

## **2. The Industrial Safety and Health Act**

---

### **< Establishment and the background of the Industrial Safety and Health Act >**

---

Worker's life/body/health are of the utmost importance for workers, which are the key issue of Industrial Act to avoid impairing that by works.

The risks of industrial accidents and the sufferers increased during high economic growth from the 1960s by the following reasons: big, speed-up, and complicated mechanical equipment, and then increased labor intensity, and usage of new dangerous/harmful materials.

The Industrial Safety and Health Act was established in 1972 to solve these problems as well as to enhance the simple regulation which is stated in Labor Standards Act, Chapter V "Safety and Health".

---

### **< Systems of the Industrial Safety and Health Act >**

---

Systems of the Industrial Safety and Health Act are as follows:

- Organization for safety and health management
  - Measures for the prevention of dangerous or health impairment of workers
  - Regulations concerning machines and harmful Substances
  - Measures in placing workers
  - Measures for maintaining and promoting workers' health
  - Measures for creating a comfortable work environment
  - Inspection, etc
  - Penal provisions
- 

### **< The purpose of Industrial Safety and Health Act >**

---

The purpose of Industrial Safety and Health Act is to establish minimum standards concerning the prevention of industrial accidents, as well as to facilitate the establishment of comfortable working environment (Article 1).

Like this, the Industrial Safety and Health Act is not inactive purpose to just prevent industrial accidents but passive purpose to establish of comfortable working environment for workers.

\* Industrial accident; shall be defined as a case in which a worker is injured, contracts a disease or is killed due to causes attributable to buildings, facilities, raw materials, gases, vapors, dusts, etc, in or with which he is employed, or as a result of the work actions or attending to his duties (Article 2, Paragraph 1).

Industrial accident has three elements as this definition says. More specifically:

- ① Worker-induced (Accidents caused by workers. Thus, accidents are not eligible for Industrial Safety and Health Act.)
- ② Work-induced (Accidents caused by condition of building and equipment, workers behavior, and other works)
- ③ Personal injury (Accidents include worker's injury, disease and death. Therefore, property damage is not eligible.)

- \* Death by overwork: It is an occupation accident in the case of death related to work obviously.  
(Such as bleeding in the brain)
- \* Suicide induced by overwork: Suicide is originally caused by one's will. However, if suicide can be proved that suicide is by psychotic disorders which are suffering from work related accidents, there is a causal connection with industrial accident.

---

## < Responsibilities of people involved under the Industrial Safety and Health Act >

---

### (1) Employer (Article 3, Paragraph1)

Employer shall be defined as "One who carries on an undertaking and employs a worker or workers (Article2 Paragraph1). It shall be corporation itself, in case of a business corporation.

Responsibilities of an employer are as follows:

- To comply with the minimum standards for preventing industrial accidents
- To ensure the safety and health of workers in workplaces through improving a comfortable working environment and improving working conditions
- To cooperate in the measures for the prevention of industrial accidents to be taken by the State
- \* The Industrial Safety and Health Act is used in conjunction with the Labor Standards Law.

Only comply with the minimum standards based on specific and personal working condition cannot always prevent industrial accidents effectively due to actual problems of complicated and wide range of workplace.

Therefore, an employer is expected to not only comply with the minimum standards but also make active efforts more than that.

### (2) Workers (Article 4)

Workers, who are protected by the Industrial Safety and Health Act, shall be defined as in Article 9 of the Labor Standards Act (Article 2, Paragraph2).

Responsibilities of workers are as follows:

- To observe matters for preventing industrial accidents
- To endeavor to cooperate in various measures conducted by employers or others
- \* The definition of worker In the Labor Standards Act (Article 9); Worker shall be defined as one who is employed at an enterprise or office and receives wages there from, without regard to the kind of occupation.

### (3) Students

Since students do not work, they are not eligible for a worker which is defined in the Industrial Safety and Health Act.

Therefore, students are not protected by the Industrial Safety and Health Act.

However, research activities in laboratory are conducted with a small group, which are associated with a high probability of accidents due to unsupervised situation.

Professors in charge always shall give guidance about safety.

