

Law Concerning Stabilization of Employment of Older Persons

(Law No. 68 of May 25, 1971)



The Japan Institute for Labour Policy and Training



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PROVISIONAL TRANSLATION BY THE SPECIALIST

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AMENDMENTS

Law No. 36 of May 28, 1976
Law No. 107 of Nov. 18, 1978
Law No. 71 of Aug. 10, 1984
Law No. 87 of Dec. 25, 1984
Law No. 43 of Apr. 30, 1986
Law No. 93 of Dec. 4, 1986
Law No. 36 of June 28, 1989
Law No. 60 of June 29, 1990
Law No. 67 of June 3, 1992
Law No. 89 of Nov. 12, 1993
Law No. 34 of June 17, 1994
Law No. 37 of May 15, 1996
Law No. 90 of June 19, 1996
Law No. 90 of June 19, 1996
Law No. 45 of May 9, 1997
Law No. 20 of Mar. 31, 1999
Law No. 84 of July 7, 1999
Law No. 85 of July 7, 1999
Law No. 87 of July 16, 1999
Law No. 160 of Dec. 22, 1999
Law No. 60 of May 12, 2000
Law No. 98 of July 31, 2002
Law No. 165 of Dec. 13, 2002
Law No. 170 of Dec. 13, 2002
Law No. 82 of June 13, 2003
Law No. 103 of June 11, 2004

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CHAPTER I

General Provisions

(Purpose)

Article 1. The purposes of this Law are to promote the stability of employment and otherwise to promote the welfare of older persons, etc. as well as to contribute to the development of the economy and society, by taking comprehensive measures designed to promote the security of employment of older persons by raising the retirement age and through a continuous employment system, etc., to promote the re-employment of older persons, etc., and to secure opportunities for work for those who retired upon reaching the retirement age and other older retirees.

(Definitions)

Article 2. In this Law, the term “older persons” means those whose ages are above the age specified by Ministry of Health, Labour and Welfare Ordinance.

2. In this Law, the term “older persons, etc.” means those who are older persons and the following persons who do not fall into the category of “older persons.”:

- (1) Middle-aged and older persons (those whose ages are above the age specified by Ministry of Health, Labour and Welfare Ordinance; the same applies to the following paragraph) who are looking for employment (excluding those who fall into the category in the following paragraph);
- (2) Middle-aged and older unemployed persons, etc. (unemployed persons whose ages are within the age bracket specified by Ministry of Health, Labour and

Welfare Ordinance and other unemployed persons, specified by Ministry of Health, Labour and Welfare Ordinance, as having especial difficulty in finding employment; the same applies to Section III of Chapter III).

3. In this Law, the term “specified area” means an area designated by the Minister of Health, Labour and Welfare as one where unemployed persons who are middle-aged and older persons have marked difficulty in finding employment.

(Basic Principles)

Article 3. Consideration shall be paid for older persons, etc. so that employment opportunities and other opportunities of various sorts of work are secured in accordance with their desires and ability throughout the entirety of their occupational life and their occupational life is enriched.

2. Workers shall endeavor voluntarily to develop and improve their abilities and to maintain and promote their health by preparing his or her occupational plan in order to enrich their occupational lives in the period of older age based on that plan.

(Responsibility of Employers)

Article 4. Employers shall endeavor to secure employment opportunities for their older employees in accordance with their desires and abilities by taking measures for the development and improvement of occupational ability, improvement of working facilities and other conditions and assistance in re-employment for their older employees, etc. and the like.

2. Employers shall provide the assistance necessary for preparing the occupational plans of their employees in the period of older age to ensure that they can enrich their occupational lives by working in accordance with their desires and abilities in

the period of older age.

(Responsibility of the State and Local Public Bodies)

Article 5. While respecting the voluntary efforts of employers, workers and other related persons, the State and local public bodies shall provide them with the necessary assistance in accordance with their circumstances, among other things, and in addition shall endeavor to comprehensively and effectively promote measures necessary to secure employment opportunities and other opportunities of various sorts for work for older persons, etc. in accordance with their desires and abilities, by taking such measures as improving systems for employment placement and vocational training, etc. necessary for promoting the re-employment of older persons, etc.

(Basic Policy of Measures for Providing Employment Security for Older Persons, etc.)

Article 6. The Minister of Health, Labour and Welfare shall formulate a basic policy of measures concerning the stabilization of employment of older persons, etc. (hereinafter referred to as the “Basic Policy of Measures for Providing Employment Security for Older Persons, etc.”).

2. The following matters shall be included in the Basic Policy of Measures for Providing Employment Security for Older Persons, etc.:

- (1) matters concerning trends in employment of older persons, etc.;
- (2) matters concerning the goals for increasing employment opportunities for older persons (limited to persons under 65 years old);
- (3) matters that should be regarded as the necessary guidelines on measures taken for the appropriate and effective

implementation of the assistance that the employers in paragraph 2 of Article 4 should provide in preparing the occupational plans of their employees in the period of older age and the measures to secure employment for older persons that the employers in Article 9 should take pursuant to this Article, including the development and improvement of occupational ability, improvement of working facilities and various other conditions and assistance in re-employment that the employers in paragraph 1 of Article 4 should carry out;

- (4) matters that should serve as the basic policy on measures to facilitate the implementation of measures to secure employment for older persons provided for in Article 9;
- (5) matters that should serve as the basic policy on measures to promote the re-employment of older persons, etc.;
- (6) matters that should serve as the basic policy on measures to stabilize the employment of older persons, etc. other than those mentioned in each of the preceding items.

3. In formulating the Basic Policy of Measures for Providing Employment Security for Older Persons, etc., the Minister of Health, Labour and Welfare shall have prior consultation with the heads of administrative agencies concerned, and shall obtain the opinions of the Labour Policy Council.

4. When the Minister of Health, Labour and Welfare has formulated a Basic Policy of Measures for Providing Employment Security for Older Persons, etc., he or she shall immediately make public the outline of the basic policy.

5. The provisions in the two preceding paragraphs shall apply *mutatis mutandis* to modifications of the Basic Policy of

Measures for Providing Employment Security for Older Persons,
etc.

