

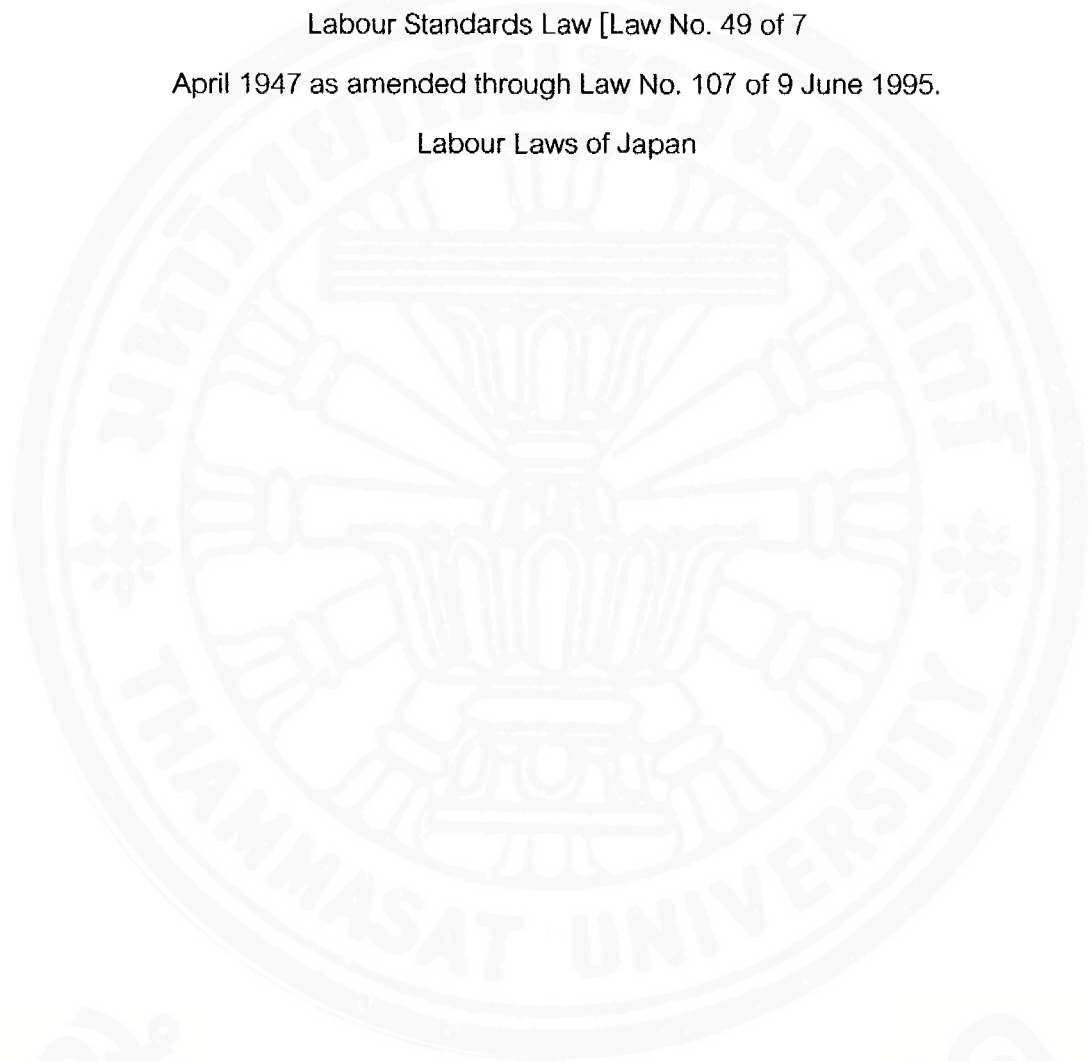
ผนวก ก

พระราชบัญญัติมาตรฐานแรงงานของประเทศญี่ปุ่น
(เฉพาะบทบัญญัติที่เกี่ยวข้องกับการหักค่าจ้าง)

Labour Standards Law [Law No. 49 of 7

April 1947 as amended through Law No. 107 of 9 June 1995.

Labour Laws of Japan



สำนักหอสมุด

Japan

Labour Standards Law [Law No. 49 of 7 April 1947 as amended through Law No. 107 of 9 June 1995]. *Labour Laws of Japan. Ministry of Labour. Institute of Labour Administration. Tokyo. Japan. 1995, pp. 71-110, 7th ed.*

Chapter II. Labour Contract

Contract Violating This Law

Article 13. A labour contract which provides for working conditions which do not meet the standards of this Law shall be invalid with respect to such portions. In such a case the portions which have become invalid shall be governed by the standards set forth in this Law.

