

WHAT IS LABOR INSURANCE (WORKERS' COMPENSATION INSURANCE)?

Labor insurance provides a worker working in Japan or his/her surviving family with various compensation benefits when the worker suffers from an injury, a disease, or a death in a workplace or while traveling on his/her trip to and from work.

Employers in most industries must take part in the labor insurance system and so all workers in these industries are eligible for the compensation benefits.

What is labor insurance like?

1. As an employee, you can receive insurance benefits by filing an application. Even if your employer neglects to take part in the system, he/she can enroll by paying back premium for you to be covered.

2. You can be a full time, part time, or temporary worker to be covered.

3. If you are a foreign worker living in Japan, it does not matter where you are from, whether or not you are qualified to stay in Japan, or whether or not you are a legal worker.

4. If you are a foreign trainee staying in Japan, you are not permitted to work and not covered as a rule; however, if your training is regarded as working, you may be able to be covered depending on the contents of the application.

5. You must file a claim for benefits as soon as possible after you are injured or you become aware of an illness. You have certain time to file a claim (two to five years depending on the contents of the benefits), but filing immediately is better and ensures uninterrupted benefits to which you are entitled.

If you have any questions about labor insurance, contact the labor union or the local Labor Administration Office.

What types of disasters can I claim?

Labor insurance covers workplace disasters and commuting disasters.

(1) Workplace Disasters

Workplace disasters include an injury, a disease, a disability, and a death caused while a worker is on the job (whether it is on the job or not is finally judged by the Labor Standards Bureau).

“On the job” means conditions such as:

- ① while you are in the line of duty
- ② while you are doing a work-related action (including going to a bathroom, drinking water, walking in the workplace, dining out for business, etc.)
- ③ while you are in a preparing operation, a cleanup operation, or during standby
- ④ while you are in an intermission inside the workplace (in the case of the lack of supervision over the facilities)
- ⑤ while you are doing emergency acts in the event of a natural disaster, fire, etc.

- ⑥ while you are on a business trip
- ⑦ while you are on the company-owned commuting transportation (such as a private bus) while traveling to and from work
- ⑧ while you are on other kinds of duty (such as a job-related athletic meeting)

Some conditions or situations that are not considered work related include a suicide or a self injury in the line of duty, a disaster during a strike, an injury caused by a fight, and private actions in an intermission or on a business trip.

(2) Commuting Disasters

Commuting disasters include an injury, a disease, a disability, or a death caused while a worker is commuting to and from work. Here “commuting” means a worker’s traveling between his/her home and the workplace for a work-related reason by a rational route and method. When the worker suspends or deviates from the rational route for a purpose not work related, it is not considered commuting. However, when the suspension or deviation is done for an act approved by an ordinance of the Ministry of Labor, such as buying daily necessities or medical consultation, and the worker returns to his/her normal route, it is considered commuting excluding the private business.

