのは「この法律若しくは作業環境測定法若しくはこれらに基づく命令の規定（労働者派遣法第四十五条又は第四十七条の規定により適用される場合を含む。）又は労働者派遣法第四十五条第六項、第十項若しくは第十一項の規定若しくはこれらの規定に基づく命令」とする。

- (2) With regard to the application of the provisions of the [Working Environment Measurement Act](#) to persons who have violated the provisions of the [Industrial Safety and Health Act](#) or orders based on the same Act as applied under the provisions of Article 45, the provisions of paragraph (6), (10) or (11) of the same Article or the provisions of orders based on these provisions, or the provisions of the [Working Environment Measurement Act](#) or of orders based on the same Act as applied under the provisions of the preceding paragraph, the term "the provisions of this Act or of the [Industrial Safety and Health Act](#) (including orders based on these Acts)" in item (iii) of Article 6 of the [Working Environment Measurement Act](#) shall be deemed to be replaced with "the provisions of this Act or of the [Industrial Safety and Health Act](#) or of orders based on these Acts (including cases where these provisions are applied under the provisions of Article 45 or 47 of the Act for Securing Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (hereinafter referred to as "the Worker Dispatching Act")), or the provisions of paragraph (6), (10) or (11) of Article 45 of the Worker Dispatching Act or the provisions of orders based on these provisions"; the term "the provisions of this Act or of the [Industrial Safety and Health Act](#) (including orders based on these Acts)" in (a) of item (v) of paragraph (2) of Article 21 of the [Working Environment Measurement Act](#) (including cases where these provisions are applied mutatis mutandis under paragraph (4) of Article 32-2 of the same Act) shall be deemed to be replaced with "the provisions of this Act or of the [Industrial Safety and Health Act](#) or of orders issued based on these Acts (including cases where these provisions are applied under the provisions of Article 45 or 47 of the Worker Dispatching Act), or the provisions of paragraph (6), (10) or (11) of Article 45 of the Worker Dispatching Act or the provisions of orders based on these provisions"; the term "this Act or the [Industrial Safety and Health Act](#) (including orders or dispositions under these Acts) in paragraph (2) of Article 23 (including cases where these provisions are applied mutatis mutandis under paragraph (4) of Article 32-2) and paragraph (4) of Article 24 of the [Working Environment Measurement Act](#) shall be deemed to be replaced with "the provisions of this Act or of the [Industrial Safety and Health Act](#) or of orders based on these Acts (including cases where these provisions are applied under the provisions of Article 45 or Article 47 of the Worker Dispatching Act), or dispositions under these provisions, or the provisions of paragraph (6), (10) or (11) of Article 45 of the Worker Dispatching Act or the provisions of orders based on these provisions", and the term "this Act or the [Working Environment Measurement Act](#) (Act No. 28 of 1975), or of orders under these Acts" in paragraph (3) of Article 32 and paragraph (1) of Article 34 of said Act shall be deemed to be replaced with "this Act or the [Working Environment Measurement Act](#) or the provisions of orders based on these Acts (including cases where these provisions are applied under the provisions of Article 45 or 47 of the Worker Dispatching Act), or the provisions of paragraph (6), (10) or (11) of Article 45 of the Worker Dispatching Act or the provisions of orders under these

provisions".

3 この条の規定により [作業環境測定法](#) の規定を適用する場合における技術的読替えその他必要な事項は、命令で定める。

(3) Technical replacements and other necessary matters, in cases where the provisions of the [Working Environment Measurement Act](#) are applied under the provisions of this Article, shall be specified by an order.

