

Interpretation Pertaining to the “Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones” Prescribed in Article 16-3 of the Act on National Strategic Special Zones

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Cabinet Office
Ministry of Justice
Ministry of Health, Labour and Welfare
Ministry of Economy, Trade and Industry

With regard to the Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones (hereinafter referred to as the “Project”) prescribed in Article 16-3, paragraph (1) of the Act on National Strategic Special Zones (Act No. 107 of 2013; hereinafter referred to as the “Act”), the contents of housekeeping services, requirements for foreign nationals conducting such services, and criteria for public or private organizations in Japan accepting said foreign nationals (hereinafter referred to as the “Specified Organizations”) are specified by Cabinet Order. The guidelines are provided pursuant to paragraph (3) of the same Article to specify measures to be taken by the Specified Organizations concerning the implementation of training and the provision of information, etc. for said foreign nationals, as one of the criteria to be met by the Specified Organizations (hereinafter referred to as the “Guidelines”).

The above-mentioned Cabinet Order and the Guidelines are interpreted as follows:

No. 1 - Activities to Provide Housekeeping Services (Re: Cabinet Order Article 15)

1. Content and Scope of the Activities to Provide Housekeeping Services (Re: Cabinet Order Article 15)
 - (1) “Cleaning” prescribed in Cabinet Order Article 15, item (iii)

This includes not only the cleaning of floors, areas equipped with a water supply, and kitchens, but also furniture, etc.
 - (2) “Daily life care and necessary protection of children” prescribed in Cabinet Order Article 15, item (v).

- (i) “daily life care and necessary protection of children”

This includes picking up and dropping off of children;

- (ii) “provided together with”

Considering whole housekeeping services, this refers to cases where the services set forth in items (i) to (iv) and item (vi) of the same Article (hereinafter referred to as the “Services other than Item (v)”), are mainly implemented and the services referred to in item (v) of the same Article are incidentally implemented. In the case where only the services referred to in item (v) of the same Article are implemented, or the services which are implemented in place of childcare at day-care centers, etc., such cases are not to be interpreted as “provided together with.” These are not limited to cases where services are implemented at the same time or location as Services other than Item (v).

- (3) “Acts necessary for daily life at home” prescribed in Cabinet Order Article 15, item (vi).

In addition to sewing, packing, receiving packages including mail and home deliveries, etc., preparing bedding, and gardening, it includes repair services provided comprehensively with cleaning prescribed in item (iii) of the same Article at a household using services care services.

- (4) Provisions of housekeeping services to a household including a senior citizen such as a person requiring long-term care.

This program accepts foreign nationals who conduct housekeeping services as personnel conducting housekeeping services. Insurance benefits including public nursing care insurance, etc. are not expected to be paid for services conducted by personnel conducting housekeeping services.

Furthermore, housekeeping services herein do not include an act of providing physical nursing care services such as bathing, excretion clean up and feeding, etc. for the purpose of contributing to mitigate or prevent the worsening of the conditions of the long-term care of service users.

On the other hand, foreigners conducting housekeeping services may provide housekeeping services to a person requiring long-term care, etc. and his/her family at a household including a senior citizen, such as a person requiring long-term care. At that time, housekeeping services generally include services such as accompanying and helping a person requiring long-term care, etc.; for example, assisting a service user to move to a

dining table, accompanying such individuals when going out including shopping, and preparing clothing and assisting with a change of clothing accompanied, thereby.

No.2. Requirements Foreigners Conducting Housekeeping Services should meet (Re: Cabinet Order Article 16)

1. A foreign national who has at least one year experience of work concerning housekeeping services or housekeeping assistance (Re: Cabinet Order Article 16, item (ii))

This refers to a foreigner conducting housekeeping services whose performance concerning housekeeping services is able to be verified by a certificate, etc. issued by a Personnel Training Agency referred to in No. 2-2, paragraph (1) of the description below or a resume; being employed as an employee by an enterprise or being directly employed by a household using services for one year or more (the employer of such foreigner conducting housekeeping services is not limited to that of the country in which such a foreigner has their nationality or domicile (hereinafter referred to as the “Country of Origin, etc.”)).

