

当翻訳は、理解の一切のための当省による仮訳であり、正確には原文に当たってください。
また、今後当翻訳は精査の上、変更されることがあり得ることにご留意ください。

Guidelines on the Foreign Employee Acceptance Program for Manufacturing Industry

June 2016
Ministry of Economy, Trade and Industry

Revision History

Month/Year	Point	Contents
March 2016	-	Creation
June 2016	Consultation Desk by Business Type	Revision corresponding to partial revision of the Order for Organization of the Ministry of Economy, Trade and Industry

Contents

Chapter 1 Introduction	5
<u>1 Purpose of the Guidelines</u>	5
<u>2 Revision of the System</u>	5
Chapter 2 Basic Matters	6
<u>1 Purport</u>	6
<u>2 Foreign Employee Acceptance Program for Manufacturing Industry</u>	7
<u>3 Designated Foreign Employee</u>	8
<u>4 Company Accepting Designated Foreign Employee</u>	8
<u>5 Designated Manufacturing Activity</u>	9
Chapter 3 Implementing the Foreign Employee Acceptance Program for Manufacturing Industry ...	10
1 Overall Flow of the Foreign Employee Acceptance Program for Manufacturing Industry	10
2 Until Starting Acceptance of Designated Foreign Employees	10
3 After Acceptance of Designated Foreign Employee	10
Chapter 4 Certification of Designated Manufacturing Activity Plan	11
1 Outline	11
2 Matters Described in the Designated Manufacturing Activity Plan	12
(1) Matters related to the corporation which desires to be the Company Accepting Designated Foreign Employee	12
(2) Matters related to the Foreign Employee Acceptance Program for Manufacturing Industry	16
(3) Matters Related to a Person Who Desires to be the Designated Foreign Employee	19
(4) Matters related to appropriate performance of the Foreign Employee Acceptance Program for Manufacturing Industry	25
3 List of Submitted Documents	32
4 Change in the Designated Manufacturing Activity Plan	32
Chapter 5 Immigration Clearance Procedures for Designated Foreign Employee	33
1 Application for Certificate of Eligibility For Resident Status	33
(1) Person who follows application procedures	33
(2) Application filed to:	33
(3) Documents to be submitted	33
2 Acquisition of Visa and Entry Procedures	33
3 Notification of the Place of Residence	33
4 Application for Extension of Period of Stay	33
(1) Person who follows application procedures	33
(2) Application filed to:	34
(3) Documents to be submitted	34
(4) Receiving of Residence Card	34
Chapter 6 Role of the Company Accepting Designated Foreign Employee	35
1 Major Role of the Company Accepting Designated Foreign Employee	35
(1) Coordination with the plant/office located overseas of the corporation which desires to be the Company Accepting Designated Foreign Employee	35
(2) Preparation of Designated Manufacturing Activity Plan	35
(3) Entry procedures	35
(4) Construction of appropriate inspection system	35
(5) Checking and Reporting of implementation situations	36
(6) Cooperation in investigation	36
(7) Preparation and Storage of documents related to acceptance of Designated Foreign Employee	36
(8) Remarks when returning to home	36
2 Reporting to Administrative Organs Concerned	36
(1) Periodic Checking and Reporting of Implementation Situations and Work Situations	36
(2) Report when the fact of any unfair act is found	39
(3) Report when the Designated Foreign Employee completes the Designated Manufacturing Activity and returns to home country	39

(4) Report when the Designated Manufacturing Activity in accordance with the plan is not implemented	40
(5) Report when the plan is certificated or the plan certification is canceled	41
(6) Report on employment situation of the Designated Foreign Employee after elapse of one year from return	42
(7) Other necessary reports.....	42
 Chapter 7 Inspection and Instructions.....	44
1 Inspection by the Minister of Economy, Trade and Industry	44
2 Instructions from the Minister of Economy, Trade and Industry	44
 Chapter 8 Certification Cancellation	45
1 Cancellation of Certification for Designated Manufacturing Activity Plan	45
2 Instruction to suspend acceptance of Designated Foreign Employee	45
 Chapter 9 Unfair Act	47
1 Basic Concept.....	47
2 Unfair Act Listed in the Schedule of the Public Notice	47
 Consultation Desk by Business Type	52

Chapter 1 Introduction

1 Purpose of the Guidelines

The purpose of these guidelines is to more specifically and clearly show the contents specified in the “Public Notice on Foreign Employee Acceptance Program for Manufacturing Industry” announced on March 1, 2016 (METI Public Notice No. 41 of 2016; hereinafter referred to as the Public Notice) so that the Foreign Employee Acceptance Program for Manufacturing Industry (hereinafter referred to as the Program) is properly understood and appropriately and smoothly implemented.

Note that the meanings of the terms used in these guidelines are in accordance with the terms used in the Public Notice.

2 Revision of the System

The operation of the Program starts on March 15, 2016.

Since the Program is a new system we have not experienced so far, we will examine whether any revision is required or not around five years after the start of operation

Supplementary Provision

I. Date of Enforcement

1. This Public Notice shall be enforced on March 15, 2016.

II. Revision

The Minister of Economy, Trade and Industry shall, with considering changes in the economic and social circumstances, examine the implementation situations of the Foreign Employee Acceptance Program for Manufacturing Industry around five years after enforcement of this Public Notice and, based on the results, take necessary actions.

Chapter 2 Basic Matters

This Chapter explains about the Outline of the Program.

III. Purport of the Foreign Employee Acceptance Program for Manufacturing Industry

The Foreign Employee Acceptance Program for Manufacturing Industry is devised considering the current situations where manufacturers in Japan are accelerating overseas development. In this program, the plants/offices of a manufacturer in Japan will be used as the domestic production bases with functions for human resources development, transition of skills or the like. By enhancing research and development and equipment investment for them and spreading the production technology established there to that manufacturer's overseas plants/offices, the domestic production bases and the overseas production bases will be assigned with their appropriate roles respectively. The purpose of this program is to strengthen international competitiveness of Japan's manufacturing industry with this scheme and to stop hollowing-out of the domestic manufacturing industry.

The Company Accepting Designated Foreign Employee is able to smoothly transfer Designated Specialized Technology requiring a broad range of knowledge and know-how by performing the Foreign Employee Acceptance Program for Manufacturing Industry. Specifically, when the company develops its production bases overseas, it will have the staff members of its foreign plants/offices who are expected to play the leading role in new product manufacturing and new technology introduction engaged in the production activity at the domestic production base with functions of human resources development, transition of skills etc. (including cases where they are at the same time engaged in the related duties such as administration and development requiring skill or knowledge above a certain level).

If, implementation of the Foreign Employee Acceptance Program for Manufacturing Industry results in moving of domestic production bases to foreign countries and promotes hollowing-out of industry, then such program is not appropriate since such moving will adversely affect the worker employment by plants/offices in Japan.

1 Purport

The purport of the Program is specified in III of the Public Notice.

The Program is devised considering the current situations where manufacturers in Japan are accelerating overseas development. In this scheme, plants/offices in Japan will be used as the domestic production bases with functions of human resources development, transition of skills or the like. By enhancing research and development and equipment investment for such plants/offices and spreading the production technology etc. established there to that manufacturer's overseas plants/offices, domestic production bases and overseas production bases will have appropriate role assignment respectively. The purpose of this program with such scheme is to strengthen the international competitiveness of Japanese manufacturers and stop hollowing-out of the domestic manufacturing industry.

In the Program, the Company Accepting Designated Foreign Employee will, before developing its production bases overseas, select some staff members of its plants/offices located overseas who are expected to play the leading roles in new product manufacturing, new technology introduction or the like (including incidental duties such as new production control procedures) and have them engaged in the production activity (including engagement in related duties such as administration and development requiring technology or knowledge of or above a certain level) at the domestic production base with functions of human resources development, transition of skills etc. By following these processes, the Company Accepting Designated Foreign Employee is able to smoothly transfer Designated Specialized Technology requiring a broad range of knowledge and know-how as the effect of the Program.

In case of transition of technology related to production processes for new products, procedures are not established and the contents of activities and works the Designated Foreign Employee will be engaged in during the acceptance period will flexibly vary. The employee is assumed to often perform various types of work as a multi-functional worker. Further, since the employee is assumed, at the overseas production base, to be engaged in duties requiring designated specialized technology he/she has mastered after completion of this Program, the employee can learn production control, labor control, machinery safety control, development of device and equipment for improvement, shifting of lines and other duties requiring technology and knowledge at or above a certain level in addition to mastering of the technology from the instructor in this Program.

For the Program, the corporation which desires to be a Company Accepting Designated Foreign

Employee shall prepare a Designated Manufacturing Activity Plan (hereinafter referred to as the Plan) and, after obtaining certification from the Minister of Economy, Trade and Industry, implement that plan. For certification of a plan, the contents should match the above purport and employment of employees at the plant/office in Japan of the corporation which desires to be a Company Accepting Designated Foreign Employee should not be adversely affected by the implementation of this Program.

To judge whether a plan matches the purport, it is essential that the purpose of the production activity in the plan is to newly obtain overseas demand. Examples include a case where local production is a condition for ordering, a case where the product in question has been locally produced for local consumption and it has never been exported from Japan so far, and a case where it is expected that increased number of components will be exported from Japan after establishing the new production base. In addition, certain cases where production system and available production capacity in Japan are not sufficient to satisfy increased number of delivered products or increased types of delivered products for existing customers are also included. In such cases, new local plants, additional production lines and improvement of existing production lines are required (i.e. those that are not sufficiently covered by the conventional operation). Further, the accepted Foreign Employee must be qualified as a person to receive transferred technology, and the number of accepted employees must be the really required number of staff considering the scale and production capacity of the overseas production base. Note that the number of accepted employees is limited depending on the number of regular staff members of the plant/office to receive the Designated Foreign Employees. For details, refer to Chapter 4, 2 (4)-B (=>p.30) .

<Case considered to match the purport>

In Country X, demand for a product A is rising and we are studying transactions. Since local production is requested as a condition for ordering, however, we are planning to newly establish a local production plant. In Country X, local employment of employees is also requested. It is planned to appoint some local employees to play the role of certain senior engineers for line control.

In addition, the number of employees for production in this production plant is assumed to be about 1,000. When referencing our plants in other countries, about 50 workers will report to one senior engineer, and 20 senior engineers currently working at plants in other countries will be candidates to which technology is transferred.

Meanings of the terms used in these guidelines are explained below.

2 Foreign Employee Acceptance Program for Manufacturing Industry

This Program shall be defined as follows:

I. Purpose

This Public Notice provides for the matters required when manufacturing entrepreneurs under the jurisdiction of the Ministry of Economy, Trade and Industry (hereinafter referred to as the Manufacturers) perform Foreign Employee Acceptance Program for Manufacturing Industry.

II. Definition

1. "Foreign Employee Acceptance Program for Manufacturing Industry" means a program where a manufacturer prepares a plan to transfer designated specialized technology to a staff member of its plant/office located in a foreign country (hereinafter referred to as the Designated Manufacturing Activity Plan) to be certificated as specified in IV-3, and dispatches that staff member to a plant/office in Japan for a fixed term in accordance with such plan to have him/her engaged in the Designated Manufacturing Activity so as to transfer Designated Specialized Technology.

As specified in I. in the Public Notice, the entrepreneurs subject to the Program are manufacturing entrepreneurs under the jurisdiction of the Ministry of Economy, Trade and Industry. This Program is not applied to entrepreneurs under the jurisdiction of other ministries.

Staff member of the plant/office located in a foreign country to which the technology is transferred means the person who works for the overseas plant/office of the same company as well as for overseas subsidiary or affiliate of the Company Accepting Designated Foreign Employee (*) who will be transferred or on loan from that plant/office.

In addition, the plant/office in Japan to accept Designated Foreign Employees refers to the plant/office of the Company Accepting Designated Foreign Employee or such company's subsidiary.

***Subsidiary and Affiliate**

These terms refer to “Subsidiary Company” and “Affiliated Company” as specified in Paragraph 3 and Paragraph 5 respectively under Article 8 of Ordinance on the Terminology, Forms, and Preparation Methods of Financial Statements, etc. (Ordinance of the Ministry of Finance No. 59 of 1963)

Therefore, “Subsidiary” is a corporation for which a majority of voting rights are owned by or the decision-making body is controlled by the Company Accepting Designated Foreign Employee; “Affiliate” is a corporation for which the Company Accepting Designated Foreign Employee has 20% or more of the voting rights or is able to exert a significant influence on the financial, operational or business policy decisions. For details, refer to the above ordinance.

Note that some cases may not be covered by this system depending on the relation between the “Plant/office to accept the person who desires to be a Designated Foreign Employee” and the “Plant/Office located overseas of the corporation which desires to be the Company Accepting Designated Foreign Employee” (For details, refer to Chapter 4, 2 (3) –A 3) (=>p.20).

3 Designated Foreign Employee

The Designated Foreign Employee shall be defined as follows:

II. Definition
2. “Designated Foreign Employee” means a person engaged in the Designated Manufacturing Activity in accordance with the Designated Manufacturing Activity Plan in the Foreign Employee Acceptance Project for Manufacturing Industry.

The Designated Foreign Employee needs to have a length of service of one year or more at the overseas plant/office of the Company Accepting Designated Foreign Employee (if the company has experienced corporate acquisition, the length of service shall be calculated from the service before such acquisition).

This is because the purport of the Program is smooth personnel transfer and technology transfer in the same company group, and the following points need to be ensured:

- The Designated Foreign Employee is engaged in production activity under a secure employment agreement with the Company Accepting Designated Foreign Employee; and
- The Designated Foreign Employee has a certain experience of duties at the start of the Program (since such employee is, after completion of the Program, assumed to be engaged in the duties requiring designated specialized technology he/she has mastered).

The planned remuneration amount for the Designated Foreign Employee should be equivalent to that of the remuneration given to a Japanese worker with equivalent skill engaged in the equivalent production activity throughout the acceptance period, since the Designated Foreign Employee learns the technology while he/she is actually engaged in the production activity.

In addition, the period of the Designated Manufacturing Activity for an individual Designated Foreign Employee shall be one year at most. The status of residence “Designated Activities” (for six months) is granted when the employee enters Japan, and this status may be renewed only once.

The requirements as described above will be checked in certification of the plan. For specific description procedures, necessary documents and detailed certification requirements, refer to Chapter 4, 2 (3) (=>p.19).

(Reference: Accompanying by family members)

The Designated Foreign Employee staying in Japan under this Program may not be accompanied by his/her family members.

4 Company Accepting Designated Foreign Employee

The Company Accepting Designated Foreign Employee shall be defined as follows:

II. Definition
3. “Company Accepting Designated Foreign Employee” means the manufacturer which implements the Foreign Employee Acceptance Program for Manufacturing Industry.

As described in 2, the subject entrepreneurs are limited to manufacturers under the jurisdiction of the Ministry of Economy, Trade and Industry. The Company Accepting Designated Foreign Employee must perform various duties from the stage to prepare for acceptance of the Designated Foreign Employee to the reporting or the like after completion of the Program. For the outline, refer to Chapter 6 (=> p.35).

5 Designated Manufacturing Activity

The Designated Manufacturing Activity shall be defined as follows.

II. Definition

4. "Designated Manufacturing Activity" means the activity performed by the Designated Foreign Employee under the employment agreement with the Company Accepting Designated Foreign Employee as specified by the Minister of Justice in accordance with the provision in the lower column of Appended Table 1 (5) under the Immigration Act.

