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## LABOR AND EMPLOYMENT LAW BULLETIN (NO. 6)

### Bill Introducing the Whistleblower Protection Act

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A Bill introducing the Whistleblower Protection Act (*Kouekituuhousya-Hogo-Hou*) has been announced. According to the Bill, no company will be permitted to unilaterally terminate an employee on the ground that the employee has engaged in whistle blowing regarding the company or its directors, statutory auditors, employees, etc. Further, no company will be allowed to terminate an Employee Dispatch Agreement (*Roudousya-Haken-Keiyaku*), entered into between the company and an Employee Dispatching Company (*Haken-Moto*), on the ground that “an employee dispatched by the Employee Dispatching Company and offering his/her labor to the company” has engaged in whistle blowing regarding the company or its directors, statutory auditors, employees, etc.

Whistleblowers are subject to statutory protection with regards to the disclosure of information concerning infringements of statutes such as the Criminal Act (*Kei-Hou*), the Food Sanitation Act (*Syokuhin-Eisei-Hou*), the Securities Exchange Act (*Syouken-Torihiki-Hou*), the Air Pollution Prevention Act (*Taiki-Osen-Bousi-Hou*), the Industrial Waste Disposal and Cleaning Act (*Haikibutu-Syori-Seisou-Hou*), the Personal Information Protection Act (*Kojin-Jouhou-Hogo-Hou*), etc. Whistleblowers are also protected with regards to the disclosure of information concerning infringements that have not yet occurred but are about to occur.

Whistleblowers may not be protected if the purpose for which they have engaged in whistle blowing is to obtain unjustifiable benefits or to damage other persons.

We will provide you with further details once the Bill is enacted.

内閣府が明らかにした公益通報者保護法(案)によると、会社またはその役員・従業員等にかかわる公益通報を労働者がおこなったことを理由として会社が労働者を解雇することが禁じられています。また労働者派遣の場合に、派遣先またはその役員・従業員等にかかわる公益通報を派遣労働者がおこなったことを理由として派遣先が派遣元との間の労働者派遣契約を解除することが禁じられています。

保護にかかわる通報対象事実とは、刑法、食品衛生法、証券取引法、大気汚染防止法、廃棄物処理・清掃法、個人情報保護法などに規定されている犯罪行為構成事実、または処分・勧告の理由となった事実などです。このような通報対象事実が「正に生じようとしている」場合も労働者は保護されます。

労働者には、不正の利益を得る目的や他人に損害を加える目的を有していないことが必要です。

法律(案)が可決したり新たな動きがあったりしましたら、また続報をお知らせします。

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](mailto:hidekithurgood.kano@andersonmori.com), tel: 81-3-6888-1061).