2. A foreigner who has knowledge and skill necessary for properly engaging in activities to provide housekeeping services (Re: Cabinet Order Article 16, item (ii))

This refers to a foreigner who completed training (limited to training which conforms to those (2) below) conducted by a personnel training agency which meets the criteria referred to in (1) below (hereinafter referred to as the “Personnel Training Agency”) in their Country of Origin, etc., and who holds a certification of the government of said country and is permitted to work overseas by said country, and who completed training concerning the lifestyle in this country (Japan).

- (1) Criteria for the Personnel Training Agency

These must be agencies meeting both criteria (i) and (ii) as follows:

- (i) that a certification, etc. is given to said Personnel Training Agency by the State, as an agency implementing training referred to in (2) below;
- (ii) that said Personnel Training Agency has a track record in training personnel conducting housekeeping services for three years or more.

- (2) Training content at the Personnel Training Agency

A course in housekeeping services, the curriculum of which mainly includes the following subjects, and which offers two hundred hours or more of training:

- (i) basic skills (communication, acting as a team player, safety and hygiene, etc.);
- (ii) common skills (building a good relationship with clients, performance management, etc.);
- (iii) specialized skills (cleaning, washing, cooking and serving meals, etc.).

3. Competence in the Japanese language necessary for engaging in activities to provide housekeeping services (Re: Cabinet Order Article 16, item (iii)):

Competence in the Japanese language necessary for engaging in activities to provide housekeeping services is to be approximately at the level of N4 of the “Japanese-Language Proficiency Test (JLPT)” hosted by the Japan Foundation and the Japan Educational Exchanges and Services.

To be specific, a foreign national is required to have competence in the Japanese language at the level of N4. However, this shall not apply in the case where a foreigner is employed by a Specified Organization fully meeting requirements (i) to (iii) below as in the case of conducting housekeeping services not including the duties set forth in Article 15, item (v) of Cabinet Order for a household with foreign nationals:

- (i) that a Specified Organization is to provide a household using services with thorough explanations for Japanese language proficiency of a foreigner conducting housekeeping services at the time of concluding the contract, pursuant to the method designated by the Specified Organization, and have a foreigner conducting housekeeping services provide housekeeping services only if said household using services expressly agrees to such explanations;
- (ii) that a Specified Organization is to have a foreigner conducting housekeeping services provide housekeeping services only if sufficient communication takes place among a Specified Organization, a household using services, and a foreigner conducting housekeeping services utilizing a language other than Japanese;
- (iii) that a Specified Organization is to have a foreigner conducting housekeeping services receive training for emergency responses such as reporting to the police or fire station before or after entry into Japan and prior to the commencement of housekeeping services.

No. 3 Criteria to be Met by the Specified Organizations (Re: Cabinet Order Article 17)

1. Taking necessary measures in light of the Guidelines (Re: Cabinet Order Article 17, item (i))

- (1) Address of its headquarters or its own office (Re: No.4, paragraph (1) of the Guidelines):

A Specified Organization is required to have its headquarters or its own office “within the zone for conducting the project or a zone in a municipality adjacent thereto.” In this case, twenty-three wards of Tokyo Metropolitan area are treated as “a municipality.”

- (2) Direct employment on a full-time basis (Re: No.4, paragraph (1) of the Guidelines):

It refers to direct employment under the working conditions where the number of working days is five days or more per week, and two hundred and seventeen days or more per year, and weekly work hours are thirty hours or more (including traveling time for business (without commuting time)).

- (3) Duties incidental to activities to provide housekeeping services (hereinafter referred to as the “Incidental Duties”) (Re: No.4, paragraph (8) of the Guidelines):

“Activities to provide housekeeping services” includes filling-out a time sheet, contacting and reporting to a Specified Organization before and after the commencement of the duties, other liaison and adjustment with a Specified Organization, participation in training offered by a Specified Organization, implementing on-the-job training for newly-appointed staff, and handing over duties, etc., in addition to the duties set forth in the items of Cabinet Order Article 15 that are conducted at a household using services, etc. (including preparations for said duties).

