Osaka Prefecture

Seven Points You Need to Know Before You Work in Japan

For Foreign Nationals!

This booklet provides you with peace of mind by teaching you the basic knowledge you need to know to work in Japan

Osaka Labor Consultation Center (Labor Environment Division, Employment Promotion Office, Department of Commerce, Industry and Labor, Osaka Prefectural Government)

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Introduction

Check your residence card

First, check if you can work in Japan or not！

* Immigration Control and Refugee Recognition Act

① **No restrictions on work**

② **Limited to the work based on your status of residence**

③ **Limited to the work based on your certificate of designation**

You can work.
Japan's "working rules" are applied.

④ **Working NOT allowed**

You can't work.

When you hope to work, you need permission for the changes of status of residence for permission to engage in an activity other than those permitted under the status of residence previously granted at the Immigration Bureau.

Introduction

“Notification Relating to the Organizations of Affiliation” is required

*Immigration Control and Refugee Recognition Act, Article 19-16

You must submit the notification relating to the organizations of affiliation when:

- You got employed
- You quitted a company
- You change your job (working for a different company)

*Mid to long-term residents are obliged to submit the notification to the Commissioner of the Immigration Services Agency by themselves.

If you don’t submit the notification, a fine of not more than 200,000 yen is to be imposed.

*If you submit a false notification, you are to be punished by imprisonment with work for not more than one year or a fine of not more than 200,000 yen.

Details on the “Notification Relating to the Organizations of Affiliation”

Category	Status of residence	When the notification required	Matters to be notified	Legal ground	Penal provisions
Notification Relating to the Organizations of Affiliation	Professor, Hihly skilled professional (1)-(c), (2)-(c) Business manager, Legal/accounting services, Medical services, Instructor, Intra-company transferee, Technical intern training, Student or Trainee	-Change in the name or location, or extinction of the organization where the activities set forth -Leaving or being transferred from the organization	The following ① to ⑦ of a mid- to long-term resident who submits the notification must be notified: ①Name ②Birth date ③Sex ④Nationality/region ⑤Address ⑥Residence card number ⑦Matters to be notified depending on the case	Immigration Control and Refugee Recognition Act, Article 19-16 Enforcement Regulation of the Immigration Control and Refugee Recognition Act, Article 19-15, Appended Table 3-3	Immigration Control and Refugee Recognition Act, Article 71-2-1 (false notification) Immigration Control and Refugee Recognition Act, Article71-5-3 (breach of notification duty)
	Highly skilled professional (1)-(a)(b), (2)-(a)(b), Researcher, Engineer /Specialist in humanities/ International services, Nursing care, Entertainer, Skilled labor" or "Specified skilled worker	-Change in the name or location or extinction of the organization with which the contract has been concluded, or termination of the contract -Concluding a new contract			

- Notification period: within 14 days of the date of the occurrence of the ground

- How to submit the notification:
  - Submitting on the Internet at the website of the Immigration Services Agency(User registration with the "E-notification system“ is required)
  - Directly bringing to the local immigration services office
  - Sending to the Tokyo Immigration Services agency by post

(Note) Please refer to the website below for the application form template
http://www.moj.go.jp/isa/applications/procedures/index.html

Appendix ： Notification of the Employment Status of Foreign Nationals

Employers (companies) also have duties

*Act on Comprehensive Promotion of Labor Measures, Article 28

If a company newly hires a foreign national or if a foreign national employed by the company separates from employment (quits the job), the company must submit a "Notification of the Employment Status of Foreign Nationals!"

If the company doesn't submit the notification, a fine of not more than 300,000 yen is to be imposed.

The notification must be submitted to Hello Work

When a company hires a foreign national, it is required for the company to confirm if the foreign national can legitimately work in Japan!
(such as his/her status of residence and its expiration date)

Case # 1

Working conditions and contracts

What should you do in such a case?