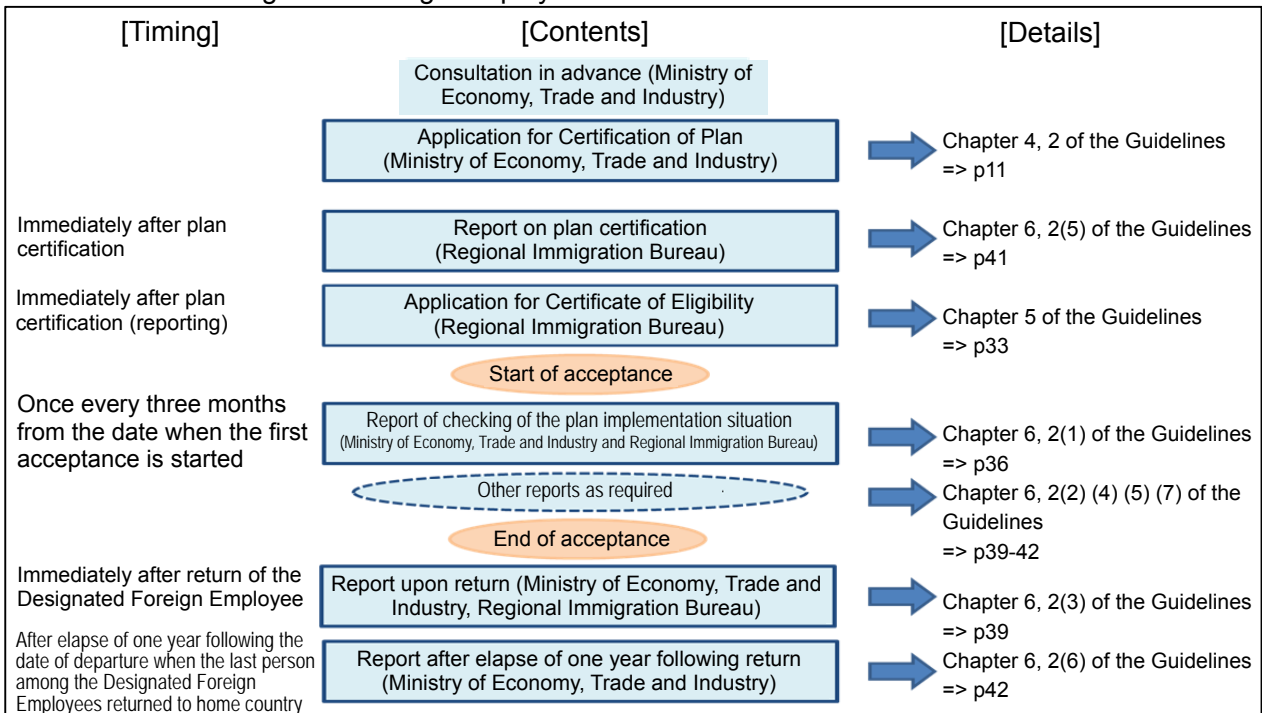
"Designated Manufacturing Activity" is considered to be one of the "Activities which are specifically designated by the Minister of Justice for foreign nationals" certificated for the status of residence "Designated Activities" shown in the lower column of Appended Table 1 (5) under the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951; hereinafter referred to as the immigration Act). More specifically, in the Provision of Activities Listed in The Lower Column of Appended Table 1 (5) pursuant to Article 7, Paragraph (1), Item (ii) of the Immigration Act (Public Notice No. 131 of 1990 by the Ministry of Justice), this activity is defined as shown below (enforced on March 15, 2016):

42. Activity where a staff member of a plant/office located overseas of a public or private organization in Japan is engaged in the manufacturing duties at such organization's production base in Japan to master the skill and knowledge so as to perform the leading role in the production facilities established by such organization in that country in accordance with the Designated Manufacturing Activity Plan (which refers to the Designated Manufacturing Activity Plan specified in the Public Notice on the Foreign Employee Acceptance Program for Manufacturing Industry (METI Public Notice No. 41 of 2016) planned by a public or private organization in Japan and certificated by the Minister of Economy, Trade and Industry

Note that the landing permission for the person who desires to be a Designated Foreign Employee with the status of residence "Designated Activities" assumes certification of the plan. Therefore, if the corporation which desires to be the Company Accepting Designated Foreign Employee intends to have a staff member of its plant/office in a foreign country engaged in the Designated Manufacturing Activity as the Designated Foreign Employee, it shall firstly have its plan certificated in accordance with the Public Notice and then follow the procedures to apply for certificate of eligibility for the person who desires to be the Designated Foreign Employee.

1 Overall Flow of the Foreign Employee Acceptance Program for Manufacturing Industry

The figure below shows major procedures (applications, reports etc.) required to be followed by the Company Accepting Designated Foreign Employee in this Program during the period from acceptance to return of the Designated Foreign Employee.



2 Until Starting Acceptance of Designated Foreign Employees

A corporation which desires to accept the Designated Foreign Employee needs to prepare a plan (Form No. 1) and file an application for its certification from the Minister of Economy, Trade and Industry. After certification, the corporation is able to file an application for certificate of eligibility and follow landing procedures for the Designated Foreign Employee. Note that, even when the plan is certificated, acceptance of the Designated Foreign Employee may be rejected in the examination for the landing procedures. For details of application for plan certification, refer to Chapter 4 (=>p.11) and, for details of landing procedures, refer to Chapter 5 (=> p.33).

Application documents shall be submitted to the Human Resources Policy Office, Economic and Industrial Policy Bureau, Ministry of Economy, Trade and Industry (refer to the final page for address etc.). One copy of original and one copy of reproduction shall be submitted.

* Consultation in advance

When filing an application for plan certification, it is recommended to consult with the person in charge from the Ministry of Economy, Trade and Industry before formal application to see whether the program contents match the purport specified in III. of the Public Notice and whether the unit of application as described before (program integrity) and the contents described in the submitted documents are appropriate.

It is possible that it takes time to prepare for documents required in application, it is preferable to have margins in schedule.

When applying for consultation in advance, contact firstly the consultation desk by business type shown on the final page.

3 After Acceptance of Designated Foreign Employee

After acceptance of the Designated Foreign Employee, the Company Accepting Designated Foreign Employee must submit reports during implementation of the Program and after return of the Designated Foreign Employee. In particular, the report on the implementation situations must be submitted at least once every three months and, if any unfair act in relation to acceptance or labor of the Designated Foreign Employee is found, the company must quickly report to the administrative organs concerned and make efforts for improvement. For details of the reports, refer to Chapter 6 (=> p.35).

Chapter 4 Certification of Designated Manufacturing Activity Plan

1 Outline

A corporation which desires to be a Company Accepting Designated Foreign Employee must, before application for certificate of eligibility to accept the Designated Foreign Employee, prepare a plan and file an application for certification of the plan to the Minister of Economy, Trade and Industry in accordance with the provision of IV in the Public Notice.

IV. Application for Certification of Designated Manufacturing Activity Plan

1. To be a Company Accepting Designated Foreign Employee, a corporation may prepare a Designated Manufacturing Activity Plan and submit it to the Minister of Economy, Trade and Industry for certification.

The plan application can be filed for each integral unit of program. It is not necessary to file an application for each Designated Foreign Employee. The program integrity here means the status having the same start point for the necessity of technology transfer. We assume cases where some employees are accepted for a common reason such as establishing of a new plant or enlarging of production lines. When you are not sure about the integrity, contact the consultation desk by business type (refer to the final page) before application.

In the following cases, for example, all employees can be collectively accepted in a single plan to be filed as an application. It should be noted that, however, any change caused for even one of the Designated Foreign Employees needs to be certificated by the Minister of Economy, Trade and Industry as a change in the plan as described in IV-4 of the Public Notice.

<Example 1: Different acceptance periods>

A local production plant will be newly established for increase of transactions in Country X, and it is necessary to transfer technology to 20 local employees. However, because of the equipment environment circumstances at the accepting plant/office in Japan, they are accepted as two groups of ten employees for each so that the second group will be accepted one month later.

<Example 2: Transfer of different technologies>

A local production plant will be newly established for increase of transactions in Country X. It is necessary to transfer technology ○ and control procedures Δ to 20 local employees, and technology ○ will be transferred to ten employees and control procedures Δ will be transferred to ten.

[Points for application of one integral plan]

- Timing and period for acceptance of the Designated Foreign Employees are not necessarily the same. Depending on the contents of the transferred technology, periods may be separately arranged within a period of one year.
- The contents of the technology transferred to the Designated Foreign Employees need not to be the same.
- It is necessary to submit reports etc. to the administrative organs concerned during implementation of the Program for each certificated plan.

2 Matters Described in the Designated Manufacturing Activity Plan

Shown below are specific matters to be described in the plan. In the plan, the matters specified for each item under IV-2 of the Public Notice must be described in accordance with Form No. 1.

(1) Matters related to the corporation which desires to be the Company Accepting Designated Foreign Employee

(1)-A Matters described in the application

Matters to be described in the application under this paragraph shall be as follows:

IV. Application for Certification of Designated Manufacturing Activity Plan
2. The Designated Manufacturing Activity Plan must describe the following matters in accordance with the Form No. 1.
(1) Matters related to the corporation which desires to be a Company Accepting Designated Foreign Employee

Matters related to the corporation which desires to be the Company Accepting Designated Foreign Employee shall include the following items:

(1. Basic matters)

- 1) Trade name
- 2) Name of the representative
- 3) Address of the principal office

<Attached document>

- Certificate of Registered Matters of the corporation which desires to be the Company Accepting the Designated Foreign Employee

(2. Matters related to situations of unfair acts etc. in relation to acceptance or labor of foreigners)

1) Situations in relation to acceptance or labor of foreigners in the past

The Company Accepting Designated Foreign Employee must swear that it conforms to all of the following situations.

- The corporation has not been sentenced to a fine or higher level punishment due to violation of laws or regulations related to labor standards such as Labor Standards Act and Industrial Safety and Health Act in the past five years;
- The corporation has not committed any unfair act as listed in the Schedule of the Public Notice in the past five years;
- The corporation has not caused 30 or more workers engaged in the duties in which the Designated Foreign Employee will be engaged to resign non-voluntarily within a period less than a month in the past three years;
- In case the corporation had the certification of its Designated Manufacturing Activity Plan canceled in accordance with the provision of VII of the Public Notice, the corporation has five years elapsed starting from the date of such cancellation;
- Any material fact against the certificated Designated Manufacturing Activity Plan has not occurred in the past five years

2) Matters related to compliance with the laws and regulations related to labor and social insurance

The Company Accepting Designated Foreign Employee must swear that it complies with the laws and regulations related to labor and social insurance.

3) Matters related to the measures to prevent industrial accident above the minimum standard for industrial accident prevention that should be taken under the laws and regulations related to the Industrial Safety and Health Act

Contents of the measures taken to prevent industrial accidents shall be described.

<Description examples>

- The corporation has obtained certification on industrial safety and health by a third party (OHSAS18000 series etc.)
- Under the policy on the industrial safety and health management, the corporation stipulates the

safety and health policy, safety and health goals, safety and health plan etc. and prepares a system for them so as to promote assuring of industrial safety and health.

· Under the policy for general safety and health control by the principal entrepreneur in the manufacturing industry, the corporation establishes a general safety and health control system, prepares and implements plans for safety and health, establishes and operates opportunity for consultation with related contractors so as to assure safety and health.

(3. Implementation experience of Foreign Employee Acceptance Program for Manufacturing Industry in the Past)

Whether the corporation has implemented the Foreign Employee Acceptance Program for Manufacturing Industry in the past shall be described (Certification No. shall be given in case such program has been implemented).

(1)-B Remarks for certification requirements

Certification requirements for this paragraph shall be as follows:

IV. Application for Certification of Designated Manufacturing Activity Plan

3. The Minister of Economy, Trade and Industry shall, upon application for certification as described in 1, grant the certification when it considers that the Designated Manufacturing Activity Plan complies with all requirements shown below:

(1) The corporation which desires to be a Company Accepting Designated Foreign Employee satisfies the following conditions:

- 1) The corporation has not been sentenced to a fine or higher level punishment due to violation of laws or regulations related to labor standards such as Labor Standards Act and Industrial Safety and Health Act in the past five years;
- 2) The corporation conforms to the laws and regulations related to labor and social insurance;
- 3) The corporation is taking measures to prevent industrial accident above the minimum standard for industrial accident prevention which should be taken under related laws and regulations such as the Industrial Safety and Health Act;
- 4) The corporation has not committed any unfair act in relation to the Designated Manufacturing Activity as listed in the Schedule in the past five years;
- 5) The corporation has not caused non-voluntary resignation by a substantial number of workers engaged in the duties in which the Designated Foreign Employee will be engaged in the past three years;
- 6) In case the corporation had the certification of its Designated Manufacturing Activity Plan canceled in accordance with the provision of VII, the corporation has five years elapsed starting from such date of cancellation; and
- 7) Any material fact against the certificated Designated Manufacturing Activity Plan has not occurred in the past five years

1) The corporation has not been sentenced to a fine or higher level punishment due to violation of laws or regulations related to labor standards such as Labor Standards Act and Industrial Safety and Health Act in the past five years.

It is necessary that the corporation has not been sentenced to a fine or higher level punishment due to violation of laws or regulations related to labor standards against the employed workers in the past five years.

“Not in the past five years” means that five years have elapsed from the date when the punishment execution is completed or the date when execution becomes inapplicable.

Note that the laws and regulations related to labor standards include the Labor Standards Act, the Industrial Safety and Health Act, and the Minimum Wage Act.

2) The corporation conforms to the laws and regulations related to labor and social insurance

It is necessary that the corporation conforms to the laws and regulations related to labor and social insurance.

(a) Compliance with labor-related laws and regulations

When the Company Accepting Designated Foreign Employee implements the Program properly, it is particularly necessary to comply with the labor-related laws and regulations (Note 1). If it violates the labor-related laws or regulations, it may be subject to punishment and such violation shall be deemed as an unfair act in relation to violation against labor-related laws and

regulations as described in Chapter 9 (=> p.47).

(Note 1) It is necessary to thoroughly comply with the laws and regulations on preparation of wage book, prohibition of forced money saving, allowance for absence from work, wage payment, minimum wage, premium wage, work hours, breaks, assuring of days off, granting of annual paid leaves, dissemination of laws and regulations, dormitory, safety and health education, license etc. for duties with restriction on employment limitation, medical check or other matters related to labor.

The following points should be particularly noted in particular.

- Under the Labor Standards Act, the Company Accepting Designated Foreign Employee is obliged to clearly show the labor conditions to the Designated Foreign Employee before executing employment agreement. For the wage and work hours, in particular, it is necessary to deliver a document. In this case, under the “Policy to Enable the Employer to Appropriately Take Measures in Relation to Improvement etc. of Employment Management for Foreign Workers” (Public Notice of the Ministry of Health, Labour and Welfare No. 276 of 2007), it is necessary to prepare employment agreement etc. in the employee’s mother tongue in addition to those in Japanese or otherwise have the Designated Foreign Employee sufficiently understand the contents of the employment agreement.
- It is necessary to keep labor hour control for the Designated Foreign Employees. To have them work overtime or on holidays, in particular, execution and submission of labor-management agreement (Article 36 Agreement) is required in addition to premium payment as specified in the Labor Standards Act (Note 2).

(Note 2) Under Article 36, Paragraph 3 of the Labor Standards Act, the contents of the Article 36 agreement should conform to the Standards on the Limit of Overtime-Work specified by the Minister of Health, Labour and Welfare (Public Notice of the Ministry of Labor No. 154 of 1998). This Public Notice specifies the limit time for the overtime work in a certain period.

- When the Designated Foreign Employee is employed or resigns, the corporation must submit a Notification on the Employment Status of Foreign Nationals to the public Employment Security Office as specified in the Article 28 of the Employment Measures Act (Act No. 132 of 1966) (Note 3).

(Note 3) For the system of notification on the employment status of foreign nationals, refer to the URL below:

<Reference: website of the Ministry of Health, Labour and Welfare>

http://www.mhlw.go.jp/stf/seisakunitsuite/bunya/koyou_roudou/koyou/gaikokujin/todo_kede/index.html

(b) Compliance with laws and regulations related to social insurance

The Company Accepting Designated Foreign Employee needs to comply with the laws and regulations related to the social insurance (including those related to labor insurance) and promote measures for disaster prevention and health assurance.

For this purpose, the Company Accepting Designated Foreign Employee shall, in preparation for any possible industrial accident or accident during commuting, follow the procedures to establish industrial accident compensation insurance relationships for the plant/office in Japan to accept the Designated Foreign Employee and, have each Designated Foreign Employee join the health insurance, welfare pension insurance or other social insurance in preparation for injury or disease in daily life, disability compensation and survivor’s compensation.

In addition, when clearly showing the labor conditions to the Designated Foreign Employee, it is necessary to sufficiently explain about enrollment in social insurances.

3) The corporation is taking measures to prevent industrial accident above the minimum standard for industrial accident prevention which should be taken under related laws and regulations such as the Industrial Safety and Health Act

It is necessary that specific measures to prevent industrial accident are taken at the level above

the minimum standard for industrial accident prevention.

4) The corporation has not committed any unfair act in relation to the Designated Manufacturing Activity as listed in the Schedule in the past five years

It is required that the corporation has not committed any unfair act in relation to the Designated Manufacturing Activity as listed in the Schedule in the past five years.

5) The corporation has not caused non-voluntary resignation by a substantial number of workers engaged in the duties in which the Designated Foreign Employee will be engaged in the past three years

Considering that one of the purposes of the Program is to stop hollowing-out of the domestic manufacturing industry, acceptance of Designated Foreign Employees should never result in non-voluntary resignation (such as dismissal) of domestic workers currently working.

In accordance with this requirement, if the corporation which desires to be the Company Accepting Designated Foreign Employee has caused 30 or more workers engaged in the duties in which the Designated Foreign Employee will be engaged to resign non-voluntarily within a period less than a month in the past three years, then the plan by such corporation cannot be certificated.

