

Attachment 1 to the Guidebook for Respecting Human Rights in Food Enterprises

Points to Consider in Addressing Specific Human Rights Risks

Introduction

- In promoting efforts to respect human rights in accordance with the Guidebook for Respecting Human Rights in Food Enterprises (“the Guidebook”), food enterprises **are required to respect internationally recognized human rights** (see p. 4 of the Guidebook and pp. 4-5 of Reference of the Guidebook). Attachment 1 to the Guidebook sets out points to consider in addressing specific human rights risks to deepen the understanding of the human rights risks that are considered particularly important for the food industry.
- Address **also risks to the internationally recognized human rights other than those listed in (1) to (11)** below in line with the Guidebook, with reference particularly to p. 29 of the Guidebook, p. 13 of Reference of the Guidebook, and the Reference Material on Practical Approach for Business Enterprises to Respect Human Rights in Responsible Supply Chains (Attachment 1) Reference Documents, as appropriate.

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(1) Prohibition of forced labor

(Attachment 1) Points to consider in addressing specific human rights risks

Reference of the Guidebook,
pp. 15-28

- No employment or labor shall be forced against the free will of workers.
- Labor is not compulsory, and workers' rights to resign, move, etc. must be guaranteed.

Description of adverse human rights impacts

A violation of the basic human right to work in freedom and freely choose one's work, by any work or service that is exacted from any person under the menace of any penalty, and for which that person has not offered himself or herself voluntarily.

- Providing wages or other compensation to a worker does not necessarily indicate that the labor is not forced or compulsory. By right, labor should be freely given and employees should be free to leave in accordance with established rules. (Principle 4, the UN Global Compact)
- The following two elements characterize forced labor:
 - ① Threat of penalty: Refusal to pay wages, forbidding a worker from travelling freely from office, factory or other facility, violence or physical obligations, the threat to denounce an illegal worker to the authorities
 - ② Work or service undertaken involuntarily: Retention of passports, identity papers and travel documents (original copies), non-payment of wages or other remuneration for repayment of a loan, use of illegal recruitment service providers, collection of high recruitment fees, etc.

Source: Ministry of Justice, 2021, p. 19. *Response to "Business and Human Rights" Issues Required of Business Enterprises (Full Version)* ("Report 'Research and Study on Business and Human Rights'")

***See also "Respect for rights of foreign workers" below, as many issues are related.**

(1) Prohibition of forced labor

(Attachment 1) Check point examples in addressing specific human rights risks

Reference of the Guidebook,
pp. 15-28

Check point examples in addressing human rights risks (See p. 57 for sources)

For example, use the following checklist to review your enterprise's measures and efforts. In addition, the business enterprise should periodically review its policies, etc., and check and assess the results and effectiveness of its measures with a view to improving approaches to risks related to human rights.

(*See also "Respect for rights of foreign workers" below, as many issues are related.)

Note: The check point examples provided below are designed to help each business operator to consider what points should be confirmed as a way to address their human rights risks. Please note that it is not sufficient to confirm only the following check points. Each business enterprise should check its practice after thoroughly considering the following check points.

- Does your enterprise declare its commitment to prohibit forced labor in its guidelines and other documents?
- Do you guarantee workers the right to freely resign if they give prior notice?
- Are terms and conditions of employment and workers' rights provided in writing and in plain language?
- Do you retain or confiscate a worker's original documents of identification, such as passport, without his/her consent?
- If a business enterprise retain a worker's identity documents, is it based on the worker's genuine request and consent? Do workers have free access to their identity documents at all times?
- Are any of your workers forced to work against their will due to recruitment fees, deposits, or repayment of debts?
- Are workers' freedom of movement, such as for going to the toilet or for hydration, guaranteed?
- If a case of forced labor is discovered, do you implement effective remedies?



Suggested measures

- Develop and disseminate clear guidelines and documents to the effect that the business enterprise prohibits forced labor.
- Provide training on forced labor and other human rights issues for all workers, including officers and managers.
- Introduce a system to investigate and deal with suspected violations, including remedy and protection measures for victims, a consultation system, and a helpline.
- When using an employment agency, check in advance whether the agency is ethical and ensure that workers are not unfairly charged money (such as by checking the agency's website, asking users about the agency's reputation) Specify (clarify) the actions to be taken and dispositions to be made in the event that a violation is identified.
- The implementation status of remedial measures is periodically checked by management and departments in charge, and once the issue has been remedied, verification should be conducted to improve recurrence prevention and corrective measures.

(2) Prohibition of child labor

(Attachment 1) Points to consider in addressing specific human rights risks

Reference of the Guidebook,
pp. 29-42

- Children who have not reached the minimum age for employment (in principle, 15 years of age) must not be employed.
- A young person under 18 years of age must not be employed for hazardous work that is likely to harm their health and safety.

