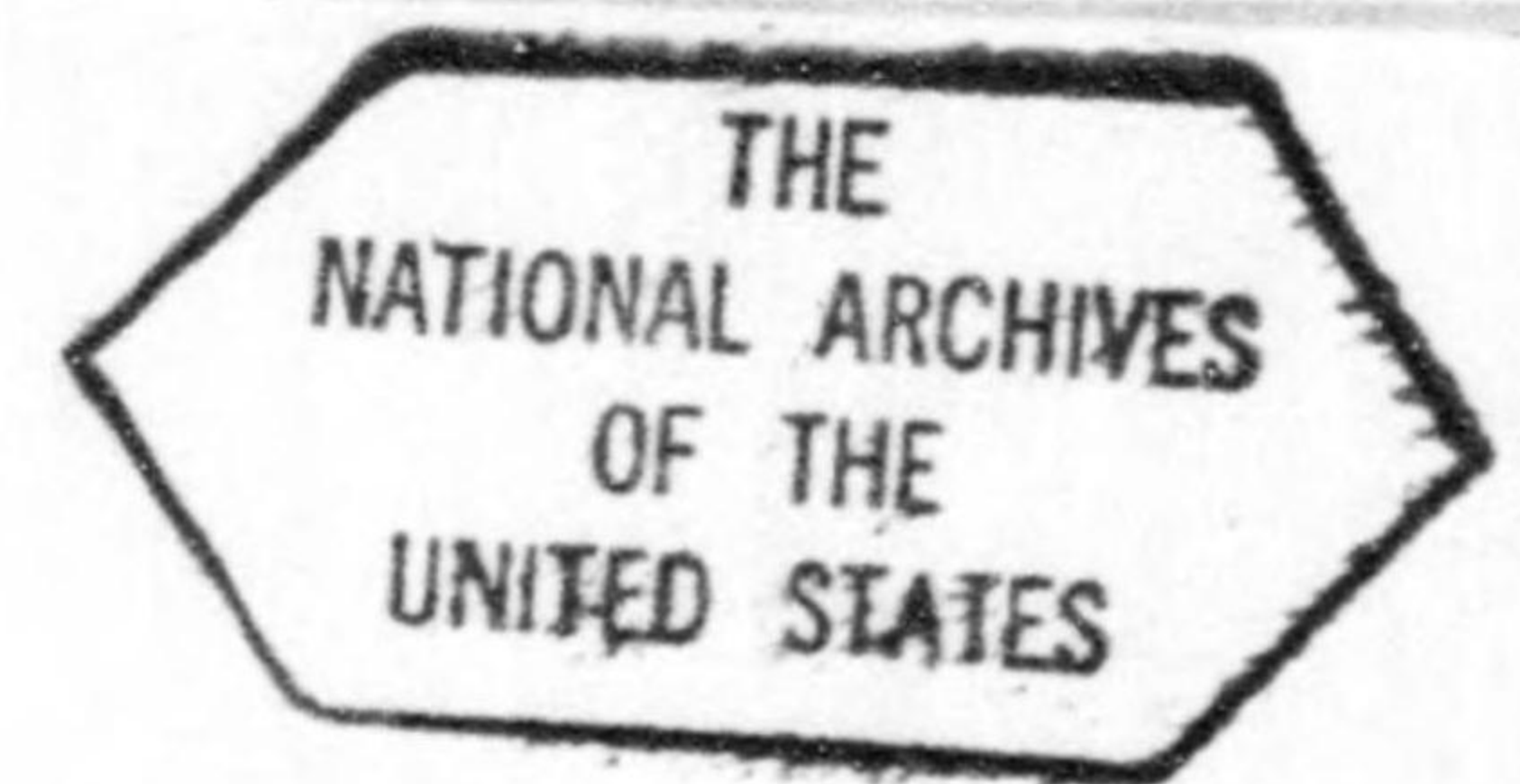


GHQ/SCAP Records(RG 331)
Description of contents



- (1) Box no. 2042
- (2) Folder title/number: (17)
Compensation - Accident Compensation

(3) Date: May 1948 - Mar 1951

(4) Subject:

Classification	Type of record
324, 760	c, e

(5) Item description and comment:
With a List of Papers

(6) Reproduction: Yes No

(7) Film no.

Sheet no.

NO.	FROM	DATE	TO	SYNOPSIS
65		17 Feb 50		Japanese Workmen's Accident Compensation Standards According to Classes Established under Labor Standards Law, 1947
66	Domanowski	2 Mar 50	M/R	Conference Concerning Accident Compensation Legislation
67	Domanowski	10 Mar 50	Hayashi	Questions Concerning the Draft of Govt Employees' Accident Compensation Law
68	Hayashi	13 Mar 50	Domanowski	Questions Concerning the Draft of Govt Employees' Accident Compensation Law
69	Hayashi	14 Mar 50	Domanowski	" " " " " "
70		9 May 50		Notes During Conference in NPA Regional Offices
71		9 May 50		Notes During First Conference in Sendai
72		9 May 50		Second Sendai Conference
73		10 May 50		Third Sendai Conference
74		11 May 50		First Conference in Fukushima
75		11 May 50		Second Fukushima Conference
76		12 May 50		Third Fukushima Conference
77	Domanowski	16 May 50		Field Trip - 9-12 May 1950
78		29 Aug 50	M/R	Basic Policy on Accident Compensation
79	Comp Bur NPA	1 Sep 50		Plan for Organizational Structure of Agency for Implementing Accident Compensation System
80	NPA	1 Sep 50		The Outline of Measures to Mr. Salter's Opinion on the System of the Govt Employees' Accident Compensation
81	Min of Finance	11 Oct 50		Task for Simple and Universal Application of Indemnity System for Physical Injury Incurred During Public Service, as Proposed
82	NPA	23 Oct 50		Govt Employees' Accident Compensation Law
83	Salter	7 Nov 50	M/R	Proposed Accident Compensation Law
84	NPA	31 Mar 51		Draft of Revision of Govt Employees Accident Compensation Bill

NO.	FROM	DATE	TO	SYNOPSIS
49	Domanowski	12 Aug 49	M/R	Conference with Mr. Okada, Compensation Bur, NPA, concerning Budgetary Provisions for a Newly Contemplated Accident Compensation Section
50	Domanowski	12 Aug 49	M/R	Conference with Mr. Rose, PH&W Sec
51	Domanowski	12 Aug 49	M/R	Conference with NPA Personnel Concerning Accident Compensation Legislation and the NPS Mutual Aid Association Law
52	Domanowski	16 Aug 49	M/R	Conference with Messrs. Okada and Haroda, Compensation Bur, NPA, concerning the Preparation of Budgetary Provisions for a New Accident Compensation Section
53	ESS	31 Aug 49		Labor Letter
54	Domanowski	2 Sep 49	NPA	Points for Clarification in the Govt Employees Accident Compensation Law
55	Domanowski	14 Sep 49	M/R	Re Accident Compensation
56	Hayshi	30 Sep 49	M/R	Translation of Memo fr Ministry of Finance to the NPA
57	Domanowski	21 Nov 49	M/R	Conference Held with Mr. D. L. Rose, PH&W, Labor Div, 19 Nov 49, re Accident Compensation Legislation
58	Comp Bur NPA	2 Dec 49		Proposed Amendments Necessary as the Result of Arrangements with the Ministry of Labor
59	Domanowski	9 Jan 50	M/R	Recommended Revisions in the 27 Dec 49 NPA Draft of the Govt Employees Accident Compensation Law
60	Salter	12 Jan 50	M/R	Accident Compensation Plan
61	Salter	12 Jan 50	Domanowski	Accident Compensation Program
62	Domanowski	17 Jan 50	M/R	Accident Compensation Plan
63		23 Jan 50		Govt Employees' Accident Compensation Law
64	Domanowski	10 Feb 50	M/R	Conference with Legal Section