6) In case the corporation had the certification of its Designated Manufacturing Activity Plan canceled in accordance with the provision of VII, the corporation has five years elapsed starting from such date of cancellation

If the corporation has implemented the Program before application, such experience shall be described using Form No.1. If the corporation had certification of its plan canceled due to any unfair act in the past, such corporation is not allowed to perform the Program for five years from the date of cancellation.

7) Any material fact against the certificated Designated Manufacturing Activity Plan has not occurred in the past five years

If the corporation has any plan certificated in the past five years, it is necessary that any act against the plan contents including those listed below has not occurred. For details of each item, refer to the applicable items in this chapter.

- (a) Situations related to acceptance or labor of Designated Foreign Employee in the past
- (b) Matters related to compliance with laws and regulations in relation to labor and social insurance
- (c) Matters related to assuring of travel expense to return home for the person who desires to be a Designated Foreign Employee and other measures to assure returning
- (d) Matters related to the measure in case it becomes impossible to continue working
- (e) Matters related to no collection of security money (or other money for any title whatsoever) from the person who desires to be a Designated Foreign Employee (including his/her family member or others having close relation with him/her) by the overseas plant/office of the corporation which desires to be the Company Accepting Designated Foreign Employee or any other organization in relation to the Designated Manufacturing Activity of that employee as well as the matters related to no execution of any agreement or the like providing for penalty (or other money for any title whatsoever) upon default of labor contract
- (f) Matters related to no dismissal of the person who desires to be a Designated Foreign Employee within one year after completion of the Designated Manufacturing Activity (return to home) at the corporation which desires to be a Company Accepting Designated Foreign Employee or its plant/office located overseas, unless it is considered that there are any particular circumstances
- (g) Matters related to the inspection by the Minister of Economy, Trade and Industry as specified in VI-1, request for reporting and necessary measures by the same minister as specified in VI-3 and appropriate action upon necessary instructions by the same minister as specified in VI-4, all under the Public Notice

(2) Matters related to the Foreign Employee Acceptance Program for Manufacturing Industry

(2)–A Matters to be described in the application

Matters to be described in the application in accordance with this paragraph shall be as follows:

- IV Application for Certification of Designated Manufacturing Activity Plan
2. The Designated Manufacturing Activity Plan must describe the following matters in accordance with the Form No. 1.
- (2) Matters related to the Foreign Employee Acceptance Program for Manufacturing Industry
- 1) How the overseas production bases are located from the viewpoint of business strategy in the entire program to be performed by the corporation which desires to be the Company Accepting Designated Foreign Employee as well as the contents of the program performed at its overseas production bases;
 - 2) Relation between the overseas production bases and the Foreign Employee Acceptance Program for Manufacturing Industry; and
 - 3) Other matters required to judge whether the contents related to the overseas production bases match the purport of the Foreign Employee Acceptance Program for Manufacturing Industry as specified in III.

The following contents should be described for each item. Specifically, (1) and (2) shown below shall be described in Exhibit 1 of Form No. 1.

(Exhibit 1 of Form No. 1)

II. Matters related to the Foreign Employee Acceptance Program for Manufacturing Industry

1. Positioning of the overseas production bases in the business strategy under the entire image of the program to be performed by the corporation which desires to be the Company Accepting Designated Foreign Employee as well as the contents of the program implemented at its overseas production bases

2. Relation between the overseas production bases and the Foreign Employee Acceptance Program for Manufacturing Industry

(1) How the overseas production bases are located from the viewpoint of business strategy in the entire program to be performed by the corporation which desires to be the Company Accepting Designated Foreign Employee as well as the contents of the program performed at its overseas production bases;

The role of that company's overseas production bases from the viewpoint of the company shall be described by showing the manufactured products and customers.

<Example of description>

For the company, the sales amount of Product A represents about 〇% of the total sales and its overseas sales ratio is increasing year by year. For the growth of the company in the future, it is necessary to further exploit the overseas market.

In particular, demand for Product A is becoming larger in Country X. For Component B, which is necessary for manufacturing of the product, we have used the one manufactured in a country other than Country X so far. We now need to produce it collectively with other components in Country X so as to reduce the physical distribution cost for more competitive price and decide to establish a production base of Component B in Country X.

The manufactured Components B will be delivered to the production plant for Product A in Country X.

<Attached document>

- Document with which the contents of the program implemented at the overseas production base of the corporation which desires to be the Company Accepting Designated Foreign Employee can be checked

2) Relation between the overseas production bases and the Foreign Employee Acceptance Program for Manufacturing Industry

In relation to preparation of the overseas production base as described in 1), the following points shall be described:

- Type of and the number of staff members to be accepted in the Program
- Production activity in which the Designated Foreign Employee will be engaged
- Technology to be transferred to the Designated Foreign Employee
- The effect in the future on the overseas development of the Company Accepting Designated Foreign Employee
- Consistency of the Program with the purport specified in III of the Public Notice (*)

* Explanation that the program does not lead to hollowing-out of domestic industry shall be also given (Explanation shall be given using positioning of the Program in the management strategy such as mid-term management plan etc. as far as possible).

<Example of Description>

In order to transfer the manufacturing management technology for Component B to be newly produced in Country X, 20 foreign employees having work experience for three years at a local corporation in Country X will be accepted by Plant Y etc. in Japan. By having these foreign employees engaged in a series of processes for manufacturing of Component B so as to have them understand the procedures and the role of the processes, the manufacturing management technology for Component B will be transferred. Thus, Component B produced in Country X is expected to have assured quality at the same level as that produced in Japan.

Establishing a production bases of Component B in Country X is decided because the demand for Product A using Component B is increasing and because Country X requests corporations which perform business activity above a certain scale to satisfy certain conditions including local procurement requirements. For smoother business activity in Country X in the future, such production base will be required. In addition, the company intends to treat Plant Y in Japan as a mother plant in its mid-term business plan, and this does not promote hollowing-out of industry in Japan.

3) Other matters required to judge whether the contents related to the overseas production bases match the purport of the Foreign Employee Acceptance Program for Manufacturing Industry as specified in III

During consultation in advance or the like, additional documents other than those related to 1) and 2) may be requested. In such case, the company shall take necessary actions in accordance with the instructions.

<Attached document>

- (When necessary) Documents considered necessary to judge whether the contents related to the overseas production bases of the corporation which desires to be the Company Accepting Designated Foreign Employee match the purport as specified in III of the Public Notice

(2)-B Remarks related to certification requirements

Certification requirements under this paragraph shall be as follows:

- IV. Application for Certification of Designated Manufacturing Activity Plan
3. The Minister of Economy, Trade and Industry shall, upon application for certification as described in 1, grant the certification when it considers that the Designated Manufacturing Activity Plan complies with all requirements shown below:
- (2) The contents related to the Foreign Employee Acceptance Program for Manufacturing Industry are in accordance with the purport of the Foreign Employee Acceptance Program for Manufacturing Industry as specified in III.

The purport of the Program here is as specified in Chapter 2, 1 (=> p.6).

III. Purport of the Foreign Employee Acceptance Program for Manufacturing Industry (repeated)

The Foreign Employee Acceptance Program for Manufacturing Industry is devised considering the current situations where manufacturers in Japan are accelerating overseas development. In this Program, the plants/offices of a manufacturer in Japan will be used as the domestic production bases with functions for human resources development, transition of skills or the like. By enhancing research and development and equipment investment for them and spreading the production technology established there to that manufacturer's overseas plants/offices, the domestic production bases and the overseas production bases will be assigned with their appropriate roles respectively. The purpose of this Program is to strengthen international competitiveness of Japan's manufacturing industry with this scheme and to stop hollowing-out of the domestic manufacturing industry.

The Company Accepting Designated Foreign Employee is able to smoothly transfer Designated Specialized Technology requiring a broad range of knowledge and know-how by performing the Foreign Employee Acceptance Program for Manufacturing Industry. Specifically, when the company develops its production bases overseas, it will have the staff members of its foreign plants/offices who are expected to play the leading role in new product manufacturing and new technology introduction engaged in the production activity at the domestic production base with functions of human resources development, transition of skills etc. (including cases where they are at the same time engaged in the related duties such as administration and development requiring skill or knowledge above a certain level).

If, implementation of the Foreign Employee Acceptance Program for Manufacturing Industry results in moving of domestic production bases to foreign countries and promotes hollowing-out of industry, then such program is not appropriate since such moving will adversely affect the worker employment by plants/offices in Japan.

[Repeated]

To judge whether a plan matches the purport, it is essential that the purpose of the production activity in the plan is to newly obtain overseas demand. Examples include a case where local production is a condition for ordering, a case where the product in question has been locally produced for local consumption and it has never been exported from Japan so far, and a case where it is expected that increased number of components will be exported from Japan after establishing the new production base. In addition, certain cases where production system and available production capacity in Japan are not sufficient to satisfy increased number of delivered products or increased types of delivered products for existing customers are also included. In such cases, new local plants, additional production lines and improvement of existing production lines are required (i.e. conventional operation is not enough). Further, the accepted Foreign Employee must be qualified as a person to receive transferred technology, and the number of accepted employees must be really required number of staff considering the scale and production capacity of the overseas production base. Note that the number of accepted employees is limited depending on the number of regular staff members of the plant/office to receive the Designated Foreign Employees.

<Case where the plan matches the purport>

Demand for Product A is growing in Country X and it is necessary to establish a local production plant there. Since local employment is requested in the country, it is necessary to have some local employees play the role of certain senior engineers for line control.

In addition, it is assumed that about 1,000 employees are expected for production at the production plant. Referencing the cases of our plants in other countries, about 50 workers will report to one such engineer. Therefore, 20 senior workers currently working at plants in other countries are appointed as candidates and the technology is transferred to them.

On the other hand, the case below, for example, will not be certificated since implementation of the Program causes the domestic production bases to move overseas with promoting hollowing-out.

<Case which is not considered to match the purport>

For Component B which has been produced in Plant Y in Japan, a new manufacturing plant is established in Country X. After used for development of human resources for such plant, Plant Y in Japan is closed.

(3) Matters Related to a Person Who Desires to be the Designated Foreign Employee

(3)-A Matters to be described in the application

The matters to be described in the application under this paragraph shall be as follows:

<p>IV. Application for Certification of Designated Manufacturing Activity Plan</p> <p>2. The Designated Manufacturing Activity Plan must describe the following matters in accordance with the Form No. 1.</p> <p>(3) Matters related to the person who desires to be a Designated Foreign Employee</p> <ol style="list-style-type: none"> 1) Name; 2) Matters related to the plant/office located overseas of the corporation which desires to be the Company Accepting Designated Foreign Employee where the person who desires to be a Designated Foreign Employee is working; 3) Place and period where and during which the Designated Foreign Employee is to be engaged in the Designated Manufacturing Activity; 4) Necessity of transfer of designated specialized technology, contents of the designated specialized technology and the contents of the duties in which the Designated Foreign Employee is to be engaged (including the contents of the jobs in which the Designated Foreign Employee has been engaged at the overseas plant/office and the contents of the duties planned after completion of the Designated Manufacturing Activity); 5) Planned remuneration amount for the person who desires to be the Designated Foreign Employee; and 6) Length of service of the person who desires to be the Designated Foreign Employee at the plant/office as specified in 2) (if the company has experienced corporate acquisition, the length of service since its start of service before such acquisition)

Description should be given for each item and for each person who desires to be the Designated Foreign Employee. Specifically, description for 1) to 6) listed below shall be given in Exhibit 2 of Form No. 1 for each person who desires to be the Designated Foreign Employee.

(Exhibit 2 of Form No. 1)

No	1. Name [For Plan III-1]	2. <u>Matters related to the plant/office located overseas of the corporation which desires to be the Company Accepting Designated Foreign Employee where the person who desires to be a Designated Foreign Employee is working</u> [For Plan III-2]	3.3. Place and Period where and during which the Designated Foreign Employee is to be engaged in the Designated Manufacturing Activity [For Plan III-3]			
			(1) Name of the plant/office to accept the person who desires to be the Designated Foreign Employee * In case of subsidiary, financial ties shall be also described.	(2) Address and contact of the plant/office	(3) Employment insurance application office number of the plant/office	(4) Acceptance Period for the person who desires to be the Designated Foreign Employee

4. Necessity of transfer of designated specialized technology, contents of the designated specialized technology and the contents of the duties in which the Designated Foreign Employee is to be engaged (including the contents of the jobs in which the Designated Foreign Employee has been engaged at the overseas plant/office and the contents of the duties planned after completion of the Designated Manufacturing Activity) [For Plan III-4] * For details, Duty/Plan shall be attached.		5. <u>Planned remuneration amount for the person who desires to be the Designated Foreign Employee</u> [For Plan III-5]	6. Length of service of the person who desires to be the Designated Foreign Employee at the overseas plant/office of the corporation which desires to be the Company Accepting Designated Foreign Employee (If the company has experienced corporate acquisition, the length of service including the service before such acquisition) [For Plan III-6]
(1) Necessity of transfer of designated specialized technology	(2) Contents of the designated specialized technology and the contents of the duties		

1) Name

Describe the full name in the same alphabetical letters as those indicated in the status space of the passport.

<Attached document>

- The Employment Agreement and Employment Conditions (*) or other similar document the corporation which desires to be the Company Accepting Designated Foreign Employee plans to execute with the Designated Foreign Employee

* Sample document is acceptable.

2) Matters related to the plant/office located overseas of the corporation which desires to be the Company Accepting Designated Foreign Employee where the person who desires to be a Designated Foreign Employee is working

The following items shall be described:

- Name of the plant/office
- Name of the representative
- Address
- Contact (telephone number)
- Date of establishment
- Business type and major product name
- Capital
- Sales amount (previous fiscal year)
- Number of regular staff members
- Matters related to the relation with the corporation which desires to be the Company Accepting Designated Foreign Employee

The capital ties between the corporation which desires to be the Company Accepting Designated Foreign Employee and such company's plant/office located overseas (subsidiary or affiliated company (*)) shall be described (At the same time, documents with which the capital ties can be checked shall be attached).

In addition, documents to clarify the outline of that company's plant/office located overseas and, if the company has acquired that plant/office overseas by buyout, document with which the fact of buyout can be confirmed shall be attached.

<Attached documents>

- Document with which the capital ties etc. between the corporation which desires to be the Company Accepting Designated Foreign Employee and that company's plant/office located overseas can be checked
- Document clarifying the outline of the company's plant/office located overseas
(Example) Leaflet etc. of the plant/office located overseas of the corporation which desires to be the Company Accepting Designated Overseas Employee
- (When necessary) Document with which the fact of corporation buyout can be confirmed
(Example) Press release etc. at the time of buyout

* **Subsidiary and affiliate 【Repeated】**

These terms refer to "Subsidiary Company" and "Affiliated Company" as specified in Paragraph 3 and Paragraph 5 respectively under Article 8 of Ordinance on the Terminology, Forms, and Preparation Methods of Financial Statements, etc. (Ordinance of the Ministry of Finance No. 59 of 1963)

Therefore, "Subsidiary" is a corporation for which a majority of voting rights are owned by or the decision-making body is controlled by the Company Accepting Designated Foreign Employee; "Affiliate" is a corporation for which the Company Accepting Designated Foreign Employee has 20% or more of the voting rights or is able to exert a significant influence on the financial, operational or business policy decisions. For details, refer to the above ordinance.

3) Place and period where and during which the Designated Foreign Employee is to be engaged in the Designated Manufacturing Activity

Describe the name, address, contact (telephone number), employment insurance application office

number and acceptance period of the plant/office to accept the person who desires to be the Designated Foreign Employee.

When the plant/office to accept the person who desires to be the Designated Foreign Employee is a subsidiary of the corporation which desires to be the Company Accepting Designated Foreign Employee, document which describes the capital ties with the corporation which desires to be the Company Accepting Designated Foreign Employee and with which the capital ties can be confirmed shall be attached.

Note that the Designated Foreign Employee is not allowed to be engaged in any duties at a workplace other than the plant/office described in the Designated Manufacturing Activity Plan. If several plants/offices are assumed to accept the person who desires to be the Designated Foreign Employee, above items shall be described for all such plants/offices.

Note that this system may not be applicable depending on the relation between the “plant/office to accept the person who desires to be the Designated Foreign Employee” and “Plant/office located overseas of the corporation which desires to be the Company Accepting Designated Foreign Employee”

Examples of cases where the system is applied are as shown below:

(Example of cases where the system is applicable)

- (a) Acceptance from “Overseas subsidiary” to “Parent company in Japan”
- (b) Acceptance from “Overseas affiliate” to “Parent company in Japan”
- (c) Acceptance from “Overseas subsidiary” to “Subsidiary of Parent Company in Japan”
- (d) Acceptance from “Overseas affiliate” to “Subsidiary of Parent Company in Japan”

The period of the Designated Manufacturing Activity of an individual Designated Foreign Employee shall be one year at most (the status of residence “Designated Activities” (six months) is granted at entry to Japan and can be renewed only once).