It is advisable to instruct about safety clothes and shoes which have less risk when entering a laboratory.

---

## < Preparation of Organization for Safety and Health Management >

---

It is essential to create an active and systematic management system for safety and health in universities in order to accomplish the aim of prevention industrial accidents and establishment of comfortable working environment.

### (1) Organization for Safety and Health Management by manager and controller

#### ① General Safety and Health Manager (Article 10)

The employer of a workplace above a certain size shall appoint a general safety and health manager and give him/her important assignments, not only prevention of the dangers or health impairment of workers, but also maintaining workers' health.

##### i Workplace subject to appoint a general safety and health manager

Universities fall under the category of "Other industries" in the Industrial Safety and Health Act and are obligated to appoint a general safety and health manager in case of regularly employing 1,000 more.

The university needs to appoint the manager due to falling under the definition of the scale.

\* 「regularly employing workers of the numbers...」 means determined by not the number of regular employees, but the number of employees as ordinary state including daily workers and part-time workers.

##### ii Qualifications

A person who exercises overall management over the execution of the undertaking at the said workplace

##### iii Duties

The general safety and health manager supervise the work of safety officers as well as exercise overall management of the following matters.

- (1) Matters pertaining to measures for the prevention of the dangers or health impairment of staffs
- (2) Matters pertaining to the provision of education on the safety and health of staffs
- (3) Medical examination and others for maintaining and promoting staffs' health
- (4) Matters pertaining to the investigation of the causes of industrial accidents and the measures for preventing the recurrence of such accidents
- (5) Matters to announce the policy of safety and health
- (6) Matters pertaining to measures based on the investigation and the result of risks and harms for building, equipments, and works, etc.
- (7) Matters to make a plan, practice, evaluate and make improvements for safety and health

##### iv Responsibilities of Employer

Employer shall delegate to the general safety and health manager for fulfill duties and inspect the performance of duties.

② Health Officer (Article 12)

The employer of the workplace above a certain size shall appoint a health officer and give authority to him/her on health matters. The health officer must perform duties, such as the measure of detection of disease early, etc. by going around workplace, etc.

i Workplace subject to appoint a Health Officer

All employers of workplaces regularly employing exceeding 50 workers shall appoint a health officer who exclusively assigned to the workplace as a rule.

In addition, those workplaces regularly employing exceeding 1,000 workers or those workplaces regularly employing exceeding 500 workers, of which 30 or more workers are engaged in harmful work, shall appoint at least one full-time health officer.

ii Qualifications

The employer shall appoint a Health Officer in accordance with the classification of the work at the said workplace concerned from among those who have obtained a license from the Director of the Prefectural Labor Bureau or those in possession of the qualification.

iii Duties

The health officer exercises the following matters:

- (1) Matters pertaining to measures and finds staffs with heath problems
- (2) Matters relating to invest of working environment
- (3) Matters relating to the improvement of working condition and facilities
- (4) Matters relating to the inspection and maintenance of work health protective equipments and first-aid tool, etc.
- (5) Matters relating to health education, health counseling and other matters for retain staff's health
- (6) Matters relating to make statistics regarding injury, disease, death, absence and transfer
- (7) Matters relating to the control of records for works and health diary

③ Industrial Physician

It is essential to medical activities by doctors to provide worker's health care effectively, such as providing medical checkup for workers, investigation of the causes of worker's health impairment and the establishment of the measure for prevention of recurrence.

The employer of the workplace above a certain size shall appoint an industrial physician and give authority to him/her on health matters.

i Workplace subject to appoint

All employers of workplaces regularly employing exceeding 50 workers shall appoint an industrial physician.

Those workplaces regularly employing exceeding 3,000 workers, shall appoint at least 2 industrial physicians.

In addition, those workplaces regularly employing exceeding 1,000 workers or those workplaces regularly employing exceeding 500 workers who are engaged in harmful work, shall appoint an industrial physician who exclusively assigned to the workplace.

## ii Qualifications

Industrial physician shall be a person who meets the following requirements among doctors.