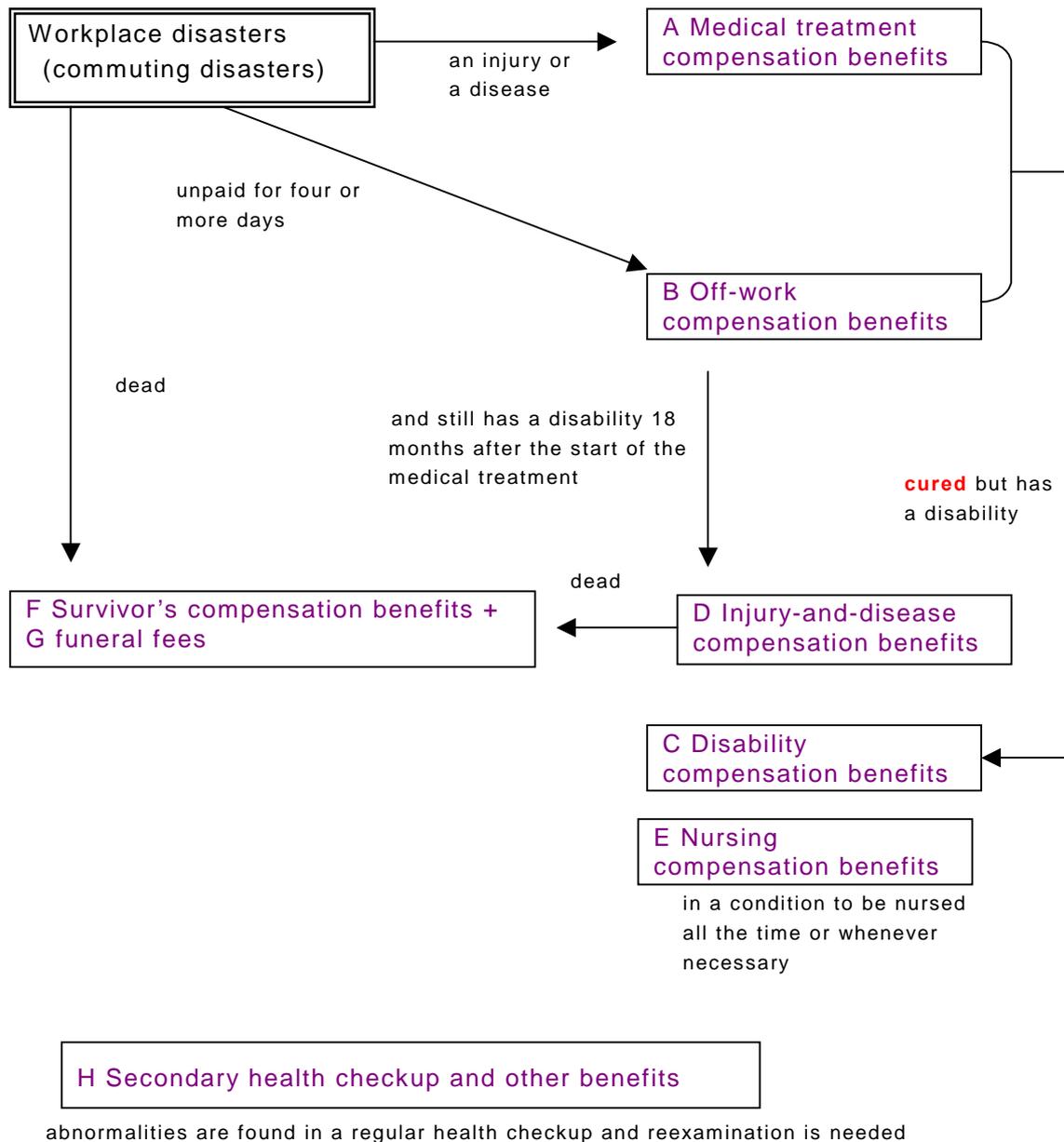
What type of compensation benefits does labor insurance include?

The following compensation benefits are available. Note that the titles of the benefits are used for workplace disasters, and the titles of the benefits for commuting disasters are shown in [] and contain the same benefits.

- A. medical treatment compensation benefits (medical treatment benefits or medical treatment expenses)
[medical treatment benefits (medical treatment benefits or medical treatment expenses)]
- B. off-work compensation benefits
[off-work benefits]
- C. disability compensation benefits (a disability compensation pension or a disability compensation lump sum)
[disability benefits (a disability pension or a disability lump sum)]
- D. an injury-and-disease compensation pension
[an injury-and-disease pension]
- E. nursing compensation benefits
[nursing benefits]
- F. survivor’s compensation benefits (a survivor’s compensation pension or a survivor’s compensation lump sum)
[survivor’s benefits (a survivor’s pension or a survivor’s lump sum)]
- G. funeral fees
[funeral benefits]
- H. secondary health checkup and other benefits

Besides these benefits, some kinds of special allowances (lump sums and pensions) are available.

Which compensation benefits can I receive?



Here, the state of being “cured” indicates that the victim worker has recovered his/her health and the condition of his/her injury or disease is stable, but will not be expected any more improvement by a medically admitted treatment.

A. Medical Treatment Compensation Benefits [Medical Treatment Benefits]

These benefits are classified into two types: medical treatment benefits which are benefits in kind and medical treatment expenses which are benefits in cash.

a. Medical Treatment Benefits

When a worker suffers from an injury or a disease in a workplace or while on commuting, and needs to be medically treated, he/she can be treated at no charge in a hospital or clinic designated for labor insurance until he/she is cured.

The medical facility will charge the chief of the Labor Standards Bureau for the expenses.

The contents of the benefits

Medical treatment benefits include:

- ① medical examination
- ② medicines or treatment materials (including rehabilitation)
- ③ treatment, operation, and other medical cares
- ④ hospitalization (including nursing, meals, room fees etc.)
- ⑤ nursing care (medical management and nursing at home)
- ⑥ transportation

Special treatments not generally admitted effective at present are excluded.