<Attached document>

(When the plant/office to accept the person who desires to be the Designated Foreign Employee is a subsidiary of the corporation which desires to be the Company Accepting Designated Foreign Employee)

- Document with which the capital ties etc. between the plant/office to accept the person who desires to be the Designated Foreign Employee and the corporation which desires to be the Company Accepting Designated Foreign Employee can be checked

4) Necessity of transfer of designated specialized technology, contents of the designated specialized technology and the contents of the duties in which the Designated Foreign Employee is to be engaged (including the contents of the jobs in which the Designated Foreign Employee has been engaged at the overseas plant/office and the contents of the duties planned after completion of the Designated Manufacturing Activity)

- (a) For the necessity of the transfer of the designated specialized technology, duties in which the person who desires to be the Designated Foreign Employee has been engaged at the overseas plant/office (including the purchased company) (Considering the purport of the system, the person who desires to be the Designated Foreign Employee is assumed to be certain senior engineers in charge of line control and supervisors in charge of management at site. Their roles shall be described) as well as the role which the person who desires to be the Designated Foreign Employee is planned to play after completion of the Designated Manufacturing Activity in the production plan at the overseas production bases for new products etc. in the future shall be described. Further, reasons why OJT at domestic production bases with functions of human resources development and transition of skills in Japan is effective for such technology transfer shall be described.

If the person who desires to be the Designated Foreign Employee was a staff member of the purchased company, the name of the purchased company shall be also described.

<Example of description>

The Foreign Employee to be accepted has worked for the local plant for three years and is engaged in the duties at the Product A manufacturing plant. Now that we decided to establish a local manufacturing plant for Component B required for manufacturing of Product

A, we selected him since he has been engaged in the related duties (manufacturing of the final product) and he already have worked for three years.

The person in charge of line control for the manufacturing process of Component B needs to have special know-how to assure product quality and management ability including personnel management. Such specialized technology needs to be transferred, but the manufacturing plant of Component B is only in Japan at present. Therefore, such person needs to have OJT at the manufacturing plant in Japan.

(b) Contents of the designated specialized technology and contents of the duties depend on the policy of the corporation which desires to be the Company Accepting Designated Foreign Employee. However, it is important that the necessity of the specialized technology and the relation with the duties the employee is to be engaged in are clarified.

In addition, from the viewpoint to check the mastering situation of the technology, a plan showing the timing and the types of duties to be performed by the Designated Foreign Employee (hereinafter referred to as the Duty Plan) shall be attached, and the procedures to check the mastering situation of the technology (*) shall be described.

The Duty Plan shall further describe the procedures to assure safety and health at the work site, implementation of safety and health education, implementation of lectures on general knowledge about daily life within a scope required and lecture on Japanese language. For the procedures of safety and health control of Designated Foreign Employee, it is important to see whether the Designated Foreign Employee understands the contents of the safety and health education in addition to mere implementation of safety and health education. Thus, the company can securely assure the safety and health when accepting the Designated Foreign Employee.

* Procedures to check the mastering situation of the technology

Mastering situation may be checked by the number of hours during which the employee is engaged in the applicable duties, by the internal test or the like.

<Example of description>

Designated specialized technology and the technology contents are as follows:

- ○○○○
- ××××

These technologies are required in the manufacturing process of Component B from the viewpoint of △△△. By having the employee engaged in the duties □□ requiring technology ○○○○ and technology ××××, we intend to transfer the technologies. Progress in mastering of the technology shall be checked by engineering test in the company.

<Attached Document>

- Duty Plan for each person who desires to be the Designated Foreign Employee

(Example of Duty Plan Preparation)

	Contents of the designated specialized technology	Contents of the duties the employee is to be engaged	Total work hours planned (hours)	Accepting plant/office (Name)	Implementation schedule and number of hours													
					1st month	2nd month	3rd month	4th month	5th month	6th month	7th month	8th month	9th month	10th month	11th month	12th month		
1																		
2	Preparation for work (provision of lecture etc.)	Example: Safety and health education, Japanese language lessons etc.			↔													
3	Control of ○○ manufacturing line	○○ related duties	900	1) Plant ○○	←	→												
		○○ related duties	900	1) Plant ○○														
4		□□ related duties	800	2) Plant ××							←							→
5	○○ maintenance & inspection	○○ related maintenance and inspection	900	1) Plant ○○	←	→												
6		□□ related maintenance and inspection	800	2) Plant ××							←							→
7	Labor management know-how	Labor management for duties ○○	60	1) Plant ○○	↔	↔	↔											
8		Labor management for duties △△	60	2) Plant ××							↔	↔	↔					
9	Checking of implementation situations							●						●			●	
10																		

5) Planned remuneration amount for the person who desires to be the Designated Foreign Employee

The remuneration amount planned for the person who desires to be the Designated Foreign Employee and the method of remuneration payment shall be described.

Specifically, materials with which the skill of the person who desires to be the Designated Foreign Employee can be determined and those to prove that the planned remuneration amount (including allowance specially paid to foreign employee) is at least equivalent to the amount of remuneration for a Japanese worker having equivalent skill engaged in the same duties shall be attached (Monthly amount shall be shown for the planned remuneration).

For the level of skill, for example, it may be determined by the job class table of the corporation which desires to be the Company Accepting Designated Foreign Employee or by comparison with other Japanese workers. In any case, it is necessary to reasonably explain that the appropriate amount is given as the planned remuneration by showing the grounds in all cases.

In addition, if the Designated Manufacturing Activity will be performed at several plants/offices in Japan, it is assumed that the remuneration amount for a Japanese worker having the equivalent skill may be different depending on the plant/office. In such case, the company shall consult with the person in charge at the Consultation Desk by Business Type (refer to the final page) in advance for calculation procedures for the remuneration amount.

<Attached document>

- Document with which the remuneration amount of a Japanese worker having the equivalent skill working for a plant/office in Japan can be checked

6) The length of service of the person who desires to be the Designated Foreign Employee in the plant/office as specified in 2) (including the length of service in the acquired company before buyout in case such corporation was purchased before)

The length of service (years) of the person who desires to be the Designated Foreign Employee at the plant/office located overseas of the corporation which desires to be the Company Accepting Designated Foreign Employee shall be described and a document with which the described length of service can be checked shall be attached.

<Attached document>

- Document with which the length of service of the person who desires to be the Designated Foreign Employee can be checked
(Example) Certificate of Employment (which certifies the described length of service) at the plant/office located overseas of the corporation which desires to be the Company Accepting Designated Foreign Employee

(3)-B Remarks for certification requirements

Certification requirements under this paragraph shall be as follows

<p>IV. Application for Certification of Designated Manufacturing Activity Plan</p> <p>3 The Minister of Economy, Trade and Industry shall, upon application for certification as described in 1, grant the certification when it considers that the Designated Manufacturing Activity Plan complies with all requirements shown below:</p> <p>(3) Matters related to the person who desires to be a Designated Foreign Employee satisfy the following requirements:</p> <ol style="list-style-type: none">1) Necessity of transfer of the designated special technology or the contents of such technology are in accordance with the purport of the Foreign Employee Acceptance Program for Manufacturing Industry as specified in III;2) The period as described in 2 (3) 3) does not exceed one year;3) The planned remuneration amount as described in 2 (3) 5) is equal to or more than the remuneration amount for a Japanese worker having equivalent skill engaged in the same duties;4) The period described in 2 (3) 6) is one year or more.

1) Necessity of transfer of the designated special technology or the contents of such technology are in accordance with the purport of the Foreign Employee Acceptance Program for Manufacturing Industry as specified in III;

This paragraph shows the contents to be described for each person who desires to be the Designated Foreign Employee. It is necessary that the contents of the Program implemented in

accordance with the plan match the purport of the Program, that the technology transfer to each person who desires to be the Designated Foreign Employee is judged necessary in the plan, and that the contents of the transferred technology are appropriate in the light of the purport of the Program.

Specifically, it is necessary that situations like “As the production of new products is increasing, the technology needs to be transferred to the foreign employee planned to work for the local plant/office located overseas by OJT method, and the contents of the technology is new and any similar technology transfer has not been made for the foreign employee” can be acknowledged.

Further, considering the purport of the system, the person who desires to be the Designated Foreign Employee is assumed to be a certain level of senior engineer in charge of line control or a supervisor in charge of site management.

<Case where it is judged appropriate>

The accepted foreign employee has worked for a manufacturing plant of Product A, but has never been engaged in duties related to manufacturing of Component B, and it is necessary to newly transfer the technology to that employee.

On the other hand, in the following case, for example, technology transfer by OJT method under the Program is not required. This case will not be certificated.

<Case where the plan is not judged appropriate>

- The accepted foreign employee has been already engaged in manufacture of Component B in a third country (though not in the country) and has been in charge of the duties requiring the designated specialized technology planned to be mastered.
- The designated specialized technology planned to be mastered by the accepted foreign employee is not related to manufacturing of Component B, which is required at the production base of Country X.

In case the person who desires to be the Designated Foreign Employee has been engaged in the Designated Manufacturing Activity in the past, it is necessary that the designated specialized technology mastered before is utilized at the overseas production base and the technology different from the designated specialized technology mastered before needs to be mastered this time. Further, employment situations and contents of duties (whether the duties requiring the designated specialized technology mastered are implemented) upon completion of the Designated Manufacturing Activity in the past shall be totally taken into consideration and the certification shall be given after elapse of a certain period.

- 2) The period as described in 2 (3) 3) (Period during which the employee is going to be engaged in the Designated Manufacturing Activity) does not exceed one year

The period of the Designated Manufacturing Activity of an individual Designated Foreign Employee is one year at most. The status of residence “Designated Activities” (six months) is granted when the employee enters Japan and it can be renewed only once.

- 3) The planned remuneration amount as described in 2 (3) 5) (Planned remuneration amount for the person who desires to be the Designated Foreign Employee) is equal to or more than the remuneration amount for a Japanese worker having equivalent skill engaged in the same duties

When judging whether the skill is equivalent or not, it should be noted that the procedures and equipment used for production are different depending on the country, and an employee in Japan and an employee in an overseas plant having the same length of service do not necessarily have the same skill level. Considering this point, the judgment shall be reasonably made by the corporation which desires to be the Company Accepting the Designated Foreign Employee, but attention should be paid that discriminatory treatment is not allowed from the viewpoint that Japanese employees and foreign employees should be treated equally.

- 4) The period described in 2 (3) 6) (length of service of the person who desires to be the Designated Foreign Employee at the plant/office located overseas of the corporation which desires to be the Company Accepting Designated Foreign Employee) is one year or more

Considering that the purport of the Program is smooth personnel transfer and transition of skills in the same company group, it is necessary that the person who desires to be the Designated Foreign Employee is engaged in the production activity under a secure employment agreement with the

corporation which desires to be the Company Accepting Designated Foreign Employee where the above person is working. In addition, since the person who desires to be the Designated Foreign Employee is expected to be engaged in the duties requiring the designated specialized technology which is mastered by such employee after the completion of the Program, it is necessary to check that such person has a certain experience in duties.

Note that the service length of one year or more for the person who desires to be the Designated Foreign Employee is one of the certification requirements for the Designated Manufacturing Activity Plan and, if the service length is less than one year at the time of application, certification shall be given on or after the date when such requirement is satisfied.

(4) Matters related to appropriate performance of the Foreign Employee Acceptance Program for Manufacturing Industry

(4)-A Matters described in the application

Matters described in the application under this paragraph shall be as follows:

- IV. Application for Certification of Designated Manufacturing Activity Plan
2. The Designated Manufacturing Activity Plan must describe the following matters in accordance with the Form No. 1.
- (4) Matters related to appropriate performance of the Foreign Employee Acceptance Program for Manufacturing Industry
- 1) Matters related to the system for implementation of appropriate inspection of the person who desires to be a Designated Foreign Employee;
 - 2) Matters related to work situation checking for the person who desires to be a Designated Foreign Employee;
 - 3) Matters related to assuring of residence during stay;
 - 4) Matters related to appointment of daily life advisers;
 - 5) Matters related to the financial basis to secure remuneration;
 - 6) Matters related to interview with the person who desires to be a Designated Foreign Employee and action upon consultation from such person on living in Japan, labor or the like (including actions upon complaints);
 - 7) Matters related to assuring of travel expense to return home for a person who desires to be a Designated Foreign Employee and other measures to assure returning;
 - 8) Matters related to the measures in case it becomes impossible to continue working;
 - 9) Matters related to the method of communications with the person who desires to be a Designated Foreign Employee and appropriate consideration for such person;
 - 10) Matters related to no collection of security money (or other money for any title whatsoever) from the person who desires to be a Designated Foreign Employee (including his/her family member or others having close relation with him/her) by the overseas plant/office of the corporation which desires to be the Company Accepting Designated Foreign Employee or any other organization in relation to the Designated Manufacturing Activity of that employee as well as related to no execution of any agreement or the like providing for penalty (or other money for any title whatsoever) upon default of labor contract;
 - 11) Matters related to no dismissal of the person who desires to be a Designated Foreign Employee within one year after completion of the Designated Manufacturing Activity (return to home) at the corporation which desires to be a Company Accepting Designated Foreign Employee or its plant/office located overseas, unless it is considered that there is any particular circumstances; and
 - 12) Matters related to the inspection by the Minister of Economy, Trade and Industry as specified in VI-1, request for reporting and necessary measures by the same minister as specified in VI-3 and appropriate action upon necessary instructions by the same minister as specified in VI-4.

1) Matters related to the system for implementation of appropriate inspection of the person who desires to be a Designated Foreign Employee

For appropriate inspection of the Designated Foreign Employee throughout the acceptance period, the general responsible manager, the responsible person of the plant/office to accept the person who desires to be the Designated Foreign Employee, the responsible technology instructor, the daily life adviser, the number of regular staff members at each plant/office to accept the Designated Foreign Employee (excluding the number of accepted Designated Foreign Employees during the plan period (sum of the number of employees applied under this plan and the number of employees accepted under the existing certificated plans)) and the number of accepted Designated Foreign Employees during the plan period (sum of the number of employees applied under this plan and the number of employees accepted under the existing certificated plans) shall be described. In addition, documents clarifying the number of regular staff members at each plant/office to accept the Designated Foreign Employee (excluding the number of accepted Designated Foreign Employees during the plan period (sum of the number of employees applied under this plan and the number of employees accepted under existing certificated plans)) shall be attached.

Specifically, an implementation system chart shall be given on Exhibit 3 of Form No. 1.

(Exhibit 3 of Form No.1)

System to Implement the Foreign Employee Acceptance Program for Manufacturing Industry

General Responsible Manager
Section: _____
Title: _____
Name: _____
TEL : _____

Name of the plant/office:
Number of regular staff members (except the number of accepted Designated Foreign Employees as shown below): ___ persons_
Number of accepted Designated Foreign Employees during plan period (Sum of the applied number of employees in the plan and the existing number of employees accepted under existing certificated plans): ___ persons
TEL : _____

1. Responsible person
Title: _____
Name: _____

2. Responsible technology instructor
Title: _____
Name: _____
** In case several instructors are appointed, describe all of them.*

3. Daily life adviser
Title: _____
Name: _____
** In case several advisers are appointed, describe all of them.*

** If several plants/offices accept the foreign employees, the same description as that on the left shall be given for all of them.*

- General responsible manager
 - • • Person who administrates and supervises the whole plan
(Example: Person responsible for personnel affairs of the headquarters of the company which files the application)
 - * For inspection by the Minister of Economy, Trade and Industry, it is preferable that the general responsible manager will be in charge.
- Responsible person of the plant/office to accept the person who desires to be the Designated Foreign Employee
 - • • Person who administrates and supervises appropriate performance of the Designated Manufacturing Activity at the plant/office, and who conducts checking for periodic reports.
(Example: General Manager of the General Affairs Department or Personnel Affairs Department at the accepting plant)
- Responsible technology instructor
 - • • Person who administrates and supervises whether the technology is transferred in accordance with the certificated plan
(Example: Head of the manufacturing division)
- Daily life adviser
 - • • Person who provides guidance about living in Japan for the Designated Foreign Employee
*For details, refer to “4) Matters related to appointment of daily life advisers” (=> p.28)

If several people are appointed for these roles, all of them shall be described. In addition, appointment of a single person for several roles is accepted considering the Program scale and circumstances of the corporation which desires to be the Company Accepting Designated Foreign Employee, but the system shall be constructed so as to assure appropriate inspection.