- A person who meets the requirements provided for by the Ordinance of the Ministry of Health, Labor and Welfare concerning the knowledge of medicine required to carry out health care
- A person who has completed and graduated from regular medical courses established for the purposes of developing industrial physicians in universities of industrial health or other universities designated by the Minister of Health, Labor and Welfare, and who completed the practical training provided by the Minister of Health, Labor and Welfare
- A person who has passed the industrial health consultant's examination in the category of health and hygiene
- A professor, an associate professor or a teacher who teaches industrial and health subjects in a university
- A person provided for by the Ordinance of the Ministry of Health, Labor and Welfare

## iii Duties

Industrial physicians exercise duties relating to staff's health care as follows:

- (1) Matters relating to the implementation of medical examinations and face-to-face guidance, etc. and measures to be taken based on their results to maintain workers' health
- (2) Matters relating to the maintenance and control of the working environment
- (3) Matters relating to control of the work
- (4) Matters relating to worker's health care
- (5) Matters relating to health education, health counseling and other measures for maintaining and promoting workers' health
- (6) Matters relating to health education
- (7) Matters relating to investigation of the causes of the impairment of staffs' health and measures for preventing its recurrence

## ④ Operations Chief (Article 14)

Exam/research institutions like universities are not legally obligated to appoint. (There are some exceptions.)

However, as regards the fixed dangerous and harmful work (such as operations within high pressure rooms, works handling particular chemicals) which require prevention control of industrial accidents, the employer shall appoint an operations chief from among those licensed by the Director of the Prefectural Labor Bureau, or those who have finished the skill training course, and have the said person direct the employees engaged in the said work and handle other matters.

Duties of an operations chief are specified in each category.

## (2) A system by committee involved workers

Awareness of workers is important to prevent industrial accidents.

According to the Industrial Safety and Health Act, the employer has to reflect the employee's opinion for the prevention of industrial disaster. In addition, the employer should set up following committees consisted of designated person among employees to progress an interest of prevention of safety in working place, resulting in develop a measure for it. Moreover, the employer let them search and discuss about important matters about safety and hygiene and make a speech to the people.

### ① Safety Committee or Health Committee (Article 17 and Article 18), Safety and Health Committee (Article 19)

Kumamoto University established and health committee to discuss safety and health at same time.

#### i Workplace subject to establish committees

Workplaces regularly employing exceeding 50 workers shall establish a health committee.

#### ii Matters of investigation and deliberation for Committee

Matters of investigation and deliberation for Health Committee are as follows:

- The basic measures for preventing worker' health impairment
- The basic measures for maintaining and improving the health of workers
- Health among the causes of industrial accidents and countermeasures to prevent its recurrence
- Important matters pertaining to prevention of workers' health impairment, and maintaining and improving the workers' health (The following matters are included):
  - a) Matters relating to establishing of rules for industrial health
  - b) Matters relating to the formulation of plans for the implementation of health education
  - c) Matters relating to the investigation of the toxicity of substances to be conducted pursuant to the Act and the establishment of countermeasures based on the results of the investigation
  - d) Matters relating to the results of working environment measurement to be made pursuant to the Act and the establishment of necessary measures based on the evaluation of the measurement results
  - e) Matters relating to the results of the periodical medical examinations, and the establishment of the necessary measures to be established depending on the results of such medical examination, diagnosis, checkup and treatment
  - f) Matters relating to formulation of the implementation plan of measures for the maintenance and promotion of the health of workers
  - g) Matters relating to prevent health impairment related to machines and materials that are newly adopted
  - h) Matters relating to prevent health impairment for workers among the matter that is to be ordered, conducted, advised or directed by correspondences (recommendations and directed plan, etc.) of Chief of Labor Standards Office, etc.

#### iii The composition of committee.

The health committee shall be composed of the members stated below:

- a) General safety and health manager or those similar to the above

- b) One whom the employer designated from among health officers
- c) One whom the employer designated from among industrial physician
- d) One whom the employer designated from among the workers at the said workplace who possesses experience in health

(a) acts a chairman, as regards the members other (a), the employer shall designate those recommended by the trade union where there exists a trade union organized by a majority of workers at the said workplace or by those representing a majority of workers where there exists no trade union organized by a majority of workers.

