

Information on Technical Intern Training

— Native Language Consultation FAQs and Tips for Preventing Problems —

As you know, JITCO offers a Native Language Consultation Hotline to answer any questions, worries, or issues that technical intern trainees and trainees face during their stay in Japan. The following is a summary of answers and tips provided by the hotline in response to some of the most recent, frequently asked questions. Please take a look at them for your reference.

Q-1 : About overtime pay for technical intern trainees

A-1 : A technical intern trainee who has worked beyond legally stipulated working hours, such as by working overtime or on holidays, shall be paid an extra wage corresponding to the hours of excess work in accordance with the Labor Standards Law. Under this law, the extra wage for overtime work must be at least 25% higher than the normal wage rate, and the extra wage for working on holidays must be at least 35%

ぎのうじっしゅうじょうほう 技能実習情報

— 「母国語相談」によくある相談と トラブル防止のための留意点 —

JITCOでは、母国語相談窓口を設置し、技能実習生・研修生の皆さんからの疑問や悩みなどの相談に応じていることは、既にご承知のとおりです。

最近寄せられた相談の中から、特に多い相談の回答及び留意すべき点を紹介しますので参考にしてください。

Q-1 : 技能実習生の時間外手当（残業代）について

A-1 : 技能実習生が法定の労働時間を超えて、時間外又は休日労働を行った場合には、その労働時間について労働基準法に基づき割増賃金が支払われます。時間外労働については25%以上、休日労働については35%以上の割増賃金を使用者は支給しなければなりません。

実際の割増賃金の額や、割増賃金の支給対象となる時間外

higher than the normal wage rate.

Specific details regarding the amount of extra wages and overtime/holiday working hours that fall under the scope of extra wages are prescribed in the Notice of Employment Conditions or in the working regulations of each implementing organization (company). If you have any questions, do not hesitate to ask the training coordinator at your implementing organization or a counselor in a supervising organization.

Q-2 : About non-statutory deductions from wages (housing expenses, utility costs, etc.)

A-2 : All workers who are employed by a company or firm, including technical intern trainees, receive monthly payments from which statutory deductions are already made. Statutory deduction items include payments of the health insurance premium, employees' pension premium (and employees' pension fund premium, in the case of some companies), employment insurance premium, income tax, and residential tax in the case of some companies.

In addition to the above statutory deductions, in most cases housing expenses and utility costs are also deducted from the monthly payments of technical intern trainees. These expenses and costs constitute non-statutory deduction items, and are specified in the Employment (Labor) Contract or the Notice of Employment Conditions. Unlike statutory deductions, the amounts to be deducted for these non-statutory items are decided by agreement between the employer and the technical intern trainee based on the amounts specified in the Employment (Labor) Contract or the Notice of Employment Conditions.

When you sign or renew a labor contract with an implementing company, the company will issue a Notice of Employment Conditions. Be sure to check the notice and confirm your monthly salary or hourly wage, working hours, work breaks, holidays, and statutory and non-statutory deductions, and should you have any questions, be sure to ask them before signing the Employment Contract.

Q-3 : Taking a paid holiday

A-3 : All workers are legally entitled to paid holidays, and may apply for a paid holiday according to the procedure specified by the implementing organization. However, note that the implementing organization also has the right to ask its workers to reconsider the timing of their paid holiday if the holiday conflicts with business plans or there are other legitimate reasons. When you wish to take a paid holiday, do not make a one-sided demand, but decide on the dates of your paid holiday in prior consultation with your training coordinator or other relevant person in your implementing organization.

Technical intern trainees are legally given ten days of paid holiday after they complete the required lecture session upon entering Japan and participate in technical intern training for six months with an attendance record of 80% or higher. Thereafter they receive additional days of paid holiday as appropriate to the number of years they have worked under the technical intern training program.

If you have any questions not about paid holidays or

および休日の労働時間は、労働条件通知書や各実習実施機関(企業等)の就業規則等で定められています。技能実習生の皆さんの中で不明点がある方は、実習実施機関の指導員や監理団体の相談員に一度確認をしてみてください。

Q-2 : 賃金からの法定外控除(住居費、水道光熱費等)について

A-2 : 技能実習生を含む企業等で働く労働者は、毎月の給料から法定控除として、健康保険料、厚生年金保険料(企業によっては更に厚生年金基金保険料)、雇用保険料、所得税、企業によっては住民税が、法令等の定める料率により計算され控除されます。