(Exceptions)

Article 7. This Law shall not apply to mariners provided for in paragraph 1 of Article 6 of the Mariners' Employment Security Law (Law No. 130 of 1948).

2. The provisions of the preceding Article, following chapter, Section II of Chapter III, Articles 49 and 52 shall not apply to national public employees and local public employees.

CHAPTER II

Promotion of Securing Stable Employment for Older Persons by Raising the Retirement Age and through a Continuous Employment System, etc.

(Age in Cases Where the Retirement Age is Fixed)

Article 8. In cases where the employer fixes the retirement age of his or her employees (hereinafter referred to as simply the “retirement age”), the retirement age shall not be below 60. Provided, this shall not apply to workers employed by said employers that are in occupations recognized by Ministry of Health, Labour and Welfare Ordinance as occupations difficult for older persons to fulfill.

(Measures for securing employment for older persons)

Article 9. In cases where the employer fixes the retirement age (limited to under 65 years old; hereinafter the same shall apply), he or she shall conduct any one of the measures listed in the items below in order to secure stable employment for older workers until the age of 65 (hereinafter referred to as “measures for securing employment for older persons”):

- (1) Raising the retirement age;
- (2) Introduction of a continuous employment system (refers to the system of continuing to employ an older person wishing to be employed following said employee’s retirement; hereinafter the same shall apply);
- (3) Abolition of the retirement age.

2. Employers shall be regarded as having implemented the measures listed in item 2 of the preceding paragraph when it has designated the standards concerning older persons who are

subject to the continuous employment system and introduced said system based on said standards, by a contract concluded with a labor union in case it is organized by a majority of workers in the establishment concerned, or by a written agreement concluded with the person representing a majority of the workers in case a labor union organized by a majority of the workers does not exist.

(Guidance, Advice and Recommendation)

Article 10. The Minister of Health, Labour and Welfare may give necessary guidance and advice to employers who commit a violation of the provision of paragraph 1 of the preceding Article.

2. The Minister of Health, Labour and Welfare may recommend the employer concerned to implement measures for securing employment for older persons in case he or she deems that said employer still commits a violation of the provision of paragraph 1 of the preceding Article even after having provided guidance and advice prescribed in the preceding paragraph.

(Promoter of Employment of Older Persons)

Article 11. Employers shall endeavor at all times, in accordance with Ministry of Health, Labour and Welfare Ordinance, to appoint persons responsible for the businesses aimed at improving working facilities and various other work conditions in order to promote the measures to secure employment for older persons.

CHAPTER III

Promotion, etc. of Re-employment of Older Persons, etc.

Section I. Promotion, etc. of Re-employment of Older Persons, etc. by the State

(Effective Promotion of Measures for Promotion, etc. of
Re-employment)

Article 12. In order to promote, etc. the re-employment of older persons, etc., the State shall pay due consideration to ensure that vocational guidance, employment placement, vocational training and other measures concerning older persons, etc. may be effectively linked in implementation.

(Development of Job Offers, etc.)

Article 13. In order to promote, etc. the re-employment of older persons, etc., the Public Employment Security Offices shall act to develop job offers, etc. in order to secure employment opportunities for older persons, etc. and shall also endeavor to collect information concerning job offers for and job applications by older persons, etc. and to provide such information to job applicants who are older persons, etc. and to employers.

(Guidance and Assistance for Those Seeking Workers,
etc.)

Article 14. The Public Employment Security Offices shall, when necessary for placing older persons, etc. in occupations suited to their abilities, give guidance on age and other conditions of job offers to those seeking workers.

2. The Public Employment Security Offices may give those who employ or seek to employ older persons, etc. the

necessary advice and other assistance on technical matters concerning the employment of older persons, etc., such as hiring, assignments, working equipment and/or environment.

Section II. Assistance, etc. of Re-employment of Older Persons,
etc. by Employers

(Measures for Assistance for Re-employment)

Article 15. In cases where older persons, etc. (restricted to those prescribed by Ministry of Health, Labour and Welfare Ordinance; hereinafter the same applies to this section) employed by employers are separated from their jobs due to dismissal (excluding dismissal due to reasons attributable to those persons themselves) and other reasons prescribed by Ministry of Health, Labour and Welfare Ordinance as the like, and when said older persons, etc. desire re-employment, those employers shall endeavor at all times to take necessary measures concerning assistance for re-employment of said older persons, etc., such as develop job offers (hereinafter referred to as “measures for assistance for re-employment”).

2. The Public Employment Security Offices shall, in relation to measures for assistance for re-employment which should be taken by employers under the provisions of the preceding paragraph, give necessary advice and other assistance in response to requests of said employers.

(Notification of Multiple Separation from Employment)

Article 16. An employer shall, in the event older persons, etc. employed by that employer in a number equal to or greater than the number prescribed by Ministry of Health, Labour and Welfare Ordinance are separated from their jobs due to dismissal, etc., report this to the Chief of the Public

Employment Security Office in advance, in accordance with Ministry of Health, Labour and Welfare Ordinance.

2. The calculation of the number of separated workers in a case under the preceding paragraph shall be made by the calculation method prescribed by Ministry of Health, Labour and Welfare Ordinance.

(Drafting a plan for assistance for job-seeking, etc.)

Article 17. Employers shall, in accordance with Ministry of Health, Labour and Welfare Ordinance, draft a plan, from the standpoint of promoting smooth re-employment, when older persons, etc. separate from their jobs due to dismissal (excluding dismissal due to reasons attributable to those persons themselves) and other reasons prescribed by Ministry of Health, Labour and Welfare Ordinance (hereinafter referred to as “dismissal, etc.”) desire to be employed, on matters prescribed by Ministry of Labour, Health and Welfare Ordinance as matters concerning the occupational experience of older persons, etc., occupational ability and other matters related to the re-employment of older persons, etc. concerned (excluding reasons for dismissal, etc.) as well as measures for re-employment assistance to be taken by employers (hereinafter referred to as “a plan for assistance for job-seeking”), and issue it to older persons, etc.

2. An employer who has drafted a plan for assistance for job-seeking under the provisions of the preceding paragraph shall appoint a person responsible for re-employment assistance from among his or her employees and have that person perform, under said plan, the business matters concerning assistance for re-employment of older persons, etc. connected with said plan in cooperation with the Public Employment Security Offices and in

accordance with Ministry of Health, Labour and Welfare Ordinance.

