

# **Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones**

September 9, 2015  
Decision by the Prime Minister

Based on the provisions of Article 16-3, paragraph (3) of the Act on National Strategic Special Zones (Act No. 107 of 2013), the Guidelines on Specified Organizations for Project to Accept Foreigners Conducting Housekeeping Services in National Strategic Special Zones have been decided as follows.

## **No. 1 Purpose and Objective**

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 (hereinafter referred to as the "Act") aims to accept foreign nationals who engage in activities to provide housekeeping services (limited to such foreign nationals who satisfy the requirements specified by Cabinet Order based on said paragraph; hereinafter referred to as "foreigners conducting housekeeping services") at specified organizations based on employment contracts, on a trial basis, within national strategic special zones under a management system controlled by the third party management council established under the Council on National Strategic Special Zones with the aim of promoting women's active social participation and responding to their needs for housekeeping services and from the perspective of ensuring medium- to long-term economic growth. Based on the provisions of paragraph (3) of said Article, these guidelines specify measures to be taken by specified organizations in relation to this project for the purpose of ensuring proper and reliable implementation thereof, such as requiring them to provide training and information to the foreign nationals they are going to accept, and seek collaboration with relevant administrative organs.

## **No. 2 Definition**

The terms used in these guidelines shall follow the definitions used in the Act and as set forth as follows:

1. The term "relevant local government" means a local government which governs a zone designated as one where activities to provide housekeeping services are to be carried out in an approved zone plan prescribed in Article 9, paragraph (1) of the Act that specifies this project (hereinafter such plan is referred to as the "approved zone plan" and such zone is referred to as the "zone for conducting the project") and which is specified in the approved zone plan.
2. The term "third party management council" means a council consisting of the relevant local governments, the Office for Promotion of Overcoming Population Decline and Vitalizing Local Economy in Japan, Cabinet Office, regional Immigration Bureaus, prefectural Labor Bureaus,

and regional Bureaus of Economy, Trade and Industry which is established under the Council on National Strategic Special Zones with the aim of properly and reliably carrying out this project by conducting the following duties and to which other relevant institutions may be added as necessary through consultations among these agencies:

- (1) duties relating to the confirmation as to whether organizations that intend to accept foreigners conducting housekeeping services as specified organizations conform to the criteria specified by Cabinet Order based on Article 16-3, paragraph (1) of the Act (hereinafter referred to as the "criteria for specified organizations");
  - (2) duties relating to the acceptance of reports from specified organizations and the related hearings thereof;
  - (3) duties relating to the audit for specified organizations;
  - (4) duties relating to the protection of foreigners conducting housekeeping services;
  - (5) duties relating to measures in the case where a specified organization is no longer able to maintain the employment of a foreigner conducting housekeeping services;
  - (6) other duties necessary for properly and reliably carrying out this project.
3. The term "household using services" means the household that uses services provided by foreigners conducting housekeeping services within the zone for conducting the project.

### **No. 3 Provision of Services by Foreigners Conducting Housekeeping Services**

1. Based on a contract concluded with a household using services, a specified organization provides services by foreigners conducting housekeeping services to said household at the location of its residence, etc.; provided, however, that the organization must not have any foreigner conducting housekeeping services live in a residence, etc. of a household using services for providing housekeeping services.
2. A specified organization must not provide services by foreigners conducting housekeeping services in any zone other than the zone for conducting the project.
3. When a specified organization intends to conclude a contract for the provision of services by foreigners conducting housekeeping services with a household using services, it must specifically decide the content of the services clearly in advance. A specified organization must fulfill its responsibility as an employer of foreigners conducting housekeeping services it employs and must not have any foreigner conducting housekeeping services work at a household using services under direction and control of said household.

### **No. 4 Employment of Foreigners Conducting Housekeeping Services**

1. A specified organization must directly employ a foreigner conducting housekeeping services on a full-time basis at its headquarters or its own office located within the zone for conducting the project or a zone in a municipality adjacent thereto (when the approved zone plan separately designates any other zone, within said other zone), and must conclude an employment contract in writing that clearly defines job content, employment period, remuneration and other

employment conditions.