NO.	FROM	DATE	TO	SYNOPSIS
35	Domanowski	19 Apr 49	M/R	Conference with Mr. D. Davis
36	Domanowski	19 Apr 49	M/R	Discussions with Mr. Salter concerning the Conference on the Injury Compensation for Govt Employees, held on 15 Apr 49
37	Domanowski	28 Apr 49	M/R	Conference with Mr. D. Davis, Labor Div, ESS, concerning the Manner in which Funds for the Industrial Accident Compensation Program are Held in Violate
38	Domanowski	3 May 49	M/R	Conference with Mr. D. Davis, Labor Div, ESS, Concerning Proposals for an Injury Compensation Program for Govt Employees
39	Domanowski	26 May 49	M/R	Further Modification on Secondary Appeal Procedures in connection with an Injury Compensation Program for Govt Employees
40	Domanowski	27 May 49	M/R	Conference with Mr. D. Davis, Labor Div, ESS re Accident Compensation Program
41	Domanowski	8 Jun 49	M/R	Project B-31 on Accident Compensation Administration for Govt Employees
42	Domanowski	8 Jun 49	NPA	Legislation on Accident Compensation for Govt Employees
43	Domanowski	9 Jun 49	M/R	Conference with Mr. Okabe, Chief, Legal Bur NPA concerning the Drafting of Legislation for Accident Compensation to Govt Employees
44	Domanowski	7 Jul 49	M/R	Conference with Mr. Davis Concerning the Preliminary Draft of a Worker's Accident Insurance Compensation Law for Govt Employees
45	Domanowski	7 Jul 49	M/R	Progress on the Preliminary Draft on a Law on Accident Compensation for Govt Employees
46	Domanowski	11 Jul 49	M/R	Analysis of Preliminary Tabulation of Occupational Hazards in the Governmental Service in Japan
47	Domanowski	2 Aug 49	M/R	Conference with Mr. Rose re Injury Compensation Program for Local Employees
48	Domanowski	3 Aug 49	M/R	Conference with Mr. D. Davis, Labor Div, ESS, concerning the Draft Bill on Occupational Accident Compensation for Govt Employees

NO.	FROM	DATE	TO	SYNOPSIS
18	Salter	18 Feb 49	Hoover	Project B-31 on Injury Compensation Adm.
19	Domanowski	18 Feb 49	M/R	Conference Concerning Accident Compensation for Govt Employees
20	ESS	28 Feb 49		The Labor Ltr re Workmen's Compensation Insurance
21	Domanowski	3 Mar 49	M/R	Conference with Mr. D. Davis, Labor Div, ESS Concerning Accident Compensation
22		4 Mar 49	Hoover	Project B-31 on Accident Compensation Administration for Govt Employees
22A	Domanowski	8 Mar 49	M/R	Conference w/Mr. Kobayashi, CLCO
23	Domanowski	11 Mar 49	M/R	Informal Conference with Mr. D. Davis Concerning Accident Compensation
24	Domanowski	16 Mar 49	M/R	Cost of Accident Compensation Benefits
25	Domanowski	23 Mar 49	M/R	Present Administration of Workmen's Accident Compensation Insurance
26	Hoover	24 Mar 49	M/R	Accident Compensation Administration
27	Domanowski	25 Mar 49	M/R	Intra-Office Conference on Proposals Concerning Accident Compensation
28	DDD	25 Mar 49	Hepler	Coverage of Govt Workers by Workmen's Compensation Sec, Labor Standards Bureau
29	Domanowski	28 Mar 49	M/R	Conference with Mr. D. Davis, Labor Div, ESS, Concerning Coverage of Govt Workers in an Accident Compensation Program
30	Hoover	1 Apr 49	M for Fol Up	Accident Compensation Administration - Govt Employees
31	Domanowski	1 Apr 49	M/R	Corporation Employees and the Accident Compensation Program
32	DDD	4 Apr 49	M/R	Coverage of Govt Employees by Workmen's Compensation
33	Domanowski	14 Apr 49	M/R	Additional Recommendations Reached Thru a Conference with Davis, Labor Div, ESS Re Accident Compensation Program for Govt Employees
34	Domanowski	15 Apr 49	M/R	Conference Concerning the Injury Compensation Program for Govt Employees

File Under Accident Compensation Page

NO.	FROM	DATE	TO	SYNOPSIS
1	Peterson	24 May 48	MacCoy	National Public Service Accident Compensation Law
2				Gist of Proposed Amendment on the Public Service Accident Compensation Law
3	Salter	4 Nov 48	M/R	Proposed Accident Compensation Law for Public Service Workers
4	PH&W	5 Nov 48	GS & ESS	Accident Compensation
5	Salter	23 Nov 48	M/R	Accident Compensation Law
6		7 Dec 48		Comparison of Laws and Bills on the Subject of Workmen's Compensation
7	LS	7 Dec 48	GS	Re Accident Compensation Law
8	C.S.	9 Dec 48		National Public Service Accident Compensation Law
9	ESS	10 Dec 48	GS	National Public Service Accident Compensation Law
10	MacCoy	24 Jan 49	Dominowski	Proposed Draft of a National Public Service Accident Compensation Law
11	Hoover	11 Feb 49	Salter	Properly Establish Injury Compensation Administration, Project B-31
12	Domanowski	14 Feb 49	Salter	Preliminary Thoughts and Comments Concerning Injury Compensation Administration
13	Salter	16 Feb 49	M/R	Conference with Mr. Davis, ESS, Labor Div, Re Accident Compensation
14	Domanowski	16 Feb 49	M/R	Conference with Mr. D. Davis of Labor Div concerning Accident Compensation Insurance
15	Domanowski	17 Feb 49	M/R	Conference with Mr. Nakao, Chief, 3rd Sec Allowance Bur, Min of Finance, Concerning His Point of View on Accident Compensation for Govt Workers
16	ESS	17 Feb 49	M/R	Workmen's Compensation Insurance
17	Domanowski	18 Feb 49	M/R	Conference w/Mr. D. Davis, Labor Div, ESS Concerning Accident Compensation for Govt Employees

National Personnel Authority

March 31, 1951

Draft of Revision of the Government Employees' Accident Compensation Bill

In Paragraph 1 of Supplementary Provisions, "April 1, 1951" shall be deleted and replaced by "^{July 1, 1951} ~~the date of its promulgation,~~"

Paragraph 4 of Supplementary Provisions shall be deleted, Paragraph 5 shall be renumbered Paragraph 4 and each of the subsequent numbers shall be moved up by one consecutively.

Cleared by P+P by telephone 17 May '51
mf

1) Skruven.

CIVIL SERVICE DIVISION
Government Section

7 November 1950

MEMORANDUM FOR RECORD

SUBJECT: Proposed Accident Compensation Law.