(Guidance, Advice and Recommendation)

Article 17-2. The Minister of Health, Labour and Welfare may give necessary guidance and advice to employers who commit a violation of the provision of paragraph 1 of the preceding Article.

2. The Minister of Health, Labour and Welfare may recommend the employer concerned to make reports for assistance for job-seeking and issue them to older persons, etc. connected to said plan for assistance for job-seeking, in case the employer still commits a violation of paragraph 1 of the preceding Article even after having received the guidance and advice prescribed by the preceding paragraph.

(Advice and Other Assistance for Workers Concerning the Plan for Assistance for Job-seeking)

Article 18. Workers who have received the plan for assistance for job-seeking may present said plan to the Public Employment Security Offices when applying for jobs at the Public Employment Security Offices.

2. The Public Employment Security Offices shall, when presented with a plan for assistance for job-seeking under the provisions of the preceding paragraph, consider the content of said plan and offer the advice concerning drafting a plan in writing that clarifies the occupational experiences, etc. and other assistance to said job applicants.

3. The Chief of the Public Employment Security Office may, if deemed necessary in offering advice and other assistance provided for in the preceding paragraph, request the employer that drafted said plan for assistance for job-seeking to offer

information and other necessary cooperation.

(Submitting the Reason for Recruitment and Hiring, etc.)

Article 18-2. When employers conduct labor recruitment and hiring, employers shall, in case an upper age limit is established for applying (limited to under 65 years old) for unavoidable reasons, clarify the reason concerned to the job-seeker pursuant to a method prescribed by Ministry of Health, Labour and Welfare Ordinance.

2. When the Minister of Health, Labour and Welfare deems it necessary with regard to the submission of the reason prescribed by the preceding paragraph or content of the reason concerned, he or she may request the employer to report, advise, guide or recommend to the employer.

(Measures for Retirement Preparation Assistance in the Case of Retirement upon Retirement Age, etc.)

Article 19. Employers shall endeavor at all times to take measures to provide older persons they employ assistance in acquiring necessary knowledge concerning life after retirement and other measures in order to assist them in making necessary preparations so that they may retire smoothly from occupational life according to their wishes after retirement upon reaching the retirement age or for other equivalent reasons.

Section III. Special Measures for Middle-aged and Older Unemployed Persons, etc.

(Issuance of Job-Application Pocketbooks for Middle-aged and Older Unemployed Persons, etc.)

Article 20. The Chief of the Public Employment Security Office shall issue job-application pocketbooks for middle-aged and older unemployed persons, etc. (hereinafter

referred to as “pocketbooks”) to middle-aged and older unemployed persons, etc. who come under all of the following items, upon application thereby:

- (1) that they have applied to the Public Employment Security Offices for a job;
- (2) that they are recognized as willing to engage in job-seeking activities in good faith and in earnest;
- (3) that they are recognized as in need of receiving the measures listed in each of the items of paragraph 1 of Article 23;
- (4) that, in addition to those matters listed in the preceding three paragraphs, they meet the requirements concerning their living conditions and other matters fixed by the Minister of Health, Labour and Welfare after obtaining the opinion of the Labour Policy Council.

(Terms of Validity of a Pocketbook)

Article 21. A pocketbook shall remain valid during the term fixed by Ministry of Health, Labour and Welfare Ordinance.

2. The Chief of the Public Employment Security Office may extend the term of validity of the pocketbook of a person who has received it for the period fixed by Ministry of Health, Labour and Welfare Ordinance, when the Chief deems that said person continues to face difficulties in finding employment after the lapse of the term of validity of the pocketbook referred to in the preceding paragraph and remains in need of the measures listed in each of the items of paragraph 1 of Article 23.

3. In fixing the terms to be fixed by Ministry of Health, Labour and Welfare Ordinance under the preceding two paragraphs, special consideration may be given to persons

residing in specified areas.

(Invalidation of a Pocketbook)

Article 22. When the Chief of the Public Employment Security Office has recognized that a person who received a pocketbook comes under any of the following items, the pocketbook shall be invalidated:

- (1) when such person has newly obtained stable employment;
- (2) when such person has ceased to meet any of the requirements listed in each of the items of Article 20;
- (3) apart from those matters listed in the preceding two items, when such person comes under requirements fixed by the Minister of Health, Labour and Welfare after obtaining the opinion of the Labour Policy Council.

2. In a case under the preceding paragraph, the Chief of the Public Employment Security Office shall notify the person who has received the pocketbook accordingly.

(Formulation of a Plan)

Article 23. The Minister of Health, Labour and Welfare shall formulate a plan to ensure that the measures listed in each of the following items are effectively linked and implemented in order to facilitate the employment of persons who have received pocketbooks:

- (1) vocational guidance and employment placement;
- (2) vocational training conducted by public vocational ability development facilities (including vocational training conducted by Polytechnic University);
- (3) training conducted by the State or local public bodies (excluding training listed in the preceding item) which is designed to facilitate the adaptation of unemployed persons to working environments or to enable them to acquire the

knowledge and skills necessary for employment (including training conducted by a person to whom the State or local public body has entrusted such training);

- (4) in addition to those matters listed in the preceding three items, those matters prescribed by Ministry of Health, Labour and Welfare Ordinance.

2. In formulating the plan referred to in the preceding paragraph, the Minister of Health, Labour and Welfare shall obtain the opinion of the Labour Policy Council.

(Instructions by the Chiefs of the Public Employment Security Offices)

Article 24. When the Chief of the Public Employment Security Office issues a pocketbook, the Chief shall instruct the person receiving a pocketbook to receive all or part of the measures listed in each of the items of paragraph 1 of the preceding Article based on the plan referred to in the same paragraph (hereinafter referred to as “employment promotion measures”) during the term of validity of a pocketbook, according to such person’s knowledge, skills, work experience and other conditions.

2. In extending the term of validity of a pocketbook for a person who has received it, the Chief of the Public Employment Security Office shall again instruct such person to receive all or part of the employment promotion measures during the extended term of validity of a pocketbook.

