

Guideline for Foreign Shipbuilding Worker
Acceptance Program

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Chapter 1: Introduction

1. Recruitment of Japanese Workers and Outline of Foreign Shipbuilding Worker Acceptance Program

Shipbuilding is the industry that supports Japanese economy as the domestic-located export industry and supports regional economy as the broad-based labor-intensive industry. In order to continue long-term growth of shipbuilding industry, every kind of effort for recruiting shipbuilding workers inside Japan must be made, starting with, but not limited to, the improvement of working environment as well as enhanced and extended training courses.

At the same time, it has been decided at the cabinet meeting on the Japan Revitalization Strategy, Revised in 2014, on June 24, 2014 that the shipbuilding industry shall take similar measure to the fixed-term urgent measure concerning accelerative utilization of foreign workers in the field of construction that largely shares workers with shipbuilding industry.

Specifically, this system will enable foreign workers who have completed technical intern training in the field of shipbuilding to either stay in Japan, or to return to their own countries and re-enter Japan*, for working in shipbuilding sectors under employment by accepting companies. This system is also designed to avoid problems, such as working illegally or without being paid, by introducing a new specific supervisory provision, such as allowing only excellent supervising organizations and accepting companies to receive Foreign Shipbuilding Workers.

The Ministry of Land, Infrastructure, Transport and Tourism has already announced the Ministry Public Notice No. 1199 of 2014 (hereinafter referred to as the "Public Notice") laying out the details of the "Foreign Shipbuilding Worker Acceptance Program," a fixed-term urgent measure for accepting readily available Foreign Shipbuilding Workers. All Designated Supervising Organizations, Accepting Shipbuilding Companies, Individual Enterprise Type Accepting Shipbuilding Companies, Foreign Shipbuilding Workers, and foreign sending organizations are required to correctly understand the Public Notice and its related rules, as well as to cooperate for the proper and smooth implementation of this program.

* In this guideline, "re-enter" means "to go back to the country of nationality or residence after having completed the Shipbuilding Technical Intern Training Program and then re-enter Japan to work for Designated Shipbuilding Activities or Individual Enterprise Type Designated Shipbuilding Activities."

2. Purpose of This Guideline

This Guideline will offer detailed and clear explanation of the Public Notice, so that Designated Supervising Organizations, Accepting Shipbuilding Companies, Individual Enterprise Type Accepting Shipbuilding Companies, Foreign Shipbuilding Workers, and foreign sending organizations can correctly understand this system, thereby contributing to the proper and smooth implementation of this Foreign Shipbuilding Worker Acceptance Program.

3. Program Implementation Period

The Foreign Shipbuilding Worker Acceptance Program will be implemented from April 1, 2015 to March 31, 2021.

In order to be ready for the acceptance of Foreign Shipbuilding Workers from April 2015, certification procedures for Designated Supervising Organizations, Appropriate Supervision Plans, and Individual Enterprise Type Appropriate Supervision Plans in relation to the Public Notice No. 4, 5, 13, and 14 will be activated from January 1, 2015.

Chapter 2: Basic Matters

1. Shipbuilding Technical Intern Training Program

(Public Notice)

No. 2 Definition

1. “Shipbuilding Technical Intern Training Program” is a technical intern training activity within the category of right-hand column item (ii) in the Technical Intern Training paragraph in the Appended Table I (2) of Immigration Act (including activities by foreigners residing in Japan with the Status of Residence (limited to activities aimed at technical internship) under the left-hand column in the Appended Table I (5) of Immigration Act), within the scope of job categories and works defined in Appended Table I (limited to cases where shipbuilding companies are the organizations implementing technical intern training) and job categories and works specified separately by the Ministry of Land, Infrastructure, Transport and Tourism upon consulting with the Ministry of Justice and the Ministry of Health, Labor and Welfare (limited to cases where shipbuilding companies are the organizations implementing technical intern training).

(1) Purpose

Since the Foreign Shipbuilding Worker Acceptance Program covers only the field of shipbuilding, occupations and works in this Program are limited to those related to that field.

Also, in order to fulfill the purpose of recruiting readily available workers, the definition is limited to activities of workers who have already acquired skills under Technical Intern Training (i) and then aim to further master skills through “technical intern training activity within the category of right-hand column item (ii) in the Technical Intern Training paragraph in the Appended Table I (2) of Immigration Act (including activities by foreigners residing in Japan with the Status of Residence (limited to activities aimed at technical internship) under the left-hand column in the Appended Table I (5) of Immigration Act).”

(2) Job categories and works defined in Appended Table I

Appended Table I lists the occupations and works defined in Appended Table of the Basic Guideline for Operation of the Technical Intern Training Program (Minister of Health, Labor and Welfare Public Notice, April 5, 1993, hereinafter referred to as the “Basic Guideline”) of fittings manufacturing, scaffolding, plumbing, machine processing, ironwork, finishing (limited herewith to mold finishing work and machine assembly finishing work), painting (limited herewith to metal painting work, steel bridge painting work, and spray painting work), welding, and reinforced plastics molding.

All occupations and works are applied “only if the shipbuilding company is the

internship training implementation organization.”

“Shipbuilding company” is the notified operators of the provisions of Article 6, paragraph (1), item (i) or (ii) of Shipbuilding Act (Act No. 129 of 1950), the registered operators under the provisions of Article 4 of Act on Manufacturers of Small Ships (Act No. 119 of 1966), or the production or repair operators of part of ship body on an actual commission by companies with the above notification or registration.

For this reason, technical intern trainings for the occupations implemented by organizations other than shipbuilding companies are not part of this Program.

“The production or repair operators of part of ship body on an actual commission” are the manufacturer of part of ship body by contract for work with original shipbuilding companies with the notification under Shipbuilding Act or the registration under Act on Manufacturers of Small Ships (for multiple contracts for work, including parties concerned in all following contracts for work) or the manufacturer of the part of ship body by purchase and sales contract with original shipbuilding companies. The manufactures of ship full or materials to be processed and attached in the shipyard or dockyard (pipes, hatch covers, etc.) are included, but the manufactures of fittings such as navigation equipment and marine engine are not included.

- (3) Job categories and works specified separately by Ministry of Land, Infrastructure, Transport and Tourism upon consulting with Ministry of Justice and Ministry of Health, Labor and Welfare (limited to cases where shipbuilding companies are the organizations implementing technical intern training)

When there is any job categories and works to be included in technical intern training of shipbuilding field other than those defined in (2), the Ministry of Land, Infrastructure, Transport and Tourism, can add new occupations and works to Appended Table I, upon consulting with the Ministry of Justice and the Ministry of Health, Labor and Welfare.

Such cases may include an amendment of the Basic Guideline that results in new shipbuilding-related occupations or works added to the Basic Guideline Appended Table.

Any addition of occupations or works will be limited to cases where shipbuilding companies are the organizations implementing technical intern training.

New occupations and works accepted after consultations in the future will be added to this Guideline accordingly.

2. Foreign Shipbuilding Worker

(Public Notice)

No. 2 Definition

2 A “Foreign Shipbuilding Worker” is a worker who has completed the Shipbuilding Technical Intern Training Program and engaged in Designated Shipbuilding Activities defined in Article 6 of this section or Individual Enterprise Type Designated Shipbuilding Activities defined in Article 7 of this section as a worker employed under contract by his or her Accepting Shipbuilding Company defined in Article 3 of this section or Individual Enterprise Type Accepting Shipbuilding Company defined in Article 4 of this section.

“Foreign Shipbuilding Worker” is defined as above. Further requirements are described in Chapter 4 of the Guideline.

3. Accepting Shipbuilding Company

(Public Notice)
No. 2 Definition
3 An “Accepting Shipbuilding Company” is an enterprise experienced with implementing the Shipbuilding Technical Intern Training Program as a program organizer, and has its appropriate supervision plan certified as defined in Article 2 of No. 5 for accepting Foreign Shipbuilding Workers under labor contract to employ them for Designated Shipbuilding Activities.

“Accepting Shipbuilding Company” is defined as above. Further requirements are described in Chapter 6 of the Guideline.

4. Individual Enterprise Type Accepting Shipbuilding Company

(Public Notice)
No. 2 Definition
4. An “Individual Enterprise Type Accepting Shipbuilding Company” is an enterprise experienced with implementing the Shipbuilding Technical Intern Training Program as a program organizer, and has its individual enterprise type appropriate supervision plan certified as defined in Article 4 of No. 5 for accepting Foreign Shipbuilding Workers under labor contract to employ them for Individual Enterprise Type Designated Shipbuilding Activities.

“Individual Enterprise Type Accepting Shipbuilding Company” is defined as above. Further requirements are described in Chapter 7 of the Guideline.

5. Designated Supervising Organization

(Public Notice)
No. 2 Definition

5 A “Designated Supervising Organizations” is a non-profit organizations experienced with accepting technical training interns as their supervising organization (including organizations that have supervised people who resided in Japan under the “Intern” status of residence by June 30, 2010), are certified as defined in No. 4, and are also involved in supervising Designated Shipbuilding Activities as defined in Article 6 of this section.

“Designated Supervising Organization” is defined as above. Further requirements are described in Chapter 5 of the Guideline.

6. Designated Shipbuilding Activity

(Public Notice)

No. 2 Definition

6 A “Designated Shipbuilding Activity” is any of the activities that are designated by Minister of Justice under provisions listed in the right-hand column of Appended Table I (5) of Immigration Act, and that are carried out by Foreign Shipbuilding Workers who are under employment contract with Accepting Shipbuilding Companies and under the responsibility and supervision of their Designated Supervising Organizations.

“Designated Shipbuilding Activity,” as described above, is carried out under the “Designated Activities” status of residence (activities designated by Minister of Justice as listed in the right-hand column of Appended Table I (5) of Immigration Act).

At the same time, the Ministry of Justice Public Notice No. 131 (1990) on defining the activities in the right-hand column of Appended Table I (5) (limited only to (d)) of Immigration Control and Refugee Recognition Act in accordance with Article 7, paragraph (1), item (ii) of the same Act will define “Designated Shipbuilding Activity” as follows (effective from April 1, 2015. Application for certificates of status of residence concerning the Designated Shipbuilding Activities will be made possible from February 1, 2015.)

(xxxv) Activities in shipbuilding works under employment contract with corresponding organizations based on Appropriate Supervision Plans

(defined in Public Notice on Foreign Shipbuilding Worker Acceptance Program (Ministry of Land, Infrastructure, Transport and Tourism Public Notice No. 1199, 2014)) or Individual Enterprise Type Appropriate Supervision Plans (defined in the same Public Notice) designed by public or private Japanese organizations and approved by Minister of Land, Infrastructure, Transport and Tourism.

This means that organizations intending to become Designated Supervising Organizations or Accepting Shipbuilding Companies for engaging Foreign Shipbuilding Workers who have completed the Shipbuilding Technical Intern Training Program must first receive certificates of Designated Supervising Organizations and Appropriate Supervision Plans in accordance with the Public Notice.

7. Individual Enterprise Type Designated Shipbuilding Activity

(Public Notice)

No. 2 Definition

- 7 An “Individual Enterprise Type Designated Shipbuilding Activity” is any of the activities that are designated by Minister of Justice under provisions listed in the right-hand column of Appended Table I (5) of Immigration Act, and that carried out by Foreign Shipbuilding Workers who are the employees of foreign business offices for Individual Enterprise Type Accepting Shipbuilding Company or Foreign Shipbuilding Workers who are the employees of foreign business offices for foreign public or private organizations that have business relationship with Individual Enterprise Type Accepting Shipbuilding Company and correspond to any of the following conditions, who are engaged in work of Japanese business office for the Individual Enterprise Type Accepting Shipbuilding Company under employment contract with the Individual Enterprise Type Accepting Shipbuilding Companies.
- (1) Organization with actual continuous international transaction equal to or longer than one year with the Individual Enterprise Type Accepting Shipbuilding Company or with actual international transaction equal to or higher than a billion(1,000,000,000) yen within the past one year.
 - (2) In addition to what is provided for in paragraph (1)hereof, organization with international business cooperation with the Individual Enterprise Type Accepting Shipbuilding Company or with other business relationship separately established by Ministry of Land, Infrastructure, Transport and Tourism with the Individual Enterprise Type Accepting Shipbuilding Company.

The application for status of residence and certificates of status of residence concerning the “Individual Enterprise Type Designated Shipbuilding Activities” can be

filed from the same date as that of the “Designated Shipbuilding Activities” of Article 6 of this Chapter.

In contrast to the Designated Shipbuilding Activities that are carried out by Foreign Shipbuilding Workers under employment contract by Accepting Shipbuilding Companies and under the responsibility and supervision of their Designated Supervising Organizations, the Individual Enterprise Type Designated Shipbuilding Activities are works by employees of overseas branch or foreign parent company, subsidiary company, joint venture company, sub-subsidiary company, etc. of the Individual Enterprise Type Accepting Shipbuilding Company as Foreign Shipbuilding Workers in the Individual Enterprise Type Accepting Shipbuilding Companies under the responsibility and supervision of the Individual Enterprise Type Accepting Shipbuilding Companies.

In order to employ the worker who has completed the Shipbuilding Technical Intern Training Program as the Foreign Shipbuilding Worker for Individual Enterprise Type Designated Shipbuilding Activities, the prospective Individual Enterprise Type Accepting Shipbuilding Company needs to have the Individual Enterprise Type Appropriate Supervision Plan certified in advance in under the Public Notice.

“Organization with business relationship” defined in Article 7 (2) of the Public Notice No. 2 must correspond to both of the following conditions.

- (1) The Individual Enterprise Type Accepting Shipbuilding Company has business cooperation with the foreign organization or has any other rational reason for accepting Foreign Shipbuilding Workers from the foreign organization.
- (2) The foreign organization receives a business benefit by sending Foreign Shipbuilding Workers to the Individual Enterprise Type Accepting Shipbuilding Company or has any other rational reason for sending the Workers.

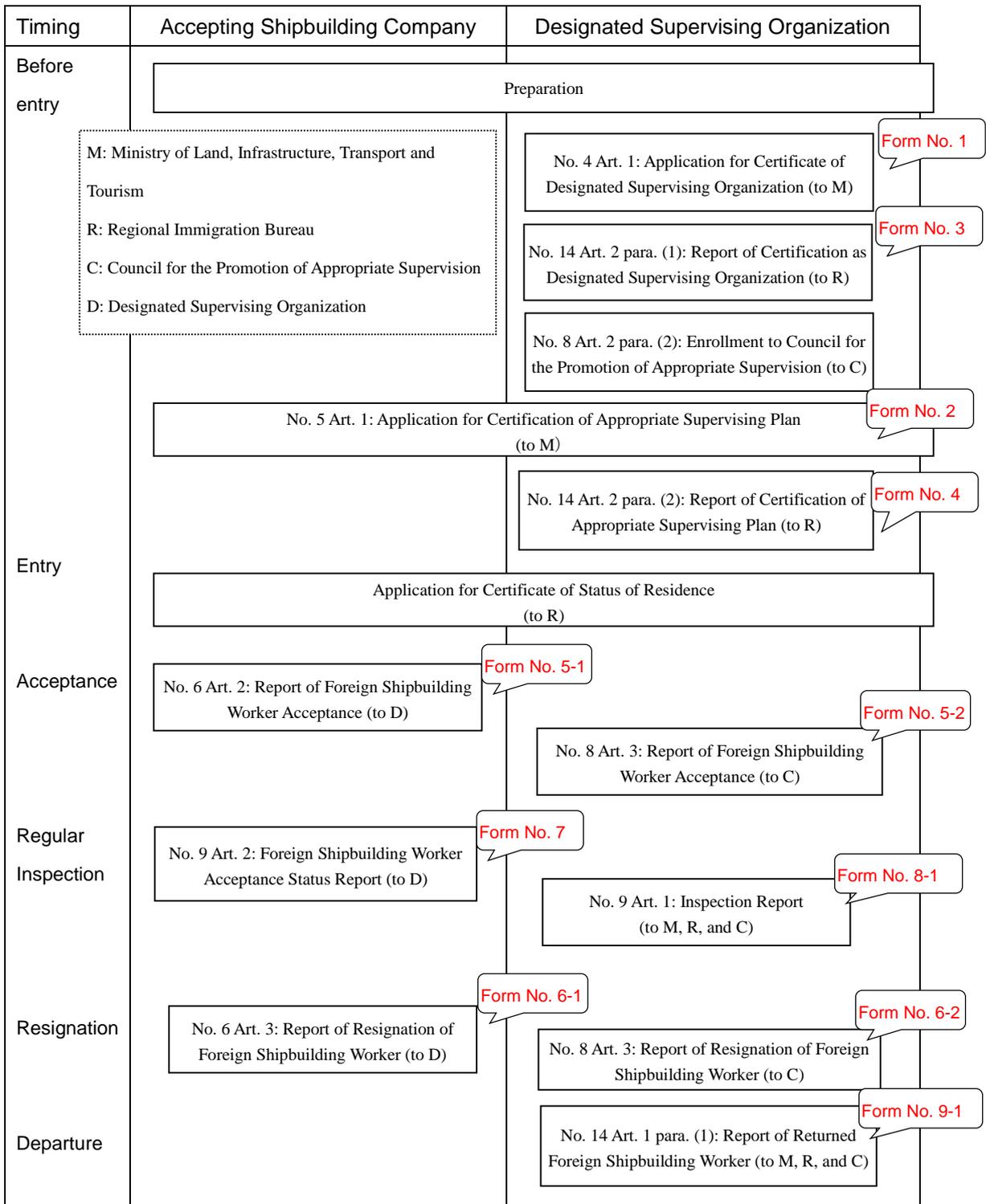
The examples of specific cases expected are when the shipbuilding company’s subsidiary company in Japan is the Individual Enterprise Type Accepting Shipbuilding Company to accept the Foreign Shipbuilding Workers from the foreign subsidiary of the shipbuilding company, and when the company that has main business operation inside of the shipbuilding company’s premise and engages in production or repair of part of ship body on an actual commission by the shipbuilding company is the Individual Enterprise Type Accepting Shipbuilding Company to accept the Foreign Shipbuilding Workers from the foreign subsidiary of the shipbuilding company and employ them in the shipbuilding company.

Chapter 3: Procedures for Designated Supervising Organizations, Accepting Shipbuilding Companies, and Individual Enterprise Type Accepting Shipbuilding Companies

1. Designated Shipbuilding Activity

(1) Procedures for Designated Supervising Organizations and Accepting Shipbuilding Companies

Important procedures (including application and reporting) to be undertaken by Designated Supervising Organizations and Accepting Shipbuilding Companies from the acceptance to the departure of Foreign Shipbuilding Workers are described in the next table.



(2) Matters to be reported

Changes in Foreign Shipbuilding Workers' places of residence, or misconduct concerning acceptance or employment of foreign nationals by Accepting Shipbuilding Companies, must be reported in the following manner.

Article	Responsible	Report to	Timing	Form
In accordance with Article 1 of No. 4	Designated Supervising Organization (DSO)	Ministry of Land, Infrastructure, Transport and Tourism (MLIT)	When matters subject to certification as a DSO have been changed.	Voluntary
Article 5 of No. 5	DSO, Accepting Shipbuilding Company (ASC)	MLIT	When there have been changes to the entries of Appropriate Supervision Plan.	In accordance with No. 2-1
In accordance with Article 3 of No. 8	DSO	Council for the Promotion of Appropriate Supervision (CPAS)	Upon receiving a notification of changes to a Foreign Shipbuilding Worker's address from an ASC.	In accordance with No. 6-1
Article 4 of No. 9	DSO	MLIT, Regional Immigration Bureau (RIB), CPAS	Together with an ASC audit report (when discovering any of the misconduct listed in the Appended Table II).	No. 7, No. 8-1
Article 1, paragraph (2) of No. 14	DSO	MLIT, RIB, CPAS	When it has been revealed that Designated Shipbuilding Activities have not been implemented according to their Appropriate Supervision Plans.	Voluntary
Article 1, paragraph (3) of No. 14	DSO	MLIT, RIB, CPAS	Situations making it impossible to continue Designated Shipbuilding Activities (such as bankruptcy, misconduct, or runaway).	No. 10-2
In accordance with Article 1, paragraph (3) of No. 14	DSO	MLIT, RIB, CPAS	When a runaway Foreign Shipbuilding Worker has been located.	Voluntary
Article 1, paragraph (4) of No. 14	DSO	MLIT, RIB, CPAS	When it has been revealed that an ASC no longer satisfies one or more conditions defined in paragraphs (1) to (4) of Article 2 of No. 5.	Voluntary

Article 1, paragraph (5) of No. 14	DSO	MLIT, RIB, CPAS	When misconduct concerning acceptance or employment of foreigner has been committed.	Voluntary
Article 1, paragraph (6) of No. 14	DSO,	MLIT, RIB, CPAS	When misconduct concerning acceptance or employment of foreign nationals in relation to an ASC has become known.	Voluntary
Article 2, paragraph (3) of No. 14	DSO	RIB	When the certification as a DSO has been revoked.	No. 3
Article 2, paragraph (4) of No. 14	DSO	RIB	When the certification as an Appropriate Supervision Plan has been revoked.	No. 4-1
In accordance with Article 2 of No. 6	ACC	DSO	When a Foreign Shipbuilding Worker has changed his/her address.	In accordance with No. 5-1
Article 4 of No. 6	ACC	Main contractor	When requested.	Voluntary
Article 5 of No. 6	ACC	DSO	Situations making it impossible for Foreign Shipbuilding Workers to continue Designated Shipbuilding Activities (such as bankruptcy, misconduct, or runaway).	No. 10-1
In accordance with Article 5 of No. 6	ACC	DSO	When a runaway Foreign Shipbuilding Worker has been located.	Voluntary
Article 6 of No. 6	ACC	DSO	When misconduct concerning acceptance or employment of foreigner has been committed.	Voluntary

2. Individual Enterprise Type Designated Shipbuilding Activities

(1) Procedures for Individual Enterprise Type Accepting Shipbuilding Companies

Important procedures (including application and reporting) to be undertaken by

Individual Enterprise Type Accepting Shipbuilding Companies from the acceptance to the departure of Foreign Shipbuilding Workers are described in the next table.

Timing	Individual Enterprise Type Accepting Shipbuilding Company	
Before entry	<div style="border: 1px dotted black; padding: 5px;"> M: Ministry of Land, Infrastructure, Transport and Tourism R: Regional Immigration Bureau C: Council for the Promotion of Appropriate Supervision </div>	
	Preparation	
	No. 5 Art. 3: Application for Certification of Individual Enterprise Type Appropriate Supervising Plan (to M)	Form No. 2-2
	No. 8 Art. 2: Enrollment to Council for the Promotion of Appropriate Supervision (to C)	Form No. 4-2
	No. 14 Art. 5: Report of Certification of Individual Enterprise Type Appropriate Supervising Plan (to R)	Form No. 4-2
Entry	Application for Certificate of Status of Residence (to R)	
Acceptance	No. 7 Art. 2: Report of Foreign Shipbuilding Worker Acceptance (to C)	Form No. 5-3
Confirmation	No. 9 Art. 11: Report of <u>Confirmation of Implementation of Individual Enterprise Type Appropriate Supervising Plan</u> (to M, R, and C)	Form No. 8-2
Resignation	No. 7 Art. 3: Report of Resignation of Foreign Shipbuilding Worker (to C)	Form No. 6-3
Departure	No. 14 Art. 4: Report of Returned Foreign Shipbuilding Worker (to M, R, and C)	Form No. 9-2

(2) Matters to be reported

Changes in Foreign Shipbuilding Workers' places of residence, or misconduct concerning acceptance or employment of foreign nationals by Individual Enterprise Type

Accepting Shipbuilding Companies, must be reported in the following manner.

Article	Responsible	Report to	Timing	Form
In accordance with Article 2 of No. 7	Individual Enterprise Type Accepting Shipbuilding Company (IEASC)	Council for the Promotion of Appropriate Supervision (CPAS)	When there have been changes to a Foreign Shipbuilding Worker's address.	In accordance with No. 5-3
Article 13 of No. 9	IEASC	Ministry of Land, Infrastructure, Transport and Tourism (MLIT), Regional Immigration Bureau (RIB), CPAS	Together with an IEASC confirmation report (when recognizing any of the misconducts listed in Appended Table II).	No. 8-2
Article 4, paragraph (2) of No. 14	IEASC	MLIT, RIB, CPAS	When it has been acknowledged that Individual Enterprise Type Designated Shipbuilding Activities have not been implemented according to their Individual Enterprise Type Appropriate Supervision Plans.	Voluntary
Article 4, paragraph (3) of No. 14	IEASC	MLIT, RIB, CPAS	Situations making it impossible to continue Individual Enterprise Type Designated Shipbuilding Activities	Voluntary
Article 4, paragraph (4) of No. 14	IEASC	MLIT, RIB, CPAS	When it has been acknowledged that an IEASC has ceased to satisfy the conditions set forth in paragraphs (1) to (4) of Article 4 of No. 5.	Voluntary
Article 4, paragraph (5) of No. 14	IEASC	MLIT, RIB, CPAS	When misconduct pertaining to acceptance or employment of foreigner has been committed.	Voluntary
Article 5, paragraph (2) of No. 14	IEASC	RIB	When the certification as an Individual Enterprise Type Appropriate Supervision Plan has been cancelled.	No. 4-2

Chapter 4: Foreign Shipbuilding Worker Requirements

1. Requirements

Foreign Shipbuilding Workers must satisfy the requirements defined in the Public Notice No. 3.

A Foreign Shipbuilding Worker must have participated in the Shipbuilding Technical Intern Training Program for approximately two years*, as well as having “a history of good conduct during the Technical Internship (Article 2 of Public Notice No. 3).” The worker’s conduct during the program period will be judged by social conventions for ordinary persons after comprehensively considering criminal records and their nature, and also the existence of illegal or antisocial actions in daily lives and social lives.

Upon the submission of applications for certificate of status of residence or for Application for Change of Status of Residence, each Regional Immigration Bureau will judge if the applicant fulfills these requirements.

Since Foreign Shipbuilding Workers are persons who have completed technical intern training, they must have plans for engaging themselves in activities requiring the skill acquired during the intern training in Japan once their Designated Shipbuilding Activities or Individual Enterprise Type Designated Shipbuilding Activities have been finished and they have returned to their countries.

* As stated in the definition of the Shipbuilding Technical Intern Training Program in Article 1 of Public Notice No. 2 it is mandatory to have been engaged in activities of **Technical Intern Training (ii)** for approximately two years.

2. Period of Stay

Foreign Shipbuilding Workers can stay in Japan for the following periods of time.

(1) When residing in Japan after completing Shipbuilding Technical Intern Training Program

Two years.

(2) When returning to the country of nationality or residence after completing Shipbuilding Technical Intern Training Program

i. Re-entry before one year has passed since leaving Japan: two years.

ii. Re-entry after one year or more has passed since leaving Japan: three years.

Chapter 5: Certification as Designated Supervising Organizations

1. Outline

Under the Foreign Shipbuilding Worker Acceptance Program, only excellent Designated Supervising Organizations and excellent Accepting Shipbuilding Companies can become accepting organizations for conducting Designated Shipbuilding Activities.

Supervising organizations intending to become Designated Supervising Organizations must, before accepting Foreign Shipbuilding Workers, submit applications for certification as Designated Supervising Organizations to Minister of Land, Infrastructure, Transport and Tourism according to Public Notice No. 4.

2. Where to Apply

Although certification as Designated Supervising Organization must be applied to Minister of Land, Infrastructure, Transport and Tourism, submission of application is generally to Regional Transport Bureau (including Transport Administration Department), Transport Branch Office, or Maritime Office having jurisdiction over the location of the applicant's principal office. Please refer to the attachment for address and other information for the application to be sent.

3. Documents to Be Submitted

Applicants for Designated Supervising Organizations must send the following documents i. to xii. to the address stated in the previous section.

- i. Application for the certification of Designated Supervising Organization (Form No. 1)
- ii. Certificate of registered matters
- iii. Articles of incorporation
- iv. Foreign Shipbuilding Worker acceptance rule (only for small- or mid-sized business organizations)
- v. List of directors (including full names with kana readings, dates of birth, genders, and addresses) (Form No. 1 (Attachment 1))
- vi. List of members
- vii. Copies of profit and loss statement, and balance sheet
- viii. Document stating the number of permanent staff members
- ix. List of the currently accepted technical intern trainees as their supervising organization (Form No. 1 (Attachment 2))
- x. Documents proving the applicant's status as a licensed fee-charging employment placement business provider or a licensed or notified free employment placement

business provider (license of fee-charging employment placement business or free employment placement business, etc.)

- xi. Implementation organization chart for Designated Shipbuilding Activities (Form No. 1 (Attachment 3))
- xii. Documents proving the applicant's experience in the Shipbuilding Technical Intern Training Program

As provenances of the applicant's experience in the Shipbuilding Technical Intern Training Program, submit one set of document of the type a. and another of the type b., both described below.

Applicants need not submit documents for all technical intern trainees having been accepted until the time of submission. Submit only documents for one technical intern trainees that proves the applicant's supervising experience.

- a. One set of document identifying the "full name," "staying period," "job category," and "supervising organization name" of the technical intern trainees accepted under Technical Intern Training (ii).
 - (a) Employment contract and employment condition document
 - (b) Technical intern trainee dispatch contract document
 - (c) Letter of recommendation
- b. One set of document proving that the technical intern trainee accepted under Technical Intern Training (ii) has been registered for two years.
 - (a) Return report
 - (b) Document explaining wage payment during the technical intern training (such as copies of wage ledger or paychecks)

4. Certification Requirements

Requirements for Designated Supervising Organizations to be certified are defined in Article 2 of Public Notice No. 4. Further explanations for each requirement are laid out below.

(1) Experience in supervising the Shipbuilding Technical Intern Training Program

At the time of application, applicants must have two years of more of experience in appropriately supervising the Shipbuilding Technical Intern Training Program as a supervising organization within the past five years.

The Shipbuilding Technical Intern Training Program covers activities of Technical Intern Training (ii). Therefore, experience in other fields, such as supervising activities of Technical Intern Training (i) for two years, does not fulfill this requirement.

However, as an exception, experience in supervising intern training concerning

occupations or works defined in Appended Table I before June 30, 2010 can be included in the mandatory supervising period for fulfilling this requirement.

(2) No misconduct concerning acceptance or employment of foreign nationals

At the time of application, the applicant is required not to have conducted misconduct concerning acceptance or employment of foreign nationals within the past five years.

In order to allow only excellent institutions to become supervising organizations for the Program, it is mandatory not only for institutions intending to become Designated Supervising Organizations, but also their directors, administrators, as well permanent staff members assigned to supervise Designated Shipbuilding Activities, not to have conducted misconduct concerning acceptance or employment of foreign nationals.

At the same time, if directors or administrators of institutions intending to become Designated Supervising Organizations are also owners, directors, or administrators of other supervising organizations, it is mandatory for the directors and administrators of the latter organizations not to have conducted misconduct concerning acceptance or employment of foreign nationals.

Illegal activities concerning statuses of residence “Technical Intern Training” or “Trainee,” when the applicant has received a notification from a Local Immigration Bureau acknowledging the illegality of such activities constitutes the misconduct concerning acceptance or employment of foreign nationals, regardless of whether the activities have actually obstructed effective implementation of technical internship or training.

(3) In cases where a person who has been sentenced under provisions listed in item (xxi), sub-item (a) to (d) of the right-hand column corresponding to the “Activities” listed in item (i), sub-item (a) of the right-hand column under “Technical Intern Training” specified in the Ministerial Ordinance on Criteria (hereinafter referred to as “Technical Intern Training (i) (a)”), five years must have passed since the day on which the execution of the sentence was completed, or since said person ceased to be subject to the execution of the sentence.

Those intending to form Designated Supervising Organizations (including their directors, administrators, or individual permanent staff members assigned to supervising technical intern trainings), if they have been sentenced for crimes such as supporting illegal works (Article 73-2 to Article 74-8 of Immigration Act) or not fulfilling the duty of wage payment (Articles 24 and 37 of Labor Standards Act, and Article 4, paragraph (1) of Minimum Wages Act), cannot be certified as Designated Supervising Organizations unless five years have passed since the day on which the execution of the sentence was

completed, or since they were no longer subject to the execution of the sentence.

- (4) A person must not have been engaged in acts prescribed in item (xxi-2) of the right-hand column under Technical Intern Training (i) (a) during the intended business activities of the Designated Supervising Organization.

At the time of application, those intending to be Designated Supervising Organizations, or its directors, administrators, or permanent staff members assigned to supervise technical intern trainings, must not, in connection to the organizations' business activities, have used or provided forged documents for illegally giving certificate of eligibility, permission for landing, or application for change of status of residence to foreign nationals within the past five years. In such cases, Designated Supervising Organizations cannot be certified.

- (5) No involvement by members of organized crime groups

The conditions i. to iii. described below must be met.

- i. Must not be, or have been within the past five years, members of organized crime groups as defined in Article 2, item (vi) of the Act on the Prevention of Unjust Acts by Organized Crime Group Members, or have been such members within the past five years (hereinafter referred to as "members of organized crime groups").
- ii. Corporations must not include members of organized crime groups among its directors.
- iii. Members of organized crime groups cannot control business activities of supervising organizations.

- (6) License for fee-charging employment placement businesses, or license for or notification of free employment placement businesses

When Designated Supervising Organizations arrange employment contracts between Foreign Shipbuilding Workers and Accepting Shipbuilding Companies, this constitutes the employment placement businesses defined in Employment Security Act (Act No. 141 of 1947). As such, the Designated Supervising Organizations must apply for license for fee-charging employment placement business or license for or send notification of free employment placement business as required by the Act.

- (7) System for ensuring appropriate guidance and supervision, and staff for ensuring auditing and other supervisory activities

The applicant organization must have a system and size, to adequately design Appropriate Supervision Plan as defined in Article 1 of the Public Notice No. 5, and to understand conditions of Foreign Shipbuilding Workers as defined in Article 1, paragraph (4) of the Public Notice No. 6, and to conduct inspections as defined in the Public Notice No. 9.

In regards to the required system, Designated Supervising Organizations must have organization charts clearly stating the responsibilities of each director, administrator, supervisor, or any other staff member, and also the chain of command between them, in accordance with their Designated Shipbuilding Activities. These charts should be used in daily supervisory tasks, and also ensure that, in case there are misconduct or other issues, the organizations can respond quickly and report to other relevant institutions.

At the same time, since Foreign Shipbuilding Worker Acceptance Program demands a higher level of supervision compared to technical intern trainings, the number of permanent staff members and their roles need careful planning.

Each organization must consider factors such as the number of Accepting Shipbuilding Companies under its responsibility, and also the distance between those companies and the organization's own office, and ensure that the organization has enough staff members to ensure adequate monitoring of working status and other supervising activities.

The recommended numbers of permanent staff members for supervising organizations that have less than 30 Accepting Shipbuilding Companies as their clients are one full-time secretary general, one clerk, one supervisor for giving instructions to Accepting Shipbuilding Companies, and one consultant, meaning that there should be at least four members. There should be also at least one more staff member for every 30 Accepting Shipbuilding Companies added to ensure supervisory and instructive activities are carried out.

If Accepting Shipbuilding Companies are spread over several regions, Designated Supervising Organizations must have staffed satellite offices in central regions (for example, refer to the JITCO report on the ideal and adequate operation model for small- and mid-sized business organizations involved in organization-supervised acceptance programs (commissioned by the Ministry of Trade, Economy and Industry, 2006).

Moreover, the fact that Designated Supervising Organizations accept Foreign Shipbuilding Workers as part of their business activities should be stipulated in their articles of incorporation and donation information.

A small and medium-sized enterprise cooperative provided in Article 3 of Small and Medium-Sized Enterprise Cooperatives Act (Act No. 181 of 1949) must note the necessity of permission by administrative agency provided in this Act when there are changes in the articles of association, in accordance with the provision of Article 51, paragraph (3) of the same Act.

Public interest corporations provided in Article 2 (iii) of Act on Authorization of Public Interest Incorporated Associations and Public Interest Incorporated Foundation (Act No. 49 of 2006) must note the necessity of certification by administrative agency

after being certified by Designated Supervising Organization when there are changes in business type and details, in accordance with the provision of Article 11.

It is imperative for staff members of Designated Supervising Organizations to develop deep understanding of procedures for foreign nationals entering and staying in Japan, the purpose of the Foreign Shipbuilding Worker Acceptance Program, and the matters that need to be supervised.

(8) Prohibition of collecting deposits

Some sending organizations participating in Technical Intern Training Program are known to collect deposits from technical intern trainees themselves for avoiding their runaway.

This practice is prohibited under Technical Intern Training Program. Since the Foreign Shipbuilding Worker Acceptance Program follows the same principle, sending organizations that collect deposits from Foreign Shipbuilding Workers themselves or their families, thereby effectively controlling their money and other properties, cannot have their Foreign Shipbuilding Workers accepted. The same also stands for sending organizations that have contractual provisions for unjustly transferring money and other properties as penalty for non-performance of employment contracts by technical training interns.

Moreover, the same also stands when sending organizations, Designated Supervising Organizations, and Accepting Shipbuilding Companies have mutually agreed to contractual provisions for unjustly transferring money and other properties as penalty for non-performance of employment contracts by Foreign Shipbuilding Workers.

Note: This requirement do not prohibit claiming damages for actual losses

(9) Collection of supervision expenses

Designated Supervising Organizations, when collecting transportation costs and other expenses required for supervising, must disclose the amount and purpose of those expenses to the organization that should be invoiced, before accepting Foreign Shipbuilding Workers, and should not charge those workers themselves, either directly or indirectly.

Designated Supervising Organizations must be licensed for fee-charging employment placement businesses under the provisions of Article 30, paragraph (1) of Employment Security Act, be licensed for free employment placement businesses under the provisions of Article 33, paragraph (1) of the same Act, or be notified of free employment placement businesses under the provisions of Article 33-3, paragraph (1) of the same Act. When Designated Supervising Organization is the free employment placement business provider, Designated Supervising Organizations cannot include costs (nor actual

expenditures, by whatever name called) for placement* of Foreign Shipbuilding Workers in expenses they collect. Even for the Designated Supervising Organizations with license of fee-charging employment placement business, making profit by arranging employment on Foreign Shipbuilding Worker Acceptance Program is misconduct. Therefore, they cannot collect any cost other than actual expenditures and must not charge Foreign Shipbuilding Workers themselves.