<Attached document>

- Document clarifying the number of regular staff members for each plant/office to accept the person who desires to be the Designated Foreign Employee
(Example) Document with which social insurance coverage for regular staff members can be checked

2) Matters related to work situation checking for the person who desires to be the Designated Foreign Employee

The Company Accepting Designated Foreign Employee needs to inspect and check the work situations of the Designated Foreign Employee periodically in accordance with V of the Public Notice (for periodic reporting, refer to Chapter 6, 2 (1) (=>p.36)). In order to ensure checking of the implementation situations of the Program and reporting of the results, the Company Accepting Designated Foreign Employee needs to appoint in advance a staff to perform these duties (hereinafter referred to as the Checker). Basically, the responsible person or equivalent staff of the plant/office to accept the person who desires to be the Designated Foreign Employee described in the Implementation System Chart of the plan shall serve as the Checker.

If the Checker only hears the situations from the daily life adviser, he/she cannot sufficiently understand the implementation situations of the Program. It is essential to have interview with the Designated Foreign Employee to conduct checking from the viewpoint of living (taking of days off etc.) and labor (progress of the Duty Plan) so as to understand the implementation of the Program.

In addition, it is necessary to check whether the work hours and wage payment for the Designated Foreign Employee conform to the contents described in the plan and provisions under labor-related laws and regulations by actually checking the wage book and other documents.

Considering these points, check procedures for and contents of the work conditions of the person who desires to be the Designated Foreign Employee shall be described.

<Example of Description>

(Checking procedures)

The responsible person of each plant/office described in the implementation system chart shall conduct checking by the methods below at least once every three months.

- (a) Hearing from the Designated Foreign Employee
- (b) Hearing from responsible technology instructor and daily life adviser
- (c) Checking of labor journal
- (d) Checking of wage book
- (e) Checking of time clock records
- (f) Checking of other documents related to wage payment

(Checkpoints)

- (a) Matters related to implementation situations of the Foreign Employee Acceptance Program for Manufacturing Industry
- (b) Matters related to assurance of appropriate labor conditions
- (c) Matters related to assurance of safety and health of the Designated Foreign Employee
- (d) Matters related to enrollment in the Industrial Accident Compensation Insurance, Employment Insurance, Health Insurance and Employees' Pension Insurance
- (e) Consideration for living environment of the Designated Foreign Employee
- (f) Whether there is any problem in the Company Accepting Designated Foreign Employee, work attitude and lifestyle of the Designated Foreign Employee

Among these points, the following items shall be checked in the interview with the Designated Foreign Employee:

- (a) Aspect of living
 - Meals, health care, whether there is any problem behavior, taking of days off
- (b) Aspect of labor
 - Work conditions and work behavior of the Designated Foreign Employee, overtime work situations, safety and health measures, wage payment situations

3) Matters related to assuring of residence during stay

It is necessary that the Company Accepting Designated Foreign Employee assures the residence where the Designated Foreign Employee is lodged during his/her stay in Japan. How to assure the residence and, if possible, the name and address of the residence shall be described in the plan. If the name and address of the residence is "not decided yet", they shall be reported in the periodic report to the Minister of Economy, Trade and Industry and the Regional Immigration Bureau having jurisdiction over the address of the Company Accepting Designated Foreign Employee (Also refer to Chapter 6, 2 (1) 3) (e) (=>p.38)).

In addition, if the lodging fee is collected from the Designated Foreign Employee, the amount to be collected shall be described. Note that attention should be paid to the points below:

- (a) Lodging fee may not exceed the market rate of the rent of equivalent flat in the vicinity.
- (b) The lodging fee amount, breakdown and calculation method shall be sufficiently explained to the Designated Foreign Employee so that they are understood.
- (c) If a detached house is leased to several Designated Foreign Employees, the lodging fee per employee may not exceed the amount calculated by dividing the predetermined rent by the number of employees.
- (d) When leasing the residence to the Designated Foreign Employee, the rate of sharing of the repair cost in case of equipment failure, the cost to restore the original state before vacating the lodge and other various expenses expected to incur until the employee's return to home shall be determined in advance.
- (e) Electricity, gas and water charges and other similar expenses may not exceed the actual cost for the amount consumed by the Designated Foreign Employee.

4) Matters related to appointment of daily life advisers

The Company Accepting Designated Foreign Employee must assign daily life advisers to guide the Designated Foreign Employee in daily living.

In the plan, the job title and the name of the appointed daily life adviser, the number of employees planned to be assisted by one adviser, and the grounds showing that the person is appropriate to be appointed as such adviser shall be described. If several daily life advisers are appointed, these items shall be described for all of them.

The daily life adviser shall, in addition to guidance of the Designated Foreign Employee about the points to be noted in living in Japan, endeavor to prevent any problem from occurring by understanding the living situations of the Designated Foreign Employee and talking with him/her to provide advice. If an emergency contact system is constructed, it is preferable that such adviser serves as the emergency contact.

It is necessary to appoint an appropriate number of daily life advisers considering the number of Designated Foreign Employees to be accepted.

5) Matters related to the financial basis to secure remuneration

When appropriately implementing the Program, it is necessary to check the financial basis to secure remuneration. Specifically, the most recent sales amount, ordinary profit and loss as well as the current term net profit/loss for the corporation which desires to be the Company Accepting Designated Foreign Employee shall be described.

<Attached document>

- The most recent profit and loss statement and the balance sheet of the corporation which desires to be the Company Accepting the Designated Foreign Employee

6) Matters related to interview with the person who desires to be a Designated Foreign Employee and action upon consultation from such person on living in Japan, labor or the like (including actions upon complaints)

The Company Accepting the Designated Foreign Employee needs to construct an interview and consultation system to respond to consultation from the Designated Foreign Employees so that they can be smoothly engaged in the Designated Manufacturing Activity. Specifically, section for consultation, the number of staff members in charge of consultation and consultation time shall be described.

Since it is possible that the Designated Foreign Employee would consult with the staff out of the work hours, it is preferable to have the consultation staff available during the time other than work hours and to use their mother tongue for consultation as far as possible. In addition, when and to whom the employee should contact in order to have consultation and the method of contact must be securely informed to the Designated Foreign Employee after he/she enters Japan.

7) Matters related to assuring of travel expense to return home for a person who desires to be a Designated Foreign Employee and other measures to assure returning

In this Program, there should not be concern about damage to the interest of the Designated Foreign Employee. Therefore, the corporation which desires to be the Company Accepting

Designated Foreign Employee needs to swear that it will bear the travel expense to return home, arrange air ticket and take the employee to the airport.

Note that the travel expenses shall be calculated in accordance with the travel expense regulations etc. of the Company Accepting Designated Foreign Employee.

8) Matters related to the measures in case it becomes impossible to continue working

If it becomes impossible for the Designated Foreign Employee to work, it is necessary to swear that the company will have such Designated Foreign Employee return to the plant/office located overseas where he/she has belonged from the viewpoint to prevent illegal labor or illegal stay.

9) Matters related to the method of communications with the person who desires to be a Designated Foreign Employee and appropriate consideration for such person

In order for smooth implementation of the Program, it is necessary that the communications are ensured with the person who desires to be the Designated Foreign Employee for various matters including education on industrial safety and health, instructions on safe work and emergency instructions.

(a) For the communication method, 1) Language to be used and 2) Means (whether communications are made directly or via an interpreter) shall be described.

(b) For the appropriate consideration to prevent any trouble in daily life in Japan, implementation of lectures on general knowledge about living in Japan and on Japanese language as well as preparation of emergency communication system shall be described.

10) Matters related to no collection of security money (or other money for any title whatsoever) from the person who desires to be a Designated Foreign Employee (including his/her family member or others having close relation with him/her) by the overseas plant/office of the corporation which desires to be the Company Accepting Designated Foreign Employee or any other organization in relation to the Designated Manufacturing Activity of that employee as well as related to no execution of any agreement or the like providing for penalty (or other money for any title whatsoever) upon default of labor contract

In the Program, there should not be any concern about unfair damage to the interest of the Designated Foreign Employee. Therefore, it is not allowed to collect any security money from the person who desires to be the Designated Foreign Employee or to execute any agreement which provides for any penalty in case of default of employment agreement or otherwise unfairly provides for transfer of money or other property. It is necessary to swear that such agreement is not executed.

11) Matters related to no dismissal of the person who desires to be a Designated Foreign Employee within one year after completion of the Designated Manufacturing Activity (return to home) at the corporation which desires to be a Company Accepting Designated Foreign Employee or its plant/office located overseas, unless it is considered that there are any particular circumstances

The main purpose of the Program is that, after completion of the program, the person who desires to be the Designated Foreign Employee fully uses the technology he/she has mastered at the plant/office located overseas of the corporation which desires to be the Company Accepting Designated Foreign Employee. For this purpose, in order to secure that the Designated Foreign Employee will not be dismissed within one year after completion, it is necessary to swear to secure such employment.

For this requirements, the employment situations of the Designated Foreign Employee one year after completion of the Designated Manufacturing Activity shall be reported by the Company Accepting Designated Foreign Employee to the Minister of Economy, Trade and Industry (V-7 of the Public Notice). On the basis of such report, whether the Program has been appropriately implemented shall be judged afterwards.

If the Designated Foreign Employee is dismissed within one year from return though there are no particular circumstances, it is against the provision of IV-3 (1) 7) of the Public Notice. Note that the certification requirements may not be satisfied for subsequent plans in such case.

It is considered that "there are particular circumstances" when the Designated Foreign Employee is dismissed due to remarkable violation of the provisions in the Employee Handbook, for example. In such case, it is necessary to describe the reason resulting in dismissal and the adequacy of the discipline in Form No. 11 and explain details if necessary.

- 12) Matters related to the inspection by the Minister of Economy, Trade and Industry as specified in VI-1, request for reporting and necessary measures by the same minister as specified in VI-3 and appropriate action upon necessary instructions by the same minister as specified in VI-4

Provisions under VI-1, VI-3 and VI-4 of the Public Notice specify the inspection by the Minister of Economy, Trade and Industry as well as the request for reporting and taking of necessary measures when the same Minister considers it necessary to make correction about acceptance of Designated Foreign Employee. It is necessary to swear that the company will take appropriate actions in these cases.

(4)-B Remarks related to certification requirements

Certification requirements under this paragraph shall be as follows.

- IV. Application for Certification of Designated Manufacturing Activity Plan
3. The Minister of Economy, Trade and Industry shall, upon application for certification as described in 1, grant the certification when it considers that the Designated Manufacturing Activity Plan complies with all requirements shown below:
- (4) The contents in 2 (4) are considered appropriate for smooth and secure implementation of the program throughout the period of the plan and there is no concern about unfair harm against the status or profit of the person who desires to be a Designated Foreign Employee;

The following situations are required for the contents in 2(4) (Matters related to appropriate implementation of the Foreign Employee Acceptance Program for Manufacturing Industry) to be “considered appropriate for smooth and secure implementation of the program throughout the period of the plan”. Whether the above contents are appropriate shall be examined with generally considering these requirements.

- (1) Implementation system required for implementation of the program is prepared.
 - (a) General responsible manager required for implementation of the program, the responsible person of the plant/office to accept the person who desires to be the Designated Foreign Employee, the responsible technology instructor and the daily life advisers are appointed.
 - (b) The number of Designated Foreign Employees accepted by a single plant/office during the plan period (sum of the number of applied employees under this Plan and the number of accepted employees under existing certificated plans) does not exceed the number of regular staff members of such plant/office (excluding the number of accepted Designated Foreign Employee during the plan period (sum of the number of employees applied under this plan and the number of employees accepted under existing certificated plans)) and is appropriate corresponding to the environment for mastering of the designated specialized technology etc. (machinery or other equipment and instructors or other personnel assignment).
- (2) The method to check the work conditions of the person who desires to be the Designated Foreign Employees is appropriate.
- (3) The residence for the person who desires to be the Designated Foreign Employee is assured.
- (4) Appropriate daily life advisers are appointed.
- (5) The Company Accepting Designated Foreign Employee has the financial basis required for implementation of the Program.
- (6) Consultation system for the person who desires to be the Designated Foreign Employee is prepared.
- (7) Measures are taken for the cases where it becomes impossible for the Designated Foreign Employee to continue working

Further, for “there is no concern about unfair harm against the status or profit of the person who desires to be a Designated Foreign Employee”, the following factors are required.

- (8) The Company Accepting Designated Foreign Employee bears the travel expense for the Designated Foreign Employee to return home, arranges air ticket and takes the employee to the airport.
- (9) Communications can be made with the Designated Foreign Employee and appropriate consideration is given for the Designated Foreign Employee.
- (10) Any agreement specifying collection of security money is not executed (*).
- (11) The Designated Foreign Employee is not dismissed within one year after return to home country unless it is considered that there are particular circumstances.
- (12) Appropriate actions are taken upon inspection by the Minister of Economy, Trade and Industry.

* Concept of security money

It is not acceptable for the overseas plant/office of the corporation which desires to be the Company Accepting Designated Foreign Employee to collect from the person who desires to be the Designated Foreign Employee or his/her family members or the like the security money or otherwise manage money and other properties for reasons such as disappearance prevention. Further, execution of an agreement which specifies penalty in case of default of employment contract or otherwise plans unfair transfer of money and other property is not acceptable, either.

Note that this provision does not prohibit request for compensation for damages in relation to the damage which is actually caused.

3 List of Submitted Documents

- Application for Certification of Designated Manufacturing Activity Plan (Form No. 1)
- Designated Manufacturing Activity Plan (Exhibit of Form No. 1)
- Matters related to the Foreign Employee Acceptance Program for Manufacturing Industry (Exhibit 1 of Form No. 1)
- Matters related to the person who desires to be the Designated Foreign Employee (Exhibit 2 of Form No. 1)
- System to Implement the Foreign Employee Acceptance Program for Manufacturing Industry (Exhibit 3 of Form No. 1)

(Attached Documents)

- 1) Certificate of Registered Matters of the corporation which desires to be the Company Accepting the Designated Foreign Employee
- 2) Document with which the contents of the program implemented at the overseas production base of the corporation which desires to be the Company Accepting Designated Foreign Employee can be checked
- 3) (When necessary) Documents considered necessary to judge whether the contents related to the overseas production bases of the corporation which desires to be the Company Accepting Designated Foreign Employee match the purport as specified in III of the Public Notice
- 4) Copy of the Employment Agreement and Employment Conditions (*) or other similar document the corporation which desires to be the Company Accepting Designated Foreign Employee plans to execute with the Designated Foreign Employee
- 5) Document with which the capital ties etc. between the corporation which desires to be the Company Accepting Designated Foreign Employee and that company's plant/office located overseas can be confirmed
- 6) Document clarifying the outline of the company's plant/office located overseas
- 7) (When necessary) Document with which the fact of corporation buyout can be confirmed
- 8) (When the plant/office to accept the person who desires to be the Designated Foreign Employee is a subsidiary of the corporation which desires to be the Company Accepting Designated Foreign Employee) Document with which the capital ties etc. between the plant/office to accept the person who desires to be the Designated Foreign Employee and the corporation which desires to be the Company Accepting Designated Foreign Employee can be confirmed
- 9) Duty Plan for each person who desires to be the Designated Foreign Employee
- 10) Document with which the remuneration amount of a Japanese worker having the equivalent skill working for a plant/office in Japan can be checked
- 11) Document with which the length of service of the person who desires to be the Designated Foreign Employee can be checked
- 12) Document clarifying the number of regular staff members for each plant/office to accept the person who desires to be the Designated Foreign Employee
- 13) The most recent profit and loss statement and the balance sheet of the corporation which desires to be the Company Accepting the Designated Foreign Employee

4 Change in the Designated Manufacturing Activity Plan

If any matter described in the plan is changed, it is necessary to file an application for certification of such change to the Minister of Economy, Trade and Industry (In case of a minor modification without any change in purport of the plan, notification shall be submitted to the Minister of Economy, Trade and Industry).

Form No. 2 shall be used for application and Form No. 3 for notification. Description shall be given so that the changed section can be checked. Note that any matter described in the plan is found to be changed, the Company shall immediately consult with the consultation desk by business type (refer to the final page) regardless of the contents and check the procedures described above.

Chapter 5 Immigration Clearance Procedures for Designated Foreign Employee

1 Application for Certificate of Eligibility For Resident Status

The Company Accepting Designated Foreign Employee shall, when accepting the person who desires to be the Designated Foreign Employee at its plant/office in Japan with the status of residence "Designated Activities", follow the procedures to obtain the Certificate of Eligibility for Resident Status.