([雇用の分野における男女の均等な機会及び待遇の確保等に関する法律](#)の適用に関する特例)

(Special Application of the [Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment](#))

第四十七条の二 労働者派遣の役務の提供を受ける者がその指揮命令の下に労働させる派遣労働者の当該労働者派遣に係る就業に関しては、当該労働者派遣の役務の提供を受ける者もまた、当該派遣労働者を雇用する事業主とみなして、[雇用の分野における男女の均等な機会及び待遇の確保等に関する法律](#)（昭和四十七年法律第百十三号）第九条第三項、第十一条第一項、第十二条及び第十三条第一項の規定を適用する。この場合において、同法第十一条第一項中「雇用管理上」とあるのは、「雇用管理上及び指揮命令上」とする。

Article 47-2 With regard to work performed by Dispatched Workers whom a person receiving Worker Dispatching services causes to work under his/her instruction under a Worker Dispatching arrangement, the provisions of paragraph (3) of Article 9, paragraph (1) of Article 11, Article 12 and paragraph (1) of Article 13 of the [Act on Securing, Etc. of Equal Opportunity and Treatment between Men and Women in Employment](#) (Act No. 113 of 1972) shall be applied to said person receiving Worker Dispatching services, by deeming him/her to be a business operator employing said Dispatched Workers. In this case, the term "in terms of employment management" in paragraph (1) of Article 11 of the same Act shall be deemed to be replaced with "in terms of employment management and instruction".

#### 第四章 雑則

##### Chapter IV Miscellaneous Provisions

(指針)

(Guidelines)

第四十七条の三 厚生労働大臣は、第二十四条の三及び前章第一節から第三節までの規定により派遣元事業主及び派遣先が講ずべき措置に関して、その適切かつ有効な実施を図るため必要な指針を公表するものとする。

Article 47-3 With regard to measures to be taken by a dispatching business operator and a client under the provisions of Article 24-3 and Sections 1 to 3 inclusive of the preceding Chapter, the Minister of Health, Labour and Welfare shall publish the guidelines necessary for the proper and effective implementation of such measures.

(指導、助言及び勧告)

(Guidance, Advice and Recommendation)

第四十八条 厚生労働大臣は、この法律（前章第四節の規定を除く。第四十九条の三第一項、第五十条及び第五十一条第一項において同じ。）の施行に関し必要があると認めるときは、労働者派遣をする事業主及び労働者派遣の役務の提供を受ける者に対し、労働者派遣事業の適正な運営又は適正な派遣就業を確保するために必要な指導及び助言をすること



ができる。

Article 48 The Minister of Health, Labour and Welfare may, when he/she finds it necessary for the enforcement of this Act (excluding the provisions of Section 4 of the preceding Chapter; the same shall apply in paragraph (1) of Article 49-3, Article 50 and paragraph (1) of Article 51), give to business operators carrying out Worker Dispatching and persons receiving Worker Dispatching services the guidance and advice necessary for securing the proper operation of Worker Dispatching Undertakings or proper dispatch work.

2 厚生労働大臣は、労働力需給の適正な調整を図るため、労働者派遣事業が専ら労働者派遣の役務を特定の者に提供することを目的として行われている場合（第七条第一項第一号の厚生労働省令で定める場合を除く。）において必要があると認めるときは、当該派遣元事業主に対し、当該労働者派遣事業の目的及び内容を変更するように勧告することができる。

(2) The Minister of Health, Labour and Welfare may, when he/she finds it necessary for the proper adjustment of labor demand and supply in cases where a Worker Dispatching Undertaking is carried out with the object of providing Worker Dispatching services solely to specified persons (excluding cases specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in item (i) of paragraph (1) of Article 7), recommend the dispatching business operator concerned to change the object and the contents of the Worker Dispatching Undertaking.

(改善命令等)

(Order for Improvement, etc.)

第四十九条 厚生労働大臣は、派遣元事業主が当該労働者派遣事業に関しこの法律その他労働に関する法律の規定（これらの規定に基づく命令の規定を含む。）に違反した場合において、適正な派遣就業を確保するため必要があると認めるときは、当該派遣元事業主に対し、派遣労働者に係る雇用管理の方法の改善その他当該労働者派遣事業の運営を改善するために必要な措置を講ずべきことを命ずることができる。

Article 49 Where a dispatching business operator has violated the provisions of this Act or other Acts relating to labor (including the provisions of orders based on these provisions) with regard to the Worker Dispatching Undertaking concerned, the Minister of Health, Labour and Welfare may, when he/she finds it necessary for securing proper dispatch work, order the dispatching business operator concerned to improve his/her method of employment management for Dispatched Workers and otherwise to take necessary measures to improve the operation of the Worker Dispatching Undertaking.