Description of adverse human rights impacts

Work performed by children under the minimum age to work set by law (in principle, the minimum age to work is 15; for work that may harm health, safety, or morals, the minimum age is 18 years old) (*)

Examples of hazardous work prohibited for children under 18 years of age

- Work at a height of 5 meters or higher where there is a risk of falling
- Scaffolding assembly and dismantling operations
- Work involving the handling of heavy loads (for continuous work, work involving the handling of objects weighing 8 kg or more for women under 16 years of age and 10 kg or more for men)
- Businesses serving alcoholic beverages/special entertainment (bars, cabarets, clubs, etc.)

Other examples of labor regulations regarding workers under 18 years of age (from the Labor Standards Act of Japan)

- Prohibition of late-night work (In principle, an employer must not have a person under 18 years of age work between 10:00 p.m. and 5:00 a.m. and have junior high school students and younger work between 8:00 p.m. and 5:00 a.m.)
- Restrictions on off-hours work and work on days off
- Certificates certifying the ages of children under 18 years of age must be kept at the workplace

Types of labor considered the worst forms of child labor

- All forms of slavery, such as the trafficking of children, forced or compulsory labor, including forced or compulsory recruitment of children for use in armed conflict and debt bondage
- Use, procuring or offering of a child for prostitution, for the production of pornography or pornographic performances
- Use, procuring or offering of a child for illicit activities, including for the production and trafficking of drugs
- Work which is likely to harm the health, safety or morals of children

(*) Since there are exceptions such as developing countries that may set the minimum age to work at 14 (12 for light labor), it is essential to check the provisions of national laws in each country to ensure legal compliance.

Please also refer to Reference of this Guidebook for further information.

Source: Ministry of Justice, 2021, p. 24. *Response to "Business and Human Rights" Issues Required of Business Enterprises (Full Version) ("Report 'Research and Study on Business and Human Rights'")*

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- Does your enterprise declare its commitment to prohibit child labor in its guidelines and other documents?
- Are all workers of legal working age?
- (In principle, 15 years of age or older who have completed compulsory education) Do you verify the age of an applicant with official documents before hiring?
- Do you allow children under the age of 18 to work at night or perform hazardous work?
- If a case of child labor is discovered, do you implement remedial measures with the best interests of the child as the top priority?



Suggested measures

- Develop and disseminate clear guidelines and documents to the effect that the business enterprise prohibits child labor.
- Provide training on child labor and other human rights issues for all workers, including officers and managers.
- Verify the age with an official certificate before commencing employment (a resume alone is not sufficient since it may be forged).
- When it becomes clear that there is child labor occurring, remedial measures should be implemented with the utmost consideration for the interests of the child.
- The implementation status of remedial measures is periodically checked by management and departments in charge, and once the issue has been remedied, verification should be conducted to improve recurrence prevention and corrective measures.

(3) Elimination of discrimination

(Attachment 1) Points to consider in addressing specific human rights risks

Reference of the Guidebook,
pp. 43-56

- **No discriminatory treatment is tolerated based on race, color, religion, sex, political opinion, national or social origin, or any other “attribute unrelated in any way to the work to be performed.”**

Description of adverse human rights impacts

Effectively, directly or indirectly, subordinate or disadvantage a specific individual on the basis of attributes unrelated to the work to be performed including race, color, ethnicity, sex, language, religion, political and other opinions, national or social origin, property, birth or other status (sexual orientation, health status, disability) as well as employment status (regular or irregular)

Major types of discrimination

- Sex, sexual orientation, gender identity
- Disability, illness
- Buraku discrimination (Dowa issue)
- National origin/birth
- Religion
- Political opinion
- Employment status (regular/irregular)

Major circumstances in which discrimination occurs

- Recruitment, assignment, wages, promotion, and demotion: personnel actions based on sex, national origin, etc.
- Internal regulations, systems and benefits: Benefits that do not apply to workers with specific sexual orientations
- Communication: Discriminatory remarks on the basis of disability
- Services and products: Product designs that create stereotypical images of specific racial groups, etc.
- Advertisement: Stereotyped commercials, poster expressions
- Facilities and equipment: Significant delays in barrier-free accessibility of offices and stores, etc.

(3) Elimination of discrimination

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- Does your enterprise declare its commitment to eliminate discrimination in its guidelines and other documents?
- Do you ask about personal information unrelated to the work to be performed (religion, place of birth, plans for marriage or pregnancy, etc.) at the time of hiring?
- Are the standards for wages, leave, personnel evaluation, etc. objective so as not to discriminate or arbitrarily treat employees based on their sex or other attributes?
- Do you analyze personnel and other relevant records to monitor progress toward elimination of discrimination?
- Do you take measures to ensure that workers who used the consultation service are not treated unfavorably?
- Do you regularly conduct training for all workers, including recruitment personnel, managers, and officers, to raise awareness of eliminating discrimination?
- Are there any mechanisms in place to detect victims of discrimination and any counseling service available to victims?



