INTERNATIONAL LABOUR OFFICE

Governing Body

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TWELFTH ITEM ON THE AGENDA

Report of the Director-General

Third Supplementary Report: Report of the committee set up to examine the representation alleging non-observance by Japan of the Private Employment Agencies Convention, 1997 (No. 181), made under article 24 of the ILO Constitution by the Japan Community Union Federation

Introduction

1. In a communication dated 8 September 2009, the Japan Community Union Federation made a representation to the Office, in accordance with article 24 of the Constitution of the International Labour Organization, alleging non-observance by the Government of Japan of the Private Employment Agencies Convention, 1997 (No. 181), ratified in 1999 and currently in force in Japan.

2. The following provisions of the ILO Constitution relate to representations:

Article 24

In the event of any representation being made to the International Labour Office by an industrial association of employers or of workers that any of the Members has failed to secure in any respect the effective observance within its jurisdiction of any Convention to which it is a party, the Governing Body may communicate this representation to the government against which it is made, and may invite the government to make such statement on the subject as it may think fit.

Article 25

If no statement is received within a reasonable time from the government in question, or if the statement when received is not deemed to be satisfactory by the Governing Body, the

latter shall have the right to publish the representation and the statement, if any, made in reply to it.

3. In accordance with article 1 of the Standing Orders concerning the procedure for the examination of representations under articles 24 and 25 of the ILO Constitution, as revised by the Governing Body at its 291st Session (November 2004), the Director-General acknowledged receipt of the representation, informed the Government of Japan and brought it before the Officers of the Governing Body.

4. At its 306th Session (November 2009), the Governing Body found the representation to be receivable and appointed a committee to examine the matter. The Committee consisted of Mr Greg Vines (Government member, Australia), Mr Peter Anderson (Employer member, Australia), and Mr Kurshid Ahmed (Worker member, Pakistan). At its 312th Session (November 2011), the Governing Body appointed Ms Tara Williams (Government member, Australia), replacing Mr Vines, and Ms Helen Kelly (Worker member, New Zealand), replacing Mr Ahmed.

5. In a communication received on 29 January 2010, the Japan Community Union Federation provided additional information concerning the representation.

6. The Government of Japan submitted its written observations in a communication dated 27 May 2010 and supplied further information in communications dated 6 September, 15 September 2010 and 8 March 2012.

7. The Committee met on 20 and 26 March 2012 to examine the case and adopt its report.

Consideration of the representation

The complainant's allegations

8. In its communication of 8 September 2009, the complainant alleges the non-observance by Japan of the Private Employment Agencies Convention, 1997 (No. 181). In this regard, the complainant refers to the legislation on private employment agencies and to a specific employment situation which occurred at the Iyo Bank.

9. According to the complainant, a temporary worker's employment contract with the Iyo Bank (user enterprise) was not renewed for the first time in 13 years at the Bank after the worker sought an apology for alleged harassment by a superior. The complainant states that the Bank's official ground for termination was contract expiration. The complainant indicates that the worker had been employed by Iyogin Staff Service (staffing/temporary work agency), an entity legally distinct from but wholly owned by the Iyo Bank. However, the worker's duties at the Bank had been identical to those of regular employees.

10. The complainant submits that two types of temporary work agencies are recognized in Act No. 88 of 5 July 1985 for securing the proper operation of worker dispatching undertakings and improved working conditions for dispatched workers (hereinafter referred to as the "Worker Dispatch Law"): a "specified worker dispatching undertaking" which regularly employs workers for an indefinite or a definite period longer than a year; and a "general worker dispatching undertaking", which employs workers only under a definite term contract of one year or less. The complainant further states that the latter category of agencies enter into short-term contracts with their workers only if the workers are assigned to a user enterprise. This is colloquially known as "registration-type dispatch", as opposed

to "regular dispatch", since workers are only "registered" with, but not employed by, the agency prior to their work assignment.

11. The complainant states that the relationship of the temporary employment agency with the plaintiff in the Iyo Bank case was a "registration-type dispatch" and concludes that both the period during which the worker's contract was repeatedly renewed (February 1987–May 2000) and the substance of the worker's duties violates the restrictions of temporary employment contracts under the Worker Dispatch Law, which regulates temporary work agencies.