* “Costs (nor actual expenditures) for placement” are the costs incurred by the Designated Supervising Organization through its employment placement businesses, including, specifically, human, transportation, and communication costs necessary for their operations.

Additionally, when the Designated Supervising Organizations are currently licensed for fee-charging employment placement businesses under the provisions of Employment Security Act or licensed for or notified of free employment placement businesses under the provisions of the same Act, they need to note the necessity of change notification, etc. depending on their current licensed or notified businesses.

On the other hand, Designated Supervising Organizations, offering accommodation or supply food and groceries to Foreign Shipbuilding Workers under employment contract with Japanese public or private organizations, can collect those costs from the Foreign Shipbuilding Workers, as long as they do not exceed the actual expenditure.

Some sending organizations are known to charge a certain amount of money termed as “administrative fee” for recovering the cost for their activities such as dispatch of Foreign Shipbuilding Workers. This should be paid by Designated Supervising Organizations based on acceptance agreements or other contract terms, and must not be paid by the Foreign Shipbuilding Workers.

5. Notification of Changes in Certified Matters of Designated Supervising Organization

When there has been a change in any of the following certified matters of a Designated Supervising Organization, the organization must notify of all such changes.

i. Change to its name, address, or representative

Submit an updated certificate of registered matters, indicating the matters that have been changed.

ii. Change to its directors

Submit an updated list of directors, indicating the members that have been changed.

iii. Change to the implementation structure of Designated Shipbuilding Activities

Submit an updated chart of Implementation Organization Chart for Designated Shipbuilding Activities (Form No. 1 (Attachment 3)), indicating the matters that have been changed.

- iv. Change to the content of license for fee-charging employment placement businesses or license for or notification of free employment placement businesses (such as range of occupations or license termination date)

Submit the updated license or similar documents for fee-charging employment placement businesses or free employment placement businesses, indicating the matters that have been changed.

Chapter 6: Certification of Appropriate Supervision Plan

1. Summary

Those that wish to be an Accepting Shipbuilding Company need to make an Appropriate Supervision Plan in collaboration with a Designated Supervising Organization that obtained the certification of the Public Notice No. 4 in accordance with Article 1 of the Public Notice No. 5 before accepting Foreign Shipbuilding Workers. Each of those that wish to be an Accepting Shipbuilding Company needs to apply to Minister of Land, Infrastructure, Transport and Tourism for certification of Appropriate Supervision Plan.

2. Where to Apply

Although certification as Appropriate Supervision Plan must be applied to Minister of Land, Infrastructure, Transport and Tourism, submission of application is generally to Regional Transport Bureau (including Transport Administration Department), Transport Branch Office, or Maritime Office having jurisdiction over any of the locations of Designated Supervising Organizations' (the applicants') principal office, principal office of those that wish to be an Accepting Shipbuilding Companies, and principal office where those that wish to be an Accepting Shipbuilding Companies plan to accept Foreign Shipbuilding Workers. Please refer to the attachment for Address and other information for application to be sent.

3. Entries in Appropriate Supervision Plan

Please refer to the following as for the entries in Appropriate Supervision Plan.

(1) Matters concerning those that wish to be an Accepting Shipbuilding Company

(2) The following matters concerning Foreign Shipbuilding Workers that the company accepts

i. Name of the job category and work of Shipbuilding Technical Intern Training Program the worker completed

Please fill in which occupation and work of Shipbuilding Technical Intern Training Program the worker to be accepted completed.

ii. Number of the workers

Please fill in the number of the Foreign Shipbuilding Workers the company that wishes to be an Accepting Shipbuilding Company accepts during the period of the implementation of Designated Shipbuilding Activities. Regarding the number to be filled in, approximate number such as “five to ten people” are acceptable, because it is not necessarily specified at the time of planning. But you need to fill in the

number considering the following a. and b.

- a. Please fill the number based on the future business plan.

You need to make an appropriate plan of securing human resources based on the future business plan. The number written here should be feasible to some extent. For example, in case of the company has 50 permanent employees, the number should not be simply written “50 people or less,” without the prediction of securing human resources.

In addition, the number written here should not exceed that of permanent employees of the company that wishes to be an Accepting Shipbuilding Company. The number of permanent employees does not include that of technical intern trainees.

- b. The Foreign Shipbuilding Workers to be accepted must be determined specifically to some extent.

It is considered that, in the usual case, the persons who will be Foreign Shipbuilding Workers are currently working or have worked for the company that wishes to be an accepting company as technical intern trainees.

Therefore the company need to determine specifically to some extent who to employ as Foreign Shipbuilding Worker, after confirming the intention of the persons who (are expected to) complete the technical intern training program.

- iii. Where to place the workers

Please describe all possible places of business where to place the Foreign Shipbuilding Workers as accurate as possible through the inference from the shipbuilding record and other materials, though you are allowed to describe the place by the name of the prefectures or the regional blocks, because some Accepting Shipbuilding Companies have multiple places of business.

- iv. Description of work in which the workers are engaged

Please describe the work in which the workers are engaged. The work in which the workers are engaged needs to be the same as the work described in “i. Name of the occupation and work of Shipbuilding Technical Intern Training Program the worker completed” in principle.

In case the company engages workers in the work different from the occupation and the work they completed, in addition to the work which is the same as the occupation and the work the worker completed, because of the reasons such as “the work cannot be separated from the workers’ main work in the operation process”, the details need to be provided.

In such case, the reason why the Foreign Shipbuilding Workers should be engaged in the said work and the measures for safety and health management should be described.

v. Term of the work in which the workers are engaged

Term of the work in which the workers are engaged needs to be set within the range of period in which Foreign Shipbuilding Workers Are Able to Stay in Japan stipulated in Chapter 4, Article 2 of the Guidelines.

vi. Estimated Amount of Payment

Please fill in the estimated amount to be paid to the Foreign Shipbuilding Workers. In case the Foreign Shipbuilding Workers are engaged in more than one occupation, the estimated amount of payment of each occupation such as “scaffolding work” and “plumbing” must be described separately.

The estimated amount of payment is required to be “the same or higher than the reward for Japanese worker with the same skill level”, as stipulated in Article 2, paragraph (4) of the Public Notice No. 5.

The ideas about the requirements are described later in Article 5, paragraph (4).

vii. Measures to improve the skills

The Foreign Shipbuilding Workers are the workers who completed the technical intern training. Therefore, after completing Designated Shipbuilding Activities and returning their home country, they will be engaged in the activities to transfer their skills that were developed and fostered in Japan to developing countries, which is the purpose of the technical intern training.

That is why the company needs to give consideration so that the Foreign Shipbuilding Workers can improve their skills acquired in the technical intern training, though they are in the middle of the term of Designated Shipbuilding Activities, in which they are engaged with the purpose of working.

Taking these facts in account, please describe in Appropriate Supervision Plan the measures for the maintenance and improvement of their skills, such as acquisition of new qualification. Moreover, if the worker has not acquired National Trade Skills Test Grade Three (Provisional), of National Trade Skills Test, whose acquisition is the goal to be achieved at the time of the completion of the technical intern training, please describe that the company help the worker acquire this qualification.

(3) Matters concerning the plans to implement the appropriate supervision of Foreign Shipbuilding Workers

Please describe the matters concerning the security of appropriate supervision

throughout the term in which the Foreign Shipbuilding Workers work.

To be specific, the matters such as the estimated schedule from the acceptance of the Foreign Shipbuilding Workers through their returning home; the charts that describe supervision and contact system of those that wish to be Designated Supervising Organization and an Accepting Shipbuilding Company.

Especially, contact/consultation system between Designated Supervising Organization and the company that wishes to be an accepting company needs to be established so that the Accepting Shipbuilding Company does not fail to report necessary information stipulated in the Public Notice to Designated Supervising Organization.

The methods for safety and health management of the Foreign Shipbuilding Workers must be described here. Methods of securing safety and health at shipbuilding sites, implementation of the education on safety and health at shipbuilding sites, and other related matters must be specifically described.

Regarding the methods for safety and health management, please describe not only the plan to implement the education on safety and healthy, but also the detail of such education and the way to confirm whether the Foreign Shipbuilding Workers comprehend the contents of the said education on safety and health (ex. by confirming whether the workers comprehend the meaning of the sign and technical terms).

(4) Matters concerning working situation of Foreign Shipbuilding Workers

Designated Supervising Organizations need to confirm the supervision and working situation of the Foreign Shipbuilding Workers on regular basis in accordance with Article 1, paragraph (4) of the Public Notice No. 6. The ideas about the confirmation, the criteria and other matters are described in Chapter 9, Article 1, paragraph (3) of the Guidelines. Please describe the matters concerning the confirmation in line with the ideas stipulated in Chapter 9, Article 1, paragraph (3) of the Guideline.

(5) Matters concerning securing of housing during stay

Designated Supervising Organizations and Accepting Shipbuilding Companies should secure the house Foreign Shipbuilding Workers stay during their stay in Japan.

In case the company collects accommodation fee from the Foreign Shipbuilding Workers, the following matters need to be considered.

- i. The amount of accommodation fee should not exceed the market price of the apartment or other accommodations in the neighborhood.
- ii. The company needs to fully explain the amount of the accommodation fee, breakdown of the fee, and its calculation procedures to the Foreign Shipbuilding Worker and to gain his/her understanding.
- iii. In case the company lends a single-family house to more than one Foreign

Shipbuilding Worker, the accommodation fee per person should not exceed the prescribed accommodation fee divided by the number of the people staying the house.

- iv. It is necessary to make an arrangement in advance on the amount each side pays, regarding the expenses to be expected up to the time the Foreign Shipbuilding Workers return home. The expenses include repair costs when something get wrong with fixings and restoration costs to make the space be in the original state when the worker leaves.
- v. Electricity/gas/water bill and other bills should not exceed the amount the Foreign Shipbuilding Worker used.

(6) Matters concerning acquisition of the extended vacation

In case Foreign Shipbuilding Workers are engaged in Designated Shipbuilding Activities after technical intern training, they stay in Japan for five years in total.

Designated Supervising Organizations and Accepting Shipbuilding Companies therefore need to include the acquisition of the extended vacation in Appropriate Supervising Plan so that the Foreign Shipbuilding Workers can temporarily return to their country, if they wish to.

To be specific, the vacation needs to be included in the schedule the company prepares in accordance with paragraph (3) considering the transportation conditions of Japan and the home country of the Foreign Shipbuilding Workers, so that the Workers can return to their home temporarily.

(7) Matters concerning appointment of supervising instructors and daily life advisors

i. Supervising instructor

Accepting Shipbuilding Companies need to appoint persons to supervising instructors according to the number and the occupation of the accepting Foreign Shipbuilding Workers.

For example, the company needs to avoid the situation such as having a supervising instructor instruct the extra number of Foreign Shipbuilding Workers even though he/she already is instructing many technical intern trainees as a supervising instructor.

Supervising instructors need to have five years or more experience of practicing the skills they instruct, because they need to give adequate instructions on the skills in which the Foreign Shipbuilding Workers engaged.

Please describe the career and work experience of the supervising instructor and number of the Foreign Shipbuilding Workers to whom the supervising instructor

will give instructions. (In case the person that is to be appointed as a supervising instructor is already appointed as a technical intern training coordinator, please fill in the number of the technical intern trainees he/she is training.)

It is required to attach the evidence to prove that the number persons who are appointed as supervising instructors and daily life advisors are adequate in the Accepting Shipbuilding Company.

In an inspection, the Designated Supervising Organization needs to confirm whether the supervising instructor that has years of experience written in Appropriate Supervision Plan is actually in charge of instruction. The organization also needs to confirm whether the instructor gives instructions in accordance with the know-how such as points to be considered in terms of safety and health management.

Supervising instructors can double as a technical intern training coordinator, but, as mentioned above, the company needs to appoint adequate number of people to supervising instructors considering the number of the accepting technical intern trainees and Foreign Shipbuilding Workers.

ii. Daily life advisor

Accepting Shipbuilding Companies should appoint persons to daily life advisors who provide advice on the daily life to Foreign Shipbuilding Workers.

In Appropriate Supervision Plan, please describe the career of the person that is to be appointed as a daily life advisor and the number of the Foreign Shipbuilding Workers to whom he/she will provide advice. (In case the person that is to be appointed as a daily life advisor is already appointed as a daily life advisor of technical intern trainee, please fill in the number of the technical intern trainee he/she is in charge.)

The role daily life advisors play is important. They not only need to give the Foreign Shipbuilding Workers instructions on the points to be considered when they live in Japan, but also need to prevent the problem to occur through grasping the living situation of the Foreign Shipbuilding Workers and providing them with consultations.

Daily life advisors can double as a daily life advisor of technical intern trainee, but, as mentioned above, the company needs to appoint adequate number of people to daily life advisors considering the number of the accepting technical intern trainees and Foreign Shipbuilding Workers.

(8) Matters concerning financial base that secures payment, employment insurance, social insurance and other things

Sales, results of ordinary operations, and other information of the Accepting Shipbuilding Company must be described as the matters concerning financial base that secures payment, employment insurance, social insurance and other things. In addition, the copy of income statement and other documents must be attached.

(9) Matters concerning interview with Foreign Shipbuilding Workers and response to the consultation (including complaint handling) by Foreign Shipbuilding Workers on life, works, and other matters (including job changing), and concerning implementation of inspection

Please describe the matters concerning counselors in Designated Supervising Organization who provide consultations to Foreign Shipbuilding Workers, consultation system, and the time schedule of the consultation.

The consultation is ideally given in holidays and nighttime as well, because, in most of the cases, the Foreign Shipbuilding Workers are thought to ask for the consultations during off-duty hours.

Matters concerning inspection system must be described, too.

(10) Matters concerning securing travel expenses for Foreign Shipbuilding Workers to return home and other security measures for returning home

Please describe the matters concerning the way to secure the travel expenses for the Foreign Shipbuilding Workers to return home, who to bear the expenses, terms for bearing the expenses, and other matters.

It needs to be considered that, in case the Accepting Shipbuilding Company is not able to bear the travel expenses for the Foreign Shipbuilding Workers to return home, Designated Supervising Organization needs to bear the expenses to return home.

(11) Matters concerning the measures to be taken in case the continuation of the work becomes impossible

Please describe the matters concerning the measures to be taken in case Designated Shipbuilding Activities are terminated because of the reasons such as bankruptcy of the Accepting Shipbuilding Company, misconduct, runaway of the Foreign Shipbuilding Worker, issues between the Accepting Shipbuilding Company and the Foreign Shipbuilding Worker.

(12) Matters concerning sending organizations

Please describe the summary of the sending organizations in the foreign countries. In addition to that, please attach the copy of the contract of Foreign Shipbuilding Worker Acceptance Program that was concluded, or that is planned to be concluded, between Designated Supervising Organization and the sending organization.

It is not allowed to accept the Foreign Shipbuilding Workers from the sending

organization that concludes a contract to plan the transfer of money and other property such as collecting deposit from the Foreign Shipbuilding Worker and setting the penalty in case of default. (Please refer to Chapter 9, Article 1, paragraph (2) of the Guidelines)

Please consider the following matters when determining the sending organization.

- i. Sending organizations must be limited to those certified by the government institute of each country or those* certified in accordance with the standard set by the government of the sending country.

Sending organizations in Foreign Shipbuilding Worker Acceptance Program are limited to those certified by the government institute of each country or those* certified in accordance with the standard set by the government of the sending country.

* The organizations must be a government organization of the country where the Foreign Shipbuilding Workers holds nationality or address, or a foreign organization that is involved in the preparation for the activity the worker plans to implement in Japan. The organization must also be certified as the adequate organization that meets a certain requirements in accordance with the standard set by the sending countries that concluded “Record of Discussions (R/D)” and “Additional Record of Discussions (Additional R/D)” with Japan International Training Cooperation Organization (JITCO).

- ii. Sending organizations must play their role in this project in an appropriate way.

The role sending organizations should play is as follows. The organizations that can play the following role need to be selected.

- a. Sending organizations must comprehend the purpose and the system of this project.
- b. Sending organizations must be able to fully explain the purpose and the system of this project to those who wish to be a Foreign Shipbuilding Worker, and select the appropriate candidates.
- c. Sending organizations must, through the consultations with Designated Supervising Organization, make efforts to realize a best match between those who wish to be a Foreign Shipbuilding Worker and the Accepting Shipbuilding Company, considering the request and condition of each side.
- d. In case of the accident and runaway of Foreign Shipbuilding Workers, sending organizations must cooperate to solve the problem, in accordance with the request from Designated Supervising Organization. The organization must also consider the communication between the Foreign Shipbuilding Workers and their family left in the country.

- e. Adequate system and human resources must be secured so as to play its role mentioned from a. to d.

(13) Matters related to the response to inspection or instructions etc. by the Ministry of Land, Infrastructure, Transport and Tourism

Articles 6 and 8 to 10 of the Public Notice No. 9 stipulate the following matters inspection by the Ministry of Land, Infrastructure, Transport and Tourism, report instruction and necessary measures by Minister of Land, Infrastructure, Transport and Tourism when it has been acknowledged by Minister of Land, Infrastructure, Transport and Tourism that matters pertaining to the acceptance of Foreign Shipbuilding Workers shall be corrected, on-site inspection by Minister of Land, Infrastructure, Transport and Tourism and ceasing instruction for acceptance of Foreign Shipbuilding Workers or instruction for other necessary measures as required for appropriate implementation by Minister of Land, Infrastructure, Transport and Tourism.

Inspection or instructions etc. by the Ministry of Land, Infrastructure, Transport and Tourism prescribed in the Public Notice are executed in terms of appropriate implementation of Foreign Shipbuilding Worker Acceptance Program. In order to respond to such inspection etc. smoothly, persons in charge of response need to be decided in advance.

4. Documents to Be Submitted

- i. Application for the Certification of Appropriate Supervision Plan (Form No. 2-1)
- ii. Appropriate Supervision Plan (Form No. 2-1 (Attachment 1))
- iii. Certificate of Registered Matters of those that wish to be an Accepting Shipbuilding Company
- iv. A copy of income statement and balance sheet of those that wish to be an Accepting Shipbuilding Company
- v. Documents to clarify the number of the permanent employees (the document that clarify the rate of the permanent employees who have social insurance must be attached)
- vi. A copy of Employment Contract and Employment Terms and Conditions that those that wish to be an Accepting Shipbuilding Company (and sending organization) plans to conclude with the Foreign Shipbuilding Worker
- vii. In case Designated Supervising Organization plans to collect expenses required for supervision, the document that clarifies who to bear the expenses, their amount, and its use.
- viii. List of the technical intern trainees that the Accepting Shipbuilding Company

- accepts (Form No. 2-1 (Attachment 2))
- ix. Documents to clarify the summary of the sending organization (pamphlet of the sending organization, the public document that certify that the sending organization is registered, and other documents)
 - x. Any of the following documents to prove that the Accepting Shipbuilding Company engages in shipbuilding business (limited to the production or repair operators of part of ship body on an actual commission by the notified operators of the provisions of Article 6, paragraph (1), item (i) or (ii) of Shipbuilding Act or the registered operators under the provisions of Article 4 of Act on Manufacturers of Small Ships)
 - a. A copy of contract for work pertaining to production or other works of part of ship body with companies with the notification under Shipbuilding Act or the registration under Act on Manufacturers of Small Ships (When the company engages in production or other works of part of ship body with multiple contracts for work, connection with companies with the notification under Shipbuilding Act or the registration under Act on Manufacturers of Small Ships needs to be proved.)
 - b. A copy of purchase and sales contract of part of ship body with companies with the notification under Shipbuilding Act or the registration under Act on Manufacturers of Small Ships (When the company engages in production or other works of part of ship body with multiple contracts, connection with companies with the notification under Shipbuilding Act or the registration under Act on Manufacturers of Small Ships needs to be proved.)
 - c. A copy of comprehensive contract pertaining to provision of services on Designated Shipbuilding Activities with companies with the notification under Shipbuilding Act or the registration under Act on Manufacturers of Small Ships
 - xi. Documents to prove that the estimated amount of payment of the Foreign Shipbuilding Workers is the same as or more than that of Japanese workers who have the same level of skills.
 - xii. Resume of the supervising instructor and daily life advisor (regarding the supervising instructor, the work experience must be described, too)
 - xiii. A copy of the contract concerning Foreign Shipbuilding Worker Acceptance Program that was concluded (or planned to be concluded) between Designated Supervising Organization and the sending organization
 - xiv. Documents providing the record of acceptance of technical intern trainees in the

field of shipbuilding

As provenances of the applicant's experience of acceptance in the Shipbuilding Technical Intern Training Program, submit one set of document of the type a. and another of the type b., both described below.

Applicants need not submit documents for all technical interns having been accepted until the time of submission. Submit only documents for one technical intern that proves the applicant's experience.

- a. One set of document identifying the "full name," "staying period," "job category," and "name the organizations implementing technical intern training" of the technical intern trainees accepted under Technical Intern Training (ii).
 - (a) Employment contract and employment condition document
 - (b) Technical intern trainee dispatch agreement
 - (c) Letter of Dispatch
- b. One set of document proving that the technical intern trainee accepted under Technical Intern Training (ii) has been registered for two years.
 - (a) Return report
 - (b) Document explaining wage payment during the technical intern training (such as copies of wage ledger or paychecks)

5. Requirements for Certification

The requirements for certification of Appropriate Supervision Plan are as stipulated in Article 2 of the Public Notice No. 5. The points to be considered regarding the major requirements for certification are as follows.

- (1) Requirements for those that wish to be an accepting shipbuilding company
 - i. The company must notify the provisions of Article 6, paragraph (1), item (i) or (ii) of Shipbuilding Act, be registered under the provisions of Article 4 of Act on Manufacturers of Small Ships, or engage in production or repair of part of ship body on an actual commission by companies with the above notification or registration.
 - ii. The company must not be sentenced to a fine or a severer punishment by violating Shipbuilding Act or Act on Manufacturers of Small Ships for the past five years.
 - iii. For the company that has received working recommendations by Minister of Land, Infrastructure, Transport and Tourism prescribed in Article 7 of Shipbuilding Act for the past five years, necessary remedy for these recommendations must be taken.
 - iv. The company must not be commanded to cease the business or cancelled the registration by Minister of Land, Infrastructure, Transport and Tourism, prescribed

in Article 17, paragraph (1) of Act on Manufacturers of Small Ships (for item (ii) of the same paragraph, limited to descriptions related to provisions of Article 7, paragraph (1), item (i) or (iv) of Act on Manufacturers of Small Ships), for the past five years.

- v. The company must not be subject to fine or severer punishment for a violation of the laws relevant to Labor Standards Act in the past five years.

Those that wish to be an Accepting Shipbuilding Company, their manager, supervisor, supervising instructors, or daily life advisors need not to be subject to fine or severer punishment for a violation of the laws relevant to Labor Standards Act in the past five years.

“The past five years” means that it has been five years or more since the day one finished one’s sentence, or the day one did not serve one’s sentence anymore.

To be precise, in case of being subject to fine or severed punishment for a violation of Labor Standards Act, Industrial Safety and Health Act, Minimum Wage Act and other laws apply to this.

- vi. The company must comply with laws relevant to labor laws and those relevant to social insurance laws

The Accepting Shipbuilding Company needs to comply with laws relevant to labor laws and those relevant to social insurance laws when accepting the Foreign Shipbuilding Workers.

- a. Compliance with the laws relevant to labor laws

Compliance with the laws relevant to labor laws is especially important when the Accepting Shipbuilding Company implements Designated Shipbuilding Activities in a responsible and in an appropriate way.*¹ In case the company violates the laws relevant to labor laws, it could be subject to punishment. Moreover, it is misconduct for a violation of the laws relevant to labor laws to be described.

*¹ Strict compliance with the laws relevant to labor laws is required, such as those concerning preparation of payroll book, prohibition on compulsory saving, leave allowance, wage payment, minimum wage, extra wage, working hours, rest, securing of holidays, granting of annual paid leave, dissemination of laws, workers’ camp, education on safety and health, license of restricted works, health checkups.

According to Labor Standards Act, accepting shipbuilding companies are obliged to demonstrate the labor conditions to the Foreign Shipbuilding Workers. They need to provide the workers with the documents especially on

wage and working hours and other matters. In such case, based on Guidelines on Ways for Employers to Take Appropriate Measures with Regard to Improvement in Employment Management of Foreign Workers (Ministry of Health, Labour and Welfare Public Notice No. 276 of 2007), the accepting company should prepare the employment contract in the language of the Foreign Shipbuilding Workers' country as well as in Japanese so that the workers are able to fully understand the content of the contract.

It is required to control the working hours of the Foreign Shipbuilding Workers. In case the companies have the Foreign Shipbuilding Workers work extra hours and on holidays, not only the payment of extra wage but also the conclusion and notification of labor-management agreement (36 Agreement)*² are required.

*² Act No. 36, 3 of Labor Standards Act stipulates that the contents of 36 Agreement should comply with the standard set by Minister of Health, Labour and Welfare (Ministry of Labour Public Notice No. 154). The Notification stipulates the limited time of overtime work in a certain period.

b. Compliance with the laws relevant to social insurance laws

Accepting Shipbuilding Companies need to comply with the laws relevant to social insurance laws (including those related to employment insurance laws), and to promote the measures to be taken for disaster prevention and securing health.

Accepting Shipbuilding Companies should have the Foreign Shipbuilding Workers take out workers' accident compensation insurance for accident at work and on their way to work just in case. The companies should also have them take out health insurance and social insurance such as employee's pension insurance for injury and disease in daily life, disability compensation, and bereaved family compensation.

Explanation on social insurance and other matters is required when demonstrating the condition of employment to the foreign workers.

- vii. Accepting Shipbuilding Companies must cooperate with the survey on wage standard and on other matters conducted by supervisory agencies such as Ministry of Land, Infrastructure, Transport and Tourism.

The details of the cooperation in the survey are described in Chapter 9, Article 1, paragraph (5) of the Guideline.

- viii. When asked for the report stipulated in Article 4 of the Public Notice No. 6,

Accepting Shipbuilding Companies must sincerely respond to the request and follow the instructions of the contractor.

When asked for the report pursuant to other laws, acts, notifications or other regulations set by Ministry of Land, Infrastructure, Transport and Tourism, Accepting Shipbuilding Companies must sincerely respond to the request and follow the instructions of the original contractor.

- ix. Accepting Shipbuilding Companies must have two years or more experience in the implementation of technical intern training in the field of shipbuilding in the past five years.

Points to be considered are same as Chapter 5, Article 4, paragraph (1) of the Guideline.

- x. Accepting Shipbuilding Companies must not have committed misconduct concerning acceptance of foreign nationals or their employment in the past five years.

It is required that Accepting Shipbuilding Companies have not committed misconduct concerning acceptance of foreign nationals and their employment in the past five years.

Based on the intent to limit the accepting companies in Foreign Shipbuilding Worker Acceptance Program to quality companies, it is required that not only the organizations that wish to be an Accepting Shipbuilding Company, but also their manager, supervisor, supervising instructor, and daily life advisors have not committed any misconduct concerning acceptance of foreign workers and their employment.

It is also required that, in case the manager or supervisor of the organization that wish to be an Accepting Shipbuilding Company serves as the manager or board member of another Accepting Shipbuilding Company, the manager or board member said has not committed any misconduct concerning acceptance of foreign nationals or their employment.

Regarding the misconduct concerning status of residence "Technical Intern Training" or "Trainee," the misconduct applies to the misconduct concerning acceptance of foreign nationals or their employment, in case the organization received a notification by Regional Immigration Bureau stating the recognition of misconduct, regardless whether the said misconduct obstructs the appropriate implementation of technical intern training or trainee, or not.

- xi. In accordance with the regulations stipulated from (xxi) (a) to (d) of the right-hand column of Technical Intern Training (i) (a), in case above-mentioned organization

or person has been subject to the punishment, five years must be passed since the day it/he/she finished his/her sentence, or the day it/he/she did not serve one's sentence anymore.

In case Accepting Shipbuilding Companies (including individuals such as their manager, supervisor, supervising instructor, and daily life advisor) has been subject to punishment for the crime of inciting illegal employment (crime stipulated in Article 73-2 to Article 74-8 of Immigration Control and Refugee Recognition Act) and for the violation of wage payment and other obligations (Article 24 and 37 of Labor Standards Act, Article 4, Item 1 of Minimum Wage Act, etc.), Appropriate Supervision Plan of the company cannot be certified until five years have passed since the day it finished its sentence, or the day it did not serve one's sentence anymore.

- xii. Regarding the business activity of the said organization, the organization must not have committed any act stipulated in (xxi-2) of the right-hand column of technical intern training (i) (a) in the past five years.

In case the Accepting Shipbuilding Company, its manager, supervisor, supervising instructor, or daily life advisor have exercised or provided forged/altered document with the aim of having the foreigner illegally receive Certificate of Eligibility for the Status of Residence (COE), permission of landing, Application for Change of Status of Residence, and other certifications or permissions, its Appropriate Supervision Plan cannot be certified.

- xiii. The Accepting Shipbuilding Company must not have had the number of workers equivalent to the number of Foreign Shipbuilding Workers who would be placed in the work in which the workers had been engaged quit against their will in the past three years.

Considering that Foreign Shipbuilding Worker Acceptance Program is based on the idea of making best effort to secure domestic human resources before accepting the foreign human resources, it is not acceptable to have domestic workers who are working quit against their will (firing, etc.) with the aim of accepting Foreign Shipbuilding Workers.

In accordance with these requirements, in case Accepting Shipbuilding Companies have had 30 or more workers in their business site who were engaged in the work that the accepted Foreign Shipbuilding Workers would be placed quit within a month in the past three years, its Appropriate Supervision Plan cannot be certified.

(2) Number of foreign workers to be accepted

The number of the Foreign Shipbuilding Workers to be accepted must not exceed the total number of the permanent employees of the organization that wishes to be an Accepting Shipbuilding Company.

Please note that the total number of the permanent employee does not include the number of technical intern trainees and Foreign Shipbuilding Workers accepted by the organization that wishes to be an Accepting Shipbuilding Company.

(3) Period of stay

The term in which the workers are engaged in the work needs to be set within the period in which Foreign Shipbuilding Workers are able to stay in accordance with Chapter 4, Article 2 of the Guideline.

(4) Estimated amount of payment

Article 2, paragraph (4) of the Public Notice No. 5 stipulates that the estimated amount of the payment should be “the same or higher than the reward for Japanese worker with the same skill level.”

Due to the fact that the Foreign Shipbuilding Workers have stayed in Japan for approximately three years to complete the technical intern training, they need to be treated as “experienced workers” who have approximately three years of experience in the work they will be engaged in.

Therefore, the estimated amount of payment must exceed the payment of technical intern trainees. Moreover, at the same time, the Accepting Shipbuilding Company needs to determine the estimated amount of payment in an appropriate way through comparing it with the amount the company pays to Japanese technical workers who have three years of experience.

In the application for the certification of Appropriate Supervision Plan, the company needs to attach “documents to prove that the estimated amount of payment is the same or higher than the reward for Japanese worker with the same skill level” that describe the amount paid to the technical intern trainees and Japanese technical workers with approximately three years of experience so as to demonstrate that the estimated amount of payment the company determined meets the requirements. (The estimated amount of payment must be described per month.)

In case there is no Japanese worker that can be an object of comparison, the Accepting Shipbuilding Company needs to objectively explain the rational reason why the estimated amount of payment it determined is appropriate through methods such as: presenting the amount of payment that should be paid to the worker with approximately three years of experience in accordance with the rules of employment in the Accepting Shipbuilding Company; estimating the amount said from the amount paid to the other worker with

different years of experience.

(5) Deposit and penalty

Same as Chapter 5, Article 4, paragraph (8) of the Guideline.

6. Change in Appropriate Supervision Plan

In case there is any change in entries in Appropriate Supervision Plan, the application for the change in Appropriate Supervision Plan should be made to Minister of Land, Infrastructure, Transport and Tourism.

Please fill in the application form No. 2-1 for the application for the change in a way that the changes are visible.

Please note that, in accordance with Article 2 of the Public Notice No. 13, the certification of Appropriate Supervision Plan can be rebuked, in case that the Designated Shipbuilding Activities are continued without applying for the change.

Chapter 7: Certification of Individual Enterprise Type Appropriate Supervision Plan

1. Summary

Those that wish to be an Individual Enterprise Type Accepting Shipbuilding Company need to make an Individual Enterprise Type Appropriate Supervision Plan in accordance with Article 3 of the Public Notice No. 5 before accepting Foreign Shipbuilding Workers. Each of those that wish to be an Individual Enterprise Type Accepting Shipbuilding Company needs to apply to Minister of Land, Infrastructure, Transport and Tourism for certification of Individual Enterprise Type Appropriate Supervision Plan.

2. Where to Apply

Although certification as Individual Enterprise Type Appropriate Supervision Plan must be applied to Minister of Land, Infrastructure, Transport and Tourism, submission of application is generally to Regional Transport Bureau (including Transport Administration Department), Transport Branch Office, or Maritime Office having jurisdiction over the location of principal office of those that wish to be an Individual Enterprise Type Accepting Shipbuilding Companies (the applicants) or the location of principal office where those that wish to be an Individual Enterprise Type Accepting Shipbuilding Companies plan to accept Foreign Shipbuilding Workers. Please refer to the attachment for addresses etc. of the organizations to which the application should be submitted.

3. Entries in Individual Enterprise Type Appropriate Supervision Plan

Please refer to the following as for the entries in Individual Enterprise Type Appropriate Supervision Plan.

- (1) Matters concerning those that wish to be an Individual Enterprise Type Accepting Shipbuilding Company
- (2) The following matters concerning Foreign Shipbuilding Workers that the company accepts
 - i. Name of the job categories and works of Shipbuilding Technical Intern Training Program the worker completed
Please fill in which occupation and work of Shipbuilding Technical Intern Training Program the worker to be accepted completed.
 - ii. Number of the workers
Please fill in the number of the Foreign Shipbuilding Workers the company that wishes to be an Individual Enterprise Type Accepting Shipbuilding Company

accepts during the period of the implementation of Individual Enterprise Type Designated Shipbuilding Activities. Regarding the number to be filled in, approximate number such as “five to ten people” are acceptable, because it is not necessarily specified at the time of planning. But you need to fill in the number considering the following a. and b.

a. Please fill the number based on the future business plan.

You need to make an appropriate plan of securing human resources based on the future business plan. The number written here should be feasible to some extent. For example, in case of the company has 50 permanent employees, the number should not be simply written “50 people or less,” without the prediction of securing human resources.

In addition, the number written here should not exceed that of permanent employees of the company that wishes to be an Individual Enterprise Type Accepting Shipbuilding Company. The number of permanent employees does not include that of technical intern trainees.

b. The Foreign Shipbuilding Workers to be accepted must be determined specifically to some extent.

It is considered that, in the usual case, the persons who will be Foreign Shipbuilding Workers are currently working or have worked for the company that wishes to be an Individual Enterprise Type Accepting Shipbuilding Company as technical intern trainees.

Therefore the company need to determine specifically to some extent who to employ as Foreign Shipbuilding Worker, after confirming the intention of the persons who (are expected to) complete the technical intern training program.

iii. Places to work

Please describe all possible places of business where to place the Foreign Shipbuilding Workers as accurate as possible through the inference from the shipbuilding record and other materials, though you are allowed to describe the place by the name of the prefectures or the regional blocks, because some shipyards have multiple factories.

iv. Description of work in which the workers are engaged

Please describe of the work in which the workers are engaged. The work in which the workers are engaged needs to be the same as the work described in “i. Name of the occupation and work of Shipbuilding Technical Intern Training Program the worker completed” in principle.

In case the company engages workers in the work different from the occupation and the work they completed, in addition to the work which is the same as the occupation and the work the worker completed, because of the reasons such as “the work cannot be separated from the workers’ main work in the operation process”, the details need to be provided.

In such case, the reason why the Foreign Shipbuilding Workers should be engaged in the said work and the measures for safety and health management should be described.

v. Period of the work in which the workers are engaged

Term of the work in which the workers are engaged needs to be set within the range of period in which Foreign Shipbuilding Workers Are Able to Stay in Japan stipulated in Chapter 4, Article 2 of the Guidelines.

vi. Estimated amount of remuneration

Please fill in the estimated amount to be paid to the Foreign Shipbuilding Workers. In case the Foreign Shipbuilding Workers are engaged in more than one occupation, the estimated amount of payment of each occupation such as “scaffolding work” and “plumbing” must be described separately.

The estimated amount of payment is required to be “the same or higher than the reward for Japanese worker with the same skill level,” as stipulated in Article 4, paragraph (4) of the Public Notice No. 5.

The ideas about the requirements are described later in Article 5, paragraph (4).

vii. Measures to improve the skills

The Foreign Shipbuilding Workers are the workers who completed the technical intern training. Therefore, after completing Individual Enterprise Type Designated Shipbuilding Activities and returning their home country, they will be engaged in the activities to transfer their skills that were developed and fostered in Japan to developing countries, which is the purpose of the technical intern training.

That is why the company needs to give consideration so that the Foreign Shipbuilding Workers can improve their skills acquired in the technical intern training, though they are in the middle of the term of Individual Enterprise Type Designated Shipbuilding Activities, in which they are engaged with the purpose of working.

Taking these facts in account, please describe in Individual Enterprise Type Appropriate Supervision Plan the measures for the maintenance and improvement of their skills, such as acquisition of new qualification. And if the worker has not acquired National Trade Skills Test Grade Three (Provisional), of National Trade

Skills Test, whose acquisition is the goal to be achieved at the time of the completion of the technical intern training, please describe that the company help the worker acquire this qualification.