Suggested measures

- Develop and disseminate the enterprise's policy on the elimination of discrimination.
- Establish objective and transparent criteria for personnel-related decision-making to prevent arbitrary decisions.
- Conduct an internal survey to spot any discrimination occurs within the enterprise.
- Conduct training to increase discrimination awareness for all workers in the business enterprise, including recruitment and screening personnel, managers, and officers.
- Establish a helpline and other grievance mechanism, develop an implementation system, and provide training, to ensure that discrimination is promptly addressed when it occurs.
- Retain personnel-related records, and information reported to the helpline so as to verify after-the-fact whether no discrimination is present and that workers are being treated equally.

(4) Respect for rights of foreign workers

(Attachment 1) Points to consider in addressing specific human rights risks

Reference of the Guidebook,
pp. 57-70

- **Gain a proper understanding of foreign workers' vulnerable situations and respect their human rights**

Description of
adverse human
rights impacts

Discriminatory treatment in terms of wages, working hours, or other working conditions by reason of being a foreigner

- Employers are required to take appropriate measures to ensure an environment in which foreign workers can work within the scope of their status of residence and effectively demonstrate their abilities while ensuring appropriate working conditions and health and safety, and to explain these measures in a manner that foreign workers understand.

Source: Ministry of Justice, 2021, p. 23. *Response to "Business and Human Rights" Issues Required of Business Enterprises (Full Version)* ("Report 'Research and Study on Business and Human Rights'")

***See also "Prohibition of forced labor" above, as many issues are related.**

(4) Respect for rights of foreign workers

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- Does your enterprise confirm that the job applicant has an appropriate status of residence approved by the government agency?
- Are terms and conditions of employment and workers' rights provided in writing and in a language easily understood by all workers, including foreign workers?
- Are you unfairly charging workers or deducting from their wages the costs of employment agencies, etc.?
- Are the employment agencies and recruitment service providers that your enterprise is using ethical and respectful of human rights?
- Do you use languages and signage that workers understand to provide health and safety reminders and training?
- Are pay statements and other work-related information and terminology commonly used in the workplace provided in a language foreign workers understand?
- Do you actively communicate with foreign workers to help them fit into the work environment?



Suggested measures

- Develop and disseminate guidelines and other documents specifying that the business enterprise shall respect the rights of foreign workers.
- Establish a consultation service that is easily accessible to foreign workers in the event of human rights violation, and provide a system for investigation, processing, and punishment.
- The employment contract shall be in writing and in a language understood by the foreign worker concerned.
- To the extent possible, workers shall be hired directly.
- When hiring foreign workers through an employment agency, use a reputable agency.
- Employment agencies that violate the rights of foreign workers, such as taking away their passports and other identity documents from them, will be blacklisted.
- (In the event that a business enterprise needs to retain certification documents when requested by a worker), a private locker should be installed that can be opened and closed only by the worker.

(5) Respect for freedom of association and the right to collective bargaining

Reference of the Guidebook,
pp. 71-76

(Attachment 1) Points to consider in addressing specific human rights risks

- **Respect the right of all workers to form and join (or not to join) labor unions.**
- **Workers engaged in union activities and collective bargaining must be given adequate protection against acts of discrimination and unfavorable treatment.**

Description of adverse human rights impacts

- **An employer infringes on workers' right to freely decide to join a labor union or interferes with workers' decision to organize a union.**
- **To make it a condition of employment that a worker does not join or withdraws from a labor union; or dismissal or other disadvantageous treatment for reasons such as being a union member or having participated in union activities outside of working hours or during working hours with the employer's consent**

- The so-called "three labor rights" of the right to organize, the right to collective bargaining, and the right to act collectively (right to dispute) of labor unions are guaranteed as fundamental human rights under the Constitution of Japan.
- Workers and employers shall have the right to establish and join organizations of their own choosing without prior authorization.
- Workers' and employers' organizations (including their federations) shall have the right to draw up their constitutions and rules, to elect their representatives in full freedom, to organize their administration and activities and to formulate their programs. (ILO, Freedom of Association and Protection of the Right to Organise Convention, 1948 (No. 87)).