Procedure

A victim worker himself/herself fills in the information in a “request statement for medical treatment benefits of medical treatment compensation benefits”, and submits the statement attested by his/her employer to the chief of the Labor Standards Bureau by way of the medical facility.

The victim worker can change medical facilities while he/she is treated, if a notification of change is submitted to the chief of the Labor Standards Bureau.

b. Medical Treatment Expenses

When a worker, who has suffered from an injury or a disease in a workplace or while on commuting, is treated in a medical facility, which is not designated for labor insurance due to circumstances beyond his/her control, or when the worker hires a nurse from outside the facility, the worker temporarily pays the full fee until he/she is cured, and later applies for reimbursement to the chief of the Labor Standards Bureau. The contents of the benefits are the same as “a.” above.

Procedure

A victim worker himself/herself fills in the information in a “request statement for medical treatment expenses of medical compensation benefits”, and submits the statement attested by the employer and the doctor to the chief of the Labor Standards Bureau, together with receipts or other documents in proof of the occurrence of the expenses.

B. Off-Work Compensation Benefits [Off-Work Benefits]

When a worker, who has suffered from an injury or a disease in a workplace or while on commuting, stays away from work for medical treatment for four or more days without any wages, he/she can be covered by off-work compensation benefits from the fourth day of absence until he/she returns to work.

For the first three days of absence, the employer provides off-work compensation (the equivalent of 60% of an average daily wage). This does not hold true for commuting disasters.

The contents of the benefits

The amount of off-work compensation benefits is calculated as follows: a basic daily benefit (the equivalent of an average daily wage) \times 60% \times the number of days that the worker is absent. Note that this amount will be adjusted if the worker receives another social insurance (such as a disability welfare pension or welfare annuity insurance) at the same time.

Since the recipient of the off-work compensation benefits is eligible to receive 20% of the basic daily benefit as an off-work special allowance, he/she can receive a total of 80% of the basic daily benefit. Note that a request statement for the off-work special allowance must be submitted at the same time as a request statement for the off-work compensation benefits.

The amount of the off-work compensation benefits may be slid according to changes in average wage.

After a lapse of 18 months since the start of the treatment, the minimum and maximum allowance amounts from age to age are applied.

Procedure

A victim worker himself/herself fills in the information in a “request statement for off-work compensation benefits” or an “application for an off-work special allowance”, and submits the form attested by the employer and the doctor to the chief of the Labor Standards Bureau.

C. Disability Compensation Benefits [Disability Benefits]

When a worker, who has suffered from an injury in a workplace or while on commuting, is cured but still has a disability, he/she can be covered by these benefits. Disability compensation benefits are classified into two types: a disability compensation pension and a disability compensation lump sum, depending on the level of disability (There are 14 levels from grade 1 to grade 14). In addition, special allowances are available.

a. Disability Compensation Pension [Disability Pension]

A victim worker certified as having a disability of one of grade 1 to grade 7 can receive this pension in six installments a year depending on his/her grade until the disability disappears or he/she dies. Note that the amount of disability compensation benefits will be adjusted if the worker receives another social insurance (such as a disability welfare pension or welfare annuity insurance) at the same time.

The amount of the pension is shown in (TABLE A) below.

(TABLE A)

DISABILITY GRADE	AMOUNT TO BE GRANTED
grade 1	basic daily benefit × 313 days
grade 2	277 days
grade 3	245 days
grade 4	213 days
grade 5	184 days
grade 6	156 days
grade 7	131 days

If there is a change in disability grade while the recipient is receiving a disability compensation pension, the amount is changed according to the new disability grade.

If a recipient of the disability compensation pension dies, when the total amount the recipient has received so far is less than the standard amount shown in (TABLE B) below, the balance will be supplied to his/her surviving family as a disability compensation pension balance lump sum. Furthermore, at the request of the recipient, a fixed portion of the disability compensation pension can be granted in advance as a disability compensation pension advance lump sum according to his/her disability grade, with the standard amount shown in TABLE B as its upper limit.

