

Dec. 9, 2016

Chiefs of Personnel, All National University Corporations  
And Inter-University Research Institute Corporations

Planning and Coordination Section, Minister's Secretariat  
Ministry of Education, Culture, Science and Sports

About our request for notification regarding your university's planning in response to the unlimited conversion rule (request)

Thank you always for your help.

Anyway, regarding the rule established by the amended Labor Contract Law, whereby when a limited-term employment contract is renewed repeatedly for a total period of over five years, it can be converted to an unlimited contract upon the worker's request (the unlimited conversion rule): this took effect on April 1, Heisei 25[2013], so as of April 1, Heisei 30[2018] it will reach the five-year point.

Considering that it is now less than a year and a half until April 1, Heisei 30, when the first genuine applications based on this rule are expected, we would like to make the following requests.

1. Please make considerations speedily

We recently contacted you by our email of 2016/09/28 10:26 to request your cooperation with a survey regarding the situation of response to the unlimited conversion rule at your university, convey an outline of the law, and ask that you deal with the matter appropriately.

At each national university, there is a need to decide a policy on the unlimited conversion rule within this academic year, and when renewing contracts for a fifth year in April of Heisei 29[2017], to make this policy clear to each employee.

Also, there recently was word from the LDP Administrative Reform Headquarters (chair: Diet Member Kawano Taro) regarding response to the unlimited conversion rule to the effect that, as it is an important factor when renewing contracts for a fifth year in April of Heisei 29, each university must notify employees of their policy as soon as possible.

In line with this, we have heard that many universities are planning their approach to the matter within this academic year. Looking ahead to April 1, Heisei 30, when applications for unlimited-term conversion are likely to begin in earnest, we ask that those universities that are delayed in considering their response make the necessary deliberations as soon as possible and have a policy that can be made clear to all employees whose contracts are renewed for a fifth year in April of Heisei 29.

Moreover, for your reference, we will send the results of a survey carried out by the Labor and Welfare Ministry on the situation regarding the unlimited conversion rule at incorporated administrative institutions; "Are You Getting Ready for Unlimited Conversion?, a Handbook for the Smooth Transition of Limited-Term Contract Employees to Unlimited-Term", which contains an outline of the unlimited conversion rule, the Welfare and Labor Ministry's support policies, and examples of approaches to the rule taken by private companies that are

proactively engaging with the issue; and information on seminars being held around the country to explain the Labor Contract Law. We would be pleased if you could look over this material.

## 2. Response Status Survey

Also, in order to let us ascertain the situation of response to the unlimited conversion rule at your university, please complete the attached questionnaire and submit it by email to the address listed below by 3:00 P.M. on December 15, Heisei 28[2016].

Moreover, the results of this survey will be compiled by our Ministry, and may be used in reports, etc., as needed. Thank you for your understanding.

We are sorry to impose upon you when you are busy, but your cooperation is greatly appreciated. Thank you.

✕Regarding researchers and faculty at national research and development corporations, etc.: from the point of view of research and development abilities and of maintaining education and research vital, an exception is made so that the period after which the employee acquires the right to request unlimited-contract conversion, in principle 5 years, is extended to 10 years. Effective from April 1, Heisei 26[2014].

(For details, see URL below)

[http://www.mhlw.go.jp/stf/seisakumtsuite/bunya/koyou\\_roudou/roudoukijun/keiyaku/kaisei/](http://www.mhlw.go.jp/stf/seisakumtsuite/bunya/koyou_roudou/roudoukijun/keiyaku/kaisei/)

## 3. Regarding termination of employment before the arrival of the 5-year limit

In regard to terminating employment before the arrival of the five-year limit, there has already been a notice from the Ministry of Welfare and Labor asking employers to carefully consider the necessity before doing so.

Furthermore, while the Labor Contract Law is a civil law, and whether something is appropriate or not in civil law must ultimately be decided by the courts on a case-by-case basis, the Welfare and Labor Ministry did make a reply as follows during discussion in the current special session of the Diet:

-Termination of employment prior to the limit for requesting an unlimited contract, with the purpose of avoiding the unlimited conversion rule, cannot be called desirable in reference to the spirit of the law.

-If cases come to light where employment has been terminated for the purpose of avoiding the unlimited conversion rule, we will engage in the proper education and guidance via the prefectural labor bureaus.

In regard to termination of employment prior to reaching five years, national universities may find themselves held accountable to explain the necessity, etc., in each individual case. We would like to ask that you consult with your prefectural Labor Bureau and deal appropriately with the matter.

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