

Employment of Foreign Workers Q&A

Foreign Employees– Version 1

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What is a “Black Company” in Japan?



There is no official definition of a “black company” in Japan. However, it usually has one or more of the following problems:

1. Very long working hours or unreasonable work quotas.
2. Unpaid overtime and workplace bullying(harassment).
3. Low respect for labor laws and workers’ rights.
4. Unfair treatment or pressure on workers in bad conditions.



Does the Labor Standards Act apply to foreign workers?



Yes. In principle, the Labor Standards Act applies to all workers in Japan, regardless of their nationality, type of company, or form of employment, as long as they are working in Japan.



If a contract includes conditions that violate the Labor Standards Act, do I have to follow them once I sign it?



No, you do not have to follow those terms.

The Labor Standards Act is a mandatory law that sets minimum working conditions.

Any contract terms that are below these legal standards are invalid.

So even if you signed such a contract, those illegal parts are not enforceable.



I told the company I had a debt of about 6 million yen.

They said they would pay it off for me, but I must repay 50,000 yen from my salary each month.

They also said I cannot quit the job until the debt is fully paid. I agreed and signed the contract.

Am I really not allowed to quit until I finish paying?



If you borrowed about 6 million yen and repay it at 50,000 yen per month, it would take 120 months (10 years) to pay it back. However,

a contract that forces you to stay at a company for 10 years is against your freedom to choose your job.

It may also be considered forced labor, which is illegal in Japan. Therefore, such a condition is invalid under Japanese law.

Even if you still owe money to the company, you have the right to quit your job. However,

you should talk with the company about how to repay the remaining amount.

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I made a defective product, and the company president told me,
“According to your contract, 100 yen will be deducted from your salary for each defective item.” Is this allowed?



No, it is not allowed. In Japan, the company cannot set a fixed penalty (like 100 yen per defective item) in advance. This is considered an illegal penalty clause. Also, deducting money from your salary like this is against the law, because wages must be paid in full. However, if you made the defective product on purpose or by clear mistake, and the company suffered actual damage because of it, you might have to pay for part or all of the real damage. But this must be judged fairly according to the circumstance, not automatically.



I work from 8 a.m. to 6 p.m. without a lunch break, so I'm working 10 hours a day. Is that allowed?



When working more than 6 hours a day, a break of at least 45 minutes must be given, and when working more than 8 hours, at least 1 hour of break time must be provided. These breaks should generally be given to all employees at the same time during the workday. Since you work 10 hours without a break, this violates the Labor Standards Act.



I work a 5-day week with Saturdays and Sundays off.
But the extra pay I get for working on Saturday is different from Sunday. Is that allowed?



According to Japanese labor law, your company must give you at least one legal holiday per week. This is called a “legal holiday”. If you work on a legal holiday, the company must pay 35% extra wages. If your company's rules say Sunday is the legal holiday, then the 35% extra must be paid only for work done on Sunday. Saturday may not be a legal holiday, so different pay is allowed in that case.



What is a “substitute holiday”? I worked on my regular day off, but I didn't receive extra holiday pay. Is that okay?



A “substitute holiday” means that your original day off is changed to a workday in advance, and another workday is given to you as a day off instead. If this change is made before the original day off, then the day you work is no longer treated as a legal holiday. In that case, the company does not have to pay the 35% extra holiday wage. So, if the substitution was done properly in advance, there is no problem.



外国にルーツがある人々
への支援活動助成

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