1. The Accident Compensation Law, proposed by NPA, and drafted by that organization, has been reviewed by Mr. Gelfo, Far Eastern representative of the Federal Accident Compensation Bureau (for Government Workers). It was also discussed by Mr. Gelfo, with the staff of NPA, responsible for drafting this legislation.

2. In general, the law was considered sound. A few points are at variance with understandings and developments now in practice in the administration of Federal Accident Compensation. The variances, however, are explainable in terms of the Japanese situation, and are not contraversial matters.

3. The points discussed were:

- a. The failure to include a waiting period. The explanation was, that while the Workman's Accident Compensation Law provides a 7 day waiting period, regulations of the Ministry of Labor, issued in accordance with the Labor Standards Law, requires employers to pay accident compensation to employees immediately upon the occurrence of the accident. In other words, no waiting period is practiced. The purpose of this is to encourage the employer to provide adequate safety devices and training, which will relieve him of heavy expenses, to meet the demands under the 7 day waiting period.
- b. This law does not specifically provide for the integration of accident compensation and leave provisions. It does provide that there shall be no duplication of payment under accident compensation, where an employee continues to receive his full pay. Their reason for not being more specific with respect to leave, is that leave, at present, was developed under the Meiji System. This leave was granted as a privilege by the Emperor to the government employees, on the basis of not to exceed a stipulated amount. The concept of leave, as a right, which may be used for other than vacation purposes, or sick leave, is not present at this time. Until such a concept is changed, the present provisions of this law are satisfactory.
- c. No provisions are made to cover partial disability, where employees may subsequently return to work, but at a rate of compensation less than that he was receiving at the time of the accident.

7 November 1950

This is a very new concept to the Japanese. Since pay is based on education and experience, they do not feel that an employee partially incapacitated will ever return to a lower salary level if he should return to work. They feel that until position classification is in effect and practiced, no such provision for partial disability is appropriate. This reasoning is further fortified by the complicated wage structure, and inability to police and verify earnings that may be acquired outside government employment.

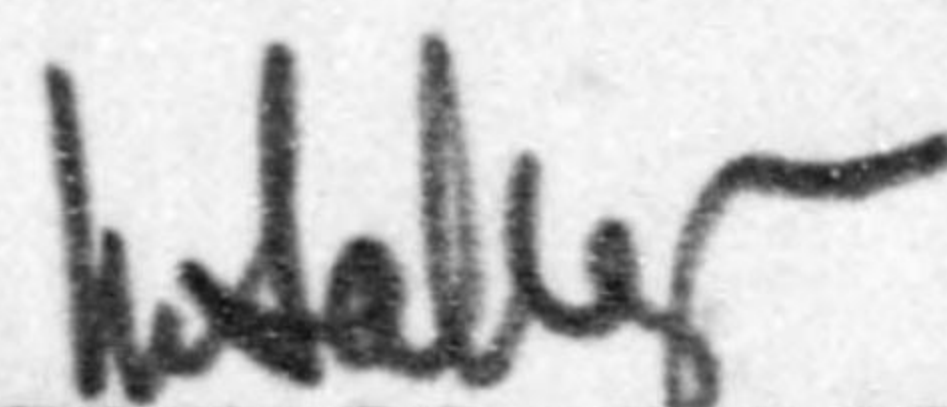
- d. The present law, in Article 15, is not specific enough as to what is meant by "gross negligence". It was agreed that the statement in the preamble of the US Accident Compensation Law with respect to this point, would be substituted in this law.
- e. It is the practice in Japan, to make lump sum payments directly to one dependent, in order of a recognized sequence. No provisions are made for paying part of the lump sum payment to one dependent, and other parts to other dependents, as is the practice in the US.
- f. The phraseology of this law does not clearly cover the method of handling recovery of funds inappropriately paid to a claimant by virtue of an error in the original award. This will be corrected in the proposed law, taking into consideration Section 38 of the US Law.
- g. This law does not provide definitions. However, it is clearly stated that NPA has the responsibility for technical interpretation. It is expected, therefore, that definitions will be provided under rule of NPA, as is the case for National Public Service Law.
- h. A system of lump-sum benefits are provided for dependents, in the case of death. No provision is made to pay this in the form of quarterly or annual payments, in order to protect the interests of the dependents. The reason for this given, is that the Labor Standards Law provides only for lump sum payments. It was expressed that the government, as a model employer, had much greater responsibility than that of private enterprise in assuring its employees that in the case of death, their dependents will be properly cared for. This includes protecting them from falling into embarrassing situations, where they might not have any income. Further thought is being given to this matter. NPA believes, however, that under its rule and regulation power, this matter can be controlled.

Memorandum for Record

-3-

7 November 1950

Proper consideration will be given of this program and its relationship to the pension program.


MacDONALD SALTER
Chief, Compensation &
Classification Branch

Submitted
10/23/50

Approved by NPA 10/19/50.

Government Employees' Accident Compensation Law

Contents

- Chapter I. General Contents Provisions (Article 1 - 8)
- Chapter II. Compensation and Welfare Facilities (Article 9 - 23)
- Chapter III. Review (Article 24 - 27)
- Chapter IV. Miscellaneous Rules (Article 28 - 35)

Supplementary Provisions

Sept. 7, 1950

Draft

Oct. 19, 1950

NPA Budget for 1951-52
\$1,200,000 for
coordination

52-

Submitted
10/23/50

Approved by NPA 10/19/50.

Government Employees' Accident Compensation Law

Contents

- Chapter I. General Contents Provisions (Article 1 - 8)
- Chapter II. Compensation and Welfare Facilities (Article 9 - 23)
- Chapter III. Review (Article 24 - 27)
- Chapter IV. Miscellaneous Rules (Article 28 - 35)

Supplementary Provisions

Sept. 7, 1950

Draft

Oct. 19, 1950

NPA Budget for 1951-52
\$1,200,000 for
coordination

- 8 -

Homepage

Revisions in the Government Employees'

Accident Compensation Bill (July 8, 1950)

In Article 1 the following paragraph shall be added.

3. The provisions of this Law (excluding the part related to the Civilian Merchant Marine Committee, the People's Loan Corporation or the Housing Loan Corporation in Paragraph 1 of Article 33) shall be applied mutatis mutandis to the employees in the special service prescribed in Paragraph 3 of Article 2 of the National Public Service Law. In this case, "National Personnel Authority" shall be taken to read "Minister of Finance", "Rules of the National Personnel Authority" to read "Ministry of Finance Ordinances", "Directives of the National Personnel Authority" to read "Ministry of Finance Notification", respectively, and the provision of Paragraph 2 of Article 4 shall be revised to read "The pay of the preceding paragraph shall be the pay prescribed by the Ministry of Finance Ordinance".

Spec. Service

Article 12 shall be revised as follows:

(Compensation for inability to work)

Article 12. In case ~~there~~ an employee who is unable to work because of injury or disease incurred in line of duty and receives medical treatment does not receive his pay, the State shall supply the amount equivalent to 60 per cent of the amount of the average pay in accordance with the period of his inability to work as compensation for inability to work.

Paragraph 1 and Paragraph 2 of Supplementary Provisions shall be revised as follows:

(Date of Enforcement)

1. This Law shall come into force as from April 1 of 1951.

(Process Provision)

2. With respect to those on which causes to be compensated have occurred up to March 31 of 1951, the same shall follow the instances heretofore in force.

60%

Paragraph 10 of Supplementary Provisions shall be revised as follows:

10. Part of the Local Tax Law (Law No. 110 of 1948) shall be revised as follows:

The following item shall be added after Item 5 of Article 262.

