

Guidelines for measures to be taken by sending business owners

(2005 Ministry of Health, Labor and Welfare Notification No. 456)

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- first Effect
- This guideline is based on the Act on Improvement of Employment of Construction Workers (hereinafter referred to as "Construction").
- It is called "labor law". ) Labor applied by replacing it with the provisions of Article 44
- Ensuring proper operation of worker dispatching business and protection of dispatched workers, etc.
- Law (hereinafter referred to as the "Worker Dispatch Law after Replacement") Article 24-3
- Measures to be taken by the sending business operator pursuant to the provisions of Chapter 3, Sections 1 and 2.
- Regarding, the matters necessary for the proper and effective implementation have been stipulated.
- It is a thing.
- In addition, it shall be sent in accordance with the provisions of Article 24-3 of the Worker Dispatching Act after replacement.
- Regarding the protection of personal information as well as the necessary matters regarding the measures that the business owner should take
- It also stipulates compliance with the Act (Act No. 57 of 2003).
- It is.
- second Measures to be taken by the sending business owner
- one Working conditions for concluding a contract to secure employment opportunities for construction workers
- Verification
- The sending business operator secures employment opportunities for construction workers with the receiving business owner.
- When concluding a contract, the contents of the construction work required by the host business owner,
- Knowledge, skills or experience required to carry out the construction work
- Standards, period for securing employment opportunities for construction workers, and other construction workers
- Detailed employment conditions to be determined when concluding a employment opportunity securing contract
- To grasp the crab.
- two Measures necessary to stabilize the employment of sending workers
- (1) Prohibition of hiring for the purpose of becoming a sending worker, etc.
- The sending business operator hires a worker for the purpose of making it a sending worker.
- Do not enter.
- In addition, the person who is planning to retire must not be a sending worker.
- (2) Temporary surplus of workers
- The sending business owner is in the construction industry only when there is a temporary surplus of workers.
- It is possible to carry out a business to secure employment opportunities for working workers, and it is always possible.
- It is not possible to have a sending worker perform a sending employment.

- For this reason, the sending business operator has eliminated the temporary surplus of workers.
- Occasionally, secure employment opportunities for construction workers in the certification plan
- Send out employment even at the time when the project is supposed to be implemented
- You can't do that.
- It should be noted that the sending business owner increased the number of employees, which is a reasonable reason.
- Withdrawal of orders related to the construction business, the amount of business in the construction business
- The sending business operator avoids the surplus of workers, etc.
- If there is a surplus of workers due to failure to make such efforts,
- Occasionally it is not admitted that workers have become surplus.
- Also, in the same fiscal year, the sending business owner sends the sending worker.
- The total number of workers who have been employed is the construction industry employed by the sending business owner.
- Five of the total number of workers who engaged in the construction work that they carry out
- When it exceeds the percentage, it is recognized that the workers are temporarily surplus.
- Don't do it.
- (3) Sending period for each sending worker
- The sending business owner is a sending worker's sending employment for each business year.
- The number of days does not exceed 50% of the prescribed number of working days for the sending worker
- To be.
- (4) Implementation of safety and health education
- The sending business operator appropriately implements safety and health education for sending workers.
- To do.
- (5) Working conditions such as wages related to the dispatched working period
- The sending business owner employs working conditions such as wages even during the sending work.
- Must be observed based on the contract, etc.
- Is the sending business operator the receiving business operator due to the bankruptcy of the receiving business operator?
- Even if you have not received payment for the dispatched employment, etc.
- Must pay appropriate wages to sending workers based on employment contracts, etc.
- There is a need.
- In addition, the rent related to the sending employment period because of sending employment
- It is not appropriate to reduce working conditions such as money.
- (6) Prohibition of dismissal after sending work
- The sending business owner is a construction business because the sending work has ended.
- Do not dismiss the worker.
- (7) Should be taken when canceling the contract to secure employment opportunities for construction workers
- Measure

