and accident fixed amount insurance, because the provisions of accident insurance can be applied to the contract for life insurance and accident insurance in the form of compensation for damages but not to the fixed amount insurance that is neither accident insurance nor life insurance.

As I mentioned above, the contract of life insurance and accident fixed amount insurance is a contract where an insurer promises to pay a certain insurance on the condition of a person's accident and sickness (Art. 2(ix) of the insurance law). This contract has in common with the contract for life insurance; both of them are the contracts in which the insurances stipulated by the contracts are paid if a certain insured accident has occurred. The contract for life insurance and accident fixed amount insurance is critically different from the contract for life insurance in that the insured event of the former is accident and sickness. However, it is common to both of these two contracts that insurances can be paid if a person died of accident or sickness.

In the life insurance, the causes of mortality are not limited to accident or sickness and the insurances can be paid if the consequence of a person's death has occurred. To the contrary, in the contract for life insurance and accident fixed amount insurance, the insurances can be paid only if a person died of accident or sickness. To clarify this, Art. 2(viii) of the insurance law stipulates that the contract for life insurance and accident fixed amount insurance is eliminated from the life insurance.

As in the life insurance, the insured person in the contract for life insurance and accident fixed amount insurance is a person to whom the insurers pay the insurances on the condition of accident or sickness and does not mean the insurance beneficiary.

8. Labor Law

Partial amendment to the Law Concerning the Improvement of Employment Management, etc. of Part-Time Workers
Law No. 72, June 1, 2007 (Effective on April 1, 2008)

Background:

The Part-Time Work Law concerning the employment management of part-time workers was enacted in Japan in 1993 for the first time, prescribing the responsibility of employers, etc. in Article 3, the formulation by the central government of a basic policy on measures concerning the promotion of employment management in Article 5, the employer's measures concerning the improvement of employment management in Article 6, etc. However, the Law before this revision was just a law for promoting the welfare of part-time workers based on the improvement of employment management through administrative guidance given to an employer, and did not regulate the details (rights and duties) of a contract between a part-time worker and his/her employer. Then the Law received much criticism, it being said that it did not fulfil its function to improve the employment of part-time workers.

The number of part-time workers - mostly female workers - has rapidly increased in Japan over these years. In 2007, about one quarter of the whole workforce or 41.7 percent of all female workers are part-timers who work for less than 35 hours agreed for the week. Workers like this were primarily engaged in subordinate jobs at the workplace in the past. However, recently, their role is changing into a workforce carrying out major jobs. But part-time workers are still treated at a level considerably lower than that of regular workers. For instance, the average hourly wage of female part-timers is 70.1 percent of that of female regular workers, and that of male part-timers is only 53.8 percent. One of the main reasons why an employer employs part-time workers is that it's easy to adjust employment due to their low wages. The big difference of treatment between regular workers and part-time workers still remained unchanged after the Part-Time Law was enacted in 1993.

Considering the establishment of fair rules of treatment, the guarantee of the rights of part-time workers, or the economic point of view as to making full use of part-time workers, such a difference of treatment poses a serious concern. Accordingly, the reinforcement of the Part-time Work Law is turning into a burning question, leading to this revision of the Law.

Major revised points:

There are four major revised points:

1. Duty to issue documents concerning working conditions and define them (Art. 6)

The former Law prescribed that an employer should endeavour to issue to a part-time worker documents in which working conditions like working hours are written when he/she employed the part-time worker. According to the revised Law, such conditions as the presence or absence of wage increases, bonuses or severance allowances were added to the list of working conditions to be defined by an employer (Article 1, paragraph 1, of Enforcement regulations). The employer is supposed to issue documents concerning it and define them. In breach of the duty, sanctions of fines are imposed on the employer (Art. 47).

The duty under Article 15 of the Labour Standards Law to issue documents and define working conditions when an employer employs a worker also applies to an employer who employs a part-time worker. What is important in this revision is that it has become necessary to define the presence or absence of wage increases, bonuses or severance allowances through issuing documents, which is not regulated by Article 15 of the Labour Standards Law. This shows the strengthening of the employer's duty because part-time workers tend to be presented with ambiguous working conditions which often cause trouble.

2. Equal or balanced treatment (Art. 1, 3, 8–11)

These articles are the most worthy of attention in this revision. The former Law just obliged an employer to endeavour to take measures for part-time workers in due consideration of the balance with regular workers. On the other hand, under the revised Law, part-time workers should be compared with regular workers in the next three requirements in order to classify them, and equal or balanced measures with regular workers on wages, education and training, and welfare should be provided to each of the part-time workers according to the level of requirements met by him/her, prohibiting within a limited scope discriminatory treatment of a certain number of part-time workers.

