Work injuries do not go through health insurance. They have their own system — and its own gate.

An injury or illness arising from work or commuting is, in principle, **outside health insurance entirely** — the Health Insurance Act carves it out. It is handled by **Industrial Accident Compensation Insurance (労災保険)** instead. So the first question is never "how much does health insurance pay?" but **"which system does this belong to?"** — and only then, inside 労災, "which of its categories applies?"

The gate into 労災 is not the employer's approval, the worker's nationality, or whether the company ever filed a single form. Those are not inputs to the decision at all.

業務上・通勤による傷病は、原則として健康保険の対象から外れ（健保法で除外）、労災保険が扱う。まず「どちらの制度か」が決まり、次に労災の中の「どの類型か」が決まる二段構造。労災の入口は会社の承認でも国籍でも加入手続の有無でもなく、それらは判定の入力ではない。

THE TWO GATES OF A 業務災害 · 業務災害は二つの門で判定する

01 業務遂行性 — were you under the employer's control?

Whether the worker was **within the employer's control and management** at the time — on the job, on the premises, on assigned duties. This is the entry gate: no control, no 業務災害.

02 業務起因性 — did the work cause it?

Whether there is a **causal relationship between the work and the injury or illness** — in doctrinal terms, whether a risk inherent in the work materialized. A causal link, not mere coincidence of time and place. Both gates must be passed: being on the premises during a private act (a lunch-break errand of one's own) can satisfy 遂行性 yet fail 起因性.

THE COMMUTE, PRECISELY · 通勤の範囲 — 寄り道は限定条件

03 What counts as 通勤 労災保険法7条

A **reasonable route and method** between home and work, between two workplaces, or between a posting and the family home. Deviation is tightly limited — see right.

DEVIATION HAS THREE STATES · 逸脱・中断の3段階

寄り道

NOT EVERY DETOUR BREAKS THE COMMUTE — BUT MOST DO

THE MIDDLE STATE IS THE DEFAULT

- **Trivial acts ささいな行為** — buying a drink on the route, using a toilet. **Never a break at all**; the commute continues throughout.
- **Deviation / interruption 逸脱・中断** — a cinema, a bar off-route. **The commute ends** — for the deviation *and everything after it*. This is the default for a real detour.
- **The narrow exception** — a listed daily-life act done to the minimum: buying daily necessities, medical treatment, voting, vocational training, caring for a family member needing care. The detour itself is still uncovered, but the commute **resumes once back on the route**.

THREE CATEGORIES 労災の3類型	業務災害 OCCUPATIONAL ACCIDENT	複数業務要因災害 MULTIPLE-EMPLOYMENT-FACTOR ACCIDENT *	通勤災害 COMMUTING ACCIDENT
WHAT IS TESTED	業務遂行性 **and** 業務起因性.	The combined burden across two or more jobs, assessed as a whole — for a worker no single job would have covered alone.	Whether the movement is 通勤 under Art. 7.
BENEFIT WORDING	Benefit names carry **補償** — e.g. 療養補償給付, 休業補償給付.	Names carry **複数事業労働者** instead — e.g. 複数事業労働者療養給付.	**Neither marker** — e.g. 療養給付, 休業給付. Plain names signal a commuting case.
FIRST 3 DAYS	Employer must cover the 3-day waiting period LSA Art. 76.	No employer duty for the 3-day waiting period; insurance benefits begin from the 4th day.	**No employer duty** for the waiting period — the LSA compensation rule does not reach commuting.

四つの「関係ない」 — what does not affect the right

FOUR THINGS THAT ARE NOT INPUTS TO THE CLAIM

NATIONALITY · 国籍 Irrelevant. A person who works is a worker; coverage does not turn on nationality or even on whether the work was authorised.

LEAVING THE JOB · 退職 Irrelevant. The right to receive benefits **is not changed by resignation** Art. 12-5.

EMPLOYER'S DENIAL · 会社の不認定 Not required. A claim can be filed **without the employer's certification**; the Inspection Office decides. The employer has no standing to challenge a grant Sup. Ct. 4 Jul 2024.

NO ENROLMENT · 未手続 Irrelevant to the worker. Cover exists **by operation of law** once the business starts Premiums Collection Act Art. 3; an unfiled employer is billed later, but the worker is still paid.

給付の種類 — the families of benefit

WHAT CAN BE CLAIMED · AMOUNTS IN A SEPARATE NOTE

- **療養 · MEDICAL** Treatment for the injury or illness.
- **休業 · ABSENCE** For lost earnings while unable to work (from the 4th day; amounts → separate note).
- **傷病 · INJURY & ILLNESS PENSION** Where it has not healed after a set period and is serious.
- **障害 · DISABILITY** Where a disability remains after healing.
- **遺族 · 葬祭 · DEATH** Survivors' benefit and funeral costs.
- **介護 · CARE** Where constant or occasional nursing care is needed.

HOW A CLAIM ACTUALLY MOVES · 請求は労働者が行える

The worker claims
The right to claim belongs to the worker (or survivors), not to the employer. The employer's role is to certify facts — not to authorise.

If certification is refused
The claim can still be submitted. The Inspection Office receives it and, in practice, asks the employer for a written statement of its reasons for refusing.

Who decides
The Labour Standards Inspection Office (→ note 06) — not the employer — determines whether the case is covered.

Health insurance was used by mistake
Where health insurance paid for what was really a work injury, the treatment is transferred onto 労災; the two do not both cover the same event.

The trap: "the company hasn't recognised it as 労災" decides nothing. Recognition is the Inspection Office's call, not the employer's, and a refusal to certify is not a refusal of the claim — it becomes a statement the office weighs. Nor does an employer that never enrolled leave the worker unprotected: cover arose by law when the business began, and the state pursues the employer separately. The worker's route to payment does not pass through the employer's willingness.

「会社が労災と認めない」は結論を決めない。認定は労基署の判断であり、事業主証明の拒否は請求の却下ではない。未加入の事業主のもとでも保護は成立しており（保険関係は事業開始により当然成立）、費用は後に事業主から徴収される。

Off the clock ≠ off the hook
通勤中も労災の対象

The 補償 marker ≠ every category
給付名の識別子は3類型で異なる

Employer's denial ≠ your denial
会社が認めなくても請求できる

No enrolment ≠ no coverage
未加入でも労働者は保護される

FOR THE ENGINE

Branch first on **relation to work**: employment / multiple-employer-factor / commuting — three categories, not two. A 業務災害 needs **both** gates (control **and** causation); passing one is not enough. Model the commute as a state machine on a reasonable route, where a deviation is an off-route flag that only the listed daily-life acts can clear on return.

Do not treat nationality, current employment, employer certification, or enrolment status as inputs to the coverage decision — none of them is. The employer's certification is evidence the office weighs, not a gate the claim must pass. And read the benefit name: 補償 marks an employment case, 複数事業労働者 a multiple-employer one, and a plain name a commuting one.

労災保険 = Industrial Accident Compensation Insurance; LSA = Labor Standards Act (労働基準法); Premiums Collection Act = Act on the Collection, etc. of Insurance Premiums of Labor Insurance. Benefit amounts and the annual procedural cycle, and the detailed rules on multiple-employer aggregation, are treated in separate notes. This note reflects the statutory framework as of August 2026; future amendments may change it. General information, not legal advice. * descriptive translation; the current JLT English text predates the 2020 amendment. Key statutory terminology follows the Japanese Law Translation Database System (JLT).