

In Japan, three layers must be resolved before any **number** can be applied correctly.

A flat list of working-time rules is not sufficient for Japan. The statutory figures at Layer 3 are real, but they are only reachable through two upstream layers that determine **who is covered** and **which working-time regime the employer has adopted**. Resolve those first, or a rule can be individually accurate and still produce a wrong result.

日本の労働時間法制は、①適用対象（事業場・業種・規模・職種による除外）②採用している制度（原則／変形／フレックス／裁量／高プロ）③その上で初めて効く数値ルール、という三層構造になっている。①②が確定しない限り、③の数字は値を持たない。

1

Who is covered

RESOLVES AT → THE WORKPLACE, NOT THE COMPANY

適用対象を決める層 — 事業場単位・業種・規模・職種による除外

- **Workplace (事業場) is the relevant unit.** Different workplaces within the same company may be subject to different rules.
- **Workers in positions of supervision or management (管理監督者)** — provisions on working hours, breaks and days off do not apply; premium wages for night work still apply. Tested on actual authority, not job title. LSA Art. 41(2)
- **Domestic workers** — outside the Act entirely. LSA Art. 116(2)
- **Industry + headcount** can change the weekly statutory working-hour limit itself, not just the paperwork.
- **Agriculture, livestock and fisheries** — the LSA provisions on working hours, breaks and days off do not apply. LSA Art. 41(1)
- **Monitoring / intermittent work** — excluded, but only with prior permission from the relevant government agency. LSA Art. 41(3)

→ **Output:** is this person inside the working-time regime at all — and at which site?

2

Which regime applies

RESOLVES AT → EMPLOYER ADOPTION + REQUIRED AGREEMENT / RESOLUTION / CONSENT / FILING

制度選択の層 — 原則／変形／フレックス／裁量／高度プロフェッショナル

- **Standard** — the daily and weekly limits apply as written.
- **Variable Working Hours Systems (変形労働時間制)** — averaged over 1 week, 1 month or 1 year; busy and slack periods must be fixed in advance.
- **Discretionary Labor Systems (裁量労働制)** — working hours are deemed for statutory working-time calculation. Limited to designated work categories.
- **Article 36 agreement is, as a general rule, a precondition** for overtime work or work on days off. Paying the premium wage does not, by itself, make unauthorized overtime lawful. LSA Art. 36
- **Flextime** — settlement period up to 3 months; overtime is calculated over the settlement period, with an additional monthly 50-hour weekly-average test when the period exceeds one month.
- **Highly Professional System (高度プロフェッショナル)** — working hours, breaks, days off *and* night-work premium all disappplied. Requires a four-fifths committee resolution, notification, and the covered worker's consent. LSA Art. 41-2

→ **Output:** what counts as a working day, a working week, and an hour of overtime for this person.

3

The numbers

VALID ONLY UNDER A FIXED LAYER 1 + 2 PATH

数値ルールの層 — 上限・割増率・深夜帯（①②が確定して初めて適用される）

8 / 40

Statutory working-hour limits
Art. 32

8 hours/day · 40 hours/week. 44 h/week special provision for certain commerce, entertainment, health/hygiene and hospitality/service businesses that usually employ fewer than 10 workers LSA Art. 40; Ordinance Art. 25-2

+25%

Premium wages for overtime work Art. 37

At least +25%. At least +50% for overtime work exceeding 60 hours in one month

22-05

Night work · 10 p.m.–5 a.m.
Art. 37(4)

Premium wages of at least +25%. Survives the Art. 41 exclusions — but not the Highly Professional System

+35%

Work on a statutory day off Art. 35, 37

Premium wages of at least +35%. Applies to a day off under Article 35, not every scheduled non-working day

→ **Output:** the only layer a flat rule list captures — and the layer that silently inherits every condition above it.

FOR A RULES ENGINE

Layers 1 and 2 are not footnotes to the rules — they are **input variables**. A Japan rule set that carries only Layer 3 will be accurate rule by rule and **wrong in aggregate**, because it applies correct figures to people the figures were never reachable for.

Practical consequence: each rule needs an applicability tag — which workplace conditions, and which regime, it is valid under — before rule-by-rule validation is meaningful.