5-2. Accident Compensation supplied in accordance with the provisions of the Law concerning the Emergency Measures of the Allowance to the Government Personnel with the Enforcement of the Labor Standard Law and Others (Law No. 167 of 1947) and the Government Employees' Accident Compensation Law (Law No. of 1950).

The following item shall be added after Item 5 of Article 672.

5-2. Accident Compensation supplied in accordance with the provisions of the Law concerning the Emergency Measures of the Allowance to the Government Personnel with the Enforcement of the Labor Standard Law and Others and the Government Employees' Accident Compensation Law.

MP & date

Chapter I. General Provisions

Purpose
(Object and Effect of this Law)

Article 1. The ^{*purpose*} ~~object~~ of this Law is to provide the employees in the regular service prescribed in Article 2 of the National Public Service Law (Law No. 120 of 1947) (excluding those employees who are mariners prescribed in Article 1 of the Mariners' Law (Law No. 100 of 1947), unrepatriated employees covered by the Undemobilized Persons' Compensation Law (Law No. 182 of 1947), and the Special Unrepatriated Persons' Compensation Law (Law No. 279 of 1948), hereinafter referred to as "employees") with prompt and equitable compensation for occupational accident (including injury, disease, invalidity, or death, hereinafter the same) incurred in line of duty (hereinafter referred to as "compensation"), in accordance with the provisions of Articles 93 to 95 inclusive of the National Public Service Law and to provide necessary facilities for the welfare of the employees who incurred occupational accident.

2. In case of conflict between any of the provisions of this Law and provisions of the National Public Service Law, the provisions of the National Public Service Law shall prevail.

(Authority of the National Personnel Authority)

Article 2. The National Personnel Authority shall have the following authority and responsibility in connection with the administration of this Law.

- (1) To be responsible for the thorough-going administration of this Law.
- (2) To formulate the Rules of the National Personnel Authority and to issue the Directives of the National Personnel Authority which are necessary for the administration and interpretation of this Law.
- (3) To make coordination and integration with regard to the administration of compensation carried out by the administrative agency of the next Article.

- (4) To investigate the administration of compensation carried out by the administrative agency of the next Article and to require the collection and preparation of data and the presentation of reports.
- (5) To recommend to the head of each separate Ministry and Agency with regard to the establishment and administration of welfare facilities prescribed in Article 22.
- (6) To receive appeal for review in accordance with the provisions of Article 24 and to review and decide them.
- (7) Other authority and responsibility provided for by this Law.

(Administrative Agency)

Article 3. The National Personnel Authority and state organs designated by the National Personnel Authority (hereinafter referred to as "administrative agency") shall be responsible for the administration of compensation provided for by this Law to the extent provided for by this Law and the Rules of the National Personnel Authority.

2. The provision of the preceding paragraph shall not exempt the National Personnel Authority from discharging its responsibilities for the administration of this Law.

3. The administrative agency shall carry out the administration of compensation in accordance with policies, standards, procedures, Rules and programs as decided by this Law and the National Personnel Authority.

4. In case the administrative agency neglects its obligation incumbent upon it under the provision of Paragraph 1 or carries out the administration of compensation in violation of this Law, the Rules and Directives of the National Personnel Authority, the National Personnel Authority may make necessary instructions for the correction thereof.

5. In case the administrative agency does not follow its instructions of the preceding paragraph, the National Personnel Authority, of its own accord, may take necessary measures for the correction thereof, or may reverse its designation of Paragraph 1 or suspend for a time the effect thereof.

(Amount of Average Pay)

Article 4. In this Law, the amount of the average pay is defined as the quotient obtained by dividing the total amount of pay given to the employee during the period of the past three months (as to the employee who was employed during such period, the period to the day when he was employed), from the end of the month previous to the month to which the day belongs when the accident occurred which was the cause of injury or death, or the day when ^{the} ~~the~~ ^{outbreak of} the disease was ascertained by diagnosis, by the total number of the regular working days. However, the amount of the average pay shall not be less than the amount computed by one of the following items:

- (1) In case the total pay is computed by the working days or working hours, or defined by piece-rate ~~or contract price~~, 60 per cent of the quotient obtained by dividing the total amount paid during the period by the number of the working days.
- (2) In case a ^{part} ~~part~~ of the pay is computed by the working days or working hours, or defined by piece-rate ~~or contract price~~, ^{the} aggregate of the amount obtained by computing the total amount of pay of the part by the method of the preceding item and the amount of the quotient obtained by dividing the total amount of pay of the other part by the total number of the regular working days during that period.

2. The pay of the preceding paragraph, as to those employees to whom ^{concerning Base Pay of Employees in the Regular Government Service (Law No. 95 of 1950)} the Law ~~administering the New Pay for Government Employees (Law No. 46 of 1948)~~ ^(Excluding those employees who are covered by Article 22 or 23, and Officers and Employees of the Civilian Merchant Marine Committee) ~~(Excluding part-time employees, officers and employees of the Ship Managing Board and People's Finance Bank)~~ is applied, shall be salary, family allowance, area allowance, special work allowance, overtime allowance, holiday pay and night allowance (However, cold area allowance ^{and Cold Allowance} may be added in accordance with the provisions of the ^{Rules of the} National Personnel Authority), and as to other employees, shall be the pay prescribed by the ^{rules of the} National Personnel Authority.

~~Rule~~

3. If the period mentioned in Paragraph 1 includes any of the following days, the days ^{and} the pay in that period shall be computed excluding from the period and the total amount of pay above mentioned. In case, however, the amount of the average pay computed without exclusion shall exceed the amount of the average pay computed with exclusion, these shall not be excluded.

- (1) Days unable to work during which medical treatment is received because of injury or disease incurred in line of duty.
- (2) Days of rest for which a woman before and after childbirth does not work during the period from six weeks before the expected birthday to six weeks after the birthday.
- (3) Days when the employee could not work by reason for which the State is responsible.
- (4) Days on leave for exclusively engaging at the business of the employees' unions.

4. In case the amount of the average pay can not be computed according to the provisions of the preceding three paragraphs and in case the amount of average pay computed according to the provisions of the preceding three paragraphs lacks equity considerably, the method of computation of the amount of the average pay shall be fixed by the ^{rules of the} National Personnel Authority ~~Rules~~.

5. The amount of the average pay computed according to the provisions of the preceding four paragraphs shall be the amount in a manner by which figures less than 50 sen shall be cut down and figures more than 50 sen (inclusive) and less than one yen shall be counted as one yen.

(Relation to the Civil Code)

Article 5. When the State pays compensation under this Law, she shall be exempted from liability for indemnity under the Civil Code (Law No. 89 of 1896), in so far as the same cause, up to the amount of compensation paid.

(Claim for Damage Indemnity by a Third Party)

Article 6. When the State compensates for an accident caused by the

act of a third party, she shall acquire the right of claim for indemnity which the person compensated holds against the third party within the limit of the amount.

2. In case of the preceding paragraph, the State shall be exempted from liability for compensation within the limit of the amount paid, when the person claiming compensation has received ^{indemnity} ~~damages~~ from the third party on account of the same cause.

(Right of Compensation)

Article 7. Even in case of the employee's resignation the right ^{to} of receive compensation for occupational accidents during his employment shall not be affected.