(TABLE B)

DISABILITY GRADE	STANDARD AMOUNT
grade 1	benefit basic daily × 1340 days
grade 2	1190 days
grade 3	1050 days
grade 4	920 days
grade 5	790 days
grade 6	670 days
grade 7	560 days

b. Disability Compensation Lump Sum [Disability Lump Sum]

A victim worker certified as having a disability of one of grade 8 to grade 14 can receive a lump sum depending on his/her disability grade. The amount to be granted is shown in (TABLE C) below.

DISABILITY GRADE	AMOUNT TO BE GRANTED
grade 8	basic daily benefit × 503 days
grade 9	391 days
grade 10	302 days
grade 11	223 days
grade 12	156 days
grade 13	101 days
grade 14	56 days

c. Special Allowances

Special allowances, which can be granted to the recipients of the disability compensation benefits (the disability compensation pension or the disability compensation lump sum) depending on their disability grade, are classified into three types of benefits; a disability special allowance, a disability special pension based on special salaries (*), and a disability special lump sum based on special salaries. As a rule, an application for these special allowances must be submitted at the same time as a request statement for the disability compensation benefits.

(*) Special salaries indicate wages paid at intervals of over 3 months such as bonuses.

c. 1. Disability Special Allowance

This allowance can be granted to the recipients of the disability compensation benefits according to their disability grade. The amount to be granted is shown in (TABLE D) below.

(TABLE D) given in ten thousands yen

DISABILITY GRADE	1	2	3	4	5	6	7	8	9	10	11	12	13	14
AMOUNT	342	320	300	264	225	192	159	65	50	39	29	20	14	8

c. 2. Disability Special Pension

This pension can be granted to the recipients of the disability compensation pension according to their disability grade. The amount to be granted is shown in (TABLE E) below.

(TABLE E)

DISABILITY GRADE	AMOUNT TO BE GRANTED
grade 1	estimated basic daily sum (*) × 313 days
grade 2	277 days
grade 3	245 days
grade 4	213 days
grade 5	184 days
grade 6	156 days
grade 7	131 days

(*) estimated basic daily sum: as a rule, the figure is obtained by dividing the total amount of the special salaries gained in one year before the day of your injury or

first day of your illness by 365.

If a recipient of the disability special pension dies, when the total amount the recipient has received so far is less than the standard amount shown in (TABLE B) above, the balance will be granted to his/her surviving family as a disability special pension balance lump sum.

c.3. Disability Special Lump Sum

This lump sum can be granted to the recipients of the disability compensation lump sum according to their disability grade, and the amount to be granted is shown in (TABLE F) below.

(TABLE F)

DISABILITY GRADE	AMOUNT TO BE GRANTED
grade 8	estimated basic daily sum × 503 days
grade 9	391 days
grade 10	302 days
grade 11	223 days
grade 12	156 days
grade 13	101 days
grade 14	56 days

Procedure

A victim worker himself/herself fills in the information in a “request statement for disability compensation benefits”, an “application for a disability special allowance, an “application for a disability special pension”, or an “application for a disability special lump sum”, and submits the form attested by the employer to the chief of the Labor Standards Bureau, together with a medical certificate, and an X-ray etc if necessary. Those certified as having a disability of one of grade 1 to grade 7 can receive the disability compensation pension, and those certified as having a disability of one of grade 8 to grade 14 can receive the disability compensation lump sum.

D. Injury-and-disease compensation Pension [Injury-and-Disease Pension]

If a victim worker is not “cured” even 18 months after the start of treatment and his/her injury or disease corresponds to one of grade 1 to grade 3 of the injury and disease grades, he/she will be covered by an injury-and-disease compensation pension in place of the off-work compensation benefits (The medical treatment compensation benefits can still be granted).

An injury-and-disease compensation pension will be supplied in six installments a year as shown in (TABLE G) below, as long as the disability continues to be in the condition corresponding to an injury and disease grade. Note that when the recipient receives another social insurance (such as a disability welfare pension or welfare annuity insurance) at the same time, the amount of the injury-and-disease compensation pension may be adjusted.

The recipients of the injury-and-disease compensation pension are also eligible to an injury-and-disease special allowance (lump sum) according to the injury and disease grade, and to an injury-and-disease special pension based on special salaries, which are supplied every year while the injury-and-disease compensation pension is supplied.