- The sending business owner has a contract period of the construction worker employment opportunity securing contract
- For reasons other than those attributable to the sending worker before it expires
- If the contract for securing employment opportunities for construction workers is canceled,
- In cooperation with the accepting business owner related to the construction worker employment opportunity securing contract,
- Receive a mediation for employment at the affiliated company from the host business owner, etc.
- As a result, the dispatched worker related to the contract to secure employment opportunities for the construction worker
- To secure new employment opportunities. In addition, construction work workers employment
- With the cancellation of the opportunity securing contract, the sending business operator becomes the construction worker
- If you intend to dismiss a sending worker who is involved in securing business opportunities,
- The sending business operator is based on the Labor Standards Act (Act No. 49 of 1947), etc.
- To fulfill our responsibilities.
- three Appropriate grievance handling
- The sending business owner is the person who receives the complaint of the sending worker, the sending business owner.
- How to handle complaints in, cooperation between sending business owner and receiving business owner
- The system for securing employment opportunities for construction workers is stipulated in the contract for securing employment opportunities.
- thing. In addition, the date when the complaint was submitted to the transmission management ledger, among the complaints
- Received complaints and grievances regarding the status of handling complaints and complaints
- Describe each time it makes sense. In addition, complaints from sending workers
- Disadvantageous take to the sending worker because of receiving the delivery
- Do not treat it.
- four Promotion of application of labor and social insurance
- The sending business operator should properly proceed with the application procedures for employment insurance and social insurance.
- When Employment insurance and health insurance under the jurisdiction of the Japan Health Insurance Association, welfare annuity insurance
- For workers who do not have social insurance, which is borne by the employer
- Do not be a sending worker.
- In addition, for workers' accident compensation insurance, dispatched workers will be dispatched to work.
- Regarding the construction business, the government has been notified regarding the establishment of insurance relations.
- To the host business owner about the fact or the fact that it is to be notified
- On the other hand, check in advance.
- Five Establishing a contact system with the host business owner
- The sending business operator regularly patrols the working place of the sending worker, etc.
- Therefore, the employment situation of sending workers is the contract for securing employment opportunities for construction workers.
- While confirming that it does not violate the regulations, the appropriateness of the sending worker
- Started the implementation status of health examinations and safety and health education to secure a good employment
- Target contact and coordination with the host business owner by providing detailed information, etc.
- Do it properly.

- In addition, the sending business owner calculates the extra wages, etc., and employs the sending business.
- Request information from the host business owner regarding the actual working hours of workers
- That.
- Six Clarification of working conditions for sending workers
- The sending business owner is a sending worker by utilizing the model employment condition statement.
- Clarify the working conditions for.
- Seven Prohibition of disadvantageous treatment when making a worker a new sending worker
- Stop
- The sending business owner newly hires the worker to work as a construction worker.
- When trying to secure an opportunity, the worker gives consent
- Dismissal or other disadvantageous treatment of the worker due to lack of
- Do not do.
- Eight Stabilization of employment and promotion of welfare of sending workers, etc.
- (1) Matters to be noted regarding fixed-term employment dispatch workers, etc.
- I The sending business operator shall be the provision of Article 30, Paragraph 1 of the Worker Dispatching Act after replacement.
- According to the measures from items 2 to 4 of the same paragraph (hereinafter referred to as "employment stabilization measures")
- That is. ) Is subject to the employment stabilization measures.
- Fixed-term employment sending workers, etc. (fixed-term employment sending workers, etc. prescribed in the same paragraph)
- To say, same as below. ), In contrast to career consulting (professional ability)
- Power Development Promotion Act (Act No. 64 of 1947) stipulated in Article 2, Paragraph 5
- Setting up the professional life of workers among the career consulting
- It means to provide consultation and other assistance regarding the total. ) And labor contracts
- Take advantage of opportunities such as interviews when updating, or use e-mail
- Continued after securing employment opportunities for construction workers
- Whether you want to work and what kind of employment stabilization measures you want
- To grasp.
- B When the sending business owner takes employment stabilization measures, the employment concerned
- Employment security desired by fixed-term employment dispatched workers, etc. subject to stabilization measures
- Strive to take regular measures.
- C When the sending business owner takes employment stabilization measures, the employment concerned
- Construction workers such as fixed-term employment dispatch workers who are subject to stabilization measures
- Sending out the fixed-term employment early, not just before the end of securing employment opportunities
- After hearing about the contents of employment stabilization measures desired by workers, etc.
- Start the measures with sufficient time.
- (2) Employment opportunities that match the aptitude, ability, experience, wishes, etc. of sending workers
- Securing, etc.