- (1) Person who follows application procedures
 - Staff of the Company Accepting Designated Foreign Employee or the application agent
- (2) Application filed to:
 - Regional immigration bureau having jurisdiction over the area where the foreign employee plans to live or where the Company Accepting Designated Foreign Employee is located
- (3) Documents to be submitted
 - 1) Application for Certificate of Eligibility for Resident Status
 - 2) Photo (4 cm * 3 cm)
 - 3) A return-mail envelope (standard-size envelope with clear indication of address affixed with stamps for postage (for recorded delivery))
 - 4) Copy of the Certificate of Designated Manufacturing Activity Plan Certification under IV of the Public Notice
 - 5) Copy of the employment agreement
 - 6) Curriculum Vitae of the applicant (person who desires to be the Designated Foreign Employee)
 - 7) A document proving the status of the applicant (copy of the passport etc.)
 - 8) Document with which the outline of the Company Accepting Designated Foreign Employee can be checked
 - 9) Copy of the Agreement or the like executed between the plant/office of the Company Accepting Designated Foreign Employee and the person who desires to be the Designated Foreign Employee (Order for temporary transfer, order for removal, written appointment or the like prepared by the organization the applicant belongs to and delivered to the applicant)

2 Acquisition of Visa and Entry Procedures

The foreign employee shall present or submit an application for visa, photo, passport, certificate of eligibility for resident status etc. at an overseas establishment of Japan to acquire the visa.

After acquiring the visa, the foreign employee shall present or submit the passport, visa, certificate of eligibility for resident status etc. to the immigration officer at the Japanese airport or seaport for immigration inspection. The employee shall have the seal of verification for landing affixed on the passport and have the residence card delivered.

(Note) The airports where the residence card is delivered at the time of affixing the seal of verification for landing are limited to Narita, Haneda, Chubu, Kansai, Shinchitose, Hiroshima and Fukuoka Airports as of June 2015. For other airports and seaports, the residence card will be delivered by mail after notification of the place of residence.

3 Notification of the Place of Residence

After entry to Japan, the employee needs to notify the place of residence at the municipal office for the place of residence. The employee shall submit the residence card (or passport in case the residence card is to be sent later) within 14 days from the date when he/she decides the place of residence.

If the employee changes the place of residence, he/she needs to submit the residence card (or passport in case the residence card is to be sent later) at the municipal office of the new place of residence within 14 days from the date when he/she moves to the new place of residence.

4 Application for Extension of Period of Stay

If the employee desires to renew the residence period, he/she shall follow the procedures of application for extension of period of stay. The application period shall be from the date about three months prior to the expiration of the current residence period to the expiration date. When extension is permitted, a new residence card shall be delivered.

- (1) Person who follows application procedures
 - In addition to the Designated Foreign Employee, staff of the Company Accepting Designated Foreign Employee and the application agent may file an application.
- (2) Application filed to:
 - Regional Immigration Bureau having jurisdiction over the place of residence

(3) Documents to be submitted

- 1) Application for Extension of Period of Stay
- 2) Passport and residence card (to be presented)
- 3) Copy of the Certificate of Designated Manufacturing Activity Plan Certification under IV of the Public Notice
- 4) Certificate of Employment
- 5) Taxation (or No Taxation) Certificate for Resident Tax and Tax Payment Certification (describing the total income and tax payment situations in a year)
- 6) Document that proves the status of applicant (in case where an agent submits the application)

(4) Receiving of Residence Card

It is necessary to pay the fee of 4,000 yen (which must be paid with revenue stamps) when receiving the card.

Chapter 6 Role of the Company Accepting Designated Foreign Employee

The matters which the Company Accepting Designated Foreign Employee must perform under the Program and remarks for each of them are as follows:

1 Major roles of the Company Accepting Designated Foreign Employee

- (1) Coordination with the plant/office located overseas of the corporation which desires to be the Company Accepting Designated Foreign Employee

The corporation which desires to be the Company Accepting Designated Foreign Employee needs to closely coordinate with its plant/office located overseas to accept the person who desires to be the Designated Foreign Employee to Japan. Note that “the plant/office located overseas” refers to an overseas subsidiary or affiliate. For concept of subsidiary and affiliate, refer to Chapter 2, 2 (=>p.7).

In addition, acceptance is not certificated either in the case where the plant/office located overseas of the company executes an agreement which provides for penalty in the event of default of the employment contract by the person who desires to be the Designated Foreign Employee or otherwise plans to transfer money or other property. When accepting the person who desires to be the Designated Foreign Employee, the company must understand the agreement on dispatch between its plant/office located overseas and the person who desires to be the Designated Foreign Employee and check for any inappropriate contents such as collection of security money or the like specified in the agreement.

- (2) Preparation of Designated Manufacturing Activity Plan

The corporation which desires to be the Company Accepting Designated Foreign Employee must refer to Chapter 4 (=> p.11) and prepare the plan with plenty of time for schedule.

In addition, if the plan is certificated or canceled by the Minister of Economy, Trade and Industry, then the Company Accepting Designated Foreign Employee must immediately report to the Regional Immigration Bureau having jurisdiction over the area where it is located (Refer to the following paragraph 2 (5) (=> p.41).

- (3) Entry procedures

For the entry procedures of the person who desires to be the Designated Foreign Employee, refer to Chapter 5 (=> p.33).

- (4) Construction of appropriate inspection system

In accordance with the plan certificated by the Minister of Economy, Trade and Industry, the following system shall be constructed.

- 1) Assuring of residence for the Designated Foreign Employee during his/her stay

The Company Accepting Designated Foreign Employee must assure the residence where the Designated Foreign Employee lodges during his/her stay in Japan. Refer to Chapter 4, 2(4)-A 3 (=> p.27) to assure the residence.

- 2) Actions taken upon consultation with the Designated Foreign Employee

The Company Accepting Designated Foreign Employee must prepare a consultation system and take measures to correspond to consultation by the Designated Foreign Employee on daily life, labor etc. Refer to Chapter 4, 2 (4)-A 6 (=> p.28) to prepare the consultation system.

- 3) Assignment of general responsible manager and appointment of daily life advisers

The Company Accepting Designated Foreign Employee must describe the general responsible manager for the whole program as well as the responsible person of the plant/office to accept the Designated Foreign Employee, the technology instructor, and daily life advisers in the implementation system chart of the plan. In addition, it must appoint daily life advisers and describe their names in the plan. For the matters related to appointment of daily life advisers, refer to Chapter 4, 2(4)-A 4 (=> p.28).

- 4) Appropriate Consideration for Designated Foreign Employee

The Company Accepting Designated Foreign Employee must, in order to take consideration for daily life of the Designated Foreign Employee in Japan, provide lectures on knowledge about daily life in general and Japanese language, or prepare an emergency contact system. Refer to Chapter 4, 2(4)-A 9) (b) (=> p.29).

- (5) Checking and Reporting of implementation situations

In addition to the periodic reports, the company must submit reports to the administrative organs concerned. For details of checking and reporting, refer to the following paragraph "2. Reporting to Administrative Organs Concerned" (=> latter part of this page).

(6) Cooperation in investigation

It is necessary for the company to cooperate in investigation etc. upon request from the Regional Immigration Bureau or other competent authorities.

For example, investigation to continuously understand the information about the Designated Foreign Employees, who are mid- to long-term residents and investigation to understand the wage level are assumed.

(7) Preparation and Storage of documents related to acceptance of Designated Foreign Employee

The Company Accepting Designated Foreign Employee must prepare and store documents related to acceptance of Designated Foreign Employee.

Documents related to acceptance of Designated Foreign Employee refer to the documents prepared for checking under V-1 of the Public Notice as well as the list of accepted Designated Foreign Employees, their work journal, wage book and other documents describing the training contents and instructors. The company must prepare them and store them for five years from the date when the Designated Foreign Employee completes the Designated Manufacturing Activity and returns to home. Note that it is acceptable to use the electromagnetic method for preparation, keeping and storage of documents (unless otherwise specified under other laws and regulations).

(8) Remarks when returning to home

The Company Accepting Designated Foreign Employee must assure travel expense for the Designated Foreign Employee's return and take other measures to assure his/her return. After return of the Designated Foreign Employee, reports under V-5 (1) of the Public Notice must be submitted. Refer to Chapter 4 (4)-A 7) (=> p.20).

2 Reporting to Administrative Organs Concerned

In V. of the Public Notice, the matters to be reported are specified. Failure to submit reports is subject to inspection and instruction from the Minister of Economy, Trade and Industry. Since omission may constitute an unfair act in the Schedule of the Public Notice depending on the reported matters, it is necessary to securely submit the reports.

(1) Periodic Checking and Reporting of Implementation Situations and Work Situations

V. Understanding, Checking and Reporting of the Implementation Situations of the Foreign Employee Acceptance Program for Manufacturing Industry

1. The Company Accepting Designated Foreign Employee shall, at least once every three months, check the following matters and report the results in accordance with the Form No. 4 to the Minister of Economy, Trade and Industry and the Regional Immigration Bureau having jurisdiction over the area where the Company Accepting Designated Foreign Employee is located.

- (1) Matters related to implementation situation of the Foreign Employee Acceptance Program for Manufacturing Industry;
- (2) Matters related to assurance of appropriate labor conditions;
- (3) Matters related to assurance of safety and health of the Designated Foreign Employee;
- (4) Matters related to subscription of Industrial Accident Compensation Insurance, Employment Insurance, Health Insurance and Employees' Pension Insurance;
- (5) Other matters judged necessary by the Minister of Economy, Trade and Industry.

2. The Company Accepting Designated Foreign Employee shall, when it conducts checking in 1 above, take necessary actions based on the check results so that the Foreign Employee Acceptance Program for Manufacturing Industry shall be implemented in accordance with the Designated Manufacturing Activity Plan certificated as specified in IV-3 (the plan after change in case change certification is made in accordance with the provision under IV-4. "Designated Manufacturing Activity Plan" hereinafter refers to the one after change if any change is certificated under the provision of IV-4.);

The Company Accepting Designated Foreign Employee must, at least once every three months, check the implementation situations of the Program using the check method described in the plan (Refer to Chapter 4, 2 (4)-A, 2) (=> p.27)) and report the check results to the Minister of Economy,

Trade and Industry and the Regional Immigration Bureau having jurisdiction over the area where the Company Accepting Designated Foreign Employee is located in accordance with Form No. 4. Understanding situations of the Program by periodic reports may lead to prevention of any problem. This process is important to prevent trouble in working of the Designated Foreign Employees.

This report shall be submitted for each certificated plan. If some Designated Foreign Employees with different residence periods exist in a single plan, the report must be submitted at least every three months during the period from the date of entry of the Designated Foreign Employee accepted first to the date of departure of the Designated Foreign Employee who lastly returns home.

In addition to this Report, if any problem such as disappearance occurs, inappropriate program contents are found or such events are suspected, a report to that effect must be immediately submitted to the Minister of Economy, Trade and Industry and the Regional Immigration Bureau having jurisdiction over the area where the Company Accepting Designated Foreign Employee is located.

Whether these checking and reporting are appropriately implemented shall be confirmed via inspection or instructions by the Minister of Economy, Trade and Industry as required (Refer to Chapter 7 (=>p.44)).

Matters to be reported shall be as follows:

1) Date and number of plan certification

The plan certification date and the number indicated on the Certificate of Designated Manufacturing Activity Plan Certification shall be described.

2) Plant/office subject to checking and check implementation date

The name of plant/office subject to checking, its address, the number of accepted employees under this plan, date of checking implementation and the previous date of checking implementation shall be described. If there are several plants/offices subject to checking, describe these items for all of them.

3) Results of Checking

The following matters shall be described:

(a) Title and name of the person who implements checking

For each plant/office subject to checking, the title and name of the person who actually conducted checking shall be described.

(b) Check method

The contents in the plan shall be described (also refer to Chapter 4, 2(4)-A 2) (=> p.27). If the contents described in the plan are changed or some check method is additionally implemented, description to that effect shall be provided.

(c) Matters related to implementation situations of the Foreign Employee Acceptance Program for Manufacturing Industry

Progress of the Duty Plan shall be checked by the method described in the plan. If the progress is as planned, description to that effect shall be provided (also refer to Chapter 4, 2(3)-A4)(b)(=> p.22)). If the Program is not implemented as planned, the contents shall be described.

< Remarks for checking >

The Checker needs to actually visit the site for checking (checking of the contents described in the work journal on site, visiting the work place to check the contents of the duties employees are engaged in etc.). If these points cannot be checked, it is necessary to check them later. Further, it is necessary to check whether the number of accepted Designated Foreign Employees and their work place are the same as those described in the plan. When there are several plants/offices subject to checking, in particular, it is necessary to check the actual work place of each of the Designated Foreign Employees and, if their whereabouts are not known, situations of disappearance or the like must be clarified.

(d) Matters related to assurance of appropriate labor conditions

Labor conditions of the Designated Foreign Employees shall be checked and, if there is no problem, description to that effect shall be provided. If any problem is found, the problem contents shall be described.

<Remarks for checking>

The Checker shall check the time clock records, payment slip, bank transfer slip, labor condition notice etc. and, if the company has the Designated Foreign Employee work overtime, work on holidays or work at night, must check that the work hours are not largely different from the plan.

Note that, even if the company has reached agreement with the Designated Foreign Employee, executing an agreement with the contents different from the plan or having employees work overtime, work on holidays or work at night for a rate below the statutory premium wage constitute a violation of the Labor Standards Act and are not acceptable.

(e) Matters related to assurance of safety and health of Designated Foreign Employee

Industrial safety and health conditions (including implementation of industrial safety and health education) shall be checked and, if no problem is found, description to that effect shall be provided. If any problem is found, then the contents shall be described (Also refer to Chapter 4, 2 (3)-A 4) (b) (=> p.22)).

In addition, if the name and address of the residence where the Designated Foreign Employee stays were not fixed in application for plan certification, the name and address of the fixed residence shall be also described.

Other points noticed about the health etc. of the Designated Foreign Employee shall be described.

(f) Matters related to enrollment in industrial accident compensation insurance, employment insurance, health insurance and employees' pension plan

For the plant/office in Japan to accept the Designated Foreign Employee, the procedure taking situations for the industrial accident compensation insurance shall be checked. It shall be also checked whether the Designated Foreign Employee is enrolled in various insurances. If there is no problem, description to that effect shall be provided. In case where a new Designated Foreign Employee is accepted during the period, in particular, it is necessary to check that enrollment in insurance is not omitted.

(g) Other matters judged necessary by the Minister of Economy, Trade and Industry

In addition, the following matters need to be securely checked.

▪ Consideration for living environment of the Designated Foreign Employee

If there is any matter to be particularly noted, situations shall be described.

<Remarks for checking>

In addition to whether the guidance by the daily life adviser is appropriate or not, the Checker must also check what type of communications are made between the daily life adviser and the Designated Foreign Employee as well as the actions taken upon consultation from the Designated Foreign Employee. The Checker shall directly hear from the Designated Foreign Employee to judge whether such communications and actions are appropriate.

In particular, it is necessary to provide consideration for the cases where only one Designated Foreign Employee is accepted at the plant/office subject to checking.

▪ Whether there is any problem at the Company Accepting Designated Foreign Employee and the Designated Foreign Employee's attitude during working and daily life etc.

If there is any matter to be noted, situations shall be described.

▪ Matters to be guided (guidance and improvement situations)

In case any matter that should be improved is found in checking of implementation situations, the Company Accepting Designated Foreign Employee must take necessary measures so that the Program is implemented in accordance with the plan under V-2 of the Public Notice. Whether the company provided such guidance or improvement shall be described and, if the company did, the situations shall be described.

4) Comment

Comment shall be described on the periodic reports.

<Example of Description>

- As in the case of previous checking, it was confirmed that the mastering of skill was steadily performed in accordance with the Duty Plan. In addition, it was acknowledged that there was no particular problem in relation to work situations of the Designated Foreign Employee.
- Since we had guided improvement of ○○ at the office □□ in the previous checking, we focused on that point in checking and confirmed that it was improved.
- We found delay in progress of the duty ○○ at the office ××, and we instructed to study measures to be taken and submit a report.

5) Date of Previous Check Result Reporting

The date when this report was made previously shall be described.

6) Others

If the report to the administrative organs concerned under V-8 of the Public Notice is submitted, its contents shall be described.

Other particular matters shall be described, if any.

(2) Report when the fact of any unfair act is found

V. Understanding, Checking and Reporting of the Implementation Situations of the Foreign Employee Acceptance Program for Manufacturing Industry

3. The Company Accepting Designated Foreign Employee shall, when any unfair act related to the Designated Manufacturing Activity as listed in the Schedule is suspected, immediately check the situation by itself and, if such unfair act is actually found, immediately report the results in accordance with the Form No. 5 to the Minister of Economy, Trade and Industry and the Regional Immigration Bureau having jurisdiction over the area where the Company Accepting Designated Foreign Employee is located.

4. The Company Accepting Designated Foreign Employee shall, when it conducts checking in 1 or 3, have an interview with the Designated Foreign Employee to check the implementation situation of the Designated Manufacturing Activity and situations of living.