2 厚生労働大臣は、派遣先が第四条第三項の規定に違反している場合において、同項の規定に違反している派遣就業を継続させることが著しく不適当であると認めるときは、当該派遣先に労働者派遣をする派遣元事業主に対し、当該派遣就業に係る労働者派遣契約による労働者派遣の停止を命ずることができる。

(2) Where a client violates the provisions of paragraph (3) of Article 4, the Minister of Health, Labour and Welfare may, when he/she finds it materially inappropriate to permit the dispatch work in violation of the provisions of the same paragraph to continue, order the dispatching business operator who dispatches workers to the client concerned to suspend the worker dispatch which has been carried out under the worker dispatch contract for the dispatch work concerned.

(公表等)

(Publication etc.)

第四十九条の二 厚生労働大臣は、第四十条第二項、第二十四条の二、第四十条の二第一項、第四十条の四又は第四十条の五の規定に違反している者に対し、第四十八条第一項の規定による指導又は助言をした場合において、その者がなお第四条第三項、第二十四条の二、第四十条の二第一項、第四十条の四又は第四十条の五の規定に違反しており、又は違反するおそれがあると認めるときは、当該者に対し、第四条第三項、第二十四条の二若しくは第四十条の二第一項の規定に違反する派遣就業を是正するために必要な措置若しくは当該派遣就業が行われることを防止するために必要な措置をとるべきこと又は第四十条の四若しくは第四十条の五の規定による雇用契約の申込みをすべきことを勧告することができる。

Article 49-2 Where the Minister of Health, Labour and Welfare has given guidance or advice under the provisions of paragraph (1) of Article 48 to a person violating the provisions of paragraph (3) of Article 4, Article 24-2, paragraph (1) of Article 40-2, Article 40-4 or Article 40-5, and considers that said person is continuing to violate the provisions of paragraph (3) of Article 4, Article 24-2, paragraph (1) of Article 40-2, Article 40-4 or Article 40-5 or is likely to do so, the Minister may recommend that said person take measures necessary for correcting the dispatch work violating the provisions of paragraph (3) of Article 4, Article 24-2 or paragraph (1) of Article 40-2 or measures necessary for preventing the carrying out of such dispatch work or that an offer of an employment contract be made pursuant to the provisions of Article 40-4 or Article 40-5.

2 厚生労働大臣は、派遣先が第四十条の二第一項の規定に違反して労働者派遣の役務の提供を受けており、かつ、当該労働者派遣の役務の提供に係る派遣労働者が当該派遣先に雇用されることを希望している場合において、当該派遣先に対し、第四十八条第一項の規定により当該派遣労働者を雇い入れるように指導又は助言をしたにもかかわらず、当該派遣先がこれに従わなかつたときは、当該派遣先に対し、当該派遣労働者を雇い入れるように勧告することができる。

(2) Where a client is receiving Worker Dispatching services in violation of the provisions of paragraph (1) of Article 40-2 and the Dispatched Worker pertaining to the provision of said Worker Dispatching services wishes to be employed by said client, the Minister of Health, Labour and Welfare may, if said client, although the Minister has given guidance or advice to him/her to employ the Dispatched Worker concerned under the provisions of paragraph (1) of Article 48, has not complied with such guidance or advice, recommend that said client employ the Dispatched Worker concerned.

3 厚生労働大臣は、前二項の規定による勧告をした場合において、その勧告を受けた者がこれに従わなかつたときは、その旨を公表することができる。

(3) Where the Minister of Health, Labour and Welfare has given recommendations under the provisions of the preceding two paragraphs, the Minister may, when the person receiving such recommendation has not complied with it, publish such fact.