Incidental Duties refers to duties necessary for providing the above-mentioned duties, which meet all of the following items (i) to (iii). For example, such duties include preparing a daily job report, participating in an explanatory meeting for service users conducted by a Specified Organization, and clerical work related to activities to provide housekeeping services, etc. (such as delivering fliers, etc.).

- (i) that said Incidental Duties are essential for adequately conducting activities to provide housekeeping services in which a foreigner conducting housekeeping services engages;
- (ii) that a Japanese employee, who engages in equivalent activities to provide housekeeping services, engages in the duties whose contents are similar to those of

said Incidental Duties;

- (iii) that the hours of engaging in said Incidental Duties do not exceed that of engaging in similar duties of a Japanese employee who engages in equivalent activities to provide housekeeping services, and that said hours are thirty percent or less of working hours of each month.

- (4) “Training” for foreigners conducting housekeeping services by a Specified Organization (Re: No.4, paragraph (9) of the Guidelines):

A Specified Organization must implement the following contents of training by devising such training at its discretion:

- (a) “Educational Training concerning the Activities to Provide Housekeeping Services”

Provide twenty hours or more of introduction of training such as attitude to work and communication, readiness for and the significance and basic business skills of housekeeping services, manners, emergency responses, etc. (such as handling trouble with a household using such services, etc., self-protection measures, and reporting to the police or fire station);

- (b) “Related Laws and Regulations that a Foreigner should Understand for Staying in Japan”

Explain points of attention such as procedures concerning resident cards, procedures for re-entry permission, procedures for extending a period of stay, and grounds for deportation.

<Reference>

- Guidance on the various procedures

http://www.immi-moj.go.jp/tetuduki/t_main.html

- Immigration Bureau Booklet (Guide to Immigration Control)

http://www.immi-moj.go.jp/seisaku/s_main.html

- (c) “Related Laws and Regulations that a Foreign National should Understand for Working in Japan”

Explain matters concerning working conditions and labor contracts, etc.

<Reference>

- Useful Labor Laws ~Basic Knowledge Necessary for Work~

<http://www.mhlw.go.jp/file/06-Seisakujouhou-12600000-Seisakutoukatsukan/z.pdf>

○Is this legal? - Labour laws useful are explained in cartoons in Q&A format

http://www.mhlw.go.jp/file/06-Seisakujouhou-11900000-Koyoukintoujidoukateikyoku/kosodatesienin20150521_1.pdf

(d) “Dedicated Offices to Accept Complaints and Consultations”

Explain dedicated offices of the Specified Organizations, etc. for accepting complaints and consultations concerning work and life (including consultations pertaining to occupational changes).

(e) Training for the duties set forth in Cabinet Order Article 15, item (v) (voluntary in the case of not conducting said duties)

Explain matters referring to the related training subjects implemented in child care support staff training (basic training and specialized training (common subjects and elective subjects in a regional childcare course (regional childcare))) (matters concerning child development, prevention of child abuse, the life of and playing with infants, development and psychology of infants, meals and nutrition for infants, health management and securing safety of children), and training subjects, etc. concerning home-visit childcare, etc.

Moreover, if training referred to in item (a) is found insufficient in terms of securing adequate implementation of the duties referred to in the same item with regard to communication in Japanese (conversing in Japanese at a household using services and rules, etc. in daily life) and emergency responses, necessary training is to be conducted.