Source: Ministry of Justice, 2021, p. 22. *Response to "Business and Human Rights" Issues Required of Business Enterprises (Full Version)* ("Report 'Research and Study on Business and Human Rights'")

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- Does your enterprise declare its commitment to guarantee freedom of association and the right to collective bargaining in its guidelines and other documents?
- Do you prohibit discrimination or disadvantageous treatment on the basis of union activities or involvement in collective bargaining?
- Do you negotiate in good faith with labor unions, worker representatives, etc. without unreasonably delaying negotiations?
- In countries where freedom of association and the right to collective bargaining are not recognized, do you have alternative mechanisms in place for worker representatives to discuss workplace issues with the business enterprise?



Suggested measures

- Stipulate in policies and other documents that the company respects the freedom of association and the right to collective bargaining, and recognizes these rights.
- Establish a rule which stipulates that no discrimination or disadvantageous treatment will be made on the basis of union activities.
- Provide management and workers with education to respect freedom of association.
- The employer shall not interfere with workers' freedom of association.
- Provide appropriate facilities to worker representatives for the implementation of effective union activities.
- The business enterprise shall engage in collective bargaining and consultation when requested by a labor union and worker representatives.

(6) Securing occupational safety and health

(Attachment 1) Points to consider in addressing specific human rights risks

Reference of the Guidebook,
pp. 77-89

- **Business enterprises must maintain appropriate standards for worker health and safety in accordance with applicable laws and regulations.**

Description of
adverse human
rights impacts

- **Work-related injuries and illnesses (adverse effects on a person's physical, mental or cognitive condition)**
- **Business enterprises' failure to ensure workers' safety and health through the creation of comfortable work environments and the improvement of working conditions**

Source: Ministry of Justice, 2021, p. 13. *Response to "Business and Human Rights" Issues Required of Business Enterprises (Full Version)* ("Report 'Research and Study on Business and Human Rights'")

(6) Securing occupational safety and health

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- Does your enterprise have a written strategies for your occupational health and safety measures?
- Have you appointed a health officer and established a safety and health committee in accordance with laws and regulations?
- Are chemical or physical risks identified and hazards to worker safety and health removed?
- Are safe, healthy, and clean workplaces (including cafeterias and dormitories if any) provided in accordance with laws and regulations?
- Do you have manuals and rules in place on safe work practices, emergencies, and industrial accident response? Do you provide regular training in a language that workers understand, and alert workers for any possible hazards through easy-to-read signs?
- Are you taking preventive measures in addition to measures to prevent recurrence of occupational accidents that have occurred?
- Are evacuation drills conducted at least once a year and attended by all workers?
- Do you have your workers take medical examinations in accordance with laws and regulations?
- Do you have a mental health program for your workers?
- For machines and equipment with high potential to cause injury, do you take measures such as installing safety devices such as guards and interlocks, and installing emergency stop devices within easy reach of workers?
- Are protective equipment and uniforms provided to workers free of charge?
- Are fire-fighting equipment properly maintained and inspected on a regular basis in accordance with laws and regulations?
- Are evacuation routes unobstructed and can emergency exit doors be opened instantly and easily?



**Suggested
measures**

- Establish a policy on occupational health and safety, and update it regularly to ensure it remains relevant and effective.
- Prepare a manual on occupational health and safety.
- Prepare a manual for responding emergencies such as fires and disasters, and disseminate it in a language and with signs that workers understand.
- Conduct periodic safety drills and training for all workers.
- Accurately inform workers of the hazards in the workplace and provide them with the knowledge and protective equipment necessary to avoid those hazards.
- Emergency exit doors should be able to be opened outward with a single action (quick and easy to open) toward the direction of evacuation.

(7) Prohibition of excessive and unreasonable working hours

(Attachment 1) Points to consider in addressing specific human rights risks

Reference of the Guidebook,
pp. 90-106

- **Business enterprises must not allow workers to work beyond the limits allowed by law.**
- **A business enterprise shall “properly manage” working hours of workers while ensuring sufficient days off and break periods and permitting them to use the break periods freely.**

Description of adverse human rights impacts

- In addition to a work-week of 40 hours (five days a week for eight hours a day), workers are required to work in excess of the off-hours maximum (45 hours a month and 360 hours a year) set forth in an agreement in pursuant to Article 36 of the Labor Standards Act (“36 Agreement”), without extraordinary special circumstances.
 - Taking of appropriate breaks is restricted.
- This applies to all workers regardless of size of a business enterprise or employment status.
 - Even in cases where there are extraordinary special circumstances and labor and management agree, overtime shall not exceed 720 hours per year, an average of 80 hours per month for multiple months (including work on days off), and less than 100 hours per month (including work on days off).
 - Overtime may not exceed 45 hours per month for more than six months per year.
 - It should be noted that employers have a duty of care for the safety of workers even within the hours of the 36 Agreement, and that longer working hours have a stronger association with death from overwork.