(TABLE G)

INJURY AND DISEASE GRADE	INJURY-AND-DISEASE COMPENSATION PENSION [INJURY-AND-DISEASE PENSION]	INJURY-AND-DISEASE SPECIAL ALLOWANCE	INJURY-AND-DISEASE SPECIAL PENSION
	basic daily benefit ×		estimated basic daily sum ×
grade 1	313 days	¥1,140,000	313 days
grade 2	277 days	¥1,070,000	277 days
grade 3	245 days	¥1,000,000	245 days

Procedure

There is no need for the victim worker to file a request statement for the injury-and-disease compensation pension.

The chief of the Labor Standards Bureau conducts formalities to determine whether the victim worker satisfies the requirements. Requested by the chief, the victim worker must file a “report of the conditions of the injury or the disease”.

E. Nursing Compensation Benefits [Nursing Benefits]

Nursing compensation benefits will be granted at the request of a victim worker, when the victim worker receives a disability compensation pension or an injury-and-disease compensation pension, and is looked after for the disability corresponding to the degree of an act determined by an ordinance of the Ministry of Labor. Note that victim workers staying in medical facilities for the handicapped are excluded.

The contents of the benefits

1. Victim workers requiring all-the-time nursing care

i) When a victim worker receives a chargeable nursing service in one month (from the beginning to the end of a month):

The amount spent for the nursing service in the month will be covered. The ceiling for the benefit is ¥108,300.

ii) When he/she spends less than ¥58,750 for nursing service in one month and is looked after by a relative or someone else or when there is not a single day that the victim worker receives a chargeable nursing service in a month:

The benefit is uniformly ¥58,750.

2. Victim workers requiring occasional nursing care

i) When a victim worker receives a chargeable nursing service in one month (from the beginning to the end of a month):

The amount spent for the nursing service in the month will be covered. The ceiling for the benefit is ¥54,150.

ii) When he/she spends less than ¥29,380 for nursing service in one month and is looked after by a relative or someone else or when there is not a single day that the victim worker receives a chargeable nursing service in a month:

The benefit is uniformly ¥29,380.

Procedure

Fill in the information in a “request statement for nursing compensation benefits”, and submit it to the chief of the Labor Standards Bureau, together with the following documents.

Documents to be attached

1. a medical certificate indicating the disabled part and its conditions, and the necessity of nursing
2. a certificate in proof of expenses of nursing service (receipts or the like)
3. a statement about the fact of nursing, when the victim worker is looked after by a relative or someone else.

F. Survivor's Compensation Benefits [Survivor's Benefits]

When a worker dies from the injury or disease occurred in a workplace or while on commuting, his/her surviving family will be granted these benefits, which consist of two types: a survivor's compensation pension and a survivor's compensation lump sum. In addition, special allowances are available.

a. Survivor's Compensation Pension [Survivor's Pension]

The surviving family members to be granted the survivor's compensation pension consist of a recipient, who has the right to receive the pension, and qualified recipients, who are qualified to become the recipient. The qualified recipients include the victim worker's spouse, children, parents, grandchildren, grandparents, and brothers and sisters who depended on the victim worker's income when he/she died. Of these qualified recipients, the person with the highest priority becomes the recipient of the pension.

When two or more people have the highest priority, the amount is divided and distributed to them equally. When the person with the highest priority loses the right due to death or other reasons, the qualified recipient with the second highest priority becomes a new recipient. The order of precedence of the qualified recipients is as follows:

1. wife (including a common-law wife); or husband who is not younger than 60, or who has a disability
 2. a child who is between his/her 18th birthday and the first March 31 after his/her 18th birthday, or who has a disability
 3. a parent who is not younger than 60, or who has a disability
 4. a grandchild who is between his/her 18th birthday and the first March 31 after his/her 18th birthday, or who has a disability
 5. a grandparent who is not younger than 60, or who has a disability
 6. a brother or a sister who is between his/her 18th birthday and the first March 31 after his/her 18th birthday, or who is not younger than 60, or who has a disability
 7. husband who is not younger than 55 and under 60
 8. a parent who is not younger than 55 and under 60
 9. a grandparent who is not younger than 55 and under 60
 10. a brother or a sister who is not younger than 55 and under 60
- } they start to receive the pension when they become 60 years old

The annual amount of the survivor's compensation pension is shown in (TABLE H) below.

(TABLE H)

THE NUMBER OF SURVIVING FAMILY MEMBERS (*1)	AMOUNT TO BE GRANTED
1	basic daily benefit × 153 days
1 (*2)	175 days
2	201 days
3	223 days
4 or more people	245 days

(*1) the number of surviving family members indicates the total number of the recipients of the survivor's compensation pension and the qualified recipients whose living depends on the recipient.

