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This English translation of the Industrial Safety and Health Act has been prepared (up to the revisions of Act No. 25 (Effective April 1, 2006) in compliance with the Standard Bilingual Dictionary (March 2006 edition).

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## **Industrial Safety and Health Act (Act No. 57 of 1972)**

### **Chapter I General Provisions**

#### **Article 1 (Purpose)**

The purpose of this Act is to secure, in conjunction with the Labor Standards Act (Act No. 49 of 1947), the safety and health of workers in workplaces, as well as to facilitate the establishment of comfortable working environment, by promoting comprehensive and systematic countermeasures concerning the prevention of industrial accidents, such as taking measures for the establishment of standards for hazard prevention, clarifying the safety and health management responsibility and the promotion of voluntary activities with a view to preventing industrial accidents

#### **Article 2 (Definitions)**

For the purpose of this Act, the terms listed in the following items shall be defined as follows:

- (i) "industrial accident" shall be defined as a case in which a worker is injured, contracts a disease or is killed due to causes attributable to buildings, facilities, raw materials, gases, vapors, dusts, etc., in or with which he is employed, or as a result of his work actions or attending to his duties;
- (ii) "worker" shall be defined as in Article 9 of the Labor Standards Act (excluding a person who is employed at an undertaking or office at

which only relatives who are living together are employed, and a housework employee.);

(iii) "employer" shall be defined as one who carries on an undertaking and employs a worker or workers;

(iii)-2 "chemical substance" shall be defined as an element or a compound;

(iv) "working environment measurement" shall be defined as measurement design, sampling and analysis (including analytical research) carried out on the atmospheric environment and other working environments in order to grasp the actual conditions of the working environment.

### **Article 3** (Responsibilities of Employer, etc.)

(1) The employer shall not only comply with the minimum standards for preventing industrial accidents provided for in this Act, but also endeavor to ensure the safety and health of workers in workplaces through creating a comfortable working environment and improving working conditions. He/She shall, furthermore, endeavor to cooperate in the measures for the prevention of industrial accidents to be taken by the State.

(2) A person who designs, manufactures or imports machines, instruments and other equipment, or one who manufactures or imports raw materials, or one who constructs or designs buildings, shall endeavor, in designing, manufacturing, importing or constructing them, to contribute to the prevention of the occurrence of industrial accidents caused by their use.

(3) An orderer of construction work, etc. who commissions work to others, shall consider not to impose on them conditions which may impede performing safe and healthy work in terms of construction methods, period, etc.

### **Article 4**

Workers shall, not only observe matters necessary for preventing industrial accidents, but also endeavor to cooperate in the measures pertaining to prevention of industrial accidents conducted by employers or other said parties.

### **Article 5** (Application of Provisions Related to the Employer)

(1) Where two or more employers, in a construction-related undertaking, happen to have contracted jointly for construction work to be carried out

at one site, they shall, as provided for by The Ordinance of the Ministry of Health, Labour and Welfare, appoint one of them as their representative and notify the Director of the Prefectural Labor Bureau accordingly.

- (2) Where the notification under the provisions of the preceding paragraph has not been given, the Director of the Prefectural Labor Bureau shall designate the representative.
- (3) The change of the representative set forth in the preceding two paragraphs shall not be valid unless notification is given to the Director of the Prefectural Labor Bureau.
- (4) In the case provided for in paragraph (1), this Act shall be applied by regarding such undertaking as an undertaking solely of the representative set forth in paragraph (1) or (2), the said representative alone as the employer in the said undertaking, and the workers engaged in the work in such undertaking as workers employed by the said representative alone.

## **Chapter II Industrial Accident Prevention Plan**

### **Article 6** (Formulation of an Industrial Accident Prevention Plan)

The Minister of Health, Labour and Welfare shall, after hearing the opinion of the Labor Policy Council, formulate a Plan which shall provide for the main measures for preventing industrial accidents and other important matters related to the prevention of industrial accidents (hereinafter referred to as "Industrial Accident Prevention Plan").

### **Article 7** (Alteration)

When the Minister of Health, Labour and Welfare finds it necessary taking into account the occurrence of industrial accidents and the effects of their countermeasures, he/she shall alter the Industrial Accident Prevention Plan after hearing the opinion of the Labor Policy Council.

### **Article 8** (Publication)

The Minister of Health, Labour and Welfare shall, when he/she has formulated an Industrial Accident Prevention Plan, make it public without delay. The same shall apply when he/she alters it.

### **Article 9** (Recommendations, etc.)

The Minister of Health, Labour and Welfare shall, when he/she finds it necessary for the adequate and smooth implementation of the Industrial

Accident Prevention Plan, make necessary recommendations or requests regarding matters concerning the prevention of industrial accidents to employers, employers' organizations, and other said persons.

### **Chapter III Organization for Safety and Health Management**

#### **Article 10 (General Safety and Health Manager)**

- (1) The employer shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, appoint a general safety and health manager for each workplace of the scale defined by Cabinet Order and have the said person direct the work of safety officers, health officers, or persons in charge of management of technical matters pursuant to the provisions of paragraph (2) of Article 25-2, and at the same time exercise overall management of the following matters:
  - (i) Matters pertaining to measures for the prevention of the dangers or health impairment of workers
  - (ii) Matters pertaining to the provision of education on the safety and health of workers
  - (iii) Medical examination and others for maintaining and promoting workers' health
  - (iv) Matters pertaining to the investigation of the causes of industrial accidents and the measures for preventing the recurrence of such accidents
  - (v) In addition to the matters listed in the preceding each item, services necessary for preventing industrial accidents provided for by the Ordinance of the Ministry of Health, Labour and Welfare.
- (2) The position of the general safety and health manager shall be filled with the person who exercises overall management over the execution of the undertaking at the said workplace.
- (3) The Director of the Prefectural Labor Bureau may, when he/she finds it necessary in order to prevent industrial accidents, make recommendations to the employer on the performance of the general safety and health manager.

#### **Article 11 (Safety Officer)**

- (1) The employer shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, appoint a Safety Officer from among those in possession of the qualification provided for by the Ordinance of the Ministry of Health, Labour and Welfare at each workplace of the scale and in the industries defined by Cabinet Order, and have the said

safety officer take charge of the technical matters related to safety among the matters listed in each item of paragraph (1) of the preceding Article. (In a case in which persons in charge of management of technical matters pursuant to the provisions of paragraph (2) of Article 25-2 are appointed, the matters listed in each item of paragraph (1) of the same Article shall not be applied.)

- (2) The Chief of the Labor Standards Office may, when he/she finds it necessary in order to prevent industrial accidents, order the employer to increase the number of safety officers or dismiss the current safety officer.

**Article 12** (Health Officer)

- (1) The employer shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, appoint a Health Officer in accordance with the classification of the work at the said workplace concerned from among those who have obtained a license from the Director of the Prefectural Labor Bureau or those in possession of the qualification provided for by the Ordinance of the Ministry of Health, Labour and Welfare, at each workplace of the scale defined by Cabinet Order, and have the said health officer take charge of the technical matters related to health among the matters listed in each item of paragraph (1) of Article 10. (In a case in which persons in charge of the management of technical matters pursuant to the provisions of paragraph (2) of Article 25-2 are appointed, the matters listed in each item of paragraph (1) of the same Article shall not be applied.)
- (2) The provisions of paragraph (2) of the preceding Article shall apply mutatis mutandis to a Health Officer.

**Article 12-2** (Safety and Health Promoter, etc.)

For workplaces other than those provided for by paragraph (1) of Article 11 and paragraph (1) of the preceding article, the employer shall appoint a Safety and Health Promoter (or a health promoter for workplaces other than those provided for by the Cabinet Order cited in paragraph (1) of Article 11) at the scale provided for by the Ordinance of the Ministry of Health, Labour and Welfare as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, and shall the safety and health promoter perform the functions set forth in the items of paragraph (1) of Article 10. (In case having appointed the person who manages the technical matters pursuant to the provisions of paragraph (2) of Article 25-2, excluding measures corresponding to those prescribed in each item of paragraph (1)

of the same Article, and in case of type of workplaces other than those provided for by paragraph (1) of Article 11 of the Cabinet Order, restricted to the health service).

**Article 13** (Industrial Physician, etc.)

- (1) The employer shall, at each workplace of the scale defined by Cabinet Order and as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, appoint an industrial physician from among medical doctors, and have the said person provide health care for workers and carry out other matters provided for by the Ordinance of the Ministry of Health, Labour and Welfare (hereinafter referred to as "health care, etc., for workers").
- (2) The industrial physician shall be a person who meets the requirements provided for by the Ordinance of the Ministry of Health, Labour and Welfare concerning the knowledge of medicine required to carry out health care, etc., for workers.
- (3) The industrial physician may make the necessary recommendations for workers regarding health care, etc., to the employer where it is deemed necessary to maintain the health of the workers.
- (4) Where the employer receives recommendations provided for in the preceding paragraph, he shall respect them.

**Article 13-2**

The employer shall endeavor to have a physician with the knowledge of medicine required to carry out health care, etc., for workers or a person provided for by the Ordinance of the Ministry of Health, Labour and Welfare to carry out all or a part of the health care, etc., for workers at workplaces not covered by paragraph (1) of the preceding article.

**Article 14** (Operations Chief)

For operations designated by Cabinet Order as those which require prevention control of industrial accidents, such as operations within high pressure rooms, the employer shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, appoint an Operations Chief in accordance with the classification of work, from among those licensed by the Director of the Prefectural Labor Bureau, or those who have finished the skill training course conducted by one registered by the Director of the Prefectural Labor Bureau, and have the said person direct the employees engaged in the said work and handle other matters provided for by the Ordinance of the Ministry of Health, Labour and Welfare.

**Article 15** (Overall Safety and Health Controller)

- (1) Among the employers with a contractor who carries out a part of the work in an undertaking executed at one place (where as there exists two or more contracts under which a part of the work in the undertaking is begun, there exist two or more such employers, employer who ordered the earliest contract; hereinafter referred to as the "Principal Employer"), one (hereinafter referred to as "Specified Principal Employer") who carries on an undertaking (hereinafter referred to as "Specified Undertaking") related to construction or other industries prescribed by Cabinet Order, shall, where workers employed by him/her and by his/her contractors (where the work in the said undertaking of the principal employer is carried out under subcontracts of several levels, subcontractors who are party to subsequent subcontractors shall be included; hereinafter referred to as "related contractors") perform work at the said place, appoint an overall safety and health controller in order to prevent industrial accidents which may occur as a result of the work carried out by these workers at the same place, and have him/her direct the work of Principal Safety and Health Supervisors, and at the same time exercise overall control over the matters provided for in each item of paragraph (1) of Article 30; provided that this shall not apply where the number of such workers does not reach the figure provided for by Cabinet Order.
- (2) The position of the overall safety and health controller shall be filled by a person who exercises overall control over the execution of the undertaking at the said place.
- (3) In the case provided for by paragraph (4) of Article 30, where the total number of workers stated in the said paragraph is equal to or above the figure prescribed by Cabinet Order, the designated employer shall appoint an overall safety and health controller in order to prevent industrial accidents which may occur as a result of the work carried out by these workers at the same place, and have the said person direct the work of principal safety and health supervisors. At the same time this person shall exercise overall control over the matters provided for in each item of paragraph (1) of Article 30; in this case, the provisions of paragraph (1) shall not apply to the specified employer and employers other than the specified employer.
- (4) In addition to the provisions of paragraph (1) and the preceding paragraph, in the case that the work prescribed by paragraph (1) of Article 25-2 is carried out under subcontracts of several levels, the

employer who has appointed an overall safety and health controller pursuant to paragraph (1) or the preceding paragraph shall have the overall safety and health controller direct the work of persons in charge of management of technical matters pursuant to the provisions of paragraph (2) of Article 25-2 as they apply mutatis mutandis to paragraph (5) of Article 30-3, and at the same time exercise overall control over the measures provided for in each item of paragraph (1) of Article 30.

- (5) The provisions of paragraph (3) of Article 10 shall apply mutatis mutandis to the execution of the business which falls under the overall safety and health controller. In this case, "the employer" in the said paragraph shall be read as "the employer who has appointed the overall safety and health controller."

**Article 15-2 (Principal Safety and Health Supervisor)**

- (1) Among the employers who have appointed overall safety and health controllers pursuant to the provisions of paragraph (1) or (3) of Article 15, the one who executes an undertaking belonging to construction or other industries prescribed by Cabinet Order shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, appoint a principal safety and health supervisor, from among those in possession of the qualification provided for by the Ordinance of the Ministry of Health, Labour and Welfare, and have the said person take charge of technical matters out of the matters listed in each item of paragraph (1) of Article 30.
- (2) The provision of paragraph (2) of Article 11 shall apply mutatis mutandis to the principal safety and health supervisor. In this case, "the employer" in the said paragraph shall be read as "the employer who has appointed the principal safety and health supervisor."

**Article 15-3 (Site Safety and Health Supervisor)**

- (1) Where the workers of a principal employer of a construction industry and the workers of a related contractor carry out work at one work site (excluding work sites where the number of such workers is less than that as provided for by the Ordinance of the Ministry of Health, Labour and Welfare and work sites where an overall safety and health controller must be appointed pursuant to the provisions of paragraphs (1) and (3) of Article 15), the principal employer shall appoint a site safety and health supervisor from among persons holding the qualifications provided for by the Ordinance of the Ministry of Health,

Labour and Welfare for each site contracted for work in order to prevent industrial accidents as a result of the work carried out by workers at the same site, and have that person supervise the one in charge of the provisions of each item of paragraph (1) of Article 30 and other matters provided for by the Ordinance of the Ministry of Health, Labour and Welfare at the said work site where the contracted work is executed.

- (2) In the case provided for by paragraph (4) of Article 30, where the number of workers exceeds the number provided for by the Ordinance of the Ministry of Health, Labour and Welfare for the said paragraph (excluding work sites where an overall safety and health controller must be appointed pursuant to the provisions of paragraphs (1) and (3) of Article 15), the specified employer who carries out a construction industry project shall appoint a site safety and health supervisor from among persons holding the qualifications provided for by the Ordinance of the Ministry of Health, Labour and Welfare for each site contracted for work in order to prevent industrial accidents as a result of the work carried out by workers at the same site, and have that person supervise the one in charge of the provisions of the items of paragraph (1) of Article 30 and other matters provided for by the Ordinance of the Ministry of Health, Labour and Welfare at the said work site where the contracted work is executed. In this case, the provisions of the preceding paragraph shall not apply to the specified employer or any other employer.

**Article 16** (Safety and Health Controller)

- (1) In the case of paragraph (1) or (3) of Article 15, a contractor who performs the said work himself/herself, other than the employer required to appoint the overall safety and health controller pursuant to these provisions shall appoint a safety and health controller and have the said person perform the liaison with the overall safety and health controller and other matters provided for by the Ordinance of the Ministry of Health, Labour and Welfare.
- (2) A contractor who has appointed a safety and health controller pursuant to the provisions of the preceding paragraph shall notify the employer (set forth in the same paragraph) of the fact without delay.

**Article 17** (Safety Committee)

- (1) The employer shall establish a safety committee at each workplace of the scale and in the industries defined by Cabinet Order, in order to have it investigate and deliberate on the following matters and submit its

opinion to the employer:

- (i) Matters pertaining to the basic measures for preventing dangers to workers
  - (ii) Matters pertaining to safety among the causes of industrial accidents and countermeasures to prevent its recurrence
  - (iii) In addition to the matters listed in preceding two items, important matters pertaining to prevention of workers from dangers.
- (2) The safety committee shall be composed of the members stated below, and the number of members under item (i) (hereinafter referred to as "item (i) member") shall be only one:
- (i) The general safety and health manager, or other person designated by the employer from among those who will exercise overall control over the execution of the undertaking at the said workplace, or those similar to the above.
  - (ii) One whom the employer designated from among safety officers.
  - (iii) One whom the employer designated from among the workers at the said workplace who possesses experience in safety
- (3) The member of item (i) shall chair the safety committee.
- (4) As regards the members other than the item (i) member, the employer shall designate those recommended by the trade union where there exists a trade union organized by a majority of workers at the said workplace or by those representing a majority of workers where there exists no trade union organized by a majority of workers.
- (5) Where a collective agreement concluded with the trade union organized by a majority of the workers at the said workplace provides for otherwise, the provisions of the preceding two paragraphs shall not apply to that extent.

#### **Article 18 (Health Committee)**

- (1) The employer shall establish a health committee at each workplace of the scale defined by Cabinet Order, in order to have it investigate and deliberate on the following matters and state its opinion to the employer:
  - (i) Matters pertaining to the basic measures for preventing worker' health impairment
  - (ii) Matters pertaining to the basic measures for maintaining and improving the health of workers
  - (iii) Matters pertaining to health among the causes of industrial accidents and countermeasures to prevent its recurrence
  - (iv) In addition to the matters listed in preceding three items, important

matters pertaining to prevention of workers' health impairment, and maintaining and improving the workers' health.

- (2) The health committee shall be composed of the members stated below, and the number of members under item (i) shall be only one:
  - (i) The general safety and health manager, or other person designated by the employer from among those who will exercise overall control over the execution of the undertaking at the said workplace, or those similar to the above.
  - (ii) One whom the employer designated from among health officers
  - (iii) One designated by the employer from among industrial physicians
  - (iv) One whom the employer designated from among the workers at the said workplace who possesses experience in health.
- (3) The employer may designate as a member of the health committee a working environment measurement expert in charge of working environment measurement employed at the said workplace.
- (4) The provisions of paragraphs (3) to (5) of the preceding Article shall apply mutatis mutandis to the health committee; in this case, "item (i) member" in paragraphs (3) and (4) of the said Article shall be read as "a member who is a person mentioned in item (i) of paragraph (2) of Article 18."

**Article 19** (Safety and Health Committee)

- (1) The employer may, where he has to establish the safety committee and the health committee pursuant to the provisions of Article 17 and the preceding Article, set up a safety and health committee in lieu of the respective committees.
- (2) The safety and health committee shall be composed of the members stated below, and the number of the members under item (i) shall be only one.
  - (i) The general safety and health manager, or other person designated by the employer from among those who will exercise overall control over the execution of the undertaking at the said workplace, or those similar to the above.
  - (ii) One whom the employer designated from among safety officers and health officers
  - (iii) One designated by the employer from among industrial physicians
  - (iv) One whom the employer designated from among the workers at the said workplace who possesses experience in safety.
  - (v) One whom the employer designated from among the workers at the said workplace who possesses experience in health.

- (3) The employer may designate as a member of the health committee a working environment measurement expert in charge of working environment measurement employed at the said workplace.
- (4) The provisions of paragraph (3) to (5) of Article 17 shall apply mutatis mutandis to the safety and health committee; in this case, "item (i) member" in paragraphs (3) and (4) of the said Article shall be read as "a member who is a person mentioned in item (i) of paragraph (2) of Article 19."

**Article 19-2** (Education etc. of Safety Officers, etc.)

- (1) The employer shall endeavor to provide education and training or the chance of receiving education and training to the safety officers, health officers, safety and health promoters, health promoters and others in charge of other functions for preventing industrial accidents in order to enhance their individual abilities to improve the safety and health control level at the workplace.
- (2) The Minister of Health, Labour and Welfare shall publish the guidelines for the appropriate and effective execution of the education and training set forth in the preceding paragraph.
- (3) The Minister of Health, Labour and Welfare may provide the necessary guidance to individual employers and organizations of employers under the guidelines in the preceding paragraph.

**Article 19-3** (State Assistance)

The State shall endeavor to provide consultation, information and other necessary support concerning health care, etc., for workers in order to contribute to maintaining the health of workers at the workplace as provided for in Article 13-2.

**Chapter IV Measures for Preventing the Dangers or Health Impairment of Workers**

**Article 20** (Measures to Be Taken by Employers, etc.)

The employer shall take necessary measures for preventing the following dangers:

- (i) Dangers due to machines, instruments and other equipment (hereinafter referred to as "machines, etc.")
- (ii) Dangers due to substances of an explosive nature, substances of a combustible nature and substances of an inflammable nature
- (iii) Dangers due to electricity, heat and other energy

**Article 21**

- (1) The employer shall take necessary measures for preventing any dangers arising from the following working methods: excavation, quarrying, cargo handling, lumbering, etc.
- (2) The employer shall take necessary measures for preventing dangers related to places from which workers could fall or where there are concerns about slides of sand or earth.

**Article 22**

The employer shall take necessary measures for preventing health impairment as follows:

- (i) Health impairment due to raw materials, gases, vapors, dusts, insufficient oxygen in air, pathogens, etc.
- (ii) Health impairment due to radiation, high temperatures, low temperatures, ultrasonic waves, noises, vibration, abnormal atmospheric pressure, etc.
- (iii) Health impairment due to operations such as gauge monitoring, precision work, etc.
- (iv) Health impairment due to exhaust fumes, waste fluid or solid wastes.

**Article 23**

The employer shall, respecting the buildings and other workshops where he employs workers, take necessary measures for the maintenance of passages, floor and stair areas, and also for ventilation, lighting, illumination, heating, and moisture prevention. In addition, the employer shall take necessary measures for rest, evacuation and sanitation, and also measures required for maintaining the health, morale and life of workers.

**Article 24**

The employer shall take necessary measures for preventing industrial accidents arising from the work actions or behavior of workers.

**Article 25**

The employer shall, where there exists an imminent danger of occurrence of an industrial accident, immediately stop the operation and take necessary measures to have the workers evacuate from the workshop.

## **Article 25-2**

- (1) The employer who carries out the work prescribed by Cabinet Order from among the works in the undertakings related to construction or other industries prescribed by Cabinet Order shall take the following measures in order to prevent the occurrence of industrial accidents where measures relating to the relief and protection of workers are taken against the occurrence of explosion, fire, etc.:
  - (i) Installation and management of machines, etc., required in relation to the relief and protection of workers
  - (ii) Training for necessary matters in relation to the relief and protection of workers
  - (iii) In addition to the matters listed in preceding two items, execution of necessary matters in relation to the relief and protection of workers in preparation for explosion, fire, etc.
- (2) The employer prescribed in the preceding paragraph shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, appoint a person in charge of technical matters from among the measures in each item of the said paragraph, from among those in possession of the qualification provided for by the Ordinance of the Ministry of Health, Labour and Welfare, and have the said person take charge of the said technical matters.

## **Article 26**

Workers shall, in response to the measures taken by the employer under the provisions from Articles 20 to 25 and of paragraph (1) of the preceding Article, observe the necessary matters.

## **Article 27**

- (1) The measures to be taken by the employer pursuant to the provisions of Articles from 20 to 25 and of paragraph (1) of Article 25-2, and the measures to be observed by the workers pursuant to the provisions of the preceding Article shall be prescribed by the Ordinance of the Ministry of Health, Labour and Welfare.
- (2) Consideration shall be given, in preparing the Ordinance of the Ministry of Health, Labour and Welfare set forth in the preceding paragraph, lest it should run counter to the principle of acts and ordinances concerning the prevention of what is closely related to industrial accidents, out of disasters of the general public including environmental pollution (meaning environmental pollution defined in paragraph (3) of Article 2 of the Basic Act on Environmental Pollution

Control (Act No. 91 of 1993).

**Article 28** (Publication of Technical Guidelines, etc.)

- (1) The Minister of Health, Labour and Welfare shall make public the technical guidelines for each industry and operation necessary to ensure the appropriate and effective implementation of measures which the employer is required to take pursuant to the provisions of Article from 20 to 25 and of paragraph (1) of Article 25-2.
- (2) The Minister of Health, Labour and Welfare shall give special consideration to middle-aged and aged workers in preparing the technical guidelines specified in the preceding paragraph.
- (3) The Minister of Health, Labour and Welfare shall make public guidelines for the employer who manufactures or treats the following chemical substances decided by the Minister of Health, Labour and Welfare in order to prevent the impairment of workers' health caused by the said chemical substances:
  - (i) chemical substances related to the recommendation pursuant to the provisions of paragraph (4) of Article 57-3 or the instruction pursuant to the provisions of paragraph (1) of Article 57-4; and
  - (ii) chemical substances other than those listed in the preceding item, which are likely to bring about cancer or other serious health impairment to workers.
- (4) The Minister of Health, Labour and Welfare may, when he/she finds it necessary when he has made public the technical guidelines or the guidelines for preventing the impairment of workers' health pursuant to the provisions of the paragraph (1) and the preceding paragraph, give necessary guidance, etc., on the said guidelines or technical guidelines to employers or their organizations.

**Article 28-2** (Investigation, etc. to Be Carried Out by Employer)

- (1) The employer shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, endeavor to investigate the danger or harm, etc., due to buildings, facilities, raw materials, gases, vapors, dust, etc., and those arising from work actions and other duties, and to take necessary measures prevent dangers or health impairment to workers, in addition to taking the measures provided for by the provisions pursuant to this Act or the orders based on the results of the said investigations.
- (2) The Minister for Health, Labor and Welfare shall make publish the necessary guidelines relating to the measures in the preceding paragraph to achieve appropriate and effective implementation thereof, in addition to those provided for in paragraphs (1) and (3) of the preceding Article.

- (3) The Minister of Health, Labour and Welfare may provide individual employers and organizations of employers with necessary guidance and assistance, etc., under the guidelines in the preceding paragraph.

**Article 29** (Measures to Be Taken by Principal Employers)

- (1) The principal employer shall give necessary guidance lest the related contractors and the workers employed by the related contractors should contravene the provisions of this Act or Ordinances issued thereunder with respect to the said work.
- (2) The principal employer shall, where he finds that the related contractors or workers employed by them have contravened the provisions of this Act or ordinances issued thereunder with respect to the said work, give the instruction necessary for rectification.
- (3) The related contractors or workers employed by the related contractors who have received the said instruction under the preceding paragraph shall follow the said instruction.

**Article 29-2**

At work sites with danger of soil collapse, etc., overturning of machines, etc., or other work sites provided for by the Ordinance of the Ministry of Health, Labour and Welfare, when work is carried out by workers employed by the related contractors, the principal employer shall give technical guidance and take other necessary measures to ensure that the said related contractors carry out appropriate measures to prevent danger at the said work sites.

**Article 30** (Measures to be Taken by Specified Principal Employers, etc.)

- (1) The specified principal employer shall, in order to prevent industrial accidents that may arise due to works being carried out at the same site by workers of principal employer and those of related contractors carrying out work at the same site, take necessary measures concerning the following matters:
- (i) Establishment and administration of a consultative organization
  - (ii) Liaison and coordination between related works
  - (iii) Inspecting tour in the work site
  - (iv) Guidance and assistance for the education conducted by the related contractors for the worker's safety and health
  - (v) The specified principal employer who is in a type of industry whose work sites usually differ depending upon works, and carries out undertakings prescribed by the Ordinance of the Ministry of Health,

Labour and Welfare shall prepare a plan relating to the work process and a plan relating to the arrangement of machines, equipment, etc., in the work site as well. Furthermore, this person shall provide guidance on measures to be taken based on this Act and the provisions of ordinances based thereon by contractors using the said machines, equipment, etc., in the execution of work.

- (vi) In addition to the matters listed in the preceding each item, necessary matters for preventing the said industrial accidents.
- (2) An original orderer for work in the specified undertaking (meaning one who places an order without receiving any orders for the said work from others, among orderers; hereinafter the same) who is other than the specified principal employer shall, where the workers employed by two or more contractors for the said work carry out operations at the said place and when he has given an order for the work in the specified undertaking to be carried out at the same place to two or more contractors, designate, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, one who is to take the measures provided for in the preceding paragraph from among the employers who are contractors and themselves carry out the said work. The same shall also apply to one who, being other than the specified principal employer, has contracted for the whole work in the specified undertaking to be carried out at the same place and has given an order for the said work to two or more contractors.
- (3) Where the designation pursuant to the provisions of the preceding paragraph is not made, the Chief of the Labor Standards Office shall designate.
- (4) Where the designation pursuant to the provisions either of paragraph (2) or of the preceding paragraph was made, the so-designated employer shall take the measures provided for in paragraph (1) in respect to all workers engaged in the execution of the work at the said place. In this case, the provisions of paragraph (1) shall not apply to the so-designated employer and other employers.

#### **Article 30-2**

- (1) The principal employer of the undertaking (excluding the specified undertakings) in the manufacturing industry or other industries provided for by the Cabinet Order, shall take measures to provide for liaison and coordination between related works and other necessary measures, in order to prevent industrial accidents that may arise due to works being carried out at the same site by the workers of principal

employer and those of related contractors.

- (2) The provision of paragraph (2) of the preceding Article shall apply mutatis mutandis to the original orderer of the work in the undertaking prescribed by the preceding paragraph. In this case, the term "the specified principal employer," "two or more works in the specified undertaking," "in the preceding paragraph," and "the whole work in the specified undertaking," each in paragraph (2) of the said Article, shall be deemed to be replaced with "the principal employer," "two or more works," "paragraph (1) of the following Article," and "the whole work," respectively.
- (3) In the case that the designation is not made pursuant to the provision of paragraph (2) of the preceding Article, which applies mutatis mutandis in the preceding paragraph, the Chief of the Labor Standards Office shall make the said designation.
- (4) In the case that the designation is made by the provisions of paragraph (2) of the preceding Article, which applies mutatis mutandis to paragraph (2), or by those of the preceding paragraph, the designated employer shall take measures specified in paragraph (1) in respect to all workers engaged in the execution of the work at the said place. In this case, the provision of the same paragraph shall not apply to the designated employer and employers other than the said designated employer.

### **Article 30-3.**

- (1) In the case that the work prescribed by paragraph (1) of Article 25-2 is carried out under subcontracts of several levels (excluding the case in paragraph (4) of this Article), the principal employer shall take measures listed in each item of paragraph (1) of the said Article in respect to all workers engaged in the execution of the work at the said place; in this case, the provisions of the said paragraph shall not apply to the said principal employer and employers other than the said employer
- (2) The provision of paragraph (2) of the Article 30 shall apply mutatis mutandis to the orderer of the work prescribed by paragraph (1) of Article 25-2. In this case, the term "the specified principal employer," "in the specified undertaking to be carried out at the same place to two or more contractors," "the measures provided for in the preceding paragraph," and "the whole work in the specified undertaking," each in paragraph (2) of the Article 30, shall be deemed to be replaced with "the principal employer," "in the undertaking to be carried out at the

same place to two or more contractors," "the measures provided for in each item of paragraph (1) of Article 25-2," and "the whole work," respectively.

- (3) In the case that the designation is not made by the provision of paragraph (2) of Article 30, which applies mutatis mutandis pursuant to the preceding paragraph, the Chief of the Labor Standards Office shall make the said designation.
- (4) In the case that the designation is made by the provisions of paragraph (2) of the Article 30, which applies mutatis mutandis to paragraph (2), or by those of the preceding paragraph, the designated employer shall take measures listed in each item of paragraph (1) of Article 25-2 for all workers engaged in the said work; in this case, the provisions of the said paragraph shall not apply to the designated employer and employers other than the said employer.
- (5) The provisions of paragraph (2) of Article 25-2 shall apply mutatis mutandis to the principal employer prescribed by paragraph (1) and to the designated employer in the preceding paragraph; in this case, the provisions of paragraph (2) of the said Article shall not apply to the said principal employer and the designated employer, and employers other than the said employers.

**Article 31** (Measures to be taken by an orderer)

- (1) When the orderer, who carries out the work from specified undertakings by oneself, has workers, employed by the contractors of the said orderer (where the said work is carried out under subcontracts of several levels, the parties to all the subcontracts subsequent to the contract of the contractor shall be included; this also applies Article 31-4) at the said worksite, use buildings, equipment and raw materials (hereinafter referred to as "buildings, etc."), the said orderer shall take necessary measures for preventing industrial accidents among the said workers in respect to the said buildings, etc.
- (2) The provisions of the preceding paragraph shall (where there exist two or more orderers who are to take the measures under the said paragraph in respect to the same buildings, etc., owing to the work in the said undertaking being carried out under subcontracts of several levels) not apply to the orderers who are the parties to the subsequent subcontracts.

**Article 31-2**

The orderer of works for alteration of facilities manufacturing or

handling chemical substances or preparations containing chemicals and defined by the Cabinet Order, or other works as provided for by the Ordinance of Ministry of Health, Labour and Welfare, shall take necessary measures concerning said substances to prevent workers of contractors of the said works from industrial accidents.