12. In the complainant's view, this was also evident from the decision of the lower instance court. The Matsuyama District Court held for the worker by finding an implicit employment contract between the plaintiff and the user enterprise (Iyo Bank). This decision was overturned by the appellate court (Takamatsu High Court) denying the plaintiff's employment relationship with the bank and recognizing as legally relevant only the definite term contract between the worker and the temporary work agency (Iyogin Staffing Agency), under which the expiration of a term was a valid ground for dismissal. According to the complainant, the appellate court also indicated that some facts of the case, including individual interview, type of assigned work, and repeated contract renewal, might point to a violation of the Worker Dispatch Law. The complainant indicates that the Supreme Court did not uphold the worker's petition on appeal and thereby upheld the decision of the appellate court. A dissenting opinion, however, observed that the case merited the Court's review because there was "ample room" to find an indefinite employment relationship between the worker and the temporary work agency and consider that a valid reason for termination also applied to temporary workers.

13. The complainant alleges that the Supreme Court decision in the Iyo Bank case violates the concept of "employment" provided in Article 1(1)(b) of Convention No. 181 under which the private agency assumes the role of an employer. The complainant is of the view that the decision denied the temporary worker's right to expect continued employment and failed to recognize the temporary work agency's responsibilities as an employer, regardless of the duration of the employment relationship. The complainant submits that this decision also violates Article 11 of the Convention under which member States are required to ensure adequate protection for employees of temporary work agencies.

14. Finally, the complainant alleges, more generally, that the Worker Dispatch Law violates Articles 1(1)(b) and 11 of the Convention if the legislation was interpreted as the Supreme Court did in the Iyo Bank case.

15. Taking into account the above, the complainant makes three recommendations:

(1) the Government should prohibit "registration-type dispatch" in principle so that the agency cannot be relieved from its responsibilities as an employer;

(2) if the "registration-type dispatch" continues to be legal, the Government should limit the reasons for termination irrespective of whether a user enterprise dismisses a worker or refuses to renew the contract so that workers employed by temporary work agencies are able to properly exercise their employment rights; and

(3) the Government should ensure the same employment rights to workers in temporary work agencies as those enjoyed by directly employed workers.

The Government's response

16. In its reply, the Government provides information on the worker dispatch system introduced in Japan with the enactment of the Worker Dispatch Law in 1985. The Government describes two types of "worker dispatching". The first is a "registration-type dispatch" in which workers who seek to undertake dispatch work are registered in advance with a dispatching business operator and when requested by a dispatch receiver company, registered workers with the necessary skills are dispatched to the dispatch receiver company while being employed by the dispatching business operator. The second type is the "regular dispatch" in which workers are regularly employed by a dispatching business operator and are dispatched to dispatch receiver companies as part of their business activities. Even in the event that a worker is not dispatched to a dispatch receiver company, the employment contract between the dispatching business and the dispatch worker continues. The Government indicates that under the Workers Despatch Law, 1985, worker dispatching was restricted to certain eligible activities. Certain types of work including 26 specialized service types were excluded from the Worker Dispatch Law, 1985, and were specified by a Cabinet Order as services that require specialist knowledge, skills or experience in order to be promptly and accurately achieved, or require specific employment management due to peculiarities of the form of employment in terms of the workers engaged in these services. The Government further indicates that the liberalization of these activities through several legislative revisions led to the current system. The worker dispatch system functions to regulate the supply and demand of labour, and the Government states that it makes every effort to secure the proper operation of worker dispatching undertakings and protect dispatched workers in accordance with Convention No. 181.

17. The Government indicates that the Worker Dispatch Law of 1985 was revised on a number of occasions, and the most significant are the 1999 and 2003 amendments. The 1999 amendments were a result of the adoption of Convention No. 181 and were implemented from the perspective of responding to social and economic changes and to ensure a range of options for workers. Specifically, the revisions included positioning the worker dispatch system as a measure for the supply and demand of urgent and temporary labour, the liberalization of eligible activities, and the imposition of obligations on dispatch receiver companies to make efforts to directly employ dispatched workers under certain circumstances.

18. According to the Government, the 2003 amendments were a response to the severe employment situation and the diversification of working styles, and were implemented from the perspective of eliminating the mismatch between labour supply and demand and to respond to diverse needs. Specifically, the revisions included the extension of the periods for which dispatching is permitted, the elimination of prohibition of worker dispatching to manufacturing businesses, and the obligation of dispatch receiver companies to offer employment contracts to dispatched workers under certain circumstances.