(厚生労働大臣に対する申告)

(Notification to the Minister of Health, Labour and Welfare)

第四十九条の三 労働者派遣をする事業主又は労働者派遣の役務の提供を受ける者がこの法律又はこれに基づく命令の規定に違反する事実がある場合においては、派遣労働者は、その事実を厚生労働大臣に申告することができる。

Article 49-3 Where a business operator carrying out Worker Dispatching or a person receiving Worker Dispatching services violates this Act or the provisions of orders based on this Act, a Dispatched Worker may notify the Minister of Health, Labour and Welfare of such fact.

2 労働者派遣をする事業主及び労働者派遣の役務の提供を受ける者は、前項の申告をした

ことを理由として、派遣労働者に対して解雇その他不利益な取扱いをしてはならない。

- (2) Neither a business operator carrying out Worker Dispatching nor a person receiving Worker Dispatching services shall discharge or otherwise treat disadvantageously a Dispatched Worker on the grounds of his/her having made the notification referred to in the preceding paragraph.

(報告)

(Reporting)

第五十条 厚生労働大臣は、この法律を施行するために必要な限度において、厚生労働省令で定めるところにより、労働者派遣事業を行う事業主及び当該事業主から労働者派遣の役務の提供を受ける者に対し、必要な事項を報告させることができる。

Article 50 The Minister of Health, Labour and Welfare may, within the limits necessary for the enforcement of this Act, order business operators carrying out Worker Dispatching Undertakings and persons receiving Worker Dispatching services from said business operators to report on necessary matters, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare.

(立入検査)

(On-site Inspections)

第五十一条 厚生労働大臣は、この法律を施行するために必要な限度において、所属の職員に、労働者派遣事業を行う事業主及び当該事業主から労働者派遣の役務の提供を受ける者の事業所その他の施設に立ち入り、関係者に質問させ、又は帳簿、書類その他の物件を検査させることができる。

Article 51 The Minister of Health, Labour and Welfare may, within the limits necessary for the enforcement of this Act, have Ministry officials enter the place of business or other facilities of a business operator carrying out a Worker Dispatching Undertaking or a person receiving worker dispatch services from said business operator, question the persons concerned or inspect the books, documents and other articles.

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

- (2) An official making an on-site inspection pursuant to the provisions of the preceding paragraph shall carry a certificate certifying his/her status and show it to the persons concerned.

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

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

(相談及び援助)

(Counseling and Assistance)

第五十二条 公共職業安定所は、派遣就業に関する事項について、労働者等の相談に応じ、及び必要な助言その他の援助を行うことができる。

Article 52 The Public Employment Security Office may, with regard to matters relating to dispatch work, respond to a request for counsel from a worker, etc. and give necessary advice or other assistance.

(労働者派遣事業適正運営協力員)

(Supporters of Proper Operation of Worker Dispatching Undertakings)



第五十三条 厚生労働大臣は、社会的信望があり、かつ、労働者派遣事業の運営及び派遣就業について専門的な知識経験を有する者のうちから、労働者派遣事業適正運営協力員を委嘱することができる。

Article 53 The Minister of Health, Labour and Welfare may commission persons, from among those who enjoy public confidence and have expert knowledge and experience concerning the operation of Worker Dispatching Undertakings and concerning dispatch work, to act as Supporters of Proper Operation of Worker Dispatching Undertakings.

2 労働者派遣事業適正運営協力員は、労働者派遣事業の適正な運営及び適正な派遣就業の確保に関する施策に協力して、労働者派遣をする事業主、労働者派遣の役務の提供を受ける者、労働者等の相談に応じ、及びこれらの者に対する専門的な助言を行う。

(2) A Supporter of Proper Operation of Worker Dispatching Undertakings shall, in cooperation with the administrative measures concerning the securing of proper operation of Worker Dispatching Undertakings and proper dispatch work, respond to a request for counsel from, and give expert advice to, business operators carrying out Worker Dispatching, persons receiving Worker Dispatching services and workers, etc.