Source: Ministry of Justice, 2021, p. 12. *Response to “Business and Human Rights” Issues Required of Business Enterprises (Full Version)* (“Report ‘Research and Study on Business and Human Rights’”)

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- Does your enterprise declare its commitment to comply with laws and regulations as well as industry standards regarding working hours, breaks, and days off in its guidelines and other documents?
- Is your enterprise in compliance with the laws and regulations regarding working hours? (In principle, eight hours per day or 40 hours per week)
- Are workers given at least one day off every seven days?
- Are workers allowed to take breaks? (In principle, workers are provided with 45 minutes of break periods if working hours exceed six hours, and one hour of break periods if working hours exceed eight hours.)
- Are all workers eligible for paid leave in accordance with laws and regulations?
- Do workers freely take paid leave and other leave based on their own will?
- In cases where workers are working long hours, are appropriate measures taken to protect their health and safety?
- Is off-hours work performed with the agreement of workers? (Is your enterprise forcing them to do so?)
- Are workers' working hours documented by an accurate and reliable recording system, such as time cards?
- Do you have a management system in place to visualize the use of annual paid leave and ensure that employees take it in a planned manner?



Suggested measures

- In accordance with applicable laws and regulations, rules on working hours, days off, annual paid leave, etc. shall be established in the employment regulations.
- Develop clear guidelines and other documents regarding payroll and attendance tracking and management systems.
- Establish a system for consultation when incidents concerning working hours occur, such as a consultation service and helpline, and create relevant guidelines and documents.
- Adopt a tracking system that allows employers to objectively confirm attendance status through a reliable recording system (e.g., time cards, IC card entry/exit logs, computer usage time records, etc.).
- Visualize off-hours working hours and set a target for monthly overtime hours.
- Visualize the utilization of annual paid leave and take concrete measures to allow workers to use the annual paid leave in a well-planned manner with a view to improving the utilization rate.
 - Managers set an example by taking annual paid leave before their subordinates.
 - Encourage employees to take annual paid leave before and after consecutive holidays.

(8) Fair wage payment

(Attachment 1) Points to consider in addressing specific human rights risks

Reference of the Guidebook,
pp. 107-116

- Employers are obligated to pay wages at or above the legal minimum wage.
- Wages must be paid in an appropriate manner.

Description of adverse human rights impacts

- Failure of an employer to pay the wages stipulated in the labor contract or employment regulations on the designated payment date
 - Failure of an employer to pay wages sufficient to meet the basic needs of workers and their families (living wage), regardless of the minimum wage set by law.
- Wages: Regular wages, retirement benefits, lump-sum payments (bonuses), allowance for absence from work, premium wages, wages for annual paid leave (Article 39 of the Labor Standards Act), other wages that are stipulated in Article 11 of the Labor Standards Act
 - Minimum wage: Wage set to “improve the working conditions, thereby contributing to securing the worker's livelihoods, the improvement of the quality of the labor force, and ensuring fair business competition as well as to the sound development of the national economy.” (Article 1, Minimum Wage Act)

Source: Ministry of Justice, 2021, p. 11. *Response to “Business and Human Rights” Issues Required of Business Enterprises (Full Version)* (“Report ‘Research and Study on Business and Human Rights’”)

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- Are workers' wages at or above the legal minimum wage, and at a level that meets the basic needs of workers?
- Do you have appropriate provisions for off-hours work in collective agreements, employment regulations, etc.?
- Are wages paid in full on a regular basis and are there any delays in payment?
- Are you paying premium wages for off-hours work based on laws and regulations?
- Are deductions from workers' wages limited to those permitted by law, such as social insurance and taxes?
- Is any reduction in pay as a disciplinary action taken within the limits of the law?
- Are pay statements provided in writing? Are they in detail and easy to understand?
- Do you adhere to the principle of equal pay for equal work and pay the same wage for work of equal value regardless of sex or employment status?



Suggested measures

- In accordance with applicable laws and regulations, rules and documents related to regular wages, retirement benefits, lump-sum payments (bonuses), allowance for absence from work, premium wages, and payment procedures should be established in the employment regulations.
- Develop clear guidelines and other documents regarding payroll and attendance tracking and management systems.
- Establish a system for consultation when incidents concerning wages occur, such as a consultation service and helpline, and create relevant guidelines and documents.
- Adopt a tracking system that allows employers to objectively confirm attendance status through a reliable recording system (e.g., time cards, IC card entry/exit logs, computer usage time records, etc.).
- Establish a consultation service or helpline where workers can feel comfortable discussing pay and attendance issues, and inform workers of the contact information.
- Foreign workers should be provided with opportunities to be briefed on employment regulations and be presented with employment contracts in a language they understand.
- Minimize deductions from wages as a disciplinary action (internationally, deductions from wages as a disciplinary action are regarded as a problem)

(9) Prohibition of violence and harassment

(Attachment 1) Points to consider in addressing specific human rights risks

Reference of the Guidebook,
pp. 117-127

- In order to prevent harassment in the workplace, measures that should be taken by an employer for employee management shall be stipulated in the guidelines. In the event of an actual incident, the employer must deal with such incident appropriately based on its obligation to take necessary measures for employment management.

