

For Dispatched Employees (Haken workers)

September 30, 2018 will mark three years since the revision to the Worker Dispatch Act in 2015. This revision was intended to enhance the career prospects and stabilize the employment of dispatched employees. A new system will apply to those applicable as we approach the three year anniversary since the revision. Please check the content of **1** to **3** below and use it for your future employment.

1 Time Limit Rule

Basically, you cannot work for more than three years at the same place of employment. If you undergo certain procedures, you can work at the same place of employment for more than three years, but you will need to transfer to a different “department.”

Target: Dispatched employees who have concluded or renewed a dispatched employee contract on or after September 30, 2015

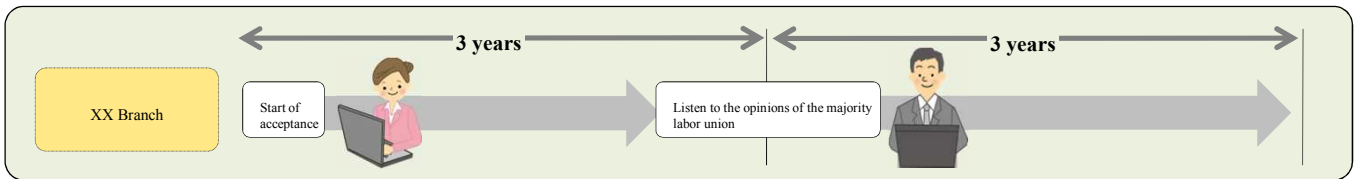
Content: The (1) place of employment unit and (2) individual unit time limit applies in all operations

**However, “dispatched employees employed indefinitely at their dispatch agency” and “dispatched employees of 60+ years of age” are not subject to this time limit.*

(1) Temporary Employer “Place of Employment Unit” Time Limit

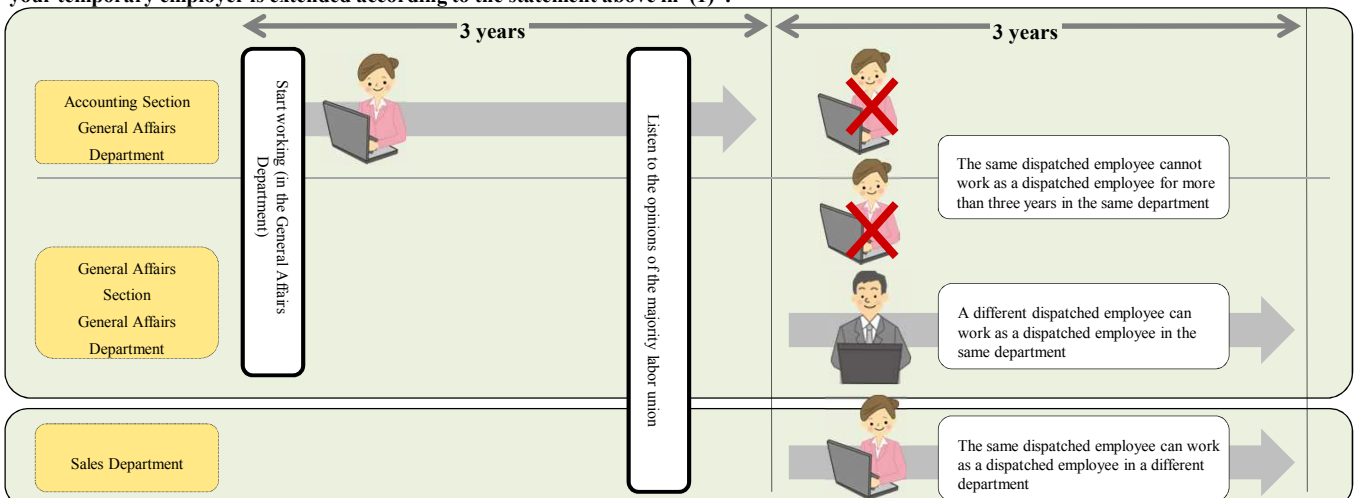
You cannot work as a dispatched employee for more than the possible period of temporary employment (three years from the acceptance of the new dispatched employee at the dispatched company) in the same place of employment of the dispatched company.

