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LABOR AND EMPLOYMENT LAW BULLETIN (NO. 7)

Employment of Disabled People

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The Disabled People Employment Promotion Act (*Syoukaisya-Koyou-Sokusin-Hou*) requires a company that has 56 employees or more to employ at least one disabled person. The number of the disabled persons that a company must hire increases in proportion to every 56 employees.

Further, a company that has 56 employees or more is under an obligation to inform the Public Job Stability Office (*Koukyou-Syokugyou-Anteisyo*), from June 1 to July 15 every year, of the hiring status of disabled people as of June 1, according to the Disabled People Employment Promotion Act. If the company fails to comply with this statutory obligation, then the company may be subject to a criminal fine from a purely statutory viewpoint.

If a company hires more disabled people than the statutorily required number, it may be possible for the company to receive a Disabled People Employment Adjustment Allowance or an Award Allowance, by way of submitting an application sheet from April 1 to July 31. (If there are more than 300 employees in a company, then the monthly Disabled People Employment Adjustment Allowance is JPY 27,000 per disabled person. If there are 300 employees or less, then the monthly Award Allowance is JPY 21,000 per disabled person.)

If there are more than 300 employees in a company, the company may be obliged to pay Disabled People Employment Money as long as it hires a smaller number of disabled people than the Disabled People Employment Promotion Act requires it to hire. (The monthly amount to be paid in such a case is JPY 50,000 per disabled person.)

障害者雇用促進法によれば、56人以上の従業員を擁する会社においては、少なくとも一人以上の障害者を雇用する義務があります。従業員数が増えれば、56人ごとに障害者一人ずつの割合で雇用義務として課されることとなっています。

毎年6月1日現在における障害者雇用状況を、会社は7月15日までの間にハローワークに知らせる義務を追っています。この義務に違反すると刑事処分の可能性も絶対にはありません。

法律で決められている人数を超える障害者を雇用している会社は、4月1日から7月31日までの間に申請書を出すことによって、超過人数について障害者雇用調整金(300人超)または報奨金(300人以下)を、独立行政法人高齢障害者雇用支援機構から受け取ることがあります。

法律で決められている人数を下回る障害者数しか雇用していない300人超の会社は、不足人数について障害者雇用納付金を、独立行政法人高齢障害者雇用支援機構から徴収される可能性があります。

Should you wish to receive further information as to the above-mentioned, and/or how your company is in compliance with labor/employment law, please contact your regular attorney or Hideki Thurgood Kano (e-mail: hidekithurgood.kano@andersonmori.com, tel: 81-3-6888-1061).