Description of adverse human rights impacts

■ Power harassment, sexual harassment, harassment related to pregnancy, childbirth, childcare leave, etc.

- Power harassment (workplace harassment): Any language or behavior (1) that constitutes bullying in the workplace, (2) that exceeds the scope necessary and reasonable in the course of business, and (3) that harms the work environment of workers.
- Sexual harassment: a worker is disadvantaged with regard to his/her working conditions or his/her working environment is impaired by the worker's response to sexual words or actions that are against his/her will in the workplace.
- Harassment related to pregnancy, childbirth, and childcare leave: The work environment of female workers who have become pregnant or given birth, or male or female workers who have applied for or obtained childcare leave, etc., is impaired by words or actions of superiors or colleagues in the workplace (words or actions concerning pregnancy, childbirth, or use of childcare leave, etc.)
- Scope of workplace: not just in offices It widely covers work-related locations such as break rooms, cafeterias, restrooms, locker rooms, on business trips, during training, at job-related events, via email, on social media, in company dormitories, on the way to work, and other work-related locations.

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Check point examples in addressing human rights risks (See p. 57 for sources)

For example, use the following checklist to review your enterprise's measures and efforts. In addition, the business enterprise should periodically review its policies, etc., and check and assess the results and effectiveness of its measures with a view to improving approaches to risks related to human rights.

Note: The check point examples provided below are designed to help each business operator to consider what points should be confirmed as a way to address their human rights risks. Please note that it is not sufficient to confirm only the following check points. Each business enterprise should check its practice after thoroughly considering the following check points.

- Does your enterprise declare its commitment to tolerate no violence or harassment in its guidelines and other documents?
- Do disciplinary rules set forth in the employment regulations specify what words and actions are subject to what disciplinary action?
- Are you taking measures to increase workers' understanding of what kind of words and actions constitute harassment, such as through in-house training?
- Do you have a system in place to discover victims of violence or harassment? Is there a consultation service (e.g., harassment contact and whistleblower service) available to victims?
- Do you implement remedies if a case of violence or harassment is discovered?



Suggested measures

- Develop guidelines and documents that clearly stipulate that no violence or harassment will be tolerated. The guidelines and documents should include the following:
 - What acts constitute violence or harassment?
 - Measures to be taken against those who have committed violence or harassment (including disciplinary measures)
 - Consultation service, helpline, and other systems with which victims can raise concern about an incident
- Post guidelines and documents on violence and harassment in conspicuous places within the business enterprises so that workers are aware of them.
- Conduct training on human rights, including violence and harassment, for all workers, including officers and managers, to familiarize them with the guidelines and documents on violence and harassment.
- Establish a consultation service or helpline where workers can feel comfortable discussing their concern about violence or harassment, and inform workers of the contact information.
- In order to ensure the reliability and transparency of the consultation service and helpline, users should be informed when using the system that they can consult anonymously, that their privacy will be protected, that they will not be treated disadvantageously if they consult, and that appropriate disciplinary actions will be taken against the perpetrator if violence or harassment is found to have occurred.
- When a case arises, the business enterprise shall provide appropriate protection and support to the victim and resolve the case in a way that respects the victim's wishes.

(10) Protection of rights of indigenous and local peoples

(Attachment 1) Points to consider in addressing specific human rights risks

Reference of the Guidebook,
pp. 128-132

■ Prevent adverse impacts of business enterprises' activities on indigenous and local peoples

Description of adverse human rights impacts

Abuse any and all human rights of indigenous and local peoples by business enterprises' activities

- Adverse impacts on indigenous and local peoples due to land and resource dispossession and environmental pollution
- Adverse impacts on the livelihood, culture and religion of indigenous and local peoples
- Acts that threaten life and physical integrity
- Forced population transfer, forced assimilation or integration
- Any form of propaganda designed to promote or incite racial or ethnic discrimination

Source: Ministry of Justice, 2021, p. 33. *Response to "Business and Human Rights" Issues Required of Business Enterprises (Full Version) ("Report 'Research and Study on Business and Human Rights'")*

(10) Protection of rights of indigenous and local peoples

(Attachment 1) Check point examples in addressing specific human rights risks

Reference of the Guidebook,
pp. 128-132

Check point examples in addressing human rights risks (See p. 57 for sources)

For example, use the following checklist to review your enterprise's measures and efforts. In addition, the business enterprise should periodically review its policies, etc., and check and assess the results and effectiveness of its measures with a view to improving approaches to risks related to human rights.