3. When the Chief of the Public Employment Security Office deems it necessary to increase the effectiveness of employment promotion measures for a person who has received instructions referred to in the preceding two paragraphs, the Chief may modify the instructions issued to such person.

(Responsibilities of the Agencies Concerned, etc.)

Article 25. The Employment Security Agencies, local public bodies and Employment and Human Resources Development Organization of Japan shall endeavor at all times to keep close mutual contact and to cooperate in order to achieve the smooth implementation of employment promotion measures for persons receiving the instructions referred to in paragraph 1 or 2 of the preceding Article.

2. A person who has received the instructions referred to in paragraph 1 or 2 of the preceding Article shall follow the guidance or instructions of the official implementing the employment promotion measures and shall also voluntarily endeavor at all times to find employment promptly.

(Payment of Allowance)

Article 26. The State and the prefectures may, during the term of validity of a pocketbook, pay an allowance, based on the provisions of the Employment Measures Law (Law No. 132 of 1966), to a person receiving employment promotion measures under the instructions referred to in paragraph 1 or 2 of Article 24, with a view to facilitating such person's job-seeking activities and stabilizing such person's livelihood.

(Employment Promotion Guidance Officer)

Article 27. Vocational guidance as an employment promotion measure shall be provided by employment promotion guidance officers under paragraph 1 of Article 9-2 of the Employment Security Law (Law No. 141 of 1947).

(Request for Reports)

Article 28. The Chief of the Public Employment Security Office may request a person receiving employment promotion measures under the instructions referred to in

paragraph 1 or 2 of Article 24 to submit reports on the status of his or her job-seeking activities.

(Measures in Specified Areas)

Article 29. With respect to middle-aged and older unemployed persons, etc. residing in specified areas, the Minister of Health, Labour and Welfare shall formulate a plan for the implementation of employment placement, vocational training, etc., the implementation of projects designed to increase employment opportunities and other matters necessary for promoting the employment of these persons, and shall take the necessary measures based on this plan.

Article 30. When the Minister of Health, Labour and Welfare deems it necessary to do so in view of the circumstances of employment of middle-aged and older unemployed persons, etc. in specified areas, the Minister of Health, Labour and Welfare may, with respect to public works projects planned and executed in said specified areas (meaning public-oriented construction and restoration projects planned and executed directly by the State, or with a grant of State funds, by the State and juridical persons established by special acts of establishment pursuant to special laws (limited to juridical persons specified by Cabinet Order for which all or most of the capital comes from investment by the State or for which the primary source of funds for expenses necessary for the operation of the projects comes from grants or subsidies from the State) (referred to as “the State, etc.” in the next paragraph), or by local public bodies, etc. pursuant to subsidies from the national treasury; hereinafter the same applies), fix a ratio for the total number of workers employed in these projects to the number of middle-aged and older unemployed persons, etc. out of that number (hereinafter

referred to as the “unemployment absorption ratio”), by occupation or area, according to the type of project.

2. The State, etc. or the local public body, etc. which plans and executes a public works project for which an unemployment absorption ratio has been fixed (including persons who execute these projects under subcontract or other contract with the State, etc. or the local public body, etc.; hereinafter referred to as the “primary body for a public works project, etc.”) shall at all times hire middle-aged and older unemployed persons, etc. in the number corresponding to the unemployment absorption ratio, pursuant to referrals by the Public Employment Security Offices.

3. In case it is difficult for the primary body for a public works project, etc. to hire, pursuant to referrals by the Public Employment Security Offices, middle-aged and older unemployed persons, etc. in the number required under the provisions of the preceding paragraph, that primary body may directly hire said number of hard-to-hire workers, upon receiving permission in writing from the Public Employment Security Offices.

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

Article 31. Apart from the matters provided for in this section, the issuing of pocketbooks, returning of pocketbooks and other necessary matters pertaining to pocketbooks, necessary matters pertaining to procedures for the instructions referred to in paragraph 1 or 2 of Article 24, and necessary matters pertaining to the absorption of middle-aged and older unemployed persons, etc. into public works projects shall be

prescribed by Ministry of Health, Labour and Welfare Ordinance.

CHAPTER IV

Deleted.

Articles 32 to 39. Deleted.

CHAPTER V

Securing Employment Opportunities for Those Retiring upon Reaching Retirement Age, etc.

(Measures Taken by the State and Local Public Bodies)

Article 40. In order to contribute to enriching the occupational lives of those who retired upon reaching the retirement age and other older retirees and to promoting their welfare, the State and local public bodies shall endeavor to counsel persons wishing for work that is temporary and short-term or work that consists of easy tasks stipulated in paragraph 1 of the following Article on employment, to foster organizations providing opportunities for work to meet such wishes, and to take other necessary measures for securing employment opportunities for them.

CHAPTER VI

Silver Human Resources Centers, etc.

Section I. Silver Human Resources Centers

(Designation, etc.)

Article 41. The prefectural governor may designate juridical persons (referred to as “older persons employment assistance corporations” in the following paragraph and paragraph 1 of Article 44) under Article 34 of the Civil Code established for the purpose of assisting in the employment and enabling the positive utilization of the abilities of those who retired upon reaching the retirement age and other older retirees by securing opportunities for temporary short-term work or other easy tasks (restricted to those prescribed by the Minister of Health, Labour and Welfare considering the status of labor demand and supply regarding said tasks and circumstances of dealing with said tasks, etc.; the same applies to the following Article) meeting their wishes and providing such opportunities to them systematically, and thereby contributing to the promotion of their welfare, which are deemed as conforming to the criteria listed below concerning the businesses stipulated in the following Article, as the persons, based on applications thereby, who are to carry out the businesses stipulated in this Article, with only a single such juridical person to be designated for each area (or, when deemed necessary for securing the smooth operation of the businesses stipulated in items 1 and 2 of the following Article, in accordance with the criteria prescribed by Ministry of Health, Labour and Welfare Ordinance, taking

into account the circumstances of opportunities for temporary short-term work in the areas and other circumstances, for two or more areas of cities, towns or villages as designated by the prefectural governor) of municipalities (including special districts; the same applies to Article 44). However, areas (if changes have been made to paragraph 2 or 4 of the same Article, then areas after changes have been made; hereinafter referred to as “designated areas of the association”) concerned with the designation in paragraph 1 of Article 44 related to persons who have received designation according to said paragraph (hereinafter referred to as “Silver Human Resources Center Association”) shall not be deemed as the areas concerned with the designation in this paragraph:

- (1) that plans relating to the implementation of the business concerning personnel, operating methods and other matters are deemed to be proper, and the person is deemed to have a sufficient financial and technical foundation to execute the plans reliably;
- (2) that, in addition to the matters provided for in the preceding items, it is recognized that the operation of the business will be executed properly and reliably and that the business will contribute to promoting the welfare of older persons.

