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LABOR AND EMPLOYMENT LAW BULLETIN (NO. 8)

Medical Check-Ups

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A company is obliged by the Employment Safety & Sanitation Act (“**ESSA**”) to have medical check-ups conducted when it hires an employee. Apart from this, the ESSA obliges a company to have medical check-ups conducted for its employees at least once a year at its own expense. The items that must be covered in the medical check-ups (such as height, weight, eyesight, hearing, X-ray on the chest, expectoration, blood pressure, blood sugar level, anemia, liver, urine, and electrocardiogram) are stipulated in Article 44 of the ESSA Enforcement Regulation.

Employees who have undergone such medical check-ups must be notified by the company of their results without delay. Further, a company that has 50 employees or more is under an obligation to notify the Employment Standards Inspection Office of the summing-up of the results.

If a company desires to have an employee work outside of Japan for six months or more, or if the company desires an employee who has worked outside of Japan for six months or more to work within Japan, the company must have medical check-ups conducted with regard to items stipulated by the Health, Labor & Welfare Minister in addition to those indicated in Article 44 of the ESSA Enforcement Regulation.

労働安全衛生法によって会社に課されている健康診断は、入社時におこなうもののほか、毎年少なくとも一回以上、定期的になされるべきものがあります。費用は会社負担です。対象となる項目の最低限は、身長、体重、視力、聴力、胸部エックス線検査、喀痰検査、血圧、血糖、貧血、肝機能、尿、心電図、などなど、労働安全衛生規則 44 条で詳しく定まっています。

この健康診断の結果は、遅滞なく、受診労働者に通知されなければなりません。なお、50 人以上の労働者を有する会社は、この結果の纏めを定期診断結果報告書という形で、所轄の労働基準監督署に提出しなければならないとされています。

日本国外の地域に 6 ヶ月間以上 労働者を派遣しようとする際、あるいは日本国外で 6 ヶ月以上勤務した労働者を日本で勤務につかせる際には、労働安全衛生規則 44 条の項目ならびに厚生労働大臣が定めるそのほかの項目で医師が必要と認めるものについて、健康診断を実施する義務が会社に課されています。

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).