3 労働者派遣事業適正運営協力員は、正当な理由がある場合でなければ、その職務に関して知り得た秘密を他に漏らしてはならない。労働者派遣事業適正運営協力員でなくなった後においても、同様とする。

(3) A Supporter of Proper Operation of Worker Dispatching Undertakings shall not disclose to another person any secret learned in the course of his/her duties unless there is a justifiable reason. The same shall apply after he/she ceased to be a Supporter of Proper Operation of Worker Dispatching Undertakings.

4 労働者派遣事業適正運営協力員は、その職務に関して、国から報酬を受けない。

(4) A Supporter of Proper Operation of Worker Dispatching Undertakings shall not receive any remuneration from the State for his/her duties.

5 労働者派遣事業適正運営協力員は、予算の範囲内において、その職務を遂行するために要する費用の支給を受けることができる。

(5) A Supporter of Proper Operation of Worker Dispatching Undertakings may receive payment of the expenses required for the execution of his/her duties within the limits of the budget.

(手数料)

(Fees)

第五十四条 次に掲げる者は、実費を勘案して政令で定める額の手数料を納付しなければならない。

Article 54 The following persons shall pay the fees specified by a Cabinet Order by taking into consideration of the actual cost involved:

一 第五条第一項の許可を受けようとする者

(i) a person who wishes to obtain the license referred to in paragraph (1) of Article 5;

二 第八条第三項の規定による許可証の再交付を受けようとする者

(ii) a person who wishes to obtain reissuance of a license certificate under the provisions of paragraph (3) of Article 8;

三 第十条第二項の規定による許可の有効期間の更新を受けようとする者

(iii) a person who wishes to obtain the renewal of the valid period of a license under the provisions of paragraph (2) of Article 10;

四 第十一条第四項の規定による許可証の書換えを受けようとする者

(iv) a person who wishes to obtain the rewriting of a license certificate under the provisions of paragraph (4) of Article 11.

(経過措置の命令への委任)

(Delegation of Transitional Measures to Orders)

第五十五条 この法律の規定に基づき政令又は厚生労働省令を制定し、又は改廃する場合には、それぞれ政令又は厚生労働省令で、その制定又は改廃に伴い合理的に必要と判断される範囲内において、所要の経過措置（罰則に関する経過措置を含む。）を定めることができる。

Article 55 Where a Cabinet Order or an Ordinance of the Ministry of Health, Labour and Welfare is established, amended or repealed under the provisions of this Act, necessary transitional measures (including transitional measures on penal provisions) may be specified by a Cabinet Order or an Ordinance of the Ministry of Health, Labour and Welfare, respectively, within limits considered reasonably necessary in connection with the establishment, amendment or repeal concerned.

(権限の委任)

(Delegation of Authority)

第五十六条 この法律に定める厚生労働大臣の権限は、厚生労働省令で定めるところにより、その一部を都道府県労働局長に委任することができる。

Article 56 Part of the authority of the Minister of Health, Labour and Welfare specified 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 前項の規定により都道府県労働局長に委任された権限は、厚生労働省令で定めるところにより、公共職業安定所長に委任することができる。

(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.

(厚生労働省令への委任)

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

第五十七条 この法律に定めるもののほか、この法律の実施のために必要な手続その他の事項は、厚生労働省令で定める。

Article 57 In addition to what is provided by this Act, procedures and other matters necessary for the enforcement of this Act shall be specified by an Ordinance of the Ministry of Health, Labour and Welfare.