(*2) wife who is not younger than 55, or has a disability determined by an ordinance of the Ministry of Labor.

If the recipient desires, the pension can be prepaid within the limits of the basic daily benefit \times 1000 days (a surviving family compensation pension advance lump sum)

The survivor's compensation lump sum is granted to the person with the highest priority of the following surviving family members.

1. spouse
2. children, parents, grandchildren, and grandparents who depended on the income of the victim worker when he/she died
3. the other children, parents, grandchildren, and grandparents
4. brothers and sisters

Procedure

Fill in the information in an "application for a survivor's compensation lump sum", and file it to the chief of the Labor Standards Bureau, together with the following documents.

Documents to be attached

1. A document in proof of the death of the victim worker (a death certificate)
2. A copy of the family register or a copy of the portion of the family register which relates to the applicant and the dead victim worker
3. When the dead victim worker was in a common-law marriage relation with the applicant, a document in proof of the fact
4. A document in proof of the fact that the applicant depended on the income of the dead victim worker

c. Special Allowances

Special allowances, which can be granted to the recipients of the survivor's compensation benefits (the survivor's compensation pension or the survivor's compensation lump sum), have three types: a survivor's special allowance, a survivor's special pension based on special salaries, and a survivor's special lump sum based on special salaries. As a rule, an application for these special allowances must be submitted at the same time as a request statement for the survivor's compensation benefits.

c.1. Survivor's Special Allowance

The recipients of the survivor's compensation pension or the survivor's compensation lump sum can receive ¥3,000,000 uniformly. When there are two or more recipients, the amount is divided and distributed to them equally.

c.2. Survivor's Special Pension

The recipients of the survivor's compensation pension can receive the amount shown in (TABLE I) below. When there are two or more recipients, the amount is divided and distributed to them equally.

(TABLE I)

THE NUMBER OF SURVIVING FAMILY MEMBERS (*1)	AMOUNT TO BE GRANTED
1	estimated basic daily sum × 153 days
1 (*2)	175 days
2	201 days
3	223 days
4 or more people	245 days

(*1) the number of surviving family members indicates the total number of the recipients of the survivor's compensation pension and the qualified recipients whose living depends on the recipient.

(*2) wife who is not younger than 55, or has a disability determined by an ordinance of the Ministry of Labor.

c.3. Survivor's Special Lump Sum

A survivor's special lump sum is available to the recipients of the survivor's compensation lump sum in the following cases. When there are two or more recipients, the amount is divided and distributed to them equally.

1. when there is no qualified recipient of the survivor's compensation pension at the death of the victim worker --- the equivalent of the estimated basic daily sum ×1000 days.
2. in the case where the recipient of the survivor's compensation pension loses his/her rights, when there is no qualified recipient and the total amount of the pension supplied so far is less than the equivalent of basic daily benefit ×1000 days --- the difference between the total amount of survivor's special pension supplied so far and the equivalent of the estimated basic daily sum ×1000 days.

G. Funeral Fees [Funeral Benefits]

The person who is determined to have held the funeral of the dead victim worker (the person can be other than surviving family members) can receive these benefits.

The contents of the benefits

Either the basic figure (¥315,000) + the basic daily benefit × 30 days, or the basic daily benefit × 60 days, the larger amount is supplied.

Procedure

Fill in the information in a “request statement for funeral fees [funeral benefits]”, and submit it to the chief of the Labor Standards Bureau, together with a document in proof of the death of the victim worker.

H. Secondary Health Checkup Benefits

In a regular medical checkup held by the employer, if a worker is found to have abnormalities in all of the four items: blood pressure, blood sugar, lipid in blood, and obesity index which are related to a cerebrovascular disease or a heart disease due to his/her job, the worker can take a secondary checkup for reexamination or a health guidance based on the reexamination results at no charge. The secondary checkup must be done in a hospital or a clinic designated for labor insurance.

Procedure

Fill in the information in a “request statement for secondary health checkup benefits”, and submit it to the chief of the Labor Standards Bureau, by way of the medical facility to have a secondary health checkup, together with a document in proof of the abnormalities found in the regular health checkup and the employer’s certificate. Note that the secondary health checkup benefits must be requested within 3 months from the day of the regular health checkup.