Note: The check point examples provided below are designed to help each business operator to consider what points should be confirmed as a way to address their human rights risks. Please note that it is not sufficient to confirm only the following check points. Each business enterprise should check its practice after thoroughly considering the following check points.

- Is there a process in place to recognize and identify potential adverse impacts of business activities on indigenous and local peoples?
- Have you identified and grasped whether raw materials are produced in countries/regions with a large number of indigenous and local peoples and their forest areas, where there is a high risk of violating their rights?
- Are you familiar with the principle of free, prior and informed consent (FPIC)?
- Do you obtain a FPIC before conducting any business activities that may affect the rights or interests of indigenous and local peoples?
- Are you using indigenous languages, designs, expressions, medicinal herb-related knowledge and resources for your research and development or products without their permission?



Suggested measures

- Develop policies and documents stating that the business enterprise shall respect unique culture and history of indigenous and local peoples, comply with relevant laws and regulations and international standards, and give consideration to the rights of indigenous peoples.
- Before the start of and at each stage of the project, the business enterprise should engage in consultation with and obtain consent from the residents such as indigenous and local peoples who may be affected by the project.
- The consultation will examine intangible values associated with religious sites and sacred areas of cultural importance.
- To engage with indigenous and local peoples to identify ways to mitigate impacts on their culture and traditional activities, and to incorporate their wishes and priorities into consultations and agreements.
- Provide all information on business activities in a manner that is understandable to indigenous and local peoples.
- Agreed-upon and pending points of the business activities, the conditions of the agreement, and points requiring continued consultation should be recorded as documents, which should be shared in a manner and language that indigenous and local peoples understand.
- The business activities should be suspended if the FPIC is not obtained.
- Business enterprises should preferentially procure the certified products whose requirements for certification include obtaining FPIC (e.g., RSPO), and raw materials for which FPIC is obtained.

(11) Consumer safety and right to know

(Attachment 1) Points to consider in addressing specific human rights risks

Reference of the Guidebook,
pp. 133-143

Learn to understand the labeling methods stipulated by the relevant laws and regulations, and ensure appropriate labeling.

Description of
adverse human
rights impacts

Provision of products and services that are harmful to consumers' mental and physical health, as well as misrepresentation and violation of consumers' right to know in product labeling, etc.

Source: Ministry of Justice, 2021, p. 28. *Response to "Business and Human Rights" Issues Required of Business Enterprises (Full Version)* ("Report 'Research and Study on Business and Human Rights'")

(11) Consumer safety and right to know

(Attachment 1) Check point examples in addressing specific human rights risks

Reference of the Guidebook,
pp. 133-143

Check point examples in addressing specific human rights risks (See p. 57 for sources)

For example, use the following checklist to review your enterprise's measures and efforts. In addition, the business enterprise should periodically review its policies, etc., and check and assess the results and effectiveness of its measures with a view to improving approaches to risks related to human rights.

Note: The check point examples provided below are designed to help each business operator to consider what points should be confirmed as a way to address their human rights risks. Please note that it is not sufficient to confirm only the following check points. Each business enterprise should check its practice after thoroughly considering the following check points.

- Does your enterprise understand the labelling methods stipulated by the Food Labeling Act and other relevant laws and regulations?
- Are you aware of ingredients for which allergen labelling is required or recommended?
- Do you know what kind of representations constitute false or exaggerated labelling or misrepresentation?
- Are there training opportunities for employees to develop skills and to learn labelling methods?
- Are labeling methods and rule changes shared among persons in charge within the enterprise?
- Are there any internal rules or approaches in place to prevent labelling errors, such as double-checking?



Suggested measures

- Since errors cannot be eliminated to zero, consider and implement countermeasures on the assumption that errors will occur. (For example, on the assumption that a person in charge erroneously inputs place of origin data or forgets the entry, a check system should be established to crosscheck the actual product with labels).
- Establish a cross-organizational team for on-site improvements or (in smaller business enterprises) create a forum or opportunity to share problems and issues that arise within the enterprise.
- Make it a rule to share with the person in charge any changes in the rules for labeling methods due to revisions of laws and regulations, and any communication from suppliers about changes in product names or places of origin.
- Use of written instruction (rather than oral) will prevent workers from misunderstanding or forgetting.
- Multiple persons check whether the labeling of origin, etc., is properly indicated.

