

ANDERSON MŌRI & TOMOTSUNE

IZUMI GARDEN TOWER, 6-1, ROPPONGI 1-CHOME, MINATO-KU, TOKYO 106-6036, JAPAN

LABOR AND EMPLOYMENT LAW BULLETIN (NO. 23)

Amendment to the Employment Promotion Law

(January 24, 2008, Copyright reserved by Anderson Mori & Tomotsune)

The Employment Promotion Law (Koyo Taisaku Ho, the "Law") was amended to prohibit an employer from making age limit in recruiting or employing employees (please note that the prohibition was already stipulated on "making efforts" basis in the original Law) and the amendment has come into effect as of October 1, 2007. There are certain exceptions under the enforcement ordinance, but an employer is, in principle, not allowed to set age limit in recruiting or employing employees. If an employer violates the Law or the relevant guidelines, the Minister of Health, Labor and Welfare may issue advice, instructions or recommendations to comply.

The Law has also been amended to require an employer to notify the Minister of Health, Labor and Welfare ("MHLW") of the name, visa status, period of stay, etc. of a foreign employee when an employer hires a foreign national or a foreign employee leaves the job. The Law provides that an employer shall make an effort to improve employment management of foreign employees and to provide support for reemployment to foreign employees upon termination of the employment contract. The MHLW has established the relevant guideline.

Further, the Law has been amended to provide that an employer shall make an effort to secure the employment opportunity for the young people by improving the manner of recruitment so that the ability of the young people is adequately evaluated and by implementing measures necessary to develop practical occupational skills, etc. The MHLW has established the relevant guideline.

雇用対策法が改正され、事業主が労働者の募集・採用に関して年齢制限を行うことが禁止され(従前努力義務であったものが義務化されました。)、この改正は2007年10月1日に施行されました。施行規則において一定の例外が定められていますが、事業主は、原則として、労働者の募集・採用に当たって年齢制限を行うことができません。事業主が本法または関連指針に違反した場合、厚生労働大臣から、助言、指導、勧告等がなされる可能性があります。

本改正は、外国人労働者の雇入れ・離職時に、その氏名、在留資格、在留期間等を厚生労働大臣に届け出なければならないとしています。また、外国人の雇用管理の改善、離職時の再就職援助を事業主の努力義務として追加しました。これについては厚生労働省の指針が定められています。

さらに、本法は、青少年の能力を正当に評価するための募集方法の改善や実践的な職業能力の開発を図る等により、青少年の雇用機会の確保を図ることを事業主の努力義務として追加しました。これについては厚生労働省の指針が定められています。

Should you wish to receive further information as to the above-mentioned, and/or wish to consult as to whether your company is in compliance with labor/employment law, please contact Kazutoshi Kakuyama (email: kazutoshi.kakuyama@amt-law.com, tel: 81-3-6888-1036), Hideki Thurgood Kano (e-mail: hidekithurgood.kano@amt-law.com, tel: 81-3-6888-1061), or Yukiko Imazu (email: yukiko.imazu@amt-law.com, tel: 81-3-6888-1063).