2. The designation in the preceding paragraph shall not apply to older persons employment assistance corporations that possess as its members two or more persons (hereinafter referred to as “silver human resources centers”) that have received designation according to the same paragraph.

3. The prefectural governor shall, upon making the designation under paragraph 1, make public the name, address,

and location of the office of the Silver Human Resources Center as well as the specified area concerned with the designation.

4. Silver human resources centers shall submit a notice in advance to the prefectural governor when it seeks to alter the name, address, or location of the office.

5. The prefectural governor shall, when a notice prescribed in the preceding paragraph has been made, make public the matter(s) concerning said notice.

(Business, etc.)

Article 42. The silver human resources centers shall carry out the following businesses in the area(s) (hereinafter referred to as “designated areas of the centers”) related to the designation in paragraph 1 of the preceding Article:

- (1) to secure opportunities for temporary short-term work (except work pursuant to employment) or other work consisting of easy tasks (except work pursuant to employment) and provide such opportunities systematically to older retirees desiring them.;
- (2) to conduct free employment placement services for older retirees desiring temporary short-term work pursuant to employment or other work consisting of easy tasks (restricted to work pursuant to employment);
- (3) to conduct courses for older retirees aimed at providing them with knowledge and skills necessary for temporary short-term work or other work consisting of easy tasks;
- (4) in addition to the matters provided for in the preceding three items, to carry out necessary businesses concerning temporary short-term work or other work consisting of easy tasks for older retirees.

2. Silver Human Resource Centers may, in accordance

with Ministry of Health, Labour and Welfare Ordinance, provide the free employment placement services prescribed in item 2 of the preceding paragraph by notifying the Minister of Health, Labour and Welfare, notwithstanding the provisions in paragraph 1 of Article 33 of the Employment Security Law.

3. The provisions of Article 5-2 to Article 5-7; paragraph 3 and paragraphs 5 to 7 of Article 33-2; Article 33-5 to Article 34; Article 48 to Article 48-4; Article 51-2; and Article 65 to 67 of the Employment Security Law as well as the provisions of Chapter III of the Employment Measures Law shall apply to the free employment placement services provided for in the preceding paragraph, by regarding a silver human resources center as the person who conducts free employment placement services specified in the paragraph 7 of Article 4 of the Employment Security Law, or as the head of a facility specified in the each item of paragraph 1 of Article 33-2 of the same Law, or as an employment placement organization provided for in Article 2 of the Employment Measures Law and by regarding the notice under the provisions of the preceding paragraph as the notice provided for in paragraph 1 of Article 33-2 of the Employment Security Law. In this case, “the provisions in the same paragraph” in paragraph 3 of Article 33-2 of the Employment Security Law and “the provisions in paragraph 1” in paragraphs 5 and 7 of the same Law shall be read as “the provisions in paragraph 2 of Article 42 of the Law Concerning Stabilization of Employment of Older Persons.”

4. Aside from the provisions of the preceding two paragraphs, necessary matters concerning the free employment placement service prescribed in the paragraph 2 shall be prescribed by Ministry of Health, Labour and Welfare

Ordinance.

5. Silver human resources centers may, notwithstanding the provision in paragraph 1 of Article 5 in the Law for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers [Law No. 88 of 1985] (hereinafter referred to as “the Worker Dispatching Law”), conduct the general worker dispatching undertakings prescribed in item 4 of Article 2 of the Worker Dispatching Law (hereinafter referred to as “the general worker dispatching undertakings”) only for older retirees, who are its constituents, by submitting a notice to the Minister of Health, Labour and Welfare, as a business prescribed in item 4 of the paragraph 1, in accordance with Ministry of Health, Labour and Welfare Ordinance.

6. The general worker dispatching undertakings prescribed in the preceding paragraph do not apply to the provisions of paragraph 5 of Article 5; Article 7; paragraphs 1 and 3 of Article 8; Article 9; Article 10; paragraphs 3 and 4 of Article 11; paragraph 2 of Article 13; item 3 of paragraph 1 of Article 14; part 2 of section 2 of Chapter II; and Article 54 of the Worker Dispatching Law. Concerning the application of other provisions of the Worker Dispatching Law, Silver Human Resource Centers shall be deemed as the operator of general dispatching undertakings prescribed in item 6 of Article 2 of the Worker Dispatching Law and the notice prescribed in the preceding paragraph shall be deemed as the approval pursuant to the provision of paragraph 1 of Article 5 of the Worker Dispatching Law. In this case, the terms set forth in the middle column within the provisions of the Worker Dispatching Law set forth in the upper column of the following table shall be

replaced with the terms presented in the bottom column of the table.

7. Aside from the provisions of the preceding two paragraphs, necessary matters concerning the general worker dispatching undertakings prescribed in the provisions of paragraph 5 shall be prescribed by Ministry of Health, Labour and Welfare Ordinance.

(Business plans, etc.)

Article 43. Silver human resources centers shall, in accordance with Ministry of Health, Labour and Welfare Ordinance, prepare a business plan and a budget for every business year, and submit them to the prefectural governor. The same shall apply when it is to alter them.

2. Silver human resources centers shall, in accordance with Ministry of Health, Labour and Welfare Ordinance, prepare a business report and a settlement of accounts statement after the end of every business year, and submit them to the prefectural governor.

(Supervision and Orders)

Article 43-2. The prefectural governor may, within the limits necessary for the implementation of the provisions of this Section, give the silver human resources centers orders deemed necessary for supervision of the business stipulated in paragraph 1 of Article 42.

(Cancellation of Designation, etc.)