Period of Contract

Article 14. Labour contracts, excluding those without a definite period, and excepting those providing that the period shall be the period necessary for completion of a specified project, shall not be concluded for a period longer than one year.

Clear Statement of Working Conditions

Article 15. In concluding a labour contract, the employer shall clearly state the wages, working hours and other working conditions to the worker. In this case matters concerning wages shall be clearly stated in the manner prescribed by ordinance.

2. In the event that the working conditions as clearly stated under the provisions of the preceding paragraph differ from actual fact, the worker may immediately cancel the labour contract.

3. In a case under the preceding paragraph, in the event a worker who has changed his or her residence for the work returns home within 14 days from the date of cancellation, the employer shall bear the necessary travelling expenses for the worker.

Ban on Predetermined Indemnity

Article 16. An employer shall not make a contract which fixes in advance either a sum payable to the employer for breach of contract or an amount of indemnity for damages.

Ban on Offsets Against Advances

Article 17. An employer shall not offset wages against advances of money or advances of other credits made as a condition for work.

Compulsory Savings

Article 18. An employer shall not require a contract for savings or make a contract to take charge of savings incidental to the labour contract.

2. An employer, in taking charge of workers' savings entrusted to the employer by the workers, shall conclude a written agreement with a trade union organized by a majority of the workers at the workplace, where such a union exists, or with a person representing a majority of the workers, where no such union exists, and shall submit the written agreement to the administrative office.

3. An employer, in taking charge of workers' savings entrusted to the employer by the workers, shall establish rules governing the keeping of savings and take steps to inform the workers of these rules, such as posting such rules at the workplace.

4. An employer, in taking charge of workers' savings entrusted to the employer by the workers, shall pay interest in the event that the savings kept in custody constitute a deposit accepted. If, in this case, the amount of interest paid is below the amount of interest based on the interest rate established by ordinance with due consideration of the interest rate for deposits received by banking institutions, the employer shall be deemed to have paid interest equivalent to that based on the rate determined by ordinance.

5. An employer, in taking charge of workers' savings entrusted to the employer by the workers, shall return the savings to the workers on request without delay.

6. In the event that the employer has violated the provisions of the preceding paragraph and the continued taking charge of the workers' savings by the employer is deemed as seriously detrimental to the interests of the workers, the administrative office

may order the employer to suspend taking charge of the savings in question within such limits as are necessary.

7. An employer who has been ordered to suspend taking charge of savings under the provisions of the preceding paragraph shall return savings kept in custody to the workers without delay.

Chapter III. Wages

Payment of Wages

Article 24. Wages must be paid in cash and in full directly to the workers; however, that payment other than in cash may be permitted in cases otherwise provided for by law or ordinance or collective agreement or in cases where a reliable method of payment of wages defined by ordinance is provided for; and partial deduction from wages may be permitted in cases otherwise provided for by law or ordinance or in cases where there exists a written agreement with a trade union organized by a majority of the workers at the workplace, where such a union exists, or with a person representing a majority of the workers, where no such union exists.

2. Wages must be paid at least once a month at a definite date. However, this does not apply to extraordinary wages, bonuses, and the like which will be defined by Ordinance.

Emergency Payments

Article 25. In the event a worker requests the payment of wages to cover emergency expenses for childbirth, illness, accident, or other emergency as set forth by ordinance, the employer shall pay accrued wages prior to the normal date for payment.

Allowance for Business Suspension

Article 26. In the event of a suspension of business for reasons attributable to the employer, the employer shall pay an allowance equal to at least 60 percent of the worker's average wage to each worker concerned during the period of business suspension.

Guaranteed Payment Under Piece Work System

Article 27. With respect to workers employed under a piece work system or other subcontracting system, the employer shall guarantee a fixed amount of wage proportionate to hours of work.

Minimum Wages

Article 28. Minimum standards for wages shall be in accordance with the provisions of the Minimum Wages Law (Law No. 137 of 1959).

Articles 29 to 31. Deleted.

Annual Leave With Pay

Article 39. An employer shall grant annual leave with pay of ten working days, either consecutive or divided into portions, to workers who have been employed continuously for six months calculated from the day of their being hired and who have reported for work on at least 80 percent of the total working days.

Chapter XIII. Penal Provisions

Article 134. The employer shall not treat disadvantageously such as by making a deduction from wages, workers who have taken leave with pay under the provisions of paragraph 1 to 3 of Article 39.