## 第五章 罰則

### Chapter V Penal Provisions

第五十八条 公衆衛生又は公衆道徳上有害な業務に就かせる目的で労働者派遣をした者は、一年以上十年以下の懲役又は二十万円以上三百万円以下の罰金に処する。

Article 58 Any person, who has carried out Worker Dispatching with the intention of inducing workers to engage in work injurious to public health or public morals, shall be punished by imprisonment with work of not less than one year and not more than ten years, or a fine of not less

than 200,000 yen and not more than 3,000,000 yen.

第五十九条 次の各号のいずれかに該当する者は、一年以下の懲役又は百万円以下の罰金に処する。

Article 59 Any person who falls under any of the following items shall be punished by imprisonment with work of not more than one year or a fine of not more than 1,000,000 yen:

一 第四条第一項又は第十五条の規定に違反した者

(i) a person who has violated the provisions of paragraph (1) of Article 4 or Article 15;

二 第五条第一項の許可を受けずに一般労働者派遣事業を行った者

(ii) a person who has carried out a General Worker Dispatching Undertaking without obtaining the license referred to in paragraph (1) of Article 5;

三 偽りその他不正の行為により第五条第一項の許可又は第十条第二項の規定による許可の有効期間の更新を受けた者

(iii) a person who has obtained the license referred to in paragraph (1) of Article 5 or the renewal of the valid period of a license under the provisions of paragraph (2) of Article 10, by deception or other wrongful act;

四 第十四条第二項又は第二十一条の規定による処分に違反した者

(iv) a person who has violated a disposition under the provisions of paragraph (2) of Article 14 or Article 21.

第六十条 次の各号のいずれかに該当する者は、六月以下の懲役又は三十万円以下の罰金に処する。

Article 60 Any person who falls under any of the following items shall be punished by imprisonment with work of not more than six months or a fine of not more than 300,000 yen:

一 第十六条第一項に規定する届出書を提出しないで特定労働者派遣事業を行った者

(i) a person who has carried out a Specified Worker Dispatching Undertaking without submitting a written notice prescribed in paragraph (1) of Article 16;

二 第二十二条又は第四十九条の三第二項の規定に違反した者

(ii) a person who has violated the provisions of Article 22 or paragraph (2) of Article 49-3;

三 第四十九条の規定による処分に違反した者

(iii) a person who has violated a disposition under the provisions of Article 49.

第六十一条 次の各号のいずれかに該当する者は、三十万円以下の罰金に処する。

Article 61 Any person who falls under any of the following items shall be punished by a fine of not more than 300,000 yen:

一 第五条第二項（第十条第五項において準用する場合を含む。）に規定する申請書、第五条第三項（第十条第五項において準用する場合を含む。）に規定する書類、第十六条第一項に規定する届出書又は同条第二項に規定する書類に虚偽の記載をして提出した者

(i) a person who has submitted a written application prescribed in paragraph (2) of Article 5 (including cases where these provisions are applied mutatis mutandis under paragraph (5) of Article 10) containing a false entry, documents prescribed in paragraph (3) of Article 5 (including cases where these provisions are applied mutatis mutandis under paragraph (5) of Article 10) containing a false entry, a written notice prescribed in paragraph (1) of Article 16 containing a false entry or documents prescribed in paragraph (2) of the same Article containing a false entry;

二 第十一条第一項、第十三条第一項、第十九条第一項、第二十条若しくは第二十三条第

三項の規定による届出をせず、若しくは虚偽の届出をし、又は第十一条第一項若しくは第十九条第一項に規定する書類に虚偽の記載をして提出した者

(ii) a person who has failed to submit a notification or has submitted a false notification under the provisions of paragraph (1) of Article 11, paragraph (1) of Article 13, paragraph (1) of Article 19, Article 20 or paragraph (3) of Article 23 or who has made a false entry in and submitted documents prescribed in paragraph (1) of Article 11 or paragraph (1) of Article 19;

三 第三十四条、第三十五条、第三十五条の二第一項、第三十六条、第三十七条、第四十一条又は第四十二条の規定に違反した者

(iii) a person who has violated the provisions of Article 34, Article 35, paragraph (1) of Article 35-2, Article 36, Article 37, Article 41 or Article 42;

四 第五十条の規定による報告をせず、又は虚偽の報告をした者

(iv) a person who has failed to submit a report or has submitted a false report under the provisions of Article 50;

五 第五十一条第一項の規定による立入り若しくは検査を拒み、妨げ、若しくは忌避し、又は質問に対して答弁をせず、若しくは虚偽の陳述をした者

(v) a person who has refused, impeded or evaded the entry or inspection under the provisions of paragraph (1) of Article 51, or who has failed to reply or has given false replies to questions under the provision of the same paragraph.