Article 43-3. When the silver human resources centers come under any one of the following items, the prefectural governor may cancel the designation under paragraph 1 of Article 41 (hereinafter referred to as “designation” in this Article):

Paragraph 2 of Article 5	Those who are to obtain approvals referred in the preceding paragraph	Those who are to conduct general worker dispatching undertakings by notifying pursuant to paragraph 5 of Article 42 of Law Concerning Stabilization of Employment of Older Persons [Law No.68 of 1971]
	Application form	Application form
Paragraph 3 of Article 5	Application form	Application form
Article 6	Cannot obtain approval referred in paragraph 1 of the preceding Article	Cannot conduct general worker dispatching undertakings with establishing new office for general worker dispatching undertakings
Item 4 of Article 6	Be cancelled approval for general worker dispatching undertakings, and said cancellation day	Be ordered to abolish general worker dispatching undertakings, and said abolition day
Paragraph 2 of Article 8	For those who obtained issuance of approval, said certificate of approval	For those who submitted application form pursuant to paragraph 2 of Article 5, documents in which stated the submission of said application, and matters prescribed by Ministry of Health, Labour and Welfare Ordinance
Paragraph 1 of Article 14	Can cancel approval referred in paragraph 1 of Article 5	Can order to abolish general worker dispatching undertakings, in case coming fall under Item 4 of Article 6 when starting general worker dispatching undertakings (Referred to general worker dispatching undertakings when conducting said undertakings with establishing more than two offices; hereinafter same shall apply), can order to abolish said general worker dispatching undertakings
Paragraph 4 of Article 26	With obtaining approval referred in paragraph 1 of Article 5	Paragraph 2 of Article 5
Item 4 of Paragraph 59	Paragraph 2 of Article 14	Article 14
Item 1 of Article 61	Application form prescribed in paragraph 2 of Article 5 (including the case applied mutatis mutandis to paragraph 5 of Article 10), documents prescribed in paragraph 3 of Article 5 (including the case applied mutatis mutandis to paragraph 5 of Article 10)	Application form prescribed in paragraph 2 of Article 5, documents prescribed in paragraph 3 of the same Article

- (1) when it is deemed that the business stipulated in paragraph 1 of Article 42 cannot be executed properly and reliably;
- (2) when there has been an improper act in connection with the designation;
- (3) when it has violated provisions of this Section or orders based on those provisions;
- (4) when it has violated the dispositions stipulated in the provision of the preceding paragraph;
- (5) when it has violated the conditions referred to in paragraph 1 of Article 53.

2. When, pursuant to the provisions of the preceding paragraph, the prefectural governor has cancelled the designation, he or she shall make this public.

Section II. Silver Human Resources Center Association

(Designation, etc.)

Article 44. The prefectural governor may designate older persons employment assistance corporations that possess as its members two or more silver human resources centers, which are deemed as conforming to the criteria listed in each of the items of paragraph 1 of Article 41 concerning the businesses stipulated in Article 42 applied *mutatis mutandis* to the following Article, as the persons, based on applications thereby, who are to carry out the businesses stipulated in Article 42 applied *mutatis mutandis* to the following Article, with only a single such corporation designated for each area including areas of cities, towns or villages deemed necessary in accordance with the criteria prescribed by Ministry of Health, Labour and Welfare Ordinance, taking into account the designated areas of the centers concerning silver human resources centers that are

members of said older persons employment assistance corporations and circumstances of opportunities for temporary short-term work in said areas and other circumstances. However, this designation shall exclude designated areas of the centers and designated areas of the association related to silver human resources centers that are not members of older persons employment assistance corporations which have applied for such designation from said areas of cities, towns and villages.

2. When a silver human resources center becomes a member of the Silver Human Resources Center Association, the Silver Human Resources Center Association shall so notify the prefectural governor at all times. When said notification has been made, designated areas of the association related to the Silver Human Resources Center Association and designated areas of the centers related to silver human resources centers shall be deemed the designated areas of the association related to the Silver Human Resources Center Association.

3. When a designation stipulated in paragraph 1 or a notification stipulated in the preceding paragraph has been made, the designation provided for in paragraph 1 of Article 41 related to silver human resources centers that are members of the Silver Human Resources Center Association concerning said designation or notification shall be invalidated.

4. The prefectural governor may, in cases where a notification stipulated in paragraph 2 has been made and the Silver Human Resources Center Association has made a request to change the designated areas of the association, change said designated areas of the association and establish said designated areas of the association and areas including areas of cities, towns and villages deemed necessary in accordance with the criteria

prescribed by Ministry of Health, Labour and Welfare Ordinance provided for in paragraph 1 as designated areas of the association related to the Silver Human Resources Center Association. However, said changes shall exclude designated areas of the centers and designated areas of the association from said areas of cities, towns and villages.

(Mutatis Mutandis Application)

Article 45. The provisions of paragraphs 3 to 5 of Article 41, Article 42 to 43-3 shall apply mutatis mutandis to the Silver Human Resources Center Association. In this case, “upon making the designation under paragraph 1” in the paragraphs 3 of Article 41 shall be read as “when a designation has been made as stipulated in paragraph 1 of Article 44, a change has been made in the designated areas of the association as provided for in paragraph 2 of the same Article, or a change has been made in the designated areas of the association as provided for in paragraph 4 of the same Article”; “location and the area connected with said designation” shall be read as “location and the area connected with said designation (if changes are made to said designation, then areas after changes have been made)”; “the area connected with the designation in paragraph 1 of the preceding Article (hereinafter referred to as “designated areas of the centers”)” in paragraph 1 of Article 42 shall be read as “the area connected with designation in paragraph 1 of Article 44 (if changes are made to paragraph 2 or 4 of the same Article, then areas after changes have been made)”; “paragraph 2 of Article 42” in paragraph 3 of the same Article shall be read as “item 2 of Article 42 applied mutatis mutandis to Article 45”; “only for older retirees, who are its constituents” in paragraph 5 of the same Article shall be read as “only for older retirees, who are its

constituents directly or indirectly”; “paragraph 5 of Article 42” in table of paragraph 6 of the same Article in paragraph 2 of Article 5 shall be read as “paragraph 5 of Article 42 of the same Article applied mutatis mutandis to Article 45 of the same Law”; “this section” in Article 43-2 shall be read as “Section II of Chapter VI”; “paragraph 1 of Article 42” shall be read as “paragraph 1 of Article 42 applied mutatis mutandis to Article 45”; “paragraph 1 of Article 41” in paragraph 1 of Article 43-3 shall be read as “paragraph 1 of Article 44”; “paragraph 1 of Article 42” of item 1 of the same paragraph shall be read as “paragraph 1 of Article 42 applied mutatis mutandis to Article 45”; “this section” in item 3 of the same paragraph shall be read as “Section II of Chapter VI”; “the preceding Article” in item 4 of the same paragraph shall be read as “the preceding Article applied mutatis mutandis to Article 45.”