2. When a specified organization concludes an employment contract pursuant to the provisions of the preceding paragraph, it must clearly and properly decide who will bear travel expenses and other expenses and how to share the burden, etc. by means of an agreement among the parties and conclude the contract in writing.
3. The amount of the remuneration referred to in paragraph (1) must be no less than a Japanese counterpart who engages in equivalent activities to provide housekeeping services.
4. When a specified organization concludes a contract referred to in paragraph (1), it must not have any foreigner conducting housekeeping services engage in activities to provide housekeeping services under this project for more than three years in total.
5. Upon accepting a foreigner conducting housekeeping services, a specified organization must not confiscate and manage any money or other property from said foreigner or his/her family member or any person who has close relationship with said foreigner (hereinafter referred to as a "foreigner conducting housekeeping services, etc.") whether as a deposit or for any other reason, and must not conclude with a foreigner conducting housekeeping services, etc. any contract that specifies penalties for the breach of a labor contract or other contract that includes provisions for unfair transfer of money or other property.
6. When any other organization is involved in the acceptance of a foreigner conducting housekeeping services referred to in the preceding paragraph, the specified organization must confirm that confiscation of a deposit, management of property, or conclusion of any contract as prescribed in said paragraph has not been conducted between said other organization and the foreigner conducting housekeeping services, etc. and must not conclude any such contract with said other organization.
7. A specified organization must secure residence of a foreigner conducting housekeeping services within a prefecture that includes the zone for conducting the project (when the approved zone plan separately designates any other zone, within said other zone).
8. A specified organization must not have a foreigner conducting housekeeping services do duties other than activities to provide housekeeping services (including duties incidental thereto).
9. A specified organization must provide a foreigner conducting housekeeping services with necessary training such as educational training concerning activities to provide housekeeping services, training with regard to related laws and regulations that the foreigner should understand for staying and working in Japan and dissemination of dedicated offices to accept complaints and consultations. In this case, when an organization intends to have a foreigner engage in activities to provide housekeeping services including duties set forth in Article 15, item (v) of the Order for Enforcement of the Act on National Strategic Special Zones (Cabinet Order No. 99 of 2014), the organization must also provide said foreigner with training relating to said duties (including training to have the foreigner acquire communication skills in Japanese and to enhance his/her response capacity in an emergency).
10. A specified organization must not dismiss, against their will, a corresponding number of

employees currently engaging in duties that newly accepting foreigners are to engage in.

#### **No. 5 Confirmation of Specified Organizations' Conformity to the Criteria**

An organization that intends to accept a foreigner conducting housekeeping services as a specified organization must prepare an application using a form separately specified and file it with the third party management council covering the national strategic special zone that contains the zone where the organization intends to provide housekeeping services, and must obtain the council's confirmation that the organization conforms to the criteria for specified organizations.

#### **No. 6 Report to the Third Party Management Council**

1. A specified organization must prepare a report on the following matters using a form separately specified and submit it to the third party management council once a month:
  - (1) The number of households using services with which the organization newly concluded a contract during the reporting period and locations of residences of such households;
  - (2) The number of households that actually used services provided by foreigners conducting housekeeping services and the number of times they used services during the reporting period.
2. A specified organization must prepare a report on the following matters using a form separately specified and submit it to the third party management council at least once every three months:
  - (1) the state of employment, during the reporting period, of foreigners conducting housekeeping services and Japanese employees who engage in duties equivalent to those of foreigners conducting housekeeping services;
  - (2) the state of engagement in work, during the reporting period, of foreigners conducting housekeeping services and Japanese employees who engage in duties equivalent to those of foreigners conducting housekeeping services;
  - (3) the state of provision of housekeeping services, during the reporting period, by foreigners conducting housekeeping services and Japanese employees who engage in duties equivalent to those of foreigners conducting housekeeping services;
  - (4) the state of provision of training to foreigners conducting housekeeping services;
  - (5) the number and content of complaints or consultations from foreigners conducting housekeeping services and households using services during the reporting period;
  - (6) the state of securing working conditions;
  - (7) the state of securing safety and health;
  - (8) the state of purchase of employment insurance, industrial accident compensation insurance, health insurance, and employees' pension insurance.
3. In the following cases, a specified organization must make a report promptly to the third party management council:
  - (1) when there has been any change in the matters for which the organization has filed an application pursuant to the provisions of No. 5 (including cases where the organization