(3) Matters concerning the plans to implement the appropriate supervision of Foreign Shipbuilding Workers

Please describe the matters concerning the security of appropriate supervision throughout the term in which the Foreign Shipbuilding Workers work.

To be specific, the matters such as the estimated schedule from the acceptance of the Foreign Shipbuilding Workers through their returning home; the charts that describe supervision and contact system of those that wish to be an Individual Enterprise Type Accepting Shipbuilding Companies.

Especially, contact/consultation system between the Council for the Promotion of Appropriate Supervision and the company that wishes to be an Individual Enterprise Type Accepting Shipbuilding Company needs to be established so that the Individual Enterprise Type Accepting Shipbuilding Company does not fail to report necessary information stipulated in the Public Notice to the Council for the Promotion of Appropriate Supervision.

The methods for safety and health management of the Foreign Shipbuilding Workers must be described here. Methods of securing safety and health at shipbuilding sites, implementation of the education on safety and health at shipbuilding sites, and other related matters must be specifically described.

Regarding the methods for safety and health management, please describe not only the plan to implement the education on safety and healthy, but also the detail of such education and the way to confirm whether the Foreign Shipbuilding Workers comprehend the contents of the said education on safety and health (ex. by confirming whether the workers comprehend the meaning of the sign and technical terms).

(4) Matters concerning working situation of Foreign Shipbuilding Workers

Individual Enterprise Type Accepting Shipbuilding Companies need to confirm the supervision and working situation of the Foreign Shipbuilding Workers on regular basis in accordance with Article 1, paragraph (2) of the Public Notice No. 7. The ideas about the confirmation, the criteria and other matters are described in Chapter 10, Article 1, paragraph (2) of the Guidelines. Please describe the matters concerning the confirmation in line with the ideas stipulated in Chapter 10, Article 1, paragraph (2) of the Guideline.

(5) Matters concerning securing of housing during stay

Individual Enterprise Type Accepting Shipbuilding Companies should secure the house Foreign Shipbuilding Workers stay during their stay in Japan.

In case the company collects accommodation fee from the Foreign Shipbuilding Workers, the following matters need to be considered.

- i. The amount of accommodation fee should not exceed the market price of the apartment or other accommodations in the neighborhood.
- ii. The company needs to fully explain the amount of the accommodation fee, breakdown of the fee, and its calculation procedures to the Foreign Shipbuilding Worker and to gain his/her understanding.
- iii. In case the company lends a single-family house to more than one Foreign Shipbuilding Worker, the accommodation fee per person should not exceed the prescribed accommodation fee divided by the number of the people staying the house.
- iv. It is necessary to make an arrangement in advance on the amount each side pays, regarding the expenses to be expected up to the time the Foreign Shipbuilding Workers return home. The expenses include repair costs when something get wrong with fixings and restoration costs to make the space be in the original state when the worker leaves.
- v. Electricity/gas/water bill and other bills should not exceed the amount the Foreign Shipbuilding Worker used.

(6) Matters concerning acquisition of the extended vacation

In case Foreign Shipbuilding Workers are engaged in Individual Enterprise Type Designated Shipbuilding Activities after technical intern training, they stay in Japan for five years in total.

Individual Enterprise Type Accepting Shipbuilding Companies therefore need to include the acquisition of the extended vacation in Individual Enterprise Type Appropriate Supervising Plan so that the Foreign Shipbuilding Workers can temporarily return to their country, if they wish to.

To be specific, the vacation needs to be included in the schedule the company prepares in accordance with paragraph (3) considering the transportation conditions of Japan and the home country of the Foreign Shipbuilding Workers, so that the Workers can return to their home temporarily.

(7) Matters concerning appointment of supervising instructors and daily life advisors

- i. Supervising instructor

Individual Enterprise Type Accepting Shipbuilding Companies need to appoint persons to supervising instructors according to the number and the occupation of the accepting Foreign Shipbuilding Workers.

For example, the company needs to avoid the situation such as having a supervising instructor instruct the extra number of Foreign Shipbuilding Workers even though he/she already is instructing many technical intern trainees as a supervising instructor.

Supervising instructors need to have five years or more experience of practicing the skills they instruct, because they need to give adequate instructions on the skills in which the Foreign Shipbuilding Workers engaged.

Therefore, Please describe the career and work experience of the supervising instructor and number of the Foreign Shipbuilding Workers to whom the supervising instructor will give instructions (In case the person that is to be appointed as a supervising instructor is already appointed as a technical intern training coordinator, please fill in the number of the technical intern trainees he/she is training) in Individual Enterprise Type Appropriate Supervision Plans.

It is required to attach the evidence to prove that the number persons who are appointed as supervising instructors and daily life advisors are adequate in the Individual Enterprise Type Accepting Shipbuilding Company.

Concerning confirmation of implementation of the Individual Enterprise Type Appropriate Supervision Plan in the Individual Enterprise Type Accepting Shipbuilding Companies and other related status (hereinafter referred to as the “implementation confirmation”) provided in Article 11 of the Public Notice No. 9, in the event of the implementation confirmation, the person who implements confirmation (hereinafter referred to as the “confirmation implementer”) needs to confirm whether the supervising instructor that has years of experience written in Individual Enterprise Type Appropriate Supervision Plan is actually in charge of instruction. The implementer also needs to confirm whether the instructor gives instructions in accordance with the know-how such as points to be considered in terms of safety and health management.

Supervising instructors can double as a technical intern training coordinator, but, as mentioned above, the company needs to appoint adequate number of people to supervising instructors considering the number of the accepting technical intern trainees and Foreign Shipbuilding Workers.

ii. Daily life advisor

Individual Enterprise Type Accepting Shipbuilding Companies should appoint persons to daily life advisors who provide advice on the daily life to Foreign Shipbuilding Workers.

In Individual Enterprise Type Appropriate Supervision Plans, please describe the

career of the person that is to be appointed as a daily life advisor and the number of the Foreign Shipbuilding Workers to whom he/she will provide advice. (In case the person that is to be appointed as a daily life advisor is already appointed as a daily life advisor of technical intern trainee, please fill in the number of the technical intern trainee he/she is in charge.)

The role daily life advisors play is important. They not only need to give the Foreign Shipbuilding Workers instructions on the points to be considered when they live in Japan, but also need to prevent the problem to occur through grasping the living situation of the Foreign Shipbuilding Workers and providing them with consultations.

Daily life advisors can double as a daily life advisor of technical intern trainee, but, as mentioned above, the company needs to appoint adequate number of people to daily life advisors considering the number of the accepting technical intern trainees and Foreign Shipbuilding Workers.

(8) Matters concerning financial base that secures payment, employment insurance, social insurance and other things

Sales, results of ordinary operations, and other information of the Individual Enterprise Type Accepting Shipbuilding Company must be described as the matters concerning financial base that secures payment, employment insurance, social insurance and other things. In addition, the copy of income statement and other documents must be attached.

(9) Matters concerning interview with Foreign Shipbuilding Workers and response to the consultation (including complaint handling) by Foreign Shipbuilding Workers on life, works, and other matters (including job changing), and concerning implementation of confirmation

Please describe the matters concerning counselors in Individual Enterprise Type Accepting Shipbuilding Company who provide consultations to Foreign Shipbuilding Workers, consultation system, and the time schedule of the consultation.

The consultation is ideally given in holidays and nighttime as well, because, in most of the cases, the Foreign Shipbuilding Workers are thought to ask for the consultations during off-duty hours.

Matters concerning implementation confirmation system must be described, too.

(10) Matters concerning securing travel expenses to return home and other security measures for returning home

Please describe the matters concerning the way to secure the travel expenses for the Foreign Shipbuilding Workers to return home, who to bear the expenses, terms for bearing the expenses, and other matters.

(11) Matters concerning the measures to be taken in case the continuation of the work becomes impossible

Please describe the matters concerning the measures to be taken in case Individual Enterprise Type Designated Shipbuilding Activities are terminated because of the reasons such as bankruptcy of the Individual Enterprise Type Accepting Shipbuilding Company, misconduct, runaway of the Foreign Shipbuilding Worker, issues between the Individual Enterprise Type Accepting Shipbuilding Company and the Foreign Shipbuilding Worker.

(12) Matters concerning sending organizations

Please describe the summary etc. of the sending organizations in the foreign countries.

It is not allowed to accept the Foreign Shipbuilding Workers from the sending organization that concludes a contract to plan the transfer of money and other property such as collecting deposit from the Foreign Shipbuilding Worker and setting the penalty in case of default. (Please refer to Chapter 10, Article 1, paragraph (1) of the Guidelines.)

The role sending organizations should play is as follows. The organizations that can play the following role need to be selected.

- a. Sending organizations must comprehend the purpose and the system of this project.
- b. Sending organizations must be able to fully explain the purpose and the system of this project to those who wish to be a Foreign Shipbuilding Worker, and select the appropriate candidates.
- c. Sending organizations must make efforts to realize a best match between those who wish to be a Foreign Shipbuilding Worker and the Individual Enterprise Type Accepting Shipbuilding Company, considering the request and condition of each side.
- d. In case of the accident and runaway of Foreign Shipbuilding Workers, sending organizations must cooperate to solve the problem. The organization must also consider the communication between the Foreign Shipbuilding Workers and their family left in the country.
- e. Adequate system and human resources must be secured so as to play its role mentioned from a. to d.

(13) Matters related to the response to inspection or instructions etc. by the Ministry of Land, Infrastructure, Transport and Tourism

Articles 15 and 17 to 19 of the Public Notice No. 9 stipulate inspection by the Ministry of Land, Infrastructure, Transport and Tourism; report instruction and necessary measures by Minister of Land, Infrastructure, Transport and Tourism when it has been

acknowledged by Minister of Land, Infrastructure, Transport and Tourism that matters pertaining to the acceptance of Foreign Shipbuilding Workers shall be corrected, on-site inspection by Minister of Land, Infrastructure, Transport and Tourism and ceasing instruction for acceptance of Foreign Shipbuilding Workers or instruction for other necessary measures as required for appropriate implementation by Minister of Land, Infrastructure, Transport and Tourism.

Inspection and on-site inspection etc. by the Ministry of Land, Infrastructure, Transport and Tourism prescribed in the Public Notice are executed in terms of appropriate implementation of Foreign Shipbuilding Worker Acceptance Program. In order to respond to such inspection smoothly, persons in charge of response to such inspection need to be decided in advance.

4. Documents to Be Submitted

- i. Application for the Certification of Individual Enterprise Type Appropriate Supervision Plan (Form No. 2-2)
- ii. Individual Enterprise Type Appropriate Supervision Plan (Form No. 2-2 (Attachment 1))
- iii. Certificate of Registered Matters of those that wish to be an Individual Enterprise Type Accepting Shipbuilding Company
- iv. A copy of income statement and balance sheet of those that wish to be an Individual Enterprise Type Accepting Shipbuilding Company
- v. Documents to clarify the number of the permanent employees (the document that clarify the rate of the permanent employees who have social insurance must be attached)
- vi. A copy of Employment Contract and Employment Terms and Conditions that those that wish to be an Individual Enterprise Type Accepting Shipbuilding Company (and sending organization) plans to conclude with the Foreign Shipbuilding Worker
- vii. List of the technical intern trainees that the Individual Enterprise Type Accepting Shipbuilding Company accepts (Form No. 2-2 (Attachment 2))
- viii. Documents to clarify the summary of the sending organization (pamphlet of the sending organization, the public document that certifies that the sending organization is registered, document that certifies the relationship between the sending organization and the Individual Enterprise Type Accepting Shipbuilding Company*, and other documents)

* The following documents are assumed for “document that certifies the relationship between the sending organization and the Individual Enterprise

Type Accepting Shipbuilding Company”; a copy of notification to the Japanese Minister of Finance concerning acquisition of foreign securities related to outward direct investment with clear indication of the investment rate and the amount invested in case where the foreign sending organization is a foreign business office or a subsidiary company of the Individual Enterprise Type Accepting Shipbuilding Company; a copy of letter of credit or bill of lading (including airway bill) in case where the sending organization is a company that has a business relationship with the Individual Enterprise Type Accepting Shipbuilding Company.

- ix. Any of the following documents to prove that the Individual Enterprise Type Accepting Shipbuilding Companies engage in shipbuilding business (limited for the production or repair operators of part of ship body on an actual commission by the notified operators of the provisions of Article 6, paragraph (1), item (i) or (ii) of Shipbuilding Act or the registered operators under the provisions of Article 4 of Act on Manufacturers of Small Ships)
 - a. A copy of contract for work pertaining to production or other works of part of ship body with companies with the notification under Shipbuilding Act or the registration under Act on Manufacturers of Small Ships (When the company engages in production or other works of part of ship body with multiple contracts for work, connection with companies with the notification under Shipbuilding Act or the registration under Act on Manufacturers of Small Ships needs to be proved.)
 - b. A copy of purchase and sales contract of part of ship body with companies with the notification under Shipbuilding Act or the registration under Act on Manufacturers of Small Ships (When the company engages in production or other works of part of ship body with multiple contracts, connection with companies with the notification under Shipbuilding Act or the registration under Act on Manufacturers of Small Ships needs to be proved.)
 - c. A copy of comprehensive contract pertaining to provision of services on Designated Shipbuilding Activities with companies with the notification under Shipbuilding Act or the registration under Act on Manufacturers of Small Ships
- x. Documents to prove that the estimated amount of payment of the Foreign Shipbuilding Workers is the same as or more than that of Japanese workers who have the same level of skills.
- xi. Resume of the confirmation implementer, the supervising instructor, and daily life

advisor (regarding the supervising instructor, the work experience must be described, too)

- xii. Documents providing the record of acceptance of technical intern trainees in the field of shipbuilding

As provenances of the applicant's experience of acceptance in the Shipbuilding Technical Intern Training Program, submit one set of document of the type a. and another of the type b., both described below.

Applicants need not submit documents for all technical interns having been accepted until the time of submission. Submit only documents for one technical intern that proves the applicant's experience.

- a. One set of document identifying the "full name," "staying period," "job category," and "name the organizations implementing technical intern training" of the technical intern trainees accepted under Technical Intern Training (ii).

- (a) Employment contract and employment condition document

- (b) Technical intern trainee dispatch agreement

- (c) Letter of Dispatch

- b. One set of document proving that the technical intern trainee accepted under Technical Intern Training (ii) has been registered for two years.

- (a) Return report

- (b) Document explaining wage payment during the technical intern training (such as copies of wage ledger or paychecks)

- xiii. Documents to prove that measures to prevent industrial accident are taken

- a. Document to confirm implementation of matters to be implemented by principal employer in "Guidelines on Occupational Safety and Health Management Systems" (Ministry of Health, Labour and Welfare Notification No. 53) and "Guidelines on Comprehensive Safety and Health Management by Principal Employer in Shipbuilding Industry" (Notification by Director of Labor Standards Bureau No. 0801010, August 1, 2006) based on the provisions of Article 24-2 of Ordinance on Industrial Safety and Health (Ordinance of the Ministry of Labour No. 32 of 1972), or certification document by the third party related to safety and health management system such as "OHSAS18000 Series" or "JACO OSHMS Standard" and safety and health plan or other document related to actual measures to prevent industrial accident

- b. Document to confirm that occurrence rate of industrial accident is below the

average occurrence rate of industrial accident in the industry that the workplace belongs to*¹

- c. Document to confirm that cause of accident has been investigated and necessary recurrence prevention measures have been taken when serious industrial accident*² such as fatal accident of workers had occurred for one year prior to the date of application of the Individual Enterprise Type Appropriate Supervision Plan

*¹ One of the requirements prescribed in Article 88 of Industrial Safety and Health Act for eliminating the need of notification to the Chief of the Labor Standards Inspection Office related to moving or altering, etc. of buildings or machines, etc. is “occurrence rate of industrial accident below the average occurrence rate of industrial accident in the industry that the workplace belongs to.” For definition of this requirement, “Enforcement of Laws or Regulations (Pertaining to Industrial Safety and Health Act) for Partial Revision of Industrial Safety and Health Act or Other Related Laws” (Notification by Director of Labor Standards Bureau No. 0224003, February 24, 2006) stated “when merit income and expenditure ratio of accident insurance that has been notified for one year prior to the date of application is equal to or lower than 75%.” Following this definition, document to certify that merit income and expenditure ratio (described later) of accident insurance is equal to or lower than 75% needs to be submitted.

*² “Serious industrial accident” means industrial accident resulting in four or more days of absence from work for three or more workers simultaneously or disability listed in the Table of Disability Grades of Appended Table 2 of Ordinance for Enforcement of the Labor Standards Act, or industrial accident by explosion, fire, rupture, large amount leakage of deleterious material, etc. and resulting in evacuation recommendation or evacuation order under the provisions of Article 60 and other provisions of Basic Act on Disaster Control Measures (Act No. 223 of 1961)

5. Requirements for Certification

The requirements for certification of Individual Enterprise Type Appropriate Supervision Plan are as stipulated in Article 4 of the Public Notice No. 5. The points to be considered regarding the major requirements for certification are as follows.

- (1) Requirements for those that wish to be an Individual Enterprise Type Accepting Shipbuilding Company

- i. The company must submit a notification set forth in Article 6, paragraph (1), item (i) or (ii) of Shipbuilding Act, be registered under Article 4 of Act on Manufacturers of Small Ships, or engage in production or repair of part of ship body on an actual commission by companies with the above notification or registration.
- ii. The company must not be sentenced to a fine or a severer punishment by violating Shipbuilding Act or Act on Manufacturers of Small Ships for the past five years.
- iii. For the company that has received working recommendations etc. prescribed in Article 7 of Shipbuilding Act by Minister of Land, Infrastructure, Transport and Tourism for the past five years, necessary remedy for these recommendations must be taken.
- iv. The company must not be commanded to cease the business or cancelled the registration by Minister of Land, Infrastructure, Transport and Tourism, prescribed in Article 17, paragraph (1) of Act on Manufacturers of Small Ships (for item (ii) of the same paragraph, limited to descriptions related to provisions of Article 7, paragraph (1), item (i) or (iv) of Act on Manufacturers of Small Ships), for the past five years.
- v. The company must not be subject to fine or severer punishment for a violation of the laws relevant to Labor Standards Act toward workers employed by the Individual Enterprise Type Accepting Shipbuilding Company in the past five years.

Those that wish to be an Individual Enterprise Type Accepting Shipbuilding Company, their manager, supervisor, supervising instructors, or daily life advisors need not to be subject to fine or severer punishment for a violation of the laws relevant to Labor Standards Act toward workers employed by the Individual Enterprise Type Accepting Shipbuilding Company in the past five years.

“The past five years” means that it has been five years or more since the day one finished one’s sentence, or the day one did not serve one’s sentence anymore.

To be precise, Labor Standards Act, Industrial Safety and Health Act, Minimum Wage Act and other laws apply to the laws relevant to Labor Standards Act.

- vi. The company must take measures to prevent industrial accident with standards exceeding minimal conditions that are stated as matters to be taken in laws or regulations pertaining to Industrial Safety and Health Act.

“Guidelines on Comprehensive Safety and Health Management by Principal Employer in Shipbuilding Industry” (Notification by Director of Labor Standards Bureau No. 0801010, August 1, 2006) formulated by the Ministry of Health, Labour and Welfare provides for matters to be implemented and those desirable to be implemented pursuant to laws and regulations by each of principal employer and

related contractor.

“Guidelines on Occupational Safety and Health Management Systems” (Ministry of Health, Labour and Welfare Notification No. 53) is also published pursuant to the provision of Article 24-2 of Ordinance on Industrial Safety and Health. Matters required by the laws and regulations to ensure safety and health for workers need to be implemented as a matter of course, and prime shipbuilding companies as principal employer in the Industrial Safety and Health Act should make efforts to ensure safety and health for workers including workers of subcontractors. Therefore, any of the following measures are required to be taken as measures to prevent industrial accident with standards exceeding minimal conditions.

- a. The company must implement the matters desirable to be implemented by principal employers set forth in “Guidelines on Occupational Safety and Health Management Systems” (Ministry of Health, Labour and Welfare Notification No. 53) and “Guidelines on Comprehensive Safety and Health Management by Principal Employer in Shipbuilding Industry” (Notification by Director of Labor Standards Bureau No. 0801010, August 1, 2006) based on the provisions of Article 24-2 of Ordinance on Industrial Safety and Health (Ordinance of the Ministry of Labour No. 32 of 1972).
- b. The company must establish safety and health plan or other actual measures to prevent industrial accident and certified by the third party related to safety and health management system such as “OHSAS18000 Series” or “JACO OSHMS Standard.”

Furthermore, in terms of objective and external guarantee to implement long-term sufficient measures for worker protection by regulatory compliance and voluntary effort, it is required that “occurrence rate of industrial accident is below the average occurrence rate of industrial accident in the industry that the workplace belongs to.”

In “Enforcement of Laws or Regulations (Pertaining to Industrial Safety and Health Act) for Partial Revision of Industrial Safety and Health Act or Other Related Laws ” (Notification by Director of Labor Standards Bureau No. 0224003, February 24, 2006), “occurrence rate of industrial accident below the average occurrence rate of industrial accident in the industry that the workplace belongs to” means “when merit income and expenditure ratio of accident insurance that has been notified for one year prior to the date of application is equal to or lower than 75%.” Following this definition, merit income and expenditure ratio is equal to or

lower than 75%.

In addition, although effort and actual performance of business operator to prevent accident including serious accident can be judged by merit income and expenditure ratio, in terms of worker protection, cause of accident needs to be investigated and necessary recurrence prevention measures need to be taken when serious industrial accident such as fatal accident of workers had occurred recently (for one year prior to the date of application of individual enterprise type appropriate supervision plan).

- vii. The company must comply with laws relevant to labor laws and those relevant to social insurance laws

The Individual Enterprise Type Accepting Shipbuilding Company needs to comply with laws relevant to labor laws and those relevant to social insurance laws when accepting the Foreign Shipbuilding Workers.

- a. Compliance with the laws relevant to labor laws

Compliance with the laws relevant to labor laws is especially important when the Individual Enterprise Type Accepting Shipbuilding Company implements Individual Enterprise Type Designated Shipbuilding Activities in a responsible and in an appropriate way.*¹ In case the company violates the laws relevant to labor laws, it could be subject to punishment. Moreover, it is misconduct for a violation of the laws relevant to labor laws to be described herein.

*¹ Strict compliance with the laws relevant to labor laws is required, such as those concerning preparation of payroll book, prohibition on compulsory saving, leave allowance, wage payment, minimum wage, extra wage, working hours, rest, securing of holidays, granting of annual paid leave, dissemination of laws, workers' camp, education on safety and health, license of restricted works, health checkups.

According to Labor Standards Act, Individual Enterprise Type Accepting Shipbuilding Companies are obliged to demonstrate the labor conditions to the Foreign Shipbuilding Workers. They need to provide the workers with the documents especially on wage and working hours and other matters. In such case, based on Guidelines on Ways for Employers to Take Appropriate Measures with Regard to Improvement in Employment Management of Foreign Workers (Ministry of Health, Labour and Welfare Public Notice No. 276 of 2007), the accepting company should prepare the employment contract

in the language of the Foreign Shipbuilding Workers' country as well as in Japanese so that the workers are able to fully understand the content of the contract.

It is required to control the working hours of the Foreign Shipbuilding Workers. In case the companies have the Foreign Shipbuilding Workers work extra hours and on holidays, not only the payment of extra wage but also the conclusion and notification of labor-management agreement (36 Agreement) *² are required.

*² Act No. 36, 3 of Labor Standards Act stipulates that the contents of 36 Agreement should comply with the standard set by Minister of Health, Labour and Welfare (Ministry of Labour Public Notice No. 154). The Notification stipulates the limited time of overtime work in a certain period.

b. Compliance with the laws relevant to social insurance laws

Individual Enterprise Type Accepting Shipbuilding Companies need to comply with the laws relevant to social insurance laws (including those related to employment insurance laws), and to promote the measures to be taken for disaster prevention and securing health.

Individual Enterprise Type Accepting Shipbuilding Companies should have the Foreign Shipbuilding Workers take out workers' accident compensation insurance for accident at work and on their way to work just in case. The companies should also have them take out health insurance and social insurance such as employee's pension insurance for injury and disease in daily life, disability compensation, and bereaved family compensation.

Explanation on social insurance and other matters is required when demonstrating the condition of employment to the foreign workers.

- viii. Individual Enterprise Type Accepting Shipbuilding Companies must cooperate with the survey on wage standard and on other matters conducted by supervisory agencies such as Ministry of Land, Infrastructure, Transport and Tourism.

The details of the cooperation in the survey are described in Chapter 10, Article 1, paragraph (4) of the Guideline.

- ix. When asked for the report stipulated in Article 4 of the Public Notice No. 7, Individual Enterprise Type Accepting Shipbuilding Companies must sincerely respond to the request and follow the instructions of the contractor.

When asked for the report pursuant to other laws, acts, notifications or other regulations set by Ministry of Land, Infrastructure, Transport and Tourism,

Individual Enterprise Type Accepting Shipbuilding Companies must sincerely respond to the request and follow the instructions of the original contractor.

- x. Individual Enterprise Type Accepting Shipbuilding Companies must have two years or more experience in the implementation of technical intern training in the field of shipbuilding in the past five years.

Points to be considered are the same as Chapter 5, Article 4, paragraph (1) of the Guideline.

- xi. Individual Enterprise Type Accepting Shipbuilding Companies must not have committed misconduct concerning acceptance of foreign nationals or their employment in the past five years.

It is required that Individual Enterprise Type Accepting Shipbuilding Companies have not committed misconduct concerning acceptance of foreign nationals and their employment in the past five years.

Based on the intent to limit the Individual Enterprise Type Accepting Shipbuilding Company in Foreign Shipbuilding Worker Acceptance Program to quality companies, it is required that not only the organizations that wish to be an Individual Enterprise Type Accepting Shipbuilding Company, but also their manager, supervisor, supervising instructor, and daily life advisors have not committed any misconduct concerning acceptance of foreign workers and their employment.

It is also required that, in case the manager or supervisor of the organization that wish to be an Individual Enterprise Type Accepting Shipbuilding Company serves as the manager or board member of another Individual Enterprise Type Accepting Shipbuilding Company, the manager or board member said has not committed any misconduct concerning acceptance of foreign nationals or their employment.

Regarding the misconduct concerning status of residence "Technical Intern Training" or "Trainee", the misconduct applies to the misconduct concerning acceptance of foreign nationals or their employment, in case the organization received a notification by Regional Immigration Bureau stating the recognition of misconduct, regardless whether the said misconduct obstructs the appropriate implementation of technical intern training or trainee, or not. However, considering paragraphs v. and vi., misconduct relating to item (n) of the left-hand column in the list of item (xviii) of the right-hand column of Technical Intern Training (i) (a) or misconduct relating to item (o) of the left-hand column in the list of item (xvi) of the right-hand column corresponding to the activities listed in item (i), sub-item (b) of the right-hand column under "Technical Intern Training" specified in Appended

Table I (2) of the Ministerial Ordinance on Criteria, which relates to violation of the laws relevant to Labor Standards Act toward workers other than those employed by the Individual Enterprise Type Accepting Shipbuilding Companies, does not disturb appropriate implementation of Technical Intern Training and does not apply to the above misconduct when necessary recurrence prevention measures are taken.

- xii. In accordance with the regulations stipulated from (xxi) (a) to (d) of the right-hand column of Technical Intern Training (i) (a), in case above-mentioned organization or person has been subject to the punishment, five years must be passed since the day it/he/she finished his/her sentence, or the day it/he/she did not serve one's sentence anymore.

In case Individual Enterprise Type Accepting Shipbuilding Companies (including individuals such as their manager, supervisor, supervising instructor, and daily life advisor) has been subject to punishment for the crime of inciting illegal employment (crime stipulated in Article 73-2 to Article 74-8 of Immigration Control and Refugee Recognition Act) and for the violation of wage payment and other obligations (Articles 24 and 37 of Labor Standards Act, Article 4, Item 1 of Minimum Wage Act, etc.), Individual Enterprise Type Appropriate Supervision Plan of the company cannot be certified until five years have passed since the day it finished its sentence, or the day it did not serve one's sentence anymore.

- xiii. Regarding the business activity of the said organization, the organization must not have committed any act stipulated in (xxi-2) of the right-hand column of Technical Intern Training (i) (a) in the past five years.

In case the Individual Enterprise Type Accepting Shipbuilding Company, its manager, supervisor, supervising instructor, or daily life advisor have exercised or provided forged/altered document with the aim of having the foreigner illegally receive Certificate of Eligibility for the Status of Residence (COE), permission of landing, Application for Change of Status of Residence, and other certifications or permissions, its Individual Enterprise Type Appropriate Supervision Plan cannot be certified.

- xiv. The Accepting Shipbuilding Company must not have had the number of workers equivalent to the number of Foreign Shipbuilding Workers who would be placed in the work in which the workers had been engaged quit against their will in the past three years.

Considering that Foreign Shipbuilding Worker Acceptance Program is based on the idea of making best effort to secure domestic human resources before accepting

the foreign human resources, it is not acceptable to have domestic workers who are working quit against their will (firing, etc.) with the aim of accepting Foreign Shipbuilding Workers.

In accordance with these requirements, in case Individual Enterprise Type Accepting Shipbuilding Companies have had 30 or more workers in their business site who were engaged in the work that the accepted Foreign Shipbuilding Workers would be placed quit within a month in the past three years, its Individual Enterprise Type Appropriate Supervision Plan cannot be certified.

(2) Number of foreign workers to be accepted

The number of the Foreign Shipbuilding Workers to be accepted must not exceed the total number of the permanent employees of the organization that wishes to be an Individual Enterprise Type Accepting Shipbuilding Company.

Please note that the total number of the permanent employee does not include the number of technical intern trainees and Foreign Shipbuilding Workers accepted by the organization that wishes to be an Individual Enterprise Type Accepting Shipbuilding Company.

(3) Period of Stay

The term in which the workers are engaged in the work needs to be set within the period in which Foreign Shipbuilding Workers are able to stay in accordance with Chapter 4, Article 2 of the Guideline.

(4) Estimated amount of payment

Article 4, paragraph (4) of the Public Notice No. 5 stipulates that the estimated amount of the payment should be “the same or higher than the reward for Japanese worker with the same skill level.”

Due to the fact that the Foreign Shipbuilding Workers have stayed in Japan for approximately three years to complete the technical intern training, they need to be treated as “experienced workers” who have approximately three years of experience in the work they will be engaged in.

Therefore, the estimated amount of payment must exceed the payment of technical intern trainees. And at the same time, the Individual Enterprise Type Accepting Shipbuilding Company needs to determine the estimated amount of payment in an appropriate way through comparing it with the amount the company pays to Japanese technical workers who have three years of experience.

In the application for the certification of Individual Enterprise Type Appropriate Supervision Plan, the company needs to attach “documents to prove that the estimated amount of payment is the same or higher than the reward for Japanese worker with the

same skill level” that describe the amount paid to the technical intern trainees and Japanese technical workers with approximately three years of experience so as to demonstrate that the estimated amount of payment the company determined meets the requirements. (The estimated amount of payment must be described per month.)

In case there is no Japanese worker that can be an object of comparison, the Individual Enterprise Type Accepting Shipbuilding Company needs to objectively explain the rational reason why the estimated amount of payment it determined is appropriate through methods such as: presenting the amount of payment that should be paid to the worker with approximately three years of experience in accordance with the rules of employment in the Individual Enterprise Type Accepting Shipbuilding Company; estimating the amount said from the amount paid to the other worker with different years of experience.

(5) Deposit and penalty

Some sending organizations participating in Technical Intern Training Program are known to collect deposits from technical intern trainees themselves for avoiding their runaway.

This practice is prohibited under Technical Intern Training Program. Since the Foreign Shipbuilding Worker Acceptance Program follows the same principle, sending organizations that collect deposits from Foreign Shipbuilding Workers themselves or their families, thereby effectively controlling their money and other properties, cannot have their Foreign Shipbuilding Workers accepted. The same also stands for sending organizations that have contractual provisions for unjustly transferring money and other properties as penalty for non-performance of employment contracts by technical training interns.

Moreover, the same also stands when sending organizations and Individual Enterprise Type Accepting Shipbuilding Companies have mutually agreed to contractual provisions for unjustly transferring money and other properties as penalty for non-performance of employment contracts by Foreign Shipbuilding Workers.

Note: This requirement do not prohibit claiming damages for actual losses

6. Change in Individual Enterprise Type Appropriate Supervision Plan

In case there is any change in entries in Individual Enterprise Type Appropriate Supervision Plan, the application for the change in Individual Enterprise Type Appropriate Supervision Plan should be made to Minister of Land, Infrastructure, Transport and Tourism.

Please fill in the application form No. 2-2 for the application for the change in a way that the changes are visible.

Please note that, in accordance with Article 3 of the Public Notice No. 13, the certification of Individual Enterprise Type Appropriate Supervision Plan can be rebuked, in case that the Individual Enterprise Type Designated Shipbuilding Activities are continued without applying for the change.

Chapter 8: Immigration Procedures of Foreign Shipbuilding Workers

1. Application for Certificate of Eligibility for the Status of Residence (COE)

Designated Supervising Organizations and other organizations* that intend to accept the Foreign Shipbuilding Workers who had returned to the country of nationality or address the workers have after completing the Shipbuilding Technical Intern Training Program must take the procedures to apply for Certificate of Eligibility for the Status of Residence.

Application for Certificate of Eligibility for the Status of Residence of status of residence "Designated Activities" that is required for conducting Designated Shipbuilding Activities or Individual Enterprise Type Designated Shipbuilding Activities will be open from February 1, 2015.

Entry with status of residence "Designated Activities" required for conducting Designated Shipbuilding Activities or Individual Enterprise Type Designated Shipbuilding Activities will be acceptable from April 2015.

* Due to the amendments to Ordinance for Enforcement of Immigration Control and Refugee Recognition Act, employees of Designated Supervising Organizations will be able to take the procedures for the application for Certificate of Eligibility for the Status of Residence etc.

(1) Who to take the application procedures

- For Designated Shipbuilding Activities, employees of Designated Supervising Organizations or Accepting Shipbuilding Companies, or agents engaged in submission service of entry and residence-related applications to Regional Immigration Bureau, etc.
- For Individual Enterprise Type Designated Shipbuilding Activities, employees of Individual Enterprise Type Accepting Shipbuilding Companies or agents engaged in submission service of entry and residence-related applications to Regional Immigration Bureau, etc.

(2) Where to apply

- For Designated Shipbuilding Activities, the Regional Immigration Bureau with jurisdiction over the area where planned residence, or the Designated Supervising Organization or the Accepting Shipbuilding Company is located.
- For Individual Enterprise Type Designated Shipbuilding Activities, the Regional Immigration Bureau with jurisdiction over the area where planned residence or the Individual Enterprise Type Accepting Shipbuilding Company is located.

(3) Documents to be submitted

- i. Application form for Certificate of Eligibility for the Status of Residence

- ii. Photograph (4 cm high x 3 cm wide)
- iii. Return envelope (standard-sized envelope with return address and (a) stamp(s) equivalent to the amount of mailing cost for simple registered mail on it)
- iv. A copy of certificate of Appropriate Supervision Plan or Individual Enterprise Type Appropriate Supervision Plan certified under Article 2 or 4 of the Public Notice No. 5
- v. A copy of employment contract
- vi. Documents to prove that the worker will be engaged in the work that requires the skills he/she had acquired in technical intern training during his/stay in Japan, after he/she returned home (certification of the plan to return to work, etc.)
- vii. Materials to clarify the summary of the Designated Supervising Organization (only for Designated Shipbuilding Activities)
- viii. Materials to clarify the summary of the Accepting Shipbuilding Company or Individual Enterprise Type Accepting Shipbuilding Company
- ix. Resume of the applicant (the person who wishes to be a Foreign Shipbuilding Worker)
- x. Documents to certify the status of the applicant (a copy of the passport, etc.)
- xi. A copy of contract or other document between sending organization and Foreign Shipbuilding Worker (only for Individual Enterprise Type Designated Shipbuilding Activities, written order or appointment for loan or transfer, etc. prepared by the organizations they belong in their countries and promulgated to the applicants.

2. Acquisition of Visa and Immigration Procedures

Persons who wish to be a Foreign Shipbuilding Worker must apply to Japanese diplomatic mission in the country for visa by presenting or submitting application form for visa, photograph, passport, Certificate of Eligibility for the Status of Residence, and other materials.

The persons who wish to be a Foreign Shipbuilding Worker must present or submit passports, visas, and Certificate of Eligibility for the Status of Residence and other materials to an immigration officer to go through examination for landing at airport or seaport in Japan. Then they must get the stamp of permission of landing in their passports and receive residence cards.

* As of November 2014, only Narita International Airport, Tokyo International Airport, Chubu Centrair International Airport, and Kansai International Airport provide residence cards at the same time as the stamp of permission of landing. Other airports and seaports send residence cards by mail after the Foreign Shipbuilding

Workers notify their addresses.

3. Notification of Address

After entering the country, the persons who wish to be a Foreign Shipbuilding Worker need to submit their residence cards (in case residence card is to be provided later, they must present their passport) to the city, ward, town, or village they live and notify their address within 14 days from the day they determine the address.

In case the persons who wish to be a Foreign Shipbuilding Worker change the address, they need to submit their residence cards (in case residence card is to be provided later, they must present their passport) to the city, ward, town, or village they live and notify their new address within 14 days from the day they move to the new address.

4. Application for Extension of Period of Stay

In case the persons who wish to be a Foreign Shipbuilding Worker wish to extend the residence, they must go through procedures for the application for extension of period of stay. The application period is from approximately three months before the expiration of the term of residence to the day of expiration of the term of residence. Residence card is provided, when the persons who wish to be a Foreign Shipbuilding Worker get the permission.

(1) Who to take the application procedures

The persons who wish to be a Foreign Shipbuilding Worker take the procedures themselves. However, employees of Designated Supervising Organization, Accepting Shipbuilding Company, or Individual Enterprise Type Accepting Shipbuilding Company and agent engaged in submission service of entry and residence-related applications to Regional Immigration Bureau can do it, too.

