Japanese history on policy in occupational health

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1. General structure of legislations in Japan
2. History until the development of ISH Law
3. Five main components of occupational health managements in ISH Law
4. Amendments of ISH Law
5. Workers’ compensation insurance in Japan
6. Infrastructures for occupational health services
7. Efficacy of ministerial policy
1. General structure of legislations in Japan

   legislative hierarchy

   constitution          referendum
   law                  congress
   cabinet order        cabinet
   ordinance            ministry

   = legislations

   governmental notices bureaus, divisions, etc.

   = non-binding documents
1. General structure of legislations in Japan

Constitution of Japan

Article 27, paragraph 2
Standards for wages, hours, rest and other working conditions shall be fixed by legislation.
→ Labor Standards Law (1947)
  Workers’ Accident Compensation Insurance Law (1947)
  Minimum Wage Law (1959)
  Pneumoconiosis Law (1960)
  Industrial Safety and Health Law (ISH Law, 1972)
  Security of Wage Payment Law (1975)
  Working Environment Measurement Law (1975)
1. General structure of legislations in Japan

<table>
<thead>
<tr>
<th>legislative hierarchy</th>
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<tbody>
<tr>
<td>constitution</td>
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<tr>
<td>Article 28 Paragraph 2</td>
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<tr>
<td>law</td>
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<tr>
<td>Industrial Safety and Health Law (ISH Law)</td>
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<tr>
<td>cabinet order</td>
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<tr>
<td>ISH Law Enforcement Order</td>
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<tr>
<td>ordinance</td>
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<tr>
<td>ISH Regulation</td>
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<tr>
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</tr>
</tbody>
</table>
2. History until the development of ISH Law

Factory Law, 1911

Frequent accidents in coal mines and deadly tuberculosis of young females in textile industry

Factory Law (announced in 1911, enforced in 1916): safety and health inspection by government officers, employers’ obligation to reimburse medical fee of occupational injuries

Gas intoxication, heavy work load, mal-nutrition, military armament

Factory Danger Prevention and Hygiene Regulation based on Factory Law (1938): health exam, walk-through survey, safety supervisor and factory physician were defined
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Dr. Ishihara, Osamu (石原修博士)

Factory Danger Prevention and Hygiene Regulation based on Factory Law (1938): health exam, walk-through survey, safety supervisor and factory physician were defined
<table>
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<th>内容</th>
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| 第三十四条| 三、工業主工場警備選任シタル
| 第三十四条| 四、工業主安全管理者又ハ工場警備解任シタル
| 第三十四条| 五、工場警備工事及び安全管理者ノ指揮ヲ承ケ工場及び安全管理者ハ安全日志ヲ作成シ危險豫防及衛生ヲ顧シハノ見タル場合ハノヲル
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## Factory Danger Prevention and Hygiene Regulation amended in 1938

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### Note
The text is in Japanese, but it appears to be discussing regulations related to factory safety and hygiene, specifically mentioning the prevention and hygiene regulation that was amended in 1938. The table lists various provisions and requirements related to the selection and responsibilities of industrial medical officers and other personnel in industrial settings.
The factory owner with 500 or more employee shall appoint an factory physician.

The factory physician shall perform health examination of workers at least once at a year.

The factory owner with 50 or more employee shall appoint a safety supervisor.

The factory physician shall perform walk-through survey at least once at a month.

Factory Danger Prevention and Hygiene Regulation amended in 1938
2. History until the development of ISH Law

Factory Law, 1911

Factory Danger Prevention and Hygiene Regulation (1938)

- Safety supervisor
- Factory owner
- Factory physician

- Factory $\geq 50$ workers
- Factory $\geq 500$ workers $\rightarrow 100$ workers (1940)

- Health examination,
- Walk-through survey,
- Hygienic management
2. History until the development of ISH Law

Labour Standard Law, 1947

*political reconstruction by USA following non-conditional surrender in Pacific war*

Labour Standard Law (1947): stipulates minimum requirements to employer including safety and health issues at workplaces; defined health supervisors in the relevant ordinance
2. History until the development of ISH Law

Labour Standard Law, 1947

Industrial Safety and Health Regulation (1947)

- Employer
  - Chief Health Supervisor*
    - Safety Supervisor
      - Safety management factory $\geq 50$ workers
    - Non-physician Health Supervisor
      - Walk-through survey, hygienic management factory $\geq 50 \rightarrow 30$ workers (1966)
    - Physician Health Supervisor
      - Walk-through survey, health examination other workplace $\geq 50 \rightarrow 100$ (1949) $\rightarrow 50$ workers (1966)
2. History until the development of ISH Law

Pneumoconiosis Law, 1960

pneumoconiosis, chemical poisoning, diseases from physical hazards

Pneumoconiosis Law (1960): health exam for the screening of pneumoconiosis
2. History until the development of ISH Law

Industrial Safety and Health Law, 1972

occupational cancer, needs for systematic prevention of occupational diseases

ISH Law (1972): a criminal law diversified from Labour Standard Law; stipulates minimum requirements to work organization (company); enforced by labor standard officers
2. History until the development of ISH Law

Industrial Safety and Health Law, 1972

Industrial Safety and Health Regulation (1972)
2. History until the development of ISH Law

Industrial Safety and Health Law, 1972

Article 1
The purpose of this Law is to secure, ... the safety and health of workers in workplaces as well as to facilitate the establishment of comfortable working environment, by promoting the comprehensive and systematic countermeasures concerning the prevention of industrial accidents, such as taking measures for the establishment of standards for prevention of danger and injury, the clarification of responsibility and the promotion of voluntary activities with a view to preventing industrial accidents.
2. History until the development of ISH Law

Industrial Safety and Health Law, 1972

Cabinet order of ISH Law: defines hazardous substances or works, etc.