19. The Government provides information indicating that, under the system of worker dispatching, the entity employing dispatched workers differs from the entity instructing dispatched workers, and it may become unclear where the responsibilities as an employer lie. For this reason, a number of regulations exist to protect the rights of dispatch workers. Specifically, details such as the work activities and workplace of dispatched workers have to be prescribed in a worker dispatch contract between the dispatch business operator and the dispatch receiver company, in order to clarify the working conditions of the dispatched worker. Furthermore, the Labour Standards Law applies in principle to dispatch business operators, as the employers. However, certain provisions of the Labour Standards Law are subject to special provisions and also apply to dispatch receiver companies. Similarly, the Industrial Safety and Health Act and the Equal Employment Act also apply in principle to

dispatch business operators, as the employers, and certain provisions of these laws also apply to dispatch receiver companies.

20. The Government also provided reference materials to illustrate the evolution of the statutory framework of worker dispatching, information on corrective measures against violations of the legislation concerning worker dispatching undertakings, as well as cases in which "corrective guidance" was taken by the authorities against worker dispatching undertakings in accordance with sections 14, 21, 48 and 49 of the Worker Dispatching Law. In 2008, there were 11,666 cases of guidance to dispatch business operators and dispatch receiver companies combined, 6,506 of which were corrective guidance in writing. According to the data made available by the Government, the number of dispatched workers increased from 1,070,000 in 1999 to 2,360,000 in 2003 and 3,990,000 in 2008. Dispatch business operators continued to increase, from 12,653 in 1999 to 22,148 in 2003 and 83,667 in 2009. Dispatch receiver companies continued to rise from 264,439 in 1999 to 424,853 in 2003 and 1,276,030 in 2008.

21. The Government further states that a Bill to revise the Worker Dispatch Law was submitted to the Diet following a December 2009 report by the Labour Policy Council. The Bill sought to enhance the protection of dispatched workers and prohibit "registration-type dispatch" and worker dispatching to manufacturing businesses. Furthermore, it aimed to improve the treatment of dispatched workers, to increase the level of enforcement and penalties and to assume an employment relationship between the temporary worker and the user enterprise when temporary work has been performed illegally. In September 2010, the Government provided updated information on the draft Bill. The revised legislation was intended to prohibit in principle the dispatch of workers who are not "regular workers" and the dispatch of workers to the manufacturing industry. Regular workers are defined as workers employed for an indefinite duration or for a definite period exceeding one year. The Government also expressed its intention to review the system related to worker dispatch undertakings aiming to enhance measures to protect dispatched workers and stabilize their employment. In a further communication dated 8 March 2012, the Government provided information on the pending Bill before the Diet and indicated that the Bill was substantially amended in the House of Representatives. The amendment made would mean that "registration-type dispatch" would not be prohibited; the 26 specialized service types would continue to be excluded from the scope of the Worker Dispatch Law and worker dispatching in the manufacturing industry would continue to apply.

22. With regard to the issues raised by the complainant, the Government indicates that, due to the constitutional separation of powers, it is not in a position to comment on the judicial decisions referred to by the complainant. It admits, however, that "as a general consideration" assigning temporary agency workers outside the 26 areas enumerated in the Worker Dispatch Law for a period longer than a year would require action to enforce the Law through the measures stipulated in its section 48. Besides allowing for guidance, advice and recommendations, this section of the Worker Dispatch Law further provides for administrative actions in the form of corrective guidance, order for improvement, order to suspend business, and the disqualification of a license. Furthermore, the user enterprise may be subjected to guidance in the form of a publicized recommendation. The Government further indicates that there were 11,666 cases of corrective guidance in 2008, including four orders for improvement, two orders to suspend business, and one disqualification. These figures show an increase of enforcement measures when compared to the year 2000, which included 5,402 cases of corrective guidance.

23. The Government states that "worker dispatch", as defined in section 2(i) of the Worker Dispatch Law, is in conformity with Article 1(1)(b) of the Convention. Section 2(i) of the Law defines "worker dispatch" as "causing a worker employed by one person so as to be engaged in work for another person under the instruction of the latter, while maintaining

his/her employment relationship with the former". According to the Government, the Worker Dispatch Law ensures the protection of workers employed by temporary work agencies as equivalent to the protections required by Article 11 of the Convention. Furthermore, the Labour Standards Law, the Industrial Safety and Health Act, and the Equal Employment Act, also ensure that workers employed by temporary work agencies are provided with the same level of statutory protections as afforded to other workers.