第六十二条 法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関して、第五十八条から前条までの違反行為をしたときは、行為者を罰するほか、その法人又は人に対しても、各本条の罰金刑を科する。

Article 62 In the case where a representative of a juridical person or an agent, employee or other worker, of a juridical person or a natural person has committed a violation under Article 58 to the preceding Article inclusive, with regard to the business of said juridical person or said natural person, not only the offender shall be punished but also said juridical person or individual shall be punished by the fine prescribed in the same Articles.

## 附 則

### Supplementary Provisions

1 この法律は、公布の日から起算して一年を超えない範囲内において政令で定める日から施行する。

(1) This Act shall come into force as from the date specified by a Cabinet Order within a period not exceeding six months from the date of promulgation.

2 次項に定めるもののほか、この法律の施行に関して必要な経過措置は、政令で定める。

(2) In addition to what is prescribed in the following paragraph, transitional measures necessary for the enforcement of this Act shall be specified by a Cabinet Order.

3 この法律の施行前にした行為に対する罰則の適用については、なお従前の例による。

(3) With regard to the application of penal provisions to acts committed prior to the enforcement of this Act, the provisions then in force shall remain applicable.

4 第五条第二項の規定の適用については、当分の間、同項第三号中「所在地」とあるのは、「所在地並びに当該事業所において物の製造の業務（物の熔融、鑄造、加工、組立て、洗浄、塗装、運搬等物を製造する工程における作業に係る業務をいう。）であつて、その業務に従事する労働者の就業の実情並びに当該業務に係る派遣労働者の就業条件の確

保及び労働力の需給の適正な調整に与える影響を勘案して厚生労働省令で定めるもの（以下「特定製造業務」という。）について一般労働者派遣事業を行う場合にはその旨」とする。

(4) With regard to the application of the provisions of paragraph (2) of Article 5, for the time being, the term "location" in item (iii) of the same paragraph shall be deemed to be replaced with "the location, and in the case where a General Worker Dispatching Undertaking is conducted at the place of business concerned, with regard to the services of manufacturing products (which means services regarding work in the process of manufacturing of melting, casting, processing, assembling, washing, painting and transporting products, etc.) which are specified by an Ordinance of the Ministry of Health, Labour and Welfare, taking into consideration the actuality of the employment of the workers engaged in said services, together with the effect on the securing of working conditions for Dispatched Workers pertaining to said services and on the proper adjustment of labor demand and supply (hereinafter referred to as "specified manufacturing services"), such fact".

5 [職業安定法及び労働者派遣事業の適正な運営の確保及び派遣労働者の就業条件の整備等に関する法律](#)の一部を改正する法律（平成十五年法律第八十二号）の施行の日から起算して三年を経過する日までの間における第四十条の二第二項の規定の適用については、同項中「次の」とあるのは、「特定製造業務については一年とし、特定製造業務以外の業務については次の」とする。

(5) With regard to the application of the provisions of paragraph (2) of Article 40-2 during the period until the day on which three years have elapsed from the day of the enforcement of the Act for Partial Revision of the [Employment Security Act](#) and the [Act for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers](#) (Act No. 82 of 2003), the term "the periods prescribed respectively in the following" in the same paragraph shall be deemed to be replaced with "one year with regard to specified manufacturing services, and with regard to services other than specified manufacturing services, the periods prescribed respectively in the following".