- newly employs a foreigner conducting housekeeping services and cases where any foreigner conducting housekeeping services it had employed has resigned);
- (2) when the organization no longer conforms to any of the criteria for specified organizations;
  - (3) when the organization is no longer able to maintain the employment of a foreigner conducting housekeeping services due to any circumstances (including cases where a foreigner conducting housekeeping services has gone missing);
  - (4) when any significant problem has arisen with regard to any foreigner conducting housekeeping services or activities to provide housekeeping services by any foreigner conducting housekeeping services;
  - (5) other cases where a report is necessary for ensuring proper and reliable implementation of this project.
4. In addition to cases referred to in the preceding paragraphs, when requested by the third party management council, a specified organization must make a report promptly with regard to the state of implementation of this project or other necessary matters in response to said request.

#### **No. 7 Audit by the Third Party Management Council**

1. With regard to the following matters, a specified organization must undergo an audit by the third party management council at least once a year at its headquarters or its own office that directly employs foreigners conducting housekeeping services:
  - (1) matters relating to the provision of housekeeping services in a proper manner;
  - (2) matters relating to the securing of proper working conditions (including the obligation to secure remuneration for foreigners that is no less than that for a Japanese counterpart who engages in equivalent activities to provide housekeeping services under the provisions of No. 4, paragraph (3));
  - (3) matters relating to the securing of safety and health;
  - (4) matters relating to purchase of employment insurance, industrial accident compensation insurance, health insurance, and employees' pension insurance;
  - (5) matters relating to observance of the Immigration Control and Refugee Recognition Act (Cabinet Order No. 319 of 1951);
  - (6) other matters that the third party management council considers necessary.
2. In addition to cases referred to in the preceding paragraph, when the third party management council finds a necessity in light of the content of the report, etc. referred to in No. 6, a specified organization must undergo an audit by the third party management council, in response to a request by the council, at its headquarters or its own office that directly employs foreigners conducting housekeeping services.
3. In the course of an audit under the provisions of the preceding two paragraphs, when requested by the third party management council, a specified organization must provide explanations on the matters to be audited by submitting documents or by other proper means.
4. In the course of an audit under the provisions of paragraph (1) and paragraph (2), when requested

by the third party management council to take corrective measures within a specified time limit from the perspective of ensuring proper and reliable implementation of this project, a specified organization must take said corrective measures within said time limit and make a report on the details thereof to the third party management council.

#### **No. 8 Protection of Foreigners Conducting Housekeeping Services**

1. A specified organization must establish an office to accept complaints and consultations from foreigners conducting housekeeping services and prepare a system to properly deal with such complaints and consultations, and at the same time must put in place a mechanism to protect foreigners conducting housekeeping services in cases such as where they are unfairly treated at households using services.
2. A specified organization must not dismiss or otherwise treat disadvantageously any foreigner conducting housekeeping services on the grounds that the foreigner has made a complaint or a consultation pursuant to the provisions of the preceding paragraph.

#### **No. 9 Measures to Secure Return Trip Fees and Other Provisions for Safeguarding Foreigners' Return**

1. When a foreigner conducting housekeeping services cannot pay return trip fees due to illness or other compelling reasons, a specified organization must bear said expenses.
2. A specified organization must prepare necessary measures so as to secure the return trip fees, in the case referred to in the preceding paragraph, even when it cannot bear the return trip fees due to bankruptcy or other compelling reasons, such as through concluding an agreement with other specified organizations.
3. A specified organization must not have the relevant foreigner conducting housekeeping services bear the return trip fees prescribed in the preceding two paragraphs by such means as deducting the amount from his/her wages.

#### **No. 10 Measures when the Employment of Foreigners Conducting Housekeeping Services Can No Longer be Maintained**

When a specified organization no longer conforms to the criteria for specified organizations or it is no longer able to maintain the employment of a foreigner conducting housekeeping services due to any other reason attributable to itself, and if the foreigner is not responsible and wishes to continue staying in Japan under this project, the organization should endeavor to find another specified organization that will accept said foreigner.

#### **No. 11 Collaboration among Specified Organizations**

In order to ensure smooth and reliable implementation of this project such as smooth implementation of measures prescribed in No. 9, paragraph (2) and No. 10, specified organizations should endeavor to establish a council consisting of all specified organizations.