2. The right to receive compensation shall not be transferred, mortgaged or seized.

Article 8. In case an employee incurs any occupational accident, the administrative agency shall inform the person to be compensated of the right he has by this Law.

Chapter II

Compensation and Welfare Facilities

(Types of Compensation)

Article 9. The types of compensation shall be as follows:

- (1) Compensation for medical treatment.
- (2) Compensation for inability to work.
- (3) Compensation for physical handicaps.
- (4) Compensation for bereaved family.
- (5) Compensation for funeral rites.
- (6) Compensation for termination.

(Compensation for Medical Treatment)

Article 10. In case an employee suffers injury or fall ~~in~~ ^{ill} in line of duty, the State shall make necessary medical treatment or pay the expense for necessary medical treatment as compensation for medical treatment.

Article 11. The scope of medical treatment prescribed in the preceding ^A article shall be those listed below, which are deemed duly necessary for medical treatment.

- (1) Medical examination.
- (2) Supply of medicines or materials for treatment.
- (3) Medical aid, operation and other treatment.
- (4) Receiving into hospital or clinic.
- (5) Nursing.
- (6) Transportation.

(Compensation for Inability to Work)

Article 12. In case an employee is unable to work because of injury or disease incurred in line of duty and receives medical treatment, the State shall supply the amount equivalent to 60 per cent of the amount of the average pay in accordance with the period of his inability to work as compensa-

revised

tion for inability to work.

2. In case an employee to whom the State paid Compensation of the preceding paragraph shall receive his pay, with respect to such pay of his adjustment must be exercised that the aggregate of the amount of compensation of the said paragraph and the amount obtained by deducting the amount fixed by the National Personnel Authority as the amount equivalent to income tax and the amount provided for to deduct by law or orders issued thereunder (hereinafter referred to as "deducted amount of income tax and so forth") from the amount of pay during such period may not exceed the amount, obtained by deducting deducted amount of income tax and so forth from the total amount of his regular pay that an employee would receive during such period.

(Compensation for Physical Handicaps)

Article 13. When an employee is injured or fell ill in line of duty and suffers such degree of physical handicap as is prescribed in the annexed table No. 1 when he recovered, the State shall supply, as compensation for physical handicap, the amount obtained by multiplying the amount of the average pay by the number of days fixed in the same table in accordance with the grade of physical handicap prescribed in the table.

2. In case there are such degree of two or more physical handicaps as is prescribed in the said table, the grade of such handicaps shall be applied to the grade under which the heavier handicap comes.

3. The grade of physical handicap in the following cases shall be in accordance with the most favourable one to an employee of the following Items.

(1) In case there are two or more physical handicaps of higher grade than the 13th grade, one grade higher to that as prescribed in the preceding paragraph.

(2) In case there are two or more physical handicaps of higher grade than the 8th grade, two grades higher to that as prescribed in the said paragraph.

(3) In case there are two or more physical handicaps of higher grade than the 5th grade, three grades higher to that as prescribed in the said paragraph.

4. The amount of compensation for physical handicaps prescribed in the preceding paragraph ^{shall not exceed} the aggregate of amounts respectively calculated according to the grades under which each physical handicap comes.

Article 14. When a physical handicap from which an employee had already been suffering, was aggravated in the same part by injury or disease incurred in line of duty, the State shall pay the amount obtained by deducting the amount of compensation for physical handicaps according to the grade of the previous handicap from the amount of compensation for the aggravated physical handicap.

(Exception to Compensation for Inability to Work and Compensation for Physical Handicaps)

Article 15. In case an employee was injured or fell ill in line of duty with his gross negligence, the State may not pay compensation for inability to work or compensation for physical handicap.

(Compensation for Bereaved Family)

Article 16. In case an employee dies in line of duty, the State shall pay, as compensation for the bereaved family, the amount equivalent to 1,000 days' amount of average pay to his bereaved family.

Article 17. The bereaved family prescribed in the preceding ^A article shall be those mentioned below.

- (1) The spouse of the employee (including those who were actually in the same state of affairs as that of marriage at the time of the employees' death, though they have not formally reported.)
- (2) The employee's children, father and mother, grand-children and grand-parents, who were sustained chiefly by the employee's

income at the time of his death.

- (3) Those persons who were sustained chiefly by the employee's income at the time of his death except those prescribed in the preceding two items.
- (4) The employee's children, father and mother, grand-children, grandparents, and brothers and sisters who do not come under the preceding two items.

2. The order in which those persons prescribed in the preceding paragraph shall receive compensation for the bereaved family shall be the order of each item of the same paragraph, and among those prescribed in Item 2 of Item 4 of the same paragraph, the order shall be the order prescribed respectively in each item, and as to father and mother, the adoptive father and mother shall precede the real father and mother.

3. In case there is one who was specifically designated by the employee's will or his notice to the head of his employing administrative agency among those prescribed in paragraph 1 Items 3 and 4, the designated person shall have priority in receiving compensation over those prescribed in Paragraph 1 Items 3 and 4.

Article 18. In case there are two or more persons to be compensation^{ed} for the bereaved family in the same order, the compensation shall be divided equally among them.

Article 19. In case an employee dies in line of duty, the State shall pay, as compensation for funeral rites, the expense equivalent to 60 days' amount of average pay to the person conducting the funeral rites.

(Compensation for Termination)

Article 20. In case an employee who receives compensation under the provisions of Article 10 fails to recover from the injury or disease in three years from the date of his first medical treatment, the State may pay, as

compensation for termination, the amount equivalent to 1,200 days' amount of average pay.

2. In case compensation for termination is paid according to the provisions of ^{the} preceding paragraph, ^{under the provisions of this Law} the State shall not pay compensation after that payment, ~~in accordance with the provisions of this Law.~~

(Compensation Payable in Instalment Plan)

Article 21. In case a person to be compensated wishes ^s so, the State shall, as compensation by Article 13 or Article 16, pay the amount obtained by multiplying the amount of the average pay by the number of days fixed in the annexed table No.2, every year for a period of six years in spite of the provisions of those articles.

2. In case a person ^{to} be compensated wishes so after the commencement of paying compensation instalment, the State shall pay the remaining compensation in lump sum in accordance with the ^r Rules of the National Personnel Authority.

(Welfare Facilities)

Article 22. The State may administer the following facilities concerning the welfare of the employees' injured in line of duty.

1. Facilities for medical aid after surgical operation.
2. Facilities concerning supply of artificial limbs and eye.
3. Facilities concerning recuperation or medical treatment.
4. Facilities concerning vocational ^e reduction.
5. Other facilities considered to be necessary.

(Relation to the Labor Standard Law and so forth)

Article 23. The administration of the compensation provided for by this Law shall be sufficiently considered not to lose balance between the administration of the compensation provided for by the Labor Standard Law (Law No. 49 of 1947) and the Workmen's Accident Compensation Insurance Law (Law No. 50 of 1947).

Chapter III

Review

(Review)

Article 24. He who has objection to the recognition of occupational accident, the method of medical treatment, the decision of the amount of compensation and other administration of compensation, administered by the administrative agency, may appeal for review to the National Personnel Authority within sixty days after the date of its disposal he knew in accordance with procedures prescribed in ^{the} rules of the National Personnel Authority.

2. In case there is an appeal of the preceding paragraph, the National Personnel Authority shall review, make its decision promptly and shall inform him and his employing administrative agency of the result.