*However, you may be able to extend the possible period of temporary employment up to three years after the dispatched company listens to opinions from the majority labor union in the place of employment where the dispatched company belongs to.



(2) Dispatched Employee “Individual Unit” Time Limit

You cannot work as a dispatched employee for more than three years in the same organizational unit (assumed to be the so-called “department”) in the place of employment of the dispatched company even if the possible period of temporary employment of the “place of employment unit” in your temporary employer is extended according to the statement above in (1)*.



You can receive employment stabilization measures from your dispatch agency if you expect to be employed as a dispatched employee for three years continuously in the same “department” at the same place of employment.

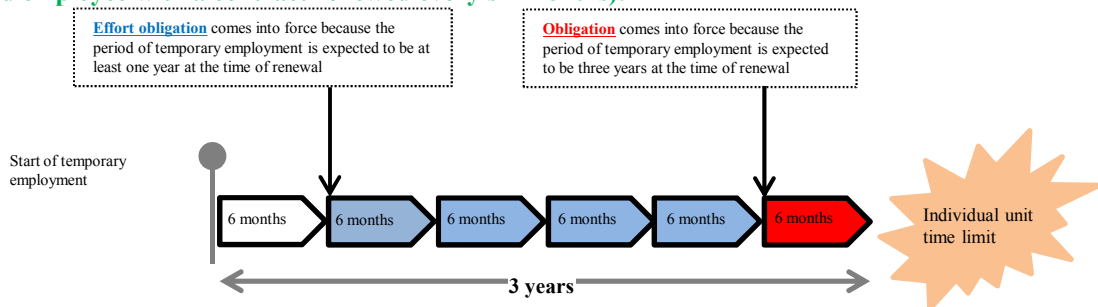
Target: **Dispatched employees who expect to be employed as dispatched employees for three years continuously in the same organizational unit (assumed to be the so-called “department”)**

Content: **This covers employment stabilization measures (obligatory) by the dispatch agency.**

*Those who expect to be employed as a dispatched employee for one year or more but less than three years are subject to an effort obligation.

*However, “dispatched employees employed indefinitely at their dispatch agency” and “dispatched employees who are above 60 years of age” are not subject to these employment stabilization measures.

► **Point in time when subject to employment stabilization measures (In the case of a fixed term dispatched employee with a contract renewed every six months):**



► **Content of the employment stabilization measures (Obligation and effort obligation):**

Obligation: The dispatch agency needs to take one of the measures between (1) and (4) below. In addition, if the agency takes the measure in (1) below and this does not lead to direct employment, it needs to take one of the measures from between (2) and (4) additionally.

Effort obligation: The dispatch agency needs to strive to take one of the measures from (1) to (4) below.

- (1) **Request direct employment to the temporary employer** (Become a full-time employee of the temporary employer if the temporary employer gives consent)
- (2) **Provide a new temporary employer** (Limited to reasonable conditions in light of the abilities and experience of the dispatched employee)
- (3) **Indefinite employment as a non-dispatched employee at the dispatch agency**
- (4) **Other measures to stabilize employment** (For example, make the dispatched employee subject to introductory scheduled temporary employment)

*The employment stabilization measures obligation will not lose its effectiveness until the obligation is appropriately executed by the dispatch agency or until the dispatched employee no longer wishes to continue employment.

Points to Remember

Points to Remember to Benefit from the Employment Stabilization Measures

- ☑ You need to request continued employment even after the end of your dispatch period to your dispatch agency to be eligible for employment stabilization measures. (Your dispatch agency will check whether you wish to continue employment through measures including career consulting and interviews.)
- ☑ You can request which one of the employment stabilization measures among (1) to (4) you would like your dispatch agency to take. (The dispatch agency will strive to take the employment stabilization measure you request for.)

Dispatched employees who have been dispatched illegally are deemed to have been offered a labor contract from their temporary employer. This is called the “Deemed Labor Contract Offering System.”

Target: Dispatched employees who have been dispatched illegally.

Content: If a temporary employer accepts a dispatched employee illegally, that employer may be considered to have offered a labor contract to that dispatched employee.