\* The number of committee shall be decided depends on the scale of business and work situations.

#### iv Management of the commission

- The meetings of the commission have to be holding at least once a month.
- Convocation notice of a commission and matters necessary in regard to the management of respective committees, such as decisions of proceedings, shall be decided by the committee concerned.
- The employer shall make a record pertaining to important proceedings discussed at each committee meeting and preserve the records for three years.
- Since times for a committee meeting include working hours, the employer shall pay extra wage if the said meeting is held overtime working hours.

---

## < Measures for Preventing the Dangers or Health Impairment of Workers >

---

Employers and other people are ordered to take measures for the prevention of the dangers or health impairment of workers as a major regulation for safety and health by Industrial Safety and Health Act.

### (1) Measures to be taken by employers

The employer shall take necessary measures for preventing the following dangers:

- ① Dangers due to machines, instruments and other equipment (Article 20, paragraph1)
- ② Dangers due to substances of an explosive nature, substances of a combustible nature and substances of an inflammable nature (Article 20, paragraph2)
- ③ Dangers due to electricity, heat and other energy (Article 20, paragraph3)
- ④ Dangers arising from the following working methods: excavation, quarrying, cargo handling, lumbering, etc. (Article 21, paragraph1)
- ⑤ Dangers related to places from which workers could fall or where there are concerns about slides of sand or earth (Article 21, paragraph2)

\* The necessary measures to be taken by employers for the prevention of industrial accidents for workers shall be specified and expected effects objectively.

The employer shall take concrete measures which are stated on related ministry ordinance.

### (2) The employer shall take necessary measures for preventing health impairment as follows:

#### ① measures for preventing health impairment

The employer shall take necessary measures for preventing health impairment as follows: (Article 22)

- i Health impairment due to raw materials, gases, vapors, dusts, insufficient oxygen in air, pathogens, etc,
- ii Health impairment due to radiation, high temperatures, low temperatures, ultrasonic waves, noises, vibration, abnormal atmospheric pressure, etc,
- iii Health impairment due to operations such as gauge monitoring, precision work, etc,
- iv Health impairment due to exhaust fumes, waste fluid or solid wastes.

#### ② Measures relating to buildings

The employer shall, respecting the buildings and other constructions, take necessary measures for the maintenance of passages, floor and stair areas, and also for ventilation, lighting, illumination, heating, moisture, rest, evacuation and sanitation, and also measures required for maintaining the health, morale and life of workers (Article 23).

Measures to be taken by employers for the prevention of health impairment of workers and for maintaining health, moral order, and life of workers are specified in The Ministry of Health, Labor and Welfare Ministerial Notification related these ordinance, including the Ordinance on Industrial Safety and Health, the Organic Solvent Ordinance, the Lead Ordinance, Tetraalkyl Lead Poisoning Ordinance, the Specified Chemicals Ordinance, High



Pressure Work Ordinance, Ionizing Radiation Ordinance, Anoxia Ordinance, rules of the office, and Dust Ordinance.

### (3) Measures for preventing industrial accidents arising from the work actions or behavior of workers

The employer shall take necessary measures for preventing industrial accidents (example: Lower back pain caused by carrying heavy objects) arising from the work actions or behavior of workers (Article 24).

### (4) Evacuation order from dangerous workplace

The employer shall, where there is an imminent danger of occurrence of an industrial accident, immediately stop the operation and take necessary measures to have the workers evacuate from the workshop (Article 25).

---

## < Regulations relating to machines and harmful substances >

---

### (1) Local Protective Device (Article 43).

Machines, etc., driven by power which are not equipped with protective measures provided for by the Ordinance of the Ministry of Health, Labor and Welfare on projecting parts of moving parts, power transmission sections or speed regulatory sections shall neither be transferred nor be leased, and shall not be exhibited with a view to transfer or lease.

---

## < Measures in placing workers >

---

### (1) Safety and Health Education (Article 59 and 60)

Since industrial accidents are caused by unsafe condition and action, to prevent this is important to practice safety and health education for providing necessary knowledge of safety and health for work.