■ Point 1

1 Contract (promises) on working: “Labor Contract”

When you are employed by a company, you and your company conclude a “labor contract,” promises on working. A labor contract can be concluded orally, however, a written contract is highly recommended in principle, to prevent troubles.

*Labor Contracts Act, Article 6

2 Your company can’t change “working conditions” without your agreement

Your company can’t change your working conditions without your agreement.
The agreement between you and your company is necessary.

*Labor Contracts Act, Article 8

A labor contract (a contract for your work) is to be concluded only if you understand and accept all the working conditions.

■ Point 1

3 Notification of working conditions

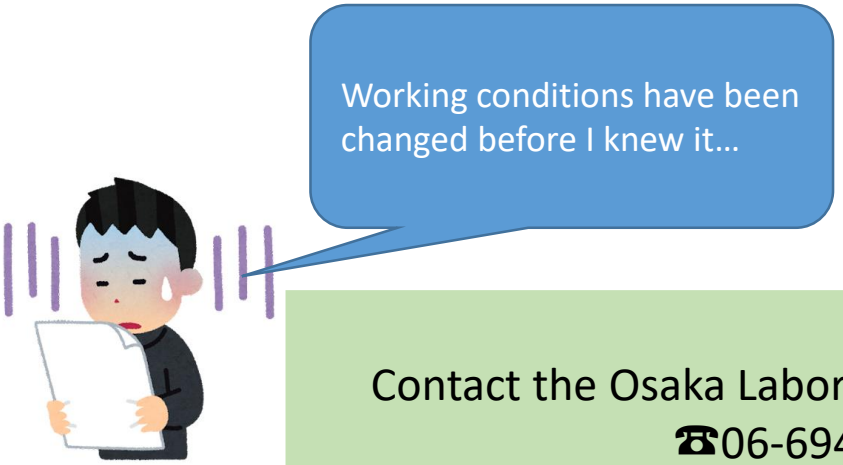
Your company must inform you (an employee) of the following six conditions in written form☆.

*Labor Standards Act, Article 15, Ordinance for Enforcement of the Labor Standards Act, Article 5.(1)

☆If you (an employee) hope, notification by fax, email, and social media are also available

①Your working period (From when to when you can work)
②Whether your labor contract can be continued or not
(whether your work period is fixed or not)
③Where you work and what kind of work you will be engaged in
④Your working hours, break time, and holidays
⑤Your wage amount and manner of payment
⑥Procedures and rules when quitting the company

For example, in such a case…



Contact the Osaka Labor Consultation Center！
☎06-6946-2600

Case # 2

Wages (Salary)

Your hourly wage is 1,100 yen.

I understood.

At the job interview

Pay Day

We will pay you 800 yen per hour because our company's performance has worsened.

What!?

What should you do in such a case?

■ Point 2

1 *Chingin* (Wages)

"*Chingin*" means wages, salary, allowances, bonuses, and anything else that are paid to workers as remuneration for labor, regardless of what it is called.

An employer must pay the wages ①by currency ②directly to you ③ in full amount④at least once a month ⑤ on a fixed date.

*Labor Standards Act, Article 11 and 24

2 Minimum Wages

An employer must pay every worker a wage of not less than the minimum wage amount that is stipulated by the law.

The minimum wage amount in Osaka Prefecture: **1,023 yen per hour**（Since October, 2022)

<u>If your wage is less than this amount, you can claim the payment of the balance to your company.</u>

* Minimum Wage Act, Article 4.(1)

For example, in such a case…

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Case # 3

Working hours

What should you do in such a case?

■ Point 3

1 Working hours

It means the hours you have promised to work in your “labor contract" with the company. You are obliged to work faithfully during those hours.
The upper limit of working hours is stipulated by the law.