3. He who shall have objection to the decision of the preceding paragraph may bring an action in Court.

4. The appeal for review prescribed in Paragraph 1 shall be deemed as claim in the judicial court in connection with the interruption of prescription.

Article 25. The National Personnel Authority shall, when it makes decisions according to Paragraph 2 of the preceding ^A article, make its decisions not inconsistent with determinations of the Workmen's Accident Compensation Insurance Referee or the Workmen's Accident Compensation Insurance Appeal Committee or Court judgement. This shall not, however, apply to cases where there are special reasons, in which case above the National Personnel Authority shall ask for opinions from the Ministry of Labor.

(Report, Attendance and so forth)

Article 26. The National Personnel Authority, when deems necessary for review, may require those who have made decisions on compensation,

as provided for in the Law concerning Travel Expenses for National Public Service Personnel and Others (Law No. 114 of 1950)

persons claiming compensation, or other persons concerned or witnesses to present reports, and to appear in person, or may have medical practitioners diagnose or examine.

2. Travel-expense or compensation ^{as provided for in the rules of the National Personnel Authority} of ~~other expenses~~ may be paid to those who presented reports, appeared in person or diagnosed or examined according to the provisions of the preceding paragraph.

(Enter, Audit and so forth)

Article 27. When the National Personnel Authority deems necessary for review, the National Personnel Authority may have their officials enter working places of employees injured in line of duty, location where accident occurred, hospital or clinic, question persons to be compensated or other persons concerned, or audit books and documents and other necessary things.

2. In case the officials of the National Personnel Authority shall exercise his authority according to the provision of the preceding paragraph, they shall be under obligation of carrying certificates of their qualification and showing them at the request of the persons concerned.

3. The powers to enter and audit according to the first paragraph shall not be interpreted as granted for the purpose of searching for crimes.

Chapter IV

Miscellaneous Rules

(Prescription)

Article 28. Rights to compensation shall be cancelled by prescription after the lapse of two years. However, if the person to receive compensation claims compensation after the lapse of this period and the

administrative agency cannot prove that it informed the person to be compensated in accordance with the provision of Article 8 or could not inform by any reason other than for which it is responsible, then this shall not be applied.

2. In respect to interruption, suspension and other matters of prescription in the preceding paragraph, the provisions of Prescription under the Civil Code shall be applied with necessary modifications.

(Computation of Period)

Article 29. In respect to the computation ^{of} the period provided for in this Law or in the ordinances issued there under, the provisions of the Civil Code regarding the computation of the period shall be applied mutatis mutandis.

(Non-Taxation)

Article 30. State-taxes and other taxes shall not be levied on the basis of money and goods supplied as compensation.

Article 31. Stamp-duty shall not be imposed on documents concerning compensation.

(Free Proof)

Article 32. The head of the administrative agency or a person claiming compensation may request proof of employee's census register from registration officials or their alternates free of cost.

(Defrayment of Expenditure)

Article 33. The expenses on accident compensation for employees whose pay is defrayed by each accounts, Kodans, ^{the Civilian Merchant Marine Committee,} ~~the Ship Managing Board~~ ^{the Peoples Loan Corporation or Housing Loan Corporation,} ~~or People's Finance Bank~~ and the expenses necessary for facilities of Article 22 shall be borne by each accounts, Kodans, ^{the Civilian Merchant Marine Committee, the Peoples Loan Corporation or Housing Loan Corporation,} ~~the Ship Managing Board or People's Finance Bank.~~

2. The expenses on accident compensation prescribed in the preceding paragraph shall be included in the budget on the basis of the amount computed based upon the statistical studies on occupational accidents of the National Personnel Authority.

(Cases of Report, Attendance etc. required, or Enter, Addit etc. administered, by the Administrative Agency)

Article 34. Provisions of Article 26 and Article 27 shall be applied mutatis mutandis to cases where the administrative agency shall require report, attendance or enter and audit etc. from necessity for the ^{administration of} ~~agency~~ _{Compensation} in which case above "the National Personnel Authority" shall read "the administrative agency".

(Penal Provisions)

Article 35. A person falling under one of the following cases shall be sentenced to penal servitude not to exceed six months or a fine not to exceed thirty thousand yen.

- (1) A person who neglects to make reports or makes a false report, does not appear in person, or refuses medical practitioner's diagnose in accordance with the provisions of Article 26 Paragraph 1 or the preceding Article.
- (2) A person who does not state or makes a false statement to inquiries of the officials of the National Personnel Authority or the administrative agency or refuses, hinders or evade the audit in accordance with the provisions of Article 27, Paragraph 1 or the preceding Article.

Supplementary Provisions

(Date of Enforcement)

1. This Law shall come into force as from ~~the day of its promulgation~~ and shall be applied to the compensation for accident which shall occur ~~on and after April 1 of~~ 1950.

(Process Provision)

2. With respect to the compensation for accidents which have occurred ^{to the effective date of this Law,} up to ~~March 31 of~~ 1950, the same shall follow the instances heretofore in force.

3. ~~The compensation paid according to instances of previous provisions before the enforcement of this Law with regard to accidents which occurred on and after April 1 of 1950 shall be deemed as a part of the compensation according to this Law.~~

(Revision and Revocation of Laws and Ordinances)

3 A. ^P A part of the provisional Regulations regarding the Special Cases of the Pension Law (Law No. 190 of 1948) shall be revised as follows:

In Article 10, "Compensation for physical handicaps provided for in Article 77 of the Labor Standard Law (Law No. 49, 1947) or a benefit similar there-to in accordance with the provision of Paragraph 1 of Article 84 of the same Law" shall be revised as "Compensation for physical handicaps provided for in the Government Employees' Accident Compensation Law (Law No. ^{of} 1950) or the Labor Standard Law or ^{any} compensation or a benefit similar there-to".

In Article 11, "Compensation for bereaved family provided for in Article 79 of the Labor Standard Law or a benefit similar there-to in accordance with the provision of Paragraph 1 of Article 84 of the same Law" shall be revised as "Compensation for bereaved family provided for in the Government Employees' Accident Compensation Law or the Labor Standard Law or ^{any} compensation or a benefit similar there-to".

The following article shall be added after Article 12:

Article 12(-2) In case a person receives compensation for inability to work provided for in the Government Employees' Accident Compensation Law or the Labor Standard Law or any compensation or benefit similar there-to, an additional pension or a disease-and-injury pension (including the pension-increase provided for in Article 7, Paragraph 1) shall not be paid for the period during which he is receiving such compensation or benefit.

次 154 ~

In Article 12, "Compensation provided for in Article 77 or Article 79 of the Labor Standard Law or a benefit similar there-to in accordance with the provision of Article 84 of the same Law" shall be revised as "Compensation for physical handicaps or compensation for bereaved family provided for in the Government Employees' Accident Compensation Law or the Labor Standard Law or ^{any} compensation or a benefit, similar there-to".

4 5. A part of the Welfare Pensions Insurance Law (Law No. 60 of 1941) shall be revised as follows:

In the proviso of Article 36, Paragraph 1, "or Article 13 or Article 14 of the Government Employees' Accident Compensation Law" (Law No. 1950) shall be added after "Article 77 of the Labor Standard Law" and "Article 21 of the Government Employees' Accident Compensation Law" after "Article 82 of the Labor Standard Law".

In Article 38 and Article 39, Paragraph 2, "or Article 13 or Article 14 of the Government Employees' Accident Compensation Law" shall be added after "Article 77 of the Labor Standard Law."