<Reference>

○“Implementing a Child Care Support Staff Training Program” (Notice from the Director of the Equal Employment, Children and Families Bureau of the Ministry of Health, Labour and Welfare as of May 21, 2015) (Appended Table 1, 2-1)

http://www.mhlw.go.jp/file/06-Seisakujouhou-11900000-Koyoukintoujidoukateikyoku/kosodatesienin20150521_1.pdf

(5) Involuntary Resignation at a Specified Organization (Re: No.4, paragraph (10) of the Guidelines)

If an organization which intends to accept a foreigner conducting housekeeping services as a Specified Organization, at a single office, has dismissed thirty or more workers who were engaging in the duties which newly accepting foreigners conducting housekeeping services are to engage in for a period of one month or less in the last three years, against their will, such a Specified Organization will be considered not to satisfy the

requirements.

2. Financial base necessary for implementation of the Project and other capacity sufficient to properly carrying out the Project (Re: Cabinet Order Article 17, item (ii))

- (1) “Financial Base”

An organization has completed its corporate registration, and is in a sound financial condition in terms of revenue and profits, etc. in the last three years according to financial statements including a profit and loss statement, and a balance sheet.

- (2) “Other Capacity”

An organization has prepared a system to provide guidance for activities to provide housekeeping services in which foreigners conducting housekeeping services engage and to provide guidance and consultations, etc. regarding points of attention in daily life in Japan.

3. Performance of an agency business to provide housekeeping services or assistance in Japan for at least three years (Re: Cabinet Order Article 17, item (iii))

A person who conducts business pertaining to housekeeping services or assistance refers to a person who has a track record in business pertaining to any of the duties set forth in items (i) to (vi) of Cabinet Order Article 15. This is not limited to persons who have a track record in business pertaining to all of the duties set forth in the items of the same Article.

Conducting a business pertaining to housekeeping services or assistance suffices. Thus, it is not limited to a business operator which operates said business on a full-time basis, or as a principal business.

If a Specified Organization is a company that has conducted business integration, etc., business performance of such a Specified Organization shall include that of the affiliated companies prior to the business integration, etc.

4. Wrongful or particularly unjustifiable act (Re: Cabinet Order Article 17, item (i) and item (iv), (f) and (i))

- (1) If a Specified Organization conducts any of the following acts (including a corporation that includes persons who conduct said acts among its officers), in light of the criteria prescribed in Cabinet Order Article 17, item (iv), (f) and (i), such Specified Organizations

may not accept a foreigner conducting housekeeping services until the day on which five years have passed since said act was conducted:

- (i) an act of violence, threats or confinement against an employed foreigner conducting housekeeping services committed by a Specified Organization;
- (ii) an act of confiscating a passport or residence card of an employed foreigner conducting housekeeping services committed by a Specified Organization;
- (iii) an act of not paying part or all of allowances or remuneration to be paid to an employed foreigner conducting housekeeping services committed by a Specified Organization;
- (iv) in addition to what are set forth in items (i) to (iii), an act of serious infringing the human rights of an employed foreigner conducting housekeeping services committed by a Specified Organization;
- (v) an act of causing an employed foreigner to conduct duties outside the scope of activities to provide housekeeping services specified in Cabinet Order Article 15 (including duties incidental thereto) committed by a Specified Organization;
- (vi) for the purpose of concealing a fact concerning misconduct pertaining to specified activities to provide housekeeping services set forth in items (i) to (v) or items (vii) to (xii), an act of using or providing a forged or altered document or drawing, or a false document or drawing committed by a Specified Organization;
- (vii) an act of collecting a deposit (under any name) from a foreigner conducting housekeeping services or any person who has a close relationship with said foreigner, and an act of concluding a contract that specifies penalties (under any name) for the breach of a labor contract or other contracts that includes provisions for unfair transfer of money or other property (excluding the acts falling under items (iii) and (iv)), committed by a Specified Organization;
- (viii) with regard to allowances, remuneration or the hours of implementation pertaining to specified activities to provide housekeeping services of an employed foreigner conducting housekeeping services, an act of arranging with a foreigner conducting housekeeping services the content different from the content of the application referred to in 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 (Cabinet Order No. 319 of 1951; hereinafter referred to as the "Immigration Control Act"), committed by a Specified Organization (excluding the act falling under item (v));