Section III. National Silver Human Resources Center
Association
(Designation)

Article 46. The Minister of Health, Labour and Welfare may designate a juridical person under Article 34 of the Civil Code established for the purpose of contributing to the promotion of the welfare of older persons by promoting the positive utilization of the abilities of those who retired upon reaching the retirement age and other older retirees, while making efforts for the sound development of the silver human resources centers and Silver Human Resources Center Association, which are deemed as being able to carry out the businesses stipulated in the following Article properly and reliably, and as the person, based on applications thereby, who is

to carry out the businesses stipulated in said Article, with only a single such juridical person designated nationwide.

(Business)

Article 47. The person designated as provided for in the preceding Article (hereinafter referred to as the “National Silver Human Resources Center Association”) shall carry out the following businesses:

- (1) to conduct enlightenment activities concerning the business activities of silver human resources centers and Silver Human Resources Center Association;
- (2) to conduct training for persons engaged in the business activities of silver human resources centers and Silver Human Resources Center Association;
- (3) to act as liaison, make adjustments and provide guidance and other assistance concerning the business activities of silver human resources centers and Silver Human Resources Center Association;
- (4) to collect information and material regarding the business activities of silver human resources centers and Silver Human Resources Center Association and provide them to silver human resources centers and Silver Human Resources Center Association and other related persons;
- (5) in addition to the matters provided for in each of the preceding items, to carry out the business activities necessary for the sound development of silver human resources centers and Silver Human Resources Center Association and promotion of the active utilization of the abilities of those who retired upon reaching the retirement age and other retirees.

(Mutatis Mutandis Application)

Article 48. The provisions of paragraphs 3 to 5 of Article 41 and Articles 43 to 43-3 shall apply mutatis mutandis to the National Silver Human Resources Center Association. In this case, “the prefectural governor” in paragraphs 3 to 5 of Article 41 and Article 43 to 43-3 shall be read as “the Minister of Health, Labour and Welfare”; “paragraph 1” in paragraph 3 of Article 41 shall be read as “Article 46”; “location of the office as well as the specified area concerned with the designation” shall be read as “and location of the office”; “this section” in Article 43-2 shall be read as “Section III of Chapter VI”; “paragraph 1 of Article 42” shall be read as “Article 47”; “paragraph 1 of Article 41” in paragraph 1 of Article 43-3 shall be read as “Article 46”; “paragraph 1 of Article 42” in item 1 of the same Article shall be read as “Article 47”; “this section” in item 3 of the same paragraph shall be read as “Section III of Chapter VI”; and “the preceding Article” in item 4 of the same paragraph shall be read as “the preceding Article applied mutatis mutandis to Article 48.”

CHAPTER VII

Assistance by the State, etc.

(Assistance, etc. for Employers, etc.)

Article 49. In order to promote security of employment and the welfare of older persons, etc. (excluding those prescribed by Ministry of Health, Labour and Welfare Ordinance; hereinafter the same applies to this paragraph), the State may take the following measures and other measures to assist employers, workers and other related parties in accordance with the Basic Policy of Measures for Providing Employment Security for Older Persons, etc.:

- (1) to provide benefits to employers or employers' organizations that take measures that aim to contribute to expanding employment opportunities for older persons, etc. such as raising the retirement age, introducing a continuous employment system and assistance for re-employment;
- (2) to provide consultation and other assistance to employers and other related parties on technical matters concerning the employment of older persons, etc.;
- (3) to provide the necessary advice and instruction to workers to facilitate the planning of their occupational life in the period of older age.

2. The Minister of Health, Labour and Welfare shall entrust all or part of the businesses concerning the implementation of the measures stipulated in each item of the preceding paragraph to the Japan Organization for Employment of the Elderly and Persons with Disabilities (hereinafter referred

to as “the organization” in the following paragraph).

3. The organization may request employers to make reports on the necessary matters when carrying out the businesses related to the implementation of the measures stipulated in item 1 of paragraph 1 if considered necessary regarding said businesses.

(Research, etc. on Improving Employment Management)

Article 50. The State shall endeavor to conduct the necessary investigation and research and develop materials concerning matters including the expansion of the range of occupations of older persons and other improvements in employment management and the development and improvement of occupational ability with a view to contributing to the stabilization of employment of older persons and promotion of their welfare.

(Improvement, etc. of Facilities Performing Employment Placement, etc.)

Article 51. The State shall endeavor to improve facilities necessary for performing employment placement, etc. for older persons effectively.

2. In case the local public bodies, etc. take measures to promote the employment of older persons such as the establishment of facilities for performing counseling business concerning occupations for older persons, the State may give necessary assistance to them.

CHAPTER VIII

Miscellaneous Provisions

(Reporting of Employment Conditions)

Article 52. The employer shall prepare a report once a year to the Minister of Health, Labour and Welfare on the circumstances regarding the retirement age and continuous employment system and other matters concerning the employment of older persons in accordance with Ministry of Health, Labour and Welfare Ordinance.

2. In addition to the annual report referred to in the preceding paragraph, if considered necessary for the enforcement of this Law, the Minister of Health, Labour and Welfare may request employers, in accordance with Ministry of Health, Labour and Welfare Ordinance, to make reports on necessary matters concerning the circumstances prescribed in the same paragraph.

(Conditions on Designation)

Article 53. Conditions may be attached to a designation under the provisions of this Law, and those conditions may be altered.

2. The conditions under the preceding paragraph shall be limited to the minimum necessary for the certain implementation of matters relating to the designation concerned, and shall not be such as to impose unreasonable obligations on the person obtaining said designation.