**Article 31-3**

- (1) When the workers of two or more employers carrying out construction undertakings execute work at one work site with machine which is specified by Ministry of Health, Labour and Welfare Ordinance (hereinafter referred to as "specified undertaking" in this Article), of the orderer who carries out the work of the specified undertaking by himself/herself or the person has contracted the whole of the said work, the one who gives a contract on the part of the said work, shall take the necessary measures for preventing industrial accidents to all of the workers engaged in the specified undertaking at the said work site.
- (2) Where there is no party responsible for taking measures under the provisions of the preceding paragraph, the principal employer performing a construction industry business who makes contractors execute all of the work involving the specified undertaking at the said work site or the employer performing a construction industry business who is specified pursuant to the provisions of paragraph (2) or (3) of Article 30 shall give the necessary consideration for preventing industrial accidents to all of the workers engaged in the specified undertaking at the said work site such as nominating a party to carry out the measures designated in the preceding paragraph.

**Article 31-4 (Prohibition of Illegal Instruction)**

The orderer shall not instruct the contractor to direct his/her workers to work in contravention to the provisions of this Act or the ordinances based on it in respect to the said undertaking.

**Article 32 (Measures to Be Taken by Contractors, etc.)**

- (1) In the case of paragraph (1) or (4) of Article 30, contractors, other than the employer who is to take the measures provided for in paragraph (1) of the said Article, who themselves carry out the said work, shall take necessary measures in accordance with those taken pursuant to these provisions.
- (2) In case of paragraph (1) or (4) of Article 30-2, the contractor other than the employer who is to take measures provided for in paragraph

- (1) of the same Article, who carries out the said work by oneself, shall take necessary measures in accordance with the measures taken pursuant to these provisions.
- (3) In case of paragraph (1) or (4) of Article 30-3, the contractor other than the employer who is obliged to take measures in each item of paragraph (1) of Article 25-2, who carries out the said work by oneself, shall take necessary measures in accordance with those taken pursuant to the provisions of paragraph (1) or (4) of Article 30-3.
- (4) In the case of paragraph (1) or (4) of Article 30, paragraph (1) or (4) of Article 30-2, or paragraph (1) of Article 31, workers shall abide by the necessary matters in accordance with the measures taken pursuant to the said provisions or the provisions of the preceding three paragraphs.
- (5) In case of Article 31-2, the contractor involved in the work provided for in the said Article shall take necessary measures in accordance with the measures taken pursuant to the provisions of the said Article.
- (6) In case of paragraph (1) or (4) of Article 30, paragraph (1) or (4) of Article 30-2, paragraph (1) or (4) of Article 30-3, paragraph (1) of Article 31, or Article 31-2, workers shall observe the necessary matters in accordance with the measures taken pursuant to these provisions or each provision of the preceding paragraphs.
- (7) The contractor set forth in paragraph (1) through (5) and the workers set forth in the preceding paragraph, shall follow the instructions given by the specified principal employer, etc., set forth in paragraph (1) of Article 31, the principal employers, etc., set forth in paragraph (1) of Article 31-2 or paragraph (1) of Article 30-3, the orderer set forth in paragraph (1) of Article 31 or Article 31-2, and the orderer or contractors set forth in paragraph (1) through (5), with a view to ensuring the implementation of the measures under the provisions of paragraph (1) or (4) of Article 30-3, or paragraph (1) of Article 31, or Article 31-2, or paragraph (1) through (5).

**Article 33** (Measures, etc., to Be Taken by Machine Lessors, etc.)

- (1) A person who leases machines, etc., which are defined by Cabinet Order, to other employers and as provided for by the Ordinance of the Ministry of Health, Labour and Welfare (hereinafter referred to as "machine lessor") shall take necessary measures in order to prevent industrial accidents due to the said machines, etc., at the workplace of the employer to whom the said machines, etc., have been leased.
- (2) A person who accepted the lease of machines, etc., from a machine

lessor shall, where the person who operates the said machines, etc., is not a worker employed by the individual, take necessary measures in order to prevent industrial accidents due to the said operation of the machines, etc.

(3) A person who operates the machines, etc., as set forth in the preceding paragraph, shall abide by the necessary matters in accordance with the measures which the person who accepted the lease of machines, etc., has taken pursuant to the provisions of the same paragraph.

**Article 34** (Measures to Be Taken by Building Lessors)

A person who offers to other employers the lease of buildings defined by Cabinet Order (hereinafter referred to as "building lessor") shall take necessary measures in order to prevent industrial accidents due to the said buildings related to the undertaking of the employer who accepted the lease of the said buildings. However, this shall not apply where the whole of the said buildings is leased to one employer.

**Article 35** (Labeling of Weight)

A person who is to forward a piece of cargo which weighs one ton or more shall label its weight on the said cargo by an ostensive and not easily erasable method; provided that this shall not apply when forwarding an unpackaged cargo the weight of which is clear at a glance.

**Article 36** (Commission to Ordinance of the Ministry of Health, Labour and Welfare)

The measures to be taken pursuant to the provisions of paragraph (1) or (4) of Article 30, paragraph (1) or (4) of Article 30-2, paragraph (1) or (4) of Article 30-3, paragraph (1) of Article 31, Article 31-2, paragraph (1) through (5) of Article 32, paragraph (1) or (2) of Article 33, or Article 34, by parties mentioned in these provisions, and the matters to be observed pursuant to the provisions of paragraph (6) of Article 32 or paragraph (3) of Article 33 by parties mentioned in these provisions, shall be prescribed by Ordinance of the Ministry of Health, Labour and Welfare.

**Chapter V Regulations concerning Machines, etc. and Harmful Substances**

**Section 1 Regulations concerning Machines**

**Article 37** (Permission for Manufacturing)

- (1) A person who is to manufacture machines, etc., listed in Appended Table 1 as requiring specially dangerous operations, and also specified by Cabinet Order (hereinafter referred to as "specified machines, etc."), shall obtain in advance permission from the Director of the Prefectural Labor Bureau as provided for by the Ordinance of the Ministry of Health, Labour and Welfare.
- (2) The Director of the Prefectural Labor Bureau shall, when an application for the permission set forth in the preceding paragraph was submitted, examine the said application and shall not give permission unless he finds that the structure of the specified machines, etc., related to the said application complies with the standards provided for by the Minister of Health, Labour and Welfare.

**Article 38** (Manufacturing Inspection, etc.)

- (1) A person who has manufactured or imported specified machines, etc., or who is to install specified machines, etc., which have not been installed for the period provided for by the Ordinance of the Ministry of Health, Labour and Welfare, or who is to reinstall or to resume the use of specified machines, etc., the use of which has been discontinued, shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, have the said specified machines, etc., and the matters provided for by the Ordinance of the Ministry of Health, Labour and Welfare in relation thereto inspected by one of the following (a) or (b):

- (a) the Director of the Prefectural Labor Bureau, if the said specified machines, etc., do not belong to specially specified machines, etc., (meaning those designated among specified machines, etc., by the Ordinance of the Ministry of Health, Labour and Welfare, hereinafter the same).

- (b) those who were registered by the Minister of Health, Labour and Welfare (hereinafter referred to as a "registered manufacturing inspection, etc., agency"), if the said specified machines, etc., belong to specially specified machines, etc.

However, this does not apply when a manufacturer in a foreign country has received an inspection of the said specified machines, etc., under the provisions of the following paragraph for the imported specified machines, etc., and other related matters covered by the Ordinance of the Ministry of Health, Labour and Welfare (referred to as "machines, etc., to be inspected at the time of import, etc." in the following paragraph).

- (2) In addition to the cases referred to in the preceding paragraph, in the case of the following items, a person who has manufactured a specified machine, etc., in a foreign country may, pursuant to the Ordinance of the Ministry of Health, Labour and Welfare, have the machines, etc., to be inspected at the time of import, etc. undergo the inspection by:

- the Director of the Prefectural Labor Bureau if the said specified machine does

- not belong to specially specified machines, etc., or;
- a registered manufacturing inspection, etc., agency, if the said specified machine belongs to specially specified machines, etc.
- (i) When the said specified machine, etc., is intended for export to Japan
  - (ii) When the person who has imported the specified machines, etc., is independent from the person who has manufactured the specified machines (in this item referred to as the "third party"), etc., in a foreign country, and the said manufacturer does not wish to have the inspection provided for in the preceding paragraph carried out in relation to the said third party.
- (3) A person who has installed specified machines, etc., (excluding movable ones), or one who has effected any change upon the parts provided for by the Ordinance of the Ministry of Health, Labour and Welfare of specified machines, etc., or one who is to resume the use of specified machines, etc., the use of which has been discontinued, shall have the said specified machines, etc., as well as the matters provided for by the Ordinance of the Ministry of Health, Labour and Welfare in relation thereto inspected by the Chief of the Labor Standards Office, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare.

**Article 39** (Issue of Inspection Certificate, etc.)

- (1) The Director of the Prefectural Labor Bureau or a registered manufacturing inspection, etc., agency shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, issue the inspection certificate for the movable specified machines, etc. which have passed the inspections set forth in paragraph (1) or (2) of the preceding article (hereinafter referred to as "manufacturing inspection, etc.").
- (2) The Chief of the Labor Standards Office shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, issue the inspection certificate for the specified machines, etc., which have passed the inspection concerning the installation of the specified machines, etc., in that set forth in paragraph (3) of the preceding article.
- (3) The Chief of the Labor Standards Office shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, endorse the inspection certificate of the specified machines, etc., which have passed the inspection concerning the partial alteration or the resumption of the use of the specified machines, etc. in the inspection set forth in paragraph (3) of the preceding article.

**Article 40** (Restriction of Use, etc.)

- (1) The specified machines, etc., for which the inspection certificate provided for in paragraph (1) or (2) of the preceding article (hereinafter referred to as "inspection certificate") has not been issued (including specified machines, etc.,

which must have the inspections for the partial alteration or the resumption of the use covered by the provision of paragraph (3) of Article 38, but for which the inspection certificates has not been endorsed as provided for in paragraph (3) of the preceding article) shall not be used.

- (2) The specified machines, etc., in respect to which a certificate is issued shall neither be transferred nor leased unless accompanied by the certificate.

**Article 41** (Valid Term of Inspection Certificate, etc.)

- (1) The valid term of the inspection certificate (where the valid term of the certificate is renewed pursuant to the provisions of the following paragraph, the valid term so renewed) shall be as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, according to the kind of specified machines, etc.
- (2) A person who intends to obtain a renewal of the valid term of the inspection certificate shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, undergo, in respect to the said specified machines, etc., and the related matters provided by the Ordinance of the Ministry of Health, Labour and Welfare, the performance inspection conducted by an agency registered by the Minister of Health, Labour and Welfare (hereinafter referred to as "registered performance inspection agency").

**Article 42** (Restrictions on Transfer, etc.)

Among machines, etc., other than specified machines, etc., which are listed in Appended Table 2, or require dangerous or harmful operations, or are used in a dangerous place, or used for preventing danger or health impairment, those defined by Cabinet Order shall not be transferred, leased or installed unless they conform to the construction code provided for by the Minister of Health, Labour and Welfare or are equipped with safety apparatus designated by the Minister of Health, Labour and Welfare.

**Article 43**

Machines, etc., driven by power which are not equipped with protective measures provided for by the Ordinance of the Ministry of Health, Labour and Welfare on projecting parts of moving parts, power transmission sections or speed regulatory sections shall neither be transferred nor be leased, and shall not be exhibited with a view to transfer or lease.

**Article 43-2.**

When the manufacturer or the importer of the machines, etc., specified in Article 42 has transferred or leased the said machines, etc., falling under any one of the following items to any other party, the Minister of Health, Labour and Welfare or

the Director of the Prefectural Labor Bureau may order such manufacturer or importer to recall or improve the machines, etc., or provide the information provided for by the Ordinance of the Ministry of Health, Labour and Welfare to those using the machines, etc., or take the necessary measures for preventing industrial accidents which may be caused by using such machines, etc.:

- (i) Those machines, etc., whose indications attached are according to, or whose indications attached are likely to be confused with the provision of item (iv) of the following article, neglecting the provision of paragraph (5) of the following article
- (ii) Those machines, etc., which have passed the type examinations provided for in paragraph (3) of Article 44-2 but are not conforming to the requirements concerning the standards or the safety devices (referred to as "the standards, etc." in item (iv)) designated by the Minister of Health, Labour and Welfare according to the provision of Article 42
- (iii) Those machines, etc., whose indications attached are according to, or whose indications attached are likely to be confused with the provision of paragraph (5) of Article 44-2, violating the provision of paragraph 6 of Article 44-2
- (iv) Those machines, etc., other than those designated by paragraph (1) of Article 44-2 which are not conforming to the requirements concerning the standards, etc.

**Article 44** (Individual Examination)

- (1) Among the machines, etc., prescribed in Article 42 (excluding machines, etc., prescribed in paragraph (1) of Article 44-2), a person who has manufactured or imported those listed in Appended Table 3 and prescribed by Cabinet Order, shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, undergo an individual examination, in respect of the said machines, etc., conducted an agency registered by the Minister of Health, Labour and Welfare (hereinafter referred to as "registered individual examination agency").
- (2) Notwithstanding the provision of the preceding paragraph, when the importer of the machines, etc., set forth in the preceding paragraph is the third party (hereinafter referred to as the "third party") other than the manufacturer in the exporting country (hereinafter referred to as the "foreign manufacturer"), and the foreign manufacturer does not wish to have its exported machines, etc., inspected by the importer as the third party, the foreign manufacturer may have its exported machines, etc., undergo the certification examinations given independently by a registered individual examination agency according to the Ordinance of the Ministry of Health, Labour and Welfare. The said provision shall not be applied to the importer of the machines, etc., when the above individual examinations have been made.

- (3) When the application for the examination provided for in the preceding two paragraphs (hereinafter referred to as the "Individual Examinations") has been received, the registered individual examination agency shall not grant the certification for having passed the examination unless the machines, etc., examined have proved to be conforming to the standards set by the Ordinance of the Ministry of Health, Labour and Welfare.
- (4) A person who has undergone the individual examination shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, affix a label indicating the fact of having passed the said individual examination to the machines, etc., which have likewise passed examination.
- (5) The label set forth in the preceding paragraph or one misleading shall not be affixed to machines, etc., other than the machines, etc., that have passed the individual examination.
- (6) Those machines, etc., designated in paragraph (1), without the label designated in paragraph (4), shall not be used.

**Article 44-2** (Type Examination)

- (1) One who has manufactured or imported a machine which is listed in Appended Table 4 and designated by the Cabinet Order shall have such manufactured or imported machine undergo the type examination to be conducted by the party registered by the Minister of Health, Labour and Welfare (hereinafter referred to as the "registered type examination agency") as prescribed by the Ordinance of the Ministry of Health, Labour and Welfare. However this provision shall not apply to the machines, etc., which have been imported, and which have undergone the examination set forth in the next paragraph.
- (2) Besides the case stipulated by the preceding paragraph, in the cases set forth below, one who has manufactured the machine designated in the preceding paragraph (hereinafter referred to as the "foreign manufacturer" in this paragraph and Article 44-4) may have the type of the manufactured machine certified by the registered type examination agency according to the Ordinance of the Ministry of Health, Labour and Welfare.
  - (i) When exporting the designated machines, etc., to Japan
  - (ii) When the importer of the said machine, etc. is the third party (hereinafter referred to as the "third party") other than the manufacturer in the exporting country (hereinafter referred to as the "foreign manufacturer"), and the said foreign manufacturer does not wish to have the examination provided for in the preceding paragraph carried out in relation to the said third party
- (3) When the application for the examination provided for in the preceding two paragraphs (hereinafter referred to as the "type examination") has been submitted by the party who wishes to receive the examination, the registered type

examination agency shall not grant the certification for having passed the examination unless the construction of the machines, etc., and the facilities used for manufacturing or examining the machines, etc., have proven to be conforming to the standards provided for by the Ordinance of the Ministry of Health, Labour and Welfare.

- (4) The registered type examination agency shall issue a certificate for the type which passed the type examination to the applicant.
- (5) A person who has undergone the type examination, when he has manufactured or imported the machines, etc., which have passed the type examination in Japan shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, affix a label indicating the fact of having passed the type examination to the machines, etc., which have passed the said examination. The same shall apply to the party (excluding the party who has had the machine the said type examination) who has imported machines, etc., which have passed the type examination.
- (6) The label set forth in the preceding paragraph or one misleading shall not be affixed to machines, etc., other than machines, etc., that have passed the type examination.
- (7) Those machines, etc., designated in main clause of paragraph (1), without the label designated in paragraph (5), shall not be used.

**Article 44-3** (Valid Term of Type Examination Certificate, etc.)

- (1) The valid term of the type examination certificate (when the valid term of the type examination certificate is renewed pursuant to the provision of the following paragraph, the valid term so renewed) shall be provided for by the Ordinance of the Ministry of Health, Labour and Welfare, according to the kind of machines, etc., designated by the provision of paragraph (1) of the preceding article.
- (2) A person who intends to obtain a renewal of the valid term of the type examination certificate shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, undergo the type examination.

**Article 44-4** (Invalidation of Type Examination Certificate)

In a case falling under any of the following events, the Minister of Health, Labour and Welfare may invalidate the type examination certificate of the machines, etc., designated in each of the paragraphs below (the type examination certificate issued to the said foreign manufacturer in the case of item (ii)).

- (i) The construction of the machines, etc., which has passed the examination for the authorization of the type or the equipment, etc., with which the machines, etc., has been manufactured or tested are not in conformity to the standards provided for by the Ordinance of the Ministry of Health, Labour and Welfare set

forth in paragraph (3) of Article 44-2.

- (ii) The foreign manufacturer, who has undergone the type examination, has affixed the label set forth in paragraph (5) of Article 44-2 or one misleading to imported type of machines, etc., other than the authorized type.
- (iii) The foreign manufacturer of the machines, etc., to whom the authorized type certificate has been issued has refused to answer or given false answers to the questions, or refused, interrupted or avoided the inspections of the construction of the machines, etc., tool used for the manufacture of the machines, etc., or the testing equipment at the workplace of the foreign manufacturer to whom the authorized type certificate has been issued or at the place of the installation of the machines, etc., or the said equipment proposed by the personnel of the Ministry of Health, Labour and Welfare under the authority of the Minister of Health, Labour and Welfare for the purpose of ensuring the safety and health of the workers working with said machines, etc.

**Article 45** (Periodical Self Inspection)

- (1) The employer shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, conduct self inspection periodically and keep the records of the result in respect to boilers and other machines, etc., specified by Cabinet Order.
- (2) The employer shall - when he conducts voluntary inspection as provided for by the Ordinance of the Ministry of Health, Labour and Welfare (hereinafter referred to as "specified voluntary inspection") among self inspections under the provisions of the preceding paragraph in respect to machines, etc., as specified by Cabinet Order set forth in the same paragraph - have an employee who has the qualifications provided for by the Ordinance of the Ministry of Health, Labour and Welfare or one who registered under the provisions of paragraph (1) of Article 54-3 and carries out professional specified self inspection in respect to the said machines, etc., in response to others' requests (hereinafter referred to as "registered inspection agency") carry it out.
- (3) The Minister of Health, Labour and Welfare shall make public the guidelines for self inspection necessary to ensure the appropriate and effective implementation of voluntary inspection pursuant to the provisions of paragraph (1).
- (4) After the guidelines have been made public for self inspection set forth in the preceding paragraph, the Minister of Health, Labour and Welfare may, when he/she finds it necessary, give necessary guidance, etc., on the said guidelines to employers, registered inspection agencies or their organizations.

**Article 46** (Registration for Registered Manufacturing Inspection, etc., Agency)

- (1) The registration set forth in the provision of paragraph (1) of Article 38

(hereinafter in this Article, Article 53 and paragraph 1 of Article 53-2, referred to as "registration") shall be made, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare and for each classification prescribed by the Ordinance of the Ministry of Health, Labour and Welfare, on the application of a person who intends to conduct the manufacturing inspection, etc.

- (2) A person who falls under any of the following items shall not be registered:
- (i) A person who, having violated the provisions of this Act or ordinances thereunder, was sentenced to the penalty of a fine or heavier and for whom two years have not elapsed since the date when the execution of the sentence was completed or the date when he/she ceased be amenable to the execution of the sentence
  - (ii) A person whose registration was cancelled pursuant to the provision of Article 53 and for whom two years have not elapsed since the date of cancellation
  - (iii) A juridical person one of whose executive officials falls under preceding two items.
- (3) The Minister of Health, Labour and Welfare shall register a person who applied for registration pursuant to the provision of paragraph (1) (referred to as "applicant for registration" in this paragraph), if the applicant satisfies all the following matters:
- (i) The applicant for registration shall conduct the manufacturing inspection, etc., using machine and apparatus listed in Appended Table 5 and other facilities.
  - (ii) The number of persons who conduct the manufacturing inspection, etc. (restricted only to those who have knowledge and experience which meet one of the requirements listed in item (i) of Appended Table 6, hereinafter referred to as "inspector") shall be equal to or more than the figure shown in item (ii) of the same Table.
  - (iii) An inspector who has knowledge and experience which meet one of the requirements listed in Appended Table 7 shall instruct the inspectors and supervise the manufacturing inspection, etc.
  - (iv) The applicant for registration as dependent on the manufacturer or the importer of specially specified machines, etc. (hereinafter referred to as "manufacturer, etc." in this item) shall not fall under any of following items:
    - (a) In the case that the applicant for registration is a joint-stock company, the manufacturer, etc. is a parent juridical person (referred to as the parent company pursuant to paragraph 1 of Article 879 of Company Act (Act No. 86 of 2005) of the said applicant.
    - (b) The ratio of executive officials (for a partnership company (referred to as the partnership company pursuant to paragraph 1 of Article 575 of the Company Act), company members who execute the company business) or staff of the manufacturer, etc. (including persons who have been executive

officials or staff of the said manufacturer, etc. within past two years) to executive officials of the applicant for registration exceeds one half.

- (c) The applicant for registration (for a juridical person, an executive official who has the right of representation) is an executive official or staff of the manufacturer, etc. (including persons who have been executive official or staff of the said manufacturer, etc. within past two years) .
- (4) The registration shall be made with an entry of the following items in the registry book of the registered manufacturing inspection, etc., agency
- (i) Date and number of registration
  - (ii) Name or appellation and address, and for juridical person, the name of the representative.
  - (iii) Appellation and address of the office
  - (iv) The group mentioned in paragraph (1) .

**Article 46-2** (Renewal of Registration)

- (1) The registration shall be renewed after a certain time prescribed by Cabinet Order from five up to ten years has elapsed. Otherwise the registration becomes invalidated with the expiration of the period.
- (2) The provisions of the second to the fourth paragraph of the preceding Article shall apply mutatis mutandis to the renewal of registration mentioned in the previous paragraph of this Article.

**Article 47** (Obligation, etc., of Manufacturing Inspection, etc.)

- (1) The registered manufacturing inspection, etc., agency shall, where requested to conduct an inspection etc., carry it out without delay except the case where there exist justifiable reason.
- (2) The registered manufacturing inspection, etc., agency shall, in conducting inspection, etc., have an inspector carry it out.
- (3) The registered manufacturing inspection, etc., agency shall conduct the inspection fairly and properly and in accordance with one of the standards relating to the structure of specially specified machines, etc. prescribed in paragraph (2) of Article 37.
- (4) The registered manufacturing inspection, etc., agency shall take necessary measures, prescribed in the Ordinance of the Ministry of Health, Labour and Welfare, for preventing dangers caused by the method of the manufacturing inspection, etc.

**Article 47-2** (Notification of Alteration)

The registered manufacturing inspection, etc., agency which is to alter matters mentioned in item (ii) or (iii) of paragraph (4) of Article 46 shall notify the

alteration to the Minister of Health, Labour and Welfare no later than two weeks prior to the date of the alteration.

**Article 48** (Service Rules)

- (1) The registered manufacturing inspection, etc., agency shall lay down rules concerning the service of manufacturing inspection, etc., (hereinafter referred to as "service rules"), and notify the service rules to the Minister of Health, Labour and Welfare before the day of the commencement of the inspection service. The same shall apply when it intends to alter them.
- (2) The service rules shall specify the implementation method of the inspection, the charge of the inspection, and matters prescribed in the Ordinance of the Ministry of Health, Labour and Welfare.

**Article 49** (Suspension or Discontinuance of Service)

When a registered manufacturing inspection, etc., agency is to suspend or discontinue a part of or the whole service, it shall notify the fact to the Minister of Health, Labour and Welfare in advance.

**Article 50** (Provision of Financial Statements and Access to Them)

- (1) The registered manufacturing inspection, etc., agency shall, within three months after the end of each business year, prepare a list of properties, a balance sheet and a profit-and-loss statement or a settlement of accounts statement, and a business report (referred to as "financial statements, etc." in the following paragraph and in Article 123), concerning that business year, and shall keep them for five years in its office. These include those electromagnetically recorded (the data that are recorded electronically, magnetically or by other method that cannot be recognized by human sense, and that are used for processing by using a computer. This definition applies hereinafter in this Article).
- (2) Any person who intends to undergo a manufacturing inspection, etc. and other interested person may request items listed as follows anytime in the office hours of the registered manufacturing inspection, etc., agency. However, for the request of item (ii) and (iv), one shall pay expenses set by the said agency.
  - (i) request for browse and photocopying of the financial statements, etc., in the case that they are provided in the form of paper.
  - (ii) request for the transcript or extract of documents mentioned in the previous item.
  - (iii) when the financial statements etc. are provided electromagnetically, request for browse and photocopying the contents displayed in accordance with the Ordinance of the Ministry of Health, Labour and Welfare
  - (iv) request for obtaining the electromagnetically recorded content mentioned in

the previous item in an electromagnetic form in accordance with he The Ordinance of the Ministry of Health, Labour and Welfare or request for obtaining the said content in the form of paper.

- (3) When a registered manufacturing inspection, etc., agency insures against loss caused by the inspection, any person who intends to undergo manufacturing inspection, etc., and other interested person may request items listed as follows anytime in the office hours of the registered manufacturing inspection, etc., agency. However, for the request of item (ii) and (iv), one shall pay expenses set by the said agency.
- (i) request for access and photocopying of the contractual document of the insurance etc. when it is provided in the form of paper.
  - (ii) request for the transcript or extract of the document mentioned in the previous item.
  - (iii) when the document mentioned in the item (i) above is provided electromagnetically, request for the browse and photocopying the contents displayed in accordance with he The Ordinance of the Ministry of Health, Labour and Welfare
  - (iv) request for obtaining the electromagnetically recorded content mentioned in the previous item in an electromagnetic form in accordance with he The Ordinance of the Ministry of Health, Labour and Welfare or request for obtaining the said content in the form of paper.
- (4) A registered manufacturing inspection, etc., agency shall prepare profit-and-loss statement or a settlement of accounts statement and a business report for each business year pursuant to the provision of paragraph (1) and submit them to the Minister of Health, Labour and Welfare within three months after the end of that business year.

**Article 51** (Notification of Appointment or Dismissal of Inspectors)

When a registered manufacturing inspection, etc., agency has appointed or dismissed an inspector, the said agency shall notify the Minister of Health, Labour and Welfare of the fact without delay in accordance with the Ordinance of the Ministry of Health, Labour and Welfare.

**Article 52** (Conformity Order)

When the Minister of Health, Labour and Welfare finds that a registered manufacturing inspection, etc., agency has ceased to comply with the standards prescribed in each item of paragraph (3) of Article 46, the Minister can order the said agency to take necessary measures to conform to the said standards.

**Article 52-2** (Improvement Order)

When the Minister of Health, Labour and Welfare finds that a registered manufacturing inspection, etc., agency violated the provisions of Article 47, the Minister can order the said agency to carry out the manufacturing inspection at the manufacturing etc., or to take necessary measures to improve the inspection method or other business methods.

**Article 53** (Cancellation of Registration, etc.)

When an registered manufacturing inspection, etc., agency comes under one of the following items, the Minister of Health, Labour and Welfare can cancel the said registration, or order to suspend the whole or part of the service of manufacturing inspection, etc., for a fixed period not exceeding six months:

- (i) When the agency came under item (i) or item (iii) of paragraph (2) of Article 46
- (ii) When the agency violated the provisions of Article 47 to 49, paragraph (1) of Article 50 or paragraph (2) of Article 103.
- (iii) When the agency refused the request based on the provisions of each item of paragraph (2), or each item in paragraph (3), of Article 50 without justifiable causes.
- (iv) When the agency failed to submit the notification prescribed in the Article 51 or false notification.
- (v) When the agency failed to comply with the order as provided for in the previous two Articles.
- (vi) When the agency was registered by wrongful means.

**Article 53-2** (Manufacturing Inspection, etc. by Director of Prefectural Labor Bureau)

- (1) The Director of Prefectural Labor Bureau may conduct all or a part of manufacturing inspection, etc. services, in the following cases:
  - when there is no agency registered
  - when there was a notification to suspend or discontinue a part of or the whole service pursuant to Article 49
  - when there was revocation of registration or an order to suspend the whole or a part of the service of manufacturing inspection, etc., based on the previous Article
  - when it became difficult for the registered manufacturing inspection, etc., agency to carry out the whole or a part of the service of inspection by the natural disaster or other causes.
  - when it is deemed to be necessary
- (2) Transfer of the inspection and other necessary matters, in the case of the Director of the Prefectural Labor Bureau carrying out the whole or a part of

manufacturing inspection, etc. services, pursuant to the provisions of the preceding paragraph, shall be provided for by the Ordinance of the Ministry of Health, Labour and Welfare.