- The sending business operator, regarding the sending worker, the aptitude of the sending worker,
- Taking into account abilities, experience, etc., to secure the most suitable employment opportunities
- Both work period and day, working hours, working place, accepting business owner
- Conforms with the wishes of the sending worker regarding the working environment, etc.
- You must strive to secure such employment opportunities. Also,
- Sending workers have employment opportunities by utilizing their knowledge, skills, experience, etc.
- In view of the fact that the dispatching business operator has obtained the above, the worker dispatching law after replacement
- We must take measures such as education and training pursuant to the provisions of Article 30-2.
- Secure education and training opportunities that are closely related to employment opportunities
- What you have to do.
- (3) Career advancement measures for sending workers
- I The sending business operator, for the sending worker to be hired, the labor after replacement
- Appropriate education and training pursuant to the provisions of Article 30-2, Paragraph 1 of the Worker Dispatching Act
- What you have to do.
- B Sending business owners receive appropriate education and training for the sending workers they employ.
- Care must be taken so that the lecture can be taken. In addition, the sending business owner
- Providing multiple opportunities to attend education and training, or setting the date and time of the event
- By giving consideration to this, sending workers are educated and trained as much as possible.
- It is desirable to make it easier to attend.
- C The sending business owner plans to advance the career of the sending worker he employs.
- At the same time, in order to contribute to the proper employment management, the sending worker
- On the day, the type of construction work engaged in, the worker dispatching law after replacement, thirty
- Date and time and contents of education and training prescribed in Article 7, Paragraph 1, Item 9
- Try to save the documents that describe.
- (4) Handling in consideration of the balance with the workers of the host business owner
- I The sending business operator decides the wages of the sending worker to be hired.
- The purpose of the provisions of Article 30-3, Paragraph 1 of the Worker Dispatching Act after replacement
- Based on the above, the same type of construction work as the construction work engaged by the sending worker
- Equilibrium with the wage level of workers employed by host business owners engaged in
- The same type of construction as the construction work that the sending worker is engaged in, while taking into consideration
- Wage level of general workers engaged in business or of the sending worker
- Try to consider the content, ability or experience of the job. Well
- In addition, the sending business owner appropriately grasps the job results, motivation, etc. of the sending worker.
- Grasp and strive to determine appropriate wages according to the results of the job concerned
- That.

- B Engage in the same type of construction work as the construction work that the sending worker engages in
- Considering the balance with the wage level of the workers employed by the host business owner
- With only the result, the wage of the sending worker will be reduced from before.
- Such treatment shall be handled in Article 30-3, Paragraph 1 of the Worker Dispatching Act after replacement.
- It cannot be said that the response is based on the purpose of the regulation.
- C The sending business owner charges for securing employment opportunities for construction workers.
- Negotiations with the host business owner regarding the amount are employment opportunities for the construction worker
- Extremely important for improving the treatment of dispatched workers for securing
- With that in mind, try to engage in the negotiations.
- D The sending business owner charges for securing employment opportunities for construction workers.
- If the amount is raised, the construction worker concerned, wherever possible
- Strive to raise wages for sending workers to secure employment opportunities
- That.
- E The sending business operator shall be the worker dispatching law after the replacement, Article 30-3, paragraph (2).
- Construction related to securing employment opportunities for construction workers based on the purpose of the regulations
- Lending of goods useful for smooth business execution and implementation of education and training
- Regarding measures such as welfare of sending workers such as
- Acceptance to engage in construction work similar to that of workers
- Understand the actual conditions of the welfare, etc. of the workers employed by the employer, and receive the relevant information.
- Take necessary measures in consideration of the balance with the workers employed by the employer
- Try to take it.
- F The sending business operator is the 31st of the Worker Dispatching Act after the sending worker has replaced it.
- The relevant reason is that an explanation was requested pursuant to the provisions of Article 2 (2).
- Do not treat the sending worker unfavorably.

- Nine Dissemination of relevant laws and regulations to relevant parties
- The sending business owner is the sending business owner according to the provisions of the Worker Dispatch Law after replacement.
- And the details of the measures to be taken by the host business operator and the construction worker engaged by the sending worker
- Exceptions to the application of the Labor Standards Act, etc. prescribed in Chapter 3, Section 4
- Held briefing sessions, etc., and distributed documents in order to ensure that all parties concerned with the decree are informed.
- Take measures such as cloth.
- Ten Protection of personal information
- (1) Collection, storage and use of personal information
- I The sending business operator is the scope of the purpose of properly managing the employment of sending workers.
- Within, in the personal information of the sending worker ((1) and (2), simply "individual"
- Information. ") Will be collected, and the following personal information will be collected.
- Do not collect. However, there are special business needs
- It is indispensable to achieve the purpose of other business and the purpose of collection
- This is not the case when collecting from the registered dwelling.
- (B) Race, ethnicity, social status, family origin, registered domicile, place of birth and other societies
- Matters that may cause discrimination
- (C) Status of participation in the labor union
- B When collecting personal information, the sending business owner collects it directly from the person himself / herself.
- Or legally, such as collecting from a person other than the person with the consent of the person
- Must be by fair means.
- C The storage or use of personal information shall be limited to the scope of the purpose of collection.
- Due to the nature of the construction work, worker employment opportunity securing business system, the sending business
- The personal information of the sending worker that the Lord can provide to the host business owner is
- Accepted business pursuant to the provisions of Article 35, Paragraph 1 of the Worker Dispatching Act after replacement
- In addition to the matters to be notified mainly, regarding the business performance of the sending worker
- It should be limited to the information to be provided. However, other storage or
- When the purpose of use is indicated and the consent of the person is obtained, or as stipulated in other laws
- If so, this is not the case.
- (2) Appropriate management
- I Regarding personal information related to its storage or use, the sending business owner then
- In addition to taking the following measures appropriately, in response to requests from sending workers, etc.
- In response, the content of the measures must be explained.
- (B) Personal information is accurate and up-to-date to the extent necessary according to the purpose.
- Measures to keep things
- (B) Measures to prevent loss, destruction and falsification of personal information
- (C) Access to personal information by persons without legitimate authority
- Measures to prevent
- (D) Personal information that no longer needs to be stored for the purpose of collection
- Measures to destroy or delete
- B The sending business owner knows the personal information that corresponds to the secret of the sending worker, etc.
- If obtained, the personal information will be known to others without a justifiable reason.
- Strict control must be carried out so that there is no such thing.
- C The sending business owner has the rules for proper management of personal information including the following items.
- Must be created and adhered to.
- (B) Matters concerning the range of persons who can handle personal information
- Matters