In the proviso of Article 44, "or Article 16 of the Government Employees' Accident Compensation Law" shall be added after "Article 79 of the Labor Standard Law" and "or Article 21 of the Government Employees' Accident Compensation Law" after "Article 82 of the Labor Standard Law".

In Article 47, "or Article 13 or Article 14 of the Government Employees' Accident Compensation Law" shall be added after "Article 77 of the Labor Standard Law".

5 6. A part of the Law concerning the Emergency Measures of the Allowance to the Government Personnel with the Enforcement of the Labor Standard Law and Others (Law No. 167 of 1947) shall be revised as follows:

In Paragraph 2, ^{by} "Minister of Finance" shall be revised as ^{to read as} "the National Personnel Authority ^{for employees in the regular service,} Minister of Finance ^{and by the} ^{in the case of} ^{for employees in the special service}".

6. Part of the People's Loan Corporation Law (Law No. 49 of 1949) shall be revised as follows:
In Article 38, Paragraph 1 and 3 shall be deleted and Paragraph 2 shall be renumbered Paragraph 1.

7. A part of ~~People's Finance Bank Law (Law No. 49 of 1949)~~ shall be revised as follows:
(the Housing Loan Corporation Law (Law No. 156 of 1950))

In Article ~~38~~⁴², Paragraph 1 and 3 shall be deleted and Paragraph 2 shall be renumbered Paragraph 1.

8. A part of the Japan Monopoly Corporation Law (Law No. 255 of 1948) shall be revised as follows:

In Article 54, Paragraph ~~2~~¹ shall be ~~renumbered~~^{deleted,} Paragraph ~~2~~² ~~and~~ ~~Para-~~^{shall be renumbered} graph 1 and 3 shall be revised as follows:

2. State-taxes and other taxes shall not be levied on officers and employees of the public corporation on the basis of money and goods supplied as accident compensation.

3. Stamp-duty shall not be imposed on documents concerning accident compensation of officers and employees of the public corporation.

9. A part of ^{the} Japan National Railways Law (Law No. 256 of 1948) shall be revised as follows:

In Article 60, Paragraph ~~2~~¹ shall be ~~renumbered~~^{deleted,} Paragraph ~~2~~² ~~and~~ ~~Para-~~^{shall be renumbered} graph 1 and 3 shall be revised as follows:

2. State-taxes and other taxes shall not be levied on officers and employees of the National Railways on the basis of money and goods supplied as accident compensation.

3. Stamp-duty shall not be imposed on documents concerning accident compensation of officers and employees of the National Railways.

10. A part of the Local Tax Law (Law No. 110 of 1948) shall be revised as follows:

In Article 13, after Item 18-2 the following shall be added:

18-3 Money and goods supplied as accident compensation in accordance

with the provisions of the Government Employees' Accident Compensation Law
(Law No. ~~1949~~¹⁹⁵⁰).

11. The following Laws and Ordinances shall be revoked:

Allowance for persons who engaged in infectious diseases prevention and treatment. (Law No. 30^{of} 1900).

Civil officials' medical fee by the Imperial Ordinance No. 80^{of} 1891.

Ordinance concerning medical expenses for Persons engaged in infectious diseases prevention and treatment. (Imperial Ordinance No. 141^{of} 1900).

Ordinance concerning Medical Fee, Disability Benefit and Funeral Fee granted to Police and Prison Guard. (Imperial Ordinance No. 149^{of} 1901).

Ordinance applying correspondingly the Ordinance concerning Medical Fee, Disability Benefit and Funeral Fee granted to police and Prison Guard to assistant police inspector, assistant fire police inspector and assistant fire police engineer. (Imperial Ordinance No. 126^{of} 1910).

Medical benefit of traffic employees by the Imperial Ordinance No. 105^{of} 1914.

Allowance for aid by the Ordinance concerning Aid in Grant for Government Workers classified as auxiliary workers (Yonin). (Imperial Ordinance No. 382^{of} 1918).

Allowance for aid by the Ordinance concerning Aid in Grant for Government Workers classified as ^{junior} ~~junior~~ clerks (Koin). (Imperial Ordinance No. 109^{of} 1928).

Ordinance concerning supply laborers' allowance for aid. (Imperial Ordinance No. 2^{of} 1932).

Lump sum grant to men in air service by the Imperial Ordinance No. 564^{of} 1938.

Ordinance applying correspondingly the Ordinance concerning Medical Fee, Disability Benefit and Funeral Fee granted to Police and Prison Guard to

assistant warden. (Imperial Ordinance No. 870, 1940).

Allowance for death and disability of the students of Airmen's Training school (Imperial Ordinance No. 597, 1942).

Special experiment worker's lump sum grant by the Imperial Ordinance No. 265, 1945.

Special experiment worker's grant of money by the Imperial Ordinance No. 266, 1945.

Ordinance concerning payment of allowance for officials who were engaged in infectious diseases prevention and treatment, and resulted thereby in infection or death. (Cabinet Ordinance No. 23, 1886).

Annexed Table No. 1

Table of the Grades of Bodily Troubles
and Compensation for Damages

Grades	Days	No.	Bodily Troubles
1st Grade	1340	1	Those who are blind in both eyes.
		2	Those who are disabled in the functions of speech and mastication.
		3	Those who, with the heavy impediments left in their nerves, require care and protection at the normal time.
		4	Those who, with the heavy impediments in the functions of chest and abdominal organs, require care and protection at the normal time.
		5	Those who have been paralysed in one side.
		6	Those who have lost both of their upper limbs upward of the elbow joints.
		7	Those who have been completely disabled in both of their upper limbs.
		8	Those who have lost both of their lower limbs upward of the knee joints.
		9	Those who have been completely disabled in both of their lower limbs.
2nd Grade	1190	1	Those who have been blind in one eye, and have the other eye, the vision of which has become under 0.02.
		2	Those, both of whose eyes have come under 0.02 in vision.
		3	Those who have lost both of their upper limbs upward of their wrist joints.

- 4 Those who have lost both of their lower limbs upward of their foot joints.
-

3rd Grade 1050

- 1 Those who have been blinding in one eye and have the other eye, the vision of which has become under 0.06.
- 2 Those who have been disabled in the function of speech or that of mastication.
- 3 Those who have the heavy impediments left in their nerves.
- 4 Those who have the heavy impediments in the functions of chest and abdominal organs and cannot labor for life.
- 5 Those who have lost all of their ten fingers.
-

4th Grade 920

- 1 Those, the visions of both of whose eyes have become under 0.06.
- 2 Those who have the heavy impediments left in the functions of mastication and speech.
- 3 Those who have been completely deaf in both of their ears due to the complete loss of the ear-drums or other causes.
- 4 Those who have lost one of their upper limbs upward of the knee joint.
- 5 Those who have lost one of lower limbs upward of the knee joint.
- 6 Those who have lost both of their legs upward of Lisfranc joints.
- 7 Those who have been completely disabled in their ten fingers.
-

5th Grade 790

- 1 Those who have lost one of the eyes and have the other eye, the vision of which has become under 0.1.
 - 2 Those who have lost one of the upper limbs upward of its elbow joint.
 - 3 Those who have lost one of the lower limbs upward of its elbow joint.
 - 4 Those who have been completely disabled in one of the upper limbs.
 - 5 Those who have been completely disabled in one of the lower limbs.
 - 6 Those who have lost all of their tentoes.
-

6th Grade 670

- 1 Those, who have the visions of both of whose eyes have become under 0.1.
 - 2 Those who have the heavy impediments left in the function of mastication or speach.
 - 3 Those, the auditions of both of whose ears cannot catch a loud vicoice, unless it is uttered close by the auricles.
 - 4 Those who have the heavy impediments left in their spinal column.
 - 5 Those who have been diabled in two of the three greater joints of one of the upper limbs.
 - 6 Those who have been disabled in two of the three greater joints in one of the lower limbs.
 - 7 Those who have been disabled in two of the three greater joints in one of the lower limbs.
-

7th Grade 560

- 1 Those who have been blind in one eye and the vision of whose other eye has become under 0.6.