If a temporary employer accepts an employee who has been dispatched illegally as listed below anytime on and after October 1, 2015*¹, that employer shall be considered to have offered a labor contract with the same working conditions as the working conditions at the dispatch agency of that dispatched employee.*²

*1: This does not apply when the temporary employer was not at fault in not knowing and still not knowing that this would be applicable to illegal temporary employment.

*2: If the temporary employer is a national or local public body organization, employment and other appropriate measures must be taken based on the provisions in the National

Public Service Act and the Local Government Employee Act.

► Illegal temporary employment subject to the “Deemed Labor Contract Offering System”

- (1) When a temporary employer makes a dispatched employee engage in work prohibited for temporary employment.
- (2) When a temporary employer accepts temporary employment from an unlicensed organization.
- (3) When a temporary employer accepts temporary employment in violation of the time limit.*
- (4) When there is a so-called disguised contracting done with the purpose of avoiding the application of the provisions in the Worker Dispatch Act.

*For example, if a majority representative from whom opinions have been sought has not been selected by a democratic method (i.e. nomination by users), if there was an election without clarifying it was an election of a representative to extend the possible period of temporary employment, or if the procedures to extend the time limit of the place of employment unit in the temporary employer have not been performed appropriately, the Deemed Labor Contract Offering System shall apply because it can be treated as though opinions have not been listened to.

Points to Remember

Points to Remember in the “Deemed Labor Contract Offering System”

- In order to have the Deemed Labor Contract Offering System applied and to actually conclude the labor contract, the dispatched employee needs to accept the labor contract offer from the temporary employer.
- The offer of the labor contract from the temporary employer is effective for one year from the day on which the illegal temporary employment ends.
- You may seek advice from the Prefectural Labour Bureau on whether the temporary employment subject to the Labor Contract Offering System is illegal or not.

Please refer to the following materials posted on the website of the Ministry of Health, Labour and Welfare for details of the revised 2015 Worker Dispatch Act.

- Overview to the Revised 2015 Worker Dispatch Act
- Q&A on the Worker Dispatch Act Enforced on September 30, 2015

Details:

Worker Dispatch Act 2015 Revision

Search

[Contact] Prefectural Labour Bureaus

Labour Bureau	Division	Phone	Labour Bureau	Division	Phone
Hokkaido	Demand and Supply Adjustment Div.	011-738-1015	Mie	Demand and Supply Adjustment Dept.	059-226-2165
Aomori	Demand and Supply Adjustment Dept.	017-721-2000	Shiga		077-526-8617
Iwate		019-604-3004	Kyoto	Demand and Supply Adjustment Div.	075-241-3225
Miyagi	Demand and Supply Adjustment Div.	022-292-6071	Osaka	Demand and Supply Adjustment Div.1	06-4790-6303
Akita	Demand and Supply Adjustment Dept. (Jyukyu Chosei Jigyo Shitsu)	018-883-0007	Hyogo	Demand and Supply Adjustment Div.	078-367-0831
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Gunma		027-210-5105	Okayama	Demand and Supply Adjustment Dept.	086-801-5110
Saitama		Demand and Supply Adjustment Div. (Jukyu Chosei Jigyo Ka)	048-600-6211	Hiroshima	Demand and Supply Adjustment Div.
Chiba	043-221-5500		Yamaguchi	Demand and Supply Adjustment Dept. (Jyukyu Chosei Jigyo Shitsu)	083-995-0385
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	Demand and Supply Adjustment Div.2	03-3452-1474	Kagawa		087-806-0010
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Ishikawa		076-265-4435	Saga	Demand and Supply Adjustment Dept. (Jyukyu Chosei Jigyo Shitsu)	0952-32-7219
Fukui		0776-26-8617	Nagasaki		095-801-0045
Yamanashi		055-225-2862	Kumamoto		096-211-1731
Nagano		026-226-0864	Oita		097-535-2095
Gifu		058-245-1312	Miyazaki		0985-38-8823
Shizuoka		Demand and Supply Adjustment Div.	054-271-9980		Kagoshima
Aichi	Demand and Supply Adjustment Div.1	052-219-5587	Okinawa	Employment Security Div.	098-868-1637