24. In response to the complainant's first recommendation that the "registration-type dispatch" be prohibited in principle to ensure the full exercise of employers' responsibilities, the Government states that the worker dispatching system in Japan is governed by a number of regulations to which dispatch business operators and dispatch receiver companies are subject, which ensure performance of the employment responsibilities and the protection of rights for dispatched workers under labour laws, and that these are in conformity with Convention No. 181. The dispatch business operator is the employer in worker dispatching undertakings, meaning the legal responsibilities as an employer lie with the dispatch business operator. As the entity which instructs dispatched workers is the dispatch receiver company, the latter bears the obligations as the user enterprise. The Government further states that this separation between the entity which employs a dispatched worker and the entity which instructs a dispatched worker may lead to a lack of clarity with regard to which party holds the employment responsibilities and a loss of protection for dispatched workers. The Government, however, indicates that provisions in the Worker Dispatch Law prevent this potential lack of clarity.

25. In order to clarify the working conditions of dispatched workers, the Government refers to section 26 of the Worker Dispatch Law which provides that worker dispatch contracts between dispatch business operators and dispatch receiver companies must prescribe details of the activities of dispatched workers, the place of work, instructor/supervisor, period of dispatch, start and finish time of dispatch work, rest periods, matters concerning ensuring health and safety, complaints system, and matters concerning the responsible party acting for the dispatch business undertakings and the responsible party in charge of dispatch receiving.

26. Furthermore, the Government also indicates that the dispatch business operator is required to promote the welfare of dispatched workers, ensure appropriate working conditions, appoint a responsible party acting for the dispatch business undertakings, prepare a dispatch management record, take measures as required to seek stable employment for dispatched workers, handle complaints appropriately, promote the use of labour and social insurance, and take measures to protect personal information (sections 30 to 38 of the Worker Dispatch Law; Guidelines concerning measures to be taken by dispatch business operators).

27. The Government also indicates that responsibility with regard to the application of the Labour Standards Law rests in principle with the dispatch business operator which has a work contract relationship with the worker during dispatch. However, the dispatch receiver company, which has no work contract relationship with the worker, gives specific instructions to the worker in connection with business during dispatch, and installs and manages equipment and machinery at the actual workplace.

28. The Government reports that, in order to prevent a loss of protection of workers during dispatch, the dispatch receiver company is required to assume responsibility for matters associated with the specific work of the dispatch receiver company for which it is difficult to assign responsibility to the dispatch business operator due to the situation of worker dispatch, and matters for which it is appropriate to assign responsibility to the dispatch receiver company in order to achieve efficient protection for dispatched workers. The Worker Dispatch Law establishes provisions for the special application of the Labour

Standards Law, making provisions of the Labour Standards Law applicable to the dispatch receiver company, as the user enterprise, and thereby protects the rights of dispatched workers (section 44 of the Worker Dispatch Law).

29. The Industrial Safety and Health Act applies in principle to the dispatch business operator, as the employer; however, certain provisions thereof are subject to special application provisions, and also apply to the dispatch receiver company (section 45 of the Worker Dispatch Law).

30. The Equal Employment Act also applies in principle to the dispatch business operator, as the employer; however, certain provisions thereof are subject to special application provisions, and also apply to the dispatch receiver company (section 47(2) of the Worker Dispatch Law).

31. Additionally, the burden of responsibility for enrolment in labour and social insurance lies solely with the dispatch business operator. However, the dispatch business operator must give notice to the dispatch receiver company regarding the eligibility of the insured for health insurance, welfare pension insurance and employment insurance, and where the dispatch receiver company considers the grounds for non-enrolment in labour and social insurance unreasonable, it is to request the dispatch business operator to dispatch workers after enrolment (section 35 of the Worker Dispatch Law, Guidelines concerning measures to be taken by dispatch receiver companies).

32. Furthermore, the number of persons not enrolled and grounds for non-enrolment in labour and social insurance are to be appended in the form of an attached business plan at the time of granting or renewing licenses for general worker dispatching undertakings or at the time of notification of specified worker dispatching undertakings, and site checks are carried out by the Department of Social Insurance on dispatch business operators suspected of not enrolling workers in social insurance (Ordinance for Enforcement of the Worker Dispatch Law).

