

Note; Appendix is summarized based on the contents of Appendix .

Appendix

The outline of the Act (Act No. 82 of amendments of the Industrial Safety and Health Act June 25, 2014) making partial

1 Explanatory note;

The partial amendments of the Industrial Safety and Health Act, this time, are grounded in the recent occurrence of Occupational Accidents and Diseases especially such as the bile duct cancer due to hazardous chemical substances which are not regulated by the special regulations, mental health disorder and recurrence of Accidents in a similar way.

These situations have been understood as serious problems, and the objectives of the said amendments are to enhance the system for the prevention of Occupational Accidents and Diseases. The situations and the necessity of countermeasures with respect to the issues and situations mentioned above are as follows,

Situations	Necessity of Countermeasures
The occurrence of the bile duct cancer as the Occupational Disease due to hazardous chemical substances which are not covered by the special regulations.	To respond appropriately, based on the results of the investigation, in advance, on the danger and/or hazard regarding the said chemical substances. (with regard to Article 28-2 and the new establishment of Article 57-3)
The increase of the cases of mental health disorder, compensated as the Occupational Disease.	To respond appropriately, based on the results of the assessment of the state of health, including mental issues, of the worker concerned, in advance of falling into mental health disorder. (with regard to the new establishment of Article 66-10)
The same kind of the Occupational Accident occurred repeatedly in the other work place of the same company.	To prevent the same kind of the said Accident in the other workplace of the same company. (with regard to the amendment of Article 78)

Note; the outlines of the amendments including the above 3 points are as follows.

2 Six points of the amendments of the Industrial Safety and Health Act, this time, are as follows.

(1) Review of the way that should be, of the appropriate control of the hazardous chemicals,

—To make it compulsory obligation that the employer shall investigate danger or harm of such chemical substances as are not covered by the special regulations and have certain dangerous and/or harmful properties.

(with regard to the new establishment of Article 57-3)

Note; this provision will be enforced from 1st, June, 2016.

(2) Establishment of the system of assessing of the degree of the worker's mental burden,

—To make it compulsory obligation that the employer shall conduct the medical examination in order to assess the degree of the worker's mental burden for his/her worker by the physician, public health nurse or other competent person.

However, this compulsory obligation shall, for a while, be such one as to endeavour to conduct the said medical examination for each workplace of the scale defined by Cabinet Order (provided for as regularly employing less than fifty workers.)

—To make it compulsory obligation that the employer, when he/she conducted the medical examination in order to assess the degree of the worker's mental burden for his/her worker by the physician, public health nurse or other competent person, shall provide the worker who was informed the results of the examination and desires to get the guidance with face-to-face by the physician for him/her, and then based on its results, the said employer, by taking into consideration of the opinions of the physician, and when it is deemed necessary, shall take measures including changing the work contents, shortening the working hours, or other appropriate measures.

(With regard to the new establishment of Article 66-10)

Note1; this provision will be enforced from 1st, December, 2015.

Note2: the treatment of this compulsory obligation to conduct the examination into allowing a certain scale of workplace to endeavour to conduct it for a while, bases its legal ground on the supplementary provision added this time revision.

Note3; this system is so called as “Stress-Check System”, expressed in the Notice of No.

0501-3, dated 1st, May, 2015, issued by the Director General, Labour Standards Bureau, prescribing details and interpretation of this System.

(3) Promotion of such measures as to prevent harmful influences by Passive Smoking,

- To make it compulsory obligation that the employer, shall endeavour to take such appropriate measures as to prevent harmful influences by the Passive Smoking, taking into consideration of the actual circumstances of the said employer as well as his/her workplace.

(With regard to the new establishment of Article 68-2)

Note; this provision was enforced from 1st, June, 2015.

(4) Response to such employers as repeating occurrence of severe Occupational Accidents and/or Diseases,

—To create the administrative system that the Minister of Health, Labour and Welfare may instruct the said employer to prepare comprehensive improvement plan with respect to safety and health, covering his/her whole company. In this case, if the said employer does not comply with the said Minister's instruction, the said Minister may make the recommendation to take necessary measures in order to prevent severe Occupational Accidents or Diseases, to the said employer. And then, if the said employer does not comply with the said recommendation, the said Minister may announce such situation.

(With regard to the amendment of Article 78, omitted in this paper.)

Note; this provision was enforced from 1st, June, 2015.

(5) Response to the Inspection Agency concerned, located in foreign countries,

- Taking into consideration of the international situations with respect to the Inspection Agency concerned, in addition to usual system, to add another administrative one that the Inspection Agency who conducts the inspection of such machines like boilers requiring specially dangerous operations, etc., and located in foreign countries, may be registered as the said Inspection Agency by the Minister of Health, Labour and Welfare and enable the said Agency to act in Japan.

(With regard to the amendment of Article 46, 52, etc.; omitted in this paper.)

Note; this provision was enforced from 1st, June, 2015.

(6) Review of the system of such notification of the plan as requested, in the case of the type of industry concerned and the scale of the establishment concerned, as well as the addition of the machine to be undergone the type examination by the registered type examination agency,

- Taking into consideration of a good state of compliance of the employer concerned with respect to the said Notification of the plan, the provision of the said notification of the plan was abolished.
- To add the Air Purifying Respirator with electric powered fan, which is obligated that workers shall use in such workplaces as the concentration of the dust is high in the air, to the machines to be undergone the type examination by the registered type examination agency.

(With regard to the amendment of Article 42, 44-2, 46, 88, appended Table2, etc.; omitted in this paper.)

Note; this provision was enforced from 1st, December, 2014.

Disclaimer:

This translation is not formally accepted, because the only legally effective texts of the main provisions, mentioned above are the ones which were published in Japanese, in the Official Gazette, issued by the Government of Japan.

However, this translation is offered as a reference in order to promote the international understanding of the main provisions among the amendments by the Act (Act No. 82 of June 25, 2014) making partial amendments of the Industrial Safety and Health Act.

While great care is taken with the Translation of the main provisions among the amendments by the Act (Act No. 82 of June 25, 2014) making partial amendments of the Industrial Safety and Health Act, from the Japanese, original, legal text into English, in the following Appendix , the International Affairs Division, International Affairs Center, Japan Industrial Safety and Health Association, accepts no responsibility for meaning of these provisions included in the following translation, as legally actual effects.

Nevertheless, when someone desires to extract or copy the parts or the whole texts of this translation, it is accepted under the condition, showing the source of this translation.