During diversification by work modes with the rapid progress of technological innovation, changes of work method, increasing of older workers or part-time workers, etc., it is becoming important more and more to practice safety and health education in order to improve the level of safety and health.

Safety Education include as follows:

- ① Safety and health education when having employed a new worker
- ② Safety and health education when having changed the content of work assigned to a worker
- ③ Special education (When assigning for the fixed dangerous and harmful jobs)
- ④ Safety and health education of foremen, etc. (Exclude operations chief) (Only the fixed jobs such as manufacturing, etc)

Matters for safety and health education when having employed a new worker (Ordinance, Article 35, Paragraph 1)

- ① Matters related to danger or toxicity of machines, etc., or raw materials, etc., and matters related to methods of handling thereof
- ② Matters related to performance of safety devices, harmful substance control devices, or of personal protective equipment and matters related to methods of handling thereof
- ③ Matters related to operation procedures

- ④ Matters related to inspection at the time of commencement of work
- ⑤ Matters related to the causes and prevention of diseases of which workers are susceptible related to the work concerned
- ⑥ Matters related to housekeeping and maintenance of sanitary conditions
- ⑦ Matters related to emergency measures and evacuation at the time of an accident
- ⑧ In addition to what is listed in preceding each item, matters necessary for maintaining safety and health related to the said work

\* Special Education

As regard to educational matters and training time for special education, standards for each type of work are specified by the Minister of Health, Labor and Welfare.

It is allowed to omit the special education for workers who already have necessary knowledge and skills for maintaining safety and health related to the said works.

The employer who gave special education shall make a record pertaining to participants and subjects of the special education and preserve the records for three years.

(2) Education for safety and health to those who are currently engaged in dangerous or harmful work operations (Article 60-2)

In addition to safety and health education in the preceding (1), the employer shall endeavor to give education for safety and health to those who are currently engaged in dangerous or harmful work operations, concerning work operations engaged in by them.

(3) Restrictions on Engagement (Article 61)

The employer shall not place any person in the operation of cranes and other operations defined by Cabinet Order unless the person has obtained the license concerning the said operations from the Director of the Prefectural Labor Bureau, has finished the skill training course related to the said operations conducted by those who have been registered by the Director of the Prefectural Labor Bureau, or has other qualifications provided for by the Ordinance of the Ministry of Health, Labor and Welfare.

A person who engages in the said operations shall, at the time of the engagement in the said operations, carry with oneself the license concerning the said operations or other document to prove the qualification.

---

## < Measures for maintaining and promoting workers' health >

---

### (1) Working environment measurement (Article 65 and Article 65-2)

The employer shall, as provided for by the Ordinance of the Ministry of Health, Labor and Welfare, conduct necessary working environment measurement in respect to the indoor and other workshops prescribed by Cabinet Order as harmful work operations are performed, and keep the record of the results.

\*An object to be measured and the number of measuring times are specified by the Ordinance on Industrial Safety and Health and each special provision.

· When the assessment of results of the working environment measurement under the provisions of paragraph (1) or (5) of the preceding Article indicates the necessity of measures for the maintenance of the health of workers, the employer shall take necessary measures such as providing the necessary facilities or equipment, medical examinations and other necessary measures for the maintenance of the health of workers in accordance with the Ordinance of the Ministry of Health, Labor and Welfare.

· The employer, who is to make the assessment set forth in the preceding paragraph, shall make the assessment in accordance with the working environment assessment standard by the Minister of Health, Labor and Welfare, as provided for by the Ordinance of the Ministry of Health, Labor and Welfare.

· When the employer has made the assessment of results of the working environment measurement according to the provision of the preceding paragraph, the employer shall keep the record concerning the results of the assessment in accordance with the

Ordinance of the Ministry of Health, Labor and Welfare.

\*the working environment assessment standard

First Segregated Management : The condition that the harmful article levels does not exceed management density at most of the said working places

Second Segregated Management : The condition that the average of harmful article levels does not exceed management density at most of the said working places

Third Segregated Management : The condition that the average of harmful article levels is more than the management density

### (2) Control of works (Article 65-3)

The employer shall endeavor to pay attention to the health of workers and properly control their works.

