

It is not an "employee handbook." It is a 就業規則 — and it binds only **once workers can read it.**

Japan has **no common, legally binding "employee handbook"** that applies across employers. The nearest legal concept is the **就業規則 (Rules of Employment)** — but each employer writes its own for each workplace, so the contents differ from company to company. The Ministry publishes a **model** set of rules; it is a reference template, not a shared binding handbook.

And drawing one up is not the moment it takes effect. Rules of Employment bind as a norm only once they are **made known** to the workers they govern — filing them is an administrative step, not the switch that turns them on.

日本には、すべての雇用主に共通して適用される法的拘束力ある「従業員ハンドブック」は存在しない。最も近い法的概念が就業規則だが、各事業主が事業場ごとに作成するため内容は事業主ごとに異なる。厚労省のモデル就業規則は参考テンプレートであり、共通の拘束力ある手引きではない。そして「作成」した時点で効力が生じるのではなく、労働者への周知によって初めて法規範として拘束力を持つ（届出は行政手続であって効力要件ではない）。

WHAT MUST BE WRITTEN

・ 記載事項は2層

HEARING THE OPINION

・ 意見聴取と過半数代表

01 絶対的必要記載事項 — always required

Working hours: start and finish times, shift/alternating arrangements, breaks, days off, leave.

Wages: how they are determined, calculated and paid; closing and payment dates; pay raises.

Separation from employment: matters concerning 退職, including grounds for dismissal (→ note 04).

02 相対的必要記載事項 — required only if such a rule exists

Retirement allowance; special wages (e.g. bonuses); **minimum wage amount**; worker-borne costs (meals, work supplies); safety and health; vocational training; **compensation for injury or illness and support for non-work-related injury or illness**; commendation and sanctions (disciplinary measures); and **any other matters that apply to all workers at the workplace**. If the employer sets any of these, it must appear in the rules.

意見を聴く ≠ 同意を得る

CONSULTATION, NOT CONSENT — BUT THE REPRESENTATIVE MUST BE CHOSEN PROPERLY

HEARD ≠ AGREED

THE DUTY On making or changing the rules, **hear the opinion** of the majority union, or — if none — a majority representative LSA Art. 90. Agreement or consent is not required; a dissenting opinion still lets the filing be accepted.

• Who may represent — not in a position of supervision or management under LSA Art. 41(ii) (労基則6条の2), and chosen by a **democratic procedure** — a vote, a show of hands — open to all workers, including part-timers. An employer-named or auto-appointed representative does not qualify.

• Why it bites — **unfavourable change**. Failing to hear the opinion carries a fine, but does not by itself void the rules. Where the change is **disadvantageous**, however, an **improperly selected representative** may weigh against the **reasonableness** required under LCA Art. 10.

THE ORDER THAT GIVES IT FORCE

・ 施行の順番

1 ・ 意見聴取 HEAR THE OPINION

Hear the opinion of the majority union, or a majority representative LSA Art. 90.

▼

2 ・ 届出 FILE

File with the Labour Standards Inspection Office (10+ workers). **Not the effectiveness requirement.**

▼

3 ・ 周知 MAKE KNOWN

Make the rules known to the workers — the requirement for binding force.

▼

4 ・ 施行日 IN FORCE

Effect runs from the **later of** the date made known and the stated 施行日.

WHO MUST HAVE THEM, AND THE MODEL			
作成義務とモデル就業規則			
10 or more workers	Under 10	Per workplace	The model rules
A workplace that continuously employs 10 or more must draw up Rules of Employment and file them LSA Art. 89.	No duty to create or file. Rules adopted voluntarily can still become contract terms if reasonable and made known.	The statutory unit is the workplace, so two companies — or two sites — can hold different rules (→ note 02).	The Ministry's モデル就業規則 is a reference template only — not a common set that binds anyone by default.

The trap: "filed" does not mean "in force." Filing with the Inspection Office is an administrative act; it is **not** what gives the rules binding force. Rules that were never made known to the workforce do not bind it — the Supreme Court held that Rules of Employment take effect as a norm only where a procedure to make them known has been taken (フジ興産事件, 10 Oct 2003). This bites hardest on discipline: a 懲戒 cannot be imposed unless its grounds and types were set in the rules *and* those rules were made known.

「届出済み」は「効力あり」を意味しない。周知されていない就業規則は労働者を拘束せず（フジ興産事件・最判平15.10.10）、とりわけ懲戒は、事由と種別を就業規則に定め、かつ周知していなければ科せない。

就業規則 ≠ employee handbook	Filed ≠ in force	Consulted ≠ agreed	Model rules ≠ your rules
共通の手引きではない	届出は効力要件ではない	意見聴取は同意ではない	モデルは拘束力ある共通規則ではない

FOR THE ENGINE

Binding force turns on **being made known**, not on drafting or filing. Effective date = **later of** (made-known date, stated 施行日); a filed-but-unpublicised rule set has no norm-force. Treat filing as an administrative flag, never as the effectiveness switch.

Consultation is not consent — but hold the representative to the selection rule: not in a position of supervision or management, democratically chosen, all workers eligible. For an **unfavourable change**, a defective selection does not merely breach procedure; it erodes the reasonableness the change must clear under LCA Art. 10, so the change can fail. Model the content in two tiers — always-required vs required-only-if-set — and attach the discipline gate: no 懲戒 without a made-known rule.

LSA = Labor Standards Act (労働基準法); LCA = Labor Contracts Act (労働契約法); 労基則 = Ordinance for Enforcement of the Labor Standards Act. Grounds: LSA Arts. 89–90, Ordinance for Enforcement of the LSA Art. 6-2, LCA Art. 10, and フジ興産事件 (Sup. Ct., 10 Oct 2003). Unfavourable changes to working conditions through the Rules of Employment turn on reasonableness and are treated in a separate note. This note reflects the framework as of August 2026. General information, not legal advice. Key statutory terminology follows the Japanese Law Translation Database System (JLT).