(2) Where to apply

Regional Immigration Bureau with jurisdiction over the area of the address of the persons who wish to be a Foreign Shipbuilding Worker.

(3) Documents to be submitted

- i. Application for Extension of Period of Stay
- ii. Photograph (4 cm high x 3 cm wide)
- iii. Passport and residence card (presentation)
- iv. A copy of the certificate of Appropriate Supervision Plan or Individual Enterprise Type Appropriate Supervision Plan certified under Article 2 or 4 of the Public Notice No. 5
- v. Certificate of employment

- vi. Tax certificate (or certificate of exemption from taxation) of inhabitant tax and certificate of tax payment (with the description of total income of a year and situation of tax payment)
- vii. Documents to certify the status of the person who takes the application procedure (in case the agent or other person/organization submits the application)

(4) Receipt of residence card

Commission of 4,000 yen (paid by revenue stamp) is required at the time of receipt.

5. Application for Change of Status of Residence

In case the worker wishes to be a Foreign Shipbuilding Worker who continues to stay in Japan after Shipbuilding Technical Intern Training Program, and in case the worker changes the Accepting Shipbuilding Company or the Individual Enterprise Type Accepting Shipbuilding Company due to the reasons such as job changing, he/she must immediately go through the application procedure for change of status of residence. A new residence card will be provided, when the worker gets the permission.

(1) Who to take the application procedures

Foreign Shipbuilding Workers themselves, employees of Designated Supervising Organizations, Accepting Shipbuilding Companies, or Individual Enterprise Type Accepting Shipbuilding Companies, or agents engaged in submission service of entry and residence-related applications to Regional Immigration Bureau.

(2) Where to apply

Regional Immigration Bureau with jurisdiction over the area of the address of the persons who wish to be a Foreign Shipbuilding Worker.

(3) Documents to be submitted

- i. Application form for change of status of residence
- ii. Photograph (4 cm high x 3 cm wide)
- iii. Passport and residence card (presentation)
- iv. A copy of the certificate of Appropriate Supervision Plan or Individual Enterprise Type Appropriate Supervision Plan certified under Article 2 or 4 of the Public Notice No. 5
- v. A copy of employment contract
- vi. Documents to prove that the worker will be engaged in the work that requires the skills he/she has acquired in technical intern training during his/stay in Japan, after he/she returns home country (certification of the plan to return to work, etc.)
- vii. Tax certificate (or certificate of exemption from taxation) of inhabitant tax and certificate of tax payment (with the description of total income of a year and

situation of tax payment)

- viii. Materials to clarify the summary of the Designated Supervising Organization
- ix. Materials to clarify the summary of the Accepting Shipbuilding Company or the Individual Enterprise Type Accepting Shipbuilding Company
- x. Resume of the Foreign Shipbuilding Worker himself/herself
- xi. Documents to prove the position of the person who takes the application procedure (in case the agent or other person/organization submits the application)
- xii. A copy of contract or other document between sending organizations and Foreign Shipbuilding Workers (only for Individual Enterprise Type Designated Shipbuilding Activities, written order or appointment for loan or transfer, etc. prepared by the organizations they belong to in their countries and promulgated to the applicants.

(4) Receipt of residence card

Commission of 4,000 yen (paid by revenue stamp) is required at the time of receipt.

Chapter 9: Designated Shipbuilding Activities

1. Implementation of Designated Shipbuilding Activities (Designated Supervising Organization)

(1) Inspection, instruction, and supervision of Accepting Shipbuilding Companies

“Supervision” in Foreign Shipbuilding Worker Acceptance Program means that Designated Supervising Organizations that accept Foreign Shipbuilding Workers confirm the implementation state to clarify whether the Accepting Shipbuilding Company implements Designated Shipbuilding Activities properly based on Appropriate Supervision Plan, and instructs the Accepting Shipbuilding Company on the proper implementation.

Implementation of Designated Shipbuilding Activities under the “responsibility and supervision” of Designated Supervising Organizations complements the ability of Accepting Shipbuilding Companies and encourages them to implement proper Designated Shipbuilding Activities.

Therefore, in case these organizations become nominally Designated Supervising Organizations and “supervision” is conducted by other organizations, the Designated Shipbuilding Activities are not certified as the activities implemented under the “responsibility and supervision” of Designated Supervising Organizations. Such organizations to accept Foreign Shipbuilding Workers is, as a consequence, inappropriate.

Designated Supervising Organizations need not only to try to surely implement the regular inspection of the Accepting Shipbuilding Company, but also to visit the Accepting Shipbuilding Company and interview Foreign Shipbuilding Workers on regular basis to conduct supervision properly.

(2) Coordination with the sending organization and placement of Foreign Shipbuilding Workers

Designated Supervising Organizations need to coordinate closely with the sending organization in the foreign country, to accept the worker in Japan, and to find an Accepting Shipbuilding Company that accepts the worker, especially in case Designated Supervising Organizations accept the worker who had returned home after he/she completed technical intern training as a Foreign Shipbuilding Worker.

In case the sending organization finds an Accepting Shipbuilding Company for the Foreign Shipbuilding Worker and helps the conclusion of the employment contract, the sending organization naturally needs to be recognized as a legal existence.

Considering the fact that the sending organization that is familiar with the situation in the country of the worker plays an important role, Designated Supervising Organizations need to fully explain the purpose and system of Foreign Shipbuilding Worker Acceptance

Program. Designated Supervising Organizations and the sending organization need to cooperate with each other to select proper Foreign Shipbuilding Workers.

Some sending companies collect deposits from the technical intern trainee himself/herself or his/her family to prevent his/her runaway, though such a thing is prohibited in the Technical Intern Training Program. In case a sending organization manages money and other properties of a Foreign Shipbuilding Worker or his/her family by collecting deposits and by other means, it is not acceptable to accept a Foreign Shipbuilding Worker from such a sending organization.

It is not acceptable either to accept a Foreign Shipbuilding Worker from the sending organization, in case the sending organization concludes a contract to plan the transfer of money and other properties, such as settings a penalty in case of the worker's default in employment contract. Therefore, when accepting Foreign Shipbuilding Workers, Designated Supervising Organizations need to understand the contents of the contract concerning the sending of workers that was concluded between the sending organization and the person who wishes to be engaged in Designated Shipbuilding Activities, so as to confirm for sure whether there is no inappropriate content such as the provisions on collection of deposits.

(3) Regular confirmation on working situation and other matters

Designated Supervising Organizations need to inspect Accepting Shipbuilding Company at least once in three months. The organizations also need to make efforts to check the working situation of the Foreign Shipbuilding Workers to confirm whether Designated Shipbuilding Activities are implemented in line with Appropriate Supervision Plan.

Especially in case the Foreign Shipbuilding Worker had returned home after he/she completed technical intern training and reentered Japan, Designated Supervising Organizations must visit the Accepting Shipbuilding Company once a months for six months after the said Foreign Shipbuilding Worker entered Japan, and need to confirm the his/her working situation.

The employees of Designated Supervising Organizations or other persons who confirmed the situation need to report the implementation status of the on-site instructions to the person in Designated Supervising Organization, who is responsible for Designated Shipbuilding Activities. The employee or other person also needs to record the said contents and keep the record in the main office of the organization (please refer to paragraph (6) for the period of storing the document).

The examples of the confirmation items on the visit are as follows:

- i. Life

Meals; health management; whether there is troubled behavior or not; whether the workers take a leave of absence in an appropriate way

ii. Work

Working situation of the Foreign Shipbuilding Workers; situation of overtime work; measures taken for safety and hygiene; situation of wage payment

(4) Establishment of consultation system

i. Summary

Designated Supervising Organizations should appoint persons to counselors to take measures to respond to the consultations by Foreign Shipbuilding Workers on life (including job changing), work, and other matters. The consultations are ideally given in holidays and nighttime as well, because, in most of the cases, the Foreign Shipbuilding Workers are thought to ask for the consultations during off-duty hours. It is desired that the consultation service is provided in the language of the country of the Foreign Shipbuilding Worker. In case it is difficult to appoint a person to a counselor in Designated Supervising Organization, the organization can use the consultation system of its superior organization.

Naturally, Designated Supervising Organization must tell clearly the Foreign Shipbuilding Workers when, who, and how to consult after the workers enter Japan. The counselor who was consulted by Foreign Shipbuilding Workers needs to record the contents of the consultation, and to take the appropriate measure for it in collaboration with public institutes and the daily life advisor of the Accepting Shipbuilding Company.

ii. Response to the consultation on job changing

Foreign shipbuilding workers are able to change the Accepting Shipbuilding Company. However, the appropriate employment that is consistent with the intent of this program needs to be secured. Moreover, in terms of the dissemination of the relevant laws to Foreign Shipbuilding Workers, the Foreign Shipbuilding Worker must consult the Designated Supervising Organization in advance. The Designated Supervising Organization needs to respond to the consultation properly and sincerely so that illegal employment and other problems would not occur.

The intent of consultation to the Designated Supervising Organization on job changing is, as mentioned above, to surely provide the Foreign Shipbuilding Workers with the opportunity to consult proper organizations on job changing. Please note that it does not intend to mean that the workers cannot change their job without approval of Designated Supervising Organizations.

iii. Items to be done by Designated Supervising Organization at the time of consultation

on job changing

In case Designated Supervising Organizations are consulted by Foreign Shipbuilding Workers on job changing, the organizations need to sincerely respond to the consultation and to make efforts to provide the said Foreign Shipbuilding Workers in with the following support.

- a. Serving as an intermediary between the said Foreign Shipbuilding Worker, the Accepting Shipbuilding Company where the worker works, and the sending organization
 - b. Introducing another Accepting Shipbuilding Company under the umbrella of the Designated Supervising Organization, which can accept the worker, or through the Council for the Promotion of Appropriate Supervision, introducing another Designated Supervising Organization that has an Accepting Shipbuilding Company with occupations in which the Foreign Shipbuilding Worker can be engaged
 - c. Coordination of job changing with the sending organization (taking necessary procedures concerning the job changing of the said Foreign Shipbuilding Worker)
- iv. In case job changing becomes possible

In case of job changing of Foreign Shipbuilding Workers, it is required that the new Designated Supervising Organization is certified as Designated Supervising Organization, and the new Accepting Shipbuilding Company has received a certification of Appropriate Supervision Plan.

In principle, the work in which the Foreign Shipbuilding Worker is engaged needs to be the same as the name of occupation and work the worker completed in Shipbuilding Technical Intern Training Program, as stipulated in Chapter 6, 3 (2) iv. Therefore, in principle, “the details of the work in which the Foreign Shipbuilding Worker is engaged” in Appropriate Supervision Plan of the new Accepting Shipbuilding Company needs to be the same as the occupation and work the said Foreign Shipbuilding Worker completed in Shipbuilding Technical Intern Training Program.

In case the new Designated Supervising Organization has no connection with the sending organization to which the Foreign Shipbuilding Worker belongs, the organization needs to report the fact that the worker changed his/her job. In addition, the organization needs to arrange the necessary items that are required for the proper supervision. Followings a. to e. are the main items organization needs to arrange.

- a. Role of the sending organization

It is required to arrange the role of the sending organization, such as placement of the contact person in the sending organization; implementation of the legal procedures for the government of the sending country; preparation of the documents required for the procedures for residence.

b. Instructions on the items that the Foreign Shipbuilding Worker should comply with

It needs to be arranged that the sending organization informs the following items that the Foreign Shipbuilding Workers should comply with. The organization also needs to collaborate with the Designated Supervising Organization and the Accepting Shipbuilding Company to give instructions to the Foreign Shipbuilding Workers.

Foreign Shipbuilding Workers should:

- be engaged in Designated Shipbuilding Activities in a sincere attitude in accordance with the instructions given by the supervising instructor and daily life advisor.
- stay in Japan alone, and not bring over their family with the aim of living together.
- not conduct any activity that is associated with income or payment, other than the one certified in the state of residence.
- keep the passport and carry the residence card at all times.
- return home after the completion of Designated Shipbuilding Activities.
- effectively take advantage of the skills they acquired during technical intern training in the workplace they returned and contribute to the development of the industry of their country.

c. Measures to be taken in case of accident, crime, and runaway

It is required to decide in advance where to contact and other matters, in case problems concerning Foreign Shipbuilding Workers, such as an accident, crime, and runaway, occur.

d. Prohibition of the collection of deposits

It is required to reach an agreement with the sending organization on compliance with Article 2, paragraph (11) of the Public Notice No. 4 that stipulates prohibition of the collection of deposits.

e. Which side to incur management expenses for sending the technical intern trainee

Regarding the expenses required when Foreign Shipbuilding Workers are involved in accidents, expenses on the consultations and support by daily life

advisors, and management expenses for sending technical intern trainees after the workers' return such as domestic travel expenses, it is necessary to make an arrangement in advance on the amount each side pays.

In addition, the new Designated Supervising Organization and Accepting Shipbuilding Company, as necessary, need to make amendments to the Appropriate Supervision Plan such as addition of the sending organization (submission of documents as referred to in Chapter 6, Article 4, item ix. and xiii. of the Guideline is not necessary in case of adding the sending organization to Appropriate Supervision Plan).

In case the necessary arrangement is not taken in advance, the organization or the company becomes subject to the instruction by Minister of Land, Infrastructure, Transport, and Tourism in accordance with Article 10 of the Public Notice No. 9. If the organization or the company does not follow the instruction, measures such as revocation of certification under the provisions of Article 1, paragraph (6) of the Public Notice No. 13.

It is also required to take necessary procedures to Immigration Bureau, such as the application for change in status of residence of the said Foreign Shipbuilding Worker.

The original Accepting Shipbuilding Company and the new Accepting Shipbuilding Company need to make notification of Foreign Workers' Employment Status concerning employment and resignation to Hello Work (public job stabilization office) with jurisdiction over the area where each Accepting Shipbuilding Company is located respectively.

v. Points to be considered concerning the job changing

Employment contract with fixed term is to be concluded between the Accepting Shipbuilding Company and the Foreign Shipbuilding Worker. Regulations stipulated in laws relevant to labor laws are applied to the termination of the contract.

Designated Supervising Organization needs to fully understand the provisions on the termination of the employment contract by job changing stipulated in the laws relevant to labor laws and other laws. The organization also needs to stand between the Accepting Shipbuilding Company and the Foreign Shipbuilding Worker and take appropriate measures for the job changing of the Foreign Shipbuilding Worker so that problems such as labor troubles, civil lawsuit, and illegal employment will not occur.

Please note that in case the Designated Supervising Organization neglects the

response to these consultations, the act could be regarded as misconduct under the item 14 of the Appended Table II of the Public Notice.

(5) Cooperation in survey and other matters

Designated Supervising Organizations need to cooperate in the survey and other matters at the request of Ministry of Land, Infrastructure, Transport and Tourism, Regional Immigration Bureau, Ministry of Health, Labour and Welfare, other regulatory authorities, and Council for the Promotion of Appropriate Supervision.

For example, the following cases apply to this: Designated Supervising Organization answering the survey; responding to the regulatory authorities after collecting the answer sheet of the Accepting Shipbuilding Companies under its umbrella, in case the Accepting Shipbuilding Company under its umbrella is subject to the survey.

(6) Preparation of documents concerning acceptance of Foreign Shipbuilding Workers and storage of the documents

Designated Supervising Organizations should prepare and store the documents concerning acceptance of Foreign Shipbuilding Workers.

“The documents concerning acceptance of Foreign Shipbuilding Workers” refers to the documents such as the document that is prepared for the confirmation on the working situation stipulated in Article 1, paragraph (4) of the Public Notice No. 6, and the list of Foreign Shipbuilding Workers. The documents should be stored at least for three years from the day the said Foreign Shipbuilding Worker returns home after he/she completed Designated Shipbuilding Activities.

The documents can be prepared, kept, and stored electronically (unless it is regulated in other laws).

2. Guaranty Measures for Returning Home

Designated Supervising Organizations and Accepting Shipbuilding Company need to secure travel expense for Foreign Shipbuilding Workers to return home and to take other measures for their returning home.

In principle, Foreign Shipbuilding Worker pays the travel expense to return home, which is the main part of guaranty measures for returning home. However, in case Foreign Shipbuilding Workers are unable to pay the amount due to circumstances beyond their control, the Accepting Shipbuilding Company needs to pay the expense.

In case the Accepting Shipbuilding Company is unable to pay the expense due to the reasons such as bankruptcy, the Designated Supervising Organization needs to pay for the expense for returning home.

Designated Supervising Organizations and Accepting Shipbuilding Companies need

to provide the support for returning home, such as arrangement of the air ticket and transportation to the airport.

3. Measures to Be Taken in Case Implementation of Designated Shipbuilding Activities Becomes Impossible

Sometimes the continuation of the Designated Shipbuilding Activities becomes impossible due to the factors such as bankruptcy of the Accepting Shipbuilding Company, misconduct, runaway of the Foreign Shipbuilding Worker, and troubles between the Accepting Shipbuilding Company and the Foreign Shipbuilding Worker. In such cases, the Accepting Shipbuilding Company should report to the Designated Supervising Organization the fact that the continuation of Designated Shipbuilding Activities became impossible and the measures to be taken (Article 5 of the Public Notice No. 6). The Designated Supervising Organization that received the report needs to immediately report the fact to Ministry of Land, Infrastructure, Transport and Tourism, Regional Immigration Bureau with jurisdiction over the area where the said Designated Supervising Organization is located, and Council for the Promotion of Appropriate Supervision (Article 1, paragraph (3) of the Public Notice No. 14).

In case the continuation becomes impossible due to the circumstances beyond control of the Foreign Shipbuilding Worker, he/she can still stay, on condition that the Foreign Shipbuilding Worker wishes to continue to conduct Designated Shipbuilding Activities and the worker is accepted by another Accepting Shipbuilding Company that is certified as having a system to conduct appropriate Designated Shipbuilding Activities. Therefore in case the Foreign Shipbuilding Worker who was accepted by the company that becomes unable to continue Designated Shipbuilding Activities wishes to continue the Designated Shipbuilding Activities, the said Accepting Shipbuilding Company and Designated Supervising Organization need to report the fact to Regional Immigration Bureau and to search for a new Accepting Shipbuilding Company through the support and instructions by Council for the Promotion of Appropriate Supervision and other relevant organizations (Public Notice No. 12).

Moreover, it is desirable that Designated Supervising Organizations are aware of how many Foreign Shipbuilding Workers each Accepting Shipbuilding Company under their umbrella can accept, so as to secure the new Accepting Shipbuilding Company immediately in case the continuation of Designated Shipbuilding Activities in an Accepting Shipbuilding Company becomes impossible.

The Foreign Shipbuilding Worker who wishes to transfer from the Accepting Shipbuilding Company he/she belongs to should apply to Regional Immigration Bureau

for the application for change of status of residence.

In case the continuation of Designated Shipbuilding Activities becomes impossible due to the runaway of the Foreign Shipbuilding Worker, the Accepting Shipbuilding Company and Designated Supervising Organization must give the above-mentioned report, and make efforts to know the whereabouts (his/her work place, etc.) of the runaway person through measures such as contacting the sending organization and the family in his/her home country.

The Accepting Shipbuilding Company should immediately report to Designated Supervising Organization, when it confirms the whereabouts of the runaway Foreign Shipbuilding Worker.

Designated Supervising Organization should immediately report to Ministry of Land, Infrastructure, Transport, and Tourism, the Regional Immigration Bureau with jurisdiction over the area where the Designated Supervising Organization is located, the Regional Immigration Bureau with jurisdiction over the address of the runaway person, and Council for the Promotion of Appropriate Supervision, when it receives a report from the Accepting Shipbuilding Company on the whereabouts, or when it confirms the whereabouts of the runaway Foreign Shipbuilding Worker itself.

4. Report to Relevant Organizations

In addition to a report to the relevant organizations stipulated in Public Notice No. 14, Designated Supervising Organizations need to give a report to the Council as stipulated in Article 3 of the Public Notice No. 8 and a report concerning inspection as stipulated in Public Notice No. 9.

The list of reports to be given by the Designated Supervising Organizations is described in Chapter 3 of the Guideline.

Neglect of report is not only become subject to the request for rectification. It can apply to the misconduct stipulated in the Appended Table II of the Public Notice. Therefore, the Designated Supervising Organizations needs to ensure that the necessary reports are given.

5. Implementation of Designated Shipbuilding Activities (Accepting Shipbuilding Companies)

Accepting Shipbuilding Companies should consider the following points when conducting Designated Shipbuilding Activities.

(1) Notification of acceptance to Designated Supervising Organization, etc.

When the Accepting Shipbuilding Companies accept Foreign Shipbuilding Workers, the Accepting Shipbuilding Companies should notify the fact to Designated Supervising

Organizations within two weeks from the day the said Foreign Shipbuilding Workers started to be engaged in Designated Shipbuilding Activities.

Followings are the notifications to be submitted.

- i. Name of the Foreign Shipbuilding Worker
- ii. Date of birth of the Foreign Shipbuilding Worker
- iii. Sex of the Foreign Shipbuilding Worker
- iv. Nationality of the Foreign Shipbuilding Worker
- v. Address of the Foreign Shipbuilding Worker
- vi. Residence card number of the Foreign Shipbuilding Worker
- vii. Name of the occupation and work the Foreign Shipbuilding Worker completed in Shipbuilding Technical Intern Training Program
- viii. Date of landing
- ix. Date of commencement of Designated Shipbuilding Activities
- x. Expiration date of the of status of residence

In case of the change in address due to the reasons such as the move of the Foreign Shipbuilding Worker, the Accepting Shipbuilding Company should notify the fact to the Designated Supervising Organization.

The Accepting Shipbuilding Company needs to submit the notification of Foreign Workers' Employment Status to Hello Work (public job stabilization office) with jurisdiction over the area where the company is located.

(2) Notification of resignation to Designated Supervising Organization, etc.

When a Foreign Shipbuilding Worker resigns, the Accepting Shipbuilding Company should notify the fact to the Designated Supervising Organization within two weeks from the day the said Foreign Shipbuilding Worker resigned.

Followings are the notifications to be submitted.

- i. Name of the Foreign Shipbuilding Worker
- ii. Date of birth of the Foreign Shipbuilding Worker
- iii. Sex of the Foreign Shipbuilding Worker
- iv. Nationality of the Foreign Shipbuilding Worker
- v. Address of the Foreign Shipbuilding Worker
- vi. Residence card number of the Foreign Shipbuilding Worker
- vii. Date of landing
- viii. Date of resignation
- ix. Expiration date of status of residence
- x. (In case of job changing,) name of the (planned) new Accepting Shipbuilding Company

The Accepting Shipbuilding Company should submit the notification of Foreign Workers' Employment Status concerning the resignation of the Foreign Shipbuilding Worker to Hello Work (public job stabilization office) with jurisdiction over the area where the company is located.

(3) Sincere response to the request for report and instruction by the original contractor

As prescribed separately by Ministry of Land, Infrastructure, Transport, and Tourism, when asked for the report by the original contractor, the Accepting Shipbuilding Companies should sincerely respond to the request and follow its instructions.

(4) Report to be made in case implementation of Designated Shipbuilding Activities becomes impossible

In case the Foreign Shipbuilding Worker becomes unable to conduct Designated Shipbuilding Activities, the Accepting Shipbuilding Company should immediately report the fact and the measures to be taken to the Designated Supervising Organization.

Please note that, in case the Accepting Shipbuilding Company neglects to give a report despite the fact that the continuation has already become impossible, it applies to the misconduct stipulated in the Appended Table II of the Public Notice.

(5) Report to be made in case of misconduct

In case Accepting Shipbuilding Companies commit misconduct regarding employment or acceptance of foreign nationals, they should immediately report the fact to the Designated Supervising Organization.

(6) Preparation and storage of the list and work log of Foreign Shipbuilding Workers

Accepting Shipbuilding Companies should make and keep the list and work log of Foreign Shipbuilding Workers and store them for three years after the completion of Designated Shipbuilding Activities.

Payroll book and other documents that contain the contents of the intern training, description of the instructor and working hours should be made, kept, and stored for three years after the completion of Designated Shipbuilding Activities.

The documents can be prepared, kept, and stored electronically (unless it is regulated in other laws).

Chapter 10: Individual Enterprise Type Designated Shipbuilding Activities

1. Implementation of Individual Enterprise Type Designated Shipbuilding Activities

Individual Enterprise Type Accepting Shipbuilding Companies should consider the following points when conducting Individual Enterprise Type Designated Construction Activities.

(1) Coordination with the sending organization

The associated companies such as subsidiary company or joint venture company in foreign countries of the Individual Enterprise Type Accepting Shipbuilding Companies or organizations etc. with continuous international transaction equal to or longer than one year, with international transaction equal to or higher than a billion (1,000,000,000) yen, or with other business relationship with the Individual Enterprise Type Accepting Shipbuilding Companies (hereinafter referred to as the “foreign associated organizations”) are the sending organization when conducting Individual Enterprise Type Designated Construction Activities. The foreign associated organizations of original contractors of the Individual Enterprise Type Accepting Shipbuilding Companies are also applicable.

Individual Enterprise Type Accepting Shipbuilding Companies need to coordinate closely with the sending organization in the foreign country and accept the worker in Japan, especially in case Individual Enterprise Type Accepting Shipbuilding Companies accept the worker who had returned home after he/she completed technical intern training as a Foreign Shipbuilding Worker.

Some sending companies collect deposits from the technical intern trainee himself/herself or his/her family to prevent his/her runaway, though such a thing is prohibited in the Technical Intern Training Program. In case a sending organization manages money and other properties of a Foreign Shipbuilding Worker or his/her family by collecting deposits and by other means, it is not acceptable to accept a Foreign Shipbuilding Worker from such a sending organization.

It is not acceptable either to accept a Foreign Shipbuilding Worker from the sending organization, in case the sending organization concludes a contract to plan the transfer of money and other properties, such as settings a penalty in case of the worker’s default in employment contract. Therefore, when accepting Foreign Shipbuilding Workers, Individual Enterprise Type Accepting Shipbuilding Companies need to understand the contents of the contract concerning the sending of workers that was concluded between the sending organization and the person who wishes to be engaged in Individual

Enterprise Type Designated Shipbuilding Activities, so as to confirm for sure whether there is no inappropriate content such as the provisions on collection of deposits.

(2) Regular confirmation on working situation and other matters

Individual Enterprise Type Accepting Shipbuilding Companies need to conduct their own confirmation of implementation status at least once in three months. The companies also need to make efforts to check the working situation of the Foreign Shipbuilding Workers to confirm whether Individual Enterprise Type Designated Shipbuilding Activities are implemented in line with Individual Enterprise Type Appropriate Supervision Plan.

Individual Enterprise Type Accepting Shipbuilding Companies which confirmed the situation need to report the result to the Ministry of Land, Infrastructure, Transport and Tourism, the Regional Immigration Bureau having jurisdiction over the companies' location, and the Council for the Promotion of Appropriate Supervision. The company also needs to record the said contents and keep the record in the main office of the company (please refer to paragraph (6) for the period of storing the document).

The examples of the confirmation items on the visit are as follows:

i. Life

Meals; health management; whether there is troubled behavior or not; whether the workers take a leave of absence in an appropriate way

ii. Work

Working situation of the Foreign Shipbuilding Workers; situation of overtime work; measures taken for safety and hygiene; situation of wage payment

(3) Establishment of consultation system

i. Summary

Individual Enterprise Type Accepting Shipbuilding Companies should appoint persons to counselors to take measures to respond to the consultations by Foreign Shipbuilding Workers on life (including job changing), work, and other matters. The consultations are ideally given in holidays and nighttime as well, because, in most of the cases, the Foreign Shipbuilding Workers are thought to ask for the consultations during off-duty hours. It is desired that the consultation service is provided in the language of the country of the Foreign Shipbuilding Worker.

Naturally, Individual Enterprise Type Accepting Shipbuilding Companies must tell clearly the Foreign Shipbuilding Workers when, who, and how to consult after the workers enter Japan. The counselor who was consulted by Foreign Shipbuilding Workers needs to record the contents of the consultation, and to take appropriate measures for it in collaboration with public institutions.

ii. Response to the consultation on job changing

In Individual Enterprise Type Designated Shipbuilding Activities, Foreign Shipbuilding Workers are assumed to be loaned while keeping employment contract with foreign associated organizations and having employment relationship with Individual Enterprise Type Accepting Shipbuilding Companies, to be loaned while ending employment contract with foreign associated organizations on condition of his/her future reinstatement in the foreign associated organizations and entering employment contract with Individual Enterprise Type Accepting Shipbuilding Companies, or the like situations.

Therefore, when Foreign Shipbuilding Worker wishes job changing, it needs to be noted that advices based on the contents of employment contract between the Foreign Shipbuilding Worker and the foreign associated organization should be provided. Regulations stipulated in laws relevant to labor laws are applied to the termination of the employment contract with the Individual Enterprise Type Accepting Shipbuilding Companies. For that reason, the Individual Enterprise Type Accepting Shipbuilding Company needs to fully understand the provisions on the termination of the employment contract by job changing stipulated in the laws relevant to labor laws. The company also needs to stand between the foreign associated organizations and the Foreign Shipbuilding Worker and take appropriate measures for the job changing of the Foreign Shipbuilding Worker so that problems such as labor troubles, civil lawsuit, and illegal employment will not occur.

iii. Items to be done by Individual Enterprise Type Accepting Shipbuilding Companies at the time of consultation on job changing

In case Individual Enterprise Type Accepting Shipbuilding Companies are consulted by Foreign Shipbuilding Workers on job changing, the companies need to sincerely respond to the consultation and to make efforts to provide the said Foreign Shipbuilding Workers in with the following support.

- a. Serving as an intermediary between the said Foreign Shipbuilding Worker, the Individual Enterprise Type Accepting Shipbuilding Company where the worker works, and the sending organization that is foreign subsidiary company, etc. of the Individual Enterprise Type Accepting Shipbuilding Company, or between the said Foreign Shipbuilding Worker, the Accepting Shipbuilding Company, and the sending organization
- b. Through the Council for the Promotion of Appropriate Supervision, introducing another Individual Enterprise Type Accepting Shipbuilding Company with occupations in which the Foreign Shipbuilding Worker can be

engaged, or introducing another Designated Supervising Organization that has an Accepting Shipbuilding Company with occupations in which the Foreign Shipbuilding Worker can be engaged

- c. Coordination of job changing with the sending organization that is foreign subsidiary company, etc. of the Individual Enterprise Type Accepting Shipbuilding Company (taking necessary procedures concerning the job changing of the said Foreign Shipbuilding Worker)

iv. In case job changing becomes possible

In case of job changing of Foreign Shipbuilding Workers, when the new company is the Accepting Shipbuilding Company that implements Designated Shipbuilding Activities, it is required that the new Designated Supervising Organization is certified as Designated Supervising Organization, and the new Accepting Shipbuilding Company has received a certification of Appropriate Supervision Plan. When the new company is the Individual Enterprise Type Accepting Shipbuilding Company, it is required that the new Individual Enterprise Type Accepting Shipbuilding Company has received a certification of Individual Enterprise Type Appropriate Supervision Plan.

In principle, the work in which the Foreign Shipbuilding Worker is engaged needs to be the same as the name of occupation and work the worker completed in Shipbuilding Technical Intern Training Program, as stipulated in Chapter 7, 3 (2) iv. Therefore, in principle, “the details of the work in which the Foreign Shipbuilding Worker is engaged” in Appropriate Supervision Plan of the new Accepting Shipbuilding Company or Individual Enterprise Type Appropriate Supervision Plan of the new Individual Enterprise Type Accepting Shipbuilding Company needs to be the same as the occupation and work the said Foreign Shipbuilding Worker completed in Shipbuilding Technical Intern Training Program.

In case the new company is the Accepting Shipbuilding Company that implements Designated Shipbuilding Activities, the new Designated Supervising Organization needs to arrange the necessary items that are required for the proper supervision between the new sending organization upon job changing. Followings a. to e. are the main items organization needs to arrange.

a. Role of the sending organization

It is required to arrange the role of the sending organization, such as placement of the contact person in the sending organization; implementation of the legal procedures for the government of the sending country; preparation of the documents required for the procedures for residence.

b. Instructions on the items that the Foreign Shipbuilding Worker should comply with

It needs to be arranged that the sending organization informs the following items that the Foreign Shipbuilding Workers should comply with. The organization also needs to collaborate with the Designated Supervising Organization and the Accepting Shipbuilding Company to give instructions to the Foreign Shipbuilding Workers.

Foreign Shipbuilding Workers should:

- be engaged in Designated Shipbuilding Activities in a sincere attitude in accordance with the instructions given by the supervising instructor and daily life advisor.
- stay in Japan alone, and not bring over their family with the aim of living together.
- not conduct any activity that is associated with income or payment, other than the one certified in the state of residence.
- keep the passport and carry the residence card at all times.
- return home after the completion of Designated Shipbuilding Activities.
- effectively take advantage of the skills they acquired during technical intern training in the workplace they returned and contribute to the development of the industry of their country.

c. Measures to be taken in case of accident, crime, and runaway

It is required to decide in advance where to contact and other matters, in case problems concerning Foreign Shipbuilding Workers, such as an accident, crime, and runaway, occur.

d. Prohibition of the collection of deposits

It is required to reach an agreement with the sending organization on compliance with Article 2, paragraph (11) of the Public Notice No. 4 that stipulates prohibition of the collection of deposits.

e. Which side to incur management expenses for sending the technical intern trainee

Regarding the expenses required when Foreign Shipbuilding Workers are involved in accidents, expenses on the consultations and support by daily life advisors, and management expenses for sending technical intern trainees after the workers' return such as domestic travel expenses, it is necessary to make an arrangement in advance on the amount each side pays.

In addition, the new Designated Supervising Organization, the new Accepting Shipbuilding Company, and the new Individual Enterprise Type Accepting Shipbuilding Company, as necessary, need to make amendments to the Appropriate Supervision Plan such as addition of the sending organization (submission of documents as referred to in Chapter 6, Article 4, item ix. and xiii. of the Guideline is not necessary in case of adding the sending organization to Appropriate Supervision Plan).

In case the necessary arrangement is not taken in advance, the organization or the company becomes subject to the instruction by Minister of Land, Infrastructure, Transport, and Tourism in accordance with Article 19 of the Public Notice No. 9. If the organization or the company does not follow the instruction, measures such as revocation of certification under the provisions of Article 3, paragraph (8) of the Public Notice No. 13.

It is also required to take necessary procedures to Immigration Bureau, such as the application for change in status of residence of the said Foreign Shipbuilding Worker.

The original Individual Enterprise Type Accepting Shipbuilding Company and the new Accepting Shipbuilding Company need to make notification of Foreign Workers' Employment Status concerning employment and resignation to Hello Work (public job stabilization office) with jurisdiction over the area where each company is located respectively.

v. Points to be considered concerning the job changing

Employment contract with fixed term is to be concluded between the Individual Enterprise Type Accepting Shipbuilding Company and the Foreign Shipbuilding Worker. Regulations stipulated in laws relevant to labor laws are applied to the termination of the contract. Please note that in case the Individual Enterprise Type Accepting Shipbuilding Company that accepted the Foreign Shipbuilding Worker neglects the response to these consultations with the Foreign Shipbuilding Worker relating to the procedures on job changing, the act could be regarded as misconduct under the item 14 of the Appended Table II of the Public Notice.

On the other hand, when the new company is the Accepting Shipbuilding Company that implements Designated Shipbuilding Activities, the Designated Supervising Organization that will accept the Foreign Shipbuilding Workers by job changing needs to fully understand the provisions on the termination of the employment contract by job changing stipulated in the laws relevant to labor laws and other laws. The organization also needs to stand between the new Accepting

Shipbuilding Company and the Foreign Shipbuilding Worker and take appropriate measures for the job changing of the Foreign Shipbuilding Worker so that problems such as labor troubles, civil lawsuit, and illegal employment will not occur. When the Individual Enterprise Type Accepting Shipbuilding Company that implements Individual Enterprise Type Designated Shipbuilding Activities accepts the Foreign Shipbuilding Workers by job changing, the company which will be the new Individual Enterprise Type Accepting Shipbuilding Company needs to take the same measures.

The Designated Supervising Organization or Accepting Shipbuilding Company that will accept new Foreign Shipbuilding Worker needs to conclude a new employment contract after confirming the termination of the employment contract between said Foreign Shipbuilding Worker and the original sending organization that is foreign subsidiary company, etc. of the Individual Enterprise Type Accepting Shipbuilding Company. Also, in order to avoid troubles related to travel fee handling and other matters for the Foreign Shipbuilding Worker, the Individual Enterprise Type Accepting Shipbuilding Company that used to accept said Foreign Shipbuilding Worker or the sending organization that is foreign subsidiary company, etc. of the Individual Enterprise Type Accepting Shipbuilding Company needs to have mutual agreement with the Designated Supervising Organization that will accept new Foreign Shipbuilding Worker, the new sending organization, and other related organization. In case where there is possibility to interfere with appropriate implementation of Foreign Shipbuilding Worker Acceptance Program, instructions by Ministry of Land, Infrastructure, Transport and Tourism may apply. When the Individual Enterprise Type Accepting Shipbuilding Company that implements Individual Enterprise Type Designated Shipbuilding Activities accepts the Foreign Shipbuilding Workers by job changing, the same response is necessary.

(5) Cooperation in survey and other matters

Individual Enterprise Type Accepting Shipbuilding Companies need to cooperate in the survey and other matters at the request of Ministry of Land, Infrastructure, Transport and Tourism, the Regional Immigration Bureau, Ministry of Health, Labour and Welfare, other regulatory authorities, and Council for the Promotion of Appropriate Supervision.

(6) Preparation of documents concerning acceptance of Foreign Shipbuilding Workers and storage of the documents

Individual Enterprise Type Accepting Shipbuilding Companies should prepare and store the documents concerning acceptance of Foreign Shipbuilding Workers.

“The documents concerning acceptance of Foreign Shipbuilding Workers” refers to the documents such as the document that is prepared for the confirmation on the working situation stipulated in Article 1, paragraph (2) of the Public Notice No. 7, and the list of Foreign Shipbuilding Workers. The documents should be stored at least for three years from the day the said Foreign Shipbuilding Worker returns home after he/she completed Individual Enterprise Type Designated Shipbuilding Activities.