33. Regarding the complainant's second recommendation that the Government place restrictions on reasons for dismissal or refusal to renew the contract upon expiration, the Government indicates that the existing restrictions on permitted reasons under the Labour Contract Act and the Labour Standards Law also apply to "registration-type dispatch work". The Government further states that, according to the judicial precedent, and even if the form of the contract was a definite-term labour contract, the principle of misuse of the right of dismissal may be analogously applied, where there was no practical difference compared to a contract with no definite term, or where it was reasonably expected, based on the situation of repeated renewals or the procedure at the time of the signing of the contract, that employment was continued.

34. In response to the complainant's third recommendation that workers employed by temporary work agencies be provided with the same substantive rights under the labour law as regularly employed workers, the Government refers to its response regarding the complainant's first recommendation. The Government further highlights that temporary work agencies are regulated by license and notification systems and that enforcement measures and the criteria for the granting of licenses was strengthened in recent years.

The Committee's conclusions

35. The Committee notes that the representation alleges non-observance of the Private Employment Agencies Convention, 1997 (No. 181). It notes the complainant's allegations and the information submitted by the Government in reply to these allegations. The

Committee further notes that Japan's labour force is divided between non-regular and regular workers. Within the non-regular category, there are a variety of employment contracts, including part-time workers, contract workers, and dispatched workers. The Government indicated in its reply that, as of 2009, dispatched workers account for 6 per cent of non-regular workers. The Committee also takes note of the most recent information received by the Government concerning the amendments to the Worker Dispatch Law.

36. The Committee further notes that the following provisions of Convention No. 181 relate to the representation:

Article 1

1. For the purpose of this Convention the term ***private employment agency*** means any natural or legal person, independent of the public authorities, which provides one or more of the following labour market services:

(…)

(b) services consisting of employing workers with a view to making them available to a third party, who may be a natural or legal person (referred to below as a "user enterprise") which assigns their tasks and supervises the execution of these tasks;

(…)

Article 5

1. In order to promote equality of opportunity and treatment in access to employment and to particular occupations, a Member shall ensure that private employment agencies treat workers without discrimination on the basis of race, colour, sex, religion, political opinion, national extraction, social origin, or any other form of discrimination covered by national law and practice, such as age or disability.

(…)

Article 11

A Member shall, in accordance with national law and practice, take the necessary measures to ensure adequate protection for the workers employed by private employment agencies as described in Article 1, paragraph 1(b) above, in relation to:

(a) freedom of association;

(b) collective bargaining;

(c) minimum wages;

(d) working time and other working conditions;

(e) statutory social security benefits;

(f) access to training;

(g) occupational safety and health;

(h) compensation in case of occupational accidents or diseases;

(i) compensation in case of insolvency and protection of workers claims;

(j) maternity protection and benefits, and parental protection and benefits.

37. The Committee notes that the complainant alleges that the Supreme Court decision in the Iyo Bank case violated the concept of "employment" provided for in Article 1(1)(b) of Convention No. 181, under which the private agency assumes the role of an employer. The Committee notes the Government's statement in this regard indicating that, due to the constitutional separation of powers, it was not in a position to comment on the judicial decisions referred to by the complainant. Nevertheless, the Government referred to the Worker Dispatch Law which provides for administrative actions in order to prevent assigning temporary agency workers for a period longer than one year outside the specific

26 areas enumerated in the statutory framework. The Committee further notes that in this specific case, the user enterprise was not subject to any corrective guidance by the authorities and, therefore, as required by Article 11 of the Convention, the Government may have failed to take the "necessary measures to ensure adequate protection for the workers employed by private employment agencies as described in Article 1, paragraph 1(b)".

38. The Committee further notes the complainant's allegation that the judicial decision denied the temporary worker's right to expect continued employment and failed to recognize the temporary work agency's responsibilities as an employer, regardless of the duration of the employment relationship or the complaint of harassment. According to the Government, the Worker Dispatch Law ensures the protection of workers employed by temporary work agencies as equivalent to the protections required by Article 11 of the Convention. The Committee notes the statement of the Government as well as the supporting documentation provided by it that the Labour Standards Law, the Industrial Safety and Health Act, and the Equal Employment Act, also apply in principle to dispatch business operators, as the employers, and certain provisions of these laws also apply to dispatch receiver companies. The Committee notes that this information does not indicate whether the provisions of Article 5, paragraph 1, of the Convention apply to both the dispatch business operators and the dispatch receiving companies.