2 “Statutory working hours”: Working hours stipulated by the law

Working hours per day: within 8 hours
（excluding break periods)
Working hours per week: within 40 hours
（ excluding break periods ）

*Labor Standards Act, Article 32

3 Breaks

The following break periods are necessary:

When working hours exceed 6 hours per day:
at least **45 minutes**
When working hours exceed 8 hours per day: at least **1 hour**

*Labor Standards Act, Article 34

Appendix: When an international student got permission to engage in part-time work

※Immigration Control and Refugee Recognition Act, Article 19-2

For example, when you have a residence status of “student” and work part-time with permission, your employer has to obey the following conditions:

-Labor hours per week: within 28 hours

-Labor hours per day during school closure such as summer holidays: within 8 hours

To obtain permission, please take the procedure at the immigration services bureau.

＜What are necessary for application:＞

- Application form
- Documents to clarify the activities for which you apply for the permit
- Residence card
- Visa or the certificate of your residence status

* Procedures are free of charge

For example, in such a case…

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Case # 4

Zangyou (Overtime work)

Do you understand and confirm your labor conditions and contracts (promises) correctly?

■ Point 4

1 *Zangyou* (Overtime work or Off-hours work)

Zangyou means that you work longer hours than you agreed in your contract. In such a case, your company is to pay you more wage than usual(premium wages). (There are exceptions.)

2 Premium wages

For example, if you work more than 8 hours per day/40 hours per week, you are to be paid by 1.25 times or more of usual wages. This is also applicable when you work midnight (from 10:00 pm to 5:00 am).
If you work on a day off, you are to be paid by 1.35 times or more of usual wages.

*Labor Standards Act, Article 37

For example, in such a case…

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Case # 5

Annual Paid Leave

My company grants annual paid leave only to full-time employees but not to part-time workers!

Really?

Is what the employer is saying correct?

■ Point 5

1 Annual Paid Leave

*Labor Standards Act, Article 39

You have a right to take leave whenever you hope, receiving your wages. This is stipulated by the law. All the employees meeting the conditions below are eligible including part-time workers.

Conditions: To take your paid leave, you must have worked for your company for 6 consecutive months and have been present at work for at least 80% of that period.
(→For example, if you work 5 days a week, you can take 10 days of paid leave per year.)

Reasons to take leave: You can take your paid leave without being asked the reasons.
(*However, if your leave impedes your company's normal operation, your company can make you change the days of your paid leave.)

For example, in such a case…

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Case # 6

Kaiko and Taishoku
(Dismissal and Resignation)

You're fired. You don't have to come from tomorrow.

What!? Why?

Can a company easily fire employees?

■ Point 6

1 *Kaiko* (Dismissal)

*Labor Contracts Act, etc.

Kaiko means that your company has ordered you to leave the workplace, however, the company can't dismiss you without legitimate reasons. Avoid immediately accepting the dismissal , and first ask about the reasons for it. (A company must provide at least 30 days' advance notice. Without this notice, the company must pay the worker the average wage they would earn working for a period of at least 30 days, the same length of time as the required notice.)

2 *Taishoku* (Resignation)

*Civil Code, Article 627, etc.

Taishoku means that you quit the company by your own volition. Non-fixed term workers (regular employees, for example) can leave their workplace two weeks after they have notified their company of their intention to resign.

Generally, fixed-term workers can't leave their workplace during the fixed period. However, if there are unavoidable reasons, you can quit your company.

(If you have legitimate reasons to quit, such as a serious illness, consult with the company. You might be liable for damages claimed by the company if you quit with insufficient reasons.)

Taishokukanshou (Encouragement to resign) is what it is called when your company request your early resignation or retirement. You can decide if you will resign or not. If you do not want to resign, inform the company of your intention clearly.

For example, in such a case…

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Case # 7

Workplace Harassment

My boss scolds and yells at me in front of everyone every day. I feel humiliated, scared and sad…

What should you do in such a case?

■ Point 7

1 Response to workplace harassment

*Act on Comprehensive Promotion of Labor Measures, etc.

The law stipulates that employers must respond to consultations about workplace harassment and take appropriate measures to solve the problem.