The documents can be prepared, kept, and stored electronically (unless it is regulated in other laws).

2. Guaranty Measures for Returning Home

Individual Enterprise Type Accepting Shipbuilding Companies need to secure travel expense for Foreign Shipbuilding Workers to return home and to take other measures for their returning home.

In principle, Foreign Shipbuilding Worker pays the travel expense to return home, which is the main part of guaranty measures for returning home. However, in case Foreign Shipbuilding Workers are unable to pay the amount due to circumstances beyond their control, the Individual Enterprise Type Accepting Shipbuilding Companies need to pay the expense. Individual Enterprise Type Accepting Shipbuilding Companies need to provide the support for returning home, such as arrangement of the air ticket and transportation to the airport.

3. Measures to Be Taken in Case Implementation of Individual Enterprise Type Designated Shipbuilding Activities Becomes Impossible

Sometimes the continuation of the Individual Enterprise Type Designated Shipbuilding Activities becomes impossible due to the factors such as bankruptcy of the accepting company, misconduct, runaway of the Foreign Shipbuilding Worker, and troubles between the Individual Enterprise Type Accepting Shipbuilding Company and the Foreign Shipbuilding Worker. In such cases, the Individual Enterprise Type Accepting Shipbuilding Company should report the fact that the continuation of Individual Enterprise Type Designated Shipbuilding Activities became impossible and the measures to be taken to the Ministry of Land, Infrastructure, Transport and Tourism, the Regional Immigration Bureau having jurisdiction over the Individual Enterprise Type Accepting Shipbuilding Company’s location, and the Council for the Promotion of Appropriate Supervision (Article 5 of the Public Notice No. 7).

In case the continuation becomes impossible due to the circumstances beyond control of the Foreign Shipbuilding Worker, he/she can still stay, on condition that the Foreign

Shipbuilding Worker wishes to continue to conduct Designated Shipbuilding Activities and the worker is accepted by another Accepting Shipbuilding Company that is certified as having a system to conduct appropriate Designated Shipbuilding Activities. In this case, based on Article 1, paragraph (3), item ii. of this chapter, the Individual Enterprise Type Accepting Shipbuilding Companies should make effort on consultation for the Foreign Shipbuilding Workers.

The Foreign Shipbuilding Worker who wishes to transfer from the Individual Enterprise Type Accepting Shipbuilding Company he/she belongs to should apply to Regional Immigration Bureau for the application for change of status of residence.

In case the continuation of Individual Enterprise Type Designated Shipbuilding Activities becomes impossible due to the runaway of the Foreign Shipbuilding Worker, the Individual Enterprise Type Accepting Shipbuilding Company must give the above-mentioned report, and make efforts to know the whereabouts (his/her work place, etc.) of the runaway person through measures such as contacting the sending organization and the family in his/her home country.

The Individual Enterprise Type Accepting Shipbuilding Company should immediately report to the Ministry of Land, Infrastructure, Transport and Tourism, the Regional Immigration Bureau having jurisdiction over the Individual Enterprise Type Accepting Shipbuilding Company's location, and the Council for the Promotion of Appropriate Supervision, when it confirms the whereabouts of the runaway Foreign Shipbuilding Worker.

4. Report to Relevant Organizations

In addition to a report to the relevant organizations stipulated in Public Notice No. 14, Individual Enterprise Type Accepting Shipbuilding Companies need to give a report to the Council as stipulated in Articles 2 and 3 of the Public Notice No. 7 and a report concerning implementation confirmation as stipulated in Article 11 of the Public Notice No. 9.

The list of reports to be given by the Individual Enterprise Type Accepting Shipbuilding Companies is described in Chapter 3 of the Guideline.

Neglect of report is not only become subject to the request for rectification. It can apply to the misconduct stipulated in the Appended Table II of the Public Notice. Therefore, the Individual Enterprise Type Accepting Shipbuilding Companies needs to ensure that the necessary reports are given.

5. Report etc. Relating to Implementation of Individual Enterprise Type

Designated Shipbuilding Activities

Individual Enterprise Type Accepting Shipbuilding Companies should consider the following points when conducting Individual Enterprise Type Designated Shipbuilding Activities.

(1) Notification of acceptance to the Council for the Promotion of Appropriate Supervision, etc.

When the Individual Enterprise Type Accepting Shipbuilding Companies accept Foreign Shipbuilding Workers, the Individual Enterprise Type Accepting Shipbuilding Companies should notify the fact to the Council for the Promotion of Appropriate Supervision within two weeks from the day the said Foreign Shipbuilding Workers started to be engaged in Individual Enterprise Type Designated Shipbuilding Activities.

The certification number of the Individual Enterprise Type Appropriate Supervision Plan, matters related to the Individual Enterprise Type Accepting Shipbuilding Company, and the following matters are to be notified.

- i. Name of the Foreign Shipbuilding Worker
- ii. Date of birth of the Foreign Shipbuilding Worker
- iii. Sex of the Foreign Shipbuilding Worker
- iv. Nationality of the Foreign Shipbuilding Worker
- v. Address of the Foreign Shipbuilding Worker
- vi. Residence card number of the Foreign Shipbuilding Worker
- vii. Name of the occupation and work the Foreign Shipbuilding Worker completed in Shipbuilding Technical Intern Training Program
- viii. Date of landing
- ix. Date of commencement of Individual Enterprise Type Designated Shipbuilding Activities
- x. Expiration date of the of status of residence
- xi. Continual stay or re-entry

In case of the change in address due to the reasons such as the move of the Foreign Shipbuilding Worker, the Individual Enterprise Type Accepting Shipbuilding Company should notify the fact to the Council for the Promotion of Appropriate Supervision.

The Individual Enterprise Type Accepting Shipbuilding Company needs to submit the notification of Foreign Workers' Employment Status to Hello Work (public job stabilization office) with jurisdiction over the area where the company is located.

(2) Notification of resignation to the Council for the Promotion of Appropriate Supervision, etc.

When a Foreign Shipbuilding Worker resigns, the Individual Enterprise Type

Accepting Shipbuilding Company should notify the fact to the Council for the Promotion of Appropriate Supervision within two weeks from the day the said Foreign Shipbuilding Worker resigned.

The certification number of the Individual Enterprise Type Appropriate Supervision Plan, matters related to the Individual Enterprise Type Accepting Shipbuilding Company, and the following matters are to be notified.

- i. Name of the Foreign Shipbuilding Worker
- ii. Date of birth of the Foreign Shipbuilding Worker
- iii. Sex of the Foreign Shipbuilding Worker
- iv. Nationality of the Foreign Shipbuilding Worker
- v. Address of the Foreign Shipbuilding Worker
- vi. Residence card number of the Foreign Shipbuilding Worker
- vii. Date of landing
- viii. Date of resignation
- ix. Expiration date of status of residence
- x. (In case of job changing,) name of the (planned) new Accepting Shipbuilding Company or new Individual Enterprise Type Accepting Shipbuilding Company

The Individual Enterprise Type Accepting Shipbuilding Company should submit the notification of Foreign Workers' Employment Status concerning the resignation of the Foreign Shipbuilding Worker to Hello Work (public job stabilization office) with jurisdiction over the area where the company is located.

(3) Sincere response to the request for report and instruction by the original contractor

As prescribed separately by Ministry of Land, Infrastructure, Transport, and Tourism, when asked for the report by the original contractor, the Individual Enterprise Type Accepting Shipbuilding Companies should sincerely respond to the request and follow its instructions.

(4) Report to be made in case implementation of Individual Enterprise Type Designated Shipbuilding Activities becomes impossible

In case the Foreign Shipbuilding Worker becomes unable to conduct Individual Enterprise Type Designated Shipbuilding Activities, the Individual Enterprise Type Accepting Shipbuilding Company should immediately report the fact and the measures to be taken to the Ministry of Land, Infrastructure, Transport and Tourism, the Regional Immigration Bureau having jurisdiction over the Individual Enterprise Type Accepting Shipbuilding Company's location, and the Council for the Promotion of Appropriate Supervision.

Please note that, in case the Individual Enterprise Type Accepting Shipbuilding Company neglects to give a report despite the fact that the continuation has already become impossible, it applies to the misconduct stipulated in the Appended Table II of the Public Notice.

(5) Report to be made in case of misconduct

In case Individual Enterprise Type Accepting Shipbuilding Companies commit misconduct regarding employment or acceptance of foreign nationals, they should immediately report the fact to the Ministry of Land, Infrastructure, Transport and Tourism, the Regional Immigration Bureau having jurisdiction over the Individual Enterprise Type Accepting Shipbuilding Company's location, and the Council for the Promotion of Appropriate Supervision.

(6) Preparation and storage of the list and work log of Foreign Shipbuilding Workers

Individual Enterprise Type Accepting Shipbuilding Companies should make and keep the list and work log of Foreign Shipbuilding Workers and store them for three years after the completion of Individual Enterprise Type Designated Shipbuilding Activities.

Payroll book and other documents that contain the contents of the intern training, description of the instructor and working hours should be made, kept, and stored for three years after the completion of Individual Enterprise Type Designated Shipbuilding Activities.

The documents can be prepared, kept, and stored electronically (unless it is regulated in other laws).

Chapter 11: Inspection and Instruction

1. Designated Shipbuilding Activities

(1) Necessity of inspection and report

A Designated Supervising Organization must inspect an Accepting Shipbuilding Company with regard to the matters that were instructed to the Accepting Shipbuilding Company and whether the Accepting Shipbuilding Company has been conducting Designated Shipbuilding Activities appropriately in accordance with related laws and regulations, and report it to Ministry of Land, Infrastructure, Transport and Tourism, Regional Immigration Bureau, and the Council for the Promotion of Appropriate Supervision (Article 1 and 4 of the Public Notice No. 9).

This is to confirm that Designated Shipbuilding Activities are being conducted appropriately under the “responsibility and supervision” of a Designated Supervising Organization. Moreover, understanding the actual conditions of Designated Shipbuilding Activities can also contribute to the prevention of any problems.

Other than the inspection and report mentioned, in cases where there occurs any problem such as the incidence of runaways, inappropriate conduct of Designated Shipbuilding Activities or any conduct suspected of such, it needs to be reported promptly to Ministry of Land, Infrastructure, Transport and Tourism, Regional Immigration Bureau, and the Council for the Promotion of Appropriate Supervision (Article 1 of the Public Notice No. 14).

Failing to submit the necessary report or submitting a false report is considered the misconduct defined in Appended Table II of the Public Notice.

The following section describes the proper procedures of the inspection and report in detail.

(2) Establishment of the inspection system

Based on Article 1 of the Public Notice No. 9, a Designated Supervising Organization is required to conduct an inspection of an Accepting Shipbuilding Company at least once every three months by sending its director who has responsibilities for the operation of Designated Shipbuilding Activities (hereinafter referred to as the “inspection implementer”) to the location of the Accepting Shipbuilding Company to be inspected. It is also required that the results of these inspections be reported to Ministry of Land, Infrastructure, Transport and Tourism, Regional Immigration Bureau having jurisdiction over the location of the Accepting Shipbuilding Company, and the Council for the Promotion of Appropriate Supervision. In cases where an inspection implementer has a concurrent position as a manager or an employee of the Accepting Shipbuilding Company,

the inspection of the said Accepting Shipbuilding Company must be conducted by another director of the Designated Supervising Organization.

Moreover, with regard to the number of inspection implementers, it is necessary that a Designated Supervising Organization ensure a sufficient number of personnel who are capable of conducting inspections accurately considering the number of Accepting Shipbuilding Companies under its supervision, the distance between its office and the Accepting Shipbuilding Companies and the like.

(3) Details of inspection procedures, methods, etc.

When conducting an inspection, a Designated Supervising Organization must request an Accepting Shipbuilding Company to report about the current status of the acceptance of Foreign Shipbuilding Workers pursuant to Article 2 of the Public Notice No. 9.

Then, the Accepting Shipbuilding Company must submit a report about the current status of the acceptance to the Designated Supervising Organization using Form No. 9 (this does not preclude the Accepting Shipbuilding Company from giving an oral report to the said Designated Supervising Organization in cases where there is not enough time to prepare the report on Form No. 9 due to the inspection conducted without prior notice or the like).

The inspection implementer, upon receiving the report, must visit the Accepting Shipbuilding Company and confirm in person the conditions of the Designated Shipbuilding Activities performed by Foreign Shipbuilding Workers.

In such case, it may be difficult to fully understand the actual conditions of the Designated Shipbuilding Activities performed only by listening to verbal explanations given by the person in charge such as a training coordinator. Therefore, it is important that the Designated Supervising Organization understand the actual conditions of the Designated Shipbuilding Activities performed such as by having an interpreter accompanied to the inspection and interviewing Foreign Shipbuilding Workers about the progress or the like of their Designated Shipbuilding Activities (Article 5 of the Public Notice No. 9) or confirming the contents of the daily work log on-site.

Moreover, it is necessary to confirm whether the working hours and the payment of wages for Foreign Shipbuilding Workers conform to the contents of the Appropriate Supervision Plan and the provisions of laws and regulations concerning labor standards by examining the actual payroll records and other documents concerned.

If there is any matter found to be requiring improvement at the inspection, the Designated Supervising Organization must, pursuant to Article 3 of the Public Notice No. 9, take measures necessary for the Accepting Shipbuilding Company to implement the

Designated Shipbuilding Activities which conform to the Appropriate Supervision Plan.

Along with such measures, the Designated Supervising Organization after the completion of the inspection must submit its result in Form No. 8-1 to Ministry of Land, Infrastructure, Transport and Tourism, Regional Immigration Bureau having jurisdiction over the location of the Accepting Shipbuilding Company, and the Council for the Promotion of Appropriate Supervision.

(4) Viewpoints of inspection

An inspection must be conducted concerning the following items from i. to v. and the viewpoints of inspection are as follows:

i. Matters related to the implementation status of the Appropriate Supervision Plan

To determine whether the Designated Shipbuilding Activities have been implemented as outlined in the Appropriate Supervision Plan, an inspection needs to be conducted from the following viewpoints:

a. Implementation of the Designated Shipbuilding Activities in accordance with the Appropriate Supervision Plan

An inspection implementer must conduct an inspection to determine if an Accepting Shipbuilding Company has been implementing the Designated Shipbuilding Activities in accordance with the Appropriate Supervision Plan.

At the time of inspection, the inspection implementer must determine if the Designated Shipbuilding Activities have been implemented according to the Appropriate Supervision Plan such as by examining the daily work log at site and must also confirm such activities at site in person.

To do so, the inspection implementer must be present at the work site as much as possible and confirm in person the implementation status of the Designated Shipbuilding Activities. In particular, whether there is any Foreign Shipbuilding Worker engaged in work which is different from that included in the applied Appropriate Supervision Plan needs to be confirmed.

In cases where it is impossible to confirm whether the Designated Shipbuilding Activities have been implemented appropriately as outlined in the Appropriate Supervision Plan based on the daily work log and the like, the inspection implementer must revisit the Accepting Shipbuilding Company on a later date for confirmation.

In addition, the inspection implementer must confirm if the improvement of technical skills has been implemented through the methods and the like listed in the Appropriate Supervision Plan.

b. Workplace, the accepted number, etc. of Foreign Shipbuilding Workers

The inspection implementer must confirm if the workplace, the accepted number and the like of Foreign Shipbuilding Workers of an Accepting Shipbuilding Company are as outlined in the Appropriate Supervision Plan.

With regard to the Appropriate Supervision Plan, it is acceptable to indicate the location of the workplace by a larger geographical unit such as prefecture or area block, because some Accepting Shipbuilding Companies have multiple places of business. However, in terms of the inspection, it is necessary that detailed information of the workplace should be confirmed and documented to ensure appropriate supervision.

In addition, in cases where there is any foreign national engaged in work who is unknown to the Designated Supervising Organization, any Foreign Shipbuilding Worker who should be at work but whose whereabouts cannot be ascertained or the like, the inspection implementer must confirm such issue with the Accepting Shipbuilding Company without fail and make clear the situation with regard to the acceptance under any other status of residence, failed report to the Designated Supervising Organization, runaways or the like.

ii. Matters related to ensuring appropriate labor conditions

A Foreign Shipbuilding Worker is a person who performs Designated Shipbuilding Activities based on the employment contract and at the time of the inspection, it is necessary to confirm the status of compliance*¹ of the Accepting Shipbuilding Company with the labor-related laws and regulations.

*¹ The provisions of the labor-related laws and regulations, including the preparation of the wage lodger, prohibition of compulsory savings, ensuring leave allowances, wage payment, minimum wages, increased wages, working hours, breaks and days off, annual paid vacations, dissemination of laws and regulations, dormitories, safety and health education, licenses pertaining to restricted work and health examination must be fully complied with.

When determining the status of compliance, the verification must be made by directly talking with the Foreign Shipbuilding Worker and also requesting the Accepting Shipbuilding Company to submit a document*² which shows its compliance with the labor-related laws and regulations.

*² For example, it may be a time card, salary statement, bank transfer statement and notice of employment.

Moreover, even if it was agreed with the Foreign Shipbuilding Workers, it is violation of the Labor Standards Act and thus unacceptable for any Accepting

Shipbuilding Company to make the Foreign Shipbuilding Workers to work overtime, on days off or night shifts at pay rates lower than the legally mandated premium rate by making an arrangement on the work details that are different from those applied initially.

In cases where it is found that the Accepting Shipbuilding Company has been making the Foreign Shipbuilding Workers to work overtime, on days off or night shifts, verification must be made whether such conducts are significantly different from the Appropriate Supervision Plan based on the time cards or the like.

iii. Matters related to ensuring safety and health

From the viewpoint of ensuring safety and health of the workers, it is necessary to confirm if the trainings are in fact provided by training coordinators who have the number of years of experience as specified in the application form.

It should also be verified, in the case of accepting new Foreign Shipbuilding Workers, if the training coordinators provide safety and health education appropriately and trainings taking into account safety and health considerations.

iv. Matters related to the enrollment in employment insurance, industrial accident compensation insurance, health insurance and welfare pension insurance

With regard to the Foreign Shipbuilding Workers who have already been accepted, the status of their enrollment in various forms of insurance must be verified. When accepting new Foreign Shipbuilding Workers, the same verification must also be made to find out if there is any insurance that has not been enrolled yet.

v. Others deemed necessary by Ministry of Land, Infrastructure, Transport and Tourism

Other than those mentioned above, the following matters must also be verified without fail:

a. Presence/absence of misconduct

If there has been any misconduct pertaining to the acceptance or employment of foreign nationals must be verified. Details of the misconduct pertaining to the acceptance or employment of foreign nationals are as described in Chapter 13 of this Guideline.

b. Consideration for the living environment, etc. of Foreign Shipbuilding Workers (caring for Foreign Shipbuilding Workers)

The inspection implementer must verify if an Accepting Shipbuilding Company has given due consideration to the living environment of the Foreign Shipbuilding Workers. For example, the inspection implementer

must examine, not only the suitability of the advice given by the daily life advisors, but also how the Foreign Shipbuilding Workers communicate with the daily life advisors regarding their anxiety and inconvenience experienced in daily life, homesickness, etc., and how those advisers handle such issues by directly talking with the Foreign Shipbuilding Workers.

Moreover, it is necessary that the inspection implementer provides care for the Foreign Shipbuilding Workers. Specifically, in such situations as there is only one Foreign Shipbuilding Worker accepted by the Accepting Shipbuilding Company, it is necessary that the Designated Supervising Organization look after the said Worker.

(5) Inspection report of the misconduct of the Accepting Shipbuilding Company

In the case of becoming aware of any misconduct listed in the Appended Table II of the Public Notice committed by an Accepting Shipbuilding Company, the Designated Supervising Organization is required to immediately conduct an inspection and report the results to the Accepting Shipbuilding Company, Regional Immigration Bureau having jurisdiction over the location of the Accepting Shipbuilding Company, and the Council for the Promotion of Appropriate Supervision (Article 4 of the Public Notice No. 9). Moreover, if an Accepting Shipbuilding Company commits any misconduct, it must immediately report to the Designated Supervising Organization (Article 6 of the Public Notice No. 6).

Therefore, it is essential that a Designated Supervising Organization provides an Accepting Shipbuilding Company with sufficient explanations of the occasions and contents requiring the filing of a report to avoid any failure to report.

It should also be noted that such misconduct requiring a report must be reported regardless of its condition or degree.

(6) Inspection by the Ministry of Land, Infrastructure, Transport and Tourism

Notwithstanding the provisions of Article 1 of the Public Notice No. 9, it is allowed that Ministry of Land, Infrastructure, Transport and Tourism, acting independently or by instructing a Designated Supervising Organization, conduct an inspection of an Accepting Shipbuilding Company when it is deemed necessary (Article 6 of the Public Notice No. 9).

(7) Implementation of on-site inspection

Article 1, paragraph (13) of the Public Notice No. 5 stipulates that an Accepting

Shipbuilding Company in the Foreign Shipbuilding Worker Acceptance Program needs to describe matters related to the appropriate response and the like to on-site inspection etc. by the Minister of Land, Infrastructure, Transport and Tourism in the Appropriate Supervision Plan, and is required to respond appropriately to on-site inspection by Minister of Land, Infrastructure, Transport and Tourism (Article 9 of the Public Notice No. 9).

It should be noted that, in the case the Accepting Shipbuilding Company rejects, obstructs, or refuses the on-site inspection, the certification of the Appropriate Supervision Plan might be revoked pursuant to the provision of Article 2, paragraph (5) of the Public Notice 13.

(8) Instructions of the Ministry of Land, Infrastructure, Transport and Tourism

When it is deemed necessary from the viewpoint of the appropriate implementation of the Designated Shipbuilding Activities, the Minister of Ministry of Land, Infrastructure, Transport and Tourism is allowed to instruct a Designated Supervising Organization or an Accepting Shipbuilding Company to suspend the acceptance of Foreign Shipbuilding Workers and to give other necessary instructions (Article 10 of the Public Notice No. 9).

It should be noted that, in the case of failing to comply with these instructions, the certification as a Designated Supervising Organization or an Appropriate Supervising Plan may be revoked pursuant to the provision of Article 1, paragraph (6) or Article 2, paragraph (6) of the Public Notice No. 13.

2. Individual Enterprise Type Designated Shipbuilding Activities

(1) Necessity of inspection and report

Individual Enterprise Type Accepting Shipbuilding Companies must confirm their own appropriate implementation of Individual Enterprise Type Designated Shipbuilding Activities and report the result to the Ministry of Land, Infrastructure, Transport and Tourism, Regional Immigration Bureaus, and the Council for the Promotion of Appropriate Supervision (Articles 11 and 13 of the Public Notice No. 9).

Understanding the actual conditions of Individual Enterprise Type Designated Shipbuilding Activities can also contribute to the prevention of any problems.

Other than the confirmation report of appropriate implementation of Individual Enterprise Type Designated Shipbuilding Activities, in cases where there occurs any problem such as the incidence of runaways, inappropriate conduct of Individual Enterprise Type Designated Shipbuilding Activities or any conduct suspected of such, it needs to be reported promptly to Ministry of Land, Infrastructure, Transport and Tourism,

the Regional Immigration Bureau, and the Council for the Promotion of Appropriate Supervision (Article 4 of the Public Notice No. 14).

Failing to submit the necessary report or submitting a false report is considered to be the misconduct defined in Appended Table II of the Public Notice.

Whether the above confirmation or report is appropriately conducted is checked by separately provided supervisory visits of an Organization Implementing Promotion of the Foreign Shipbuilding Worker Acceptance Program.

The following section describes the proper procedures of the confirmation and report in detail.

(2) Establishment of the implementation confirmation system

Article 11 of the Public Notice No. 9 stipulates that an Individual Enterprise Type Accepting Shipbuilding Company must confirm their own appropriate implementation of Individual Enterprise Type Designated Shipbuilding Activities including confirmation of working sites where Foreign Shipbuilding Works are actually employed at least once in three months. It is also required to report the results to Ministry of Land, Infrastructure, Transport and Tourism, the Regional Immigration Bureau having jurisdiction over the location of the Individual Enterprise Type Accepting Shipbuilding Company, and the Council for the Promotion of Appropriate Supervision.

Therefore, Individual Enterprise Type Accepting Shipbuilding Companies need to appoint employees who confirm their implementation and report the result (hereinafter referred to as the “confirmation implementer”) in advance. The confirmation implementer is desired to be personnel such as director of Individual Enterprise Type Accepting Shipbuilding Company excluding its supervisory instructors, daily life advisors, and counselors, who has responsibilities for the operation of Individual Enterprise Type Designated Shipbuilding Activities.

With regard to the number of confirmation implementers, it is necessary to ensure a sufficient number of personnel who are capable of conducting implantation confirmation accurately considering the number of business locations of the Individual Enterprise Type Accepting Shipbuilding Companies and the like.

(3) Details of implementation confirmation procedures, methods, etc.

It may be difficult for the confirmation implementer to fully understand the actual conditions of the Individual Enterprise Type Designated Shipbuilding Activities performed only by listening to verbal explanations given by the person in charge such as a training coordinator. Therefore, it is important that the confirmation implementer

understands the actual conditions of their own Designated Shipbuilding Activities performed such as by having an interpreter accompanied to the inspection and interviewing Foreign Shipbuilding Workers about the progress or the like of their Individual Enterprise Type Designated Shipbuilding Activities (Article 14 of the Public Notice No. 9) or confirming the contents of the daily work log on-site.

Moreover, it is necessary to confirm whether the working hours and the payment of wages for Foreign Shipbuilding Workers conform to the contents of the Individual Enterprise Type Appropriate Supervision Plan and the provisions of laws and regulations concerning labor standards by examining the actual payroll records and other documents concerned.

If there is any matter found to be requiring improvement at the implementation confirmation, the Individual Enterprise Type Accepting Shipbuilding Company must, pursuant to Article 12 of the Public Notice No. 9, take measures necessary to implement the Individual Enterprise Type Designated Shipbuilding Activities which conform to the Individual Enterprise Type Appropriate Supervision Plan.

With regard to the result of implementation confirmation, the Individual Enterprise Type Accepting Shipbuilding Company must submit a report on the acceptance status in Form No. 8-2 to Ministry of Land, Infrastructure, Transport and Tourism, Regional Immigration Bureau having jurisdiction over the location of the Individual Enterprise Type Accepting Shipbuilding Company, and the Council for the Promotion of Appropriate Supervision.

(4) Viewpoints of implementation confirmation

An implementation confirmation must be conducted concerning the following items from i. to v. and the viewpoints of implementation confirmation are as follows:

i. Matters related to the implementation status of the Individual Enterprise Type Appropriate Supervision Plan

To determine whether the Individual Enterprise Type Designated Shipbuilding Activities have been implemented as outlined in the Individual Enterprise Type Appropriate Supervision Plan, a confirmation needs to be conducted from the following viewpoints:

a. Implementation of the Individual Enterprise Type Designated Shipbuilding Activities in accordance with the Individual Enterprise Type Appropriate Supervision Plan

A confirmation implementer must conduct a confirmation to determine if an Individual Enterprise Type Accepting Shipbuilding Company has been

implementing the Individual Enterprise Type Designated Shipbuilding Activities in accordance with the Individual Enterprise Type Appropriate Supervision Plan.

The confirmation implementer must determine if the Individual Enterprise Type Designated Shipbuilding Activities have been implemented in accordance with the Individual Enterprise Type Appropriate Supervision Plan such as by examining the daily work log at site and must also confirm such activities at site in person.

To do so, the confirmation implementer must be present at the work site and confirm in person the implementation status of the Individual Enterprise Type Designated Shipbuilding Activities. In particular, whether there is any Foreign Shipbuilding Worker engaged in work which is different from that included in the applied Individual Enterprise Type Appropriate Supervision Plan needs to be confirmed.

In cases where it is impossible to confirm whether the Individual Enterprise Type Designated Shipbuilding Activities have been implemented appropriately as outlined in the Individual Enterprise Type Appropriate Supervision Plan based on the daily work log and the like, the confirmation must be conducted again on a later date.

In addition, the confirmation implementer must confirm if the improvement of technical skills has been implemented through the methods and the like listed in the Individual Enterprise Type Appropriate Supervision Plan.

b. Workplace, the accepted number, etc. of Foreign Shipbuilding Workers

The confirmation implementer must confirm if the workplace, the accepted number and the like of Foreign Shipbuilding Workers of an Individual Enterprise Type Accepting Shipbuilding Company are as outlined in the Individual Enterprise Type Appropriate Supervision Plan.

With regard to the Individual Enterprise Type Appropriate Supervision Plan, because some Accepting Shipbuilding Companies have multiple places of business, in terms of the confirmation, it is necessary that detailed information of the workplace should be confirmed and documented to ensure appropriate supervision.

In addition, in cases where there is any Foreign Shipbuilding Worker who should be at work but whose whereabouts cannot be ascertained or the like, the confirmation implementer must make clear the situation with regard to

the runaways or the like.

ii. Matters related to ensuring appropriate labor conditions

A Foreign Shipbuilding Worker is a person who performs Individual Enterprise Type Designated Shipbuilding Activities based on the employment contract and at the time of the confirmation, it is necessary to confirm the status of compliance*¹ of the Individual Enterprise Type Accepting Shipbuilding Company with the labor-related laws and regulations.

*¹ The provisions of the labor-related laws and regulations, including the preparation of the wage lodger, prohibition of compulsory savings, ensuring leave allowances, wage payment, minimum wages, increased wages, working hours, breaks and days off, annual paid vacations, dissemination of laws and regulations, dormitories, safety and health education, licenses pertaining to restricted work and health examination must be fully complied with.

When determining the status of compliance, the verification must be made by directly talking with the Foreign Shipbuilding Worker and also confirming a document*² which shows its compliance with the labor-related laws and regulations.

*² For example, it may be a time card, salary statement, bank transfer statement and notice of employment.

Moreover, even if it was agreed with the Foreign Shipbuilding Workers, it is violation of the Labor Standards Act and thus unacceptable for any Individual Enterprise Type Accepting Shipbuilding Company to make the Foreign Shipbuilding Workers to work overtime, on days off or night shifts at pay rates lower than the legally mandated premium rate by making an arrangement on the work details that are different from those applied initially.

In cases where it is found that the Individual Enterprise Type Accepting Shipbuilding Company has been making the Foreign Shipbuilding Workers to work overtime, on days off or night shifts, verification must be made whether such conducts are significantly different from the Individual Enterprise Type Appropriate Supervision Plan based on the time cards or the like.

iii. Matters related to ensuring safety and health

From the viewpoint of ensuring safety and health of the workers, it is necessary to confirm if the trainings are in fact provided by training coordinators who have the number of years of experience as specified in the application form.

It should also be verified, in the case of accepting new Foreign Shipbuilding Workers, if the training coordinators provide safety and health education appropriately and trainings taking into account safety and health considerations.

- iv. Matters related to the enrollment in employment insurance, industrial accident compensation insurance, health insurance and welfare pension insurance

With regard to the Foreign Shipbuilding Workers who have already been accepted, the status of their enrollment in various forms of insurance must be verified. When accepting new Foreign Shipbuilding Workers, the same verification must also be made to find out if there is any insurance that has not been enrolled yet.

- v. Others deemed necessary by Ministry of Land, Infrastructure, Transport and Tourism

Other than those mentioned above, the following matters must also be verified without fail:

- a. Presence/absence of misconduct

If there has been any misconduct pertaining to the acceptance or employment of foreign nationals must be verified. Details of the misconduct pertaining to the acceptance or employment of foreign nationals are as described in Chapter 11 of this Guideline.

- b. Consideration for the living environment, etc. of Foreign Shipbuilding Workers (caring for Foreign Shipbuilding Workers)

The employee who conducts confirmation must verify if an Individual Enterprise Type Accepting Shipbuilding Company has given due consideration to the living environment of the Foreign Shipbuilding Workers. For example, the confirmation implementer must examine, not only the suitability of the advice given by the daily life advisors, but also how the Foreign Shipbuilding Workers communicate with the daily life advisors regarding their anxiety and inconvenience experienced in daily life, homesickness, etc., and how those advisers handle such issues by directly talking with the Foreign Shipbuilding Workers.

Moreover, it is necessary that the company provides care for the Foreign Shipbuilding Workers. Specifically, in such situations as there is only one Foreign Shipbuilding Worker accepted by the Individual Enterprise Type Accepting Shipbuilding Company, it is necessary that the company look after the said Worker.

(5) Confirmation report of the misconduct

In the case of becoming aware of any misconduct listed in Appended Table II of the Public Notice, the Individual Enterprise Type Accepting Shipbuilding Company is

required to immediately conduct a confirmation and report the results to the Ministry of Land, Infrastructure, Transport and Tourism, the Regional Immigration Bureau having jurisdiction over the location of the Individual Enterprise Type Accepting Shipbuilding Company, and the Council for the Promotion of Appropriate Supervision (Article 13 of the Public Notice No. 9). Moreover, if an Individual Enterprise Type Accepting Shipbuilding Company commits any misconduct, it must immediately report to the Ministry of Land, Infrastructure, Transport and Tourism, the Regional Immigration Bureau having jurisdiction over the location of the Individual Enterprise Type Accepting Shipbuilding Company, and the Council for the Promotion of Appropriate Supervision (Article 6 of the Public Notice No. 7).

Therefore, it is essential that an Individual Enterprise Type Accepting Shipbuilding Company sufficiently understands the occasions and contents requiring the filing of a report to avoid any failure to report.

It should also be noted that such misconduct requiring a report must be reported regardless of its manner or degree.

(6) Inspection by the Ministry of Land, Infrastructure, Transport and Tourism

Notwithstanding the provisions of Article 11 of the Public Notice No. 9, it is allowed that Ministry of Land, Infrastructure, Transport and Tourism, acting independently, conduct an inspection of an Individual Enterprise Type Accepting Shipbuilding Company when it is deemed necessary (Article 15 of the Public Notice No. 9).

(7) Implementation of on-site inspection

Pursuant to Article 3, paragraph (13) of the Public Notice No. 5, an Individual Enterprise Type Accepting Shipbuilding Company in the Foreign Shipbuilding Worker Acceptance Program needs to describe matters related to the appropriate response and the like to on-site inspection etc. by the Minister of Land, Infrastructure, Transport and Tourism in the Individual Enterprise Type Appropriate Supervision Plan. The Minister of Land, Infrastructure, Transport and Tourism may conduct an on-site inspection of an Individual Enterprise Type Accepting Shipbuilding Company (Article 18 of the Public Notice No. 9). It should be noted that, in the case the Individual Enterprise Type Accepting Shipbuilding Company rejects, obstructs, or refuses the on-site inspection, the certification of the Individual Enterprise Type Appropriate Supervision Plan might be revoked pursuant to the provision of Article 3, paragraph (7) of the Public Notice 13.

(8) Instructions of the Ministry of Land, Infrastructure, Transport and Tourism

When it is deemed necessary from the viewpoint of the appropriate implementation of the Individual Enterprise Type Designated Shipbuilding Activities, the Minister of Land, Infrastructure, Transport and Tourism is allowed to instruct an Individual Enterprise Type Accepting Shipbuilding Company to suspend the acceptance of Foreign Shipbuilding Workers and to give other necessary instructions (Article 19 of the Public Notice No. 9).

It should be noted that, in the case of failing to comply with these instructions, the certification of an Individual Enterprise Type Appropriate Supervising Plan might be revoked pursuant to the provision of Article 3, paragraph (8) of the Public Notice No. 13.

Chapter 12: Revocation of Certification

1. Revocation of Certification of the Designated Supervising Organization

The certification of a Designated Supervising Organization is revoked in the following cases (respective items of Article 1 of the Public Notice No. 13):

- i. When the requirements listed in Article 2 of the Public Notice No. 4 are no longer fulfilled;
- ii. When the certification under Article 2 of the Public Notice No. 4 is found to have been obtained through improper means;
- iii. When failing to enroll to the Council for the Promotion of Appropriate Supervision within one month from the date of the certification under Article 2 of the Public Notice No. 4;
- iv. When withdrawing from the Council for the Promotion of Appropriate Supervision;
- v. When the necessary improvements cannot be recognized even though the measures under Article 8 of the Public Notice No. 9 have been taken;
- vi. When failing to follow the instructions under Article 10 of the Public Notice No. 9;
- vii. When misconduct pertaining to the acceptance or employment of foreign nationals is found to have been committed.

2. Revocation of Certification of the Appropriate Supervision Plan for Accepting Shipbuilding Companies

The certification of an Appropriate Supervision Plan for Accepting Shipbuilding Companies is revoked in the following cases (respective items of Article 2 of the Public Notice No. 13):

- i. When an Accepting Shipbuilding Company no longer fulfills any of the requirements listed in Article 2, paragraph (1) of the Public Notice No. 5;
- ii. When either Article 2, paragraph (5) or (6) of the Public Notice No. 5 is no longer fulfilled;
- iii. When an Accepting Shipbuilding Company is found to have obtained the certification under Article 2 of the Public Notice No. 5 through improper means;
- iv. When the necessary improvements of an Accepting Shipbuilding Company cannot be recognized even though the measures under Article 8 of the Public Notice No. 9 have been taken;
- v. When an Accepting Shipbuilding Company rejects, obstructs, or refuses the on-site inspection by Minister of Land, Infrastructure, Transport and Tourism prescribed in

Article 9 of No. 9.

- vi. When an Accepting Shipbuilding Company fails to follow the instructions under Article 10 of the Public Notice No. 9;
- vii. When an Accepting Shipbuilding Company has committed misconduct pertaining to the acceptance or employment of Foreign Shipbuilding Workers;
- viii. When the certification as a Designated Supervising Organization is revoked pursuant to the provisions of Article 1 of the Public Notice No. 13.

