

## Notification of Agreement on Overtime work Working on Holidays

Type of business		Name of business			Address of business establishment (telephone number)			
	Specific reasons for workers being required to work overtime	Type of business	Number of workers (those aged 18 and over in completed years)	Normal working hours	Hours that can be extended			Period
					One day	The specified period exceeding one day (the initial date in reckoning)		
(1) Workers who do not fall under (2) below								
(2) Workers working under a variable-working-hours system on a year-to-year basis								
Specific reasons for workers being required to work on holidays		Type of business	Number of workers (those aged 18 and over in completed years)	Scheduled holidays	Holidays when workers are required to work, and starting time and closing time			Period

Date of conclusion of an agreement    Month day,year

Name of a labor union that is the party concerned in an agreement or the title and name of the representative of the majority of workers    Title Name

Selection method of the party concerned in an agreement (in the representative of the majority of workers) (                          )

[Seal]

**To: Director of Central Labor Standards Inspection Office**

Employer    Title Name

[Seal]

These sample application forms indicate the essential points and descriptive examples of registration, visa, taxation, and personnel and labor affairs that are necessary when a foreign company establishes a corporation etc. in Japan. These documents are not published by competent authorities and therefore are not official. Therefore, when going through the official procedures consult a specialist or download the official documents from the competent authorities.

The competent authorities relating to these documents: Ministry of health, labour and welfare

URL: <http://shinsei.e-gov.go.jp/search/servlet/FileDownload?seqNo=0000303352>

The use of the information provided in these sample documents is based on your own responsibility. While JETRO makes every effort to ensure that we provide accurate information, we will not be held liable for any loss or damage incurred by your use of the contents of such information.

[Point in common]  
Be sure to fill out without omission, as this form will not be accepted, if matters in (1) through (12) in the Notification of Agreement on Overtime Work/Working on Holidays has not been completely filled out in respective columns and statutory formal requirements are inadequate.  
If a special clause is set forth, an agreement should be concluded on matters in (12) through (8) as well.  
In principle, an agreement should be concluded on a workplace-by-workplace (on an applicable-workplace-by-applicable-workplace, such as branches and factories, basis) basis, and notification should be submitted to the Labor Standards Inspection Office that exercises jurisdiction over the workplace concerned (a labor union, etc. consisting of the majority of workers that fulfills prescribed requirements can use a system under which a head office collectively submits notification)

[Point 11]  
Is a classification specifically made?  
Enter not a statement that lacks specificity such as "employees," but work in detail that requires workers to work overtime

[Point 2]  
If a business owner is a juridical person, also enter the name of a corporation, and in the case of a branch, store, etc., enter the name of a branch and a store. In the case of a branch, store, etc., fill out the location thereof.

[Point 3]  
1 Are there two agreements on "the period exceeding one day and within three months" and "for the period of one year" respectively?  
2 Does an agreement stipulate overtime work not longer than limit hours according to the period set forth in Schedule 1 (table shown below) of limit standards?  
3 As for the initial date in reckoning, enter Monday in the case of one week, the XXth every month in the case of one month, and the XXth of the YYth month in the case of one year.  
4 With regard to "hours that can be extended," enter the number of hours exceeding the statutory eight hours in the case of "one day," the total of the number of hours exceeding eight hours per day and the number of hours exceeding forty hours per week excluding such hours in the case of "the specified period exceeding one day (if a variable-working-hours system is adopted, add the number of hours exceeding the upper limit of the variable-working-hours period excluding extra hours per day and per week)." Accordingly, pay attention to that point in the case where, in particular, normal working hours are less than eight hours such as seven hours.

## Notification of Agreement on Overtime work Working on Holidays

Type of business		Name of business		Address of business establishment (telephone number)			
Metal goods manufacturing industry (1)		Tokyo Kyoku Industries, Ltd. Koraku Branch (2)		1-2-3, Koraku, Bunkyo-ku, Tokyo (3456-7899) (3)			
(1) Workers who do not fall under (2) below	Specific reasons for workers being required to work overtime (4)	Type of business (5)	Number of workers (those aged 18 and over in completed years) (6)	Normal working hours (7)	Hours that can be extended		Period
	Receipt of extraordinary orders, Change in delivery date	Inspection	15	8 hours	One day	45 hours	
(2) Workers working under a variable-working-hours system on a year-to-year basis	Receipt of extraordinary orders, Change in delivery date	Machine assembly	20	8 hours	5 hours	45 hours	360 hours
	Month-end settlement of accounts work	Accounting	2	8 hours	3 hours	42 hours	320 hours
Specific reasons for workers being required to work on holidays (13)		Type of business (14)	Number of workers (those aged 18 and over in completed years) (15)	Scheduled holidays (16)	Holidays when workers are required to work, and starting time and closing time (17)		Period
Receipt of extraordinary orders, Change in delivery date		Machine assembly	20	Saturdays, Sundays, National holidays, and the year-end and New Year holidays	The first Sundays and third Sundays of the month Starting time: 8 a.m. Closing time: 5 p.m.		For the period of one year starting on April 1, 20XX