**Article 53-3** (Registered Regular Inspection Agency)

The provisions of Article 46 and Article 46-2 shall apply mutatis mutandis to the registration in paragraph (2) of Article 41. The provisions of Article 47 through the preceding Article shall apply mutatis mutandis to registered agencies for regular inspection. In this case, the expression shown in the middle column of the table below that are used in the provisions listed in the corresponding left column shall read as the expression listed in the corresponding right column.

paragraph (1) of Article 46	paragraph (1) of Article 38	paragraph (2) of Article 41
	manufacturing inspection, etc.	performance inspection prescribed in paragraph (2) of Article 41 (hereinafter referred to as "regular inspection")
item (i) of paragraph (3) of Article 46	Appended Table 5	corresponding right column of Appended Table 8, in accordance with the kind of machines, etc., in the left column
	manufacturing inspection, etc.	performance inspection
item (ii) of paragraph (3) of Article 46	manufacturing inspection, etc.	corresponding performance inspection, in accordance with machines, etc., in the left column of Appended Table 9
	item (i) of Appended Table 6	middle column of Appended Table 9
	item (ii) of Appended Table 6	right column of Appended Table 9
item (iii) of paragraph (3) of Article 46	Appended Table 7	Appended Table 10
	manufacturing inspection, etc.	performance inspection
item (iv) of paragraph (3)	manufacturer or importer of specially	manufacturer or importer of specified machines, etc., or

of Article 46	specified machines, etc.	one who performs as business the maintenance of specified machines, etc.
paragraph (4) of Article 46	registry book of the registered manufacturing inspection, etc., agency	registry book of the registered performance inspection agency
paragraph (1) and 2 of Article 47	m a n u f a c t u r i n g inspection, etc	performance inspection
paragraph (3) of Article 47	s p e c i a l l y s p e c i f i e d machines, etc.	specified machines, etc.
	m a n u f a c t u r i n g inspection, etc.	performance inspection
paragraph (4) of Article 47 and Article 48	m a n u f a c t u r i n g inspection, etc.	performance inspection
Article 49	m a n u f a c t u r i n g inspection, etc.	performance inspection
	in advance	no later than 30 days prior to the date of suspension or discontinuance
paragraph (2) and (3) of Article 50, Article 52-2 and Article 53	m a n u f a c t u r i n g inspection, etc.	performance inspection
Article 53-2	Director General of the Prefectural Labor Bureau	Chief of the Labor Standards Inspection Office
	m a n u f a c t u r i n g inspection, etc.	performance inspection

**Article 54** (Registered Individual Examination Agency)

The provisions of Article 46 and 46-2 shall apply mutatis mutandis to the registration in paragraph (1) of Article 44, and the provisions of Article 47 through 53-2 shall apply mutatis mutandis to registered agencies for individual examination. In this case, the expression shown in the middle column of the table below that are used in the provisions listed in the corresponding left column shall read as the expression listed in the corresponding right column.

paragraph (1) of Article 46	paragraph (1) of Article 38	paragraph (1) of Article 44
	m a n u f a c t u r i n g inspection, etc	individual examination
i t e m ( i ) o f paragraph (3) of Article 46	Appended Table 5	corresponding right column of Appended Table 11, in accordance with the kind of machines, etc., in the left column
	m a n u f a c t u r i n g inspection, etc.	individual examination
i t e m ( i i ) o f paragraph (3) of Article 46	m a n u f a c t u r i n g inspection, etc.	corresponding individual examination, in accordance with machines, etc., in the left column of Appended Table 12
	i t e m ( 1 ) o f Appended Table 6	middle column of Appended Table 12
	inspector	examiner
	i t e m ( 2 ) o f Appended Table 6	right column of Appended Table 12
i t e m ( i i i ) o f paragraph (3) of Article 46	inspector	examiner
	Appended Table 7	Appended Table 13
	m a n u f a c t u r i n g inspection, etc	individual examination
i t e m ( i v ) o f paragraph (3) of Article 46	s p e c i a l l y s p e c i f i e d machines, etc.	machines, etc., specified in paragraph (1) of Article 44 that are prescribed by Cabinet Order
paragraph (4) of Article 46	registry book of the registered m a n u f a c t u r i n g inspection, etc., agency	registry book of the registered individual examination agency
paragraph (1) of Article 47	m a n u f a c t u r i n g inspection, etc.	individual examination
paragraph (2) of Article 47	m a n u f a c t u r i n g inspection, etc.	individual examination
	inspector	examiner
paragraph (3)	one of the standards	standard prescribed in

of Article 47	relating to the structure of specially specified machines, etc. prescribed in paragraph (2) of Article 37	paragraph (3) of Article 44
	m a n u f a c t u r i n g inspection, etc.	individual examination
paragraph (4) of Article 47	m a n u f a c t u r i n g inspection, etc.	standard prescribed in paragraph (3) of Article 44
	method of the inspection	individual examination
Article 48, Article 49 and paragraph (2) and 3 of Article 50	m a n u f a c t u r i n g inspection, etc	individual examination
Article 51	inspector	examiner
Article 52-2 and Article 53	m a n u f a c t u r i n g inspection, etc.	individual examination
Article 53-2	Director General of the Prefectural Labor Bureau	Minister of Health, Labour and Welfare or the Director General of the Prefectural Labor Bureau
	m a n u f a c t u r i n g inspection, etc.	individual examination

**Article 54-2** (Registered Type Examination Agency)

The provisions of Article 46 and 46-2 shall apply mutatis mutandis to the registration in paragraph (1) of Article 44-2, and the provisions of Article 47 through 53-2 shall apply mutatis mutandis to registered agencies for type examination. In this case, the expression shown in the middle column of the table below that are used in the provisions listed in the corresponding left column shall read as the expression listed in the corresponding right column.

paragraph (1) of Article 46	paragraph (1) of Article 38	paragraph (1) of Article 44-2
	m a n u f a c t u r i n g inspection, etc.	type examination
item (i) of paragraph (3) of Article 46	Appended Table 5	corresponding right column of Appended Table 14, in accordance with the kind of

		machines, etc., in the left column
	m a n u f a c t u r i n g inspection, etc.	type examination
item ( ii ) of paragraph (3) of Article 46	m a n u f a c t u r i n g inspection, etc.	type examination
	item (1) of Appended Table 6	item (1) of Appended Table 15
	inspector	examiner
item ( iii ) of paragraph (3) of Article 46	inspector	examiner
	Appended Table 7	Appended Table 16
	m a n u f a c t u r i n g inspection, etc.	type examination
item ( iv ) of paragraph (3) of Article 46	specially specified machines, etc.	machines, etc., specified in paragraph (1) of Article 44-2 that are prescribed by Cabinet Order
paragraph (4) of Article 46	registry book of the registered m a n u f a c t u r i n g inspection, etc., agency	registry book of the registered type examination agency
paragraph (1) of Article 47	m a n u f a c t u r i n g inspection, etc	type examination
paragraph (2) of Article 47	m a n u f a c t u r i n g inspection, etc.	type examination
	inspector	examiner
paragraph (3) of Article 47	one of the standards relating to the structure of specially specified machines, etc. specified in paragraph (2) of Article 37	standard prescribed in paragraph (3) of Article 44-2
	m a n u f a c t u r i n g inspection, etc.	type examination
paragraph (4) of Article 47	m a n u f a c t u r i n g inspection, etc.	type examination
	method of the inspection	method of the examination
Article 48, Article 49 and paragraph (2)	m a n u f a c t u r i n g inspection, etc.	type examination

a n d ( 3 ) o f Article 50		
Article 51	inspector	examiner
Article 52-2 and Article 53	m a n u f a c t u r i n g inspection, etc.	type examination
Article 53-2	Director General of the P r e f e c t u r a l L a b o r Bureau	Minister of Health, Labour and Welfare
	m a n u f a c t u r i n g inspection, etc.	type examination

**Article 54-3** (Registered Inspection Agency for Specified Self Inspection)

- (1) A person who intends to become a registered agency for specified self inspection shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, apply for the registration of his/her name or appellation, his/her address and other matters prescribed by the Ordinance of the Ministry of Health, Labour and Welfare in the registry book of registered inspection agencies for specified voluntary inspection kept at the Ministry of Health, Labour and Welfare or the Prefectural Labor Bureau.
- (2) A person who falls under any of the following items shall not be registered under the provisions of the preceding paragraph:
  - (i) A person who, having violated the provisions of paragraph (1) or 2 of Article 45 or the ordinances under these provisions, or the order issued pursuant to the provisions of paragraph (2) of Article 54-6, was sentenced to a penalty heavier than a fine and for whom two years have not elapsed since the date when the execution of the sentence was completed or the date when he ceased to be amenable to the execution of the sentence.
  - (ii) A person whose registration was cancelled pursuant to provisions of paragraph (2) of Article 54-6 and for whom two years have not elapsed since the date of cancellation
  - (iii) A juridical person one of whose executive officers come under item (i)
- (3) The registration under the provisions of paragraph (1) shall be made on the application of a person who intends to be a registered inspection agency for specified voluntary inspection.
- (4) The Minister of Health, Labour and Welfare or the Director of the Prefectural Labor Bureau shall not make the registration set forth in paragraph (1) unless they find that an application set forth in the preceding paragraph complies with the standards provided for by the Ordinance of the Ministry of Health, Labour and Welfare.
- (5) The employer or other said persons may ask for the perusal of the registry book.

#### **Article 54-4**

In conducting specified self inspection in response to others' requests, the registered inspection agency for specified voluntary inspection shall have one who possesses the qualification provided for by the Ordinance of the Ministry of Health, Labour and Welfare carry it out.

#### **Article 54-5**

- (1) Where a registered agency for specified self inspection transfers the whole of his/her business, or where there has been a succession or merger in respect of an registered inspection agency, the party who has received the whole of the business, or the successor (hereinafter in this paragraph, the person chosen as the successor to the business through the agreement of all parties where there are two or more successors), or the corporation that will continue after the merger, or the corporation established as a result of the merger shall succeed to the position of the registered inspection agency. However, this shall not apply when the party who has received the whole of the business or the successor or the corporation that will continue after the merger or the corporation established as a result of the merger falls under the provisions of the items of paragraph (2) of Article 54-3.
- (2) A person who has succeeded to the position of registered inspection agency pursuant to the provisions of the preceding paragraph shall notify that fact without delay to the Minister of Health, Labour and Welfare or to the Director of the Prefectural Labor Bureau as provided for by the Ordinance of the Ministry of Health, Labour and Welfare.

#### **Article 54-6**

- (1) The Minister of Health, Labour and Welfare or the Director of the Prefectural Labor Bureau shall, where a registered agency for specified voluntary inspection came under item (i) or (iii) of paragraph (2) of Article 54-3, cancel the said registration.
- (2) The Minister of Health, Labour and Welfare or the Director of the Prefectural Labor Bureau may, where a registered agency for specified voluntary inspection came under any of the following items, cancel the said registration or order the suspension of the whole or part of the service of specified voluntary inspection for a fixed period not exceeding six months:
  - (i) Where it is deemed to have ceased to be in conformity with the standards laid down in paragraph (4) of Article 54-3.
  - (ii) Where it violates the provisions of Article 54-4.
  - (iii) Where it violates the conditions set forth in paragraph (1) of Article 110.

## Section 2 Regulations concerning Dangerous Goods Harmful Substances

### **Article 55** (Prohibition of Manufacturing, etc.)

Yellow phosphorus matches, benzidine, preparations containing benzidine and other substances which inflict serious health impairment upon workers and are provided for by Cabinet Order shall not be manufactured, imported, transferred, provided or used. However, this shall not apply to the case, where any of these is manufactured, imported or used for the sake of research or examination, and complying with the requirements prescribed by Cabinet Order.

### **Article 56** (Permission for Manufacturing)

- (1) A person who intends to manufacture dichlorobenzidine, preparations containing dichlorobenzidine or other substances which are likely to inflict serious health impairment upon workers and are provided for by Cabinet Order shall obtain advance permission from the Minister of Health, Labour and Welfare, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare.
- (2) The Minister of Health, Labour and Welfare shall, where an application for the permission set forth in the preceding paragraph was presented, examine the said application and shall not grant the permission set forth in the said paragraph unless the equipment for manufacturing, the method of work, etc., are found to comply with the standards by the Minister of Health, Labour and Welfare.
- (3) A person who obtained the permission set forth in paragraph (1) (hereinafter referred to as "manufacturer") shall so maintain the said equipment for manufacturing as to conform to the standards set forth in the preceding paragraph.
- (4) The manufacturer shall manufacture the substances set forth in paragraph (1) by a method of work which conforms to the standards set forth in paragraph (2).
- (5) Where it is found that the equipment for manufacturing or the method of work of a manufacturer does not comply with the standards set forth in paragraph (2), the Minister of Health, Labour and Welfare may order that the equipment for manufacturing be repaired, reconstructed or relocated so as to conform to the said standards, or the substances set forth in paragraph (1) be manufactured by such a method of work so as to conform to the said standards.
- (6) The Minister of Health, Labour and Welfare may, where a manufacturer has contravened the provisions of this Act or ordinances issued thereunder or administrative disposition under these provisions, revoke the permission set forth in paragraph (1).

### **Article 57** (Labeling, etc.)

- (1) A person who is to transfer or provide explosives, pyrophorics, flammables and

other substances which are liable to cause danger to workers, or benzene, preparations containing benzene or other substances which are liable to inflict health impairment upon workers and are provided for by Cabinet Order, or the substances set forth in paragraph (1) of the preceding Article, by putting them into a container or a package, shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, indicate the following matters on the container or the package (label the container when they are put into one and packaged to transfer or provide). However, this shall not apply to the containers or packages, which are intended primarily for ordinary use of general consumers.

(i) Items listed as below:

(a) Name of the substance;

(b) Ingredients

(c) Effects on the human body

(d) Precautions concerning storage or handling

(e) In addition to the matters listed in a) through d), those provided for by the Ordinance of the Ministry of Health, Labour and Welfare.

(ii) Pictograms as specified by the Minister of Health, Labour and Welfare to draw the attention of workers handling the said substances.

(2) A person who is to transfer or provide the substances, provided for by Cabinet Order set forth in the preceding paragraph, or the substance set forth in paragraph (1) of the preceding Article, by a method other than the method prescribed in the preceding paragraph shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, deliver a document describing the matters under each item of the same paragraph to a person to whom the said substances are transferred or provided.

**Article 57-2** (Deliver of Documents, etc.)

(1) A person who is to transfer or provide substances defined by the Cabinet Order among which are liable to cause danger or health impairment to workers, or the substances set forth in the provisions of paragraph (1) of Article 56 (hereinafter referred to as "notifiable substances"), shall notify the party to whom the notifiable substances are to be transferred or provided of the following matters by means of delivering a document or other manner provided for by the Ordinance of the Ministry of Health, Labour and Welfare (for a person covered under the provision of paragraph (2) of the preceding Article, excluding the matter covered by the same paragraph); however, this shall not apply in respect to the transfer or provision of notifiable substances intended primarily for ordinary use of general consumers.

(i) Name of the substance

(ii) Ingredients and their respective contents

- (iii) Physical and chemical properties
  - (iv) Effects on the human body
  - (v) Precautions concerning storage or handling
  - (vi) Emergency measures to be taken in the event of leakage etc.
  - (vii) In addition to the matters listed in the preceding each item, those provided for by the Ordinance of the Ministry of Health, Labour and Welfare.
- (2) When changes are necessary to the matters pursuant to the preceding paragraph, the person who is to transfer or provide the notifiable substances shall endeavor to notify the party to whom the said substances were transferred or provided of all the changes in the matters of the said paragraph by delivering a document or other method provided for by the Ordinance of the Ministry of Health, Labour and Welfare promptly.
- (3) In addition to the matters covered by the two preceding paragraphs, other matters relating to the notification in the two preceding paragraphs are provided for by the Ordinance of the Ministry of Health, Labour and Welfare.

**Article 57-3** (Investigation of Toxicity of Chemical Substances)

- (1) To prevent impairment of workers' health caused by chemical substances, an employer who intends to manufacture or import a chemical substance (hereinafter in this Article referred to as "new chemical substance") other than the chemical substances defined by Cabinet Order as the existing chemical substances (including chemical substances whose names were made public pursuant to the provisions of paragraph (3)), shall, in advance, undertake an investigation of toxicity provided for by the Ordinance of the Ministry of Health, Labour and Welfare (meaning investigation of the influence of the said new chemical substance on the health of workers and hereinafter the same applying in this Article) and shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, notify the Minister of Health, Labour and Welfare of the name of the said new chemical substance and the result of the investigation of toxicity and other matters. However, shall not apply for the case falling under any of the following items or in such cases as provided for by Cabinet Order:
- (i) When, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, in respect of the said new chemical substance, an affirmation by the Minister of Health, Labour and Welfare has been obtained stating that the method etc., of manufacturing or treating of the new chemicals substance has been reviewed, it is not likely for the workers to be exposed to the said new chemical substance.
  - (ii) When, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, in respect of the said new chemical substance, an affirmation by the Minister of Health, Labour and Welfare has been obtained, stating that the said

new chemical substance does not have the toxicity prescribed by the Ordinance of the Ministry of Health, Labour and Welfare according to the knowledge, etc., already gained.

- (iii) When the said new chemical substance is to be manufactured or imported for the sake of research or examination.
- (iv) When, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, the said new chemical substance is imported primarily for ordinary use of general consumers (including a product containing the said new chemical substance).
- (2) The employer who has carried out the investigation of toxicity shall soon take necessary measures, based on the result of the said investigation for preventing impairment of workers' health caused by the said new chemical substance.
- (3) The Minister of Health, Labour and Welfare shall, when notification has been made for a new chemical substance pursuant to the provisions of paragraph (1) (including the case of an affirmation pursuant to the provisions of item (ii) of the said paragraph), make public the name of the said new chemical substance, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare.
- (4) In case where notification has been made pursuant to the provisions of paragraph (1), the Minister of Health, Labour and Welfare may, hearing the opinion of the person with relevant knowledge and experience on the result of the investigation of toxicity as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, recommend to the employer who made the notification to take due measures including establishment or improvement of facilities or equipment, provision of personal protective equipment or other actions, where it is deemed necessary for preventing workers' health impairment caused by the chemical substance of the said notification.
- (5) The person with relevant knowledge and experience who were asked their opinions on the result of the investigation of toxicity pursuant to the preceding paragraph shall not divulge any confidential information known to them in connection with the said result. However, this shall not apply where they are compelled to disclose this information for the purpose of preventing the impairment of workers' health.

#### **Article 57-4**

- (1) When it is deemed necessary for preventing impairment of workers' health caused by a chemical substance likely to bring about cancer or other serious health impairment to workers the Minister of Health, Labour and Welfare may, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, instruct the employer who is manufacturing, importing or using the said chemical substance or other employers prescribed by the Ordinance of the Ministry of

Health, Labour and Welfare to carry out an investigation of toxicity provided for by Cabinet Order (meaning investigation of the influence of the said chemical substance on the impairment of workers' health) and to report the result.

- (2) The instruction pursuant to the provisions of the preceding paragraph shall be given in conformity with the standards provided for by the Minister of Health, Labour and Welfare, after taking every factor into consideration such as technical level of the investigation of toxicity of the chemical substance, the preparedness of the institution carrying out the investigation, the ability of investigation of the said employer, etc.
- (3) The Minister of Health, Labour and Welfare shall, when the instruction is made to the said employer pursuant to the provisions of paragraph (1), hear the opinion of the person with relevant knowledge and experience in advance, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare.
- (4) The employer who has carried out the investigation of toxicity pursuant to the provisions of paragraph (1) shall soon take necessary measures, based on the result of the said investigation for preventing workers' health impairment caused by the said chemical substance.
- (5) The person with relevant knowledge and experience who were asked their opinion pursuant to the provisions of paragraph (3) regarding the instruction pursuant to the provisions of paragraph (1) shall not divulge the confidential information known to them in connection with the said instruction. However, this shall not apply when they are compelled to disclose this information for the purpose of preventing the impairment of workers' health.

**Article 57-5** (State Assistance, etc.)

In order to contribute to the adequate implementation of the investigation of toxicity pursuant to the provisions of the preceding two Articles, the State shall endeavor to prepare facilities carrying out the investigation of the toxicity of chemical substances, and to ensure the provision of information and other necessary assistance, and endeavor to carry out investigation of toxicity for itself.

**Article 58**

Deleted

**Chapter VI Measures in Placing Workers**

**Article 59** (Safety and Health Education)

- (1) The employer shall, when a new worker is employed, give the said worker education for safety and/or health concerning work operations in which the worker is to be engaged, as provided for by the Ordinance of the Ministry of Health,

Labour and Welfare.

- (2) The provisions of the preceding paragraph shall apply mutatis mutandis when the contents of the operations have been changed.
- (3) The employer shall, when a worker is to be placed in the dangerous or harmful operations provided for by the Ordinance of the Ministry of Health, Labour and Welfare, give the worker the special education for safety and/or health concerning the said operations, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare.

#### **Article 60**

In the case that one's industry comes under one of those defined by Cabinet Order, the employer shall conduct safety and/or health education on the following matters, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, for those who are newly charged as foremen or others to directly guide or supervise workers in operations (except operations chief):

- (i) Matters pertaining to the decision of the method of work and the assignment of workers
- (ii) Matters pertaining to the method of guiding or supervising workers
- (iii) In addition to the matters listed in preceding two items, matters necessary for preventing industrial accidents, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare.

#### **Article 60-2**

- (1) In addition to those stipulated in the preceding two articles, the employer shall endeavor to give education for safety and health to those who are currently engaged in dangerous or harmful work operations, concerning work operations engaged in by them, in order to improve the level of safety and health in their workplace.
- (2) The Minister of Health, Labour and Welfare shall make public the guidelines necessary for the appropriate and effective implementation of the education set forth in the preceding paragraph.
- (3) The Minister of Health, Labour and Welfare may give necessary guidance to the employer or the organization of the employers under the guidelines in the preceding paragraph.

#### **Article 61 (Restrictions on Engagement)**

- (1) The employer shall not place any person in the operation of cranes and other operations defined by Cabinet Order unless the person has obtained the license concerning the said operations from the Director of the Prefectural Labor Bureau, has finished the skill training course related to the said operations conducted by

those who have been registered by the Director of the Prefectural Labor Bureau, or has other qualifications provided for by the Ordinance of the Ministry of Health, Labour and Welfare.

- (2) Any person other than those qualified to engage in the said operations pursuant to the provisions of the preceding paragraph shall not conduct the said operations.
- (3) A person who is qualified pursuant to the provision of paragraph (1) to engage in the said operations shall, at the time of the engagement in the said operations, carry with oneself the license concerning the said operations or other document to prove the qualification.
- (4) Alternate provisions may be made with limited extent for necessity by the Ordinance of the Ministry of Health, Labour and Welfare relating to the provisions set forth in the preceding three paragraphs, where it is necessary for the workers who are to receive vocational training authorized under the provision of paragraph (1), Article 24 of Human Resources Development Act (Act No. 64 of 1969) (including the case where the said provision is applied mutatis mutandis pursuant to paragraph (2), Article 27-2 of the same Act).

**Article 62** (Considerations to Middle-Aged and Aged Workers, etc.)

In respect to middle-aged, aged and other workers to whom specified considerations should be given in placing them with a view to preventing industrial accidents, the employer shall endeavor to arrange an appropriate assignment for them according to their physical and mental conditions.

**Article 63** (State Assistance)

For ensuring the effective implementation of safety and/or health education by employers, the State shall endeavor to enrich necessary policies and measures including those for the training of instructors and improvement of their quality, preparation and dissemination of training/education methods, supply of educational materials, among others.

## **Chapter VII Measures for Maintaining and Promoting Workers' Health**

**Article 64**

Deleted

**Article 65** (Working Environment Measurement)

- (1) The employer shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, conduct necessary working environment measurement in respect to the indoor and other workshops prescribed by Cabinet Order as harmful work operations are performed, and keep the record of the results.

- (2) The working environment measurement pursuant to the provisions of the preceding paragraph shall be carried out in accordance with the standards for working environment measurement provided for by the Minister of Health, Labour and Welfare.
- (3) The Minister of Health, Labour and Welfare shall make public the guidelines for working environment measurement necessary for ensuring the appropriate and effective implementation of the working environment measurement pursuant to the provisions of paragraph (1).
- (4) When it is deemed necessary provided that the guidelines for working environment measurement set forth in the preceding paragraph are made public, the Minister of Health, Labour and Welfare may give necessary guidance etc., in connection with the said guidelines for working environment measurement to the employers or working environment measuring institutions or their organizations.
- (5) Where it is deemed necessary to maintain the health of workers through the improvement of their working environment, the Director of the Prefectural Labor Bureau may, on basis of opinion of the Medical Advisor in industrial Health, instruct the employer to carry out working environment measurement or take other necessary measures, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare.

**Article 65-2** (Assessment etc., of the Results of Working Environment Measurement)

- (1) When the assessment of results of the working environment measurement pursuant to the provisions of paragraph (1) or (5) of the preceding Article indicates the necessity of measures for the maintenance of the health of workers, the employer shall take necessary measures such as providing the necessary facilities or equipment, medical examinations and other necessary measures for the maintenance of the health of workers in accordance with the Ordinance of the Ministry of Health, Labour and Welfare.
- (2) The employer, who is to make the assessment set forth in the preceding paragraph, shall make the assessment in accordance with the working environment assessment standard by the Minister of Health, Labour and Welfare, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare.
- (3) When the employer has made the assessment of results of the working environment measurement according to the provision of the preceding paragraph, the employer shall keep the record concerning the results of the assessment in accordance with the Ordinance of the Ministry of Health, Labour and Welfare.

**Article 65-3** (Control of Works)

The employer shall endeavor to pay attention to the health of workers and properly control their works.

**Article 65-4** (Restriction of Working Hours)

An employer who is to have the workers engage in the work operations likely to damage the workers' health, such as diving work, and provided for by the Ordinance of the Ministry of Health, Labour and Welfare, shall not have them work against the standard concerning the working hours provided for by the Ordinance of the Ministry of Health, Labour and Welfare.

**Article 66** (Medical Examination)

- (1) The employer shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, have medical examinations of workers conducted by a physician.
- (2) The employer shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, have medical examinations on specified items conducted by a physician on the workers engaged in harmful work operations defined by Cabinet Order. The same shall apply to the workers who have engaged in harmful work operations defined by Cabinet Order and are currently in employment.
- (3) The employer shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, have a dentist perform medical examinations on the workers engaged in the harmful work operations defined by Cabinet Order.
- (4) The Director of the Prefectural Labor Bureau may, when it is deemed necessary for maintaining the health of workers, instruct employers on basis of the opinion of the Medical Advisor in Industrial Health and as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, to conduct a special medical examination and other necessary matters.
- (5) Workers shall undergo the medical examination conducted by the employer pursuant to provisions of the preceding paragraphs, provided that this shall not apply in the case where a worker who does not desire to undergo the medical examination by the physician or dentist designated by the employer, submits a document to certify the findings that the said worker has and undergone a medical examination by another physician or dentist equivalent to the medical examination under these provisions to the employer.

**Article 66-2** (Submission of the result of voluntary medical examination by workers)

A worker engaged in a work between 10 p.m. to 5 a.m. (when Minister of Health, Labour and Welfare finds it necessary, 11 p.m. to 6 a.m. for the area or period which designated by Minister; hereinafter referred to as "night work") and whose night work frequency and other matters fall under the requirements provided for in the Ordinance of the Ministry of Health, Labour and Welfare taken into account the maintenance of workers' health, may submit to the employer a document certifying

the results of a medical examination (excluding medical examinations in the proviso of paragraph (5) of the preceding Article), as provided for by the Ordinance of the Ministry of Health, Labour and Welfare.

**Article 66-3** (Record of Results of Medical Examinations)

The employer shall, according to the Ordinance of the Ministry of Health, Labour and Welfare, record the results of medical examinations pursuant to the provisions of paragraph (1) to (4) and proviso in paragraph (5) of Article 66, and the preceding Article.

**Article 66-4** (Hearing of Medical Doctor's Advice on Results of Medical Examination)

The employer shall, according to the provisions of the Ordinance of the Ministry of Health, Labour and Welfare, hear the opinion of a physician or dentist on necessary measures for maintaining the health of the workers based on the results of medical examinations pursuant to the provisions of paragraph (1) through (4) of Article 66, proviso in paragraph (5) and Article 66-2 (limited to the results of the medical examinations on workers with abnormal findings).

**Article 66-5** (Measures for following-up the medical examination)

- (1) The employer shall, by taking into consideration of the opinion of the physician or dentist pursuant to the provisions of the preceding Article, and when it is deemed necessary, take measures including changing the location of work, changing the work content, shortening the working hours or reducing the frequency of night work, along with conducting working environment measurement, installing or improving facilities or equipment, reporting the opinion of the said physician or dentist to the Health Committee or the Safety and Health Committee, or the Committee for the Improvement of Establishing Working Hours, etc. (provided for in paragraph (1) of Article 7 of the Act on Special Measures Concerning the Improvement of Establishing Working Hours, etc. (Act No. 90 of 2002); hereinafter the same), and other appropriate measures, considering circumstances of the said worker.
- (2) The Minister of Health, Labour and Welfare shall make public necessary guidelines for promoting appropriate and effective implementation of the due measures by employers pursuant to the preceding paragraph.
- (3) The Minister of Health, Labour and Welfare may, when it is deemed necessary, at the publication of the guidelines prescribed in the preceding paragraph, carried out necessary guidance etc., to employers or their organizations concerning the said guidelines.

**Article 66-6** (Notification of results of medical examinations)

The employer shall, in accordance with the provisions of the Ordinance of the Ministry of Health, Labour and Welfare, notify a worker who had a medical examination carried out pursuant to the provisions of paragraph (1) to (4) of Article 66 of the results of the said medical examination.

**Article 66-7** (Health Guidance etc.)

- (1) The employer shall endeavor to give health guidance by a physician or an health nurse for such workers as are specially deemed necessary to strive to maintain their health according to the results of a medical examination pursuant to the provisions of paragraph (1) of Article 66 or the said medical examination pursuant to the proviso of paragraph (5) of the same article, or a medical examination pursuant to the provisions of Article 66-2.
- (2) The worker endeavor to maintain the health by making use of the notified results of the health examination pursuant to the provisions of the preceding article and the health guidance pursuant to the provisions of the preceding paragraph.

**Article 66-8** (Face-to-face guidance etc.)

- (1) The employer shall, as provided for in the Ordinance of the Ministry of Health, Labour and Welfare, provide a face-to-face guidance by a physician (referring to assessing the physical and mental condition of workers through medical interview or other methods and to providing necessary face-to-face guidance in response thereto. The same applies below), to a worker whose working hour or other conditions fall under one of the requirements that are specified, taking into account the workers' health maintenance by the Ordinance of the Ministry of Health, Labour and Welfare.
- (2) A worker shall undergo the face-to-face guidance provided by the employer pursuant to the provision of the preceding paragraphs, provided that this shall not apply in the case where a worker who does not desire to undergo the face-to-face guidance by the physician designated by the employer, and undergo a face-to-face guidance equivalent to the face-to-face guidance pursuant to the same paragraph by another physician and submits a document to certify the findings to the employer.
- (3) The employer shall, in accordance with the provision of the Ordinance of the Ministry of Health, Labour and Welfare, record the results of the face-to-face guidance pursuant to the provision of paragraph (1) and the proviso of the preceding paragraph.
- (4) The employer shall, based on the results of the face-to-face guidance provided for in paragraph (1) or the proviso of the paragraph (1) or proviso paragraph (2), hear the opinions by a physician as to the necessary measures for

maintaining the health of the said worker in accordance with the provision of the Ordinance of the Ministry of Health, Labour and Welfare.

- (5) The employer shall, by taking into consideration of the opinion of the physician pursuant to the provision of the preceding paragraph, and when it is deemed necessary, take measures including changing the location of work, changing the work contents, shortening the working hours, reducing the frequency of night work or other measures, along with reporting the opinion of said physician to the Health Committee, Safety and Health Committee or Committee for the Improvement of Establishing Working Hours, and other appropriate measures, considering the circumstances of the said worker.

#### **Article 66-9**

The employer shall endeavor to take necessary measures as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, to workers whose health requires consideration, other than the workers for whom the face-to-face guidance is provided pursuant to the provision of paragraph (1) of the preceding Article.

#### **Article 67 (Personal Health Record)**

- (1) For the person who meets the requirements provided for by the Ordinance of the Ministry of Health, Labour and Welfare among those who have been engaged in work operations as defined by Cabinet Order which are liable to cause cancer or other serious health impairment, the Director of the Prefectural Labor Bureau shall issue a personal health record related to the said work operations at the time of their separation from this service or thereafter; provided that this shall not apply to those already in possession of a personal health record related to said work operations.
- (2) The Government shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, take necessary measures in connection with the medical examination of a person in possession of a personal health record.
- (3) A person to whom a personal health record was issued shall not transfer or lend the said personal health record to others.
- (4) The form of a personal health record and other necessary matters related to a personal health record shall be provided for by the Ordinance of the Ministry of Health, Labour and Welfare.

#### **Article 68 (Prohibition of Employment of the Sick)**

The employer shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, prohibit the placement to work for the workers who have contracted communicable diseases and other diseases provided for by the Ordinance of the Ministry of Health, Labour and Welfare.

**Article 69** (Health Education, etc.)

- (1) The employer shall make continuous and systematic efforts for the maintenance and promotion of workers' health by taking necessary measures such as providing health education, health counseling and other services to the workers.
- (2) Workers shall endeavor to maintain and promote their health by utilizing the services provided by the employer as set forth in the preceding paragraph.

**Article 70** (Providing Convenience, etc., for Physical Exercise, etc.)

The employer shall also endeavor to take necessary measures for the maintenance and promotion of workers' health such as providing convenience for sports, recreation and other activities in addition to the measures set forth in the provisions of paragraph (1) of the preceding article.

**Article 70-2** (Publication of Guidelines for Maintenance and Promotion of Health, etc.)

- (1) The Minister of Health, Labour and Welfare shall publish the guidelines for the measures to be taken by the employer under the provisions of paragraph (1) of Article 69 for the maintenance and promotion of workers' health in order for such measures of the employer to be enforced appropriately and effectively.
- (2) The Minister of Health, Labour and Welfare may give necessary guidance to employers or their organizations under the guidelines in the preceding paragraph.

**Article 70-3** (Harmonization with Health Checkup Guidelines, etc.)

The Ordinance of the Ministry of Health, Labour and Welfare under paragraph (1) of Article 66, the guidelines under paragraph (2) of Article 66-5, the Ordinance of the Ministry of Health, Labour and Welfare under Article 66-6 and the guidelines under paragraph (1) of the preceding Article shall harmonize with Health Checkup Guidelines, etc., under paragraph (1) of Article 9 of the Health Promotion Act (Act No. 103 of 2002)

**Article 71** (State Assistance)

- (1) In order to ensure the appropriate and effective enforcement of the measures for the maintenance and promotion of the workers' health, the State is to extend necessary assistance such as providing necessary information, promoting the implementation of working environment measurement and medical examination, promoting the sufficiency and competency of instructors concerning health education etc., in workplaces and so forth.
- (2) The State shall give special consideration to the small and medium-sized enterprises in providing the assistance set forth in the preceding paragraph.

## **Chapter VII-2 Measures for Creating a Comfortable Work Environment**

### **Article 71-2** (Measures to Be Taken by Employers)

The employer shall endeavor to create a comfortable working environment in order to improve the level of safety and health in the workplace by taking continuous and systematic measures as follows:

- (i) Measures to manage the maintenance of a comfortable working environment
- (ii) Measures to improve work practices engaged in by workers
- (iii) Establishment or maintenance of facilities or equipment to refresh workers' fatigue suffered in the course of their work
- (iv) In addition to the matters listed in preceding three items, necessary measures to create a comfortable working environment.