3. Revocation of Certification of the Individual Enterprise Type Appropriate Supervision Plan for Individual Enterprise Type Accepting Shipbuilding Companies

The certification of an Individual Enterprise Type Appropriate Supervision Plan for Individual Enterprise Type Accepting Shipbuilding Companies is revoked in the following cases (respective items of Article 3 of the Public Notice No. 13):

- i. When an Individual Enterprise Type Accepting Shipbuilding Company fails to enroll to the Council for the Promotion of Appropriate Supervision within one month from the date of the certification under Article 4 of the Public Notice No. 5;
- ii. When an Individual Enterprise Type Accepting Shipbuilding Company withdraws from the Council for the Promotion of Appropriate Supervision;
- iii. When an Individual Enterprise Type Accepting Shipbuilding Company no longer fulfills any of the requirements listed in Article 4, paragraph (1) of the Public Notice No. 5;
- iv. When either Article 4, paragraph (5) or (6) of the Public Notice No. 5 is no longer fulfilled;
- v. When an Individual Enterprise Type Accepting Shipbuilding Company is found to have obtained the certification under Article 4 of the Public Notice No. 5 through improper means;
- vi. When the necessary improvements of an Individual Enterprise Type Accepting Shipbuilding Company cannot be recognized even though the measures under Article 17 of the Public Notice No. 9 have been taken;
- vii. When an Individual Enterprise Type Accepting Shipbuilding Company rejects, obstructs, or refuses the on-site inspection by Minister of Land, Infrastructure, Transport and Tourism prescribed in Article 18 of No. 9.
- viii. When an Individual Enterprise Type Accepting Shipbuilding Company fails to follow the instructions under Article 19 of the Public Notice No. 9;
- ix. When an Individual Enterprise Type Accepting Shipbuilding Company has

committed misconduct pertaining to the acceptance or employment of Foreign Shipbuilding Workers.

4. The Provisions of Article 6 of the Public Notice No. 13

(1) Purpose

(Public Notice)
No. 13
6 For cases pertaining to cancellation of certificates under the provisions of Articles 1 to 3 but having specific mitigating factors in light of the circumstances, Minister of Land, Infrastructure, Transport and Tourism may instruct to stop the acceptance of Foreign Shipbuilding Workers instead of cancelling the certification.

What this provision means is that if a Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company falls under any of the respective items of Article 1 and 3 of the Public Notice No. 13, it is normally the case that the certification of the said Designated Supervising Organization, Appropriate Supervising Plan, or Individual Enterprise Type Appropriate Supervising Plan is revoked, however, if there is any “specific mitigating factors in light of the circumstances,” the Minister of Land, Infrastructure, Transport and Tourism can issue an instruction to suspend the acceptance for a specified period of time instead of issuing an instruction to revoke the certification.

Because of this, in terms of the Technical Intern Training Program, for example, there may be an action considered misconduct which does not result in the suspension of the acceptance, however, in terms of the Foreign Shipbuilding Worker Acceptance Program, if there is an action which falls under any of the respective items of Article 1 to 3 of the Public Notice No. 13, it will inevitably result in either the revocation of the certification or the suspension of the acceptance.

Moreover, in cases where an instruction of the suspension of the acceptance is to be issued by the Minister of Land, Infrastructure, Transport and Tourism, an instruction of the implementation of improvement measures with regard to the matters that caused the issuance of the suspension of the acceptance will be issued by the same Minister.

Needless to say, if it is found that there have not been any measures for improvement adopted that are necessary for preventing the reoccurrence of the matters instructed, the acceptance of new Foreign Shipbuilding Workers will not be approved.

The instruction of the suspension of the acceptance only applies to the future acceptance so that it does not have any impact on the acceptance of Foreign Shipbuilding

Workers prior to the issuance of the said instruction. However, it should be noted that, when the instruction of the suspension of the acceptance along with the instruction of the implementation of improvement measures are issued, failing to follow such instructions falls under the revocation specified in Article 1, paragraph (6), Article 2, paragraph (6), or Article 3, paragraph (8) of the Public Notice No. 13.

(2) Circumstances that particularly require the mitigation of such penalty

The cases where the revocation of certification under Article 6 of the Public Notice No. 13 is not executed are the ones where the level of misconduct is very minor which does not prevent appropriate implementation of Designated Shipbuilding Activities or Individual Enterprise Type Designated Shipbuilding Activities, for example, when a careless mistake of an Accepting Shipbuilding Company or an Individual Enterprise Type Accepting Shipbuilding Company to forget to record the daily work log for several days was recognized as the misconduct under item 21 of the Appended Table II of the Public Notice (failure of an Accepting Shipbuilding Company or an Individual Enterprise Type Accepting Shipbuilding Company to prepare, keep or preserve a list of Foreign Shipbuilding Workers or daily work log).

On the other hand, it should be noted that if there is an action recognized as a type of misconduct listed under items 1 to 14, 17 to 19, and 23 of Appended Table II of the Public Notice, it will be considered as an act which prevents appropriate implementation of Designated Shipbuilding Activities or Individual Enterprise Type Designated Shipbuilding Activities and thus result in the revocation of certification regardless of the condition of such act.

Chapter 13: Misconduct

1. Basic Concept

In cases where any “misconduct concerning acceptance or employment of foreigners” prescribed in the respective items of the Appended Table II of the Public Notice is committed, whether or not the condition of such misconduct is minor, it will be subject to report to Ministry of Land, Infrastructure, Transport and Tourism, the Regional Immigration Bureau, and the Council for the Promotion of Appropriate Supervision. Moreover, Ministry of Land, Infrastructure, Transport and Tourism, the Regional Immigration Bureau, Ministry of Health, Labour and Welfare and other competent authorities, and the Council for the Promotion of Appropriate Supervision, regardless of the presence or absence of the report from a Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company, are required to handle “misconduct” with strict and appropriate measures such as conducting a general survey as described in Article 1, paragraph (9) of the Public Notice No. 6 and Article 1, paragraph (6) of Public Notice No. 7.

If the “misconduct” is confirmed by Ministry of Land, Infrastructure, Transport and Tourism or other relevant authorities, such case falls under either Article 1, paragraph (7), Article 2, paragraph (7), or Article 3, paragraph (9) of the Public Notice No. 13 and will result in the revocation of the certification of a Designated Supervising Organization, an Appropriate Supervision Plan, or an Individual Enterprise Type Appropriate Supervision Plan (suspension of the acceptance, if there exists any circumstances that particularly require the mitigation of such penalty).

2. Misconduct Pertaining to the Acceptance or Employment of Foreign Nationals

Article 2, paragraph (2) of the Public Notice No. 4 defines the misconduct pertaining to the acceptance or employment of foreign nationals as follows:

Misconduct concerning acceptance or employment of foreigners (herewith pertaining to the misconduct of the right-hand column of (xviii) of items in the right-hand column of the activities in (i) (a) corresponding to “Technical Intern Training” specified in Appended Table I (2) of the Ministerial Criteria Ordinance, the misconduct of the right-hand column of (xvi) of items in the right-hand column of the activities in (i) (b) corresponding to “Technical Intern Training” specified in Appended Table I (2) of the Ministerial Criteria Ordinance, the misconduct of the right-hand column of (x) of activities in the right-hand column corresponding to “Trainee” specified in Appended Table I (4) of the Ministerial Criteria Ordinance, the misconduct of the Guideline for Controlling the Entrance and Residence of Trainees and Interns (revised 2007), and the misconduct of the Appended Table II)

- i. Misconduct listed in item (xviii) of the right-hand column corresponding to the “Activities” listed in item (i), sub-item (a) of the right-hand column under “Technical Intern Training” specified in the Ministerial Ordinance on Criteria; misconduct listed in item (xvi) of the right-hand column corresponding to the “Activities” listed in item (i), sub-item (b) of the right-hand column under “Technical Intern Training” specified in the Ministerial Ordinance on Criteria; misconduct listed in item (x) of the right-hand column of the “Activities” listed in the right-hand column corresponding to the “Trainee” specified in the Ministerial Ordinance on Criteria; misconduct prescribed in the Guidelines on Entry and Residence Management of Technical Intern Trainees and Trainees (revised in 2007)

Refer to the misconduct pertaining to the status of residence “Technical Intern Training (item (i), sub-item (a) and (b))” and “Trainee.”

- ii. Misconduct listed in Appended Table II of the Public Notice

Refer to the various types of misconduct listed in item 1 through 23 of the Appended Table II of the Public Notice. Details of each type of misconduct are as shown in 3 below.

3. Misconduct Listed in the Appended Table II of the Public Notice

- i. A Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company committing physical assault, intimidation or forcible confinement against the accepted or employed Foreign Shipbuilding Workers [related to item 1]

This is when a Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company has committed physical assault, intimidation or forcible confinement against the Foreign Shipbuilding Workers.

- ii. A Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company confiscating the passports or residence cards of the accepted or employed Foreign Shipbuilding Workers [related to item 2]

This is when a Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company confiscated the passports or residence cards of the Foreign Shipbuilding Workers.

An example of this is when an Accepting Shipbuilding Company has been keeping the passports or residence cards of the Foreign Shipbuilding Workers, with

the reasoning that it is to prevent them from being lost, etc.

- iii. A Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company failing to pay, in part or in full, allowances or remuneration to the accepted or employed Foreign Shipbuilding Workers [related to item 3]

This is when a Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company has failed to pay, in part or in full, allowances or remuneration that the accepted or employed Foreign Shipbuilding Workers were entitled to.

An example of this is when, despite having demanded the Foreign Shipbuilding Workers to work overtime or on days off, an Accepting Shipbuilding Company failed to pay them the increased wages prescribed in Article 37 of the Labor Standards Act.

- iv. In addition to those listed in i. to iii., a Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company significantly violating human rights of the accepted or employed Foreign Shipbuilding Workers [related to item 4]

This is when a Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company has committed an act which significantly violates human rights of the accepted or employed Foreign Shipbuilding Workers (excluding those listed in i. to iii.).

An example of this is when a complaint about the infringement of human rights was filed by a Foreign Shipbuilding Worker and the existence of such infringement was confirmed by a human rights organization or an Accepting Shipbuilding Company confiscated a bank book of a Foreign Shipbuilding Worker against his/her will.

Moreover, sending a Foreign Shipbuilding Worker back to his/her country forcibly regardless of his/her own will due to the circumstances of the Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company is also considered a type of misconduct defined here.

- v. A Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company providing or using a forged or altered document or drawing or a falsified document or drawing for the purpose of concealing the facts related to the existence of misconduct pertaining to the Designated Shipbuilding Activities or the Individual Enterprise Type

Designated Shipbuilding Activities of Foreign Shipbuilding Workers listed in this Table [related to item 5]

This is when a Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company provided or used a forged or altered document or drawing or a falsified document or drawing for the purpose of concealing the facts related to the existence of misconduct pertaining to the Designated Shipbuilding Activities or Individual Enterprise Type Designated Shipbuilding Activities of the Foreign Shipbuilding Workers.

An example of this is when a Designated Supervising Organization falsified an inspection report to be submitted to Ministry of Land, Infrastructure, Transport and Tourism. In other words, regardless of acknowledging the “misconduct” committed by the Accepting Shipbuilding Company, the Designated Supervising Organization filed the inspection report as if the Designated Shipbuilding Activities or Individual Enterprise Type Designated Shipbuilding Activities were being conducted appropriately or regardless of not having conducted any inspection, the Designated Supervising Organization submitted the inspection report as if it was conducted.

- vi. A Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company collecting deposits (by whatever name called) from a Foreign Shipbuilding Worker or a person having a close relationship to the said Worker and concluding an agreement which prescribes the penalty (by whatever name called) pertaining to non-performance of the employment contract or any other agreements fixing in advance the illegal transfer of money or other properties (excluding those falling under iii. and iv.) [related to item 6]

This is when a Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company has manipulated the properties of a Foreign Shipbuilding Worker or his/her family such as by collecting deposits related to the Designated Shipbuilding Activities or the Individual Enterprise Type Designated Shipbuilding Activities of the said Worker or made an agreement fixing in advance the illegal transfer of money or other properties of the said Worker such as by prescribing the penalty pertaining to non-performance of the employment contract.

An example of this is when a Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company collected deposits from the Foreign Shipbuilding Workers, their family

members, etc. or specified a penalty for runaways to prevent the Foreign Shipbuilding Workers from running away. Moreover, prohibiting the Foreign Shipbuilding Workers from reporting any “misconduct” to Ministry of Land, Infrastructure, Transport and Tourism, the Council for the Promotion of Appropriate Supervision, the Regional Immigration Bureau and the Labor Standards Office, etc., going out on days off without obtaining permission and leaving the work site for the toilet, etc. during work hours and specifying a penalty for breaking such rules or making an agreement which fixes in advance an unfairly high amount of money collectible from the Foreign Shipbuilding Workers, their family members, etc. as the compensation for the products or services are also considered as “an agreement fixing in advance the illegal transfer of money or other properties of the said Workers.”

- vii. A Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company making an arrangement with the accepted or employed Foreign Shipbuilding Workers regarding allowances, remuneration or work hours pertaining to the Designated Shipbuilding Activities or the Individual Enterprise Type Designated Shipbuilding Activities of the said Workers which is 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 Control and Refugee Recognition Act (excluding those falling under v.) [related to item 7]

This is when a Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company has made an arrangement with the Foreign Shipbuilding Workers with regard to allowances, remuneration or work hours pertaining to the Designated Shipbuilding Activities or the Individual Enterprise Type Designated Shipbuilding Activities which is different from the contents of the application submitted to Ministry of Land, Infrastructure, Transport and Tourism and the Regional Immigration Bureau*.

* If a falsified report is submitted after making an arrangement which is different from the original contents of the application to conceal such arrangement, it is considered the misconduct described in v.

- viii. A Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company manipulating the Designated Shipbuilding Activities or the Individual Enterprise Type Designated Shipbuilding Activities to be implemented by an organization which is different from that applied under Article 6, paragraph (2), Article 7-2, paragraph (1), Article

20, paragraph (2) or Article 21, paragraph (2) of the Immigration Control and Refugee Recognition Act or implementing the Designated Shipbuilding Activities or the Individual Enterprise Type Designated Shipbuilding Activities at the said Organization (excluding those falling under v.) [related to item 8]

This is when a Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company has manipulated the Designated Shipbuilding Activities or the Individual Enterprise Type Designated Shipbuilding Activities to be implemented by an organization which is different from that applied to the Regional Immigration Bureau or implemented the Designated Shipbuilding Activities or the Individual Enterprise Type Designated Shipbuilding Activities at the said organization*.

* If a falsified report was submitted to the Regional Immigration Bureau after the arrangement was made with another organization about the implementation of the Designated Shipbuilding Activities or the Individual Enterprise Type Designated Shipbuilding Activities to be carried out at the said Organization, it is considered the misconduct described in v.

Both the organization that borrowed (the organization which actually accepted the Foreign Shipbuilding Workers) and lent (the organization which was applied as an accepting organization of the Foreign Shipbuilding Workers) the name of organization fall under this misconduct.

- ix. A Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company causing a considerable number of the accepted or employed Foreign Shipbuilding Workers go missing (excluding the cases where there are no reasons attributable to the Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company) [related to item 9]

This is when a Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company caused a considerable number of the Foreign Shipbuilding Workers go missing.

As a rough indication, a considerable number of the missing Foreign Shipbuilding Workers refer to the cases listed in the following sub-item (a) and (b).

However, none of these categories are applicable when there are no reasons attributable to the Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company, which means that the Designated Supervising organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding

Company has performed its responsibilities such as the implementation of the Designated Shipbuilding Activities or the Individual Enterprise Type Designated Shipbuilding Activities as outlined in the Appropriate Supervision Plan and the payment of wages, etc. as specified in the employment contract.

- a. When the number of missing Foreign Shipbuilding Workers “within one year” of the latest incident is more than that listed in the right column (any fraction of a person is rounded up), proportional to the number of Foreign Shipbuilding Workers accepted listed in the left-column of the following table (refers to the total number of Foreign Shipbuilding Workers who have been accepted or employed by the said Organization; the same applies hereinafter in this item ix.)

Total Number of Acceptance	Number of Missing Workers
50 or more	Three twentieths (15 percent) of the total number of acceptance
20 to 49	8 persons
19 or less	Three eighths (37.5 percent) of the total number of acceptance

- b. When the number of missing Foreign Shipbuilding Workers “within six (6) months” of the latest incident is more than that listed in the right column (any fraction of a person is rounded up), proportional to the total number of Foreign Shipbuilding Workers accepted listed in the left-column of the following table

Total Number of Acceptance	Number of Missing Workers
50 or more	Nine eightieths (11.25 percent) of the total number of acceptance
20 to 49	6 persons
19 or less	Nine thirty-seconds (28.125 percent) of the total number of acceptance

- x. A Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company committing any of the acts listed in Article 24, item (iii)-4, sub-item (a) to (c) of the Immigration Control and Refugee Recognition Act or inciting or aiding such act [related to item 10]

This is when a Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company has

committed any of the following acts: (a) having foreign nationals engage in illegal work in connection with business activities, (b) placing a foreign national under his/her control for the purpose of having the foreign national engage in illegal work, or (c) arranging on a regular basis the procurement of a foreign national to engage in illegal work or the act set forth in (a) and (b), or has incited or aided such act.

- xi. A Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company violating the provisions of the Labor Standards Act, Industrial Safety and Health Act or other similar laws with regard to the Designated Shipbuilding Activities or the Individual Enterprise Type Designated Shipbuilding Activities (excluding those falling under i., iii., and iv.) [related to item 11]

This is when a Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company has violated, other than those listed in i., iii., and iv., the labor laws such as the Labor Standards Act, Industrial Safety and Health Act and Employment Security Act with regard to the implementation of the Designated Shipbuilding Activities or the Individual Enterprise Type Designated Shipbuilding Activities.

The violations of Article 24 (Non-payment of Wages), Article 37 (Non-payment of Increased Wages) of the Labor Standards Act and Article 4, paragraph (1) (Minimum Wages) of the Minimum Wages Act fall under the misconduct described in iii.

- xii. A Designated Supervising Organization failing to report to Ministry of Land, Infrastructure, Transport and Tourism, the Regional Immigration Bureau having jurisdiction over the Designated Supervising Organization, and the Council for the Promotion of Appropriate Supervision in the case of becoming no longer able to continue the Designated Shipbuilding Activities, or an Individual Enterprise Type Accepting Shipbuilding Company failing to report to Ministry of Land, Infrastructure, Transport and Tourism, the Regional Immigration Bureau having jurisdiction over the Individual Enterprise Type Accepting Shipbuilding Company's location, and the Council for the Promotion of Appropriate Supervision in the case of becoming no longer able to continue the Individual Enterprise Type Designated Shipbuilding Activities [related to item 12]

This is when a Designated Supervising Organization has failed to report to Ministry of Land, Infrastructure, Transport and Tourism, the Regional Immigration Bureau, and the Council for the Promotion of Appropriate Supervision when it became no longer able to continue the Designated Shipbuilding Activities such as

when an Accepting Shipbuilding Company became bankrupt or Foreign Shipbuilding Workers returned to their countries without completing their contract term.

With regard to the Individual Enterprise Type Designated Shipbuilding Activities, this is when an Individual Enterprise Type Accepting Shipbuilding Company has failed to report to Ministry of Land, Infrastructure, Transport and Tourism, the Regional Immigration Bureau, and the Council for the Promotion of Appropriate Supervision when it became no longer able to continue the Individual Enterprise Type Designated Shipbuilding Activities such as when an Individual Enterprise Type Accepting Shipbuilding Company became bankrupt or Foreign Shipbuilding Workers returned to their countries without completing their contract term.

- xiii. A Designated Supervising Organization failing to confirm the status of employment under Article 1, paragraph (4) of the Public Notice No. 6, or an Individual Enterprise Type Accepting Shipbuilding Company failing to confirm the status of employment under Article 1, paragraph (2) of the Public Notice No. 7 [related to item 13]

This is when a Designated Supervising Organization has failed to confirm the status of the employment and supervision of the Foreign Shipbuilding Workers which is required to be performed regularly under Article 1, paragraph (4) of the Public Notice No. 6.

With regard to the Individual Enterprise Type Designated Shipbuilding Activities, this is when an Individual Enterprise Type Accepting Shipbuilding Company has failed to supervise and confirm the status of the employment of the Foreign Shipbuilding Workers which is required to be performed regularly under Article 1, paragraph (2) of the Public Notice No. 7.

- xiv. A Designated Supervising Organization failing to have the counselor in place under Article 1, paragraph (5) of the Public Notice No. 6 or being neglectful of the concerns expressed by the Foreign Shipbuilding Workers, or an Individual Enterprise Type Accepting Shipbuilding Company failing to have the counselor in place under Article 1, paragraph (3) of the Public Notice No. 7 or being neglectful of the concerns expressed by the Foreign Shipbuilding Workers [related to item 14]

This is when a Designated Supervising Organization has failed to have the counselor in place or has been neglectful of addressing the matters pertaining to the living, work, etc. (including change of jobs) of the Foreign Shipbuilding Workers.

With regard to the Individual Enterprise Type Designated Shipbuilding Activities,

this is when an Individual Enterprise Type Accepting Shipbuilding Company has failed to have the counselor in place or has been neglectful of addressing the matters pertaining to the living, work, etc. (including change of jobs) of the Foreign Shipbuilding Workers.

- xv. An Accepting Shipbuilding Company failing to submit a notification to the Designated Supervising Organization under Articles 2 and 3 of the Public Notice No. 6, or an Individual Enterprise Type Accepting Shipbuilding Company failing to submit a notification to the Council for the Promotion of Appropriate Supervision under Articles 2 and 3 of the Public Notice No. 7 [related to items 15 and 16]

This is when an Accepting Shipbuilding Company failed to submit a notification of the acceptance or resignation of the Foreign Shipbuilding Workers to the Designated Supervising Organization.

Moreover, this is when a Designated Supervising Organization failed to report to the Council for the Promotion of Appropriate Supervision upon receiving the said notification of the acceptance or resignation of the Foreign Shipbuilding Workers from the Accepting Shipbuilding Company.

With regard to the Individual Enterprise Type Designated Shipbuilding Activities, this is when an Individual Enterprise Type Accepting Shipbuilding Company failed to submit a notification of the acceptance or resignation of the Foreign Shipbuilding Workers to the Council for the Promotion of Appropriate Supervision.

- xvi. A Designated Supervising Organization failing to conduct the inspection under Article 1 or 4 of the Public Notice No. 9 or report the result of the said inspection, or An Individual Enterprise Type Accepting Shipbuilding Company failing to conduct the confirmation under Article 11 or 13 of the Public Notice No. 9 or report the result of the said confirmation [related to item 17]

This is when a Designated Supervising Organization has failed to conduct the inspection under Article 1 or 4 of the Public Notice No. 9 or report the result of the said inspection.

An example of this is when an Designated Supervising Organization or an Individual Enterprise Type Accepting Shipbuilding Company failing to report the inspection result to the Regional Immigration Bureau or submitting the said report in a significantly delayed manner or failing to secure personnel who are capable of conducting the duties of supervision accurately such as the inspection and on-site instructions.

- xvii. An Accepting Shipbuilding Company failing to report to the Designated

Supervising Organization when there had been misconduct pertaining to the Designated Shipbuilding Activities of foreign nationals listed in this table or a reason which made the continuance of the Designated Shipbuilding Activities impossible, or an Individual Enterprise Type Accepting Shipbuilding Company failing to report to Ministry of Land, Infrastructure, Transport and Tourism, the Regional Immigration Bureau having jurisdiction over the Individual Enterprise Type Accepting Shipbuilding Company's location, and the Council for the Promotion of Appropriate Supervision when there had been a reason which made the continuance of the Individual Enterprise Type Designated Shipbuilding Activities impossible [related to item 18]

This is when an Accepting Shipbuilding Company has failed to report to the Designated Supervising Organization. With regard to the Individual Enterprise Type Designated Shipbuilding Activities, this is when an Individual Enterprise Type Accepting Shipbuilding Company has failed to report to Ministry of Land, Infrastructure, Transport and Tourism, the Regional Immigration Bureau, and the Council for the Promotion of Appropriate Supervision.

An example of this is when an Accepting Shipbuilding Company fails to report a missing Foreign Shipbuilding Worker and such incidence is first revealed by the Regional Immigration Bureau through the detection or the like of the said Worker, or when an Accepting Shipbuilding Company or an Individual Enterprise Type Accepting Shipbuilding Company fails to report the employment of an illegal worker and such employment is revealed based on the detection or survey done by the Regional Immigration Bureau.

- xviii. A Designated Supervising Organization providing mediation services related to the Designated Shipbuilding Activities for profit [related to item 19]

This is when a Designated Supervising Organization provided mediation services related to the Designated Shipbuilding Activities for profit.

An example of this is when a corporation has been arranging employment related to the Designated Shipbuilding Activities or a public interest corporation arranging employment with fees exceeding the actual cost.

- xix. A Designated Supervising Organization or an Individual Enterprise Type Accepting Shipbuilding Company failing to prepare or preserve documents related to the acceptance of the Foreign Shipbuilding Workers, and an Accepting Shipbuilding Company or an Individual Enterprise Type Accepting Shipbuilding Company failing to prepare, keep or preserve the list or daily work log of the Foreign Shipbuilding Workers [related to items 20 and 21]

This is when a Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company has failed to prepare, keep or preserve documents pertaining to the implementation conditions of the Designated Shipbuilding Activities or the Individual Enterprise Type Designated Shipbuilding Activities. If the said document cannot be confirmed at the time of the survey or the like of Ministry of Land, Infrastructure, Transport and Tourism, it will be considered an inappropriate preparation or preservation, and thus falling under this type of misconduct.

Moreover, the document pertaining to the implementation status of the Designated Shipbuilding Activities or the Individual Enterprise Type Designated Shipbuilding Activities refer to a document prepared for the confirmation of the status of employment, a list of the accepted Foreign Shipbuilding Workers, a wage ledger or any other documents that contain the details of activities, instructors and work hours. The preparation, keeping or preservation of the document (except for cases specified by other laws) may be done in an electromagnetic means.

- xx. A Designated Supervising Organization failing to report to Ministry of Land, Infrastructure, Transport and Tourism, the Regional Immigration Bureau having jurisdiction over the Designated Supervising Organization's location, and the Council for the Promotion of Appropriate Supervision about the Foreign Shipbuilding Workers returning to their home countries upon the completion of the Designated Shipbuilding Activities, or an Individual Enterprise Type Accepting Shipbuilding Company failing to report to Ministry of Land, Infrastructure, Transport and Tourism, the Regional Immigration Bureau having jurisdiction over the Individual Enterprise Type Accepting Shipbuilding Company's location, and the Council for the Promotion of Appropriate Supervision about the Foreign Shipbuilding Workers returning to their home countries upon the completion of the Individual Enterprise Type Designated Shipbuilding Activities [related to item 22]

With regard to the Designated Shipbuilding Activities, this is when a Designated Supervising organization failed to report to Ministry of Land, Infrastructure, Transport and Tourism, the Regional Immigration Bureau having jurisdiction over the Designated Supervising Organization's location, and the Council for the Promotion of Appropriate Supervision when the Foreign Shipbuilding Workers returned to their home countries after completing the Designated Shipbuilding Activities.

With regard to the Individual Enterprise Type Designated Shipbuilding Activities,

this is when an Individual Enterprise Type Accepting Shipbuilding Company failed to report to Ministry of Land, Infrastructure, Transport and Tourism, the Regional Immigration Bureau having jurisdiction over the Individual Enterprise Type Accepting Shipbuilding Company's location, and the Council for the Promotion of Appropriate Supervision when the Foreign Shipbuilding Workers returned to their home countries after completing the Designated Shipbuilding Activities.

- xxi. A Designated Supervising Organization failing to immediately report to Ministry of Land, Infrastructure, Transport and Tourism, the Regional Immigration Bureau having jurisdiction over the location of the said Designated Supervising Organization, and the Council for the Promotion of Appropriate Supervision about the misconduct committed pertaining to the acceptance or employment of foreign nationals, or an Individual Enterprise Type Accepting Shipbuilding Company failing to immediately report to Ministry of Land, Infrastructure, Transport and Tourism, the Regional Immigration Bureau having jurisdiction over the location of the said Individual Enterprise Type Accepting Shipbuilding Company, and the Council for the Promotion of Appropriate Supervision about the misconduct committed pertaining to the acceptance or employment of foreign nationals [related to item 23]

With regard to the Designated Shipbuilding Activities, this is when a Designated Supervising Organization failed to report to Ministry of Land, Infrastructure, Transport and Tourism, the Regional Immigration Bureau, and the Council for the Promotion of Appropriate Supervision regarding the misconduct committed. An example of this is failing to report to Ministry of Land, Infrastructure, Transport and Tourism, the Regional Immigration Bureau having jurisdiction over the location of the said Designated Supervising Organization, and the Council for the Promotion of Appropriate Supervision even though there had been more than a considerable number of missing Foreign Shipbuilding Workers.

With regard to the Individual Enterprise Type Designated Shipbuilding Activities, this is when an Individual Enterprise Type Accepting Shipbuilding Company failed to report to Ministry of Land, Infrastructure, Transport and Tourism, the Regional Immigration Bureau, and the Council for the Promotion of Appropriate Supervision regarding the misconduct committed. An example of this is failing to report to Ministry of Land, Infrastructure, Transport and Tourism, the Regional Immigration Bureau having jurisdiction over the location of the said Individual Enterprise Type Accepting Shipbuilding Company, and the Council for the Promotion of Appropriate Supervision even though there had been more than a considerable

number of missing Foreign Shipbuilding Workers.

Chapter 14: Council for the Promotion of Appropriate Supervision

1. Overview

The Council for the Promotion of Appropriate Supervision is established by Ministry of Land, Infrastructure, Transport and Tourism for the purpose of facilitating communication, coordination and discussion of the matters necessary for the appropriate implementation of the Designated Shipbuilding Activities or the Individual Enterprise Type Designated Shipbuilding Activities.

Moreover, matters necessary for the operation of the Council for the Promotion of Appropriate Supervision are specified separately by the said Council.

The Council for the Promotion of Appropriate Supervision is composed of the following members, and as a member of the Council, a Designated Supervising Organization and an Individual Enterprise Type Accepting Shipbuilding Company are also expected to cooperate in the operation of the Council:

- i. Persons with relevant knowledge and experience concerning labor issues;
- ii. Designated Supervising Organization;
- iii. Shipbuilding trade association;
- iv. Individual Enterprise Type Accepting Shipbuilding Company;
- v. Ministry of Land, Infrastructure, Transport and Tourism;
- vi. Ministry of Justice;
- vii. Ministry of Health, Labour and Welfare; and
- viii. Other related organizations

Ministry of Land, Infrastructure, Transport and Tourism serves as the secretariat of the Council.

2. Enrollment to the Council for the Promotion of Appropriate Supervision

One of the conditions for the revocation of the certification as a Designated Supervising Organization is when “the Designated Supervising Organization does not become a member of the Council for the Promotion of Appropriate Supervision within one month of the certification prescribed in Article 2 of No. 4,” which is specified in Article 1, paragraph (3) of the Public Notice No. 13. Therefore, it is necessary that a Designated Supervising Organization enroll to the Council for the Promotion of Appropriate Supervision promptly after obtaining the certification as the Designated Supervising Organization.

One of the conditions for the revocation of the certification for an Individual Enterprise Type Appropriate Supervision Plan of Individual Enterprise Type Accepting Shipbuilding Company is when “the Individual Enterprise Type Accepting Shipbuilding Company

does not become a member of the Council for the Promotion of Appropriate Supervision within one month of the certification prescribed in Article 4 of No. 5,” which is specified in Article 3, paragraph (1) of the Public Notice No. 13. Therefore, it is necessary that an Individual Enterprise Type Accepting Shipbuilding Company enroll to the Council for the Promotion of Appropriate Supervision promptly after obtaining the certification for the Individual Enterprise Type Appropriate Supervision Plan.

3. Report to the Council for the Promotion of Appropriate Supervision

In the Public Notice, it is specified that a Designated Supervising Organization must report to the Council for the Promotion of Appropriate Supervision without delay in the case of receiving the notifications under Article 2 and 3 of the Public Notice No. 6.

The notifications under Article 2 and 3 of the Public Notice No. 6 are the notifications submitted to a Designated Supervising Organization when Foreign Shipbuilding Workers are accepted by and resigned from an Accepting Shipbuilding Company. Upon receiving these notifications, it is required that the Designated Supervising Organization reports to the Council for the Promotion of Appropriate Supervision without fail.

In accordance with Articles 2 and 3 of the Public Notice No. 7, the Individual Enterprise Type Accepting Shipbuilding Company is required to report to the Council for the Promotion of Appropriate Supervision without fail when Foreign Shipbuilding Workers are accepted by and resigned from an Individual Enterprise Type Accepting Shipbuilding Company.

4. Cooperation in the Operation of the Council for the Promotion of Appropriate Supervision

As a member of the Council for the Promotion of Appropriate Supervision, it is necessary that a Designated Supervising Organization and an Individual Enterprise Type Accepting Shipbuilding Company cooperate with the Council in the appropriate and smooth implementation of the Foreign Shipbuilding Worker Acceptance Program.

For this reason, a Designated Supervising Organization is expected to respond in good faith to the requests of the Council for the Promotion of Appropriate Supervision to attend general meetings, interviews or the like and to conduct various investigations.

Chapter 15: Organization Implementing Promotion of the Foreign Shipbuilding Worker Acceptance Program

1. Overview

For the appropriate and smooth implementation of the Designated Shipbuilding Activities or the Individual Enterprise Type Designated Shipbuilding Activities, Ministry of Land, Infrastructure, Transport and Tourism requires the Organization Implementing Promotion of the Foreign Shipbuilding Worker Acceptance Program to conduct on-site trainings and other businesses for the Designated Supervising Organization, the Accepting Shipbuilding Companies, or the Individual Enterprise Type Accepting Shipbuilding Companies, as provided for separately.

2. Cooperation in the On-site Training and Other Businesses

In cases where the on-site training is conducted for a Designated Supervising Organization, an Accepting Shipbuilding Company, or an Individual Enterprise Type Accepting Shipbuilding Company by the Organization Implementing Promotion of the Foreign Shipbuilding Worker Acceptance Program, the said Organization or the said Company must cooperate with such training.

It should be noted that the following behaviors are considered as the acts that interfere with the appropriate and smooth implementation of the Designated Shipbuilding Activities or the Individual Enterprise Type Designated Shipbuilding Activities and subject to the instructions from MILT prescribed in Articles 10 and 19 of the Public Notice No. 9: behaving in a noncooperative manner towards the on-site training of the Organization Implementing Promotion of the Foreign Shipbuilding Worker Acceptance Program without justifiable reason or refusing to take the training, or answering the questions asked by the said Organization in an insincere manner or refusing to answer.