39. The Committee notes the three recommendations raised by the complainant to which the Government replied in its communications. First, the complainant requested that the Government prohibit "registration-type dispatch" in principle so that the agency cannot be relieved from its responsibilities as an employer. Second, if the "registration-type dispatch" continues to be lawful, the Government should limit the reasons for termination irrespective of whether a user enterprise dismisses a worker or refuses to renew the contract, so that workers employed by temporary work agencies are adequately protected. Third, the Government should ensure that the same employment rights to workers in temporary work agencies are afforded as those enjoyed by directly employed workers. The Committee notes the Government's statement in this regard indicating that the separation between the entity which employs a dispatched worker and the entity which instructs dispatched workers can lead to a lack of clarity with regard to which party holds the employment responsibilities. In this respect, the Committee refers to paragraph 313 of the 2010 General Survey concerning employment instruments, in which the Committee of Experts on the Application of Conventions and Recommendations highlighted the need to have a clear legal framework in place to secure adequate protection in the areas covered by the Convention. The Committee of Experts further indicated that, given the particularities of working arrangements in which employees work for a user enterprise that assigns and supervises the execution of the work and the indeterminacy of responsibility, it is necessary for member States to address these particularities through measures that ensure that in each case effective responsibility is determined. It invites the Government to take the necessary action to remove any doubt as to the application to all workers of the provisions of Convention No. 181, including Article 5, paragraph 1.

40. The Committee notes that according to the Government the various legislative provisions referred to provide, in principle, some protection to dispatched workers. The Committee also notes the concern expressed by the Government on new problematic forms of dispatch working such as dispatching on a daily basis without proper management, workers continuously being engaged in dispatch work for a long time as a result of having no alternative options and cases of dispatching to prohibited businesses.

41. The Committee notes the recent information from the Government that, – unlike the information earlier provided concerning the adoption of amendments to the Worker Dispatch Law that would strengthen the protection afforded to dispatch workers by

prohibiting in principle the "registration-type dispatch" and worker dispatching to manufacturing business – these earlier proposed legislative amendments were not retained. This means that while some welcome improvements to the rights of dispatch workers will be achieved, the system for registration-type dispatch workers leading to this complaint would appear to continue to operate largely unchanged. This is also the case in regards to worker dispatch to manufacturing businesses. The Committee, in light of the information provided by the Government concerning the lack of effective protection for dispatched workers under these arrangements, invites the Government to take all the necessary measures to bring the legislation and practice in line with Articles 1, 5 and 11 of Convention No. 181.

42. The Committee welcomes the consideration being given to including in the amendments now before the Diet provisions that would ensure: (a) a more balanced treatment for dispatched workers by ensuring that, in case of illegal dispatching, a dispatch receiver company shall be deemed to have offered a labour contract to a dispatched worker; (b) the prohibition of "exclusive dispatching" – which relates to worker dispatching undertakings conducted for the purpose of providing worker dispatching exclusively to specific entities; and (c) the prohibition of the proportion of dispatch workers at a relevant dispatch receiver company from exceeding 80 per cent of the total workforce. The Committee further notes that the new Bill would significantly increase the authorities' power to control illegal dispatches by providing that: (i) in the event of illegal dispatch, the dispatch receiver company will be deemed to have offered a contract of employment to the dispatched workers; and (ii) poor quality dispatch receiver companies may receive a recommendation or be named publicly without prior guidance.

43. Considering the information provided by the Government on current trends affecting dispatched workers, the Committee expresses its firm hope that the new Bill will soon be enacted into law in order to ensure "adequate protection" for all workers employed by private employment agencies in accordance with Articles 1, 5 and 11 of the Convention. The Committee wishes to refer to the importance of consulting the social partners on the legislative provisions in question.

The Committee's recommendations

44. ***In light of the conclusions set out above concerning the issues raised in the representation, the Committee recommends that the Governing Body:***

(a) approve the present report;

(b) invite the Government to take due note of all the matters raised in the above conclusions as well as the measures requested in paragraphs 38, 41, 42 and 43 above and to provide a detailed report this year under article 22 of the ILO Constitution in respect of the Private Employment Agencies Convention, 1997 (No. 181);

(c) entrust the Committee of Experts on the Application of Conventions and Recommendations with following up the matters raised in this report with respect to the application of Convention No. 181;

(d) make this report publicly available and close the procedure initiated by the representation of the Japan Community Union Federation alleging non-observance by Japan of Convention No 181.

(Signed) Ms Williams

Mr Anderson

Ms Kelly

Point for decision: Paragraph 44