### **Article 71-3** (Publication of Guidelines for the Creation of Comfortable Working Environment)

- (1) The Minister of Health, Labour and Welfare is to publish the necessary guidelines for the appropriate and effective implementation of the measures to be taken by employers for the creation of a comfortable working environment prescribed in the preceding article.
- (2) The Minister of Health, Labour and Welfare may give necessary guidance to employers or their organizations under the guidelines in the preceding paragraph.

### **Article 71-4** (State Assistance)

In order to contribute to the appropriate and effective implementation of the measures to be taken by the employer and to create a comfortable working environment, the state shall endeavor to take financial measures, offer technical advice, and provide information and other necessary assistance.

## **Chapter VIII License, etc.**

### **Article 72** (License)

- (1) The license set forth in paragraph (1) of Article 12, Article 14 or paragraph (1) of Article 61 (hereinafter referred to as the "license") shall be effectuated by granting the license to those who have passed the license examination provided for in paragraph (1) of Article 75 or those who have the qualification prescribed by the Ordinance of the Ministry of Health, Labour and Welfare.
- (2) A person coming under any of the following items shall be disqualified for the license:
  - (i) A person whose license was revoked pursuant to the provisions of paragraph

- (2) of Article 74 (excluding item (iii)) and for whom one year has not elapsed since the date of the revocation.
- (ii) In addition to the above, persons specified by the Ordinance of the Ministry of Health, Labour and Welfare according to the kind of license.
- (3) Regarding the license prescribed in paragraph (1) of Article 61, the persons provided for by the Ordinance of the Ministry of Health, Labour and Welfare, as those who can not appropriately operate the work concerning the license due to the mental and physical disorder, may be disqualified for the license in provision of the said paragraph.
- (4) When the Director of the Prefectural Labor Bureau disqualifies the license prescribed in paragraph (1) of Article 61 pursuant to the preceding provision, he/she shall inform those applicants of the fact in advance, and by their request, officers designated by the Director of the Prefectural Labor Bureau shall hear their opinions.

### **Article 73**

- (1) The term of validity may be established for the license.
- (2) When the application for the renewal of the license is made, the Director of the Prefectural Labor Bureau shall not renew the term of the validity of the license unless the applicant conforms to the qualification provided for by the Ordinance of the Ministry of Health, Labour and Welfare.

### **Article 74** (License Cancellation, etc.)

- (1) The Director of the Prefectural Labor Bureau shall, where one who obtained a license has come under item (ii) of paragraph (2) of Article 72, revoke the said license.
- (2) The Director of the Prefectural Labor Bureau may, where one who obtained a license has come under any of the following items, revoke the said license or suspend the effect of the said license for a fixed period (not exceeding six months in case coming under item (i), (ii), (iv) or (v)):
- (i) Where he has caused a serious accident in regard to the work related to the said license, intentionally or by gross negligence
- (ii) Where he has violated the provisions of this Act or ordinances thereunder in respect of the work related to the said license
- (iii) In the case that the said license is the one prescribed in paragraph (1) of Article 61, where he/she shall be a person provided for by the Ordinance of the Ministry of Health, Labour and Welfare under the provision of paragraph (3) of Article 72
- (iv) Where he has failed to observe the conditions stated in paragraph (1) of Article 110

- (v) In cases to be provided for by the Ordinance of the Ministry of Health, Labour and Welfare by the kind of license, in addition to the cases listed in the preceding items
- (3) The person who has fallen under item (iii) of the preceding paragraph and whose license has been revoked under the provision of the same paragraph, may be granted the license again when the said person does not fall under the matters concerning the reason of revocation, and is regarded as an appropriate one to get a license again in accordance with other circumstances.

**Article 74-2** (Delegation to the Ordinance of the Ministry of Health, Labour and Welfare)

In addition to the provisions of preceding three Articles, necessary matters relating to the license such as its issuance shall be prescribed in the Ordinance of the Ministry of Health, Labour and Welfare.

**Article 75** (License Examination)

- (1) The Director of the Prefectural Labor Bureau shall conduct the license examination for each classification prescribed by the Ordinance of the Ministry of Health, Labour and Welfare.
- (2) The license examination set forth in the preceding paragraph (hereinafter referred to as the "license examination") shall consist of a paper test and a skill test or either of them.
- (3) The Director of the Prefectural Labor Bureau may, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, exempt those who have completed the practical training conducted by one registered by the Director of the Prefectural Labor Bureau and with whom one year has not elapsed since the date of completion of the practical training, or those in possession of the qualification as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, from the whole or part of the paper test or the skill test set forth in the preceding paragraph.
- (4) The practical training set forth in the preceding paragraph (hereinafter referred to as "the practical training") shall be conducted for each class listed in Appended Table 17.
- (5) The qualification for applicants, the subjects of the examination, the procedure of application for the license examination and the practical training, and other necessary matters for conducting the license examination, shall be provided for by the Ordinance of the Ministry of Health, Labour and Welfare.

**Article 75-2** (Designation of Examination Institution)

- (1) The Minister of Health, Labour and Welfare may, as provided for by the

Ordinance of the Ministry of Health, Labour and Welfare, entrust the implementation of the whole or part of the affairs of carrying out the license examination to be conducted by the Director of the Prefectural Labor Bureau pursuant to the provision of paragraph (1) of the preceding Article (hereinafter referred to as the "examination affairs") to one designated by the Minister of Health, Labour and Welfare (hereinafter referred to as the "designated examination institution").

- (2) The designation pursuant to the provisions of the preceding paragraph (hereinafter to Article 75-12 referred to as "designation") shall be made on the application of one who wishes to conduct the examination affairs.
- (3) The Director of the Prefectural Labor Bureau shall not conduct the whole or part of the examination affairs in case the implementation of the whole or part of the examination affairs in question has been entrusted to the designated examination institution pursuant to the provision of paragraph (1).

**Article 75-3 (Criteria for Designation)**

- (1) The Minister of Health, Labour and Welfare shall not make any designation unless there is no one else designated and the Minister of Health, Labour and Welfare finds that an application set forth in paragraph (2) of the preceding Article conforms to each of the following items:
  - (i) The plan of the implementation of the examination affairs prepared by the applying institution in respect to the staff, facilities, the method of implementation of the examination affairs and other matters is suited for proper and reliable implementation of the examination affairs.
  - (ii) The applying institution has a financial and technical footing, which is secure enough for proper and reliable implementation of the plan of implementation of the examination affairs set forth in the preceding item.
- (2) The Minister of Health, Labour and Welfare shall not make any designation if the application set forth in paragraph (2) of the preceding Article falls under any of the following items:
  - (i) The applying institution is not a juridical person established pursuant to the provisions of Article 34 of the Civil Code (Act No. 89 of 1896).
  - (ii) Fair and proper implementation of the examination affairs is liable to be disturbed by any other business undertaken by the applying institution.
  - (iii) The applying institution is a person who, having violated the provisions of this Act or ordinances thereunder, was sentenced to a penalty and for whom two years have not elapsed since the date when the execution of the sentence was completed or the date when the individual ceased to be amenable to the execution of the sentence.
  - (iv) The applying institution is a person whose designation was revoked pursuant

to the provisions of paragraph (1) of Article 75-11 and for whom two years have not elapsed since the date of revocation.

(v) Any of the executive officials of the applying institution falls under item (iii).

(vi) Any of the executive officials of the applying institution was dismissed pursuant to an order issued pursuant to the provisions of paragraph (2) of the following Article, and two years have not elapsed since the date of such dismissal.

**Article 75-4** (Appointment and Dismissal of the Executive Officials)

(1) The appointment and dismissal of the executive officials of the designated examination institution who are engaged in the examination affairs shall not be valid unless the approval of the Minister of Health, Labour and Welfare has been obtained.

(2) In case any of the executive officials of the designated examination institution has violated this Act (including the ordinances issued or dispositions taken thereunder), or the examination affair rules provided for in paragraph (1) of Article 75-6, or has committed a very improper act in connection with the examination affairs, the Minister of Health, Labour and Welfare may order the said designated examination institution to dismiss the said official.

**Article 75-5** (License Examiner)

(1) In the implementation of its examination affairs, the designated examination institution shall entrust a license examiner to the affairs of giving a decision as to whether the applicant has knowledge and capability necessary for a license holder.

(2) A license examiner shall be appointed, by the designated examination institution, from among those satisfying the conditions stipulated by the Ordinance of the Ministry of Health, Labour and Welfare.

(3) When the designated examination institution has appointed a license examiner, it shall notify the appointment to the Minister of Health, Labour and Welfare, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare. The same shall apply when the license examiner has been replaced.

(4) In a case in which a license examiner violates this Act (including the ordinances issued or dispositions taken thereunder) or the examination affair rules provided for in paragraph (1) of the following Article, or commits a very improper act in connection with the examination affairs, the Minister of Health, Labour and Welfare may order the said designated examination institution to dismiss the said license examiner.

**Article 75-6** (Examination affair Rules)

(1) The designated examination institution shall lay down rules concerning the

implementation of examination affairs (hereinafter in this Article and Article 75-11, paragraph (2), item (iv) set forth as the "examination affair rules"), and receive the approval of the Minister of Health, Labour and Welfare, before it starts in the examination affairs. The same shall apply when it intends to alter them.

- (2) The matters to be included in the examination affair rules shall be provided for by the Ordinance of the Ministry of Health, Labour and Welfare.
- (3) The Minister of Health, Labour and Welfare may, when finding that the examination affair rules approved under paragraph (1) have become inappropriate for proper and reliable implementation of the examination affairs order the designated examination institution to alter them.

**Article 75-7** (Approval of Business Plan, etc.)

- (1) The designated examination institution shall prepare a business plan and working budget for each business year and receive the approval of the Minister of Health, Labour and Welfare before the commencement of that business year (or without delay after designation in the business year to which the date of designation belongs). The same shall apply when it intends to alter them.
- (2) The designated examination institution shall, within three months after the end of each business year, prepare and submit to the Minister of Health, Labour and Welfare a business report and the settlement of accounts for that business year.

**Article 75-8** (Obligation to Keep Secrets, etc.)

- (1) An executive official or a member of the staff (including a license examiner) of the designated examination institution and all persons who have held such a post must not disclose to any person confidential information which they have learned in the course of the implementation of the examination affairs.
- (2) An executive official or a member of the staff (including a license examiner) of the designated examination institution who are engaged in the examination affairs shall be regarded as a member of the staff engaged in public service under the acts and regulations, in respect to the application of the Penal Code (Act No. 45 of 1907) and other penal provisions.

**Article 75-9** (Supervision Orders)

The Minister of Health, Labour and Welfare may, when finding it necessary for the enforcement of this Act, give necessary orders to the designated examination institution for the supervision of its examination affairs.

**Article 75-10** (Suspension or Discontinuation of Examination Affairs)

The designated examination institution shall neither suspend nor discontinue the whole or part of the examination affairs without obtaining permission from the

Minister of Health, Labour and Welfare.

**Article 75-11** (Cancellation of Designation, etc.)

- (1) The Minister of Health, Labour and Welfare shall, when the designated examination institution has come under item (iii) or item (v) of paragraph (2) of Article 75-3, revoke the said designation.
- (2) The Minister of Health, Labour and Welfare may, when the designated examination institution has come under any of the following items, revoke the said designation or order the whole or part of the examination affairs suspended for a fixed period:
  - (i) Where it fall under item (vi) of paragraph (2) of Article 75-3.
  - (ii) Where it contravened the order issued pursuant to the provisions of paragraph (2) of Article 75-4, paragraph (4) of Article 75-5, paragraph (3) of Article 75-6 or Article 75-9.
  - (iii) Where it violated the provisions of paragraph (1) to (3) of Article 75-5, Article 75-7 or the preceding Article.
  - (iv) Where it conducted the examination affairs without conforming to the examination affair rules approved pursuant to the provision of paragraph (1) of Article 75-6.
  - (v) Where it violated the conditions set forth in paragraph (1) of Article 110.

**Article 75-12** (Implementation of the License Examination by the Director of the Prefectural Labor Bureau)

- (1) When the designated examination institution has suspended the whole or part of the examination affairs with permission from the Minister of Health, Labour and Welfare pursuant to the provisions of Article 75-10, when the Minister of Health, Labour and Welfare has ordered the designated examination institution to suspend the whole or part of the examination affairs pursuant to the provisions of paragraph (2) of the preceding Article or in case it has become difficult by the natural disaster or other causes for the designated examination institution to carry out the examination affairs, the Director of the Prefectural Labor Bureau himself/herself shall, when he/she finds it necessary, carry out the whole or part of the examination affairs.
- (2) Transfer of the examination affairs and other necessary matters - in the case of the Director of the Prefectural Labor Bureau carrying out the examination affairs for himself/herself pursuant to the provisions of the preceding paragraph, in the case of the designated examination institution discontinuing the whole or part of the examination affairs with permission from the Minister of Health, Labour and Welfare pursuant to the provisions of Article 75-10, or in the case of the Minister of Health, Labour and Welfare having cancelled the designation of the designated

examination institution pursuant to the provisions of the preceding Article, shall be prescribed by the Ordinance of the Ministry of Health, Labour and Welfare.

**Article 76** (Skill Training Course)

- (1) The skill training course set forth in Article 14 or paragraph (1) of Article 61 (hereinafter referred to as "skill training course") shall consist of theoretical instructions and/or practical trainings for each class listed in Appended Table 18.
- (2) A person who has held the skill training course shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, grant the skill training course certificate to those who have completed the skill training course.
- (3) The qualification for receiving the skill training, and the procedures for enrolling and other necessary matters for the implementation of the skill training course shall be prescribed by the Ordinance of the Ministry of Health, Labour and Welfare.

**Article 77** (Registered Training Institution)

- (1) Registration pursuant to the provisions of Article 14, paragraph (1) of Article 61 or paragraph (3) of Article 75 (hereinafter referred to "registration" in this Article) shall be made, in accordance with the Ordinance of the Ministry of Health, Labour and Welfare, for each classification prescribed by the Ordinance of the Ministry of Health, Labour and Welfare, on the application of one who wishes to conduct the skill training course or the practical training.
- (2) The Director of the Prefectural Labor Bureau shall register a person who applies for registration pursuant to the provision in the preceding paragraph (referred to as "applicant for registration" in this paragraph) if the applicant satisfies all the requirements shown below.
  - (i) As for the skill training course or the practical training listed in the left column of Appended Table 19, the applicant for registration shall conduct the skill training course or the practical training using machine, equipment or facilities shown in the corresponding right column of the said Table.
  - (ii) As for the skill training course, the subject listed in each item of Appended Table 20 shall be covered by a trainer who has knowledge and experience that comply with one of the conditions shown in the corresponding right column of the said Table. There shall be at least one such trainer in each training establishment. As for the practical training, the subject listed in the left column of Appended Table 21 shall be covered by a trainer who has knowledge and experience that comply with one of the conditions shown in the corresponding right column of the said Table. There shall be at least two such trainer in each training establishment.
  - (iii) There shall be a person who supervises the skill training course or the

practical training. In the case of the practical training, this supervisor shall, in accordance with the practical training shown in the left column of Appended Table 22, be one who has knowledge and experience that comply with one of the conditions shown in the right column of the said Table 22.

(iv) In the case of the practical training, at least 95% of those who have completed in the equivalent training course conducted by the applicant for registration within six months before the date of application, and have taken the paper test or the practical test of the corresponding license examination, shall have passed the said paper test or practical test.

(3) Provisions of paragraph (2) and (4) of Article 46 shall apply mutatis mutandis to the registration in paragraph (1) of this Article. Provisions from Article 47-2 through Article 49, paragraph (1), (2) and (4) of Article 50, Article 52, Article 52-2, Article 53 (except item 4, hereinafter the same in this paragraph), and Article 53-2 shall apply mutatis mutandis to those who conduct the skill training course or the training, registered based on paragraph (1) of this Article (hereinafter referred to as "registered training institution"). In this case, the expression shown in the middle column of the table below that are used in the provisions listed in the corresponding left column shall read as the expression listed in the corresponding right column.

paragraph (2) of Article 46, except each item	Registration	Registration prescribed in paragraph (1) of Article 77 (hereinafter referred to as "registration" in this Article, Article 53, and paragraph (1) of Article 53-2.)
paragraph (4) of Article 46	Registry book of the registered manufacturing inspection, etc., agency	Registry book of the registered training institution
Article 47-2	Minister of Health, Labour and Welfare	Director General of the Prefectural Labor Bureau
paragraph (1) of Article 48	Manufacturing inspection, etc.	Skill training course prescribed in Article 14 or paragraph (1) of Article 61, or training prescribed in paragraph (3) of Article 75
	Minister of Health, Labour and Welfare	Director General of the Prefectural Labor Bureau
paragraph (2)	Manufacturing	Skill training course

of Article 48	inspection, etc.	prescribed in Article 14 or paragraph (1) of Article 61, or training prescribed in paragraph (3) of Article 75
Article 49	Manufacturing inspection, etc.	Skill training course prescribed in Article 14 or paragraph (1) of Article 61, or training prescribed in paragraph (3) of Article 75
	Minister of Health, Labour and Welfare	Director General of the Prefectural Labor Bureau
paragraph (1) of Article 50	Business report	Business report (business report if the registered training institution belongs to the state or local government/local public entity)
paragraph (2) of Article 50	Manufacturing inspection, etc.	Skill training course prescribed in Article 14 or paragraph (1) of Article 61, or training prescribed in paragraph (3) of Article 75
paragraph (4) of Article 50	Business report	Business report (business report if the registered training institution belongs to the state or local government/local public entity)
	Minister of Health, Labour and Welfare	Director General of the Prefectural Labor Bureau
Article 52	Minister of Health, Labour and Welfare	Director General of the Prefectural Labor Bureau
	Each item of paragraph (3) of Article 46	Each item of paragraph (2) of Article 77
Article 52-2	Minister of Health, Labour and Welfare	Director General of the Prefectural Labor Bureau
	Article 47	Paragraph 6 or 7 of Article 77
	Manufacturing inspection, etc.	Skill training course prescribed in Article 14 or paragraph (1) of Article 61, or training prescribed in

		paragraph (3) of Article 75
Article 53	Minister of Health, Labour and Welfare	Director General of the Prefectural Labor Bureau
	Manufacturing inspection, etc.	Skill training course prescribed in Article 14 or paragraph (1) of Article 61, or training prescribed in paragraph (3) of Article 75
paragraph (2) of Article 53	from Article 47 through Article 49, paragraph (1) or (4) of Article 50	from Article 47-2 through Article 49, paragraph (1) or (4) of Article 50, paragraph (6) or (7) of Article 77
paragraph (3) of Article 53	Each item of paragraph (2), or each item of paragraph (3), of Article 50	Each item of paragraph (2) of Article 50
Article 53-2	Manufacturing inspection, etc.	Skill training course prescribed in Article 14 or paragraph (1) of Article 61

- (4) The registration shall be renewed after a certain time prescribed by Cabinet Order from five up to ten years has elapsed. Otherwise the registration becomes invalidated with the expiration of the period.
- (5) Provisions of paragraph (2) of this Article and paragraph (2) and (4) of Article 46 shall apply mutatis mutandis to the renewal in the preceding paragraph. In this case, "registration" in paragraph (2) of Article 46, except each item shall read as "'registration' in paragraph (1) of Article 77 (hereinafter the same in this Article," and "registry book of the registered manufacturing inspection, etc. agency" in paragraph (4) of Article 77 shall read as "registry book of the registered training institution."
- (6) A registered training institution shall, except the case where there exist justifiable causes, prepare a plan for each business year for conducting skill training course or the training, pursuant to the Ordinance of the Ministry of Health, Labour and Welfare, and shall conduct the skill training or the said training based on the plan.
- (7) A registered training institution shall conduct skill training course or the training, fairly and properly, based on paragraph (5) of Article 75 or paragraph (3) of the preceding Article.

## Chapter IX Safety and Health Improvement Plan, etc.

## **Section 1 Safety and Health Improvement Plan**

**Article 78** (Instructions, etc. for the Formulation of Safety and health improvement plan)

- (1) Where it is deemed necessary in respect to equipment and other matters at the workplace to take comprehensive improvement measures for the prevention of industrial accidents, the Director of the Prefectural Labor Bureau may instruct the employer, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, to prepare an improvement plan concerning safety and health in the said workplace (hereinafter referred to as "safety and health improvement plan").
- (2) The employer shall, where he intends to prepare a safety and health improvement plan, hear the opinion of the trade union where there is a trade union composed of a majority of the workers at the said workplace, or the opinion of those representing a majority of the workers where there is not such a trade union.

**Article 79** (Observance of the Safety and Health Improvement Plan)

The employer set forth in paragraph (1) of the preceding Article and the workers employed by him/her shall observe the safety and health improvement plan.

**Article 80** (Safety and Health Consultation)

The Director of the Prefectural Labor Bureau may, in the case of having given the instruction pursuant to the provisions of paragraph (1) of Article 78 when finding that professional advices are necessary, recommend the said employer to accept diagnosis regarding safety or health by an industrial safety consultant or industrial health consultant, and further to hear the opinion of those professionals on preparation of a safety and health improvement plan.

Section 2 Industrial Safety Consultant and Industrial Health Consultant

## **Section 2 Industrial Safety Consultant and Industrial Health Consultant**

**Article 81** (Service)

- (1) An industrial safety consultant shall, as an occupation, make diagnosis of safety in the workplace and give guidance based on such diagnosis for the improvement of the level of safety of workers at the request of other people, gaining remuneration and using the appellation of industrial safety consultant.
- (2) An industrial health consultant shall as an occupation make diagnosis of health in the workplace and give guidance based on such diagnosis for the improvement of the level of health of workers at the request of other people, gaining

remuneration and using the appellation of industrial health consultant.

**Article 82** (Industrial Safety Consultant Examination)

- (1) The Minister of Health, Labour and Welfare shall conduct the industrial safety consultant examination.
- (2) The industrial safety consultant examination shall be carried out by written examination and oral examination for each classification prescribed by the Ordinance of the Ministry of Health, Labour and Welfare.
- (3) No person other than those falling under any of the following items shall take the industrial safety consultant examination:
  - (i) A person who graduated in completing the regular course of science from a university (excluding a junior college) under the School Education Act (Act No. 26 of 1947) or a university under the previous University Order (Imperial Order No. 388 of 1918) or from a college under the previous Technical College Order (Imperial Order No. 61 of 1903), and has the experience of having engaged in safety service for five years or more thereafter.
  - (ii) Those who graduated in completing the regular course of science from a junior college or a technical college under the School Education Act and have the experience of having engaged in safety service for seven years or more thereafter.
  - (iii) Those, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, who are deemed to have the same (or higher) ability as those listed in the preceding two items.
- (4) The Minister of Health, Labour and Welfare may exempt those who has the qualification as provided for by the Ordinance of the Ministry of Health, Labour and Welfare from the whole or part of the written examination or the oral examination under paragraph (2).

**Article 83** (Industrial Health Consultant Examination)

- (1) The Minister of Health, Labour and Welfare shall conduct the industrial health consultant examination.
- (2) The provisions of paragraph (2) to (4) of the preceding article shall apply mutatis mutandis to the industrial health consultant examination; in this case, "safety" in item (i) and (ii) of paragraph (3) of said Article shall read as "health."

**Article 83-2** (Designated Consultant Examination Institution)

The Minister of Health, Labour and Welfare, as provided by the Ordinance of the Ministry of Health, Labour and Welfare, may entrust all or part of the work concerning the implementation of examinations of industrial safety consultants and industrial health consultants (excluding work concerning determination of

qualifications hereinafter referred to as "consultant examination affairs") carried out by a party designated by the Minister of Health, Labour and Welfare (hereinafter referred to as a "designated consultant examination institution").

**Article 83-3** (Application for the Designation of Designated Consultant Examination Institution, etc.)

The provisions of paragraph (2) and (3) of Article 75-2, and of Article 75-3 through Article 75-12 shall apply mutatis mutandis to the work of the designated consultant examination institutions and consultant examination affairs provided for in the preceding article. In this case, "the Director of the Prefectural Labor Bureau" in paragraph (3) of Article 75-2 and Article 75-12 shall be read as "the Minister of Health, Labour and Welfare"; "paragraph (1)" in paragraph (3) of Article 75-2 read as "Article 83-2"; "the examination affair rules provided for in paragraph (1) of Article 75-6" in paragraph (2) of Article 75-4 as "the procedure rules concerning the implementation of consultant examination affairs "; "giving a decision as to whether the applicant has knowledge and capability necessary for a license holder" in paragraph (1) of Article 75-5 as "formulating and marking examination questions for industrial safety consultant examinations and industrial health consultant examinations"; "license examiner" in the same article and Article 75-8 as "consultant examiner"; "the examination affair rules provided for in paragraph (1) of the following Article" in paragraph (4) of Article 75-5 as "the procedure rules concerning the implementation of the consultant examination affairs "; "examination affairs (hereinafter in this Article and Article 75-11, paragraph (2), item (iv) referred to as the 'examination affair rules')" in paragraph (1) of Article 75-6 as "procedure rules"; "the examination affair rules" in paragraphs 2 and 3 of the same Article and item (iv) of paragraph (2) of Article 75-11 as "the procedure rules relating to the implementation of consultant examination affairs."

**Article 84** (Registration)

- (1) A person who has passed the industrial safety consultant examination or the industrial health consultant examination may become an industrial safety consultant or an industrial health consultant, by having his/her full name, the location of his/her office and other matters as provided for by the Ordinance of the Ministry of Health, Labour and Welfare entered in the industrial safety consultant registry or the industrial health consultant registry prepared in the Ministry of Health, Labour and Welfare.
- (2) A person who falls under any of the following items shall be disqualified for the registration under the preceding paragraph:
  - (i) An adult ward or a person under curatorship.
  - (ii) A person who, having violated the provisions of this Act or ordinances

thereunder, was sentenced to a fine or a penalty heavier than a fine and for whom two years have not elapsed since the date when the execution of the sentence was completed or the date when he ceased to be amenable to the execution of the sentence.

(iii) A person who, having violated the provisions of acts or regulations other than this Act and ordinances thereunder, was sentenced to imprisonment or a penalty heavier than imprisonment and for whom two years have not elapsed since the date when the execution of the sentence was completed or the date when he ceased to be amenable to the execution of the sentence.

(iv) A person whose registration was cancelled pursuant to the provisions of paragraph (2) of the following Article and for whom two years have not elapsed since the date of cancellation.

**Article 85** (Cancellation of Registration)

(1) The Minister of Health, Labour and Welfare shall, where an industrial safety consultant or an industrial health consultant (hereinafter referred to as "consultant") has come under any of items (i) to (iii) of paragraph (2) of the preceding Article, cancel the registration.

(2) The Minister of Health, Labour and Welfare may, where a consultant has violated the provisions of Article 86, cancel the registration.

**Article 85-2** (Designated Registration Institution)

(1) The Minister of Health, Labour and Welfare, according to the provisions of the Ordinance of the Ministry of Health, Labour and Welfare, may entrust all or part of the affairs concerning the implementation of registrations of consultants (excluding affairs concerning the revocation of registrations provided for in the preceding Article, hereinafter referred to as "registration affairs") carried out by a party designated by the Minister of Health, Labour and Welfare (hereinafter referred to as a "designated registration institution").

(2) Where a designated registration institution carries out registration affairs, "in the Ministry of Health, Labour and Welfare" in paragraph (1) of Article 84 shall read as "in the designated registration institution" for the application of the said Article.

**Article 85-3** (Application for the Designation, etc. of Designated Registration Institution)

The provision of paragraph (2) and (3) of Article 75-2, Article 75-3, Article 75-4 and Articles 75-6 through 75-12 shall apply mutatis mutandis to the designation registration institution and the registration affairs prescribed in paragraph (1) of the preceding Article. In this case, 'the Director of the Prefectural Labor Bureau in

paragraph (3) of Article 75-2 and Article 75-12 shall be read as "the Minister of Health, Labour and Welfare"; "paragraph (1)" in paragraph (3) of Article 75-2 read as "paragraph (1) of Article 85-2"; "the examination affair rules provided for in paragraph (1) of Article 75-6" in paragraph (2) of Article 75-4 as "the procedure rules concerning the implementation of registration affairs"; "rules (hereinafter in this Article and 75-11, paragraph (2), item (iv) referred to as the 'examination affair rules')" in paragraph (1) of Article 75-6 as "procedure rules"; "the examination affair rules" in paragraph (2) and (3) of the same Article and item (iv) of paragraph (2) of Article 75-11 as "the procedure rules relating to the implementation of registration affairs"; "a member of the staff (including a license examiner)" in Article 75-8 as "a member of the staff"; "whole or part of the examination affairs" in Article 75-10 as "registration affairs"; "whole or part of the examination affairs" in paragraph (2) of Article 75-11 and Article 75-12 as "registration affairs."

**Article 86** (Obligations)

- (1) A consultant shall not commit an act, which may damage the reputation of consultants or be a dishonor to the consultants as a whole.
- (2) A consultant shall not disclose the confidential information he has learned in connection with the business or peculate such secrets. The same shall also apply after the person has ceased to be a consultant.

**Article 87** (Japan Association of Industrial Safety and Health Consultants)

- (1) The consultants may establish a juridical person pursuant to the provisions of Article 34 of the Civil Code in the appellation of the Japan Industrial Safety and Health Consultant Association, only one throughout the country.
- (2) The purpose of the Japan Industrial Safety and Health Consultant Association shall be to perform the business concerning guidance of and liaison among the members for contributing to the maintenance of the dignity of consultants and the progress and improvement of their service.
- (3) No person other than the juridical person under paragraph 1 shall use in its appellation the characters of Japan Industrial Safety and Health Consultant Association.

**Chapter X Inspection, etc.**

**Article 88** (Notification of plans, etc.)

- (1) The employer, in the case that the type of industry and the scale of the said workplace come under the provisions of the Cabinet Order, and when intends to construct, install, move, or alter the main structure of, the buildings or machines,

etc. (excluding temporary buildings and machines specified by the Ordinance of the Ministry of Health, Labour and Welfare) pertaining to the said workplace, shall notify the plan to the Chief of the Labor Standards Office as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, no later than 30 days prior to the date of commencement of the said work. However this shall not apply to such employers acknowledged by the Chief of the Labor Standards Office as provided for by the Ordinance of the Ministry of Health, Labour and Welfare as to be taking the measures provided for in paragraph (1) of Article 28-2, and other measures specified by the Ordinance of the Ministry of Health, Labour and Welfare.

- (2) The provisions of the preceding paragraph shall apply mutatis mutandis to the employer (excluding the employer under the main clause of the said paragraph) who intends to install, move, or alter the main structure of, such machines, etc., as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, among those which require the dangerous or harmful work, are used in dangerous places or are used for preventing danger or health impairment.
- (3) The employer shall, when intending to commence large-scale work likely to cause serious industrial accidents as provided for by the Ordinance of the Ministry of Health, Labour and Welfare among the work in a construction undertaking, notify the plan to the Minister of Health, Labour and Welfare as prescribed by the Ordinance of the Ministry of Health, Labour and Welfare no later than 30 days prior to the date of commencement of the said work.
- (4) The employer shall, when intending to commence such work in a construction undertaking or in other industries prescribed by Cabinet Order (excluding the work of preceding paragraph prescribed by the Ordinance of the Ministry of Health, Labour and Welfare for construction undertaking) as provided for the Ordinance of the Ministry of Health, Labour and Welfare, notify the plan to the Chief of the Labor Standards Office as prescribed by the Ordinance of the Ministry of Health, Labour and Welfare no later than 14 days prior to the commencement of the said work.
- (5) When drawing up a plan of construction work provided for by the Ordinance of the Ministry of Health, Labour and Welfare among the construction work requiring notification pursuant to the provisions of paragraph (1) (including the case where the said provision is applied mutatis mutandis pursuant to paragraph (2)), a plan of work provided for by the Ordinance of the Ministry of Health, Labour and Welfare provided for in paragraph (3) or a plan of work provided for by the Ordinance of the Ministry of Health, Labour and Welfare among the work requiring the submission of notification pursuant to the provisions of the preceding paragraph, the employer shall have those who have the qualifications provided for by the Ordinance of the Ministry of Health, Labour and Welfare participate in the

planning in order to prevent industrial accidents caused by buildings, machines, etc. relating to the said construction work or the said work.