Limit hours stipulated by the "standards for the limit, etc. of the extension of working hours set forth in the Agreement under Paragraph 1 of Article 36 of the Labor Standards Act" (limit standards)

Period	General workers (workers other than those in the right-hand column)	Variable working hours on a year-to-year basis (workers for which the subject period exceeds three months)
1 week	15 hours	14 hours
2 week	27 hours	25 hours
4 week	43 hours	40 hours
1 month	45 hours	42 hours
2 month	81 hours	75 hours
3 month	120 hours	110 hours
1 year	360 hours	320 hours

[Point 4]  
The term of validity of an agreement is one year in principle.

[Point 10]  
Does the extra wage pay rate for overtime work exceed the limit hours (such as forty-five hours per month and three hundred and sixty hours per year) stipulated respectively?

An excess of the limited hours should be limited to the cases of extraordinary and special circumstances. Endeavor to reduce the number of hours that can be extended.

[Requirements for an agreement with a special clause]  
When setting forth a special clause, an agreement on the following matters should be concluded between labor and management:  
(23) Special circumstances under which working hours should be extended in excess of the limited hours.  
These should be limited to specific and extraordinary ones.  
(24) Methods of conducting procedures stipulated between labor and management concerned  
(25) "Special extended hours" Hours and the number of times that can be extended in excess of the limited hours in the table above on the specified period and the specified period basis, which stipulates extended hours for the specified period. Such number should not exceed that for the period of half of one year.  
(26) The extra wage pay rate relating to working for hours in excess of the limited hours. Strive to ensure that such rate is higher than the lower limit of the legal extra wage pay rate (25 percent).

Date of conclusion of an agreement March 29, 20XX (19)  
Name of a labor union that is the party concerned in an agreement or the title and name of the representative of the majority of workers  
Selection method of the party concerned in an agreement (the representative of the majority of workers) (election by voting) (21)  
March 30, 20XX

Inspector Taro Yamada (20)

Seal

Employer Title Representative Director  
Name: Jiro Sato

Seal (22)

To: Director of Central Labor Standards Inspection Office

[Point 5]  
Are special circumstances prescribed as specific as possible?  
Special circumstances are limited to extraordinary ones, and as the amount of overtime work in excess of the limited hours should not exceed that for the period of half of one year as a whole, the amount of overtime work in excess of the limited hours for the specified period exceeding one day and within three months should be stipulated. Accordingly, it should be stipulated that on the specified period of one month and the specified period of one month basis, such amount needs to be within six times, on the specified period of three months and the specified period of three months basis, such number needs to be within two times, and such numbers should not exceed the number for the period of half of one year, respectively.

[Point 6]  
If special extended hours are stipulated, 1 Is an outline of procedures to be followed by labor and management (consultations upon which labor and management concerned agree and procedures such as giving notice) stated?  
2 Has it been decided that procedures as stipulated in 1 will be performed in the specified period exceeding one day on the specified period exceeding one day basis (one month in this case)?

[Point 7]  
With regard to an employer's seal, affix the representative's seal in the case of a business owner. In the case of an employer authorized to conclude an agreement in place of the business owner (such as a personnel director, a branch manager, a factory manager, etc.), affix a personal seal. If a seal that indicates his/her authority is used in a company, such seal can be also used. In the case of a signature of his/her name, affixation of a seal can be omitted.

[Point 8]  
If the party concerned in an agreement is the representative of the majority of workers  
1 Is a position in office organization appropriate?  
A person in a supervisory or a managerial position (such as the chief of the general affairs department) as set forth in Paragraph (ii) of Article 41 of the Labor Standards Act should not be the representative of workers.  
Enter an official title such as section head or manager, and in the case of a person who does not have a title, enter a position such as salesclerk, person in charge of XX, or without title to clarify the position thereof.  
2 Are selection methods adequate?  
Democratic selection methods such as nomination by an employer or the representative of a social gathering being automatically selected are unacceptable.  
Select by democratic methods such as election by voting and reconfirmation by raising hands.  
3 Signature or affixation of name and seal of the representative of workers serves for an agreement.

[Point 9]  
An agreement should be concluded if working on legal holidays (one holiday per week or four holidays every four weeks) out of the scheduled holidays is scheduled. If working is required on scheduled holidays other than legal holidays and working hours exceed forty hours per week, this should be deemed to be overtime work.  
As for working on holidays, it would be all right not to specify subject days of legal holidays, but to stipulate the number of days for the specified period, and prescribe the limit of the number of hours for working on the said holiday instead of starting time and closing time (example: within two days per month out of legal holidays, the number of hours for working on holidays is ten).