References – Application Forms

- Form No. 1 Application for the Certification of Designated Supervising Organization
- (Attachment 1) List of Directors (Application for the Certification of Designated Supervising Organization)
 - (Attachment 2) List of the Currently Accepted Technical Intern Trainees (Application for the Certification of Designated Supervising Organization)
 - (Attachment 3) Implementation Organization Chart for Designated Shipbuilding Activities (sample)
- Form No. 2-1 Application for the Certification of Appropriate Supervision Plan
- (Attachment 1) Appropriate Supervision Plan
 - (Attachment 2) List of the Currently Accepted Technical Intern Trainees (Application for the Certification of Appropriate Supervision Plan)
- Form No. 2-2 Application for the Certification of Individual Enterprise Type Appropriate Supervision Plan
- (Attachment 1) Individual Enterprise Type Appropriate Supervision Plan
 - (Attachment 2) List of the Currently Accepted Technical Intern Trainees (Application for the Certification of Individual Enterprise Type Appropriate Supervision Plan)
 - (Attachment 3) Implementation Organization Chart for Individual Enterprise Type Designated Shipbuilding Activities (sample)
- Form No. 3 Report of the Certification (Revocation) of Designated Supervising Organization
- Form No. 4-1 Report of the Certification (Revocation) of Appropriate Supervision Plan
- Form No. 4-2 Report of the Certification (Revocation) of Individual Enterprise Type Appropriate Supervision Plan
- Form No. 5-1 Report of the Acceptance of Foreign Shipbuilding Workers (Accepting Shipbuilding Company)
- Form No. 5-2 Report of the Acceptance of Foreign Shipbuilding Workers (Designated Supervising Organization)
- Form No. 5-3 Report of the Acceptance of Foreign Shipbuilding Workers (Individual Enterprise Type Accepting Shipbuilding Company)

- Form No. 6-1 Report of the Resignation of Foreign Shipbuilding Workers
(Accepting Shipbuilding Company)
- Form No. 6-2 Report of the Resignation of Foreign Shipbuilding Workers
(Designated Supervising Organization)
- Form No. 6-3 Report of the Resignation of Foreign Shipbuilding Workers
(Individual Enterprise Type Accepting Shipbuilding Company)
- Form No. 7 Report of the Status of Acceptance (Designated Shipbuilding
Activity)
- Form No. 8-1 Inspection Report (Designated Shipbuilding Activity)
(Attachment 1) Accepting Shipbuilding Companies Subject to Inspection
and Inspection Date
(Attachment 2) Inspection Results
- Form No. 8-2 Inspection Report (Individual Enterprise Type Designated
Shipbuilding Activity)
(Attachment 1) Business Office of Individual Enterprise Type Accepting
Shipbuilding Companies Subject to Confirmation and
Confirmation Date
(Attachment 2) Confirmation Results
- Form No. 9-1 Report of the Returned Foreign Shipbuilding Workers
(Designated Shipbuilding Activity)
- Form No. 9-2 Report of the Returned Foreign Shipbuilding Workers (Individual
Enterprise Type Designated Shipbuilding Activity)
- Form No. 10-1 Report of the Occurrence of Reasons for the Discontinuation of
Designated Shipbuilding Activities (Accepting Shipbuilding
Company)
- Form No. 10-2 Report of the Occurrence of Reasons for the Discontinuation of
Designated Shipbuilding Activities (Designated Supervising
Organization)
- Form No. 10-3 Report of the Occurrence of Reasons for the Discontinuation of
Individual Enterprise Type Designated Shipbuilding Activities
(Individual Enterprise Type Accepting Shipbuilding Company)

** Make sure that the number of full-time employees working in the Foreign Shipbuilding Worker Acceptance Program is the same as that listed in the implementation organization chart in Form No. 1 (Attachment 3).*

- (11) Number of members or partners enrolled or participated in the organization
 - (12) Number of members or partners currently accepting technical intern trainees under the supervision of the organization
 - (13) License or notification number of the free employment placement business, or license number of the fee-charging employment placement business
 - (14) Title and name of the person in charge (manager) of the designated shipbuilding activities
 - (15) Position and name of counselor
- 2 Past records of the supervision of technical intern trainees in the field of shipbuilding
- (1) Date of the commencement of the technical intern training program
 - (2) Number of the currently accepted technical intern trainees in field of shipbuilding
 - (3) Number of technical intern trainees in the field of shipbuilding who have been accepted and returned to home countries after completing the technical intern training in the past five years
** Not including the number of those who have returned without completing the training or gone missing (which should be answered in (6) or (7) below)*
 - (4) Major types of occupations and works of technical intern trainees in the accepting field of shipbuilding
 - (5) Major nationalities of technical intern trainees in the accepting field of shipbuilding
 - (6) Number of technical intern trainees in the field of shipbuilding who have returned to their home countries without completing the training in the past five years
 - (7) Number of technical intern trainees in the field of shipbuilding who have gone missing in the past five years
- 3 Status of misconduct cases pertaining to the acceptance or employment of foreign nationals in the past five years

Item	Organization	Director, manager, full-time employee engaged in the supervision of the designated shipbuilding activities
Existence of the misconduct listed in item (xviii) listed in the right-hand column corresponding to “Technical Intern Training, item (i), sub-item (a)” specified in the Table of the Ministerial Ordinance on Criteria (*) (hereinafter referred to as “Technical Intern Training (i) (a)”) in the past five years	Yes / No	Yes / No

Existence of the misconduct listed in item (xvi) listed in the right-hand column corresponding to “Technical Intern Training, item (i), sub-item (b)” specified in the Table of the Ministerial Ordinance on Criteria (*) in the past five years	Yes / No	Yes / No
Existence of the misconduct listed in item (x) listed in the right-hand column corresponding to “Trainee” specified in the Table of the Ministerial Ordinance on Criteria (*) in the past five years	Yes / No	Yes / No
Existence of the misconduct prescribed in the Guidelines on Entry and Residence Management of Technical Intern Trainees and Trainees (revised in 2007) in the past five years	Yes / No	Yes / No
Existence of the misconduct listed in Appended Table II of the Public Notice concerning the Foreign Shipbuilding Worker Acceptance Program in the past five years	Yes / No	Yes / No
In the case of having been previously punished based on the provisions of item (xxi), sub-item (a) to (d) listed in the right-hand column of Technical Intern Training (i) (a), at least five years have elapsed since the date of completion or discontinuation of the said punishment.	Less than five years have elapsed / Not Applicable	Less than five years have elapsed / Not Applicable
Existence of the misconduct prescribed in item (xxi), sub-item (b) of the right-hand column of Technical Intern Training (i) (a) in connection with the business activities in the past five years	Yes / No	Yes / No

* Ministerial Ordinance to Provide for Criteria Pursuant to Article 7, paragraph (1), item (ii) of the Immigration Control and Refugee Recognition Act (Ordinance of the Ministry of Justice No. 16 of 1990)

4 Collection of a deposit, etc.

- (1) Neither the sending organization, designated supervising organization nor the organization intends to become the accepting shipbuilding company collected a deposit (in any form whatever) from a foreign shipbuilding worker (including his/her family or other persons close to him/her) related to his/her designated shipbuilding activities and concluded an agreement or the like prescribing the payment of a penalty (in any form whatever) pertaining to non-fulfillment of a labor contract.
(N/A Applicable (collection of a deposit/conclusion of an agreement prescribing the payment of a penalty))
- (2) In the case of the designated supervising organization collecting the cost required for the supervision, the amount and purpose of such cost are clearly indicated to the organization bearing such cost before the acceptance of foreign shipbuilding workers and no burden is imposed on

the foreign shipbuilding workers, directly or indirectly.

(N/A The amount, etc. are clearly indicated. The amount, etc. are not clearly indicated.)

** If there is any management expenses planned to be collected, make sure to fill out the item, amount and calculation grounds of such.*

(Reference (related to Form No. 1))

Date:

To the representative of the designated supervising organization

Minister of Land, Infrastructure, Transport and Tourism

Certificate of Designated Supervising Organization

Pursuant to the provisions of Article 2 of the Public Notice No. 4 concerning the Foreign Shipbuilding Worker Acceptance Program, I hereby certify as follows:

- 1 Certification number of the designated supervising organization
- 2 Name of the designated supervising organization
- 3 Address
- 4 Representative
- 5 Date of certification

Form No. 2-1

Date:

Application for the Certification of Appropriate Supervision Plan

To the Minister of Land, Infrastructure, Transport and Tourism

(Designated supervising organization)

Address

Name of Organization

Name of Representative Seal

(Organization intending to be the accepting shipbuilding company)

Address

Name of Organization

Name of Representative Seal

Pursuant to the provisions of Article 1 of the Public Notice No. 5 concerning the Foreign Shipbuilding Worker Acceptance Program, we have prepared the appropriate supervision plan as stated in the Attachment and hereby apply for Certification of Appropriate Supervision Plan.

We hereby declare that the information provided in this application and the Appendix is true and correct and further agree that we shall not, after receiving the Certification of Appropriate Supervision Plan, raise any objection to its revocation if it is found to have been obtained through improper means.

Appropriate Supervision Plan

Article 1 Matters related to those which intend to be an accepting shipbuilding company

1 Details of those which intend to be an accepting shipbuilding company

- (1) Title or name
- (2) Name of the representative or individual applicant
- (3) Address of the principal business office
- (4) Contact information
TEL:
FAX:
Email:
- (5) Title and name of the person in charge (manager) of the designated shipbuilding activities
- (6) Proof that the applicant is the shipbuilding business operator
 - i. Notification under the provisions of Article 6, paragraph (1), item (i) or (ii) of Shipbuilding Act (Act No. 129 of 1950)
(Yes / No)
 - ii. Registration under the provisions of Article 4 of Act on Manufacturers of Small Ships (Act No. 119 of 1966)
(Yes / No)
 - iii. Possession of the following documents as the applicant has engaged in production or repair of part of ship body on an actual commission by companies with the notification under Shipbuilding Act or the registration under Act on Manufacturers of Small Ships
 - a. Copy of contract pertaining to production or other works of part of ship body with companies with the notification under Shipbuilding Act or the registration under Act on Manufacturers of Small Ships (Attachment)
(Yes / No)
 - b. Copy of purchase and sales contract of part of ship body with companies with the notification under Shipbuilding Act or the registration under Act on Manufacturers of Small Ships (Attachment)
(Yes / No)
 - c. Copy of comprehensive contract pertaining to provision of services on designated shipbuilding activities with companies with the notification under Shipbuilding Act or the registration under Act on Manufacturers of Small Ships (Attachment)
(Yes / No)
- (7) Existence of any subsidiary business and the type of business operated other than the shipbuilding business
(Yes / No) _____
- (8) Number of full-time employees (excluding technical intern trainees and foreign shipbuilding workers)
Total: persons (office workers: persons, field workers: persons)

- (9) Sales in the previous fiscal year: yen
- (10) Ordinary profit/loss in the previous fiscal year: profit / loss yen
- (11) Net profit/loss in the previous fiscal year: profit / loss yen
- (12) Name of the office employing foreign shipbuilding workers
** No need to fill this in if the information is the same as the above (1). If there is more than one office, please list them all.*
- (13) Address of the office employing foreign shipbuilding workers
** No need to fill this in if the information is the same as the above (3). If there is more than one address, please list them all.*
- (14) Code of workplace applicable to employment insurance of the office employing foreign shipbuilding workers
** If there is more than one, please list them all.*
- (15) Contact information (telephone number) of the office employing foreign shipbuilding workers
** If there is more than one, please list them all.*
- 2 Past records of the acceptance of technical intern trainees in the field of shipbuilding
- (1) Date of the commencement of the technical intern training program
- (2) Number of the currently accepted technical intern trainees in the field of shipbuilding
- (3) Number of technical intern trainees in the field of shipbuilding who have been accepted and returned to home countries after completing the technical intern training program in the past five years
** Not including the number of those who have returned without completing the training or gone missing (which should be answered in (6) or (7) below).*
- (4) Major types of occupations and works of technical intern trainees in the accepting field of shipbuilding
- (5) Major nationalities of technical intern trainees in the accepting field of shipbuilding
- (6) Number of technical intern trainees in the field of shipbuilding who have returned to their home countries without completing the training in the past five years
- (7) Number of technical intern trainees in the field of shipbuilding who have gone missing in the past five years
- 3 Status of misconduct pertaining to the acceptance or employment of foreign nationals in the past five years

Item	Organization	Operator, manager, training instructor or daily life advisor
Existence of the issuance of fine or a severer punishment due to a violation of	Yes / No	Yes / No

Shipbuilding Act or Act on Manufacturers of Small Ships for the past five years		
Existence of the necessary remedy for the working recommendations etc. when the applicant has received working recommendations prescribed in Article 7 of Shipbuilding Act by Minister of Land, Infrastructure, Transport and Tourism for the past five years	Yes / No	Yes / No
Existence of the command to cease the business or cancellation of the registration by Minister of Land, Infrastructure, Transport and Tourism, prescribed in Article 17, paragraph (1) of Act on Manufacturers of Small Ships (for item (ii) of same paragraph, limited to descriptions related to provisions of Article 7, paragraph (1), item (i) or (iv) of Act on Manufacturers of Small Ships), for the past five years	Yes / No	Yes / No
Existence of the issuance of a fine or greater punishment due to a violation of laws and regulations concerning labor standards in the past five years	Yes / No	Yes / No
Existence of the misconduct listed in item (xviii) listed in the right-hand column corresponding to “<u>Technical Intern Training, item (i), sub-item (a)</u>” specified in the Table of the Ministerial Ordinance on Criteria (*) (hereinafter referred to as “Technical Intern Training (i) (a)”) in the past five years	Yes / No	Yes / No
Existence of the misconduct listed in item (xvi) listed in the right-hand column corresponding to “<u>Technical Intern Training, item (i), sub-item (b)</u>” specified in the Table of the Ministerial Ordinance on Criteria (*) in the past five years	Yes / No	Yes / No
Existence of the misconduct listed in item (x) listed in the right-hand column corresponding to “<u>Trainee</u>” specified in the Table of the Ministerial Ordinance on Criteria (*) in the past five years	Yes / No	Yes / No
Existence of the misconduct prescribed in the Guidelines on Entry and Residence Management of Technical Intern Trainees and Trainees (revised in 2007) in the past five years	Yes / No	Yes / No
Existence of the misconduct listed in Appended Table II of the Public Notice concerning the Foreign Shipbuilding	Yes / No	Yes / No

Worker Acceptance Program in the past five years		
In the case of having been previously punished based on the provisions of item (xxi), sub-item (a) to (d) listed in the right-hand column of Technical Intern Training (i) (a), at least five years have elapsed since the date of completion or discontinuation of the said punishment.	Less than five years have elapsed / Not applicable	Less than five years have elapsed / Not applicable
Existence of the misconduct prescribed in item (xxi), sub-item (b) of the right-hand column of Technical Intern Training (i) (a) in connection with the business activities in the past five years	Yes / No	Yes / No
Having made at least 30 workers engaged in the work assigned to the accepted foreign shipbuilding workers leave their jobs involuntarily within a period of one month in the past three years	Yes / No	Yes / No

* Ministerial Ordinance to Provide for Criteria Pursuant to Article 7, paragraph (1), item (ii) of the Immigration Control and Refugee Recognition Act (Ordinance of the Ministry of Justice No. 16 of 1990)

4 Matters related to the compliance of laws and regulations concerning labor and society

【Example】

We hereby swear that the following items (1) through (4) are true and correct:

- (1) Complying with the laws and regulations concerning labor and social insurance;*
- (2) Cooperating with the inspection of wage standards, etc. implemented by the Ministry of Land, Infrastructure, Transport and Tourism and other competent authorities pertaining to the designated shipbuilding activities;*
- (3) In the case of the prime contractor requesting for report, responding sincerely to such request and complying with the instructions given by the prime contractor; and*
- (4) Ensuring that no sending organization, designated supervising organization or the organization intends to become the accepting shipbuilding company collects deposits (in any form whatever) from a foreign shipbuilding worker (including his/her family or other persons close to him/her) related to his/her designated shipbuilding activities and no agreement or the like is concluded which prescribes the payment of a penalty (in any form whatever) pertaining to non-performance of the employment contract.*

Article 2 Matters related to the designated shipbuilding activities

1 Period of the designated shipbuilding activities (planned period)

From _____ to _____ (_____ year (s) _____ month (s))

2 The following matters related to the foreign shipbuilding workers to be accepted

- (1) Job categories and works of the completed shipbuilding technical intern training program

** If there is more than one, please list them all.*

- (2) Number of the workers to be accepted

- (3) Location of employment

- (4) Descriptions of work in which the workers are engaged
- (5) Whether or not what is written in “(1) Job categories and works of the completed shipbuilding technical intern training program” and “(4) Descriptions of work in which the workers are engaged” are the same.
(Same / Not the same)
** If it is not the same, explain the reason for such difference, methods to ensure safety and health, etc.*
- (6) Employment period
Whether or not the employment period of each foreign shipbuilding worker planned to be accepted is not more than two years (three years for those who have stayed in a country of their nationality or address for more than one year after finishing the training) and within the range of the “1 Period of the designated shipbuilding activities (planned period)” above.
(Within the range / Outside the range)
- (7) Estimated amount of remuneration
i. Basic wage: Monthly salary () yen
ii. Existence, types and amount of bonuses and allowances
** List the amount paid on a monthly basis.*
** List if there are any existing bonuses or allowances along with their types and amount.*
** Attach any documents which would serve as evidence for calculating the estimated amount of remuneration which is no less than a Japanese national having equivalent skills.*
- (8) Measures to improve the skills
- 3 Matters related to the plan, etc. for the implementation of appropriate supervision of those who have completed the shipbuilding technical intern training program
- (1) Overall schedule of the plan
** Describe the estimated schedule of the plan, from the acceptance until the return of foreign shipbuilding workers.*
- (2) Implementation organization chart for the designated supervising organization and the organization intending to be an accepting shipbuilding company
** Provide the implementation organization chart for the designated supervising organization and the organization intending to be an accepting shipbuilding company by referring to Form No. 1 (Attachment 3) (in a separate sheet if necessary).*
- (3) Measures to ensure safety and health pertaining to the designated shipbuilding activities
** Describe the measures to ensure safety and health such as the implementation of safety and health education. Also, provide the methods, etc. to confirm the level of understanding among foreign shipbuilding workers pertaining to safety and health education.*
- 4 Matters related to the confirmation of the working situation of foreign shipbuilding workers
** Describe the confirmation methods, contents, etc. of the employment status.*
** In the case of accepting those who intend to work as a foreign shipbuilding worker after reentering Japan, it is necessary to check the status of their employment for six months after they are accepted, without fail.*

- 5 Matters related to of housing during the stay in Japan
- 6 Matters related to acquisition of the extended vacation
- 7 Matters related to the appointment of a supervising instructor and daily life advisor
 - * In the case of appointing several instructors or advisors, describe all of those appointed.*
 - (1) Supervising instructor
 - i. Name of occupation
 - ii. Name
 - iii. Career (years of experience, etc.) Attachment
 - iv. Number of those to be assigned per supervising instructor
 - v. Number of technical intern trainees who are currently being trained by the supervising instructor (as the technical intern training coordinator)
 - vi. Evidence proving the suitability of the number of workers to be assigned per supervising instructor
 - (2) Daily life advisor
 - i. Name of occupation
 - ii. Name
 - iii. Career Attachment
 - iv. Number of those to be assigned per daily life advisor
 - v. Number of technical intern trainees who are currently being trained by the daily life advisor
 - vi. Evidence proving the suitability of the number of workers to be assigned per daily life advisor
- 8 Matters related to the interviews with those who have completed shipbuilding technical intern training program, response to the consultation (including complaints) pertaining to living, work, etc. from those who have completed shipbuilding technical intern training program and the implementation of inspections
 - (1) Consultation system available in the designated supervising organization
 - (2) Consultation system available in the accepting shipbuilding company
 - (3) Matters related to the implementation of inspections
 - * Describe the implementation methods, etc. of the inspections.*
- 9 Matters related to the securing of expenses for the return travel fare and other security measures for the return of those who have completed technical intern training in the field of shipbuilding
 - * Describe the matters related to the security measures for the return of foreign shipbuilding workers such as securing expenses for their return travel fare in case they are unable to pay for such fare when returning.*
- 10 Matters related to the measures for the discontinuance of employment
 - * Describe the methods, etc. to secure a new employer in cases where it has become impossible to continue the employment.*
- 11 Matters related to the foreign sending organization
 - (1) Name of organization
 - (2) Name of operator
 - (3) Address
 - (4) Contact information

TEL:

FAX:

Email:

- (5) Date of establishment
- (6) Type of industry
- (7) Capital
- (8) Sales (latest fiscal year)
- (9) Number of full-time employees
- (10) Major trading (business transaction) partner
 - i. Export destination
 - ii. Import source country
- (11) Name and title of the manager (person in charge)
 - i. Name
 - ii. Title
- (12) Existence of the collection of deposits, etc.
 - i. Whether or not there had been a deposit (in any form whatever) collected from a foreign shipbuilding worker (including his/her family and persons close to him/her) related to his/her designated shipbuilding activities and an agreement or the like concluded which prescribed the payment of a penalty (in any form whatever) pertaining to non-performance of the employment contract.
(Yes / No)
 - ii. Whether or not there had been any agreement concluded with the accepting shipbuilding company before the completion of designated shipbuilding activities which prescribed the payment of a penalty pertaining to non-performance of the employment contract or fixed in advance the transfer of money and any other properties unlawfully.
(Yes / No)
 - iii. Whether or not there had been any foreign national who was instructed to illegally receive permission to enter or reside in Japan or any use or provision of a forged or altered document or drawing or a falsified document or drawing for the purpose of concealing the facts related to misconduct pertaining to training, technical intern training and designated shipbuilding activities of foreign nationals.
(Yes / No)
- (13) A permission from the government of the sending organization has been obtained (or it is a government agency of the sending country).
(The permission has been obtained or it is a government agency of the sending country. /
The permission has not been obtained.)

12 Matters related to the response to audit, direction, or other instructions by the Ministry of Land, Infrastructure, Transport and Tourism

【Example】

Accepting shipbuilding company hereby swears that the following items (1) through (4) are appropriately addressed:

- (1) Audit by the Ministry of Land, Infrastructure, Transport and Tourism, prescribed in Article 6 of the Public Notice No. 9;*
- (2) Report instruction and necessary measure by Minister of Land, Infrastructure, Transport and Tourism when it has been acknowledged by Minister of Land, Infrastructure, Transport and Tourism that matters pertaining to the acceptance of foreign shipbuilding workers shall be corrected, prescribed in Article 8 of the Public Notice No. 9;*
- (3) On-site inspection by Minister of Land, Infrastructure, Transport and Tourism, prescribed in Article 9 of the Public Notice No. 9; and*

(4) Ceasing instruction for acceptance of foreign shipbuilding workers or instruction for other necessary measures as required for appropriate implementation by Minister of Land, Infrastructure, Transport and Tourism, prescribed in Article 10 of the Public Notice No. 9.

** Describe accepting organization (persons to be in charge of response and other plans for acceptance) for audit, on-site inspection, and other inspections by Minister of Land, Infrastructure, Transport and Tourism prescribed in the Public Notice.*

(Reference (related to Form No. 2-1))

Date:

To the representative of the designated supervising organization and the representative of the accepting shipbuilding company

Minister of Land, Infrastructure, Transport and Tourism

Certificate of Appropriate Supervision Plan

Pursuant to the provisions of Article 2 of the Public Notice No. 5 concerning the Foreign Shipbuilding Worker Acceptance Program, I hereby certify as follows:

- 1 Certification number of the appropriate supervision plan
- 2 Matters related to the designated supervising organization, etc.
 - (1) Details of the designated supervising organization
 - i. Name of the designated supervising organization
 - ii. Address
 - iii. Representative
 - iv. Certification number of the designated supervising organization
 - (2) Details of the accepting shipbuilding company
 - i. Name of the accepting shipbuilding company
 - ii. Address
 - iii. Representative
 - iv. Business type (company with notification of Shipbuilding Act, company with the registration or notification of Act on Manufacturers of Small Ships, or company engaged in production or repair of part of ship body on an actual commission)
 - v. Number of full-time employees (excluding technical intern trainees and foreign shipbuilding workers)
- 3 Matters related to the appropriate supervision plan
 - (1) Number of workers to be accepted
 - (2) Location of employment
 - (3) Descriptions of work in which the workers are engaged
 - (4) Employment period (planned period)
 - (5) Estimated amount of remuneration (monthly salary)

Form No. 2-2

Date:

Application for the Certification of Individual Enterprise Type Appropriate Supervision Plan

To the Minister of Land, Infrastructure, Transport and Tourism

(Organizations intending to be the individual
enterprise type accepting shipbuilding company)

Address

Name of Organization

Name of Representative Seal

Pursuant to the provisions of Article 3 of the Public Notice No. 5 concerning the Foreign Shipbuilding Worker Acceptance Program, we have prepared the individual enterprise type appropriate supervision plan as stated in the Attachment and hereby apply for Certification of Individual Enterprise Type Appropriate Supervision Plan.

We hereby declare that the information provided in this application and the Appendix is true and correct and further agree that we shall not, after receiving the Certification of Individual Enterprise Type Appropriate Supervision Plan, raise any objection to its revocation if it is found to have been obtained through improper means.

Individual Enterprise Type Appropriate Supervision Plan

Article 1 Matters related to those which intend to be an individual enterprise type accepting shipbuilding company

1 Details of those which intend to be an individual enterprise type accepting shipbuilding company

- (1) Title or name
- (2) Name of the representative or individual applicant
- (3) Address of the principal business office
- (4) Contact information
TEL:
FAX:
Email:
- (5) Title and name of the person in charge (manager) of the individual enterprise type designated shipbuilding activities
- (6) Name of counselor
- (7) Proof that the applicant is the shipbuilding business operator
 - i. Notification under the provisions of Article 6, paragraph (1), item (i) or (ii) of Shipbuilding Act (Act No. 129 of 1950)
(Yes / No)
 - ii. Registration under the provisions of Article 4 of Act on Manufacturers of Small Ships (Act No. 119 of 1966)
(Yes / No)
 - iii. Possession of the following documents as the applicant has engaged in production or repair of part of ship body on an actual commission by companies with the notification under Shipbuilding Act or the registration under Act on Manufacturers of Small Ships
 - a. Copy of contract pertaining to production or other works of part of ship body with companies with the notification under Shipbuilding Act or the registration under Act on Manufacturers of Small Ships (Attachment)
(Yes / No)
 - b. Copy of purchase and sales contract of part of ship body with companies with the notification under Shipbuilding Act or the registration under Act on Manufacturers of Small Ships (Attachment)
(Yes / No)
 - c. Copy of comprehensive contract pertaining to provision of services on designated shipbuilding activities with companies with the notification under Shipbuilding Act or the registration under Act on Manufacturers of Small Ships (Attachment)
(Yes / No)
- (8) Existence of any subsidiary business and the type of business operated other than the shipbuilding business
(Yes / No) _____

Item	Operator, manager, training instructor or daily life advisor
Existence of the issuance of fine or a severer punishment due to a violation of Shipbuilding Act or Act on Manufacturers of Small Ships for the past five years	Yes / No
Existence of the necessary remedy for the working recommendations etc. when the applicant has received working recommendations prescribed in Article 7 of Shipbuilding Act by Minister of Land, Infrastructure, Transport and Tourism for the past five years	Yes / No
Existence of the command to cease the business or cancellation of the registration by Minister of Land, Infrastructure, Transport and Tourism, prescribed in Article 17, paragraph (1) of Act on Manufacturers of Small Ships (for item (ii) of same paragraph, limited to descriptions related to provisions of Article 7, paragraph (1), item (i) or (iv) of Act on Manufacturers of Small Ships), for the past five years	Yes / No
Existence of issuance of a fine or greater punishment due to violation of laws and regulations concerning labor standards toward workers employed by individual enterprise type accepting shipbuilding company in the past five years	Yes / No
Existence of measures taken to prevent industrial accident with standards exceeding minimal conditions stated in laws or regulations pertaining to Industrial Safety and Health Act	Yes / No
Existence of the misconduct listed in item (xviii) listed in the right-hand column corresponding to <u>“Technical Intern Training, item (i), sub-item (a)”</u> specified in the Table of the Ministerial Ordinance on Criteria (*) (hereinafter referred to as “Technical Intern Training (i) (a)”) in the past five years	Yes / No
Existence of the misconduct listed in item (xvi) listed in the right-hand column corresponding to <u>“Technical Intern Training, item (i), sub-item (b)”</u> specified in the Table of the Ministerial Ordinance on Criteria (*) in the past five years	Yes / No
Existence of the misconduct listed in item (x) listed in the right-hand column corresponding	Yes / No

to “Trainee” specified in the Table of the Ministerial Ordinance on Criteria (*) in the past five years	
Existence of the misconduct prescribed in the Guidelines on Entry and Residence Management of Technical Intern Trainees and Trainees (revised in 2007) in the past five years	Yes / No
Existence of the misconduct listed in Appended Table II of the Public Notice concerning the Foreign Shipbuilding Worker Acceptance Program in the past five years	Yes / No
In the case of having been previously punished based on the provisions of item (xxi), sub-item (a) to (d) listed in the right-hand column of Technical Intern Training (i) (a), at least five years have elapsed since the date of completion or discontinuation of the said punishment.	Less than five years have elapsed / Not applicable
Existence of the misconduct prescribed in item (xxi), sub-item (b) of the right-hand column of Technical Intern Training (i) (a) in connection with the business activities in the past five years	Yes / No
Having made at least 30 workers engaged in the work assigned to the accepted foreign shipbuilding workers leave their jobs involuntarily within a period of one month in the past three years	Yes / No

* Ministerial Ordinance to Provide for Criteria Pursuant to Article 7, paragraph (1), item (ii) of the Immigration Control and Refugee Recognition Act (Ordinance of the Ministry of Justice No. 16 of 1990)

4 Measures to prevent industrial accident with standards exceeding minimal conditions that are stated as what needs to be done in laws or regulations pertaining to Industrial Safety and Health Act

(1) Matters related to activities concerning safety and health

** As documents to certify implementation of matters to be taken by principal employer, which are stated in “Guidelines on Occupational Safety and Health Management Systems” (Ministry of Health, Labour and Welfare Notification No. 53) and “Guidelines on Comprehensive Safety and Health Management by Principal Employer in Shipbuilding Industry” (Notification by Director of Labor Standards Bureau No. 0801010, August 1, 2006) based on the provisions of Article 24-2 of Ordinance on Industrial Safety and Health (Ordinance of the Ministry of Labour No. 32 of 1972), attach documents such as the safety and health policy, documents related to procedures to reflect workers’ opinion on safety and health objective settings, etc. such as utilization of safety and health committee etc., documents related to safety and health objective setting, safety and health plan (including procedure for continuous implementation of the plan and procedure for notification to workers, related contractors, and other interested persons), and documents related to measures to prevent industrial accident in emergency situations.*

In a case where the company is certified by the third party related to safety and health

- (5) Whether or not what is written in “(1) Job categories and works of the completed shipbuilding technical intern training program” and “(4) Descriptions of work in which the workers are engaged” are the same.
 (Same / Not the same)
** If it is not the same, explain the reason for such difference, methods to ensure safety and health, etc.*
- (6) Employment period
 Whether or not the employment period of each foreign shipbuilding worker planned to be accepted is not more than two years (three years for those who have stayed in a country of their nationality or address for more than one year after finishing the training) and within the range of the “1 Period of the individual enterprise type designated shipbuilding activities (planned period)” above.
 (Within the range / Outside the range)
- (7) Estimated amount of remuneration
 i. Basic wage: Monthly salary () yen
 ii. Existence, types and amount of bonuses and allowances
** List the amount paid on a monthly basis.*
** List if there are any existing bonuses or allowances along with their types and amount.*
** Attach any documents which would serve as evidence for calculating the estimated amount of remuneration which is no less than a Japanese national having equivalent skills.*
- (8) Measures to improve the skills
- 3 Matters related to the plan, etc. for the implementation of appropriate supervision of those who have completed the shipbuilding technical intern training program
- (1) Overall schedule of the plan
** Describe the estimated schedule of the plan, from the acceptance until the return of foreign shipbuilding workers.*
- (2) Implementation organization chart for the organization intending to be an individual enterprise type accepting shipbuilding company
** Provide the implementation organization chart for the designated supervising organization and the organization intending to be an individual enterprise type accepting shipbuilding company by referring to Form No. 2-2 (Attachment 3) (in a separate sheet if necessary).*
- (3) Measures to ensure safety and health pertaining to the individual enterprise type designated shipbuilding activities
** Describe the measures to ensure safety and health such as the implementation of safety and health education. Also, provide the methods, etc. to confirm the level of understanding among foreign shipbuilding workers pertaining to safety and health education.*
- 4 Matters related to the confirmation of the working situation of foreign shipbuilding workers
** Describe the confirmation methods, contents, etc. of the employment status.*
** In the case of accepting those who intend to work as a foreign shipbuilding worker after reentering Japan, it is necessary to check the status of their employment for six months after they are accepted, without fail.*
- 5 Matters related to of housing during the stay in Japan

- 6 Matters related to acquisition of the extended vacation
- 7 Matters related to the appointment of a supervising instructor and daily life advisor
 - * In the case of appointing several instructors or advisors, describe all of those appointed.*
 - (1) Supervising instructor
 - i. Name of occupation
 - ii. Name
 - iii. Career (years of experience, etc.) Attachment
 - iv. Number of those to be assigned per supervising instructor
 - v. Number of technical intern trainees who are currently being trained by the supervising instructor (as the technical intern training coordinator)
 - vi. Evidence proving the suitability of the number of workers to be assigned per supervising instructor
 - (2) Daily life advisor
 - i. Name of occupation
 - ii. Name
 - iii. Career Attachment
 - iv. Number of those to be assigned per daily life advisor
 - v. Number of technical intern trainees who are currently being trained by the daily life advisor
 - vi. Evidence proving the suitability of the number of workers to be assigned per daily life advisor
- 8 Matters related to the interviews with those who have completed shipbuilding technical intern training program, response to the consultation (including complaints) pertaining to living, work, etc. from those who have completed shipbuilding technical intern training program and the implementation of inspections
 - (1) Consultation system available in the individual enterprise type accepting shipbuilding company
 - (2) Matters related to confirmation implemented at least once in every three months
 - * Describe implementation method (workflow to report result) and other plans for confirmation.*
- 9 Matters related to the securing of expenses for the return travel fare and other security measures for the return of those who have completed technical intern training in the field of shipbuilding
 - * Describe the matters related to the security measures for the return of foreign shipbuilding workers such as securing expenses for their return travel fare in case they are unable to pay for such fare when returning.*
- 10 Matters related to the measures for the discontinuance of employment
 - * Describe the methods, etc. to secure a new employer in cases where it has become impossible to continue the employment.*
- 11 Matters related to the foreign sending organization
 - (1) Name of organization
 - (2) Name of operator
 - (3) Address
 - (4) Contact information
 - TEL:
 - FAX:
 - Email:
 - (5) Date of establishment

- (6) Type of industry
- (7) Capital
- (8) Sales (latest fiscal year)
- (9) Number of full-time employees
- (10) Major trading (business transaction) partner
 - i. Export destination
 - ii. Import source country
- (11) Name and title of the manager (person in charge)
 - i. Name
 - ii. Title
- (12) Existence of the collection of deposits, etc.
 - i. Whether or not there had been a deposit (in any form whatever) collected from a foreign shipbuilding worker (including his/her family and persons close to him/her) Related to his/her individual enterprise type designated shipbuilding activities and an agreement or the like concluded which prescribed the payment of a penalty (in any form whatever) pertaining to non-performance of the employment contract.
(Yes / No)
 - ii. Whether or not there had been any agreement concluded with the individual enterprise type accepting shipbuilding company before the completion of individual enterprise type designated shipbuilding activities which prescribed the payment of a penalty pertaining to non-performance of the employment contract or fixed in advance the transfer of money and any other properties unlawfully.
(Yes / No)
 - iii. Whether or not there had been any foreign national who was instructed to illegally receive permission to enter or reside in Japan or any use or provision of a forged or altered document or drawing or a falsified document or drawing for the purpose of concealing the facts related to misconduct pertaining to training, technical intern training and individual enterprise type designated shipbuilding activities of foreign nationals.
(Yes / No)
- (13) Matters related to relationship with individual enterprise type accepting shipbuilding companies
 - * *Describe the relationship with individual enterprise type accepting shipbuilding companies such as “subsidiary company,” “joint venture company,” “organization with international transaction equal to or longer than one year,” “organization with international transaction equal to or higher than a billion(1,000,000,000) yen within the past one year,” or “organization with international business cooperation or with other business relationship separately established by Ministry of Land, Infrastructure, Transport and Tourism.” In the case of “organization with international business cooperation or with other business relationship separately established by Ministry of Land, Infrastructure, Transport and Tourism,” also provide rational reason for the individual enterprise type accepting shipbuilding company to accept foreign shipbuilding workers from the sending organization and rational reason for the sending organization to send foreign shipbuilding workers.*

12 Matters related to the response to inspection or instructions etc. by the Ministry of Land, Infrastructure, Transport and Tourism

【Example】

Accepting shipbuilding company hereby swears that the following items (1) through (4) are appropriately addressed:

- (1) Inspection by the Ministry of Land, Infrastructure, Transport and Tourism, prescribed in Article 15 of the Public Notice No. 9;*
- (2) Report instruction and necessary measures by Minister of Land, Infrastructure, Transport and*

Tourism when it has been acknowledged by Minister of Land, Infrastructure, Transport and Tourism that matters pertaining to the acceptance of foreign shipbuilding workers shall be corrected, prescribed in Article 17 of the Public Notice No. 9;

- (3) On-site inspection by Minister of Land, Infrastructure, Transport and Tourism, prescribed in Article 18 of the Public Notice No. 9; and*
 - (4) Ceasing instruction for acceptance of foreign shipbuilding workers or instruction for other necessary measures as required for appropriate implementation by Minister of Land, Infrastructure, Transport and Tourism, prescribed in Article 19 of the Public Notice No. 9.*
- * Describe accepting organization (persons to be in charge of response and other plans for acceptance) for inspection, on-site inspection, and other inspections by Minister of Land, Infrastructure, Transport and Tourism prescribed in the Public Notice.*

(Reference (related to Form No. 2-2))

Date:

To the representative of the individual enterprise type accepting shipbuilding company

Minister of Land, Infrastructure, Transport and Tourism

Certificate of Individual Enterprise Type Appropriate Supervision Plan

Pursuant to the provisions of Article 4 of the Public Notice No. 5 concerning the Foreign Shipbuilding Worker Acceptance Program, I hereby certify as follows:

- 1 Certification number of the individual enterprise type appropriate supervision plan
- 2 Matters related to the individual enterprise type accepting shipbuilding company
 - (1) Details of the individual enterprise type accepting shipbuilding company
 - i. Name of the individual enterprise type accepting shipbuilding company
 - ii. Address
 - iii. Representative
 - iv. Business type (company with notification under Shipbuilding Act, company with the registration or notification under Act on Manufacturers of Small Ships, or company engaged in production or repair of part of ship body on an actual commission)
 - v. Number of full-time employees (excluding technical intern trainees and foreign shipbuilding workers)
- 3 Matters related to the individual enterprise type appropriate supervision plan
 - (1) Number of workers to be accepted
 - (2) Location of employment
 - (3) Descriptions of work in which the workers are engaged
 - (4) Employment period (planned period)
 - (5) Estimated amount of remuneration (monthly salary)
- 4 Name of the foreign sending organization

Form No. 3

Date:

Report of the Certification (Revocation) of Designated Supervising Organization

To the Director General of xxxxxxxxxxx Regional Immigration Bureau

Address
Name of organization
Name of representative Seal

Pursuant to the provision of Article 2, paragraph (1), item (iii) of the Public Notice No. 14 concerning the Foreign Shipbuilding Worker Acceptance Program, we hereby report that the certification of designated supervising organization has been obtained (revoked).

- 1 Name of the designated supervising organization
- 2 Title and name of the representative of the designated supervising organization
- 3 Address of the designated supervising organization
- 4 Certification number
- 5 Date of certification
- 6 Date of revocation (Fill this out only if the certification is revoked.)

Date:

Report of the Certification (Revocation) of Appropriate Supervision Plan

To the Director General of xxxxxxxxxxxx Regional Immigration Bureau

Address
Name of organization
Name of representative Seal

Pursuant to the provision of Article 2, paragraph (2), item (iv) of the Public Notice No. 14 concerning the Foreign Shipbuilding Worker Acceptance Program, we hereby report that the certification of appropriate supervision plan has been obtained (revoked).

- 1 Name of the designated supervising organization
- 2 Title and name of the representative of the designated supervising organization
- 3 Address of the designated supervising organization
- 4 Name of the accepting shipbuilding company
- 5 Title and name of the representative of the accepting shipbuilding company
- 6 Address of the accepting shipbuilding company
- 7 Certification number
- 8 Date of certification
- 9 Date of revocation (Fill this out only if the certification is revoked.)

Form No. 4-2

Date:

Report of the Certification (Revocation) of Individual Enterprise Type Appropriate Supervision Plan
To the Director General of xxxxxxxxxxxx Regional Immigration Bureau

Address
Name of organization
Name of representative Seal

Pursuant to the provision of Article 5, paragraph (1), item (ii) of the Public Notice No. 14 concerning the Foreign Shipbuilding Worker Acceptance Program, we hereby report that the certification of individual enterprise type appropriate supervision plan has been obtained (revoked).