- (6) When the proposed work is to be executed by subcontracts of several levels, the provisions of the preceding three paragraphs (excluding cases where the submission of notification pursuant to the provision of paragraph (1) (including the case where the said provision is applied mutatis mutandis pursuant to paragraph (2)) among the provisions of the preceding paragraph) shall not be applied to contractors other than the orderer who is to carry out the said work himself/herself and the contractors other than the principal contractor unless the work is carried out by the orderer of the said work.
- (7) In the case of a notification pursuant to the provision of paragraph (1) (including the case where the said provision is applied mutatis mutandis pursuant to paragraph (2)) or paragraph (4) has been submitted to the Chief of the Labor Standards Office or pursuant to the provisions of paragraph (3) has been submitted to the Minister of Health, Labour and Welfare and they find matters relating to each said notification violate the provisions of this Act or ordinances thereunder, they may order the employer who submitted said notification to suspend the commencement of the work pertaining to said notification, or to alter the said plan.
- (8) When the Minister of Health, Labour and Welfare or the Chief of the Labor Standards Office has issued the order pursuant to the provision of the preceding paragraph (such order shall be limited to those issued to the employers who have submitted the notifications pursuant to paragraph (3) or (4)), the Minister of Health, Labour and Welfare or the Chief of the Labor Standards Office may issue the necessary recommendation or request concerning the measures for the prevention of industrial accidents to the orderers of the work (except those who carry out the work themselves) designated by said order whenever necessary.

**Article 89** (Investigation, etc. by the Minister of Health, Labour and Welfare)

- (1) The Minister of Health, Labour and Welfare may investigate those plans which require advanced technical investigation out of the plans notified pursuant to the provision of paragraph (1) of the preceding Article (including the case where the said provision is applied mutatis mutandis pursuant to paragraph (2) of the same Article), or paragraph (3) or (4) (except in the following Article, hereinafter referred to as "notification").
- (2) The Minister of Health, Labour and Welfare shall, in carrying out the investigation under the preceding paragraph, hear the opinion of the person with relevant knowledge and experience as provided for by the Ordinance of the Ministry of Health, Labour and Welfare.
- (3) The Minister of Health, Labour and Welfare may, where it is deemed necessary

from the results of the investigation under paragraph (1), make necessary recommendation or request on matters concerning the prevention of industrial accidents to the employer who submitted the notification.

- (4) The Minister of Health, Labour and Welfare shall, in making recommendation or request under the preceding paragraph, in advance hear the opinion of the employer who submitted the said notification.
- (5) The person with relevant knowledge and experience who were asked their opinions on the plan set forth in paragraph (1) under the provisions of paragraph (2) must not disclose the confidential information they have learned in connection with the said plan.

**Article 89-2** (Investigation by the Director of the Prefectural Labor Bureau)

- (1) The Director of the Prefectural Labor Bureau may investigate the plan which is prescribed as the one pursuant to those requiring the advanced technical investigation in paragraph (1) of preceding Article by taking into account buildings or machines, etc., or scale of work and other matters in the Ordinance of the Ministry of Health, Labour and Welfare, among plans notified pursuant to the provisions of paragraph (1) of Article 88 (including case applied mutatis mutandis pursuant to paragraph (2) of same Article) or paragraph (4). However, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, said investigation shall not be carried out where it is deemed that said plans have undergone a technical inspection equivalent to said investigation.
- (2) The provisions of paragraphs (2) to (5) of the preceding Article shall apply mutatis mutandis to the investigations provided for in the preceding paragraph.

**Article 90** (Chief of Labor Standards Office and Labor Standards Inspector)

The Chief of the Labor Standards Office and the Labor Standards Inspector shall be in charge of the business concerning the enforcement of this Act as provided for by the Ordinance of the Ministry of Health, Labour and Welfare.

**Article 91** (Authority of Labor Standards Inspector)

- (1) The Labor Standards Inspector may, when he/she finds it necessary, in order to enforce this Act, to enter workplaces, question persons concerned, inspect books, documents and other articles or conduct the working environment measurement, or collect without compensation samples of the products, raw materials or implements to the extent necessary for the inspection.
- (2) The Labor Standards Inspector who is a physician may conduct medical examination on workers who seem to have contracted a disease set forth in Article 68.
- (3) In a case that falls under the preceding two paragraphs, the Labor Standards

Inspector shall carry an identification card certifying his or her status and show it to the persons concerned.

- (4) The power of spot inspection pursuant to the provisions of paragraph (1) shall not be interpreted as authorization for the purpose of criminal investigation.

#### **Article 92**

With regard to the crime of violation of this Act, the Labor Standards Inspector is authorized to perform the judicial police officers' duty prescribed in the Code of Criminal Procedure (Act No. 131 of 1948).

#### **Article 93** (Expert Officer in Industrial Safety and Expert Officer in Industrial Health)

- (1) The Expert Officer in Industrial Safety and the Expert Officer in Industrial Health shall be installed in the Ministry of Health, Labour and Welfare, Prefectural Labor Bureaus and Labor Standards Offices.
- (2) The Expert Officer in Industrial Safety shall administer affairs related to the permission prescribed in paragraph (1) of Article 37, the safety and health improvement plan and the notification, and affairs related to safety investigation of causes of industrial accidents and other matters requiring the high expert knowledge, as well as perform to give guidance and assistance to employers and workers and those concerned on the matters necessary for preventing dangers to workers.
- (3) The Expert Officer in Industrial Health shall administer affairs related to the permission prescribed in paragraph (1) of Article 56, the recommendation pursuant to the provision of paragraph (4) of Article 57-3, the instruction pursuant to the provision of paragraph (1) of Article 57-4, matters on expertise for the work environment measurement pursuant to the provision of Article 65, the safety and health improvement plan and the notification, and affairs related to health on investigation of causes of industrial accidents and other matters requiring the high expert knowledge, as well as perform to give guidance and assistance to employers and workers and those concerned on the matters necessary for preventing workers' health impairment, and preserving and promoting the health of workers.
- (4) Necessary matters in regard to the Expert Officer in Industrial Safety and the Expert Officer in Industrial Health, in addition to what is provided for in the preceding three paragraphs, shall be prescribed by the Ordinance of the Ministry of Health, Labour and Welfare.

#### **Article 94** (Authority of Expert Officer in Industrial Safety and Expert Officer in Industrial Health)

- (1) The Expert Officer in Industrial Safety or the Expert Officer in Industrial Health may, when he/she finds it necessary to perform the affairs pursuant to the provision of paragraph (2) or (3) of the preceding article, enter workplaces, question persons concerned, inspect books, documents and other articles or conduct the working environment measurement, or collect without compensation samples of the products, raw materials or implements to the extent necessary for the inspection.
- (2) The provisions of paragraphs 3 and 4 of Article 91 shall apply mutatis mutandis in respect to spot inspection under the provisions of the preceding paragraph.

**Article 95** (Medical Advisor in Industrial Health)

- (1) The Medical Advisor in Industrial Health shall be assigned to the Prefectural Labor Bureaus.
- (2) The Medical Advisor in Industrial Health shall participate in the business concerning the instruction pursuant to the provisions of paragraph (5) of Article 65 or paragraph (4) of Article 66 and other businesses concerning the health of workers.
- (3) The Medical Advisor in Industrial Health shall be appointed by the Minister of Health, Labour and Welfare from among the doctors in possession of knowledge and experience in industrial health.
- (4) The Medical Advisor in Industrial Health shall be in part-time service.

**Article 96** (Authority of the Minister of Health, Labour and Welfare, etc.)

- (1) The Minister of Health, Labour and Welfare may, when he/she finds necessary for ensuring safety and health of the workers with regard to the structure of machines, etc. of the type of machines that have passed the type examination and facilities, etc., to manufacture and inspect the said machines, etc., have his/her staffs enter the workplace of the person who has received the type examination or the place where the said machines, etc. or facilities, etc. related to the said type examination are found to locate, question persons concerned, or inspect the said machines, etc., facilities, etc. or other articles.
- (2) The Minister of Health, Labour and Welfare may, when he/she finds it necessary for ensuring the proper operation of the service of the consultant, have his/her staffs enter the office of the consultant, question the persons concerned or inspect books or documents (including the electromagnetic records in case that relevant data are electromagnetically prepared, provided and kept in stead of the said books or documents) related to the consultant's service.
- (3) The Minister of Health, Labour and Welfare or the Director of the Prefectural Labor Bureau may, when he/she finds it necessary for ensuring the proper operation of the service of a registered manufacturing inspection, etc. agency,

registered performance inspection agency, registered individual examination institution, registered type examination agency, registered agency for self-inspection, designated examination institution, registered practical training institution, designated consultant examination institution and designated registration institution (hereinafter referred to as "registered manufacturing inspection, etc., agency, etc."), have his/her staffs enter their office, question the persons concerned or inspect books, documents and other articles related to the service.

- (4) The Director of the Prefectural Labor Bureau may, when he/she finds it necessary for having the Medical Advisor in Industrial Health participate in the affairs pursuant to the provisions of paragraph (2) of the preceding article, have said Medical Advisor enter the workplace, question the persons concerned or inspect the record of working environment measurement or medical examination results and other articles.
- (5) The provisions of paragraph (3) and (4) of Article 91 shall apply mutatis mutandis in respect to spot inspection pursuant to the provisions of the preceding four paragraphs.

**Article 96-2** (Implementation of Investigation, etc. of Causes of Industrial Accident by Research Institute)

- (1) The Minister of Health, Labour and Welfare may, in case that the investigation of causes of an accident is to be carried out pursuant to the provision of paragraph (2) or (3) of Article 93 and when he/she finds it necessary taking into account the magnitude of the said accident or other situations, have the National Institute of Occupational Safety and Health (Hereinafter referred to as "Institute") carry out the said investigation.
- (2) The Minister of Health, Labour and Welfare may, when he/she finds it necessary, have the Institute carry out the spot inspection pursuant to the provision of paragraph (1) of Article 94 (limited to the investigation prescribed in the preceding paragraph).
- (3) The Minister of Health, Labour and Welfare shall, when having the Institute carry out the spot inspection pursuant to the provision of preceding paragraph, instruct the Institute to carry out it while indicating the place of the said spot inspection and other necessary matters.
- (4) The Institute shall, when having carried out the investigation according to the instruction prescribed in preceding paragraph, report its result to the Minister of Health, Labour and Welfare.
- (5) The provisions of paragraph (3) and (4) of Article 91 shall apply mutatis mutandis in respect to spot inspection pursuant to the provisions of the preceding paragraph (2). In this case, "Labor Standards Inspector" in paragraph (3) of the

same Article shall be read as "staff of the National Institute of Occupational Safety and Health."

**Article 96-3** (Order to Institute)

The Minister of Health, Labour and Welfare may, when he/she finds it necessary to ensure the proper implementation of business of the investigation prescribed in paragraph (1) of the preceding Article and the spot inspection prescribed in paragraph (2) of the same Article, give the necessary order on these businesses to the Institute.

**Article 97** (Reports by Workers)

- (1) When there exists in the workplace any fact in violation of the provisions of this Act or ordinances thereunder, the worker may report this fact to the Director of the Prefectural Labor Bureau or Chief of the Labor Standards Office or to the Labor Standards Inspector and request that appropriate action be taken for rectification.
- (2) The employer shall not dismiss or discriminate against the worker who reported the fact according to the preceding paragraph for the reason of his/her having done so.

**Article 98** (Order of Suspension of Use, etc.)

- (1) The Director of the Prefectural Labor Bureau or the Chief of the Labor Standards Office may, where there exists a fact in violation of the provisions of Article 20 to Article 25 inclusive, paragraph (1) of Article 25-2, paragraph (1) or (4) of Article 30-3, paragraph (1) of Article 31, Article 31-2, paragraph (1) of Article 33 or Article 34, order to stop whole or part of the work, to stop or alter the use of whole or part of the building, etc., or other matters necessary for preventing industrial accidents, to the employer, orderer, machine-lessor or building-lessor who violated the said provisions.
- (2) The Director of the Prefectural Labor Bureau or the Chief of the Labor Standards Office may order necessary matters in connection with the matters ordered pursuant to the provisions of the preceding paragraph to the workers, contractors, or those to whom buildings are leased.
- (3) The Labor Standards Inspectors may, where there exists imminent danger to the workers in the case of the preceding two paragraphs, immediately exercise the authorities of the Director of the Prefectural Labor Bureau or the Chief of the Labor Standards Office under these paragraphs.
- (4) The Director of the Prefectural Labor Bureau or the Chief of the Labor Standards Office may, in case of having given the order pursuant to the provision of paragraph (1) for the work carried out based on the contract and when finding

it necessary, recommend or request the orderer of the work (including all the orderers of such work as parties to the contracts for the work but excluding the orderer to whom the said order has been issued, where the said work is to be executed by subcontracts of several levels) with regard to preventing industrial accidents related to facts in the said violation.

#### **Article 99**

- (1) In a case other than the one prescribed in paragraph (1) of the preceding Article, where there exists imminent danger of the occurrence of industrial accidents and an urgent necessity, the Director of the Prefectural Labor Bureau or the Chief of the Labor Standards Office may order the employer to stop temporarily the whole or part of the work or to stop temporarily the use of the whole or part of the building, etc., or to take other urgent measures necessary for preventing the said industrial accidents to the extent necessary.
- (2) The Director of the Prefectural Labor Bureau or the Chief of the Labor Standards Office may order the workers to carry out necessary matters in connection with the matters ordered pursuant to the provisions of the preceding paragraph.

#### **Article 99-2 (Training Directive)**

- (1) The Director of the Prefectural Labor Bureau may, in case that the industrial accident occurred and when he/she finds it necessary to prevent the recurrence of industrial accidents, instruct, by fixing the period, the employer involved in the said industrial accident to have the general safety and health manager, the safety officer, the health officer, the overall safety and health controller or other person engaged in work to prevent industrial accidents at the workplace where the industrial accident occurred (hereinafter referred to as "the person engaged in work to prevent industrial accidents") take a training course provided by the person designated by the Director of the Prefectural Labor Bureau.
- (2) An employer who has been instructed pursuant to the provisions of the preceding paragraph shall ensure that the person engaged in work to prevent industrial accidents takes the training course provided for in the same paragraph.
- (3) In addition to matters provided for in the preceding two paragraphs, subjects of the training course and other necessary matters relating to the training in paragraph (1) shall be provided for by the Ordinance of the Ministry of Health, Labour and Welfare.

#### **Article 99-3**

- (1) The Director of the Prefectural Labor Bureau may, in case that the action

committed by the person eligible to be engaged in the work prescribed in paragraph (1) of Article 61 under the provision of the same paragraph and who has contravened the provisions of this Act or ordinances thereunder, has caused the occurrence of an industrial accident and when the said Director finds it necessary to prevent the recurrence, instruct, by fixing the period, to take the training provided by a person designated by the Director of the Prefectural Labor Bureau.

- (2) The provisions of paragraph (3) of the preceding Article shall apply mutatis mutandis to the training in the preceding paragraph.

**Article 100** (Report, etc.)

- (1) The Minister of Health, Labour and Welfare, the Director of the Prefectural Labor Bureau or the Chief of the Labor Standards Office may, when they find it necessary for the enforcement of this Act, have the employer, worker, machine-lessor, building-lessor or consultant report on necessary matters or order them to appear, as prescribed by the Ordinance of the Ministry of Health, Labour and Welfare.
- (2) The Minister of Health, Labour and Welfare, the Director of the Prefectural Labor Bureau or the Chief of the Labor Standards Office may, when they find it necessary for the enforcement of this Act, have the registered manufacturing inspection, etc., agency and other agencies report on necessary matters, as prescribed by the Ordinance of the Ministry of Health, Labour and Welfare.
- (3) A Labor Standards Inspector may, when he or she finds it necessary for the enforcement of this Act, have the employer or worker report on necessary matters or order them to appear.

**Chapter XI Miscellaneous Provisions**

**Article 101** (Dissemination of the Act and Ordinances, etc.)

- (1) The employer shall make known to the workers the gist of this Act and the ordinances thereunder by displaying or posting it usually in conspicuous places throughout the workshop and by other means provided for by the Ordinance of the Ministry of Health, Labour and Welfare.
- (2) In each workshop handling notified substances including chemicals, preparations containing chemicals and other substances, the employer shall make the items notified pursuant to paragraphs (1) and (2) of Article 57-2 known to the workers handling said substances by displaying or posting it usually in conspicuous places and by other means provided for by the Ordinance of the Ministry of Health, Labour and Welfare.

**Article 102** (Obligation of Persons Installing Gas Supply or Other Structures)

A person who installed a structure for gas supply or other structures prescribed by Cabinet Order shall, where he or she was requested by the employers performing work such as construction at the location of the said structure or in its neighborhood to provide instruction on measures to be taken in order to prevent the occurrence of industrial accidents due to said structure, instruct them.

**Article 103** (Preservation of Documents, etc.)

- (1) The employer shall, as prescribed by the Ordinance of the Ministry of Health, Labour and Welfare, keep the documents (excluding the records under the following paragraph and paragraph (3)) prepared under the provisions of this Act or ordinances thereunder.
- (2) The registered manufacturing inspection, etc., agency and other agencies shall, as prescribed by the Ordinance of the Ministry of Health, Labour and Welfare, prepare and keep records in which are entered the matters pertaining to manufacturing inspection, etc., regular inspection, individual examination, type examination, special voluntary inspection, license examination, skill training course, training mentioned in paragraph (4) of Article 75, industrial safety consultant examination, industrial health consultant examination or consultant registration as prescribed by the Ordinance of the Ministry of Health, Labour and Welfare.
- (3) The consultant shall, as prescribed by the Ordinance of the Ministry of Health, Labour and Welfare, prepare and keep records in which are entered the matters concerning his/her service as prescribed by the Ordinance of the Ministry of Health, Labour and Welfare.

**Article 104** (Preservation of Secrets concerning Medical Examinations, etc.)

The person who was engaged in the affairs of execution of the medical examination pursuant to the provisions of paragraph (1) of Article 65-2, and paragraph (1) to paragraph (4) of Article 66, and the face-to-face guidance pursuant to the provisions of paragraph (1) of Article 66-8, shall not disclose the secrets, which they have become aware of in connection with the said execution.

**Article 105**

Deleted

**Article 106** (State Assistance)

- (1) In addition to those measures prescribed in Article 19-3, paragraph (3) of Article 28-2, Article 57-5, Article 63, Article 71, and Article 71-4, the State shall

endeavor in order to contribute to the prevention of industrial accidents, to take financial measures, and to give technical advice and other necessary assistance, with respect to the improvement of safety and health facilities, the implementation of safety and health improvement plans and other activities carried out by employers.

- (2) In granting the assistance pursuant to the preceding paragraph, the State shall give special consideration to small and medium-sized enterprises.

**Article 107** (Assistance by the Minister of Health, Labour and Welfare)

The Minister of Health, Labour and Welfare shall provide safety officers, health officers, safety and health promoters, health promoters, industrial physicians, consultants and others, who are to perform their duties to prevent industrial accidents, with the necessary information and assistance in order to improve their abilities, as well as to enhance workers' interest in the prevention of industrial accidents.

**Article 108** (Promotion of Research and Development, etc.)

The Government shall, for the purpose of promoting science and technology contributing to the prevention of industrial accidents, endeavor to promote research and development, to disseminate the results thereof and to take other necessary measures.

**Article 108-2** (Epidemiological Survey, etc.)

- (1) The Minister of Health, Labour and Welfare may, when he/she finds it necessary in order to find the association of chemical substances, etc., to which employees are exposed or the work and the diseases of these said workers, make an epidemiological survey and other investigations (hereinafter in this Article referred to as "epidemiological survey, etc.")
- (2) The Minister of Health, Labour and Welfare may entrust the implementation of the whole or part of the business of carrying out an epidemiological survey, etc., to one who has expert knowledge of epidemiological surveys, etc.
- (3) The Minister of Health, Labour and Welfare or one who was entrusted pursuant to the provisions of the preceding paragraph may, where they deem it necessary in order to carry out an epidemiological survey, etc., question the employer, the workers and other persons concerned, or request them to report on necessary matters or submit necessary documents.
- (4) One who was engaged in the business of carrying out an epidemiological survey, etc., whose implementation was entrusted by the Minister of Health, Labour and Welfare pursuant to the provisions of paragraph (2), shall not disclose the confidential information he or she has become aware of in connection with the

execution; provided that this shall not apply where he or she is compelled to disclose the confidential information in order to prevent the impairment of workers' health

**Article 109** (Collaboration with Local Authorities)

The State shall, in promoting the measures for preventing industrial accidents, respect the stand of local authorities, maintain a close liaison with them and request their understanding and cooperation.

**Article 110** (Conditions for Permission, etc.)

- (1) Conditions may be attached to the permission, license, designation or registration (limited to registration in paragraph (1) of Article 54-3 or paragraph (1) of Article 84. this applies to the following paragraph) pursuant to the provisions of this Act, and they may be altered.
- (2) The conditions under the preceding paragraph shall be limited to the minimum necessary for the sure implementation of the matters related to said permission, license, designation or registration and shall not be such as to impose unjustifiable obligations on the person obtaining said permission, license, designation or registration.

**Article 111** (Filing of Objections)

- (1) With respect to dispositions concerning the results of inspection under Article 38, regular inspection, individual examination, type examination or license examination, no objection pursuant to the Act on the Examination of Objections against Administrative Acts (Act No. 160 of 1962) may be filed.
- (2) With respect to dispositions concerning the examination affairs executed by the designated examination institution (excluding dispositions concerning the results of license examination) or to the forbearance of such an action, an action concerning the consultant examination affairs conducted by a designated consultant examination institution or to the forbearance of such dispositions or dispositions concerning the registration affairs conducted by a designated registration institution or to the forbearance of such an action, an examination under the Act on the Examination of Objections against Administrative Acts may be requested to the Minister of Health, Labour and Welfare.

**Article 112** (Fees)

- (1) The following persons shall, as prescribed by Cabinet Order, pay fees to the State (to the designated examination institution in the case of a person who intends to take a license examination conducted by the designated examination institution, to the designated consultant examination institution in the case of a

person who intends to take an industrial safety consultant examination or an industrial health consultant examination conducted by the designated consultant examination institution and to the designated registration institution in the case of a person who intends to gain registration conducted by the designated registration institution):

- (i) A person who intends to obtain the license
  - (i)-2 A person who intends to be registered based on Article 14, paragraph (1) of Article 38, paragraph (2) of Article 41, paragraph (1) of Article 44, paragraph (1) of Article 44-2, paragraph (1) of Article 61, or paragraph (3) of Article 75, or to renew the registration.
  - (ii) A person who intends to take the skill training course (excluding one given by the registered training institution)
  - (iii) A person who intends to obtain the permission under paragraph (1) of Article 37
  - (iv) A person who intends to receive the inspection (excluding inspections conducted by the registered manufacturing inspection, etc., agency) under Article 38
  - (v) A person who intends to obtain the reissue or renewal of the inspection certificate (excluding inspections conducted by the registered manufacturing inspection, etc., agency)
  - (vi) A person who intends to receive regular inspection (excluding one carried out by the registered regular inspection agency)
  - (vii) A person who intends to take an individual examination (excluding one conducted by the registered individual examination agency)
  - (vii)-2 A person who intends to take a type examination (excluding one conducted by the registered type examination agency)
  - (viii) A person who intends to obtain the permission under paragraph (1) of Article 56
  - (ix) A person who intends to obtain the reissue or renewal of a license card under paragraph (1) of Article 72
  - (x) A person who intends to obtain the renewal of the valid term of a license card
  - (xi) A person who intends to take the license examination
  - (xii) A person who intends to take the industrial safety consultant examination or the industrial health consultant examination
  - (xiii) A person who intends to obtain the registration under paragraph (1) of Article 84
- (2) The fees paid to the designated examination institution, the designated consultant examination institution and the designated registration institution under the provisions of the preceding paragraph shall be the revenue of the respective designated examination institution, designated consultant examination

institution and designated registration institution.

**Article 112-2** (Public Announcement)

- (1) The Minister of Health, Labour and Welfare, in the following cases, shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, make a public notice to that effect in the official gazette:
  - (i) Where registration was made pursuant to the provisions of paragraph (1) of Article 38, paragraph (2) of Article 41, paragraph (1) of Article 44, or paragraph (1) of Article 44-2.
  - (ii) Where the certificate of type examination is invalidated according to the provision of Article 44-4.
  - (iii) Where notification was submitted pursuant to Article 47-2 or Article 49 (including the case where the same provisions are applied mutatis mutandis in Article 53-3 through Article 54-2).
  - (iv) Where the cancellation of registration was made pursuant to the provisions of Article 53 (including the case where the same provisions are applied mutatis mutandis in Article 53-3 through Article 54-2), or where the suspension of the whole or part of the service of the manufacturing inspection, etc., the regular inspection, the individual examination or the type examination.
  - (v) Where the Director of the Prefectural Labor Bureau, the Chief of the Labor Standards Office, or the Minister of Health, Labour and Welfare decides to carry out the whole or a part of the service of the manufacturing inspection, etc., the performance inspection, the individual examination or the type examination, or the skill training pursuant to the provision of 53-2 (including the case where the same provisions are applied mutatis mutandis in Article 53-3 through Article 54-2 and paragraph (3) of Article 77), or where the Director of the Prefectural Labor Bureau, the Chief of the Labor Standards Office, or the Minister of Health, Labour and Welfare decides not to carry out the whole or part of the service of the manufacturing inspection, etc., the performance inspection, the individual examination or the type examination, or the skill training, previously executed by himself/herself.
  - (vi) Where designation was made pursuant to paragraph (1) of Article 75-2, Article 83-2 or paragraph (1) of Article 85-3.
  - (vii) Where permission was made under Article 75-10 (including the case where the same provision is applied mutatis mutandis in Article 83-3 and Article 85-3).
  - (viii) Where cancellation was made pursuant to paragraph (1) of Article 75-11 (including the case where the same provision is applied mutatis mutandis in Article 83-3 and Article 85-3).
  - (ix) Where the revocation of designation was made or order was given to suspend

the whole or part of the examination affairs, consultant examination affairs or the registration affairs pursuant to paragraph (2) of Article 75 (including the case where the same provision is applied mutatis mutandis in Article 83-3 and Article 85-3).

- (x) Where the Director of the Prefectural Labor Bureau or the Minister of Health, Labour and Welfare decides to carry out the whole or part of the examination affairs, the consultant examination affairs or registration affairs pursuant to the provisions of paragraph (1) of Article 75-12 (including the case where the same provision is applied mutatis mutandis in Article 83-3 and Article 85-3. Hereinafter the same in this item), or where the Director of the Prefectural Labor Bureau or the Minister of Health, Labour and Welfare decides not to carry out the examination affairs, the whole or part of the consultant examination affairs, or registration affair previously carried out by himself/herself pursuant to the said provisions.
- (2) The Director of the Prefectural Labor Bureau, in the following cases, shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, make a public notice.
  - (i) Where registration was made pursuant to Article 14, paragraph (1) of Article 61 or paragraph (3) of Article 75.
  - (ii) Where notification was received pursuant to Article 47-2 or Article 49 which applies mutatis mutandis in paragraph (3) of Article 77.
  - (iii) Where, pursuant to Article 53 which applies mutatis mutandis to in paragraph (3) of Article 77, the registration was cancelled or an order was given to suspend the whole or a part of the skill training course or the training mentioned in paragraph (4) of Article 75.

#### **Article 113** (Transitional Measures)

Where an order or ordinance is enacted, amended or abrogated under the provisions of this Act, necessary transitional measures (including the transitional measures concerning penal provisions) may be laid down by said order or ordinance within the scope deemed reasonably necessary in connection with the enactment, amendment or abrogation.

#### **Article 114** (Special Provisions concerning Mines)

- (1) With regard to the maintenance of safety in a mine (including hygienic ventilation and rescue at the time of a disaster; the same shall apply in paragraph (1) of the following Article) pursuant to the provisions of paragraph (2) and (4) of Article 2 of the Mine Safety Act (Act No. 70 of 1949), "the Minister of Health, Labour and Welfare" and "the Labor Policy Council" in Chapter II shall be read as "the Minister of Economy, Trade and Industry" and "the Central Mine Safety

Council," respectively.

- (2) With regard to the provisions of paragraph (2) and (4) of Article 2 of the Mine Safety Act, the term "general safety and health manager" found in Chapter III of the same act shall be read as "general health manager" and the term "safety and health promoter" as "health promoter."

**Article 115** (Exemption from Application)

- (1) This Act (excepting the provisions of Chapter II) shall not apply in respect to the maintenance of safety in a mine pursuant to the provisions of paragraph (2) and (4) of Article 2 of the Mine Safety Act.
- (2) This Act shall not apply in respect to the mariners covered by the Mariners Act (Act No. 100 of 1947).

**Chapter XII Penal Provisions**

**Article 115-2**

- (1) When an executive official or personnel of a registered manufacturing inspection, etc., agency, a registered performance inspection agency, a registered individual examination agency, or a registered type examination agency (hereinafter referred to as "specified agency" in this Article) that conducts manufacturing inspection, etc., performance inspection, individual examination, or type examination (hereinafter referred to as "specified service" in this Article) accepts, requires or makes a promise of bribes related to the duty, they shall be punished with a penal servitude not exceeding five years. Those who have committed fraud or failed to carry out their duty in relation to the bribes shall be punished with a penal servitude not exceeding seven years.
- (2) If a person who is to be an executive official or personnel of a special agency that conducts the special service accepts, requires or makes a promise of bribes for some request related to the supposed duty, the person shall be punished with a penal servitude not exceeding five years at the point of time when the person becomes an executive official or personnel of the agency.
- (3) When a person who was an executive official or personnel of a special agency that conducts the special service accepted, required or made a promise of bribes for some request related to the duty during the person's time in office, and committed fraud or failed to carry out the person's duty in relation to the bribes, the person shall be punished with a penal servitude not exceeding five years.
- (4) The bribes in the preceding three paragraphs, which were received by the criminal person shall be confiscated. If it was unable to confiscate the whole or a part of the bribes, the corresponding amount of money shall be confiscated.

**Article 115-3**

- (1) A person who gave, offered, or made a promise of bribes in paragraph (1) through paragraph (3) of the preceding Article shall be punished with a penal servitude not exceeding three years or with a fine not exceeding 2,500,000 yen.
- (2) When a person who had committed a crime prescribed in the previous paragraph surrendered oneself to justice, the punishment may be commuted or exempted.

**Article 115-4**

The cases mentioned in Article 4 of the Penal Code apply to the crime prescribed in paragraph (1) through paragraph (3) of Article 115-2.

**Article 116**

A person who has violated the provisions of Article 55 shall be punished with a penal servitude not exceeding three years or with a fine not exceeding three million yen.

**Article 117**

A person who has violated the provisions of paragraph (1) of Article 37, paragraph (1) of Article 44, paragraph (1) of Article 44-2, paragraph (1) of Article 56, paragraph (1) of Article 75-8 (including the case where the same provisions are applied mutatis mutandis in Article 83-3 and Article 85-3), or paragraph (2) of Article 86 shall be punished with a penal servitude not exceeding one year or with a fine not exceeding one million yen.

**Article 118**

Where there was a violation of the order to suspend the service or business pursuant to the provisions of Article 53 (including the case where the same provisions are applied mutatis mutandis in Article 53-3 through Article 54-2 and paragraph (3) of Article 77), paragraph (2) of Article 54-6 or paragraph (2) of Article 75-11 (including the case where the same provisions are applied mutatis mutandis in Article 83-3 and Article 85-3), the executive official or the personnel of the registered manufacturing inspection, etc., agency, who perpetrated the violation shall be punished with a penal servitude not exceeding one year or with a fine not exceeding one million yen.

**Article 119**

A person who comes under following items shall be punished with a penal servitude not exceeding six months, or with a fine not exceeding 500,000 yen:

- (i) A person who violated the provisions of Article 14, Article 20 to Article 25

inclusive, paragraph (1) of Article 25-2, paragraph (1) or (4) of Article 30-3, paragraph (1) of Article 31, Article 31-2, paragraph (1) or (2) of Article 33, Article 34, Article 35, paragraph (1) of Article 38, paragraph (1) of Article 40, Article 42, Article 43, paragraph (6) of Article 44, paragraph (7) of Article 44-2, paragraph (3) or (4) of Article 56, paragraph (5) of Article 57-3, paragraph (5) of Article 57-4, paragraph (3) of Article 59, paragraph (1) of Article 61, paragraph (1) of Article 65, Article 65-4, Article 68, paragraph (5) of Article 89 (including the case in which the same provisions are applied mutatis mutandis in paragraph (2) of Article 89-2), paragraph (2) of Article 97, Article 104, or paragraph (4) of Article 108-2.

(ii) A person who has violated the order under the provisions of Article 43-2, paragraph (5) of Article 56, paragraph (7) of Article 88, paragraph (1) of Article 98 or paragraph (1) of Article 99.

(iii) A person who has failed to label, as provided for in paragraph (1) of Article 57, or who has made mendacious label or a person who has failed to deliver a document pursuant to the provisions of paragraph (2) of the same Article or who has delivered mendacious documents.

(iv) A person who has violated the Ordinance of the Ministry of Health, Labour and Welfare under the provisions of paragraph (4) of Article 61.