\*The employer shall control properly their work in terms of maintaining and promoting workers' health, such as proper continuous working time and work break, proper amount of work, and improvement of working attitude.

### (3) Restriction of working hours (Article 65-4)

The employer who is to have the workers engage in the work operations likely to damage the workers' health, such as diving work, and provided for by the Ordinance of the Ministry of Health, Labor and Welfare, shall not have them work against the standard

concerning the working hours provided for by the Ordinance of the Ministry of Health, Labor and Welfare.

#### (4) Medical examination (Article 66)

Medical examination is important to discover adverse factors of workplace from worker's health condition and improve it with grasping health condition for each worker and practicing proper health management.

##### ① Medical examination when having employed a new worker (Ordinance, Article 43)

The employer shall, when employing a worker as a regular employee, provide medical examination for all type of works and all size of employers.

\* "A worker as a regular employee" includes a person who has or has not a time period with labor contract and who is planning to work for more than one year.

In addition, part-time workers who work more than three fourths of the weekly working hours of ordinary workers employed at the same place of business include this.

It is desirable to provide medical examination for part-time workers who work more than one –half approximately even less than three fourths of the weekly working hours.

##### ② Periodical Medical Examination (Ordinance, Article 44)

Object persons for periodical medical examination are workers as a regular employee same as the case of medical examination when having employed a new worker

\* If workers who have a time period with labor contract still work more than one year with renewing the contract, they need to take periodical medical examination.

##### ③ Medical examination for those engaged in specified work (Ordinance, Article 45)

The employer shall provide worker who is transferred to the fixed harmful works, such as work to handle a large quantity of intensely heated material, work to receive an extreme vibration, etc. with a medical examination by a physician once every period within a year.

##### ④ Medical examination on specified items for those engaged in harmful work (Article 66, Paragraph 2 and 3)

The employer shall provide worker who is engaged in the fixed harmful works, such as work in compressed air, etc with a medical examination on specified items by a physician when having employed, transferred, and regularly.

##### ⑤ Measures for following-up the medical examination (Article 67-2 to 7)

- i The employer shall hear medical doctor's advice about remarks and aftercare within 3 months after the day of the medical examination.
- ii The employer shall take necessary measures, such as a change of workplace and work, cutting work hours, working environment measurement, establishment/maintenance of facilities/equipments and other measures with the advice above as necessary.
- iii The employer shall endeavor to provide the worker who gets medical treatment as necessary with health guidance by a doctor, etc.
- iv The employer shall submit a report of the results of a periodical medical examination on the form to the Chief of the competent Labor Standards Inspection Office.

#### (5) Prohibition of employment of the sick (Article 68)

The employer shall prohibit the placement to work for the workers who have contracted the fixed communicable diseases and other diseases.

\* The sick shall be prohibited to work

- ① A person who has contracted an infectious disease which is liable to communicate infectious agents to other person (such as SARS)
- ② A person who is suffering from such diseases as a heart disease, kidney disease or a lung disease which are anticipated to worsen the person's physical condition as a result of employment in work

\* Those engaged in specified work shall be prohibited to work

- ① The employer shall prohibit from working for the period deemed to be necessary by the medical doctor lead-and tetraalkyllead-poisoned workers who are diagnosed by the medical doctor as not being appropriate to be engaged in the work to sustain their health. (The Lead Ordinance Article 57 and Tetraalkyl Lead Poisoning Ordinance Article 26)
- ② The workers who are affected by the following disease are prohibited to work with high pressure for the period deemed necessary by a doctor. (The High Pressure Work Ordinance, Article 41)
  - i Decompression sickness or other damage or permanent damage from high pressure
  - ii Tuberculosis of lung, other tuberculosis of respiratory apparatus or acute upper respiratory infection, pneumoconiosis, emphysema, and other disease of respiratory apparatus
  - iii Anemia, cardiac valvular disease, coronary sclerosis, hyperpiesia and other blood or circulatory disease
  - iv Psychoneurotic disease, alcoholic intoxication, neuralgia, and other disease related to psychoneurotic
  - v Labyrinthine syndrome or tympanitis, other disease with tubal stenosis
  - vi Articular inflammation, rheumatism, and other locomotor apparatus disease
  - vii Asthma, fatness, Basedow disease, other allergy, disorder of endocrine system, disease related to substance metabolism or nourishment

#### (6) Health education, etc. (Article 69 and 70)

The employer shall make continuous and systematic efforts for the maintenance and promotion of workers' health by taking necessary measures such as providing health education, health counseling to the workers, convenience for sports, and recreation.