- (C) Disclosure or correction (deletion) of personal information when requested by the person
- including, same as below. ) Handling
- (D) Matters concerning the handling of complaints regarding the handling of personal information
- D The sending business owner has requested the disclosure or correction of personal information.
- Do not treat the person disadvantageously because of
- Not to be.
- (3) Compliance with the Law Concerning the Protection of Personal Information, etc.
- In addition to what is specified in (1) and (2), the sending business owner is personal information.
- Personal information handling business operator prescribed in Article 2, Paragraph 5 of the Act on the Protection of
- (Hereinafter referred to as "personal information handling business operator"), the same
- Must comply with the obligations stipulated in Chapter 4, Section 1 of the Act.
- In addition, even if you are not a business operator handling personal information, personal information
- Strive to ensure the proper handling of personal information in accordance with the information handling business operator
- thing.
- eleven Prohibition of cooperation for acts aimed at identifying sending workers
- Stop etc.
- (1) The sending business operator shall identify the sending worker by the receiving business operator.
- Do not cooperate with acts aimed at. In addition, sending labor
- A person visits a business office before the start of employment at his / her own discretion.
- Is for the purpose of identifying the sending worker by the receiving business owner.
- It does not correspond to the act of doing, and it can be carried out, but it is sent.
- The employer should not require the sending worker to do these things.
- Coordination for acts aimed at identifying sending workers, such as
- Be careful not to touch the prohibition of force.
- (2) The sending business operator has employment opportunities for construction workers with the receiving business owner.
- In concluding a security contract, the Employment Security Act (Showa 22)
- Law No. 141) Comply with the provisions of Article 3 and send labor
- Describe the gender of the worker in the construction work worker employment opportunity securing contract, and
- Based on this, the sending worker should be sent to the receiving business owner.
- Don't be.
- twelve Measures related to safety and health
- Sending business owners can properly provide safety and health education to sending workers
- The business owner who receives the information related to the construction work in which the sending worker is engaged.
- Obtain from, take employment measures based on the results of medical examinations, etc.
- If the cooperation of the host business operator is required, the host business owner will be contacted.
- On the other hand, sending labor such as requesting cooperation in the implementation of the measures

- Necessary contact with the host business owner to implement measures related to the safety and health of the person
- Make adjustments, etc.
- Thirteen Securing employment opportunities for construction workers who plan to introduce employment
- Prohibition of
- The business system for securing employment opportunities for construction workers is now available at the business establishment of the sending business owner.
- This is to maintain the employment of sending workers and stabilize their employment.
- Therefore, employment opportunities for construction workers are planned to be introduced.
- It cannot be secured.
- (C) Disclosure or correction (deletion) of personal information when requested by the person
- including, same as below. ) Handling
- (D) Matters concerning the handling of complaints regarding the handling of personal information
- D The sending business owner has requested the disclosure or correction of personal information.
- Do not treat the person disadvantageously because of
- Not to be.
- (3) Compliance with the Law Concerning the Protection of Personal Information, etc.
- In addition to what is specified in (1) and (2), the sending business owner is personal information.
- Personal information handling business operator prescribed in Article 2, Paragraph 5 of the Act on the Protection of
- (Hereinafter referred to as "personal information handling business operator"), the same
- Must comply with the obligations stipulated in Chapter 4, Section 1 of the Act.
- In addition, even if you are not a business operator handling personal information, personal information
- Strive to ensure the proper handling of personal information in accordance with the information handling business operator
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