(Transitional measures)

Article 53-2. When Cabinet Order or Ministry of Health, Labour and Welfare Ordinance are established, revised

or abrogated in accordance with the provisions of this Law, necessary transitional measures (including transitional measures on penal provisions) may be stipulated under Cabinet Order or Ministry of Health, Labour and Welfare Ordinance respectively, in connection with such establishment, revision or abrogation within limits rationally deemed to be necessary.

(Delegation of Authority)

Article 54. A part of the authority of the Minister of Health, Labour and Welfare stipulated by this Law may be delegated to directors of prefectural labour bureaus, in accordance with Ministry of Health, Labour and Welfare Ordinance.

2. The authority delegated to directors of prefectural labour bureaus stipulated in the preceding paragraph may be delegated to the Chiefs of the Public Employment Security Offices, in accordance with Ministry of Health, Labour and Welfare Ordinance.

CHAPTER IX

Penal Provisions

Article 55. A person who fails to make a report stipulated in paragraph 3 of Article 49 or makes a false report shall be punished with a fine of not more than five hundred thousand yen.

Article 56. In case 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 of the preceding Article with respect to the business of said juridical person or said natural person, the person who committed the violation shall be punished, and said juridical person or the natural person shall also be sentenced to the punishment under the same Article.

Article 57. A person (in the case of a juridical person, then its representative) who fails to make a notification stipulated in paragraph 1 of Article 16, or makes a false notification, shall be punished with a fine of not more than one hundred thousand yen.

Supplementary Provisions
(Law No. 103 of June 11, 2004)
(Excerpts)

(Date of Enforcement)

Article 1. This Law shall come into force from the date which shall be fixed by Cabinet Order no later than six months after the date of promulgation of this Law. However, the provisions stipulated in each of the following items shall come into force on the day established for each of said items:

- (1) provisions in Article 2 (excluding the revised provisions stipulated in the following item) and provisions in Article 3 of the Supplementary Provisions: April 1, 2005
- (2) revised provisions in Articles 9, 10 and 15, paragraph 1 of Article 16 and paragraph 1 of Article 17 of the Law Concerning Stabilization of Employment of Older Persons referred to in Article 2, the revised provision to add an Article after Article 53 of said Law, the revised provision to add three Articles to the Supplementary Provisions to said Law, and provisions in Articles 4 and 5 of the Supplementary Provisions to said Law: April 1, 2006

(Transitional Measures Concerning Older Persons
Vocational Experience Utilization Centers)

Article 3. In enforcing the provisions stipulated in item 1 of Article 1 of the Supplementary Provisions, with respect to juridical persons that have actually received designation pursuant to paragraph 1 of Article 32 of the Law Concerning Stabilization of Employment of Older Persons prior to revision (hereinafter referred to as “the former Law”) in accordance with Article 2, the provisions in Articles 32 to 36 of the former Law

shall remain effective after the enforcement of provisions stipulated in item 1 of Article 1 of the Supplementary Provisions.

2. In cases where the employer fixes the retirement age (limited to under 65 years old), until 31 March 2013, the employer shall endeavor to raise said retirement age, introduce or improve the continuous employment system, or conduct other necessary measures in order to secure stable employment for the older workers concerned until they reach age 65.

(Special provisions concerning measures for securing employment for older persons, etc.)

Article 4. Concerning the application of the provisions of paragraph 1 of Article 9 during a period set forth in the top column of the following table, in accordance with the criteria presented in the top column of the same table, “65 years old” in the same paragraph shall be read as terms presented in the bottom column of the same table respectively.

From April 1, 2006 to March 31, 2007	62 years old
From April 1, 2007 to March 31, 2010	63 years old
From April 1, 2010 to March 31, 2013	64 years old

(Transitional Measures Concerning Penal Provisions)

Article 4. The existing penal provisions shall apply for actions taken prior to the enforcement of the provisions stipulated in item 2 of Article 1 of the Supplementary Provisions.

Article 5. As the necessary preparation period for implementing the measures for securing employment for older persons, from the day after 3 years have passed since the

enforcement date of the provisions stipulated in item 2 of Article 1 of the supplementary provisions to the Law for revising the Law Concerning Stabilization of Employment of Older Persons [Law No. 103 of 2004] until the day stipulated in Cabinet Order, the employer may, when an agreement cannot be reached despite efforts to conclude the agreement stipulated in paragraph 2 of Article 9, designate standards concerning older persons who are targeted for the continuous employment system, and introduce the system based on said standards pursuant to employment regulations and others. In this case, the employer who introduced the system based on said standards is deemed to have implemented the measures stipulated in item 2 of paragraph 1 of Article 9.

2. With regard to the application of the provisions stipulated in the preceding paragraph concerning employers of small and medium-sized enterprises (refers to employers that regularly employ a number of workers that is equal to or less than the number prescribed by Cabinet Order), “three years” in the preceding paragraph shall be replaced with “five years.”

3. The Minister of Health, Labour and Welfare shall, by the date stipulated in paragraph 1 of Cabinet Order, consider the situation concerning the employment of older persons in small and medium-sized enterprises referred in the preceding paragraph, changes in the socioeconomic situation, among other things, pay due consideration to said Order, and implement the necessary measures based on the result of the consideration when deemed necessary.

(Transitional measures on the assistance for re-employment of older persons, etc. by employers, etc.)

Article 6. For the application of provisions of Article 15

to Article 17, until 31 March 2013, “dismissal (excluding dismissal due to reasons attributable to those persons themselves) and other reasons prescribed by Ministry of Health, Labour and Welfare Ordinance (hereinafter referred to as “dismissal, etc.”) in paragraph 1 of Article 15 shall be read as “retirement, dismissal (excluding dismissal due to reasons attributable to those persons themselves) and other reasons prescribed by Ministry of Health, Labour and Welfare Ordinance”; “dismissal, etc.” in paragraph 1 of Article 16 shall be read as “reasons prescribed in the preceding paragraph”; “by dismissal, etc.” in paragraph 1 of Article 17 shall be read as “by dismissal (excluding dismissal due to reasons attributable to those persons themselves) and other reasons prescribed by Ministry of Health, Labour and Welfare Ordinance (hereinafter referred to as “dismissal, etc.”). ”