The Company Accepting Designated Foreign Employee must, when any unfair act listed in the Schedule of the Public Notice (Refer to Chapter 9-2 (=> p.47) is suspected, immediately conduct checking including interview with the Designated Foreign Employee. If the fact of unfair act is found in checking, the Company Accepting Designated Foreign Employee must immediately report to the Minister of Economy, Trade and Industry and the Regional Immigration Bureau having jurisdiction over the area where it is located in according with Form No. 5.

Specifically, the date when the unfair act occurred, the place where it occurred, the type of unfair act, the parties concerned, situations, progress and other specific contents, measures taken (or planned to be taken), and the date when the unfair act ends shall be described. Note that any unfair act subject to report shall be described regardless of its style or extent.

In addition, if any report or taking of necessary actions are requested by the Minister of Economy, Trade and Industry, appropriate actions shall be taken.

(3) Report when the Designated Foreign Employee completes the Designated Manufacturing Activity and returns to home country

V. Understanding, Checking and Reporting of the Implementation Situations of the Foreign Employee Acceptance Program for Manufacturing Industry

5. The Company Accepting Designated Foreign Employee shall quickly submit a report in accordance with the applicable form to the Minister of Economy, Trade and Industry and the Regional Immigration Bureau having jurisdiction over the area where that Company Accepting Designated Foreign Employee is located in the following cases:

(1) When the Designated Foreign Employee completes his/her Designated Manufacturing Activity and returns to home (Form No. 6);

When the Designated Foreign Employee completes the Designated Manufacturing Activity and returns to his/her home country, the Company Accepting Designated Foreign Employee must immediately submit a report in Form No. 6 to the Minister of Economy, Trade and Industry and the

Regional Immigration Bureau having jurisdiction over the area where it is located.

Specifically, the certification date and number of the plan and the matters related to the Designated Foreign Employee who has completed the Designated Manufacturing Activity (Name, date of birth, sex, nationality, residence card number, country he/she returns to and acceptance period) shall be described.

(4) Report when the Designated Manufacturing Activity in accordance with the plan is not implemented

V. Understanding, Checking and Reporting of the Implementation Situations of the Foreign Employee Acceptance Program for Manufacturing Industry

5. The Company Accepting Designated Foreign Employee shall quickly submit a report in accordance with the applicable form to the Minister of Economy, Trade and Industry and the Regional Immigration Bureau having jurisdiction over the area where that Company Accepting Designated Foreign Employee is located in the following cases:

- (2) When it is found that the Designated Manufacturing Activity in accordance with the Designated Manufacturing Activity Plan certificated as specified in IV-3 is not performed (Form No. 7);
- (3) When it becomes impossible to continue the Designated Manufacturing Activity (Form No. 8);
- (4) When it is found that the Company Accepting Designated Foreign Employee does not satisfy any of the requirements listed in IV-3 (1) (Form No. 9);

1) When it is found that the Designated Manufacturing Activity in accordance with the certificated Designated Manufacturing Activity Plan certificated as specified IV-3 is not performed

“Cases where the Designated Manufacturing Activity in accordance with the plan is not performed” include the situations as shown below. If such fact is found, the Company Accepting Designated Foreign Employee must immediately submit a report in Form No. 7 to the Minister of Economy, Trade and Industry and the Regional Immigration Bureau having jurisdiction over the area where it is located.

Specifically, the activity contents not performed in accordance with the plan and the cause of such contents, influence on the performance of the plan, and measures taken to the activity contents not performed in accordance with the plan shall be described.

(Example of cases where the Designated Manufacturing Activity in accordance with the plan is not performed)

- Case where the Designated Foreign Employee is engaged in duties at a plant/office different from the one described in the plan
- Case where the contents of the technology transferred to the Designated Foreign Employee are different from the technology contents described in the plan
- Case where any Designated Foreign Employee gets out from the subject of the plan due to disappearance or resignation or for any other reason

(If resignation of any Designated Foreign Employee is known in advance, however, the company shall consult with the person in charge at the consultation desk by business type (refer to the final page) so as to follow the procedures to change the Designated Manufacturing Activity Plan.)

Since deviation from the plan may possibly constitute a reason for cancellation of plan certification depending on the contents, the Company Accepting Designated Foreign Employee needs to check whether the plan is appropriately performed not only at the opportunity of periodic reports, but on regular basis.

2) When it becomes impossible to continue the Designated Manufacturing Activity

This paragraph assumes a case where the Company Accepting Designated Foreign Employee goes bankrupt or commits any unfair act, or any problem occurs between the Company Accepting Designated Foreign Employee and the Designated Foreign Employee and prevents continued implementation of the Program.

Should such situation occur, the Company Accepting Designated Foreign Employee must immediately submit a report in Form No. 8 to the Minister of Economy, Trade and Industry and the Regional Immigration Bureau having jurisdiction over the area where it is located.

Specifically, the fact that it becomes impossible to continue the Program and actions to be taken (means to have the Designated Foreign Employee return to the overseas plant/office of the Company Accepting Designated Foreign Employee and the schedule of return etc.) shall be

described.

In addition, if it becomes impossible to continue the Program due to disappearance of the Designated Foreign Employee, the Company Accepting Designated Foreign Employee must submit a report as described above and endeavor to find whereabouts (where he/she is working etc.) of the employee who disappeared by making inquiries to its overseas plant/office and the employee's family in the home country. Further, if the Company Accepting Designated Foreign Employee finds whereabouts of the Designated Foreign Employee who disappeared, it must immediately report to the Ministry of Economy, Trade and Industry and the Regional Immigration Bureau having jurisdiction over the area where it is located.

Note that omission of the report while such event has occurred may constitute an unfair act listed in the Schedule of the Public Notice.

3) When it is found that the Company Accepting Designated Foreign Employee does not satisfy any of the requirements listed in IV-3(1)

The requirements listed in IV-3(1) shall be as shown below.

IV. Application for Certification of Designated Manufacturing Activity Plan [Repeated]

3. The Minister of Economy, Trade and Industry shall, upon application for certification as described in 1, grant the certification when it considers that the Designated Manufacturing Activity Plan complies with all requirements shown below:

(1) The corporation which desires to be a Company Accepting Designated Foreign Employee satisfies the following conditions:

- 1) The corporation has not been sentenced to a fine or higher level punishment due to violation of laws or regulations related to labor standards such as Labor Standards Act and Industrial Safety and Health Act in the past five years;
- 2) The corporation conforms to the laws and regulations related to labor and social insurance;
- 3) The corporation is taking measures to prevent industrial accident above the minimum standard for industrial accident prevention which should be taken under related laws and regulations such as the Industrial Safety and Health Act;
- 4) The corporation has not committed any unfair act in relation to the Designated Manufacturing Activity as listed in the Schedule in the past five years;
- 5) The corporation has not caused non-voluntary resignation by a substantial number of workers engaged in the duties in which the Designated Foreign Employee will be engaged in the past three years;
- 6) In case the corporation had the certification of its Designated Manufacturing Activity Plan canceled in accordance with the provision of VII, the corporation has five years elapsed starting from such date of cancellation; and
- 7) Any material fact against the certificated Designated Manufacturing Activity Plan has not occurred in the past five years

If it is found that these requirements are not satisfied during implementation of the Program, the Company Accepting Designated Foreign Employee must immediately submit a report in Form No. 9 to the Minister of Economy, Trade and Industry and the Regional Immigration Bureau having jurisdiction over the area where it is located.

Specifically, the date of occurrence, lacking requirement, specific contents of progress and causes, and actions taken (or planned to be taken) shall be described.

If the Minister or Economy, Trade and Industry thinks it necessary, the company shall collect reports or provide necessary instructions. Note that, if improvement is not expected, the plan certification may be canceled.

If any of the above requirements was already lacking at the time of application for plan certification but such lack is found after certification, it may be considered as unfair act because certification was obtained by unfair means. Attention should be paid to this point.

(5) Report when the plan is certificated or the plan certification is canceled

V. Understanding, Checking and Reporting of the Implementation Situations of the Foreign Employee Acceptance Program for Manufacturing Industry

6. The Company Accepting Designated Foreign Employee shall, in the following cases, quickly submit a report in Form No. 10 to the Regional Immigration Bureau having jurisdiction over the

area where the Company Accepting Designated Foreign Employee is located.

(1) When it is certificated in accordance with the provision in IV-3 or IV-4; and

(2) When certification of the Designated Manufacturing Activity Plan is canceled in accordance with VII.

When the Company Accepting Designated Employee receives “Plan certification”, “Certification of change in plan” or “Cancellation of certificated plan (including change certification)” from the Minister of Economy, Trade and Industry, it must quickly submit a report in Form No. 10 to the Regional Immigration Bureau having jurisdiction over the area where it is located. In particular, report of “Plan certification” needs to be submitted before the “Application for Certificate of Eligibility” described in Chapter 5 in order for speedy examination and processing for certification of status of residence.

(6) Report on employment situation of the Designated Foreign Employee after elapse of one year from return

V. Understanding, Checking and Reporting of the Implementation Situations of the Foreign Employee Acceptance Program for Manufacturing Industry

7. The Company Accepting Designated Foreign Employee shall submit a report in Form No. 11 to the Minister of Economy, Trade and Industry on employment situations for Designated Foreign Employees one year after completion of the Designated Manufacturing Activity.

The major goal of the Program is that the Designated Foreign Employee who has completed the Designated Manufacturing Activity fully uses the technology he/she has mastered at the overseas plant/office of the Company Accepting Designated Foreign Employee. Therefore, unless it is considered that there are any particular circumstances, it is necessary that the employee is not dismissed within one year from his/her return (Public Notice IV-2 (4) 11)). To check this point, the Company Accepting Designated Foreign Employee must submit a report in Form No. 11 describing the employment situations of the Designated Foreign Employee after elapse of one year from completion of the Designated Manufacturing Activity.

Specifically, the employment situations of the Designated Foreign Employee who has completed the Designated Manufacturing Activity and the contents of his/her duties shall be described.

The report may be submitted for each certificated plan. The report on all of the Designated Foreign Employees accepted by a plan may be collectively submitted after elapse of one year following the departure of the Designated Foreign Employee who returned to home country last.

(7) Other necessary reports

V. Understanding, Checking and Reporting of the Implementation Situations of the Foreign Employee Acceptance Program for Manufacturing Industry

8. The Company Accepting Designated Foreign Employee shall submit a report as required on the situations of the Foreign Employee Acceptance Program for Manufacturing Industry it performs to the Regional Immigration Bureau having jurisdiction over the area where the Company Accepting Foreign Employee is located and the Bureau in charge in the Ministry of Health, Labour and Welfare (MHLW). Further, upon request from the Regional Immigration Bureau or the bureau in charge in the MHLW, the company shall report on the situations of the Foreign Employee Acceptance Program for Manufacturing Industry.

According to V-8 of the Public Notice, the Company Accepting Designated Foreign Employee shall submit a report as required on the implementation situations of the Program or the like to the administrative organs concerned. If there are any contents to be reported in addition to the reported matters listed as other items in V. of the Public Notice, the Company Accepting Designated Foreign Employee may submit a report in any form whatever to the administrative organs concerned and, upon request from the administrative organs concerned, must submit a report on the situations of the Foreign Employee Acceptance Program for Manufacturing Industry.

If a worker dies or takes a leave of absence due to industrial accident or the like, the company needs to submit a report of worker casualties to the Labor Standards Inspection Office having jurisdiction over the area it is located. If such report is to be submitted for the Designated Foreign Employee in the Program, indication “Foreign Employee Acceptance Program for Manufacturing Industry” shall be given in the space for occupational category in the report.

Further, note that the Company Accepting Designated Foreign Employee needs to submit a

notification of foreign nationals employment situation to the public employment security office upon employment and resignation of a foreigner as described in Chapter 4, 2 (1)-B 2 (=> p.13), in addition to the reports specified in the Public Notice so far.

The matters to be reported so far can be summarized as in the table below:

<List of the matters to be reported>

Reported by: Company Accepting Designated Foreign Employee

Clause in the Public Notice	Reported to	Contents	Form
V-1	Minister of Economy, Trade and Industry; Regional Immigration Bureau	Periodic report (at least once every three months, implementation situation etc. shall be checked and the results shall be reported)	Form No. 4
V-3	Minister of Economy, Trade and Industry; Regional Immigration Bureau	Report when any fact of unfair act related to the Designated Manufacturing Activity listed in the Schedule of the Public Notice	Form No. 5
V-5 (1)	Minister of Economy, Trade and Industry; Regional Immigration Bureau	Report when the Designated Foreign Employee completes the Designated Manufacturing Activity and returns to home country	Form No. 6
V-5 (2)	Minister of Economy, Trade and Industry; Regional Immigration Bureau	Report when it is found that the Designated Manufacturing Activity in accordance with the plan is not implemented	Form No. 7
V-5 (3)	Minister of Economy, Trade and Industry; Regional Immigration Bureau	Report when it becomes impossible to continue the Designated Manufacturing Activity	Form No. 8
V-5 (4)	Minister of Economy, Trade and Industry; Regional Immigration Bureau	Report when it is found that the Company Accepting Designated Foreign Employee does not satisfy any of the requirements listed in IV-3 (1)	Form No. 9
V-6	Regional Immigration Bureau	Report when the plan is certificated or the certification is canceled	Form No. 10
V-7	Minister of Economy, Trade and Industry	Report on employment situation one year after the return of the Designated Foreign Employee	Form No. 11
V-8	Regional Immigration Bureau; Ministry of Health, Labour and Welfare	Report submitted as required	Arbitrary form

- VI. Inspection and Instructions
1. The Minister of Economy, Trade and Industry may, when it considers it necessary for appropriate implementation of the Foreign Employee Acceptance Program for Manufacturing Industry, conduct an inspection by itself for the Company Accepting Designated Foreign Employee.
 2. The Company Accepting Designated Foreign Employee shall make cooperation so that the inspection as described in 1 can be implemented smoothly.
 3. The Minister of Economy, Trade and Industry shall, when correction about the Designated Manufacturing Activity is considered necessary in the report specified in V or inspection in 1, request the Company Accepting Designated Foreign Employee to submit a report on the matter requiring correction and take necessary actions.
 4. The Minister of Economy, Trade and Industry may provide necessary instructions to all Companies Accepting Designated Foreign Employee when it is considered necessary.

1 Inspection by the Minister of Economy, Trade and Industry

When he/she considers it necessary, the Minister of Economy, Trade and Industry may conduct by itself an inspection of the Company Accepting Designated Foreign Employee regardless of the results of the report in accordance with the provision under V. of the Public Notice (Public Notice VI-1).

The Company Accepting Designated Foreign Employee must make cooperation so that the inspection can be conducted smoothly (Public Notice VI-2).

2 Instructions from the Minister of Economy, Trade and Industry

The Minister of Economy, Trade and Industry may, when he/she judges it necessary from the viewpoint of appropriate implementation of the Program, provide necessary instructions to the Company Accepting Designated Foreign Employee (Public Notice VI-4).

If the company fails to follow the instructions, the plan certification may be canceled in accordance with the provision in VII-1 (5) of the Public Notice. Attention is required for this point.

1 Cancellation of Certification for Designated Manufacturing Activity Plan

Plan certification of the Company Accepting Designated Foreign Employee shall be canceled in the following cases.

- VII. Cancellation of Certification
1. In any of the following situations, the Minister of Economy, Trade and Industry may cancel the certification of the Designated Manufacturing Activity Plan as specified in IV-3:
 - (1) When the Company Accepting Designated Foreign Employee fails to satisfy any of the requirements listed in IV-3 (1);
 - (2) When the Designated Manufacturing Activity Plan is considered nonconforming to any of the requirements listed in (2) to (4) of IV-3;
 - (3) When it is found that the Company Accepting Designated Foreign Employee has acquired certification under IV-3 or -4 by any unfair means;
 - (4) When necessary improvement is not made at the Company Accepting Designated Foreign Employee even though the action described in VI-3 has been taken;
 - (5) When the Company Accepting Designated Foreign Employee fails to follow the instructions as specified in VI-4; or
 - (6) When it is considered that the Company Accepting Designated Foreign Employee has taken any of the unfair acts related to the Designated Manufacturing Activity as listed in the Schedule.
 2. Notwithstanding the provision in 1, the Minister of Economy, Trade and Industry may, when he/she considers it inappropriate for the Company Accepting Designated Foreign Employee to implement the Designated Manufacturing Activity Plan, cancel the certification for the Designated Manufacturing Activity Plan.
 3. The Minister of Economy, Trade and Industry may request administrative organizations concerned to express their opinions if he/she considers it necessary when canceling certification in 1 and 2.