1. First, express your intention by saying, “Please stop it!!”

2. If you can’t solve the problem even after take the measure above, make a record (when and where what you are done and what you felt) and consult the company.

●Major harassment at workplace:

- Power harassment (violence, verbal abuse, not giving you work, etc.)
- Sexual harassment (touching your body, forcing a sexual relationship, talking about sexual topics, etc.)
- Maternity harassment, care harassment (harassment against pregnancy, childbearing, childrearing, long-term care, etc.)
- Discrimination against foreign nationals (rejecting certain people for their religion, culture, and not being Japanese, etc.)

For example, in such a case…

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☎06-6946-2600

When you are in trouble…

Contact the Osaka Labor Consultation Center！

TEL:06-6946-2600

※Reservation: in Japanese only

Other consultation centers

Consultation Details	Name	Tel	Address/Office hours
• Working conditions (Labor Standards Act –related)	Advisory Service for Foreign Workers	06-6949-6490	9F, Osaka Government Building No.2, 4-1-67 Otemae, Chuo-ku, Osaka City 9:30 am to 5:00 pm（except 12:00 pm to 1:00 pm） *English: Mon., Wed. and Fri, Portuguese: Wed. and Thurs. Chinese: Tue., Wed., Thurs. and Fri. Vietnamese: Fri.
• Employment counseling • Job placement service • Reference of job offers information	Osaka Employment Service Center for Foreigners	06-7709-9465	16F, Hankyu Grand Building, 8-47 Kakuda-cho, Kita-ku, Osaka City Monday to Friday, 10:00 am to 6:00 pm（except Sat., Sun. and national holidays） *English/Chinese/Portuguese: Mon. to Fri. Spanish: Tue. and Thurs., Vietnamese: 1st, 3rd, and 5th Wed. and Thurs. of each month Nepali: Wed.（Interpreters available from 1:00 pm to 6:00 pm) *If you need an interpreter, contact the office beforehand by phone)
	Hello Work Sakai Employment Service Corner for Foreigners	072-222-5049	1F to 3F, Sakai Local Government Building, 2-29 Minamikawaramachi, Sakai-ku, Sakai City(in the Hello Work Sakai) 1:00 pm to 5:00 pm *Chinese: Mon. and Tue., Portuguese: Thur., English: 2nd and 4th Wed. and Fri. *If you need an interpreter, contact the office beforehand by phone)
• Residence status • General matters related to your daily life such as labor and employment, medical care, welfare, and education	Osaka Foundation of International Exchange (OFIX) -Osaka Information Service for Foreign Residents-	06-6941-2297	5F, MyDome Osaka, 2-5 Hommachibashi, Chuo-ku, Osaka City Mon. and Fri. 9:00 am to 8:00 pm (except national holidays, appointment required after 5:30 pm) Tues., Wed. and Thurs.: 9:00 am to 5:30 pm (except national holidays) 2nd and 4th Sun. of each month: 1:00 pm to 5:00 pm *English, Chinese, Korean, Portuguese, Spanish, Vietnamese, Filipino, Thai, Indonesian and Nepali
• Human rights of foreign nationals	Ministry of Justice Foreign-language Human Rights Hotline	0570-090911	Weekdays (except yearend/new year holidays): 9:00 am to 5:00 pm *English, Chinese, Korean, Filipino, Portuguese, Vietnamese, Nepali, Spanish, Indonesian and Thai
	Osaka Bar Association Human Rights Hotline for foreign nationals	06-6364-6251	2nd and 4th Fri. of each month: 12:00 pm to 5:00 pm *English, Korean, and Chinese
• Consultation/guide about immigration procedure	Immigration information center for foreign nationals (Immigration Services Agency of Japan)	0570-013904 IP-phone, PHS 03-5796-7112	Weekdays: 8:30 am to 5:15 pm *English, Chinese, Korean, Spanish, Portuguese, Vietnamese, and Filipino

大阪府労働相談センター

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2022年4月発行