

Form 9 (Related to Article 16, paragraph (1)) (back side)

(Guidelines for filling out the form)

1. In the “type of work” column, enter specific work for which the employer needs employees to work overtime work or work on days off, and if an agreement has been established regarding work that is particularly harmful to health as stipulated in Article 36, paragraph (6), item (i) of the Labor Standards Act, enter the work separately from other work. In entering a type of work, note that the scope of work must be clarified by subdividing the work categories.
2. In the “number of workers (persons over 18 years of age)” column, enter the number of workers whom the employer may require to work overtime or work on a day off.
3. In filling out the “number of hours that can be extended” column, follow the instructions below. For the number of hours, enter the number of hours that exceeds the maximum working hours for which the employer may require employees to work pursuant to the provisions of Article 32 through Article 32-5 or Article 40 of the Labor Standards Act (hereinafter referred to as “statutory working hours”). Notwithstanding the number of hours entered in this column, note that, if the total number of hours including the hours of overtime work and work on days off is 100 or more hours in one month, or exceeds 80 hours on average from two months to six months, it shall be a violation of the Labor Standards Act (imprisonment with work of not more than six months or a fine of not more than 300,000 yen pursuant to the provisions of Article 119 of the Act).
 - (1) In the “1 day” column, enter the number of hours that can be extended beyond the statutory working hours, which is the maximum number of hours that can be extended per day. If an agreement is established regarding the number of hours exceeding the prescribed working hours as well, the number of hours exceeding the prescribed working hours can also be entered.
 - (2) In the “1 month” column, enter the number of hours that can be extended beyond the statutory working hours, which is the maximum number hours that can be extended per month from the date specified in the “starting date” entered in the “1 year” column, within 45 hours (42 hours for those who work under 1-year variable working hour system for a period exceeding three months). If an agreement is established regarding the number of hours exceeding the prescribed working hours as well, the number of hours exceeding the prescribed working hours can also be entered.
 - (3) In the “1 year” column, enter the number of hours that can be extended beyond the statutory working hours, which is the maximum number hours that can be extended per year from the date specified in the “starting date”, within 360 hours (320 hours for those who work under 1-year variable working hour system for a period exceeding three months). If an agreement is established regarding the number of hours exceeding the prescribed working hours as well, the number of hours exceeding the prescribed working hours can also be entered.
4. For column (2), fill in information about workers who work according to the working hours pursuant to the provisions of Article 32-4 of the Labor Standards Act (limited to those who work under 1-year variable working hour system for a period exceeding three months). Note that the upper limit of the hours that can be extended is shorter than that for workers in column (1) (42 hours per month, 320 hours per year).
5. In the “number of statutory days off on which the employer may require employees to work” column, enter the number of days on which the employer may require employees to work on days off pursuant to the provisions of Article 35 of the Labor Standards Act (note that it stipulates one day off per week or four days off per four-week period).
6. In the “start and finish times on statutory days off on which the employer may require employees to work” column, enter the start and finish times of the day that is a day off pursuant to the provisions of Article 35 of the Labor Standards Act and on which the employer may require employees to work.
7. Regarding the checkbox for the purpose of complying with the requirements in Article 36, paragraph (6), items (ii) and (iii) of the Labor Standards Act, note that “from two months to six months” refers to a period of two to six consecutive months, including a period that extends beyond the starting date. In addition, note that, if the checkbox is not marked, the agreement will not be deemed as effective.
8. Regarding an agreement, it shall be established with a labour union organized by the majority of workers, if any, or with a person representing the majority of workers if there is no labour union organized by the majority of workers. Pursuant to the provisions of Article 6-2, paragraph (1) of the Ordinance for Enforcement of the Labor Standards Act, the person representing the majority of the workers shall not be a person in a position of supervision or management as stipulated in Article 41, item (ii) of the Labor Standards Act, and shall be a person who is elected through procedures

- such as voting and a show of hands that clearly state that a person who will enter into an agreement, etc. stipulated in the Act is elected and shall not be elected based on the intention of the employer. Note that, if these requirements are not met, the agreement will not be deemed as effective. In addition, note that, even if these requirements are met, when the checkbox pertaining to the requirement is not marked, it does not comply with the formal requirements for filing.
9. If an agreement is established using this form, also note that it is concluded in a manner that makes it clear on the agreement that both workers and employers who are parties to the agreement have agreed to it.
 10. If the space in this form is insufficient to fill in information, use another copy of the same form. In this case, it is acceptable to fill in only the necessary information.

(Remarks)

1. Pursuant to the provisions of Article 24-2, paragraph (4) of the Ordinance for Enforcement of the Labor Standards Act, when filing the content of an agreement under Article 38-2, paragraph (2) of the Labor Standards Act (an agreement regarding the hours normally required to work outside of the workplace) by adding such content in this form, distinguish work that is subject to work outside the workplace from other work, write in parentheses that it is work that is subject to work outside of the workplace, and enter in parentheses the hours normally required to perform such work in the “prescribed working hours” column. In addition, in the “effective term of agreement” column, enter in parentheses the effective term of the agreement on work outside the workplace.
2. Pursuant to the provisions of Article 38-4, paragraph (5) of the Labor Standards Act, at a workplace where a labour-management committee has been established, when submitting this form as a resolution of the labour-management committee, separately submit a form stating that the resolution has been established by a majority vote of four-fifths or more of the committee members, the number of committee members, and the names of the committee members, and “agreement” in this form shall be replaced with “resolution of the labour-management committee”, “labour union that is a party to the agreement” with “labour union that has appointed half of the members of the committee for a fixed term”, and “How to elect a party to the agreement (in the case of a person representing the majority of workers)” with “How to select a person who has appointed half of the members of the committee for a fixed term (in the case of a person representing the majority of workers)”. Note that, in entering the names of committee members, members appointed for a fixed term shall be distinguished from other members, and in entering the names of members appointed for a fixed term, pursuant to the provisions of paragraph (2), item (i) of the same Article, a labour union organized by the majority of workers, if any, or the name of a committee member appointed for a fixed term by a person representing the majority of workers, if there is no labour union organized by the majority of workers, shall be entered.
3. Pursuant to the provisions of Article 7 of the Act on Special Measures for Improvement of Working Hours Arrangements, at a workplace where a committee on the improvement of working time arrangements, etc. has been established, when submitting this form as a resolution of the committee, separately submit a form stating that the resolution has been established by a majority vote of four-fifths or more of the committee members, the number of committee members, and the names of the committee members, and “agreement” in this form shall be replaced with “resolution of the committee on the improvement of working time arrangements, etc.”, “labour union that is a party to the agreement” with “labour union that has recommended half of the members of the committee”, and “How to elect a party to the agreement (in the case of a person representing the majority of workers)” with “How to elect a person who has recommended half of the members of the committee (in the case of a person representing the majority of workers)”. Note that, in entering the names of committee members, members appointed based on recommendation shall be distinguished from other members, and in entering the names of members appointed based on recommendation, pursuant to the provisions of item (i) of the same Article, a labour union organized by the majority of workers, if any, or the name of a committee member appointed based on recommendation by a person representing the majority of workers, if there is no labour union organized by the majority of workers, shall be entered.