## **Article 120**

A person who comes under the following items shall be punished with a fine not exceeding 500,000 yen:

(i) A person who has violated the provisions of paragraph (1) of Article 10, paragraph (1) of Article 11, paragraph (1) of Article 12, paragraph (1) of Article 13, paragraph (1), (3) or (4) of Article 15, paragraph (1) of Article 15-2, paragraph (1) of Article 16, paragraph (1) of Article 17, paragraph (1) of Article 18, paragraph (2) of Article 25-2 (including the case where the same provisions are applied mutatis mutandis in paragraph (5) of Article 30-3), Article 26, paragraph (1) or (4) of Article 30, paragraph (1) or (4) of Article 30-2, paragraph (1) to paragraph (6) inclusive of Article 32, paragraph (3) of Article 33, paragraph (2) of Article 40, paragraph (5) of Article 44, paragraph (6) of Article 44-2, paragraph (1) or (2) of Article 45, paragraph (1) of Article 59 (including the case in which the same provisions are applied mutatis mutandis in paragraph (2) of the same Article), paragraph (2) of Article 61, paragraph (1) through (3) of Article 66, Article 66-3, Article 66-6, paragraph (3) of Article 87, paragraph (1) of Article 88 (including the case in which the same provisions are applied mutatis mutandis in paragraph (2) of the same Article), or paragraph (3) to paragraph (5) of the same Article, paragraph (1) of Article 101 or paragraph (1) of Article 103.

- (ii) A person who has violated the order or instruction pursuant to the provisions of paragraph (2) of Article 11 (including the case where the same provisions are applied mutatis mutandis in paragraph (2) of Article 12 and paragraph (2) of Article 15-2), paragraph (1) of Article 57-4, paragraph (1) of Article 57-3, paragraph (5) of Article 65, paragraph (4) of Article 66, paragraph (2) of Article 98 or paragraph (2) of Article 99.
- (iii) A person who has failed to label, as provided for in paragraph (4) of Article 44 or paragraph (5) of Article 44-2, or who has made mendacious label.
- (iv) A person who has refused, impeded or evaded the entrance, inspection, working environment measurement, collection of samples or medical examination pursuant to the provisions of paragraph (1) or (2) of Article 91, paragraph (1) of Article 94 or paragraph (1), (2) or (4) of Article 96 or a person who has refused to reply or made mendacious reply to the questions pursuant to the provisions of the said paragraphs.
- (v) A person who has failed to report, as provided for in paragraph (1) or (3) of Article 100, or made a mendacious report and failed to appear when required.
- (vi) A person who has neither prepared nor kept records, as provided for in paragraph (3) of Article 103, or made a mendacious record.

#### **Article 121**

Where there was a violation of this Act coming under any of the following items, the executive official or the personnel of the registered manufacturing inspection, etc., agency and other agencies who perpetrated the violation shall be punished with a fine not exceeding 500,000 yen.

- (i) Where one has failed to submit a notification, as provided for in Article 49 (including the case where the same provisions are applied mutatis mutandis in Article 53-3 through Article 54-2 and paragraph (3) of Article 77), or has submitted a mendacious notification.
- (ii) Where the whole service of the examination affairs or the consultant examination affairs or the registration affairs was discontinued without obtaining the permission under Article 75-10 (including the case where the same provisions are applied mutatis mutandis in Article 83-3 and Article 85-3).
- (iii) Where one has refused, impeded or evaded the entrance or inspection pursuant to the provisions of paragraph (3) of Article 96 or has refused to reply or made mendacious reply to the questions pursuant to the provisions of said paragraph.
- (iv) Where one has failed to report, as provided for in paragraph (2) of Article 100, or made mendacious report.
- (v) Where one has failed to prepare or keep records, as provided for in paragraph (2) of Article 103, or made mendacious records.

## **Article 122**

Where a representative of a juridical person or a deputy hired or other employee of a juridical person or a person has perpetrated in respect to the service of said juridical person or said person a violation stated in Articles 116, 117, 119 or 120, the punishment of a fine stated in each of said Articles shall be imposed on the juridical person or said person in addition to the perpetrator.

## **Article 123**

A person who comes under any of the following items shall be punished by a non-penal fine not exceeding 200,000 yen:

- (i) Those who failed to prepare the financial statements, etc., failed to record necessary items or made mendacious records contravening the provisions of paragraph (1) of Article 50 (including the case where the same provisions are applied mutatis mutandis in Article 53-3 through Article 54-2 and paragraph (3) of Article 77), or those who refused the request prescribed in paragraph (2) of article 50 (including the case where the same provisions are applied mutatis mutandis in Article 53-3 through Article 54-2 and paragraph (3) of Article 77) without justifiable causes.
- (ii) In the case that the institute has contravened the order based on the provision of Article 96-3, the executive official who has committed the infraction.

## **Supplementary Provisions (Extract)**

### **Article 1 (Date of Enforcement)**

This Act shall be put into force from the date to be fixed by Cabinet Order within the period not exceeding six months from the date of promulgation; provided that the provisions of Article 80 and Section II of Chapter IX shall be enforced as from April 1, 1973. Of the provision of Article 9 of the Supplementary Provisions, the part providing for adding the words "and Industrial Safety and Health Act" under the term "The Labor Standards Act" in the table of the Central Labor Standards Council prescribed in the provision of paragraph (1), Article 13 of the Act for establishment of the Ministry of Labour (Act No. 162 of 1949) shall be enforced from the day of the promulgation.

### **Article 3 (Succession of Validity of Decision)**

Those decisions proceeding or other actions made or taken pursuant to the provisions and the related ordinances of the former Labor Standards Act or the Act on the Organization of Industrial Accident Prevention (Act No. 118 of 1964) before the enforcement of this Act shall be regarded as the decisions, proceedings or other

actions made or taken pursuant to this Act and the related ordinances.

**Article 25** (Delegation to Cabinet Order)

Besides the matters provided for by these supplementary provisions, the interim measures required for the enforcement of this Act shall be provided for by Cabinet Order.

**Article 26** (Interim Measures for Penal Provisions)

The application of the penal Provisions to the conduct performed prior to the enforcement of this Act shall be made according to the previous examples.

**Supplementary Provisions (Act No. 28 of May 1, 1975) (Extract)**

**Article 1** (Date of Enforcement)

This Act shall be enforced from the date falling three months after its promulgation, providing that (partially omitted), of the provision of Article 4 of the Supplementary Provisions, the part relating to adding paragraph (4) to the amended article 65 of the Industrial Safety and Health Act shall be enforced from the date designated by the Cabinet Order within a year from the promulgation of this Act.

**Article 6** (Delegation of Authority to Cabinet Order)

Besides the matters provided for by these Supplementary Provisions, the interim measures required for the enforcement of this Act shall be provided for by Cabinet Order.

**Supplementary Provisions (Act No. 76 of July 1, 1977) (Extract)**

**Article 1** (Date of Enforcement)

This Act shall be put into force from the date six months after the date of promulgation. However, provisions listed in the following items shall be put into force as from the date fixed in each item.

- (i) Omitted.
- (ii) Provisions of Article 1 (limited to the revised provisions which add three paragraphs to Article 45 of the Industrial Safety and Health Act (limited to the parts relating to paragraph (2) of the same Article), revised provisions which add three articles after Article 57 of the said Act and revised provisions of paragraph (3) of Article 93 of said Act) shall be enforced from the date fixed for each provision by Cabinet Order within the period not exceeding two years from the date of promulgation.

**Article 2 (Delegation of Authority to Cabinet Order)**

Besides the matters to be provided for by the next article, the interim measures necessary for the enforcement of this Act shall be provided for by Cabinet Order.

**Article 3 (Interim Measures for Penal Provisions)**

The penal provisions to the illegal conduct committed prior to the enforcement of this Act shall be applied according to the previously established procedure.

**Supplementary Provisions (Act No. 78, June 2 of 1980)**

**Article 1 (Date of Enforcement)**

This Act shall be put into force from the date six months after the date of promulgation. However, the provisions listed in the following items shall be put into force as from the date fixed in each item:

- (i) Revised provisions which add one paragraph next to paragraph (3) of Article 15 (limited to the parts relating to overall control for measures in each item of paragraph (1) of Article 25-2), revised provisions which add one article after Article 25 (limited to the parts relating to paragraph (1) of Article 25-2), revised provisions of Article 26, revised provisions of paragraph (1) of Article 27 and paragraph (1) of Article 28, revised provisions which add one article after Article 30 (limited to the parts relating to paragraph (1) to paragraph (4) inclusive of Article 30-2), revised provisions of Article 32, revised provisions of Article 36, revised provisions of Article 88 (limited to the parts relating to paragraph (5) of the revised Article 88), revised provisions of paragraph (1) of Article 98, revised provisions of item of Article 119, revised provisions of item (i) of Article 120, (limited to amendment of "paragraph (1) or 3 of Article 15" reading as "paragraph (1), (3) or (4) of Article 15" (concerning paragraph (4) of Article 15, limited to the parts relating to overall control for measures in each item of paragraph (1) of Article 25-2), amendment of "paragraph (1) to paragraph (3) inclusive of Article 32" reading as "paragraph (1) to paragraph (4) inclusive of Article 32," amendment of "Article 101" reading as "to paragraph (5) inclusive, Article 101" (limited to the parts relating to paragraph (5) of revised Article 88), provisions of paragraph (1) of the next article, and provisions of paragraph (3) of Article 3 of Supplementary Provisions.) The date to be fixed by Cabinet Order within the scope not exceeding one year from the date of promulgation.
- (ii) Revised provisions of paragraph (1) of Article 10, revised provisions of paragraph (1) of Article 11 and paragraph (1) of Article 12, revised provisions which add one paragraph next to paragraph (3) of Article 15 (excluding the

parts relating to overall control for measures in each item of paragraph (1) of Article 25-2), revised provisions which add one article after Article 25 (limited to the parts relating to paragraph (2) of Article 25-2), revised provisions which add one article after Article 30 (limited to the parts relating to paragraph (5) of Article 30-2), revised provisions of item (i) of Article 120 (limited to amendment of "paragraph (1) or (3) of Article 15" reading as "paragraph (1), (3), or (4) of Article 15" (concerning paragraph (4) of Article 15, excluding the parts relating to overall control for measures in each item of paragraph (1) of Article 25-2), the addition of "paragraph (2) of Article 25-2 (including the case where the same provisions are applied mutatis mutandis in paragraph (5) of Article 30-2," under "paragraph (1) of Article 18"), and provisions of paragraph (2) of the next Article. The date to be fixed by Cabinet Order within the scope not exceeding two years from the date of promulgation.

#### **Article 2 (Interim Measures)**

- (1) The provisions of paragraph (1) of Article 25-2 and paragraph (1) to paragraph (4) inclusive of Article 30-2 of the Industrial Safety and Health Act after the revision (hereinafter referred to as "New Act") shall not apply to the work under the provisions of paragraph (1) of Article 25-2 which is started before the date prescribed by the provisions of item (i) of the preceding Article and scheduled to be completed within three months counting from the said date.
- (2) The provisions of paragraph (2) of Article 25-2 of the New Act (including the case where the same provisions are applied mutatis mutandis in paragraph (5) of Article 30-2 of the New Act) shall not apply to the work under the provisions of paragraph (1) of Article 25-2 which is started before the date prescribed by the provisions of item (ii) of the preceding Article and scheduled to be completed within three months counting from said date.

#### **Article 3**

- (1) The order suspending the commencement of the work and altering the plan for the employer who submitted the notification pursuant to the provisions of paragraph (3) of Article 88 of the Industrial Safety and Health Act before the revision prior to the date of enforcement of the Act (hereinafter referred to as "the date of enforcement") shall be in accordance with the previous examples.
- (2) Regarding the notification of the plan of the work prescribed by Ministry of Health, Labour and Welfare Ordinance on the basis of paragraph (3) of Article 88 of the New Act and scheduled to be started after the passage of 14 to 30 days inclusive counting from the date of enforcement, "30 days" and "Minister of Health, Labour and Welfare" in the said paragraph and "Minister of Health, Labour and Welfare" in paragraph 7 of said Article shall be read as "14 days," "the Chief of the

Labor Standards Office," and "the Chief of the Labor Standards Office," respectively.

- (3) The provisions of paragraph (5) of Article 88 of the New Act shall not apply to the preparation of the plan of the work prescribed by the provisions of the said paragraph and started within three months counting from the date fixed by item (i) of Article 1 of the Supplementary Provisions.

#### **Article 4**

The application of penal provisions against action taken before the enforcement of the Act and violation of the ordinance to be treated by the previous examples pursuant to the provision of paragraph (1) of the preceding Article shall be in accordance with the previous examples.

#### **Supplementary Provisions (Act No. 57 as of May 25, 1983) (Extract)**

##### **Article 1 (Date of Enforcement)**

This Act shall be enforced from the date fixed by Cabinet Order within the period not exceeding three months from the day of promulgation. (The rest is omitted.)

#### **Supplementary Provisions (Act No. 56 as of June 8, 1985) (Extract)**

##### **Article 1 (Date of Enforcement)**

This Act shall be enforced from October 1, 1985. (The rest is omitted).

#### **Supplementary Provisions (Act No. 37 as of May 17, 1988) (Extract)**

##### **Article 1 (Date of Enforcement)**

This Act shall be enforced from October 1, 1988, provided that the amended provision to add another article next to Article 12, the amended provisions of paragraph (5) and (6) of Article 88, the amended provision of Article 107, the amended provision of paragraph (2) of Article 114, the provision of Article 4 of the Supplementary Provisions, the amended provision (limited to the part for amending, "Article 13" to "from ..... to Article 13" and the part for adding "and Article 12-2 to under" paragraph (1) of Article 12) of paragraph (1), Article 45 of the Act on Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (Act No. 88 of 1985) set forth in Article 5 of the Supplementary Provisions and the amended provision of paragraph (2) of the same article shall be enforced from April 1, 1989.

##### **Article 2 (Special Case for Application of Article 19-2 of New Act)**

In applying Article 19-2 (including the case applicable pursuant to the provision of paragraph (1) of Article 45 of the Act on the Proper Operation of the Worker Loan Business and the Establishment of Proper Working Conditions for Loaned Workers) of the amended Industrial Safety and Health Act (hereinafter referred to as the "New Act") during the period from the date of the enforcement of this Act to March 31, 1989, the terms "health supervisor," "safety and health advocate" and "health advocate" in paragraph (1) of Article 19-2 shall be read as "health supervisor."

**Article 3** (Interim Measures for License)

The license granted pursuant to the provision of paragraph (1) of Article 72 of the Industrial Safety and Health Act before its amendment shall be regarded as being granted pursuant to the provision of paragraph (1) of Article 72 of the New Act.

**Article 4** (Interim Measures for Submission of Plan)

The preparation of the plan for the work, which is designated by the Ministry of Health, Labour and Welfare Ordinance according to the provision of paragraph (5), Article 88 of the New Act and to be started before July 1, 1989, need not be subject to the provision of said paragraph.

**Article 6** (Interim Measures for Penal Provisions)

The penal provisions for the illegal conduct committed before the enforcement of this Act shall be applied according to the previous examples.

**Supplementary Provisions (Act No. 55 of May 22, 1992) (Extract)**

**Article 1** (Date of Enforcement)

This Act shall be enforced from October 1, 1992, provided that the provisions of Article 1 (limited to amendments of the index, Article 1, paragraph (1) of Article 3, amendments of Article 28 and Article 64, amendments adding a Chapter after Chapter VII, and the amendments of paragraph (1) of Article 106 of Industrial Safety and Health Act), provisions of Article 2, and provisions from Article 4 to 6 and Article 8 of the Supplementary Provisions (limited to the part changing "Article 6" for "Article 65" and the part adding, "Article 72-2" after "Article 68" of the amendment provisions in paragraph (3) of Article 45 of the Act on Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers and also limited to the part changing "paragraph (5) of Article 28" for "paragraph (4) of Article 28" and the part adding, "paragraph (2) of Article 71-3, Article 71-4" after "paragraph (2) of Article 70-2" of the amendments provisions in paragraph (14) of the same Article of the same Act) shall be enforced from July 1, 1992.

**Article 2** (Interim Measures for the Partial Amendment of the Industrial Safety and Health Act)

With respect to planned submissions under the provisions of paragraph (1) (including the case where the provision of paragraph (2) of the same Article shall apply mutatis mutandis) and paragraph (4) of Article 88 of the Industrial Safety and Health Act before the enforcement date of this Act, the provisions of paragraph (1) of Article 89-2 of the amended Industrial Safety and Health Act (hereinafter referred to as the "New Act") shall not apply.

**Article 3**

The provisions of Article 99-2 and Article 99-3 of the New Act shall apply to industrial accidents that occur on or after the enforcement date of this Act.

**Article 6** (Interim Measures for Penal Provisions)

The application of penal provisions in respect to acts committed prior to the enforcement date of this Act (concerning the provisions in Article 1 of the Supplementary Provisions, said provisions) shall be made according to previous examples.

**Supplementary Provisions (Act No. 89 of November 12, 1993) (Extract)**

**Article 1** (Date of Enforcement)

This Act shall be enforced from the date of enforcement of the Administrative Procedure Act (Act No. 88 of 1993) (October 10, 1994 under the provisions of Cabinet Order 302 of 1994).

**Article 2** (Interim Measures for Adverse Outcome of Inquiry)

Where an application is made to a deliberative council or other parliamentary organ for the granting of a hearing or other statement of opinion under the provisions of Article 13 of the Administrative Procedure Act based on Cabinet Order before the enforcement date of this Act, the procedures for the inquiry concerning the adverse outcome shall be governed by the Act previously in force, notwithstanding the provisions of the relevant Acts amended by this Act.

**Article 13** (Interim Measures for Penal Provisions)

The application of penal provisions in respect to acts committed prior to the enforcement date of this Act shall be made according to previous examples.

**Article 14** (Interim Measures for Adjustment of Provisions concerning Hearings)

Hearings and public hearings (excluding those involving an adverse outcome) and the procedures for these carried out under the provisions of the Act before the date of enforcement shall be regarded as having been carried out under the relevant provisions of the relevant Act amended by the provisions of this Act.

**Article 15** (Authorization of Cabinet Order)

In addition to the items provided for in Article 2 to the preceding Article of the Supplementary Provisions, other interim measures for the enforcement of the Act will be as provided for by Cabinet Order.

**Supplementary Provisions (Act No. 92 of November 19, 1993) (Extract)**

This Act shall be enforced from the date of promulgation.

**Supplementary Provisions (Act No. 97 of November 11, 1994) (Extract)**

**Article 1** (Date of Enforcement)

This Act shall be enforced from the day of promulgation providing that the provisions designated by the following sub-paragraphs shall be enforced from the date specified in the respective sub-paragraph.

(i) and (ii) Omitted

(iii) The provisions of Article 40 on a date designated by Cabinet Order not exceeding 2 months from the day of promulgation (January 1, 1995 under the provisions of Cabinet Order 400 of 1994)

(iv) Omitted

**Article 20** (Interim Measures concerning Penal Provisions)

The application of penal provisions in respect of acts committed prior to the enforcement date of this Act (concerning the provisions in each sub-paragraph of Article 1 of the Supplementary Provisions, said provisions), and acts committed after the enactment of Article 1, Article 4, Article 8, Article 9, Article 13, Article 27, Article 28, and Article 30 in case that previous examples are applied according to Article 2, Article 4, paragraph (2) of Article 7, Article 8, Article 11, paragraph (2) of Article 12, Article 13, and paragraph (4) of Article 15 of the Supplementary Provisions shall be made according to previous examples.

**Article 21** (Delegation to Cabinet Orders)

Besides the items provided for in Article 2 to the preceding Article of the Supplementary Provisions, other interim measures (including interim measures for penal provisions) for the enforcement of the Act will be as provided for by Cabinet

Order.

**Supplementary Provisions (Act No. 89 of June 19, 1996) (Extract)**

**Article 1 (Date of Enforcement)**

This Act shall be enforced from October 1, 1996.

**Article 2 (Interim Measures for Industrial Physician Requirements)**

Notwithstanding the provisions of paragraph (2) of Article 13 of the amended Industrial Safety and Health Act under the provisions of this Act, the employer may engage a physician other than one holding the qualifications provided for under the provisions of the said paragraph as an industrial physician during the period before September 30, 1998.

**Article 3 (Examination)**

Five years from the enforcement of this Act, the government shall consider the operation of the provisions following the amendments provided for in this Act, conduct investigation of said provisions in view of furthering the maintenance of the health of workers and, where it is deemed necessary, take the necessary measures based on the results of this examination.

**Supplementary Provisions (Act No. 112 of September 3, 1998) (Extract)**

**Article 1 (Date of Enforcement)**

This Act shall be enforced from April 1, 1999.

**Supplementary Provisions (Act No. 45 of May 21, 1999) (Extract)**

**Article 1 (Date of Enforcement)**

This Act shall be enforced from April 1, 2000 providing that the provision for amendment to the content of the Industrial Safety and Health Act in Article 1, the amended provisions of sub-paragraph 1 and 2 of paragraph (2) of Article 54-3 and subparagraph (2) of paragraph (2) of Article 54-5 of the same Act, the provision amending the same Article in Chapter V, Section 2 of the same Act to Article 54-6, and the provision providing for the addition of an Article following Article 54-4 of the same Act shall be enforced by Cabinet Order within a period not exceeding six months from the day of promulgation.

**Article 2 (Interim Measures)**

The application of penal provisions in respect to conduct performed prior to the

enforcement date of this Act shall be made according to previous examples.

**Article 3 (Examination)**

Five years from the enforcement of this Act, the government shall consider the operation of the provisions of Article 57-2 and Article 101-2 following the amendments provided for in Article 1, conduct investigation of said provisions in view of furthering the maintenance of the health of workers and, where it is deemed necessary, take necessary measures based on the results of this examination.

**Supplementary Provisions (Act No. 87 of July 16, 1999) (Extract)**

**Article 1 (Date of Enforcement)**

This Act shall be enforced from April 1, 2000 providing that the enforcement date of the provisions covered in the following sub-paragraphs shall be from the date specified by the respective sub-paragraph.

1-6 Omitted

**Supplementary Provisions (Act No. 151 of December 8, 1999) (Extract)**

**Article 1 (Date of Enforcement)**

This Act shall be enforced from April 1, 2000. (The rest is omitted).

**Article 4**

The penal provisions to the illegal conduct committed prior to the enforcement of this Act shall be applied according to the previously established procedure.

**Supplementary Provisions (Act No. 160 of December 22, 1999) (Extract)**

**Article 1 (Date of Enforcement)**

This Act (partially omitted) shall be enforced from January 6, 2001. (The rest is omitted).

**Supplementary Provisions (Act No. 91 of May 31, 2000) (Extract)**

(Date of Enforcement)

(1) This Act shall be enforced from the date of the enforcement of the Act amending parts of the Commercial Code (Act No. 90 of 2000).

**Supplementary Provisions (Act No. 87 of June 29, 2001) (Extract)**

**Article 1** (Date of Enforcement)

This Act shall come into force on the date specified by the Cabinet Order (July 16, 2001, pursuant to Cabinet Order No. 235 of 2001) within a period not exceeding one month from the date of promulgation.

**Supplementary Provisions (Act No. 153 of December 12, 2001) (Extract)**

**Article 1** (Date of Enforcement)

This Act shall come into force on the date specified by the Cabinet Order (March 1, 2002, pursuant to Cabinet Order No. 3 of 2002) within a period not exceeding six months from the date of promulgation.

**Article 35** (Partial Amendment to the Workers' Accident Compensation Insurance Act, Etc.)

The standard Japanese term meaning "public health nurse" was established that is used in the provisions of the following Act.

- (ii) paragraph (1), Article 66-7 of the Industrial Safety and Health Act (Act No. 57 of 1972)

**Supplementary Provisions (Act No. 103 of August 2, 2002) (Extract)**

**Article 1** (Date of Enforcement)

This Act shall come into force on the date specified by the Cabinet Order within a period not exceeding nine months from the date of promulgation. However, the provisions of Article 9 and those of Articles 8 through 19 of the Supplementary Provisions shall come into force on the date specified by the Cabinet Order within a period not exceeding two years from the date of promulgation.

**Article 18** (Partial Amendment to the Industrial Safety and Health Act)

The Industrial Safety and Health Act shall be partially amended as follows:  
The following article is added following Article 70-2.

**Article 70-3** (Consistency with Guidelines on the Implementation, Etc. of Medical Examination)

"Ministry of Health, Labour and Welfare Ordinance" specified in paragraph (1) of Article 66, "Guidelines" specified in paragraph (2) of Article 66-5, "Ministry of Health, Labour and Welfare Ordinance" specified in Article 66-6 and "Guidelines" specified in paragraph (1) of Article 70-2 shall maintain consistency with the Guidelines on the Implementation, Etc. of Medical Examination as stipulated in

paragraph (1) of Article 9 of the Health Promotion Act (Act No. 103 of 2002).

### **Supplementary Provisions (Act No. 102 of July 2, 2003) (Extract)**

#### **Article 1 (Date of Enforcement)**

This Act shall come into force on the date specified by the Cabinet Order within the period prior to March 31, 2004. However, the provisions of Article 6 shall come into force on April 1, 2004, and the provisions of paragraph (1) of Article 2, paragraph (1) of Article 3, paragraph (1) of Article 4, paragraph (1) of Article 5 and paragraph (1) of Article 6 of Supplementary Provisions shall come into force on the date of promulgation.

#### **Article 5 (Interim Measures for the Partial Amendment of the Industrial Safety and Health Act)**

- (1) A person may apply for certification, licensing and/or designation as specified in the provisions of Article 14, paragraph (1) of Article 38, paragraph (2) of Article 41, paragraph (1) of Article 44, paragraph (1) of Article 44-2, paragraph (1) of Article 61 and/or paragraph (3) of Article 75 of the Industrial Safety and Health Act after amendment based on this Act (hereinafter referred to as the "New Industrial Safety and Health Act") even before the enforcement of this Act. The same shall apply to the notification of service rules pursuant to paragraph (1) of Article 48 of the New Industrial Safety and Health Act (including cases where said provisions are applied mutatis mutandis based on Articles 53-3 through 54-2 and paragraph (3) of Article 77 of the New Industrial Safety and Health Act).
- (2) A person who has already been authorized (hereinafter referred to as the "authorized agency") at the time of the enforcement of this Act pursuant to the provisions of Article 14, item (i) of paragraph (1) of Article 30, paragraph (2) of Article 41, paragraph (1) of Article 44, paragraph (1) of Article 44-2, paragraph (1) of Article 61 and/or paragraph (3) of Article 75 of the Industrial Safety and Health Act before amendment based on this Act (hereinafter referred to as the "Old Industrial Safety and Health Act") shall be regarded as designated respectively pursuant to Article 14, paragraph (1) of Article 38, paragraph (2) of Article 41, paragraph (1) of Article 44, paragraph (1) of Article 44-2, paragraph (1) of Article 61 and/or paragraph (3) of Article 75 of the New Industrial Safety and Health Act.
- (3) In addition to the provisions stipulated in the preceding paragraph, decisions made, procedures taken or other acts conducted pursuant to the provisions of the Old Industrial Safety and Health Act (including orders based on said Act) before the enforcement of this Act, and for which the New Industrial Safety and Health Act has corresponding provisions, shall be regarded as conducted pursuant to the

corresponding provisions of the New Industrial Safety and Health Act.

- (4) An application for a certificate of an inspection at the time of manufacture, etc., an individual examination, a model examination or a performance inspection as specified in paragraph (1) of Article 39, paragraph (3) of Article 44, paragraph (3) of Article 44-2, or Article 53-2 of the Old Industrial Safety and Health Act that was made before the enforcement of this Act, and for which a decision on success or failure has not yet been made at the time of the enforcement of this Act, shall be treated pursuant to the previous provisions.
- (5) A skill training course or a practical training course for a person who has not completed such a training course as specified in paragraph (1) of Article 76 or paragraph (1) of Article 77 of the Old Industrial Safety and Health Act at the time of the enforcement of this Act shall be treated pursuant to the previous provisions.
- (6) An inspection certificate issued pursuant to the provision of paragraph (1) of Article 39 of the Old Industrial Safety and Health Act and a model examination certificate issued pursuant to the provisions of paragraph (4) of Article 44-2 of the Old Industrial Safety and Health Act before the enforcement of this Act shall be regarded as issued respectively pursuant to paragraph (1) of Article 39 or paragraph (4) of Article 44-2 of the New Industrial Safety and Health Act.
- (7) A label affixed pursuant to the provisions of paragraph (4) of Article 44 or paragraph (5) of Article 44-2 of the Old Industrial Safety and Health Act shall be regarded as a label affixed pursuant to paragraph (4) of Article 44 or paragraph (5) of Article 44-2 of the New Industrial Safety and Health Act.
- (8) If a person is regarded as designated based on the provisions of paragraph (2) of this Article, who, as the authorized agency, has come under either item (i) or item (iii) of paragraph (2) of Article 46 of the Old Industrial Safety and Health Act (including cases where said provisions are applied mutatis mutandis based on Article 53-2, Article 54, paragraph (2) of Article 54-2 and paragraph (2) of Article 77 of the Old Industrial Safety and Health Act) or any item of paragraph (2) of Article 53 of the Old Industrial Safety and Health Act (including cases where said provisions are applied mutatis mutandis based on Article 53-2, Article 54, paragraph (2) of Article 54-2 and paragraph (2) of Article 77 of the Old Industrial Safety and Health Act) before the enforcement of this Act, and if the cancellation of such designation as specified in Article 53 of the Old Industrial Safety and Health Act has not been implemented at the time of the enforcement of this Act, said person who is regarded as designated shall be regarded as coming under any item of Article 53 of the New Industrial Safety and Health Act (including cases where said provisions are applied mutatis mutandis based on Articles 53-3 through 54-2 and paragraph (3) of Article 77 of the New Industrial Safety and Health Act), and the provisions of Article 53 of the New Industrial

Safety and Health Act shall apply to said person.

**Article 6** (Interim Measures for the Partial Amendment of the Working Environment Measurement Act)

- (1) A person who desires to be designated pursuant to the provisions of Article 5 or paragraph (1) of Article 44 of the Working Environment Measurement Act after amendment based on this Act (hereinafter referred to as the "New Working Environment Measurement Act") may apply for such designation even before the enforcement of this Act. The same shall apply to the notification of service rules pursuant to paragraph (1) of Article 48 of the New Industrial Safety and Health Act that is applied mutatis mutandis based on paragraph (3) of Article 32 of the New Working Environment Measurement Act.
- (2) A person who has already been authorized (hereinafter referred to as the "authorized agency") at the time of the enforcement of this Act pursuant to the provisions of Article 5 and/or paragraph (1) of Article 44 of the Working Environment Measurement Act before amendment based on this Act (hereinafter referred to as the "Old Working Environment Measurement Act") shall be regarded as designated respectively pursuant to Article 5 and/or paragraph (1) of Article 44 of the New Working Environment Measurement Act.
- (3) In addition to the provisions stipulated in the preceding paragraph, decisions made, procedures taken or other acts conducted pursuant to the provisions of the Old Working Environment Measurement Act (including orders based on said Act) before the enforcement of this Act, and for which the New Working Environment Measurement Act has corresponding provisions, shall be regarded as conducted pursuant to the corresponding provisions of the New Working Environment Measurement Act.
- (4) A training course for a person who has not completed such a training course as specified in Article 5 and/or paragraph (1) of Article 44 of the Old Working Environment Measurement Act at the time of the enforcement of this Act shall be treated pursuant to the previous provisions.
- (5) If a person is regarded as designated based on the provisions of paragraph (2) of this Article, who, as the authorized agency, has come under any of item (i) or item (iii) of paragraph (2) of Article 46 or any item of paragraph (2) of Article 53 of the Old Industrial Safety and Health Act that is applied mutatis mutandis based on paragraph (2) of Article 32 of the Old Working Environment Measurement Act before the enforcement of this Act, and if the cancellation of such designation as specified in Article 53 of the Old Industrial Safety and Health Act that is applied mutatis mutandis based on paragraph (2) of Article 32 of the Old Working Environment Measurement Act has not been implemented at the time of the enforcement of this Act, said person who is regarded as designated

shall be regarded as coming under any item of Article 53 of the New Industrial Safety and Health Act that is applied mutatis mutandis based on paragraph (3) of Article 32 of the New Working Environment Measurement Act and the provisions of Article 53 of the New Industrial Safety and Health Act that is applied mutatis mutandis based on paragraph (3) of Article 32 of the New Working Environment Measurement Act shall apply to said person.