---

### < Measures to create a comfortable working environment >

---

The employer shall endeavor to create a comfortable working environment in order to improve the level of safety and health in the workplace by taking continuous and systematic measures as follows: (Article 71-2)

#### (1) To manage the maintenance of a comfortable working environment

To manage the maintenance proper working condition, such as temperature or lighting intensity, etc.

#### (2) To improve work practices engaged in by workers

To give a consideration to allow ease of work as well as to properly display easy to see for equipment and business equipment, etc.

(3) To establish or maintain facilities or equipment to refresh workers' fatigue suffered in the course of their work

To ensure a break room which has facility to be able to lie down as to be able to heal for fatigue and stress effectively.

(4) To establish or maintain necessary facilities or equipment at a workplace

To make lavatory or changing room, etc. clean and easy to use all the time

---

## < Inspection, etc. >

---

"Inspection" is a checkup for workplace to discover a violation.

The inspection includes 3 types: ①periodic inspection, ②declared inspection (by whistle-blowing) ③ Re-inspection ( after ①and②)

If the employer gets "correction recommendation" at periodic inspection, it is necessary to start to make an improvement the situation immediately.

"Re-inspection" is a bad situation with no response to the advice, such as correction recommendation, and lead to be sent to prosecutors for investigation.

(1) Notification of plans, etc. (Article 88)

The employer, when intends to construct, install, move, or alter the main structure of, machines, etc. which require the dangerous or harmful work, are used in dangerous places (boiler, equipment for drying), shall notify the plan to the head of relevant labor standards supervision office no later than 30 days prior to the date of commencement of the said work.

(2) Order of suspension of use, etc. (Article 98 and 99)

The Director of the Prefectural Labor Bureau or the Chief of the Labor Standards Office may, where there exists a fact in violation, order to stop whole or part of the work, to stop or alter the use of whole or part of the building, etc., or other matters necessary for preventing industrial accidents, to the employer.

(3) Training directive for the person engaged in work to prevent industrial accidents.

The Director of the Prefectural Labor Bureau may, in case that the industrial accident occurred and when he/she finds it necessary to prevent the recurrence of industrial accidents, instruct the general safety and health manager, etc. who involved in the said industrial accident to have, take a training course.

---

## < Penal provisions >

---

Penal provisions of violations are as follows:

**(1) A person who violated the provisions of measures to be taken by employers (Article 119)**

A person who comes under following items shall be punished with a penal servitude not exceeding six months, or with a fine not exceeding 500,000 yen:

- ① The employer who appointed an Operations Chief and did not have the said person direct the employees engaged in the said work and handle other matters
- ② The employer who used boiler which do not have an inspection certificate
- ③ People who used Class-2 pressure vessel which do not have a certification for individual inspection
- ④ The employer who did not provide special education for the safety and health related to the said work when assigning workers to dangerous or harmful work

**(2) Violation to organization for safety and health management (Article 120)**

A person who comes under the following items shall be punished with a fine not exceeding 500,000 yen:

- ① The employer who appointed a general safety and health manager and did not have the said person direct the work
- ② The employer who did not establish the health committee
- ③ The employer who did not provide education for safety and health related to the works when having employed a new worker
- ④ People who used a crane without prescribed certification

Try to do thorough safety and health management always for the university without penal provisions.

We can achieve it for sure if each person prepares to do, retain a strong interest in the safety and health as well as do the following things: discover unsafe/unsanitary condition earlier, and avoid unsafe/unsanitary action.

Our goal is to establish health and safety workplace and learning environment, which to aim a university leading the world in 21th century.

Kumamoto University Safety and Health Management Organization