- (ix) an act of causing another organization different from the content of the application referred to in Article 6, paragraph (2), Article 7-2, paragraph (1), Article 20, paragraph (2) or Article 21, paragraph (2) of the Immigration Control Act to conduct specified activities to provide housekeeping services, committed by a Specified Organization, or an act of conducting specified activities to provide housekeeping services committed by such another organization (excluding the act falling under item (v); and not including the case where a foreigner conducting house keeping services are permitted for changing a Specified Organization which he/she are to be accepted pursuant to the procedures for changing the status of residence prescribed in Article 20 of the Immigration Control Act);
- (x) that a missing person among foreigners conducting housekeeping services employed by a Specified Organization falls under item (a) or item (b) (excluding a case where there is no reason attributable to a Specified Organization):
 - (a) according to the total number of accepted foreigners conducting housekeeping services set forth in the left column of the chart below (referring to the total number of foreigners conducting housekeeping services employed by said organizations; hereinafter the same applies in item (b)) in the case of incurring missing persons in the number of persons set forth in the right column of the same chart or more (any fractional figure less than one is to be rounded up; hereinafter the same applies in item (b)) within the past one year;

Total Number of Accepted Persons	Number of Persons
50 persons or more	Three Twentieths of the Total Number of Accepted Persons
20 persons or more, but 49 persons or less	Eight persons
19 persons or less	Three Eighths of the Total Number of Accepted Persons

- (b) according to the total number of accepted foreigners conducting housekeeping services set forth in the left column of the chart below in the case of incurring missing persons in the number of persons set forth in the right column of the same chart or more in the past six months.

Total Number of Accepted Persons	Number of Persons
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50 persons or more	Nine Eightieths of the Total Number of Accepted Persons
20 persons or more, but 49 persons or less	Six Persons
19 persons or less	Nine Thirty-Seconds of the Total Number of Accepted Persons

- (xi) that a Specified Organization engages in any of the acts set forth in Article 24, item (iii)-4, (a) to (c) of the Immigration Control Act against a foreign national, or incites or aids a foreign national to engage in any of said acts;
 - (xii) an act of violating the provisions of the Labor Standards Act or the Industrial Safety and Health Act and other similar laws, and regulations thereto concerning specified activities to provide housekeeping services, committed by a Specified Organization (excluding the acts falling under items (i), (iii), and (iv)).
- (2) If five years have not passed since a Specified Organization engaged in any of the following acts (including a corporation that includes a person who conducts said acts among its officers), such Specified Organizations, which are deemed not applicable to the criteria referred to in Cabinet Order Article 17, item (i), “an organization that has taken necessary measures in light of the guidelines,” may not accept a foreigner conducting housekeeping services:
- (xiii) an act of receiving the confirmation of the third party management council referred to in No.2, paragraph 2-(1) of the Guidelines by wrongful means, and an act of employing a foreigner conducting housekeeping services without obtaining said confirmation or after receiving a notification for non-conformity with the criteria specified in Cabinet Order Article 17, committed by a Specified Organization;
 - (xiv) a failure to report to the third party management council in cases falling under No.6, paragraph 3-(2) of the Guidelines upon engaging in misconduct pertaining to specified activities to provide housekeeping services of foreigners set forth in (1), or in cases falling under No.6, paragraph 3-(3) of the Guidelines due to the occurrence of reasons that make it impossible to maintain specified activities to provide housekeeping services of foreigners, committed by a Specified Organization;
 - (xv) in addition to what are set forth in item (xiv), a failure to report to the third party management council referred to in No.6 and No.7, paragraph (4) of the Guidelines, committed by a Specified Organization;

- (xvi) a failure to establish an office referred to in No.8 of the Guidelines, or to handle complaints and consultations, committed by a Specified Organization;
- (xvii) for the purpose of concealing a fact concerning misconduct pertaining to specified activities to provide housekeeping services set forth in items (viii) to (xvi), an act of using or providing a forged or altered document or drawing, or a false document or drawing, committed by a Specified Organization.