Ordinances of ISH Law: composed of a general ordinance and specific ordinances by hazardous agents; work under high pressure, ionizing radiation, lead poisoning, organic solvent poisoning, hazards due to specified chemical substances, etc.
3. 5 components of OH managements in ISH Law

Industrial Safety and Health Law, 1972

1) Working Environment Management
2) Work Management
3) Health Management
4) Organization for Occupational Health Management
5) Occupational Health Education
3. 5 components of OH managements in ISH Law

Industrial Safety and Health Law, 1972

1) Working Environment Management
2) Work Management
3) Health Management
4) Organization for Occupational Health Management
5) Occupational Health Education

Three Managements
三管理
3. 5 components of OH managements in ISH Law

Industrial Safety and Health Law, 1972

1) Working Environment Management
   working environment monitoring, work improvement, creating comfortable workshop, etc.
2) Work Management
3) Health Management
4) Organization for Occupational Health Management
5) Occupational Health Education
3. 5 components of OH managements in ISH Law

Industrial Safety and Health Law, 1972

1) Working Environment Management
2) Work Management
improving work process, shortening long working hours, advising proper method for protective devices
3) Health Management
4) Organization for Occupational Health Management
5) Occupational Health Education
3. 5 components of OH managements in ISH Law

Industrial Safety and Health Law, 1972

1) Working Environment Management
2) Work Management
3) Health Management
   health exams, countermeasures based on results of health exams, mental health care, etc.
4) Organization for Occupational Health Management
5) Occupational Health Education
3. 5 components of OH managements in ISH Law

Industrial Safety and Health Law, 1972

3) Health Management

items at health exam stipulated in ISH ordinance

1938  no items specified
1942  body height, body weight, vision, etc.
1947  body vision, hearing acuity, chest x-ray, erythrocyte sedimentation rate
1972  blood pressure, urinalysis
1989  blood chemistry (liver function, serum lipids, CBC), ECG
1998  HDL-cholesterol, blood sugar or HbA1c
2008  visceral circumference, LDL-cholesterol
3. 5 components of OH managements in ISH Law

Industrial Safety and Health Law, 1972

1) Working Environment Management
2) Work Management
3) Health Management
4) Organization for Occupational Health Management
5) Occupational Health Education

Base to Support Three Managements
3. 5 components of OH managements in ISH Law

Industrial Safety and Health Law, 1972

1) Working Environment Management
2) Work Management
3) Health Management
4) Organization for Occupational Health Management
   health supervisor, occupational physician, health committee, etc.
5) Occupational Health Education
3. 5 components of OH managements in ISH Law

Industrial Safety and Health Law, 1972

4) Organization for Occupational Health Management

- head of workplace
- deputy head of workplace
  - occupational physician
  - manager of general affairs
  - section A
    - safety and health officer
    - personnel officer
    → health supervisor
  - manager of production
    - section X
      - employee
    - section Y
      - employee
      - employee
      - employee
      → chief operator

members of health committee
3. 5 components of OH managements in ISH Law

Industrial Safety and Health Law, 1972

1) Working Environment Management
2) Work Management
3) Health Management
4) Organization for Occupational Health Management
5) Occupational Health Education

occupational health education at employment, etc.
4. Amendments of ISH Law

Industrial Safety and Health Law, 1972

1972  responsibility of work organization, general safety and health manager, health supervisor, occupational physician, chief operator, overall safety and health controller in construction industry, principal safety and health supervisor, industrial health consultant

1975  method of working environment measurement

1977  hazard assessments on new chemical substance by a manufacturer, epidemiological survey by the government
4. Amendments of ISH Law

Industrial Safety and Health Law, 1972

1988 health promoter, appointment of occupational physician as a health committee member, evaluation of working environment measurement, work management, occupational health education, health promotion for workers

1989 items checked in health exam included blood chemistry, ECG, etc. in ISH ordinance

1992 creating comfortable workshop
4. Amendments of ISH Law

Industrial Safety and Health Law, 1972

1996 qualification requirement for occupational physician, aid for small workplaces, *countermeasures based on health exams*, health guidance by nurses

1999 financial aid on health exam for night-shift workers, use of safety data sheet

2005 medical interview for long-working workers, promotion of occupational safety and health risk assessment
health examination \[\rightarrow\] re-/close examination

classification of health management \[\rightarrow\] report to labour office

treatment \[\downarrow\] follow-up \[\downarrow\] no abnormality

opinion by occupational physician

classification on personnel management

normal work \[\downarrow\] limited work \[\downarrow\] suspension from work

improvement of working environment or work

health committee

listening to worker’s opinion

decision on personnel management

report to occupational physician \[\downarrow\] report to manager \[\downarrow\] report to employee

health guidance
Based on the opinion of a physician, the factory owner shall implement, treatment, change of workplace, job transfer, shortening of working time, extending resting time, and follow-up of health status.

