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LABOR AND EMPLOYMENT LAW BULLETIN (NO. 21)

Medical Check-Ups for Employees Handling Asbestos

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As we informed you in our Labor & Employment Law Bulletin No. 8 (dated April 13, 2004), companies are requested by the Employment Safety & Sanitation Act (*Roudou-Anzen-Eisei-Hou*) to have medical check-ups conducted regarding certain items, at their own cost, both when they hire employees and at least once a year thereafter. Further, the Ministry of Health, Labor & Welfare announced on February 24, 2005, a new official regulation for employees who handle asbestos. It is called the Asbestos Disorder Regulation (*Isiwata-Syougai-Kisoku*), Article 40 of which concerns special medical check-ups to be conducted by companies for those employees who handle asbestos. The Asbestos Disorder Regulation has been in force since July 1, 2005.

The Asbestos Disorder Regulation stipulates that companies be under an obligation to have medical check-ups conducted on their employees with respect to coughs, phlegm, shortness of breath, chest pain, X-rays and other items. If employees are to be engaged in producing or handling asbestos, these check-ups must be conducted when they are hired, when they are transferred to engage in these types of job, and at least once every six months. The results of these medical check-ups must be preserved for thirty years.

A company is also under an obligation to have medical check-ups regarding the same items conducted for those employees who are not producing or handling asbestos but used to be engaged in some statutorily designated types of job concerning asbestos due to its business instruction.

2004年4月13日のブルティン第8号で述べたとおり、採用時ならびに以降は毎年一回、一定の項目に関する健康診断を、会社はおこなわなければなりません。ところで、これら以外特別な健康診断を、アスベストを扱う業務に従事する労働者がいる場合、会社はおこなわなければならないこととされています。これは労働安全衛生法を受けた石綿障害予防規則に拠るものです。

石綿障害予防規則によりますと、アスベストを製造したり取り扱ったりする業務に常時従事する従業員について、雇い入れ時、配置換え時、そしてその後6ヶ月に一度、咳・痰・息切れ・胸痛・エックス線などの健康診断をおこなうこととされています。この健康診断の結果は、30年間、保存されなければなりません。

一定の仕事に嘗て会社が従事させた労働者でその会社が未だ使用している者に対して、その会社は、上と同じような項目の健康診断をおこなうべき義務があります。

Should you wish to receive further information regarding the above-mentioned, or regarding whether your company is in compliance with labor/employment law, contact **Hideki Thurgood Kano** (telephone: 81-3-6888-1061, e-mail: hidekithurgood.kano@amt-law.com) or other lawyers of Anderson Mori & Tomotsune.