

Appendix

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

The Amended Provisions (abstract)
(Investigation, etc. to be carried out by Employer)
<p>Article 28-2 The employer shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, endeavour to investigate the danger or harm etc., due to buildings, facilities, raw materials, gases, vapours, dust, etc. (excluding the danger or harm, etc., due to the materials, provided for in the Cabinet Order, provided for in paragraph (1) of Article 57 and the notifiable substances provided for in paragraph (1) of Article 57-2 and those arising from work actions and other duties, and to take necessary measures preventing from dangers or health impairment to workers, in addition to taking the measures provided for by the provisions pursuant to this Act or the orders, based on the results of the said investigation. However, in case of the investigation other than investigation to substances including chemicals, preparations containing chemicals and others, which are likely to bring about danger or health impairment to workers, this shall apply to the employer of the undertaking in the manufacturing industry or other industries provided for by the Ordinance of the Ministry of Health, Labour and Welfare.</p> <p>Paragraph (2) and (3); Omitted here.</p>
(Investigation with respect to the materials, provided for in the Cabinet Order based on paragraph (1) of Article 57 and the notifiable substances , etc. to be carried out by Employer)
<p>Article 57-3 The employer shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, investigate the danger or harm etc., due to the materials, provided for in the Cabinet Order, provided for in paragraph (1) of Article 57 and the notifiable substances.</p> <p>(2) The employer shall endeavour to take necessary measures for preventing dangers or health impairment to workers, in addition to taking the measures provided for by the provisions pursuant to this Act or the orders, based on the results of the investigation provided for in the preceding paragraph.</p> <p>(3) The Minister of Health, Labour and Welfare shall make publish the necessary</p>

guidelines relating to the measures provided for in the preceding two paragraphs to achieve an appropriate and effective implementation thereof, in addition to those provided for in paragraph (1) and (3) of Article 28.

(4) The Minister of Health, Labour and Welfare may provide individual employers and organizations of employers with necessary guidance and assistance, etc., under the guidelines in the preceding paragraph.

(Medical examination for assessing the degree of a mental burden of the worker)

Article 66-10 The employer shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, 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 (hereafter, referred as " the physician, etc.").

(2) The employer shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, ensure to be notified the results of the medical examination, provided for in the preceding paragraph from the physician, etc. who conducted the said examination, to the worker, examined pursuant to the preceding paragraph. In this case, the said physician, etc. shall not offer the results of the said examination to the employer concerned without the advance consent to do so from the said worker.

(3) In case where his/her worker, among the workers concerned who received the notification, pursuant to the preceding paragraph, and his/her worker's degree of the burden of mental health falls under the required condition considering the maintenance of the said worker's health as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, and when his/her worker concerned, makes an offer to be undergone the face-to-face guidance by the physician, the employer shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, conduct the face-to-face guidance by the physician to the said worker. In this case, the employer concerned, shall not make a disadvantageous treatment to the said worker.

(4) The employer shall, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, record the result of the face-to-face guidance by the physician, pursuant to the preceding paragraph.

(5) The employer shall, based on the results of the face-to-face guidance by the physician, pursuant to the provision of the third paragraph, as provided for by the Ordinance of the Ministry of Health, Labour and Welfare, listen to the opinions of the physician concerned, about the necessary measure in order to maintain the health of the said worker.

(6) The employer shall, by taking consideration of the opinions of the physician, pursuant to the preceding paragraph, and when it is deemed necessary, take

measures including changing the location of work, changing the work contents, shortening the working hours, reducing the frequency of night work or other measures, along with reporting the opinion of the said physician to the Health Committee, the Safety and Health Committee or the Committee for the Improvement of Establishing Working Hours, and other appropriate measures, considering the circumstances of the said worker.

(7) The Minister of Health, Labour and Welfare shall publish the necessary guidelines relating to the measures in the preceding paragraph to achieve an appropriate and effective implementation thereof.

(8) The Minister of Health, Labour and Welfare may, when the Minister published the guidelines, pursuant to the preceding paragraph, and it is deemed necessary, provide individual employers and organizations of employers with the necessary guidance and assistance, etc., under the guidelines in the preceding paragraph.

(9) The State shall endeavour to conduct study training for the physician, etc., with respect to the influences due to the degree of the mental burden of the worker in order to maintain the workers' health, in addition, to take such measures as to provide health counselling and other services to the said worker, in order to promote the health of the said worker who uses the notified results, pursuant to the second paragraph.

(Prevention of Passive Smoking)

Article 68-2 The employer shall endeavor to take necessary measures in order to prevent the Passive Smoking (meaning to inhale tobacco smoke, blown out by other people, the interior of the building or in the other equivalent environment. In the paragraph (1) of Article 71, referred to as the same.), considering the circumstances of the said employer and his/her workplace.

Supplementary Provisions

(special case for the Medical examination for assessing a degree of a mental burden of the worker)

Article 4 In applying of Article 66-10 to the workplace other than the one provided for the paragraph (1) of Article 13, “ shall conduct ” in paragraph (1) of the said Article shall be read for a while as “shall endeavour to conduct”.