The three requirements used in finding by what level part-time workers are considered to be placed in the same category as regular workers

under the revised Law are (1) details of the job and the scope of responsibility for it, (2) the system of human resources exploitation and its operation, etc. (this checks the presence or absence of personnel shifts to part-time workers and its scope, specifically to compare two types of workers by whether job transfers or the conversion of work-positions is applied to them), (3) indefinite period of contract.

If a part-time worker meets all of the three requirements to find "they are considered to be placed in the same category as regular workers", the revised Law prohibits discriminatory treatment of the part-time worker in wage setting, implementation of education and training, and utilization of welfare facilities. Besides, concerning other part-time workers who meet one or two of the above requirements or do not meet any of them, the revised Law prescribes as follows: an employer should endeavour to set wages for a part-time worker with a definite period of contract for those who meet requirements (1) and (2) in the same way as for regular workers (for instance, if a regular worker's wage is paid on a monthly-basis, it should be also applied to a part-time worker's wage), and an employer should endeavour to set wages for a part-time worker who meets requirement (1) only, considering the details of their jobs, their output, their motivation, abilities, experiences, or the like. In addition, the revised Law stipulates that an employer should endeavour to treat part-time workers in a way balanced with regular workers. Balanced treatment shown here is considered to contain wider and more flexible measures than equal treatment.

3. Arranging opportunities for becoming a regular worker (Art. 12)

The revised Law implemented a system for encouraging part-time workers to become regular workers for the first time. Above all, the revised Law prescribes that an employer should take any measure on making public information on recruitment of regular workers on the notice board or the like, offering opportunities for part-time workers to apply for a new position where a regular worker is expected to be allocated, or arranging a test system for changing him/her into a regular worker or promoting this transformation.

4. Accountability for what was considered in deciding treatment

(**Art. 13**)

The revised Law prescribes that an employer should accept accountability for measures the employer is expected to take concerning treatment as to wages, promotion of transforming into a regular worker, or the like, when asked by the part-time worker.

Outline:

The revision was made in the very limited area of "part-time workers who are considered the same as regular workers"; however, considering that new provisions such as preventing discriminatory treatment between part-time workers and regular ones were implemented, the revised Law is beyond the legal character of a welfare law presented by the former Part-time Work Law. In order to correct a gap between part-time workers and regular ones and establish a rule of fair treatment among workers in Japan, it is important to impose legal regulations on employment contracts between parties from the viewpoint of the guarantee of the rights of part-time workers. In that sense, this revision is really a step toward realizing it. Additionally, inclusion of the employer's duty to take measures to treat part-time workers in a balanced way or to adopt a system for allowing them to become a regular worker and the employer's duty to explain such steps to a part-time worker would be helpful in seeking to improve the treatment of part-time workers.

However, the revised points have not a few problems or weaknesses.

One of those points is the matter of so-called "quasi-part-time workers" who work for the same hours as regular workers, but get worse treatment than regular workers in a similar manner to part-time workers, called "Part". They are not covered by the Part-time Work Law, and so do not get a guarantee under Article 8 of the Law. Other labour regulations including the Labour Contract Law have no explicit provisions preventing discrimination in employment types, leading to a vacuum in the law. It remains to be solved in labour legislation and legal construction.

The second is that the extent of part-time workers covered by the ban on discriminatory treatment is unreasonably exclusive. The revised Law requires three requirements referred to above in order to prevent discriminatory treatment. Concerning the comparison of "responsibility accompanied by the details of the job" shown in (1), the directive of the Health,

Labour and Welfare Ministry says that whether a part-time worker works overtime is also one factor to be considered for comparison. However, overtime work supposed to be originally an exception to work should not be a factor in deciding treatment. Furthermore, the "system of human resources exploitation and its operation, etc.(presence or absence of personnel shifts to part-time workers and its scope)" shown in(2)is a requirement bringing about disparate effects on female workers. Hence, the requirement should not be among the factors unless the necessity of personnel shifts or presence or absence of possible alternatives to be taken is considered. And, the presence or absence of a contract period shown in(3) is originally unrelated to equal treatment. The Ministry explains that only 3 or 4 percent of part-time workers fall under the three requirements. Accordingly, the extent of the provision of discriminatory treatment is remarkably narrow. Since the primary aim of the revised Law is still to realize balanced treatment through the employer's duty of endeavour, the revised Law is not enough to carry out the correction of differences between part-time workers and regular workers.

Considering that this revision is the first step, at what level and how the guarantee of rights of part-time workers including equal treatment is formed legally is a big challenge for the future for the construction of labour law or legislation.

9. International Law and Organizations

Multilateral:

Date Coming into Force with Respect to Japan	Date of Adoption	Title of Treaties and Agreements
Jun. 24, 2008	Nov. 24, 2006	Instrument d'amendement à la constitution de l'union internationale des télécommunications(Genève, 1992) tell qu'amendée par la Conférence de plénipotentiaires(Kyoto, 1994), par la