さらに、大多数の技能実習生には、法定外控除費目として、労使協定に基づいて住居費・水道光熱費が控除される旨が雇用(労働)契約書・雇用条件通知書に明記されています。

これらの費目に関する控除金額は、法定控除とは異なり、雇用契約書や労働条件通知書に明記された金額に対して雇用者と技能実習生の合意によって決定されます。

技能実習生の皆さんは、雇用契約の締結や更新の時には、実習実施機関より、労働条件通知書が交付されますので、月給又は時給、就業時間、休憩、休日、法定控除及び法定外控除の金額について、必ず確認し、疑問がある場合は、雇用契約書に署名する前に質問をしてみてください。

Q-3 : 有給休暇の取得について

A-3 : 有給休暇は、法律上認められている労働者の権利ですが、実習実施機関が定める所定の手続きに従い取得をすることができます。ただし、実習実施機関にも業務上の予定等正当な理由がある場合には、取得時季の変更を労働者に求めることができますので、技能実習生の皆さんは一方的に取得を主張するのではなく、事前に指導員等と協議して取得日を決定してください。

日本入国直後の講習が終了し、技能実習が開始した日から6ヶ月経過した時点で、その期間の出勤率が80%以上あれば、法律上10日間の有給休暇が付与され、その後も勤務年数に応じて付与されます。

技能実習生の皆さんは、有給休暇だけでなく、年末年始の休暇、夏季休暇などの特別休暇について不明事項がある場合は、指導員に説明をお願いしてみてください。

about other special holidays, such as year-end and New Year holidays and summer holidays, feel free to ask your training coordinator.

Q-4 : About human rights protection

A-4 : According to the “Guidelines Concerning Entry and Residence Management of Technical Intern Trainees” issued by the Ministry of Justice Immigration Bureau, any attempt to unilaterally prevent technical intern trainees from making an outing or meeting with visitors, or to prohibit their owning a cellphone so they cannot contact family and friends, falls within the scope of injustice as an inappropriate management practice.

Additionally, supervising organizations and implementing organizations may not take the passport, bankbook, or alien registration card of any technical intern trainee or trainee for safekeeping even if so requested by them.

Please store and manage your passport, bankbook, and other personal valuables at your own responsibility.

Q-5 : About joining the national pension plan or employees' pension insurance program and claiming a lump sum withdrawal payment

A-5 : All technical intern trainees who reside in Japan (registered as an alien) and are above the age of 20 are obligated to join the national pension plan. Those who are employed by a corporate business or an individual business with five or more employees must join the employees' pension insurance program and pay the pension premium from their monthly salary (along with their health insurance premium).

When you complete your technical intern training program and are ready to return to your country, you may claim a lump sum withdrawal payment, provided that you have paid the insurance premium for more than six months and satisfy other requirements.

Since you are personally responsible for filing the claim, be sure to obtain the documents and pension book that you need to claim the lump sum withdrawal payment, and make sure you understand all you need to know about filing the claim by receiving specific instructions from your supervising organization or implementing organization prior to leaving Japan.

Q-4 : 人権保護について

A-4 : 法務省入国管理局の「技能実習生の入国・在留管理に関する指針」によると、技能実習生の外出や来客との面会の一方的な禁止や携帯電話の所持を禁止して親族や友人等との連絡を困難にすることは、不適切な管理として、不正行為認定等の対象としています。

また、旅券・通帳・外国人登録証明書等を監理団体や実習実施機関が預かることについては、仮に技能実習生や研修生からの要望があったとしても監理団体や実習実施機関は預かるべきではないとされています。

技能実習生の皆さんは、旅券や通帳などの貴重品は、自己責任で保管・管理してください。

Q-5 : 国民年金・厚生年金の加入、脱退一時金の請求について

A-5 : 日本の住所を有する（外国人登録をしている）20歳以上の技能実習生は、国民年金に加入することが義務づけられています。法人事業者や常時5人以上の従業員を使用する個人事業者の技能実習生は、原則として厚生年金保険へ加入することとなります。この場合、毎月給料から厚生年金保険料を（健康保険料とともに）納めなければなりません。

そして、技能実習生が、技能実習を修了して帰国の際に、年金保険料を6ヶ月以上納めていること等の諸条件を満たしていれば、脱退一時金の請求を行うことができます。

技能実習生の皆さんは、脱退一時金請求手続きを、自ら行うことが必要になりますので、帰国前に、監理団体や実習実施機関から脱退一時金の請求に係る資料や年金手帳等を必ず受け取ってください。具体的な手続きについては、監理団体や実習実施機関の担当者に、説明を求め、不明事項が無いようにしてください。