**Article 7** (Interim Measures Concerning the Application of Penal Provisions)

The penal provisions shall be applied pursuant to the previous provisions with respect to acts committed before the enforcement of this Act and acts committed after the enforcement of this Act in cases where the provisions of these Supplementary Provisions specify that the previous provisions shall apply.

**Article 8** (Delegation of Authority to Cabinet Orders for Other Interim Measures)

Besides those stipulated in Article 2 through the preceding Article of these Supplementary Provisions, the interim measures (including those concerning penal provisions) that are necessary relative to the enforcement of this Act shall be stipulated by Cabinet Orders.

**Article 9** (Reviews)

Five years after the enforcement of this Act, the government shall review the provisions of this Act if the government considers it necessary in view of the implementation status of this Act, and shall take necessary measures based on the results of such reviews.

**Article 10** (Partial Amendment to the Act on Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers)

The Act on Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (Act No. 88 of 1985) shall be partially amended as follows:

Among the provisions of paragraph (16) of Article 45, the phrase "the phrase 'the provisions of this Act or orders based on this Act' stipulated in paragraph (2) of Article 51 of said Act shall read 'the provisions of this Act or orders based on this Act (including cases where these provisions are applied based on Article 45 of the Worker Dispatch Act), the provisions of paragraph (6), (10) or (11) of said Article or orders based on these provisions'" shall be deleted.

**Supplementary Provisions (Act No. 150 of December 1, 2004) (Extract)**

**Article 1** (Date of Enforcement)

This Act shall come into force on April 1, 2005.

**Supplementary Provisions (Act No. 108 of November 2, 2005) (Extract)**

**Article 1** (Date of Enforcement)

This Act shall come into force on April 1, 2006. However, the provisions stipulated in each of the following items shall come into force on the date specified in each relevant item.

- (i) In Article 1, the amended provisions of the table of contents of the Industrial Safety and Health Act, the amended provisions of the title of Chapter V of said Act, the amended provisions of the title of Section 2 of said Chapter, the amended provisions of paragraph (1) of Article 57 of said Act, and the amended provisions of paragraph (1) of Article 57-2 of said Act: December 1, 2006
- (ii) In Article 4, the amended provisions to delete Article 2 of the Supplementary Provisions of the Act on Temporary Measures for the Promotion of Shorter Working Hours and to delete the title and of Article 1 of the Supplementary Provisions of said Act, and the provisions of Article 12 of the Supplementary Provisions: The date of promulgation

**Article 2** (Exceptional Provisions Concerning the Application of Article 66-8, Etc. of the New Industrial Safety and Health Act)

With respect to the application of the provisions of Articles 66-8 and 66-9 of the Industrial Safety and Health Act after amendment based on the provisions of Article 1 (hereinafter referred to as the "New Industrial Safety and Health Act") for the period between the date of enforcement of this Act (hereinafter referred to as the "date of enforcement") and March 31, 2008, the phrase "the employer shall" stipulated in paragraph (1) of Article 66-8 and Article 66-9 of the New Industrial Safety and Health Act shall read "the employer shall, if the scale of the workplace corresponds to the scale defined by Cabinet Order as stipulated in paragraph (1) of Article 13."

**Article 3** (Interim Measures for the Partial Amendment of the Industrial Safety and Health Act)

A skill training course or a practical training course for a person who started to take, but has not completed such a training course, as stipulated in paragraph (4) of Article 75 or paragraph (1) of Article 76 of the Industrial Safety and Health Act before amendment based on Article 1, on the date of the enforcement shall be treated pursuant to the previous provisions.

**Article 11** (Interim Measures Concerning the Application of Penal Provisions)

The penal provisions shall be applied pursuant to the previous provisions with respect to the acts committed before the enforcement of this Act (the relevant provisions with respect to the provisions listed in item (i) of Article 1 of the Supplementary Provisions) and the acts committed after the enforcement of this Act in cases where the provisions of these Supplementary Provisions specify that the previous provisions shall apply.

**Article 12** (Delegation of Authority to Cabinet Orders for Other Interim Measures)

Besides those stipulated in Article 2 through the preceding Article of these Supplementary Provisions, the interim measures (including those concerning penal provisions) that are necessary relative to the enforcement of this Act shall be stipulated by Cabinet Orders.

**Article 13** (Reviews)

Five years after the enforcement of this Act, the government shall review the provisions of the New Industrial Safety and Health Act if the government considers it necessary in view of the implementation status of said Act, and shall take necessary measures based on the results of such reviews.

**Supplementary Provisions (Act No. 10 of March 31, 2006) (Extract)**

**Article 1** (Date of Enforcement)

This Act shall come into force on April 1, 2006.

**Article 188** (Partial Amendment to the Industrial Safety and Health Act)

The Industrial Safety and Health Act (Act No. 57 of 1972) shall be partially amended as follows: item (vii)-3, paragraph (1) of Article 112 shall be deleted.

**Supplementary Provisions (Act No. 25 of March 31, 2006) (Extract)**

**Article 1** (Date of Enforcement)

This Act shall come into force on April 1, 2006. However, the provisions of paragraph (2) and (3) of Article 9 and Article 12 of the Supplementary Provisions shall come into force on the date of promulgation.

**Supplementary Provisions (Act No. 50 of June 2, 2006) (Extract)**

(Date of Enforcement)

(1) This Act shall come into force on the date that the Act Concerning General

Associations and Foundations becomes effective.

**Appended Table 1** (Related to Article 37)

- (1) Boiler
- (2) Class-1 pressure vessel (Pressure vessel prescribed in the Cabinet Order. Hereinafter as the same.)
- (3) Crane
- (4) Mobile crane
- (5) Derrick
- (6) Elevator
- (7) Construction lift
- (8) Gondola

**Appended Table 2** (Related to Article 42)

- (1) Rolling mill for kneading rubber, rubber compounds or synthetic resin, and their emergency stopping device.
- (2) Class-2 pressure vessel (referring a pressure vessel other than a class-1 pressure vessel, which is prescribed by the Cabinet Order, same as in the next table)
- (3) Small-sized boiler
- (4) Small-sized pressure vessel (referring the class-1 pressure vessel prescribed by the Cabinet Order, same as next table)
- (5) Safety device for press machine and shearing machine
- (6) Explosion-proof electric apparatus
- (7) Overload preventive device for crane and mobile crane
- (8) Dust respirator
- (9) Gas mask
- (10) Woodworking circular saw and its kickback preventive device or teeth contact preventive device
- (11) Powered press machine
- (12) Automatic electric shock preventive device for AC arc welding equipment
- (13) Personal insulating protective device
- (14) Insulating device
- (15) Safety helmet

**Appended Table 3** (Related to Article 44)

- (1) Among the emergency stopping device of rolling mills for kneading rubber, rubber compounds or synthetic resin, the one having electrical braking mechanism
- (2) Class-2 pressure vessel

- (3) Small-sized boiler
- (4) Small-sized pressure vessel

**Appended Table 4** (Related to Article 44-2)

- (1) Among the emergency stopping device of rolling mills for kneading rubber, rubber compounds or synthetic resin, the one having the braking mechanism other than the electrical system
- (2) Safety device for press machine or shearing machine
- (3) Explosion proof electrical apparatus
- (4) Overload preventive device for crane or mobile crane
- (5) Dust respirator
- (6) Gas mask
- (7) Movable contact preventive device for teeth of wood working circular saw
- (8) Among powered press machines, the one having the mechanism to prevent the danger due to slide
- (9) Automatic electrical shock preventive device for arc-welding equipment
- (10) Personal insulating protective equipment
- (11) Insulating device
- (12) Safety helmet

**Appended Table 5** (Related to Article 46)

- (1) Ultrasonic thickness gauge
- (2) Ultrasonic flaw detector
- (3) Fiber scope
- (4) Strain gauge
- (5) Film viewer
- (6) Densitometer

**Appended Table 6** (Related to Article 46)

- (1) Requirement
  - (i) A person who has graduated with a major related to engineering from university or college pursuant to the School Education Act (hereinafter referred to as "a graduate from university, etc. related to engineering."), completed the course falling under all of the followings and the duration of the theoretical subjects are for 160 hours or more, and number of the inspection practice is 10 cases or more.
    - (a) The theoretical subjects include followings:
      - 1. Structure of special specified machines;
      - 2. Materials and their testing methods;
      - 3. Processing and testing method

4. Accessories

5. Related legislation, strength calculation and inspection standards

(b) The course is to be conducted by a registered inspection agency

(ii) A person who has graduated with a major related to engineering from high school or medium level school pursuant to the School Education Act (hereinafter referred to as "a graduate from high school, etc. related to engineering."), completed the course falling under above a) and b) and the duration of the theoretical subjects are for 210 hours or more, and number of the inspection practice is 15 cases or more.

(iii) A person who possesses the knowledge and experience equivalent to or greater than the person listed above a) or b).

(2) Numbers

Number of cases of inspection at manufacturing, etc. per year divided by 800 (a fraction be counted as one.)

**Appended Table 7** (Related to Article 46)

(1) A graduate from university, etc. related to engineering, who has 10 years or more of experiences involved in research, design, manufacturing or inspection of special/specified machines, etc., or inspection at manufacturing, etc. of special/specified machines, etc.

(2) A graduate from high school, etc. related to engineering, who has 15 years or more experiences involved in research, design, manufacturing or inspection of special/specified machines, etc., or inspection at manufacturing, etc. of special/specified machines, etc.

(3) A person who has the knowledge and experience equivalent to and greater than those listed preceding 2 items.

**Appended Table 8** (Related to Article 53-3)

Machines etc.	Apparatus and other equipment
Machines etc. listed in Appended Table 1, item (1) and (2)	Ultrasonic thickness gauge, ultrasonic flaw detector and fiber scope
Machines etc. listed in Appended Table 1, item (3)	Ultrasonic thickness gauge, ultrasonic flaw detector, insulation resistance tester, electric tester, level gauge, distance measurement device and magnetic flaw detector for wire rope
Machines etc. listed in Appended Table 1, item (4)	Ultrasonic thickness gauge, ultrasonic flaw detector, level gauge, distance measurement device and magnetic flaw detector for wire rope
Machines etc. listed in	Ultrasonic thickness gauge, ultrasonic flaw

Appended Table 1, item (5)	detector, electric tester, distance measurement device and magnetic flaw detector for wire rope
Machines etc. listed in Appended Table 1, item (6)	Ultrasonic thickness gauge, ultrasonic flaw detector, insulation resistance tester, electric tester, level gauge, tachometer and magnetic flaw detector for wire rope
Machines etc. listed in Appended Table 1, item (8)	Ultrasonic thickness gauge, ultrasonic flaw detector, insulation resistance tester, electric tester and magnetic flaw detector for wire rope

**Appended Table 9** (Refer to Article 53-3)

Machines, etc.	Qualifications	Required number of inspectors
Machines, etc. specified in item (1) of Appended Table 1	<p>(1) Among graduates of an engineering department of a university or technical college accredited under the School Education Act (hereinafter referred to as a "graduate from an engineering-related university, etc."), a person must have seven years or more of experience in designing, manufacturing or installing machines, etc. for which a performance inspection is to be conducted or two years or more of experience in inspecting the relevant machines, etc. (hereinafter referred to as a "person with short-term experience" in this table); and must have completed a training course that covered all of the items listed below (this training course is limited to that related to the relevant machines, etc.; hereinafter referred to as the "specified training" in this table) and that included 40 hours or more of theoretical training programs and ten or more practice inspections.</p> <p>(i) Theoretical training programs shall cover the following subjects.</p> <p>(a) Structure, construction, installation and materials of the relevant machines, etc.</p>	The number shall be calculated by dividing the annual number of performance inspections by 800 (any fraction shall be rounded up)

- (b) Auxiliary equipment and accessories
  - (c) Operation, cleaning and damage
  - (d) Applicable Acts and ordinances, strength calculation methods and inspection standards
  - ( ii) Training shall be provided by an authorized performance inspection agency
- (2) Among graduates of an engineering-related university, etc. who are other than those with short-term experience, a person must have completed a specified training course that included 80 hours or more of theoretical training programs and 200 or more practice inspections.
- (3) Among graduates of an engineering course of a high school or secondary school accredited under the School Education Act (hereinafter referred to as a "graduate from an engineering-related high school, etc.") , a person must have ten years or more of experience in designing, manufacturing or installing machines, etc. for which a performance inspection is to be conducted or five years or more of experience in inspecting the relevant machines, etc. ( hereinafter referred to as a "person with long-term experience" in this table); and must have completed a training course specified in Item 1.
- (4) Among graduates of an engineering-related high school, etc. who are other than those with long-term experience, a person must have completed a specified training course that included 80 hours or more of theoretical training programs and 400 or more practice inspections.
- ( 5) A person must have knowledge and

	experience equivalent to or greater than that of persons specified in the preceding four items.	
Machines, etc. specified in item (2) and (3) of Appended Table 1	<p>(1) Among graduates of an engineering-related university, etc. who have short-term experience, a person must have completed a specified training course that included 40 hours or more of theoretical training programs and 10 or more practice inspections.</p> <p>(2) Among graduates of an engineering-related university, etc. who are other than those with short-term experience, a person must have completed a specified training course that included 80 hours or more of theoretical training programs and 100 or more practice inspections.</p> <p>(3) Among graduates of an engineering-related high school, etc. who have long-term experience, a person must have completed a training course specified in item (i).</p> <p>(4) Among graduates of an engineering-related high school, etc. who are other than those with long-term experience, a person must have completed a specified training course that included 80 hours or more of theoretical training programs and 200 or more practice inspections.</p> <p>(5) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding four items.</p>	The number shall be calculated by dividing the annual number of performance inspections by 800 (any fraction shall be rounded up)
Machines, etc. specified in item (4) of Appended Table 1	(1) Among graduates of an engineering-related university, etc. who have short-term experience, a person must have completed a specified training course that included 40 hours or more of theoretical training programs	The number shall be calculated by dividing the annual number

	<p>and 10 or more practice inspections.</p> <p>(2) Among graduates of an engineering-related university, etc. who are other than those with short-term experience, a person must have completed a specified training course that included 80 hours or more of theoretical training programs and 40 or more practice inspections.</p> <p>(3) Among graduates of an engineering-related high school, etc. who have long-term experience, a person must have completed a training course specified in item (i).</p> <p>(4) Among graduates of an engineering-related high school, etc. who are other than those with long-term experience, a person must have completed a specified training course that included 80 hours or more of theoretical training programs and 80 or more practice inspections.</p> <p>(5) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding four items.</p>	<p>of performance inspections by 800 (any fraction shall be rounded up)</p>
<p>Machines, etc. specified in item (5) of Appended Table 1</p>	<p>(1) Among graduates of an engineering-related university, etc. who have short-term experience, a person must have completed a specified training course that included 40 hours or more of theoretical training programs and 10 or more practice inspections.</p> <p>(2) Among graduates of an engineering-related university, etc. who are other than those with short-term experience, a person must have completed a specified training course that included 80 hours or more of theoretical training programs and 30 or more practice</p>	<p>The number shall be calculated by dividing the annual number of performance inspections by 800 (any fraction shall be rounded up)</p>

	<p>inspections.</p> <p>(3) Among graduates of an engineering-related high school, etc. who have long-term experience, a person must have completed a training course specified in item (i).</p> <p>(4) Among graduates of an engineering-related high school, etc. who are other than those with long-term experience, a person must have completed a specified training course that included 80 hours or more of theoretical training programs and 60 or more practice inspections.</p> <p>(5) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding four items.</p>	
<p>Machines, etc. specified in item (6) of Appended Table 1</p>	<p>(1) Among graduates of an engineering-related university, etc. who have short-term experience, a person must have completed a specified training course that included 40 hours or more of theoretical training programs and 10 or more practice inspections.</p> <p>(2) Among graduates of an engineering-related university, etc. who are other than those with short-term experience, a person must have completed a specified training course that included 80 hours or more of theoretical training programs and 20 or more practice inspections.</p> <p>(3) Among graduates of an engineering-related high school, etc. who have long-term experience, a person must have completed a training course specified in item (i).</p> <p>(4) Among graduates of an engineering-related</p>	<p>The number shall be calculated by dividing the annual number of performance inspections by 800 (any fraction shall be rounded up)</p>

	<p>high school, etc. who are other than those with long-term experience, a person must have completed a specified training course that included 80 hours or more of theoretical training programs and 40 or more practice inspections.</p> <p>( 5) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding four items.</p>	
<p>Machines, etc. specified in item (8) of Appended Table 1</p>	<p>(1) Among graduates of an engineering-related university, etc. who have short-term experience, a person must have completed a specified training course that included 40 hours or more of theoretical training programs and 10 or more practice inspections.</p> <p>(2) Among graduates of an engineering-related university, etc. who are other than those with short-term experience, a person must have completed a specified training course that included 80 hours or more of theoretical training programs and 10 or more practice inspections.</p> <p>(3) Among graduates of an engineering-related high school, etc. who have long-term experience, a person must have completed a training course specified in item (i).</p> <p>(4) Among graduates of an engineering-related high school, etc. who are other than those with long-term experience, a person must have completed a specified training course that included 80 hours or more of theoretical training programs and 20 or more practice inspections.</p> <p>( 5) A person must have knowledge and</p>	<p>The number shall be calculated by dividing the annual number of performance inspections by 800 ( any fraction shall be rounded up)</p>

	experience equivalent to or greater than that of persons specified in the preceding four items.	
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**Appended Table 10** (Related to Article 53-3)

- (1) A graduate from university, etc. related to engineering, who has 10 years or more of experiences involved in research, design, manufacturing or inspection for machines, etc. subject to the performance inspection, or involved in performance inspection service for the said machines, etc.
- (2) A graduate from high school, etc. related to engineering, who has 15 years or more of experiences involved in the research, design, manufacturing or inspection for machines, etc. subject to the performance inspection, or involved in performance inspection service for the said machines, etc.
- (3) A person who has the knowledge and experiences equivalent to and greater than those listed preceding 2 items.

**Appended Table 11** (Related to Article 54)

Machines, etc.	Apparatus and other equipment
Machines, etc. listed in Appended Table 1, item (1)	Insulation resistance tester, withstand voltage tester, tachometer and material testing machine
Machines, etc. listed in Appended Table 1, item (2) through (4)	Ultrasonic thickness gauge, ultrasonic flaw detector, fiber scope, strain gauge, film viewer and densitometer

**Appended Table 12** (Refer to Article 54)

Machines, etc.	Qualifications	Required number of inspectors
Machines, etc. specified in item (1) of Appended Table 3	<p>(1) A person must be a graduate of an engineering-related university, etc. and must have two years or more of experience in work related to research, designing, manufacturing or inspection of machines, etc. for which an individual examination is to be conducted.</p> <p>(2) A person must be a graduate of an engineering-related high school, etc. and must have five years or more of experience in work related to research, designing,</p>	The number shall be calculated by dividing the annual number of individual examinations by 120 (any fraction shall be rounded up)

	<p>manufacturing or inspection of machines, etc. for which an individual examination is to be conducted.</p> <p>(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>	
<p>Machines, etc. specified in items (2) through (4) of Appended Table 3</p>	<p>( 1) Among graduates of an engineering-related university, etc., a person must have three years or more of experience in designing, manufacturing or installing machines, etc. for which an individual examination is to be conducted or one year or more of experience in inspecting the relevant machines, etc. (hereinafter referred to as a "person with short-term experience" in this table); and must have completed a training course that covered all of the items listed below (this training course is limited to that related to the relevant machines, etc.; hereinafter referred to as the "specified training" in this table) and that included 40 hours or more of theoretical training programs and 20 or more practice inspections.</p> <p>(i) Theoretical training programs shall cover the following subjects.</p> <p>(a) Structure, construction, installation and materials of the relevant machines, etc.</p> <p>(b) Auxiliary equipment and accessories</p> <p>(c) Operation, cleaning and damage</p> <p>(d) Applicable Acts and ordinances, strength calculation methods and inspection standards</p>	<p>The number shall be calculated by dividing the annual number of individual examinations by 2,400 (any fraction shall be rounded up)</p>

(ii) Training shall be provided by an authorized agency for individual examination.

( 2) Among graduates of an engineering-related university, etc. who are other than those with short-term experience, a person must have completed a specified training course that included 80 hours or more of theoretical training programs and 200 or more practice inspections.

( 3) Among graduates of an engineering-related high school, etc., a person must have five years or more of experience in designing, manufacturing or installing machines, etc. for which an individual examination is to be conducted or three years or more of experience in inspecting the relevant machines, etc. (hereinafter referred to as a "person with long-term experience" in this table); and must have completed a training course specified in item (i).

( 4) Among graduates of an engineering-related high school, etc. who are other than those with long-term experience, a person must have completed a specified training course that included 80 hours or more of theoretical training programs and 40 or more practice inspections.

(5) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding four items.

**Appended Table 13** (Related to Article 54)

- (1) A graduate from university, etc. related to engineering, who has 10 years or more of experiences involved in research, design, manufacturing or inspection for machines, etc. subject to the individual examination, or involved in the individual examination service for the said machines, etc.
- (2) A graduate from high school, etc. related to engineering, who has 15 years or more of experiences involved in research, design, manufacturing or inspection for machines, etc. subject to the individual examination, or involved in the individual examination service for the said machines, etc.
- (3) A person who has the knowledge and experiences equivalent to and greater than those listed in preceding 2 items.

**Appended Table 14** (Refer to Article 54-2)

Machines, etc.	Machines, instruments and other equipment
Machines, etc. specified in item (1) of Appended Table 4	Insulation resistance tester, withstand voltage testing device, tachograph, and material testing machine
Machines, etc. specified in item (2) of Appended Table 4	Operation testing machine, hardness testing machine, oscilloscope, infrared night-vision device, insulation resistance tester, and withstand voltage testing device
Machines, etc. specified in item (3) of Appended Table 4	Withstand voltage testing device, electrical measuring instrument, thermostatic bath, temperature testing device, steel-ball drop testing device, water resistance testing device, impact testing machine, ingress protection rating device, explosion testing device, gas concentration measuring instrument, hydrostatic pressure testing device, constraint testing device, airtightness testing device, internal pressure testing device, spark-ignition testing device, combustion test device, and dust resistance testing device
Machines, etc. specified in item (4) of Appended Table 4	Material testing machine, water resistance testing device, impact testing machine, and vibration testing device
Machines, etc. specified in item (5) of Appended Table 4	Material testing machine, gas concentration measuring instrument, air-flow resistance testing device, dust capturing rate measuring device, dead space testing device, and exhaust air valve airtightness testing device

Machines, etc. specified in item (6) of Appended Table 4	Material testing machine, gas concentration measuring instrument, air-flow resistance testing device, dust capturing rate measuring device, dead space testing device, airtightness testing device for exhaust air valve, neutralizing capacity testing device, facepiece airtightness testing device, and inhalation canister airtightness testing device
Machines, etc. specified in item (7) of Appended Table 4	Operation testing machine and hardness testing machine
Machines, etc. specified in item (8) of Appended Table 4	Oscilloscope, infrared night-vision device, insulation resistance tester, withstand voltage testing device, tachograph, material testing machine, emergency stop time measuring device, and vibration testing device
Machines, etc. specified in item (9) of Appended Table 4	Operation testing machine, insulation resistance tester, withstand voltage testing device, temperature testing device, and delay time measuring device
Machines, etc. specified in Items (10) and (11) of Appended Table 4	Withstand voltage testing device, material testing machine, and electrical measuring instrument
Machines, etc. specified in item (12) of Appended Table 4	Thermostatic bath and impact testing machine

**Appended Table 15** (Related to Article 54-2)

(1) Requirements

- (i) A graduate from university, etc. related to engineering who has 2 years or more of experiences involved in research, design, manufacturing or inspection for machines, etc. subject to the type examination, or involved in the type examination service for the said machines, etc.
- (ii) A graduate from high school, etc. related to engineering who has 5 years or more of experiences involved in research, design, manufacturing or inspection for machines, etc. subject to the type examination, or involved in the type examination service for the said machines, etc.
- (iii) A person who has the knowledge and experiences equivalent to and greater than those listed preceding 2 items

(2) Number

2 for each office

**Appended Table 16** (Related to Article 54-2)

- (1) A graduate from university, etc. related to engineering who has 2 years or more of experiences involved in research, design, manufacturing or inspection for machines, etc. subject to the type examination, or involved in the type examination service for the said machines, etc.
- (2) A graduate from high school, etc. related to engineering who has 5 years or more of experiences involved in research, design, manufacturing or inspection for machines, etc. subject to the type examination, or involved in the type examination service for the said machines, etc.
- (3) A person who has the knowledge and experiences equivalent to and more than those listed preceding 2 items

**Appended Table 17** (Related to Article 17)

- (1) Practical training for ship lifting appliance
- (2) Practical training for crane
- (3) Practical training for mobile crane

**Appended Table 18** (Related to Article 76)

- (1) Skill training course for operation chief of woodworking machine
- (2) Skill training course for operation chief of press machine
- (3) Skill training course for operation chief of industrial dryer
- (4) Skill training course for operation chief of concrete blasting
- (5) Skill training course for operation chief of excavating and shoring
- (6) Skill training course for operation chief of excavating tunnel, etc.
- (7) Skill training course for operation chief of lining of tunnel, etc.
- (8) Skill training course for operation chief of assembling, etc. of concrete form shoring
- (9) Skill training course for operation chief of assembling, etc. of scaffolding
- (10) Skill training course for operation chief of assembling, etc. of steel frame of building, etc.
- (11) Skill training course for operation chief of installing, etc. of steel bridge
- (12) Skill training course for operation chief of demolishing, etc. of concrete structure
- (13) Skill training course for operation chief of installing, etc. of concrete bridge
- (14) Skill training course for operation chief of excavating for quarrying
- (15) Skill training course for operation chief of cargo piling
- (16) Skill training course for operation chief of stevedoring
- (17) Skill training course for operation chief of erecting, etc. of wooden building
- (18) Skill training course for operation chief of use of class-1 pressure vessel related to chemical equipment

- (19) Skill training course for operation chief of use of ordinary class-1 pressure vessel
- (20) Skill training course for operation chief of specified chemical substances and tetra-alkyl lead, etc.
- (21) Skill training course for operation chief of lead danger
- (22) Skill training course for operation chief of organic solvent
- (23) Skill training course for operation chief of asbestos
- (24) Skill training course for operation chief of oxygen deficient danger
- (25) Skill training course for operation chief of oxygen deficient/hydrogen sulfide
- (26) Skill training course for operation of floor-operated crane
- (27) Skill training course for operation of small sized mobile crane
- (28) Skill training course for gas welding
- (29) Skill training course for forklift operation
- (30) Skill training course for operation of shovel loader, etc.
- (31) Skill training course for operation of vehicle type construction machine (for leveling, transferring, loading and excavating)
- (32) Skill training course for operation of vehicle type construction machine (for demolishing)
- (33) Skill training course for operation of vehicle type construction machine (for foundation)
- (34) Skill training course for operation of transferring vehicle on rough terrain
- (35) Skill training course for operation of vehicle for work at height
- (36) Skill training course for slinging operation
- (37) Skill training course for boiler operation

**Appended Table 19** (Related to Article 77)

Skill training or practical training	Apparatus, other equipment and facilities
Skill training course for operation chief of oxygen deficient danger	Revival apparatus and oxygen concentration meter
Skill training course for operation chief of oxygen deficient/hydrogen sulfide danger	Revival apparatus, oxygen concentration meter, hydrogen sulfide concentration meter
Skill training course for operation of floor-operated crane	Floor-operated crane
Skill training course for operation of small sized mobile crane	Small sized mobile crane

Skill training course for gas welding	Gas welding equipment
Skill training course for forklift operation	Forklift, pallet and the facility where a forklift can be operated
Skill training course for operation of shovel loader, etc.	Shovel loader, etc. (referring shovel loader and fork loader, hereinafter the same.), and the facility where the shovel loader, etc. can be operated)
Skill training course for operation of vehicle type construction machine ( for leveling, transferring, loading and excavating)	Vehicle type construction machine (for leveling, transferring, loading and excavating) and facility where the vehicle can be operated.
Skill training course for vehicle type construction machine (for demolishing)	Vehicle type construction machine ( for demolishing) and facility where the vehicle can be operated
Skill training course for vehicle type construction machine (for foundation)	Vehicle type construction machine ( for foundation) and facility where the vehicle can be operated.
Skill training course for transferring vehicle on rough terrain	Transferring vehicle on rough terrain and facility where the vehicle can be operated.
Skill training course for vehicle for work at height	Vehicle for work at height
Skill training course for slinging operation	Crane, mobile crane, derrick or lifting appliance on deck, cargo and slinging equipment
Practical training for operation of ship lifting appliance	Ship lifting appliance
Practical training for operation of crane	Overhead travelling crane, simulator and facility where the overhead travelling crane can be operated.
Practical training for operation of mobile crane	Mobile crane, simulator and facility where the mobile crane can be operated.