2 Instruction to suspend acceptance of Designated Foreign Employee

4. Even in case where certification is canceled in accordance with the provisions 1 and 2, the Minister of Economy, Trade and Industry may provide, instead of cancellation of certification, instruction for suspension of Designated Foreign Employee acceptance when there is any particular reason to mitigate such disposition considering the circumstances.

(1) Purport

The purport of this provision is that, though the plan certification should be canceled in case any of the situations as described in the paragraphs under VII-1 of the Public Notice, the Minister of Economy, Trade and Industry may provide instruction to suspend acceptance of the Designated Foreign Employee for a certain fixed period instead of cancellation of certification “when there is any particular reason to mitigate such disposition considering the circumstances”.

When the Minister of Economy, Trade and Industry provides instruction for suspension of acceptance, the minister also guides the company to take measure to improve the matters resulting in such acceptance suspension instruction.

If any improvement measures required for recurrence prevention for the guided matters, new acceptance of Designated Foreign Employee is naturally not certificated.

Note that suspension of acceptance is instructed for the future. It does not affect the Designated Foreign Employees who have been accepted before such instruction for acceptance suspension. If the company receives instruction for improvement at the same time as the acceptance suspension and fails to follow such instruction, however, it may constitute a reason for certification cancellation described in VII-1 (5) of the Public Notice. Attention is required for this point.

(2) When there is any particular reason to mitigate such disposition considering the circumstances

The instruction to suspend acceptance of the Designated Foreign Employee is provided instead of certification cancellation as described in VII-4 of the Public Notice when the mode of unfair act is quite insignificant and such act does not prevent appropriate performance of the Program. Whether such instruction is provided shall be judged for each case.

If the act is considered to be the one falling on 1) to 13) or 17) among the unfair acts listed in the Schedule of the Public Notice, however, the act is, regardless of its mode, considered as the one preventing appropriate performance of the Program and the certification is canceled.

Chapter 9 Unfair Act

1 Basic Concept

If the Company Accepting Designated Foreign Employee commits any of the acts specified under the items in the Schedule of the Public Notice, regardless whether the mode of the act is slight or not, it shall be subject to reporting to the Minister of Economy, Trade and Industry and the Regional Immigration Bureau having jurisdiction over the area it is located.

In addition, the Ministry of Economy, Trade and Industry, the Ministry of Justice (Regional Immigration Bureau), the Ministry of Health, Labour and Welfare and other competent authorities shall, whether or not a report is submitted by the Company Accepting Designated Foreign Employee, conduct investigation or inspection or provide instructions as described in V-10 and VI of the Public Notice so as to take strict and appropriate actions against unfair act.

If the Minister of Economy, Trade and Industry acknowledges any unfair act, it falls on VII-1 (6) of the Public Notice and the plan certification will be canceled (or acceptance of Designated Foreign Employee will be suspended if there are any particular circumstances justifying mitigation of the disposition).

2 Unfair Act Listed in the Schedule of the Public Notice

1) Act to assault, menace or confine a Designated Foreign Employee performed at the Company Accepting Designated Foreign Employee

This assumes a case where the company prohibits the Designated Foreign Employee to go out of the dormitory on the pretext of disappearance prevention, for example.

2) Act to confiscate the passport or residence card of the Designated Foreign Employee performed at the Company Accepting Designated Foreign Employee

This assumes a case where the company keeps the passport or residence card on the pretext of disappearance prevention, for example.

3) Omission to pay the allowance and remuneration payable to the Designated Foreign Employee in whole or in part at the Company Accepting Designated Foreign Employee

This assumes a case where the company omits to pay the premium wage as specified under Article 37 of the Labor Standards Act though it orders the employee to work overtime or on holidays, for example.

4) In addition to the act or omission listed in 1) to 3) above, any act which remarkably infringes the human rights of the Designated Foreign Employee performed at the Company Accepting Designated Foreign Employee

This assumes, for example, a case where the Designated Foreign Employee notifies that he/she suffers from human right infringement and the human right protection organization admits the fact of human right violation, or a case where the Company Accepting Designated Foreign Employee confiscates the bankbook of the Designated Foreign Employee against his/her will.

Further, if the Designated Foreign Employee is involuntarily returned to home for any reason of the Company Accepting Designated Foreign Employee, it is an unfair act under this item.

5) Act to exercise or provide forged or falsified documents, drawings or illustrations or false documents, drawings or illustrations in order to conceal any fact related to an unfair act in relation to the Designated Manufacturing Activity listed in this table performed at the Company Accepting Designated Foreign Employee

In case where, for example, the Company Accepting Designated Foreign Employee provides false description on the periodic report submitted to the Minister of Economy, Trade and Industry, (i.e. the company submits a periodic report as if it had implemented the Program appropriately though it recognizes that it is an unfair act), or the company submits a periodic report pretending implementation of checking though it has not implemented checking, such action constitutes an unfair act.

6) Act to collect any security money (or other money for any title whatsoever) from the Designated Foreign Employee or a person having close relation with him/her or to execute an agreement providing for penalty (or other money for any title whatsoever) upon default of labor contract or other agreement providing for any plan to unfairly transfer money or other property performed at the Company Accepting Designated Foreign Employee (except for the act that falls on 3) or 4))

For example, if the Company Accepting Designated Foreign Employee collects any security money from the Designated Foreign Employee or his/her family members in order to prevent his/her disappearance, or specifies any penalty in case of his/her escape, such action constitutes an unfair act.

Further, the act to prohibit the Designated Foreign Employee to report “unfair act” to the administrative organs concerned, to go out without permission on holidays, to leave the workplace for using lavatory during work hours or the like and specify certain penalty for these behaviors, or the act to execute an agreement planning to collect unfairly expensive charge in consideration for goods or services from the Designated Foreign Employee or his/her family members constitutes “Agreement providing for any plan to unfairly transfer money or other property”.

7) Act to agree with the Designated Foreign Employee on the contents different from the application contents under Article 6, Paragraph 2, Article 7-2, Paragraph 1, Article 20, Paragraph 2 or Article 21, Paragraph 2 of the Immigration Act in relation to the allowance or remuneration or implementation hours for the Designated Manufacturing Activity of the Designated Foreign Employee performed at the Company Accepting Designated Foreign Employee (except for the act that falls on 5))

* If, after execution of an agreement on different contents, the Company Accepting Designated Foreign Employee submits a false report to conceal such act to the Regional Immigration Bureau having jurisdiction over the area it is located, this situation falls on 5).

8) Act to have any other organization different from that in the application under Article 6, Paragraph 2, Article 7-2, Paragraph 1, Article 20, Paragraph 2 or Article 21, Paragraph 2 of the Immigration Act implement the Designated Manufacturing Activity at the Company Accepting Designated Foreign Employee or to have the Designated Foreign Employee engaged in the Designated Manufacturing Activity at such other organizations (except for the act that falls on 5))

* If the Company Accepting Designated Foreign Employee submits a false report to the Regional Immigration Bureau after arranging performance of the Designated Manufacturing Activity at another organization, it constitutes an unfair act of 5). Both of the organization which uses other organization’s name (the organization actually accepting the Designated Foreign Employee) and the organization whose name is leased (the organization to accept the Designated Foreign Employee in accordance with the application) are subject to the discipline against unfair act.

9) Act to have caused a considerable number of Designated Foreign Employees to be lost at the Company Accepting Designated Foreign Employee (except for the cases where such loss is not attributable to the Company Accepting Designated Foreign Employee)

“Considerable number of employees to be lost” means that several people around the number shown in a) and b) below are lost.

In case there is no reason attributable to the Company Accepting Designated Foreign Employee, this pattern is not applicable. The expression “There is no reason attributable to the company” means the situation where the Company Accepting Designated Foreign Employee is performing its responsibilities by implementing the Program in accordance with the plan and paying the wage etc. in accordance with the employment agreement.

(a) When the number of the lost Designated Foreign Employees “in the past one year” is equal to or more than the number or ratio shown on the right of the table below (any fraction less than one shall be rounded up) corresponding to the total number of accepted employees shown on the left (this refers to the total number of Designated Foreign Employees accepted or employed by the company; this applies hereafter in 9))

Total number of accepted employees	Number of employees
50 persons or more	3/20 of the total number of accepted employees
20 persons or more, but not more than 49 persons	8 persons
19 persons or less	3/8 of the total number of accepted employees

(b) When the number of the lost Designated Foreign Employees “in the past six months” is equal to or more than the number or ratio shown on the right of the table below (any fraction less

than one shall be rounded up) corresponding to the total number of accepted employees shown on the left

Total number of accepted employees	Number of employees
50 persons or more	9/80 of the total number of accepted employees
20 persons or more, but not more than 49 persons	6 persons
19 persons or less	9/32 of the total number of accepted employees

- 10) Act to take any of the actions under Article 24, Paragraph 3, Items 4 a to c of the Immigration Act against the Designated Foreign Employee, tempt someone to take such action or assist taking of such action performed at the Company Accepting Designated Foreign Employee

This assumes cases where the Company Accepting Designated Foreign Employee:

- (a) Has the Designated Foreign Employee perform illegal labor activity in relation to its business activity;
- (b) Places the Designated Foreign Employee under its control to have such employee perform illegal labor activity; or
- (c) Fixes up actions 1 and 2 as business, or tempt or assist someone to take these actions.

- 11) Act to violate any provision of labor-related laws and regulations such as the Labor Standards Act and the Industrial Safety and Health Act in relation to the Designated Manufacturing Activity performed at the Company Accepting Designated Foreign Employee (except for the acts that fall on 1, 3 and 4)

* Violation of Article 24 under the Labor Standards Act (No payment of wages), violation of Article 37 under the same act (No payment of increased wages), and violation of Article 4, Paragraph 1 under the Minimum Wage Act (Minimum wage) fall on 3).

- 12) Omission by the Company Accepting Designated Foreign Employee to submit a report to the Minister of Economy, Trade and Industry and the Regional Immigration Bureau having jurisdiction over the area where the Company Accepting Designated Foreign Employee is located in case any event has occurred and made it impossible to continue the Designated Manufacturing Activity

This assumes a case where, for example, the Company Accepting Designated Foreign Employee fails to submit a notification though the Designated Foreign Employee has disappeared and the fact of such disappearance is clarified when the Regional Immigration Bureau reveals the disappeared Designated Foreign Employee.

- 13) Omission to take necessary actions upon interview with the Designated Foreign Employee and consultation on living and labor with such employee at the Company Accepting Designated Foreign Employee

This assumes a case where, for example, the consultation system described in IV-2 (4) 6) in the Public Notice does not actually perform its functions and it is judged a disadvantage for the Designated Foreign Employee.

- 14) Omission to conduct checking described in V-1 or 3 or omission to submit a report at the Company Accepting Designated Foreign Employee

This assumes a case where, for example, the Company Accepting Designated Foreign Employee omits to submit or largely delays in submitting a report on checking results to the Minister of Economy, Trade and Industry or the Regional Immigration Bureau having jurisdiction over the area it is located, or a case where the company does not ensure to employ staff members who can appropriately perform the duties.

- 15) Omission at the Company Accepting Designated Foreign Employee to prepare, keep at hand or store the documents, registers and work journals related to acceptance of Designated Foreign Employees

If these documents cannot be checked in the inspection by the Minister of Economy, Trade and

Industry, it is deemed that they are not appropriately kept at hand or stored. Such case falls on this pattern.

Note that “the documents related to acceptance of Designated Foreign Employees” means the documents prepared in checking of V-1 under the Public Notice, list of the accepted Designated Foreign Employees, wage book and other documents describing activity contents, implementation system, work hours etc. It is acceptable to use electromagnetic method for preparation, keeping at hand and storage of these documents (except when the method is specified under other laws or regulations).

- 16) Omission at the Company Accepting Designated Foreign Employee to submit a report to the Minister of Economy, Trade and Industry and the Regional Immigration Bureau having jurisdiction over the area where the Company Accepting Designated Foreign Employee is located in case the Designated Foreign Employee completes the Designated Manufacturing Activity and returns home
This assumes a case where the report specified in V-5(1) of the Public Notice is omitted.

- 17) Omission to immediately report to the Minister of Economy, Trade and Industry or the Regional Immigration Bureau having jurisdiction over the area where the Company Accepting Designated Foreign Employee is located in case the Company Accepting Designated Foreign Employee commits any unfair act in relation to the Designated Manufacturing Activity shown in this Schedule
This assumes a case where, for example, the Company Accepting Designated Foreign Employee omits to submit a report to the Minister of Economy, Trade and Industry and the Regional Immigration Bureau having jurisdiction over the area where it is located though a considerable number of Designated Foreign Employees are lost.

Reference Materials Forms for Application

- Form No. 1 Application for Certification of Designated Manufacturing Activity Plan
 - (Exhibit) Designated Manufacturing Activity Plan
 - (Exhibit 1) Matters related to the Foreign Employee Acceptance Program for Manufacturing Industry
 - (Exhibit 2) Matters related to the person who desires to be the Designated Foreign Employee
 - (Exhibit 3) System to Implement the Foreign Employee Acceptance Program for Manufacturing Industry
- Form No. 2 Application for Certification of Change in the Designated Manufacturing Activity Plan
 - (Exhibit) Contents and Reason of Changed Matter
- Form No. 3 Notification of Minor Change in the Designated Manufacturing Activity Plan
 - (Exhibit) Contents and Reason of Minor-Changed Matter
- Form No. 4 Periodic Report
 - (Exhibit 1) Plants/Offices Subject to Checking and Checking Implementation Date
 - (Exhibit 2) Results of Checking
- Form No. 5 Report on the Fact of Unfair Act Related to the Designated Manufacturing Activity
- Form No. 6 Report on Return of the Designated Foreign Employee
 - (Exhibit) Matters Related to the Designated Foreign Employee Who Has Completed the Designated Manufacturing Activity
- Form No. 7 Report on Fact of Default in Designated Manufacturing Activity
- Form No. 8 Report on the Reason Disabling Continuance of Designated Manufacturing Activity
- Form No. 9 Report on Lack of Certification Requirements in Designated Manufacturing Activity Plan
- Form No. 10 Report on Certification (Cancellation) of Designated Manufacturing Activity Plan
- Form No. 11 Report on Employment Situations of the Designated Foreign Employee after Return
 - (Exhibit) Employment Situations of the Designated Foreign Employee after Return

[Destination of the Documents Related to Application and Contact Desk for the Whole System]
 Human Resources Policy Office,
 Economic and Industrial Policy Bureau, Ministry of Economy, Trade and Industry (METI)
 Address: 3-1, Kasumigaseki 1-chome, Chiyoda-ku, Tokyo 100-8901
 Contact: (METI main number: 03-3501-1511) Ex. 2671
 Direct line: 03-3501-2259

[Consultation Desk by Business Type]
 (METI main number) 03-3501-1511

* If you use the extension number, tell the extension number of the section to the switchboard.

Consultation Desk by Business Type	Contact (Upper: Ext.) (Lower: Direct No.)	Major Products Covered
Metal Industries Division	3661 03-3501-1926	Iron & steel, Iron & steel products, nonferrous metals (titanium, aluminum, magnesium etc.), electric wires, cables, copper and copper alloy products, lead pipes and plates, scrap metal etc.
Material Industries Division	3731 03-3501-1737	Chemical products, ceramic products (glass, cement), paper and paper products, pulp, cellophane etc.
Lifestyle Industries Division	3861 03-3501-0969	Fiber (including chemical fiber), textile, knit products, non-woven fabric, felt, sewn products, paper yarn products, furniture, kitchen utensils, synthetic resin container, sports goods, baby goods, stationery, musical instruments, toys, smoking tools, glasses, jewelry, kerosene heaters, gas water heaters, toilet equipment, leather and leather products, housing equipment, interior goods, building materials etc.
Industrial Machinery Division	3821 03-3501-1691	Industrial machinery (machine tools, construction machinery, precision machinery, heavy electrical machinery etc.), casting, dies and molds etc.
Automobile Division	3831 03-3501-1690	Automobiles, automobile components etc.
Aerospace and Defense Industry Division	3841 03-3501-1692	Airplanes, airplane products etc.
Information and Communication Electronics Division	3981 03-3501-6944	Office supplies, semiconductors, electronic circuits, panels, computers, consumer electrical appliances, batteries, lighting equipment, control equipment etc.
Medical and Assistive Device Industries Office	4051 03-3501-1562	Medical equipment and assistive products
Bio-Industry Division	3741 03-3501-8625	Cosmetics, perfume etc.

* Detailed works assigned to these divisions are shown on the websites at the URL below. Check the website before making an inquiry.

■Manufacturing Industries Bureau

http://www.meti.go.jp/intro/data/akikou07_1j.html

■Commerce and Information Policy Bureau

http://www.meti.go.jp/intro/data/akikou08_1j.html