Reply to Question 1

The Labor Standards Law stipulates the following specific regulations concerning children at work (as explained in (1) - (3)).

Besides, the Child Welfare Law defines children as those who have not reached 18 full years of age (Article 4 of said law) and stipulates the following as principles for the protection of their welfare in general. That is, all people shall make efforts so that children can be born and raised healthily in both mind and body (Article 1-1 of said law); the lives of all children shall be guaranteed and protected equally (Article 1-2 of said law); and the State and the local bodies, together with the parents or guardians of children, shall take responsibility for raising children in a healthy manner in both mind and body (Article 2 of said law). It also stipulates that these principles shall always be respected in the enforcement of all legislation relating to children (Article 3 of said law).

(1) Minimum age for employment

An employer shall not employ children till the first March 31 has passed after the day he/she reached 15 full years of age. (Labor Standards Law, Article 56-1)

(2) Differences in rights based on age

Children above 13 full years of age may be employed, in occupations in non-industrial enterprises, in light labor which is not injurious to the health and welfare of the children, and outside of the school hours of the children with permission of the administrative office. This shall also apply with respect to children under 13 full years of age employed in motion picture production and theatrical performance enterprises. (Labor Standards Law, Article 56-2)

(3) Special working conditions for children

The Labor Standards Law stipulates the following special working conditions for children:

(a) An employer shall keep, at the workplace, birth certificates which prove the age of children under 18 full years of age. (Labor Standards Law, Article 57-1)

Also, with respect to a child employed pursuant to the provisions of Article 56-2 of the Labor Standards Law (that is, a child for whom the first March 31 after the day when he/she reached 15 full years of age has not passed), the employer shall keep at the workplace a certificate issued by the principal of the child’s school certifying that the employment does not hinder the schooling of the child and written consent from the parent or guardian of the child. (Article 57-2 of said law)

(b) An employer shall not employ a person under 18 full years of age between 10 p.m. and 5 a.m. (Article 61-1 of said law)

(c) An employer shall not allow persons under 18 full years of age to clean, oil, inspect, or repair the dangerous parts of any machinery or power-transmission apparatus while in operation, or to put on or take off the driving belts or ropes of any machinery or
power-transmission apparatus while in operation, or to operate a crane driven by power, or to engage in any other dangerous work specified by Ministry of Health, Labor and Welfare Ordinance, or to handle heavy materials specified by Ministry of Health, Labor and Welfare Ordinance. (Article 62-1 of said law)

Also, an employer shall not employ persons under 18 full years of age in work involving the handling of poison, powerful drugs, or other injurious substances, or explosive, combustible, or inflammable substances, or in places where dust, powder, harmful gas or radiation is generated, places of high temperatures and pressures, or other places which are dangerous or injurious to safety, health, or welfare. (Article 62-2 of said law)

In addition, Article 34 of the Child Welfare Law carries a stipulation prohibiting acts that strikingly harm the welfare of children. For example, there is a regulation prohibiting the act of making a child under 15 full years of age serve as a hostess at a bar, night club, etc. (Article 34-1-5 of said law)

Reply to Question 2

The Labor Standards Law stipulates the following penalties for employers (including business proprietors) who violate the regulations of the law explained above:

-- A person who has violated (a) the restriction on minimum age (Labor Standards Law, Article 56) or (b) the ban on underground labor by persons under 18 full years of age (Article 63 of said law) shall be sentenced to imprisonment with labor of not more than one year or to a fine of not more than 500,000 yen. (Article 118-1 of said law)

-- A person who has violated (c) the restriction on working hours of eight hours a day and 40 hours a week (Article 32 of said law), (d) the prohibition of night work for persons under 18 full years of age (Article 61 of said law), (e) restrictions on dangerous and harmful jobs by persons under 18 full years of age (Article 62 of said law), or (f) the obligation to provide leave with pay (Article 72 of said law) shall be sentenced to imprisonment with labor of not more than six months or to a fine of not more than 300,000 yen. (Article 119-1 of said law)

-- A person who has violated (g) the obligation to keep certificates, etc. for persons under 18 full years of age (Article 57 of said law), the prohibition of a parent's or guardian's making a labor contract in place of a minor (Article 58 of said law), (i) the prohibition of a parent's or guardian's receiving wages earned by a minor in place of the minor (Article 59 of said law), or (j) the obligation to bear the necessary traveling expenses of a person under 18 full years of age who returns home within 14 days after dismissal (Article 64 of said law) shall be sentenced to a fine of not more than 300,000 yen. (Article 120 (1) of said law)

In the event that a person who has violated any of the above-mentioned (a)-(j) provisions of the law is an agent or other employee acting on behalf of the proprietor of the enterprise, the proprietor shall also be liable to a fine as specified for the relevant offense. (Article 121 of said law)

In accordance with Article 37 of the Juvenile Law, cases involving such violations are
prosecuted in a family court.

The breakdown of the number of cases involving violations of the Labor Standards Law or other such offenses prosecuted in the family courts and terminated in fiscal 2001 is as follows: (a) 4 cases of violating the minimum age restriction (violation of Article 56 of the Labor Standards Law); (b) 12 cases of violating the prohibition of night work (violation of Article 61 of said law); (c) 3 cases of violating restrictions on dangerous and harmful jobs (violation of Article 62 of said law); (d) 1 case of making a child under 15 full years of age perform, etc. on the street, etc. as work (violation of Article 34-1-4 of the Child Welfare Law); (e) 5 cases of making children sell goods, etc. late at night as work (violation of Article 34-1-4-2 of said law); and (f) 16 cases of making children under 15 full years of age serve as a hostess at a bar etc. (violation of Article 34-1-5 of said law).

Reply to Question 3

Regarding concrete measures to improve the conditions of children at work in Japan, this matter is not directly under the jurisdiction of the judiciary. Thus, we cannot answer this question.