**Appended Table 20** (Refer to Article 77)

- (1) Skill training courses for operations chiefs of woodworking machines and press machines

Training subject	Qualifications
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Theoretical instructional	<p>Knowledge of the types, structure and functions of work-related machines and their safety devices</p> <p>Knowledge of the maintenance and inspection of work-related machines and their safety devices</p>	<p>(1) A person must be a graduate of a university or technical college accredited under the School Education Act (hereinafter referred to as a "university, etc.") who completed a mechanical engineering course and, after graduation, must have two years or more of experience in designing, manufacturing, inspecting or operating machines related to the relevant work.</p> <p>(2) A person must be a graduate of a high school or secondary school accredited under the School Education Act (hereinafter referred to as a "high school, etc.") who completed a mechanical engineering course and, after graduation, must have five years or more of experience in designing, manufacturing, inspecting or operating machines related to the relevant work.</p> <p>(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
	Knowledge of work methods	<p>(1) A person must be a graduate of a university, etc. and, after graduation, must have one year or more of experience in operating machines related to the relevant work.</p> <p>(2) A person must be a graduate of a high school, etc. and, after graduation, must have three years or more of experience in operating machines related to the relevant work.</p> <p>(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
Applicable Acts and ordinances		<p>(1) A person must be a graduate of a university, etc. and, after graduation, must have one year or more of experience in safety service.</p>

	(2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.
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(2) Skill training course for operations chiefs of industrial dryers

Training subject		Qualifications
Theoretical instruction	Knowledge of the structure and operation of industrial dryers and their accessory facilities	<p>(1) A person must be a graduate of a university, etc. who completed an engineering course and, after graduation, must have three years or more of experience in designing, manufacturing, inspecting or operating industrial dryers.</p> <p>(2) A person must be a graduate of a high school, etc. who completed an engineering course and, after graduation, must have five years or more of experience in designing, manufacturing, inspecting or operating industrial dryers.</p> <p>(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
	Knowledge of the inspection, maintenance and emergency measures of industrial dryers and their accessory facilities	
	Knowledge of the management of drying operations by industrial dryers	<p>(1) A person must be a graduate of a university, etc. who completed an engineering or chemistry course and, after graduation, must have three years or more of experience in operating industrial dryers.</p> <p>(2) A person must be a graduate of a high school, etc. who completed an engineering or chemistry course and, after graduation, must have five years or more of experience in operating industrial dryers.</p>

	(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.
Applicable Acts and ordinances	(1) A person must be a graduate of a university, etc. and, after graduation, must have one year or more of experience in safety service.  (2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item

(3) Skill training course for operations chiefs of concrete blasting

Training subject	Qualifications	
Theoretical instruction	Knowledge of explosives, etc.  Knowledge of the operation of concrete breakers	(1) A person must be a graduate of a university, etc. who completed an industrial chemistry, mining or civil engineering course and, after graduation, must have one year or more of experience in handling explosives.  (2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.
	Knowledge of blasting methods using concrete breakers  Knowledge to educate workers	(1) A person must be a graduate of a university, etc. who completed an industrial chemistry, mining or civil engineering course and, after graduation, must have two years or more of experience in blasting using concrete breakers.  (2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.
Applicable Acts and ordinances	(1) A person must be a graduate of a university, etc. and, after graduation, must have one year or more of experience in safety service.  (2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding	

	item.
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(4) Skill training courses for operations chiefs of excavating natural ground and shoring; skill training course for operations chiefs of tunnel excavation, etc.; skill training course for operations chiefs of tunnel lining; skill training course for operations chiefs of concrete form shoring work; skill training course for operations chiefs of scaffolding erection; skill training course for operations chiefs of erection, etc. of steel structures; skill training course for operations chiefs of construction, etc. of steel bridges; skill training course for operations chiefs of demolition, etc. of concrete structures; and skill training course for operations chiefs of construction, etc. of concrete bridges

Training subject		Qualifications
Theoretical instructional	Knowledge of work methods	<p>(1) A person must be a graduate of a university, etc. who completed a civil engineering, architecture or mining course (an architecture course shall be excluded for the skill training courses for operations chiefs of tunnel excavation, etc. and tunnel lining, and a shipbuilding course shall be included for the skill training course for operations chiefs of scaffolding erection; hereinafter referred to as "specified courses" in this table); and, after graduation, must have three years or more of experience in construction work (construction work for the skill training courses for operations chiefs of tunnel excavation, etc. and tunnel lining shall be limited to tunnel construction; that for the skill training course for operations chiefs of scaffolding erection shall include shipbuilding; and that for the skill training course for operations chiefs of demolition, etc. of concrete structures shall be limited to demolition, etc. of concrete structures; hereinafter referred to as "specified work" in this table).</p> <p>(2) A person must be a graduate of a high school, etc. who completed a specified course and, after graduation, must have five years or more of experience in specified work.</p> <p>(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
	Knowledge of	(1) A person must be a graduate of a university, etc. and, after graduation, must have three years or more of experience in

<p>construction facilities, machines, tools and work environment</p> <p>Knowledge to educate workers</p>	<p>specified work or safety guidance related to specified work.</p> <p>(2) A person must be a graduate of a high school, etc. and, after graduation, must have five years or more of experience in specified work or safety guidance related to specified work.</p> <p>(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
<p>Applicable Acts and ordinances</p>	<p>(1) A person must be a graduate of a university, etc. and, after graduation, must have three years or more of experience in safety service.</p> <p>(2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.</p>

(5) Skill training course for operations chiefs of excavating work for quarrying

Training subject		Qualifications
<p>Theoretical instruction</p> <p>Knowledge of the types of rocks and excavating methods for rock quarrying</p>	<p>(1) A person must be a graduate of a university, etc. who completed a mining or civil engineering course and, after graduation, must have three years or more of experience in quarrying work.</p> <p>(2) A person must be a graduate of a high school, etc. who completed a mining or civil engineering course and, after graduation, must have five years or more of experience in quarrying work.</p> <p>(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>	
<p>Knowledge of facilities, machines, tools and work environment</p>	<p>(1) A person must be a graduate of a university, etc. and, after graduation, must have three years or more of experience in quarrying work or safety guidance related to quarrying work.</p> <p>(2) A person must be a graduate of a high school, etc. and,</p>	

Knowledge to educate workers	<p>after graduation, must have five years or more of experience in quarrying work or safety guidance related to quarrying work.</p> <p>( 3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
Applicable Acts and ordinances	<p>(1) A person must be a graduate of a university, etc. and, after graduation, must have three years or more of experience in safety service.</p> <p>( 2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.</p>

(6) Skill training course for operations chiefs of cargo stacking

Training subject	Qualifications
<p>Theoretical instruction</p> <p>Knowledge of stacking cargo ( a collection of cargo piled up in a warehouse, shed or cargo depot; hereinafter the same)</p> <p>Knowledge of manual work of making or breaking stacks of cargo</p>	<p>(1) A person must be a graduate of a university, etc. and, after graduation, must have three years or more of experience in making or breaking stacks of cargo.</p> <p>(2) A person must be a graduate of a high school, etc. and, after graduation, must have five years or more of experience in making or breaking stacks of cargo.</p> <p>(3) A person must have completed the skill training course for operations chiefs of stacking cargo and, after completion, must have three years or more of experience in making or breaking stacks of cargo.</p> <p>( 4) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding three items.</p>
Knowledge of mechanical cargo handling for making and	(1) A person must be a graduate of a university, etc. who completed a mechanical engineering course and, after graduation, must have three years or more of experience in making or breaking stacks of cargo.

breaking stacks of cargo	<p>(2) A person must be a graduate of a high school, etc. who completed a mechanical engineering course and, after graduation, must have five years or more of experience in making or breaking stacks of cargo.</p> <p>(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
Applicable Acts and ordinances	<p>(1) A person must be a graduate of a university, etc. and, after graduation, must have one year or more of experience in safety service.</p> <p>(2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.</p>

(7) Skill training course for operations chiefs of stevedoring

Training subject	Qualifications
Theoretical instruction	<p>(1) A person must be a graduate of a university, etc. and, after graduation, must have three years or more of experience in safety management service related to stevedoring.</p> <p>(2) A person must be a graduate of a high school, etc. and, after graduation, must have five years or more of experience in safety management service related to stevedoring.</p> <p>(3) A person must have ten years or more of experience in safety management service related to stevedoring.</p> <p>(4) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding three items.</p>
Knowledge of the structure and operating methods of ship facilities	<p>(1) A person must be a graduate of a university, etc. who completed a mechanical engineering course and, after graduation, must have three years or more of experience in stevedoring.</p> <p>(2) A person must be a graduate of a high school, etc. who</p>

and cargo handling machines	<p>completed a mechanical engineering course and, after graduation, must have five years or more of experience in stevedoring.</p> <p>( 3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
Knowledge of slinging work and the giving of signals	<p>(1) A person must be a graduate of a university, etc. who completed a dynamics course and, after graduation, must have two years or more of experience in slinging work.</p> <p>(2) A person must be a graduate of a high school, etc. who completed a dynamics course and, after graduation, must have four years or more of experience in slinging work.</p> <p>( 3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
Knowledge of cargo handling methods	<p>(1) A person must be a graduate of a university, etc. and, after graduation, must have three years or more of experience in stevedoring.</p> <p>(2) A person must be a graduate of a high school, etc. and, after graduation, must have five years or more of experience in stevedoring.</p> <p>(3) A person must have five years or more of experience in supervising or directing stevedores.</p> <p>( 4) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding three items.</p>
Applicable Acts and ordinances	<p>(1) A person must be a graduate of a university, etc. and, after graduation, must have one year or more of experience in safety service.</p> <p>( 2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.</p>

(8) Skill training course for operations chiefs of the erection, etc. of wooden

Training subject	Qualifications
<p>Theoretical instructional</p> <p>Knowledge of work for wooden buildings such as building construction members and mounting roof backings</p>	<p>(1) A person must be a graduate of a university, etc. who completed an architecture course and, after graduation, must have three years or more of experience in the erection, etc. of wooden buildings.</p> <p>(2) A person must be a graduate of a high school, etc. who completed an architecture course and, after graduation, must have five years or more of experience in the erection, etc. of wooden buildings.</p> <p>(3) A person must have ten years or more of experience in the erection, etc. of wooden buildings and, during that period, must have three years or more of experience in serving as a foreman for the relevant work or otherwise holding a position that directly instructs or supervises workers engaged in the relevant work.</p> <p>(4) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding three items.</p>
<p>Knowledge of construction facilities, machines, tools and work environment</p> <p>Knowledge to educate workers</p>	<p>(1) A person must be a graduate of a university, etc. and, after graduation, must have three years or more of experience in the erection, etc. of wooden buildings or safety guidance related to the relevant work.</p> <p>(2) A person must be a graduate of a high school, etc. and, after graduation, must have five years or more of experience in the erection, etc. of wooden buildings or safety guidance related to the relevant work.</p> <p>(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
<p>Applicable Acts and ordinances</p>	<p>(1) A person must be a graduate of a university, etc. and, after graduation, must have three years or more of experience in safety service.</p>

		<p>(2) A person must be a graduate of a high school, etc. and, after graduation, must have five years or more of experience in safety service.</p> <p>(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
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(9) Skill training course for operations chiefs of the work for handling Class-1 pressure vessels related to chemical facilities

Training subject		Qualifications
Theoretical instruction	Knowledge of the structure of Class-1 pressure vessels	<p>(1) A person must be a graduate of a university, etc. who completed a mechanical engineering or chemical engineering course and, after graduation, must have five years or more of experience in designing, manufacturing, inspecting or handling boilers or Class-1 pressure vessels.</p> <p>(2) A person must have eight years or more of experience in designing, manufacturing or inspecting boilers or Class-1 pressure vessels.</p> <p>(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
	Knowledge of the handling of Class-1 pressure vessels	<p>(1) A person must be a graduate of a university, etc. who completed a mechanical engineering or chemical engineering course and, after graduation, must have five years or more of experience in handling Class-1 pressure vessels related to chemical facilities.</p> <p>(2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.</p>
	Knowledge of hazardous materials and chemical reactions	<p>(1) A person must be a graduate of a university, etc. who completed an industrial chemistry course and, after graduation, must have six years or more of experience in work related to hazardous materials.</p>

	(2) A person must be a graduate of a high school, etc. who completed an industrial chemistry course and, after graduation, must have eight years or more of experience in work related to hazardous materials.
	(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.
Applicable Acts and ordinances	(1) A person must be a graduate of a university, etc. and, after graduation, must have one year or more of experience in managing Class-1 pressure vessels related to chemical facilities.
	(2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.

(10) Skill training course for operations chiefs of the work for handling ordinary Class-1 pressure vessels

Training subject	Qualifications
Theoretical instruction	<p>Knowledge of the structure of Class-1 pressure vessels (except for those related to chemical facilities)</p> <p>(1) A person must be a graduate of a university, etc. who completed a mechanical engineering course and, after graduation, must have two years or more of experience in designing, manufacturing, inspecting or handling boilers or Class-1 pressure vessels.</p> <p>(2) A person must have five years or more of experience in designing, manufacturing or inspecting boilers or Class-1 pressure vessels.</p> <p>(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
Knowledge of the handling of Class-1 pressure vessels (except for	<p>(1) A person must be a graduate of a university, etc. who completed a mechanical engineering course and, after graduation, must have two years or more of experience in handling Class-1 pressure vessels.</p> <p>(2) A person must have knowledge and experience</p>

those related to chemical facilities)	equivalent to or greater than that of persons specified in the preceding item.
Applicable Acts and ordinances	(1) A person must be a graduate of a university, etc. and, after graduation, must have one year or more of experience in managing boilers or Class-1 pressure vessels.  (2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.

- (11) Skill training courses for operations chiefs of the work for handling specified chemical substances and tetra-alkyl lead, etc.; that for operations chiefs of the work for handling lead; that for operations chiefs of the work for handling organic solvents; and that for operations chiefs of the work for handling asbestos

Training subject	Qualifications
Theoretical and instructional	Knowledge of health hazards and their preventive measures (1) A person must be a graduate of a university accredited under the School Education Act who completed a medical course and, after graduation, must have two years or more of experience in research or work related to industrial health.  (2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.
Knowledge of work environment improvement methods	(1) A person must be a graduate of a university, etc. who completed an engineering course and, after graduation, must have two years or more of experience in engineering research or practical work related to industrial health.  (2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.
Knowledge of protective equipment	(1) A person must be a graduate of a university, etc. who completed an engineering course and, after graduation, must have two years or more of experience in research or practical work related to protective equipment.  (2) A person must have knowledge and experience equivalent to or greater than that of persons specified in

	the preceding item.
Applicable Acts and ordinances	(1) A person must be a graduate of a university, etc. and, after graduation, must have one year or more of experience in industrial health service.  (2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.

(12) Skill training course for operations chiefs of hazardous work in oxygen-deficient air

Training subject	Qualifications
Theoretical instruction	<p>Knowledge of anoxia and emergency resuscitation</p> <p>(1) A person must be a graduate of a university accredited under the School Education Act who completed a medical course and, after graduation, must have two years or more of experience in research or practical work related to industrial health.</p> <p>(2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.</p>
Knowledge of causes of occurrence of oxygen deficiency and preventive measures	<p>(1) A person must be a graduate of a university, etc. who completed a science or engineering course and, after graduation, must have two years or more of experience in engineering research or practical work related to industrial health.</p> <p>(2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.</p>
Knowledge of protective equipment	<p>(1) A person must be a graduate of a university accredited under the School Education Act who completed a medical course or a graduate of a university, etc. who completed an engineering course and, after graduation, must have two years or more of experience in research or practical work related to protective equipment.</p> <p>(2) A person must have knowledge and experience equivalent to or greater than that of persons specified in</p>

		the preceding item.
	Applicable Acts and ordinances	(1) A person must be a graduate of a university, etc. and, after graduation, must have one year or more of experience in industrial health service.  (2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.
Practical training	Emergency resuscitation methods	(1) A person must be a graduate of a university accredited under the School Education Act who completed a medical course and, after graduation, must have two years or more of experience in research or practical work related to industrial health.  (2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.
	Oxygen concentration measurement methods	(1) A person must be a graduate of a university, etc. who completed a science or engineering course and, after graduation, must have one year or more of experience in practical work related to environmental measurement.  (2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.

(13) Skill training course for operations chiefs of hazardous work in oxygen-deficient air or involving hydrogen sulfide

Training subject		Qualifications
Theoretical instruction	Knowledge of anoxia, hydrogen sulfide poisoning and emergency resuscitation	(1) A person must be a graduate of a university accredited under the School Education Act who completed a medical course and, after graduation, must have two years or more of experience in research or practical work related to industrial health.  (2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.
	Knowledge of	(1) A person must be a graduate of a university, etc. who

	causes of occurrence of oxygen deficiency and hydrogen sulfide, and preventive measures	<p>completed a science or engineering course and, after graduation, must have two years or more of experience in engineering research or practical work relating to industrial health.</p> <p>(2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.</p>
	Knowledge of protective equipment	<p>(1) A person must be a graduate of a university accredited under the School Education Act who completed a medical course or a graduate of a university, etc. who completed an engineering course and, after graduation, must have two years or more of experience in research or practical work relating to protective equipment.</p> <p>(2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.</p>
	Applicable Acts and ordinances	<p>(1) A person must be a graduate of a university, etc. and, after graduation, must have one year or more of experience in industrial health service.</p> <p>(2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.</p>
Practical training	Emergency resuscitation methods	<p>(1) A person must be a graduate of a university accredited under the School Education Act who completed a medical course and, after graduation, must have two years or more of experience in research or practical work related to industrial health.</p> <p>(2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.</p>
	Oxygen and hydrogen sulfide concentration	<p>(1) A person must be a graduate of a university, etc. who completed a science or engineering course and, after graduation, must have one year or more of experience in practical work related to environmental measurements.</p>

measurement methods	(2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.
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(14) Skill training course for the operation of floor-operated cranes

Training subject		Qualifications
Theoretical instruction	Knowledge of floor-operated cranes	<p>(1) A person must be a graduate of a university, etc. who completed a mechanical engineering course.</p> <p>(2) A person must be a graduate of a high school, etc. who completed a mechanical engineering course and, after graduation, must have three years or more of experience in designing, manufacturing, inspecting or maintaining cranes.</p> <p>(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
	Knowledge of motors and electricity	<p>(1) A person must be a graduate of a university, etc. who completed an electrical engineering or mechanical engineering course.</p> <p>(2) A person must be a graduate of a high school, etc. who completed an electrical engineering or mechanical engineering course and, after graduation, must have three years or more of experience in designing, manufacturing, inspecting or maintaining cranes.</p> <p>(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
	Knowledge of dynamics necessary for the operation of floor-operated cranes	<p>(1) A person must be a graduate of a university, etc. who completed a dynamics course.</p> <p>(2) A person must be a graduate of a high school, etc. who completed a dynamics course and, after graduation, must have three years or more of experience in operating cranes.</p> <p>(3) A person must have knowledge and experience</p>

		equivalent to or greater than that of persons specified in the preceding two items.
	Applicable Acts and ordinances	(1) A person must be a graduate of a university, etc. and, after graduation, must have one year or more of experience in safety service.  (2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.
Practical training	Operation of floor-operated cranes  Giving signals for the operation of floor-operated cranes	(1) A person must be a graduate of a university, etc. who completed a mechanical engineering course and, after graduation, must have one year or more of experience in operating floor-operated cranes.  (2) A person must be a graduate of a high school, etc. who completed a mechanical engineering course and, after graduation, must have three years or more of experience in operating floor-operated cranes.  (3) A person must have completed the skill training course for the operation of floor-operated cranes and, after completion, must have five years or more of experience in operating floor-operated cranes.  (4) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding three items.

(15) Skill training course for the operation of light duty mobile cranes

Training subject	Qualifications
Theoretical instruction	Knowledge of light duty mobile cranes  (1) A person must be a graduate of a university, etc. who completed a mechanical engineering course.  (2) A person must be a graduate of a high school, etc. who completed a mechanical engineering course and, after graduation, must have three years or more of experience in designing, manufacturing, inspecting or maintaining mobile cranes.  (3) A person must have knowledge and experience

		equivalent to or greater than that of persons specified in the preceding two items.
	Knowledge of motors and electricity	<p>(1) A person must be a graduate of a university, etc. who completed a mechanical engineering course.</p> <p>(2) A person must be a graduate of a high school, etc. who completed a mechanical engineering course and, after graduation, must have three years or more of experience in designing, manufacturing, inspecting or maintaining mobile cranes.</p> <p>(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
	Knowledge of dynamics necessary for the operation of light duty mobile cranes	<p>(1) A person must be a graduate of a university, etc. who completed a dynamics course.</p> <p>(2) A person must be a graduate of a high school, etc. who completed a dynamics course and, after graduation, must have three years or more of experience in operating mobile cranes.</p> <p>(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
	Applicable Acts and ordinances	<p>(1) A person must be a graduate of a university, etc. and, after graduation, must have one year or more of experience in safety service.</p> <p>(2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.</p>
Practical training	<p>Operation of light duty mobile cranes</p> <p>Giving signals for the operation of light duty</p>	<p>(1) A person must be a graduate of a university, etc. who completed a mechanical engineering course and, after graduation, must have one year or more of experience in operating mobile cranes.</p> <p>(2) A person must be a graduate of a high school, etc. who completed a mechanical engineering course and, after graduation, must have three years or more of experience in</p>

	mobile cranes	<p>operating mobile cranes.</p> <p>(3) A person must have completed the skill training course for the operation of light duty mobile cranes and, after completion, must have five years or more of experience in operating light duty mobile cranes.</p> <p>(4) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding three items.</p>
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(16) Skill training course on gas welding

Training subject	Qualifications
Theoretical instruction	<p>Knowledge of the structure and operating methods of equipment used for gas welding</p> <p>(1) A person must be a graduate of a university, etc. who completed an engineering course.</p> <p>(2) A person must be a graduate of a high school, etc. who completed an engineering course and, after graduation, must have three years or more of experience in gas welding.</p> <p>(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
	<p>Knowledge of inflammable gases and oxygen used for gas welding</p> <p>(1) A person must be a graduate of a university, etc. who completed a chemistry course.</p> <p>(2) A person must be a graduate of a high school, etc. who completed a chemistry course and, after graduation, must have three years or more of experience in gas welding.</p> <p>(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
	<p>Applicable Acts and ordinances</p> <p>(1) A person must be a graduate of a university, etc. and, after graduation, must have one year or more of experience in safety service.</p>
Practical training	<p>Handling of equipment used for gas</p> <p>(1) A person must be a graduate of a university, etc. who completed an engineering course and, after graduation, must have one year or more of experience in gas welding.</p>

welding	<p>(2) A person must be a graduate of a high school, etc. who completed an engineering course and, after graduation, must have three years or more of experience in gas welding.</p> <p>(3) A person must have completed the skill training course on gas welding and must have five years or more of experience in gas welding.</p> <p>(4) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding three items.</p>
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(17) Skill training courses for the operation of forklifts and shovel loaders, etc.

Training subject		Qualifications
Theoretical and instructional methods of driving systems	Knowledge of the structure and operating methods of driving systems	<p>(1) A person must be a graduate of a university, etc. who completed a mechanical engineering course.</p> <p>(2) A person must be a graduate of a high school, etc. who completed a mechanical engineering course and, after graduation, must have three years or more of experience in designing, manufacturing, inspecting or maintaining automotive vehicles.</p> <p>(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
	Knowledge of the structure and operating methods of cargo handling devices	<p>(1) A person must be a graduate of a university, etc. who completed a mechanical engineering course</p> <p>(2) A person must be a graduate of a high school, etc. who completed a mechanical engineering course and, after graduation, must have three years or more of experience in designing, manufacturing, inspecting or maintaining forklifts or shovel loaders, etc.</p> <p>(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>

	<p>Knowledge of dynamics necessary for the operation of related devices</p>	<p>(1) A person must be a graduate of a university, etc. who completed a dynamics course.</p> <p>(2) A person must be a graduate of a high school, etc. who completed a dynamics course and, after graduation, must have three years or more of experience in operating forklifts or shovel loaders, etc.</p> <p>3. A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
	<p>Applicable Acts and ordinances</p>	<p>(1) A person must be a graduate of a university, etc. and, after graduation, must have one year or more of experience in safety service.</p> <p>(2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.</p>
<p>Practical training</p>	<p>Driving operation</p> <p>Cargo handling operation</p>	<p>(1) A person must be a graduate of a university, etc. who completed a mechanical engineering course and, after graduation, must have one year or more of experience in operating forklifts or shovel loaders, etc.</p> <p>(2) A person must be a graduate of a high school, etc. who completed a mechanical engineering course and, after graduation, must have three years or more of experience in operating forklifts or shovel loaders, etc.</p> <p>(3) A person must have completed the skill training courses for the operation of forklifts or shovel loaders, etc. and, after completion, must have five years or more of experience in operating forklifts or shovel loaders, etc.</p> <p>(4) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding three items.</p>

(18) Skill training course for the operation of vehicle-type construction machines for leveling ground, transport, loading and excavating, and skill training course for the operation of vehicle-type construction machines for demolition.

Training subject	Qualifications
Theoretical and instructional methods of driving systems	<p>(1) A person must be a graduate of a university, etc. who completed a mechanical engineering course.</p> <p>(2) A person must be a graduate of a high school, etc. who completed a mechanical engineering course and, after graduation, must have three years or more of experience in designing, manufacturing, inspecting or maintaining automotive vehicles.</p> <p>(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
Knowledge of the structure and operation of work-related devices, and work methods	<p>(1) A person must be a graduate of a university, etc. who completed a mechanical engineering course.</p> <p>(2) A person must be a graduate of a high school, etc. who completed a mechanical engineering course and, after graduation, must have three years or more of experience in designing, manufacturing, inspecting or maintaining vehicle-type construction machines for ground leveling, transport, loading and excavating, or for demolition.</p> <p>(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
Knowledge of general matters necessary for the operation of machines	<p>(1) A person must be a graduate of a university, etc. who completed a civil engineering course.</p> <p>(2) A person must be a graduate of a high school, etc. who completed a civil engineering course and, after graduation, must have three years or more of experience in operating vehicle-type construction machines for ground leveling, transport, loading and excavating, or for demolition.</p> <p>(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
Applicable	(1) A person must be a graduate of a university, etc. and,

	Acts and ordinances	<p>after graduation, must have one year or more of experience in safety service.</p> <p>(2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.</p>
Practical training	<p>Driving operation</p> <p>Operation of devices for work</p>	<p>(1) A person must be a graduate of a university, etc. who completed a mechanical engineering course and, after graduation, must have one year or more of experience in operating vehicle-type construction machines for ground leveling, transport, loading and excavating, or for demolition.</p> <p>(2) A person must be a graduate of a high school, etc. who completed a mechanical engineering course and, after graduation, must have three years or more of experience in operating vehicle-type construction machines for ground leveling, transport, loading and excavating, or for demolition.</p> <p>(3) A person must have completed the skill training course for the operation of vehicle-type construction machines for ground leveling, transport, loading and excavating, or those for demolition and, after completion, must have five years or more of experience in operating vehicle-type construction machines for ground leveling, transport, loading and excavating, or for demolition.</p> <p>(4) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding three items.</p>

(19) Skill training course for the operation of vehicle-type construction machines for foundation work

Training subject		Qualifications
Theoretical	Knowledge of the structure and	(1) A person must be a graduate of a university, etc. who completed a mechanical engineering course.
instructional	operating	(2) A person must be a graduate of a high school, etc. who

uctio n	methods of driving systems	<p>completed a mechanical engineering course and, after graduation, must have three years or more of experience in designing, manufacturing, inspecting or maintaining automotive vehicles.</p> <p>( 3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
	Knowledge of the structure and operation of work-related devices, and work methods	<p>(1) A person must be a graduate of a university, etc. who completed a mechanical engineering course.</p> <p>(2) A person must be a graduate of a high school, etc. who completed a mechanical engineering course and, after graduation, must have three years or more of experience in designing, manufacturing, inspecting or maintaining vehicle-type construction machines for foundation work.</p> <p>( 3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
	Knowledge of general matters necessary for the operation of machines	<p>(1) A person must be a graduate of a university, etc. who completed a civil engineering course.</p> <p>(2) A person must be a graduate of a high school, etc. who completed a civil engineering course and, after graduation, must have three years or more of experience in operating vehicle-type construction machines for foundation work.</p> <p>( 3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
	Applicable Acts and ordinances	<p>(1) A person must be a graduate of a university, etc. and, after graduation, must have one year or more of experience in safety service.</p> <p>( 2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.</p>
Prac tical	Driving operation	<p>(1) A person must be a graduate of a university, etc. who completed a mechanical engineering course and, after</p>

training	Operation of devices for work and giving signals	<p>graduation, must have one year or more of experience in operating vehicle-type construction machines for foundation work.</p> <p>(2) A person must be a graduate of a high school, etc. who completed a mechanical engineering course and, after graduation, must have three years or more of experience in operating vehicle-type construction machines for foundation work.</p> <p>(3) A person must have completed the skill training course for the operation of vehicle-type construction machines for foundation work and, after completion, must have five years or more of experience in operating vehicle-type construction machines for foundation work.</p> <p>(4) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding three items.</p>
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(20) Skill training course for the operation of rough terrain vehicles

Training subject	Qualifications
Theoretical and instructional methods of driving systems	<p>(1) A person must be a graduate from a university, etc. who completed a mechanical engineering course.</p> <p>(2) A person must be a graduate from a high school, etc. who completed a mechanical engineering course and, after graduation, must have three years or more of experience in designing, manufacturing, inspecting or maintaining automotive vehicles.</p> <p>(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
Knowledge of the transportation of loads	<p>(1) A person must be a graduate of a university, etc. who completed a dynamics course.</p> <p>(2) A person must be a graduate of a high school, etc. who completed a dynamics course and, after graduation, must have three years or more of experience in operating rough</p>

		<p>terrain vehicles.</p> <p>(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
	<p>Knowledge of dynamics necessary for the operation of vehicles</p>	<p>(1) A person must be a graduate of a university, etc. who completed a mechanical engineering course.</p> <p>(2) A person must be a graduate of a high school, etc. who completed a mechanical engineering course and, after graduation, must have three years or more of experience in designing, manufacturing, inspecting or maintaining automotive vehicles.</p> <p>(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
	<p>Applicable Acts and ordinances</p>	<p>(1) A person must be a graduate of a university, etc. and, after graduation, must have one year or more of experience in safety service.</p> <p>(2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.</p>
<p>Practical training</p>	<p>Driving operation</p> <p>Load transportation</p>	<p>(1) A person must be a graduate of a university, etc. who completed a mechanical engineering course and, after graduation, must have one year or more of experience in operating rough terrain vehicles.</p> <p>(2) A person must be a graduate of a high school, etc. who completed a mechanical engineering course and, after graduation, must have three years or more of experience in operating rough terrain vehicles.</p> <p>(3) A person must have completed the skill training course for the operation of rough terrain vehicles and, after completion, must have five years or more of experience in operating rough terrain vehicles.</p>

	( 4) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding three items.
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(21) Skill training course for the operation of vehicle for work at height

Training subject		Qualifications
Theoretical instruction	Knowledge of the structure and operating methods of work-related devices	<p>(1) A person must be a graduate of a university, etc. who completed a mechanical engineering course.</p> <p>(2) A person must be a graduate of a high school, etc. who completed a mechanical engineering course and, after graduation, must have three years or more of experience in designing, manufacturing, inspecting or maintaining vehicle-mounted aerial platforms.</p> <p>( 3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
	Knowledge of motors	<p>(1) A person must be a graduate of a university, etc. who completed a mechanical engineering course.</p> <p>(2) A person must be a graduate of a high school, etc. who completed a mechanical engineering course and, after graduation, must have three years or more of experience in designing, manufacturing, inspecting or maintaining automotive vehicles.</p> <p>( 3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
	Knowledge of general matters necessary for the operation of vehicles	<p>(1) A person must be a graduate of a university, etc. who completed dynamics and electricity courses.</p> <p>(2) A person must be a graduate of a high school, etc. who completed a dynamics course and, after graduation, must have three years or more of experience in operating vehicle-mounted aerial platforms.</p> <p>( 3) A person must have knowledge and experience equivalent to or greater than that of persons specified in</p>

		the preceding two items.
	Applicable Acts and ordinances	(1) A person must be a graduate of a university, etc. and, after graduation, must have one year or more of experience in safety service.  (2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.
Practical training	Operation of devices for work	(1) A person must be a graduate of a university, etc. who completed a mechanical engineering course and, after graduation, must have one year or more of experience in operating vehicle-mounted aerial platforms.  (2) A person must be a graduate of a high school, etc. who completed a mechanical engineering course and, after graduation, must have three years or more of experience in operating vehicle-mounted aerial platforms.  (3) A person must have completed the skill training course for the operation of vehicle-mounted aerial platforms and, after completion, must have five years or more of experience in operating vehicle-mounted aerial platforms.  (4) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding three items.

(22) Skill training course for sling work

Training subject	Qualifications
Theoretical instruction	Knowledge of cranes, mobile cranes, derricks and cargo hoisting equipment ( hereinafter referred to as "cranes ,
	(1) A person must be a graduate of a university, etc. who completed a mechanical engineering course.  (2) A person must be a graduate of a high school, etc. who completed a mechanical engineering course and, after graduation, must have five years or more of experience in designing, manufacturing or inspecting cranes, etc.  (3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.

	etc.")	
	Knowledge of dynamics necessary for sling work using cranes, etc.	<p>(1) A person must be a graduate of a university, etc. who completed a dynamics course.</p> <p>(2) A person must be a graduate of a high school, etc. who completed a dynamics course and, after graduation, must have three years or more of experience in sling work using cranes, etc.</p> <p>(3) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding two items.</p>
	Sling methods using cranes, etc.	<p>(1) A person must be a graduate of a university, etc. who completed a dynamics course and, after graduation, must have two years or more of experience in sling work using cranes, etc.</p> <p>(2) A person must be a graduate of a high school, etc. who completed a dynamics course and, after graduation, must have five years or more of experience in sling work using cranes, etc.</p> <p>(3) A person must have completed the skill training course for sling work and must have ten years or more of experience in sling work using cranes, etc.</p> <p>(4) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding three items.</p>
	Applicable Acts and ordinances	<p>(1) A person must be a graduate of a university, etc. and, after graduation, must have one year or more of experience in safety service.</p> <p>(2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.</p>
Practical training	Sling work using cranes, etc.	(1) A person must be a graduate of a university, etc. who completed a dynamics course and, after graduation, must have two years or more of experience in sling work using cranes, etc.

	Giving signals for the operation of cranes, etc.	<p>(2) A person must be a graduate of a high school, etc. who completed a dynamics course and, after graduation, must have five years or more of experience in sling work using cranes, etc.</p> <p>(3) A person must have completed the skill training course for sling work and must have ten years or more of experience in sling work using cranes, etc.</p> <p>(4) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding three items.</p>
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(23) Skill training course for the operation of boilers

Training subject	Qualifications
Theoretical instruction	<p>(1) A person must be a graduate of a university, etc. who completed a mechanical engineering course and, after graduation, must have three years or more of experience in designing, manufacturing, inspecting or operating boilers.</p> <p>(2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.</p>
Applicable Acts and ordinances	<p>(1) A person must be a graduate of a university, etc. and, after graduation, must have one year or more of experience in safety service.</p> <p>(2) A person must have knowledge and experience equivalent to or greater than that of persons specified in the preceding item.</p>

**Appended Table 21** (related to Article 77)

Practical training	Conditions
Practical training for operation of ship lifting appliance	(1) A person who possesses the license pertaining to practical training for operation of ship lifting appliance and has 5 years of experiences involved in operation of ship lifting appliance  (2) A person who has the knowledge and experience equivalent to or greater than those listed preceding item
Practical training for operation of crane  Practical training for operation of mobile crane	(1) A person who possesses the license pertaining to practical training for operation of crane or mobile crane, and has 8 years of experience involved in operation of crane, mobile crane or derrick.  (2) A person who has the knowledge and experience equivalent to or greater than those listed preceding item

**Appended Table 22** (Related to Article 77)

Practical training	Conditions
Practical training for operation of ship lifting appliance  Practical training for operation of crane  Practical training for operation of mobile crane	(1) A person who had been in the position as the one who manages or supervises the lifting operation of ship lifting appliance, crane or mobile crane for 5 years or more.  (2) A person who has knowledge and experience equivalent to or greater than those listed the preceding item