- 1 Name of the individual enterprise type accepting shipbuilding company
- 2 Title and name of the representative of the individual enterprise type accepting shipbuilding company
- 3 Address of the individual enterprise type accepting shipbuilding company
- 4 Certification number
- 5 Date of certification
- 6 Date of revocation (Fill this out only if the certification is revoked.)

Date:

Report of the Acceptance of Foreign Shipbuilding Workers (Accepting Shipbuilding Company)

To the representative of the designated supervising organization

Address
Name of organization
Name of representative Seal

Pursuant to the provision of Article 2 of the Public Notice No. 6 concerning the Foreign Shipbuilding Worker Acceptance Program, we hereby report that the acceptance of the following foreign shipbuilding worker has been made.

- 1 Name of the foreign shipbuilding worker
- 2 Date of birth of the foreign shipbuilding worker
- 3 Sex of the foreign shipbuilding worker
- 4 Nationality of the foreign shipbuilding worker
- 5 Address of the foreign shipbuilding worker
- 6 Residence card number of the foreign shipbuilding worker
- 7 Job categories and works of the shipbuilding technical intern training program which the foreign shipbuilding worker has completed
- 8 Date of landing
- 9 Date of commencement of the designated shipbuilding activities
- 10 Expiration date of the period of stay

Date:

Report of the Acceptance of Foreign Shipbuilding Workers (Designated Supervising Organization)

To the chairman of the Council for the Promotion of Appropriate Supervision

Address
Name of organization
Name of representative Seal

Pursuant to Article 3 of the Public Notice No. 8 concerning the Foreign Shipbuilding Worker Acceptance Program (hereinafter referred to as the “Public Notice”), we hereby report that the submission of a report was made by the accepting shipbuilding company based on the provision of Article 2 of the Public Notice No. 6.

- 1 Certification number of the appropriate supervision plan
- 2 Name of the accepting shipbuilding company
- 3 Title and name of the representative of the accepting shipbuilding company
- 4 Address of the accepting shipbuilding company
- 5 Name of the foreign shipbuilding worker
- 6 Date of birth of the foreign shipbuilding worker
- 7 Sex of the foreign shipbuilding worker
- 8 Nationality of the foreign shipbuilding worker
- 9 Address of the foreign shipbuilding worker
- 10 Residence card number of the foreign shipbuilding worker
- 11 Job categories and works of the shipbuilding technical intern training program which the foreign shipbuilding worker has completed
- 12 Date of landing
- 13 Date of commencement of the designated shipbuilding activities
- 14 Expiration date of the period of stay
- 15 Continuation or re-entry
(Continuing after the completion of the technical intern training / Re-entry)
- 16 Arrangement with the sending organization pertaining to appropriate supervision
(Arrangement has been made / Arrangement has not been made yet)

** Fill this out only when changing jobs.*

Date:

Report of the Acceptance of Foreign Shipbuilding Workers
(Individual Enterprise Type Accepting Shipbuilding Company)

To the chairman of the Council for the Promotion of Appropriate Supervision

Address
Name of organization
Name of representative Seal

Pursuant to the provision of Article 2 of the Public Notice No. 7 concerning the Foreign Shipbuilding Worker Acceptance Program, we hereby report that the acceptance of the following foreign shipbuilding worker has been made.

- 1 Certification number of the individual enterprise type appropriate supervision plan
- 2 Name of the individual enterprise type accepting shipbuilding company
- 3 Title and name of the representative of the individual enterprise type accepting shipbuilding company
- 4 Address of the individual enterprise type accepting shipbuilding company
- 5 Name of the foreign shipbuilding worker
- 6 Date of birth of the foreign shipbuilding worker
- 7 Sex of the foreign shipbuilding worker
- 8 Nationality of the foreign shipbuilding worker
- 9 Address of the foreign shipbuilding worker
- 10 Residence card number of the foreign shipbuilding worker
- 11 Job categories and works of the shipbuilding technical intern training program which the foreign shipbuilding worker has completed
- 12 Date of landing
- 13 Date of commencement of the individual enterprise type designated shipbuilding activities
- 14 Expiration date of the period of stay
- 15 Continuation or re-entry
(Continuing after the completion of the technical intern training / Re-entry)

Date:

Report of the Resignation of Foreign Shipbuilding Workers (Accepting Shipbuilding Company)

To the representative of the designated supervising organization

Address
Name of organization
Name of representative Seal

Pursuant to the provision of Article 3 of the Public Notice No. 6 concerning the Foreign Shipbuilding Worker acceptance program, we hereby report that the resignation of the following foreign shipbuilding worker has been made.

- 1 Name of the foreign shipbuilding worker
- 2 Date of birth of the foreign shipbuilding worker
- 3 Sex of the foreign shipbuilding worker
- 4 Nationality of the foreign shipbuilding worker
- 5 Address of the foreign shipbuilding worker
- 6 Residence card number of the foreign shipbuilding worker
- 7 Date of landing
- 8 Date of resignation
- 9 Expiration date of the period of stay
- 10 Name of the accepting shipbuilding company or individual enterprise type accepting shipbuilding company transferring to (planned)
** Fill this out only when changing jobs.*

Form No. 6-2

Date:

Report of the Resignation of Foreign Shipbuilding Workers (Designated Supervising Organization)

To the chairman of the Council for the Promotion of Appropriate Supervision

Address

Name of organization

Name of representative Seal

Pursuant to Article 3 of the Public Notice No. 8 concerning the Foreign Shipbuilding Worker Acceptance Program (hereinafter referred to as the "Public Notice"), we hereby report that the submission of a report was made by the accepting shipbuilding company based on the provision of Article 3 of the Public Notice No. 6.

- 1 Certificate number of the appropriate supervision plan
- 2 Name of the accepting shipbuilding company
- 3 Title and name of the representative of the accepting shipbuilding company
- 4 Address of the accepting shipbuilding company
- 5 Name of the foreign shipbuilding worker
- 6 Date of birth of the foreign shipbuilding worker
- 7 Sex of the foreign shipbuilding worker
- 8 Nationality of the foreign shipbuilding worker
- 9 Address of the foreign shipbuilding worker
- 10 Residence card number of the foreign shipbuilding worker
- 11 Name of the accepting shipbuilding company transferring to (planned)
- 12 Date of landing
- 13 Date of resignation
- 14 Expiration date of the period of stay

Form No. 6-3

Date:

Report of the Resignation of Foreign Shipbuilding Workers
(Individual Enterprise Type Accepting Shipbuilding Company)

To the chairman of the Council for the Promotion of Appropriate Supervision

Address
Name of organization
Name of representative Seal

Pursuant to the provision of Article 3 of the Public Notice No. 7 concerning the Foreign Shipbuilding Worker Acceptance Program, we hereby report that the resignation of the following foreign shipbuilding worker has been made.

- 1 Certificate number of the individual enterprise type appropriate supervision plan
- 2 Name of the individual enterprise type accepting shipbuilding company
- 3 Title and name of the representative of the individual enterprise type accepting shipbuilding company
- 4 Address of the individual enterprise type accepting shipbuilding company
- 5 Name of the foreign shipbuilding worker
- 6 Date of birth of the foreign shipbuilding worker
- 7 Sex of the foreign shipbuilding worker
- 8 Nationality of the foreign shipbuilding worker
- 9 Address of the foreign shipbuilding worker
- 10 Residence card number of the foreign shipbuilding worker
- 11 Name of the accepting shipbuilding company or individual enterprise type accepting shipbuilding company transferring to (planned)
- 12 Date of landing
- 13 Date of resignation
- 14 Expiration date of the period of stay

Form No. 7

** Depending on the methods of the inspection of the designated supervising organization, nothing shall prevent this report being made verbally or other means.*

Date:

Report of the Status of Acceptance (Designated Shipbuilding Activity)

To the representative of the designated supervising organization

Address

Name of organization

Name of representative Seal

Pursuant to the provision of Article 2 of the Public Notice No. 9 concerning the Foreign Shipbuilding Worker Acceptance Program, we hereby report the status of acceptance of foreign shipbuilding workers.

- 1 Problems with the implementation status of the designated shipbuilding activities (Yes / No)
If yes, state the reason.
- 2 Problems with the ensuring of labor conditions (Yes / No)
If yes, state the reason.
- 3 Problems with the ensuring of safety (Yes / No)
If yes, state the reason.
- 4 Problems with the enrollment to employment insurance, etc. (Yes / No)
If yes, state the reason.
- 5 Others
 - i. Existence of misconduct (Yes / No)
If yes, state the reason.
 - ii. Problems with the considerations given to the living environment (Yes / No)
If yes, state the reason.

Form No. 8-1

Date:

Inspection Report (Designated Shipbuilding Activity)

To the Minister of Land, Infrastructure, Transport and Tourism, the Director General of xxxxx Regional Immigration Bureau, and the chairman of the Council for the Promotion of Appropriate Supervision

Address
Name of organization
Name of representative Seal

I hereby report that the following inspection has been conducted pursuant to the provision of Article 1 of the Public Notice No. 9 concerning the Foreign Shipbuilding Worker Acceptance Program.

- 1 Accepting shipbuilding companies subject to inspection and inspection schedule
 As shown in Attachment 1
- 2 Inspection results
 As shown in Attachment 2
- 3 Special notes
- 4 Comments
- 5 Date of report of the previous inspection results
- 6 Others

Form No. 8-1 (Attachment 2)

** Inspection results shall be prepared separately for each accepting shipbuilding company listed in Attachment 1.*

Inspection Results

1 Organization subject to the inspection

- (1) Name
- (2) Address
- (3) Certification number of the appropriate supervision plan
- (4) Number of full-time employees (as of the date of inspection)
** Also, list the number of full-time employees provided in the appropriate supervision plan.*
- (5) Location of employment
- (6) Number of foreign shipbuilding workers accepted (as of the date of inspection)
** Also, list the number of foreign shipbuilding workers accepted provided in the appropriate supervision plan.*
- (7) Title and name of the supervising instructor
- (8) Title and name of the daily life advisor

2 Inspection methods

- (1) Title and name of the inspection implementer
- (2) Title and name of the person in charge at the accepting shipbuilding company
- (3) Inspection method
** If you answer "no" in i. to vii. below, state the reason.*
 - i. Hearing from the foreign shipbuilding workers (Yes / No)
 - ii. Hearing from the supervising instructors (Yes / No)
 - iii. Hearing from the daily life advisors (Yes / No)
 - iv. Confirmation of the daily work log (Yes / No)
 - v. Confirmation of the wage ledger (Yes / No)
 - vi. Confirmation of the time cards (Yes / No)
 - vii. Confirmation of other documents pertaining to the payment of salary (Yes / No)
- (4) Inspection location
** If you answer "no" in i. and ii. below, state the reason.*
 - i. Accepting shipbuilding company (Yes / No)
 - ii. Workplace (shipbuilding site, etc.) (Yes / No)
- (5) Any interpreter accompanied to the inspection (Yes / No)
- (6) Other details of the inspection method

3 Implementation status of the designated shipbuilding activities

- (1) Implementation status of the appropriate supervision plan
- (2) Ensuring of appropriate labor conditions
- (3) Ensuring of safety
- (4) Enrollment to employment insurance, etc.
- (5) Others deemed necessary by the Ministry of Land, Infrastructure, Transport and Tourism
 - i. Existence of misconduct
 - ii. Considerations given to the living environment of foreign shipbuilding workers

4 Payment status of wages

- (1) Basic salary (monthly amount)
- (2) Payment method (in person / bank account wiring/others)
- (3) Amount deducted or collected (Yes / No)

- * If yes, describe the details of such and whether or not there is an agreement on such deduction.*
- (4) Payment of increased wages (Yes / No)
** If yes, explain about the notification of the 36 Agreement which has been submitted or has not been submitted.*
- (5) Confirmation methods of the payment status
 (time cards, receipts, wage slips, bank transfer statement, wage ledger, others)
- (6) Hearing from foreign shipbuilding workers (Yes / No)
** If no, state the reason.*
- 5 Status of accommodation
- (1) Address
- (2) Size
- (3) Size of the living quarters per person (m²)
** The size of a bathroom, toilet, kitchen, hallway, etc. are not included in the size of the living quarters.*
- 6 Existence of the problems in the accepting shipbuilding company, work/living attitudes or the like of foreign shipbuilding workers
** Circle "yes" if there had been any problems and circle "no" if there had been no problems.*
** If yes, describe the situation of such.*
- (1) Regarding the accepting shipbuilding company
- i. Preservation of documents (passport, residence card, etc.) (Yes / No)
 - ii. Management of foreign shipbuilding workers through inappropriate means (setting curfew, collecting a penalty payment, etc.) (Yes / No)
 - iii. Employment of illegal workers (Yes / No)
 - iv. Corrective action ordered by the Labor Standards Inspection Office (Yes / No)
 - v. Non-payment of wages (Yes / No)
 - vi. Unsatisfactory living environment (Yes / No)
- (2) Regarding the foreign shipbuilding workers
- i. Work attitudes (Good / Fair / Poor)
 - ii. Living attitudes (Good / Fair / Poor)
 - iii. Health conditions (Good / Fair / Poor)
 - iv. Unsatisfied, demanding (Yes / No)
 - v. Incidents, accidents (Yes / No)
- (3) Collection of deposits, etc. by the sending organization (Yes / No)
- (4) Registration of all foreign shipbuilding workers (Yes / No)
- (5) Others (Yes / No)
- 7 Status of the foreign shipbuilding workers who have returned home during their period of stay and gone missing
- (1) Those who have returned home during their period of stay (Yes / No)
 - (2) Those who have gone missing (Yes / No)
- 8 Instructions
** Fill out only if the instructions for improvement were given with regard to the items listed in 3 to 7.*
- 9 Implementation status of the previous inspection
- (1) Inspection date

- (2) Submission date of the inspection results
- (3) Status of instructions/improvements
 - i. Instructions [previous inspection] (Yes / No)
 - ii. Instructions [current inspection] (Yes / No)

Date:

Confirmation Report (Individual Enterprise Type Designated Shipbuilding Activity)

To the Minister of Land, Infrastructure, Transport and Tourism, the Director General of xxxxx Regional Immigration Bureau, and the chairman of the Council for the Promotion of Appropriate Supervision

Address

Name of organization

Name of representative Seal

I hereby report that the following confirmation has been conducted pursuant to the provision of Article 11 of the Public Notice No. 9 concerning the Foreign Shipbuilding Worker Acceptance Program.

- 1 Business office of individual enterprise type accepting shipbuilding companies subject to confirmation and confirmation date
As shown in Attachment 1
- 2 Confirmation results
As shown in Attachment 2
- 3 Special notes
- 4 Comments
- 5 Date of report of the previous confirmation results
- 6 Others

Form No. 8-2 (Attachment 2)

** Inspection results shall be prepared separately for each individual enterprise type accepting shipbuilding company (business office) listed in Attachment 1.*

Confirmation Results

1 Organization subject to the confirmation

- (1) Name
- (2) Address
- (3) Certification number of the individual enterprise type appropriate supervision plan
- (4) Number of full-time employees (as of the date of confirmation)
** Also, list the number of full-time employees provided in the individual enterprise type appropriate supervision plan.*
- (5) Location of employment
- (6) Number of foreign shipbuilding workers accepted (as of the date of confirmation)
** Also, list the number of foreign shipbuilding workers accepted provided in the individual enterprise type appropriate supervision plan.*
- (7) Title and name of the supervising instructor
- (8) Title and name of the daily life advisor
- (9) Title and name of the counselor

2 Confirmation methods

- (1) Title and name of the confirmation implementer
- (2) Confirmation method
** If you answer "no" in i. to viii. below, state the reason.*
 - i. Hearing from the foreign shipbuilding workers (Yes / No)
 - ii. Hearing from the supervising instructors (Yes / No)
 - iii. Hearing from the daily life advisors (Yes / No)
 - iv. Hearing from the counselor (Yes / No)
 - v. Confirmation of the daily work log (Yes / No)
 - vi. Confirmation of the wage ledger (Yes / No)
 - vii. Confirmation of the time cards (Yes / No)
 - viii. Confirmation of other documents pertaining to the payment of salary (Yes / No)
- (3) Confirmation location
** If you answer "no" in i. and ii. below, state the reason.*
 - i. Business office of individual enterprise type accepting shipbuilding company (Yes / No)
 - ii. Workplace (shipbuilding site, etc.) (Yes / No)
- (4) Any interpreter accompanied to the inspection (Yes / No)
- (5) Other details of the confirmation method

3 Implementation status of the individual enterprise type designated shipbuilding activities

- (1) Implementation status of the individual enterprise type appropriate supervision plan
- (2) Ensuring of appropriate labor conditions
- (3) Ensuring of safety
- (4) Enrollment to employment insurance, etc.
- (5) Others deemed necessary by the Ministry of Land, Infrastructure, Transport and Tourism
 - i. Existence of misconduct
 - ii. Considerations given to the living environment of foreign shipbuilding workers

4 Payment status of wages

- (1) Basic salary (monthly amount)

- (2) Payment method (in person / bank account wiring / others)
 - (3) Amount deducted or collected (Yes / No)
 - * If yes, describe the details of such and whether or not there is an agreement on such deduction.*
 - (4) Payment of increased wages (Yes / No)
 - * If yes, explain about the notification of the 36 Agreement which has been submitted or has not been submitted.*
 - (5) Confirmation methods of the payment status
(time cards, receipts, wage slips, bank transfer statement, wage ledger, others)
 - (6) Hearing from foreign shipbuilding workers (Yes / No)
 - * If no, state the reason.*
- 5 Status of accommodation
- (1) Address
 - (2) Size
 - (3) Size of the living quarters per person (m²)
 - * The size of a bathroom, toilet, kitchen, hallway, etc. are not included in the size of the living quarters.*
- 6 Existence of the problems in the individual enterprise type accepting shipbuilding company, work/living attitudes or the like of foreign shipbuilding workers
- * Circle "yes" if there had been any problems and circle "no" if there had been no problems.*
 - * If yes, describe the situation of such.*
- (1) Regarding the individual enterprise type accepting shipbuilding company
 - i. Preservation of documents (passport, residence card, etc.) (Yes / No)
 - ii. Management of foreign shipbuilding workers through inappropriate means (setting curfew, collecting a penalty payment, etc.) (Yes / No)
 - iii. Employment of illegal workers (Yes / No)
 - iv. Corrective action ordered by the Labor Standards Inspection Office (Yes / No)
 - v. Non-payment of wages (Yes / No)
 - vi. Unsatisfactory living environment (Yes / No)
 - (2) Regarding the foreign shipbuilding workers
 - i. Work attitudes (Good / Fair / Poor)
 - ii. Living attitudes (Good / Fair / Poor)
 - iii. Health conditions (Good / Fair / Poor)
 - iv. Unsatisfied, demanding (Yes / No)
 - v. Incidents, accidents (Yes / No)
 - (3) Collection of deposits, etc. by the sending organization (Yes / No)
 - (4) Registration of all foreign shipbuilding workers (Yes / No)
 - (5) Others (Yes / No)
- 7 Status of the foreign shipbuilding workers who have returned home during their period of stay and gone missing
- (1) Those who have returned home during their period of stay (Yes / No)
 - (2) Those who have gone missing (Yes / No)
- 8 Instructions
- * Fill out only if the instructions for improvement were given with regard to the items listed in 3 to 7.*
- 9 Implementation status of the previous confirmation
- (1) Confirmation date

- (2) Submission date of the confirmation results
- (3) Status of instructions/improvements
 - i. Instructions [previous confirmation] (Yes / No)
 - ii. Instructions [current confirmation] (Yes / No)

Form No. 10-1

Date:

Report of the Occurrence of Reasons for the Discontinuation of Designated Shipbuilding Activities
(Accepting Shipbuilding Company)

To the representative of the designated supervising organization

Address
Name of organization
Name of representative Seal

Pursuant to Article 5 of the Public Notice No. 6 concerning the Foreign Shipbuilding Worker Acceptance Program, we hereby report that there has been the occurrence of reasons for the discontinuation of the designated shipbuilding activities.

1 Date of occurrence

2 Reason for discontinuance

(Bankruptcy / Deterioration of business conditions / Recognized misconduct / Runaways / Various problems between the accepting shipbuilding company and foreign shipbuilding workers / Others)

3 Details of the reason

** If the reason for discontinuance is due to having runaways, provide the name, sex, date of birth, date of entry of the runaway foreign shipbuilding worker and circumstances or the like that led to such incident.*

4 Future measures

Date:

Report of the Occurrence of Reasons for the Discontinuation of Designated Shipbuilding Activities
(Designated Supervising Organization)

To the Minister of Land, Infrastructure, Transport and Tourism, the Director General of xxxxx
Regional Immigration Bureau, and the chairman of the Council for the Promotion of Appropriate
Supervision

Address
Name of organization
Name of representative Seal

Pursuant to Article 1, paragraph (3) of the Public Notice No. 14 concerning the Foreign
Shipbuilding Worker Acceptance Program, we hereby report that there has been the occurrence of
reasons for the discontinuation of the designated shipbuilding activities.

- 1 Certification number of the appropriate supervision plan
- 2 Name of the accepting shipbuilding company
- 3 Title and name of the representative of the accepting shipbuilding company
- 4 Address of the accepting shipbuilding company
- 5 Date of occurrence
- 6 Reason for discontinuance
(Bankruptcy / Deterioration of business conditions / Recognized misconduct / Runaways /
Various problems between the accepting shipbuilding company and foreign shipbuilding workers /
Others)
- 7 Details of the reason
** If the reason for discontinuance is due to having runaways, provide the name, sex, date of birth,
date of entry of the runaway foreign shipbuilding worker and circumstances or the like that led to
such incident.*
- 8 Future measures

Date:

Report of the Occurrence of Reasons for the Discontinuation of Individual Enterprise Type Designated Shipbuilding Activities (Individual Enterprise Type Accepting Shipbuilding Company)

To the Minister of Land, Infrastructure, Transport and Tourism, the Director General of xxxxx Regional Immigration Bureau, and the chairman of the Council for the Promotion of Appropriate Supervision

Address
Name of organization
Name of representative Seal

Pursuant to Article 4, paragraph (3) of the Public Notice No. 14 concerning the Foreign Shipbuilding Worker Acceptance Program, we hereby report that there has been the occurrence of reasons for the discontinuation of the individual enterprise type designated shipbuilding activities.

- 1 Certification number of the individual enterprise type appropriate supervision plan
- 2 Name of the individual enterprise type accepting shipbuilding company
- 3 Title and name of the representative of the individual enterprise type accepting shipbuilding company
- 4 Address of the individual enterprise type accepting shipbuilding company
- 5 Date of occurrence
- 6 Reason for discontinuance
(Bankruptcy / Deterioration of business conditions / Recognized misconduct / Runaways / Various problems between the individual enterprise type accepting shipbuilding company and foreign shipbuilding workers / Others)
- 7 Details of the reason
** If the reason for discontinuance is due to having runaways, provide the name, sex, date of birth, date of entry of the runaway foreign shipbuilding worker and circumstances or the like that led to such incident.*
- 8 Future measures

Form No. 1 (Attachment 1)

List of Directors (Application for the Certification of Designated Supervising Organization)

Date:

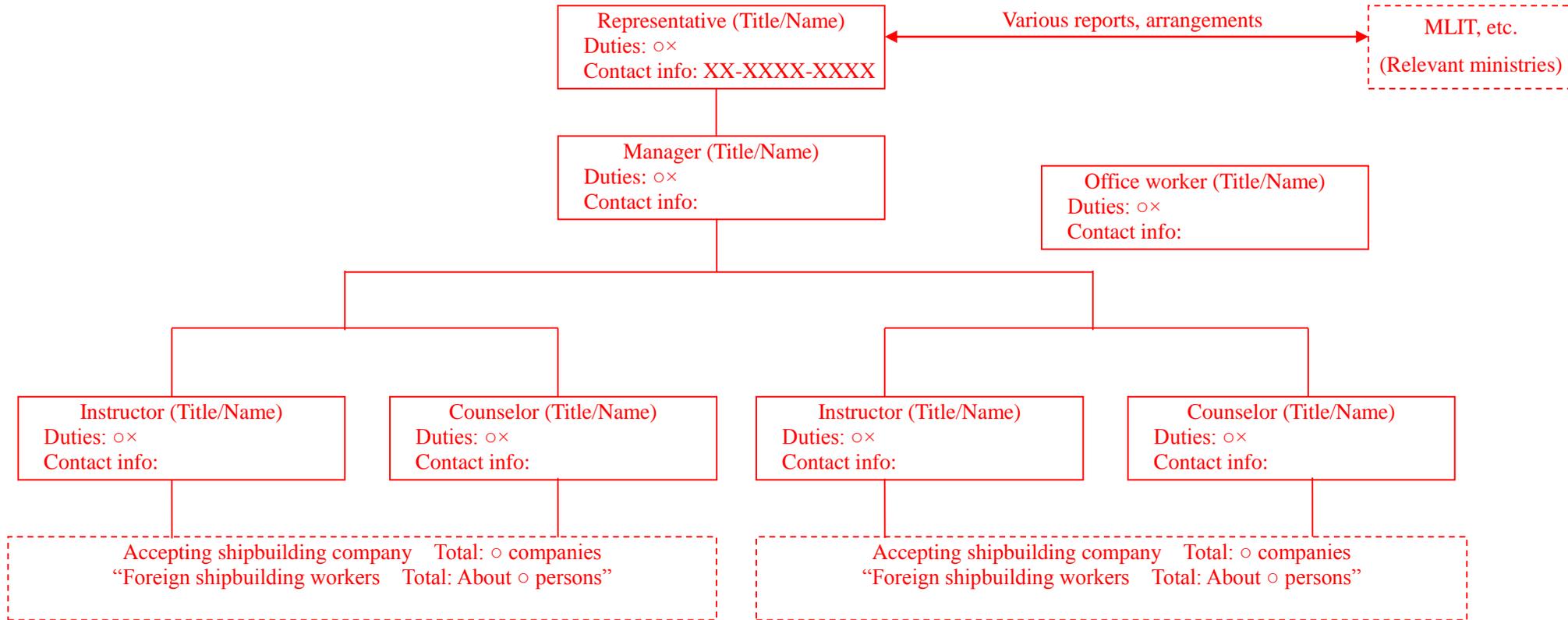
Name of Organization

Title	Employment type	Name (in Katakana characters)	Date of birth	Sex	Address (*Please make sure the address, starting with the prefecture, is accurate and complete.)
	Full-time Part-time	()			
	Full-time Part-time	()			
	Full-time Part-time	()			
	Full-time Part-time	()			
	Full-time Part-time	()			
	Full-time Part-time	()			
	Full-time Part-time	()			
	Full-time Part-time	()			
	Full-time Part-time	()			

Form No. 1 (Attachment 3)

Implementation Organization Chart for Designated Shipbuilding Activities (chart)

* The organization chart below is merely an example. Each organization should prepare an organization chart according to their organizational structure.



*Make sure the duties are listed in a detailed and accurate manner.

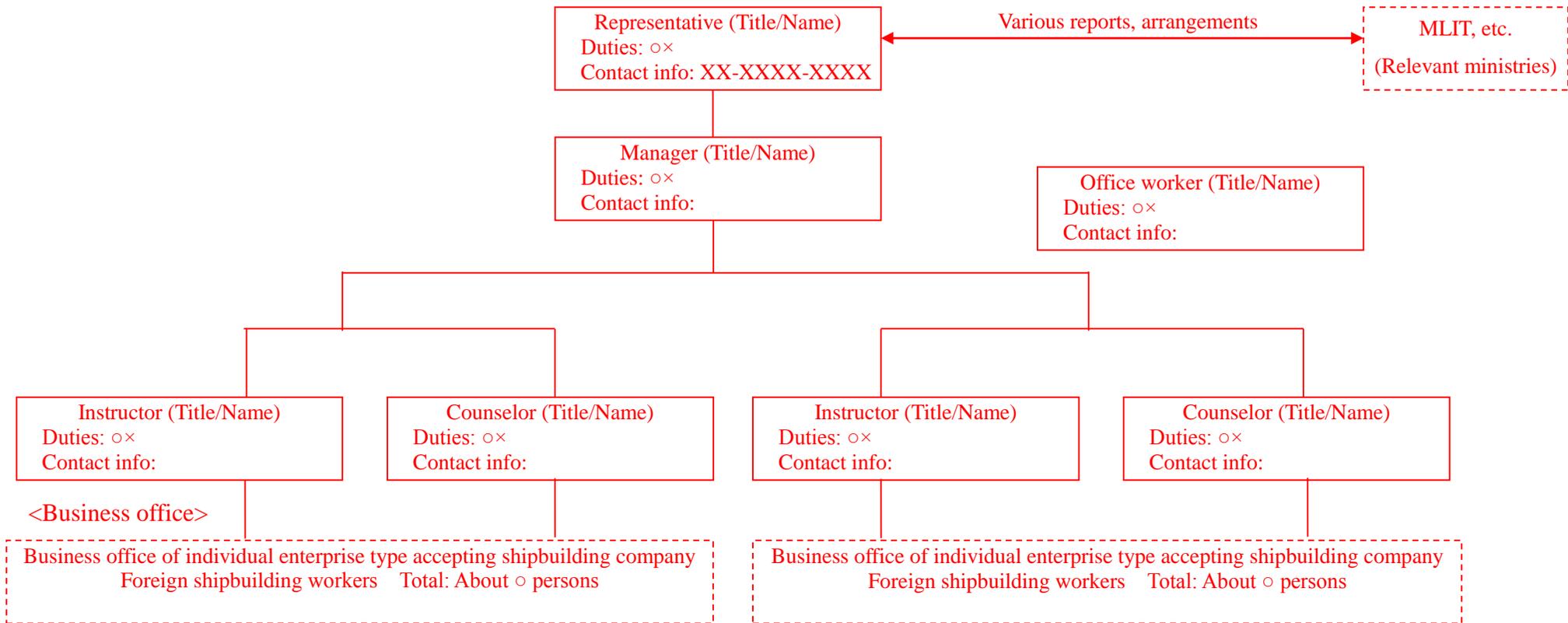
*If there are any other persons involved in the designated shipbuilding activities, make sure to add them as required.

Form No. 2-2 (Attachment 3)

Implementation Organization Chart for Individual Enterprise Type Designated Shipbuilding Activities (sample)

* The organization chart below is merely an example. Each organization should prepare an organization chart according to their organizational structure.

<Headquarter>



*Make sure the duties are listed in a detailed and accurate manner.

*If there are any other persons involved in the individual enterprise type designated shipbuilding activities, make sure to add them as required.

Form No. 1 (Attachment 1)

List of Directors (Application for the Certification of Designated Supervising Organization)

Date:

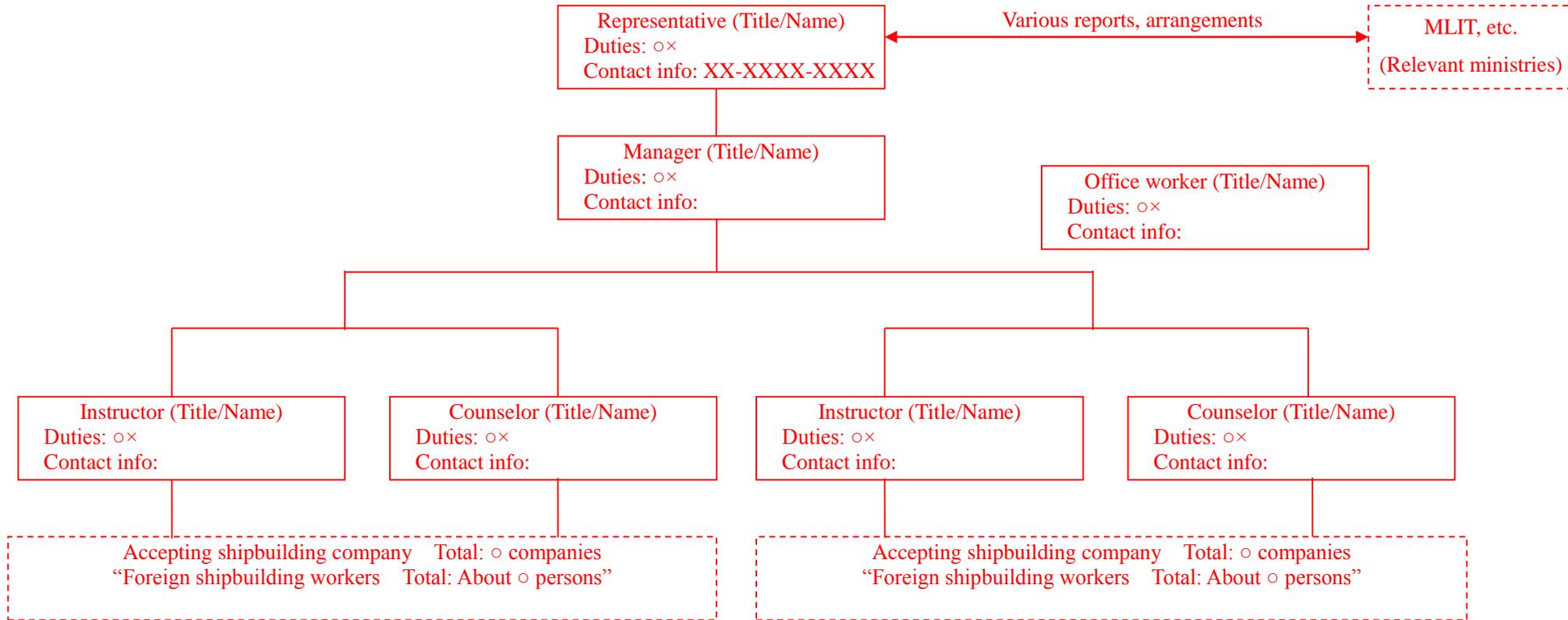
Name of Organization

Title	Employment type	Name (in Katakana characters)	Date of birth	Sex	Address (*Please make sure the address, starting with the prefecture, is accurate and complete.)
	Full-time Part-time	()			
	Full-time Part-time	()			
	Full-time Part-time	()			
	Full-time Part-time	()			
	Full-time Part-time	()			
	Full-time Part-time	()			
	Full-time Part-time	()			
	Full-time Part-time	()			
	Full-time Part-time	()			

Form No. 1 (Attachment 3)

Implementation Organization Chart for Designated Shipbuilding Activities (chart)

* The organization chart below is merely an example. Each organization should prepare an organization chart according to their organizational structure.



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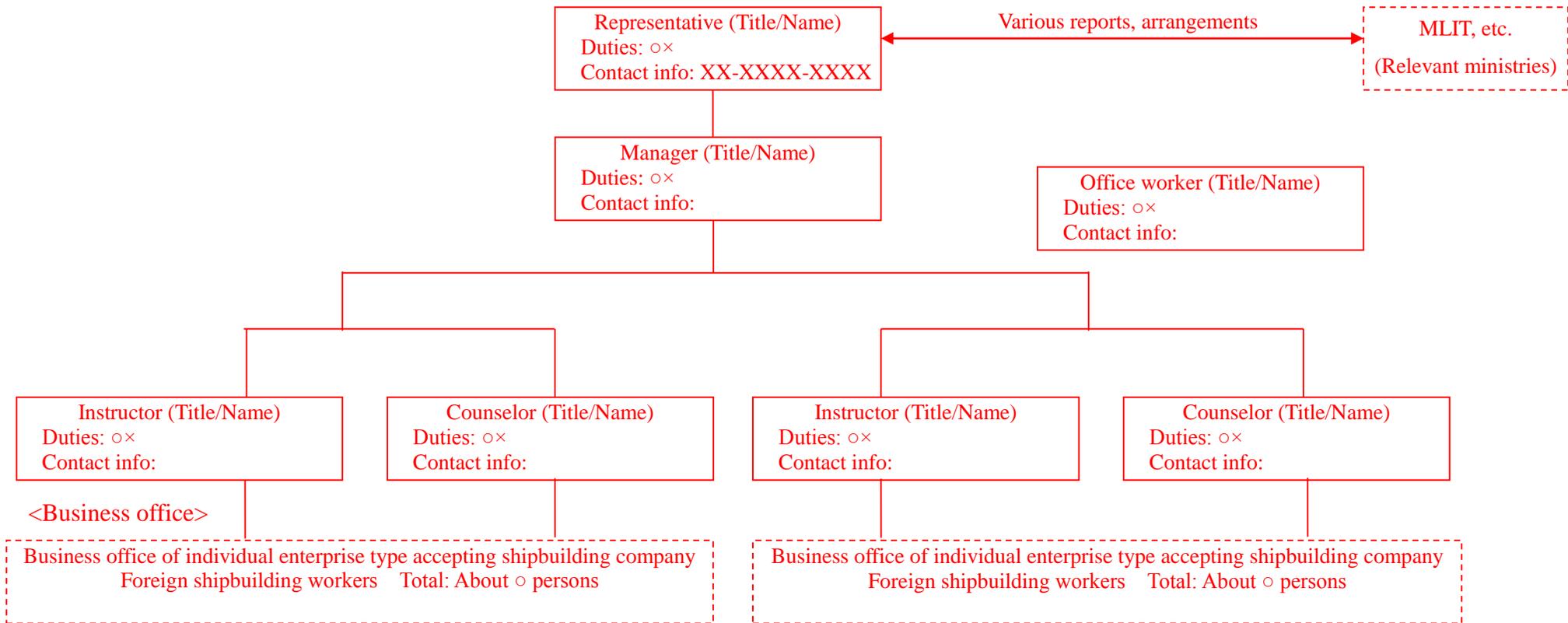
*If there are any other persons involved in the designated shipbuilding activities, make sure to add them as required.

Form No. 2-2 (Attachment 3)

Implementation Organization Chart for Individual Enterprise Type Designated Shipbuilding Activities (sample)

* The organization chart below is merely an example. Each organization should prepare an organization chart according to their organizational structure.

<Headquarter>



*Make sure the duties are listed in a detailed and accurate manner.

*If there are any other persons involved in the individual enterprise type designated shipbuilding activities, make sure to add them as required.