



Dismissal and retirement

What is work dismissal [*Kaiko*]?

Work dismissal (*kaiko*) is the one-sided termination of an employment contract by the employer.

An employer must have a rational reason to dismiss an employee.

If you are dismissed without a justifiable reason, you should consult a Labor Standards Inspection Office or a labor enquiries office immediately.

(1) In the case where there is no fixed term of employment

An employer must give at least 30 days notice of dismissal to the employee. If the employer dismisses an employee immediately, the employee must be paid an average wage for 30 days or more as 'notice pay'.

(2) In the case where there is a fixed term of employment

An employer cannot dismiss an employee during the term of the employment contract except under unavoidable circumstances. Even under unavoidable circumstances, the employer needs to give 30 days or more notice or pay 'notice pay'.

(3) If you are dissatisfied with your dismissal

If you are dissatisfied with your dismissal, you should express your dissatisfaction with your employer and have the employer issue a 'Proof of Resignation' (*Taishoku Shomei Sho*) to clarify the reason for the termination of the contract, whether it was a dismissal or resignation.

If you are not satisfied with the employer's reason for dismissal, you should consult a Labor Center (*Rodo Center*), a lawyer or some trustworthy enquiry office. If you think your dismissal breaks the Labor Standards Law, consulting a Labor Standards Office is also possible.

Resignation [*Taishoku*]

If the employee makes a request to resign and the employer agrees, the employment relationship is terminated by a mutually agreed contract.

An employee with no fixed term of employment can leave the company 2 weeks after the date of their notification of resignation even if the employer does not agree with the resignation.

If the employee is working under a fixed term of employment, they cannot ask to terminate the contract during the fixed term except under unavoidable circumstances.

If an employer agrees to an employee's resignation, the employee, in principle, cannot withdraw their resignation request. It is important to be careful when requesting resignation

In the case of resignation, if the employee demands, unpaid wages can be paid within 7 days. Savings, wages and other money which you have a claim to can also be returned.

The employee must return to the employer any company ID cards, uniforms lent to them, and their health insurance card by the date stated in the 'working rules'.

Enquiries

Hyogo Labor Bureau Inspection Division, Foreign Workers Consultation Corner
(Hyogo Rodo Kyoku Kantoku Ka, Gaikokujin Rodosha Sodan Corner) 0570-001-702
Consultation Language: Chinese

Himeji Labor Standards Inspection Office, Foreign Workers Consultation Corner
(Himeji Rodo Kijun Kantokusho, Gaikokujin Rodosha Sodan Corner) 079-224-8181

Consultation Language: Vietnamese

For details, please search from MHLW website below.(Available in multiple languages)

<https://www.check-roudou.mhlw.go.jp/soudan/foreigner.html>

Nishinomiya Labor Standards Inspection Office 0798-26-3733
(Nishinomiya Rodo Kijun Kantoku Sho)

Note For details, ask a person who understands Japanese to enquire for you.