The first ordinance stipulated measures based on health examination, 1942
5. Workers’ compensation insurance in Japan

Workers’ compensation insurance Law, 1972

1) insurance owned and ruled by the government credible and stable, universal coverage of all workers, uniform and equal criteria to all workers, coverage for injuries during commuting, budget saved for the prevention of diseases

2) non-fault liability
   (null or complete responsibility for reimbursement) quick initiation of medical treatment without argument on medical cost sharing between worker and employer

3) premium fully incurred by a company no monetary burden on workers
5. Workers’ compensation insurance in Japan

Workers’ compensation insurance Law, 1972

4) a disease must be caused by the job
   (primary cause of the claimed disease)
   the cause must exist in working environment or in work process
   the worker must be exposed to the cause at the level which may cause the disease
   the cause must be more important than off-work cause, past history or personality

5) a disease must be happened on the job
   while the worker was under the control of the employer inside the premise of the workplace or the worker was implementing the order of the employer
6. Infrastructures for occupational health services

Organizations for occupational health services

Japan Labor Health and Welfare Organization, 1957
Japan Industrial Safety and Health Association, 1964
Nationwide Labor Hygiene Group Federation, 1969
National Institute of Industrial Health (J-NIOSH), 1976
Safety and Health Examination Association, 1976
Japan Bioassay Center, 1977
University of Occupational and Environmental Health, Japan (UOEH), 1978
Japan Association for Working Environment Measurement, 1979
6. Infrastructures for occupational health services

Organizations for occupational health services

for Occupational Physician
University of Occupational and Environmental Health, Japan (UOEH)

for Health Supervisor
Japan Industrial Safety and Health Association (JISHA)

Kitakyushu

Tokyo
6. Infrastructures for occupational health services

Training Course

Training Course for Health Supervisor, 1955
Training Course for Occupational Physician, Japan Medical Association (JMA), 1965
Training Course on Occupational Medicine, UOEH, 1984
6. Infrastructures for occupational health services

Certification and Exams

Exam of Health Supervisor, Ministry, 1972
Exam of Industrial Health Consultant, Ministry, 1972
Certification of Occupational Physician, JMA, 1992
Board Exam of Occupational Physician, JSOH, 1993
Qualification of Occupational Physician, MHLW, 1996
6. Infrastructures for occupational health services

Training Course, Certification and Exams

qualification of health supervisor and occupational physician

1955  Training Course for Health Supervisor
1965  Seminar on Occupational Medicine for physician, Japan Medical Association (a)
1972  Exam of Health Supervisor based on ISH Law
1984  Fundamental Course on Occupational Medicine, UOEH (b)
1990  System for Registered Occupational Physician (ROP), Japan Medical Association
1993  System for Board Certified Occupational Health Physician (BCOHP), Japan Society for Occupational Health
1996  Qualification requirement for occupational physician, Industrial Safety and Health Law (a and b)
## 6. Infrastructures for occupational health services

<table>
<thead>
<tr>
<th>Certification and Exams</th>
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<tr>
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</tbody>
</table>

Industrial Safety and Health Fundamental Survey, 2010, MHLW
7. Efficacy of ministerial policy

incentive for legal compliance

law-abiding spirit; judicial system is not well developed
detailed expressions in legislation
critical consequences of violations to laws
criminal penalties
  → artificial person (=enterprise) will be punished
administrative penalty
  → disadvantage at business competition
judiciary decision of compensation for damage
  → disappointment from investors
social sanction
  → damage their public reliance
  → anti-buying tendency by consumers
是正勧告書

工業株式会社

代表取締役社長

勞働基準監督署

貴事業場における下記労働基準法、労働安全衛生法違反及び自動車運転者の労働時間等の改善のための基準違反について、それぞれ所定期日までに是正の上、遅滞なく報告するよう勧告します。

また、「法条項等」欄に印を付した事項については、同種違反の繰り返しを防止するための点検責任者を事項ごとに指名し、確実に点検補修を行うよう措置し、当該措置を行った場合にはその旨を報告してください。

当定期日迄に是正されない場合には、速やかに手続を求めることがあります。
7. Efficacy of ministerial policy

passive attitude against legislations
cared only within the extent of stipulation with penalties
not well-followed by small businesses
some out-dated and inefficient measures remaining
limited discretionary power by specialists
7. Efficacy of ministerial policy

recent problems and future agenda

policies are driven by litigation
frequent law amendments pursued by ministerial officers
budget cut and downsizing of infrastructures
aging workforce and necessity of skill transfer
classic problems remain unsolved
Thank you for your attention