

Employment of Foreign Workers Q&A

Foreign Employees– Version 1 Front



Is it necessary to set a contract period for employment?

Can the contract be renewed after it ends?



An employment contract can be made without a fixed term.

If it has a fixed term, it can be renewed with the agreement of both the employer and the employee.

If this type of contract is renewed many times, and the total period becomes more than 5 years, the worker can ask to change it to a permanent contract.



I have a 3-year contract, but my employer says I must pay a 500,000 -yen penalty if I quit early.

Do I really have to pay it?



Employers are not allowed to impose penalties if a worker quits before the contract ends.



I was off work due to an injury from a workplace accident, but I was fired because the company said it was struggling financially.

In this case, is the company allowed to dismiss the worker?



An employer cannot dismiss an employee while they are on leave for recovery due to a work-related injury.

However, this provision does not apply if the continuation of the business becomes impossible due to a natural disaster or other unavoidable circumstances.



Are there other situations where dismissal is prohibited, besides leave for work-related injury or maternity leave and the additional 30-day allowance subsequent to the leave?



Dismissal is legally prohibited in the following cases :

- ① Due to nationality, beliefs, or social status.
- ② Because the worker filed a complaint with the Labor Standards Inspection Office or requested dispute resolution from the Prefectural Labor Bureau.
- ③ Because the worker is a member of a labor union or engaged in legitimate union activities.
- ④ Because the worker is a woman, got married, became pregnant, gave birth, or took maternity leave.
- ⑤ Because the worker requested or took childcare or nursing care leave.

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Q

Can I receive wages that have not yet reached the payment date when I resign?

A

When a worker resigns, any unpaid wages must be paid within seven days of the termination of contract, even if it is before the scheduled payday.



This activity is supported by the 5th grant of the "Red Feather Post-COVID Welfare Support Campaign" for assisting people with foreign roots.

Q

I was told that the factory will be closed for a week due to lack of work. Will I still be compensated with wages?

A

If work is suspended due to the employer's circumstances, the employer must pay the employee at least 60% of the wages they would have received.

Q

I usually work 8 hours a day, but when it gets busy, I sometimes have to work more than 13 hours a day, even past 10 p.m. In these cases, I still only get paid by multiplying the hours worked by my regular hourly wage of 1,200 yen. Is this acceptable?

A

For work beyond 8 hours a day, overtime pay must be provided at 125% of the regular wage. In your case, that means at least 1,500 yen per hour. Additionally, if you work between 10 p.m. and 5 a.m., late-night pay must also be added at 25% of the regular wage. When this overlaps with overtime, the total rate becomes 150%, meaning the company is required to pay at least 1,800 yen per hour during those hours.

Q

I requested to take three consecutive days of paid annual leave, but the company told me it's not allowed due to a constant labor shortage. Is this acceptable?

A

Paid annual leave should, in principle, be granted at the time requested by the employee. The employee can decide whether to take the leave in parts or consecutively. However, if granting leave at the specified time would disrupt the normal operation of the business, the employer can exercise the right to change the timing of the leave. That said, "constant labor shortage" cannot be used as a valid reason for changing the timing of the leave.