(12) Management system

(Attachment 1) Points to consider in addressing specific human rights risks

- **Incorporate a business enterprise's actions to fulfill its responsibility to respect human rights into the enterprise's policies and management systems.**

Measures

Promote efforts to fulfill your responsibility to respect human rights through the formulation of policies and the establishment of a system of accountability and implementation.

- Develop and disseminate policies and documents to promote efforts to address risks related to human rights
- Review and update policies and documents
- Develop policies and consider and implement specific measures to address significant risks
- Appointment of management-level supervisors to lead efforts and establishment of a cross-departmental system for internal collaboration
- Provide education and training to promote efforts
- Update policies as business enterprises' circumstances, supply chains, and other business environments change and risks emerge.
- Establishment of a grievance mechanism to which human rights violation cases, issues, and complaints can be filed.
- Establishment of processes to address and correct violations (implementation of investigations, capacity building, disciplinary actions and sanctions)

Source: OECD, 2018, pp. 22-23. *OECD Due Diligence Guidance for Responsible Business Conduct*

(12) Management system

(Attachment 1) Check point examples in addressing specific human rights risks

Check point examples in addressing human rights risks (See p. 57 for sources)

For example, use the following checklist to review your enterprise's measures and efforts.

Note: The check point examples provided below are designed to help each business operator to consider what points should be confirmed as a way to address their human rights risks. Please note that it is not sufficient to confirm only the following check points. Each business enterprise should check its practice after thoroughly considering the following check points.

- Does your enterprise have a human rights policy in place?
- Do you regularly inform all employees of your enterprise's policies through training and other opportunities to enhance their understanding?
- Is your management, including top executives, committed to the continuous and proactive implementation of measures to respect human rights on an enterprise-wide basis?
- Under the ultimate responsibility of management, are measures being implemented with the responsible department and persons appointed?
- Do you (or do you plan to) update your enterprise's policies as risks emerge in your operation, supply chain, and other business relationships, and as the external environment changes?
- Have you identified the business fields where risks related to human rights are most likely to exist and where such risks are considered most significant? Are you taking any measures to address such risks?
- Do you regularly check the status of implementation and effectiveness of your measures?
- Do you engage in dialogue with stakeholders, including workers, to build a relationship of trust?
- Do you proactively respond to requests for information disclosure from business partners (e.g., questionnaires, confirmation of compliance with the code of conduct, audits, etc.)?

(13) Supplier engagement

(Attachment 1) Points to consider in addressing specific human rights risks

- **Incorporate expectations and the enterprise's policies for fulfilling its responsibility to respect human rights into the enterprise's relationships with suppliers and other business partners.**

Measures

Promote efforts to fulfill the enterprise's responsibility to respect human rights together with suppliers through the formulation of policies and codes of conduct, etc.

- Communicate a policy to fulfill the enterprise's responsibility to respect human rights to its suppliers and other business partners.
- Include conditions and expectations regarding efforts to fulfill responsibilities to respect human rights in contracts and written agreements with suppliers and business partners (e.g., a supplier code of conduct).
- Provide appropriate resources and training to help suppliers and business partners implement measures.
- Change business practices that hinder suppliers and business partners from implementing measures.
- Establish mechanisms and processes to collect and evaluate relevant information from suppliers and business partners.

Source: OECD, 2018, p. 24 and p. 60. *OECD Due Diligence Guidance for Responsible Business Conduct*

(13) Supplier engagement

(Attachment 1) Check point examples in addressing specific human rights risks

Check point examples in addressing human rights risks (See p. 57 for sources)

For example, use the following checklist to review your enterprise's measures and efforts.

Note: The check point examples provided below are designed to help each business operator to consider what points should be confirmed as a way to address their human rights risks. Please note that it is not sufficient to confirm only the following check points. Each business enterprise should check its practice after thoroughly considering the following check points.

- Does your enterprise explicitly express its expectations of workers, suppliers and business partners regarding respect for human rights?
 - Is the enterprise's policy to respect human rights conveyed to suppliers and other business partners?
 - Are expectations of suppliers and business partners included in contracts and other written agreements?
 - Do you inform suppliers and business partners of your procurement policy and code of conduct by holding briefings and training sessions with a view to promoting suppliers' understanding of the policy and code of conduct so that they can apply them to their respective operations?
 - Are the enterprise's businesses, suppliers and business partners, which are related to high priority risks, identified?
 - Do you regularly evaluate whether your suppliers and business partners are effectively implementing risk mitigation measures by conducting assessments and interviews?
- Do you hold discussions with suppliers about ways to work together to improve poorly rated measures?

Reference materials

(Attachment 1) Points to consider in addressing specific human rights risks

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Ministry of Agriculture, Forestry and Fisheries, 2023. *Guidance on Sustainable Management for Food Industry* <https://www.maff.go.jp/j/shokusan/fund/esgitakuR4.html>