- 2 Those, the auditions of both of whose ears cannot catch the ordinary coice more than 40 c.m. from them due to the medium grade damage of the eardrums.
- 3 Those who have the troubles in their nerves and can serve in nothing but the light labors.
- 4 Those who have the impediments left in the functions of their chest and abdominal organs and can serve nothing but the light labors.
- 5 Those who have lost the thumb and the second finger of one hand or three fingers of it including either the thumb or the second finger.
- 6 Those who have been disabled in the functions of their five fingers of one hand or four fingers of it including the thumb and the second finger.
- 7 Those who have lost one leg upward of the lisfran joint.
- 8 Those who have been disabled in the functions of ten toes.
- 9 Those females who have remarkable deformities left on their external appearances.
- 10 Those who have lost both of their testicles.

8th Grade 450

- 1 Those who have been blind in one eye, ^{or have one eye,} the vision of which has become under 0.2.
- 2 Those who have the remarkable motor impediments left in their spinal column.
- 3 Those who have the remarkable ispediments in the functions of the nervous system and can serve in nothing but the light labors.

- 4 Those who have lost four fingers of one hand including the thumb.
- 5 Those who have been disabled in the functions of the thumb and the second finger of one hand or more than three fingers of it including the thumb or the second finger.
- 6 Those who have one of their lower limbs shortended by more than five c.m.
- 7 Those who have been disabled in the function of one of the three greater joints of one of the upper limbs.
- 8 Those who have been disabled in the function of one of the three greater joints of one of the lower limbs.
- 9 Those who have the false joint left in one of the upper limbs.
- 10 Those who have the false joint left in one of the lower limbs.
- 11 Those who have lost five toes of one foot.
- 12 Those who have lost the spleen or the kidney on one side.

9th Grade 350

- 1 Those, the visions of both of whose eyes have become under 0.6.
- 2 Those, the vision of one of whose eyes have become under 0.06.
- 3 Those who have half-blind case, the stricture of the field of vision, or the distortion of the field of vision left in both eyes.
- 4 Those who have the remarkable damage left on both of the eyelids.

- 5 Those who have their noses remarkably damaged and have the remarkable impediments left.
- 6 Those who have the impediments in the functions of mastication and speech.
- 7 Those who have been completely deaf in one ear due to the complete loss of the ear-drum and others.
- 8 Those who have lost the thumb of one hand, or those who have lost two fingers including the thumb, or those who have lost three fingers except the thumb and the second finger.
- 9 Those who have been disabled in the functions of two fingers of one hand including the thumb.
- 10 Those who have lost more than two toes of one foot including the first toe.
- 11 Those who have been disabled in the functions of five toes of one foot.
- 12 Those who have the remarkable impediments in the external genitals.

10th Grade 270

- 1 Those, the vision of one of whose eyes have become under 0.1.
- 2 Those who have the impediments left in the function of mastication or speech.
- 3 Those who have more than fourteen of the teeth repaired dentally.
- 4 Those, the audition of one of whose ears cannot catch loud voice, unless it is uttered close by the auricle, due to the loss of most part of the ear-drum.
- 5 Those who have lost the second finger of one hand or two fingers of it except the thumb and second finger.

- 6 Those who have been disabled in the functions of the thumb of one hand, those who have been disabled in the function of two fingers including the second finger, or those who have been disabled in the functions of three fingers except the thumb and the second finger.
7. Those who have shortened one of the lower limbs by 3 c.m.
- 8 Those who have lost the first toe or the other four toes of one foot.
- 9 Those who have the remarkable impediments left in the function of one of the three greater joints one of the upper limbs.
- 10 Those who have the remarkable impediments left, in the function of one of the three greater joints of one of the lower limbs.

11th Grade 200

- 1 Those who have the remarkable functional impediments in adjustment or motor impediments left in both of the eye-balls.
- 2 Those who have the remarkable motor impediments left in the eyelids of both eyes.
- 3 Those who have the remarkable damages left in the eye-lid of one of the eyes.
- 4 Those, the audition of one of whose ears cannot catch an ordinary voice at the distance of more than 40 c.m. due to the medium degree of the damages of the eardrum and others.
- 5 Those who have the deformity left in the spinal column.
- 6 Those who have lost the third and fourth fingers of one hand.

- 7 Those who have been disabled in the function of the second finger of one hand, or those who have been disabled in the functions of two fingers of it except the thumb and the second finger.
- 8 Those who have been disabled in the function of more than two toes of one foot including the first toe.
- 9 Those who have the impediments left in the functions of the chest and abdominal organs.

12thGrade 140

- 1 Those who have the remarkable functional impediments in adjustment or motor impediments left in one of the eye-balls.
- 2 Those who have the remarkable motor impediments left in one of the eye-lids.
- 3 Those who have more than seven teeth repaired dentally.
- 4 Those who have most part of one of the auricles lost.
- 5 Those who have the remarkable deformities left in the collar-bones, the breast bone, the ribs, the shoulder-blades or the pelvis.
- 6 Those who have the impediments left in the functions of one of the three greater joints of one of the upper limbs.
- 7 Those who have the impediments left in the function of one of the three greater joints of one of the lower limbs.
- 8 Those who have the deformity left in the tubal bone.
- 9 Those who have been disabled in the function of the third finger or the fourth finger of one hand.

- 10 These who have lost the second toe of one foot, those who have lost two toes including the second toe, or those who have lost three toes except the first and second toes.
- 11 Those who have been disabled in the functions of the first toe or the other four toes.
- 12 Those who have the malignant nervous diseases left in the affected parts.
- 13 Those male who have the remarkable deformities left on the external appearance.
- 14 Those females who have the deformities on the external appearance.

13th Grade 90

- 1 Those, the vision of one of whose eyes has become under 0.6.
- 2 Those who have the half-blind case, the stricture of the field of vision, or the distortion of the field of vision left in one of the eyes.
- 3 Those who have the damages left in a part of both eye-lids, or have the eye-lash baldness left in them.
- 4 Those who have lost the little finger of one hand.
- 5 Those who have lost a part of the finger bones of the thumb of one hand.
- 6 Those who have lost a part of the finger bones of the second finger of one hand.
- 7 Those who have been unable to extend and contract the last joint of the second finger of one hand.
- 8 Those who have one of the lower limbs shortened by more than 1 c.m.
- 9 Those who have lost one or two toes of one foot

except the thumb or the second finger.

- 10 Those who have been disabled in the function of the second toe of one foot, those who have been disabled in the function of two toes including the second toes, or those who have disabled in the functions of the three toes except the first and second toes.

14th Grade 50

- 1 Those who have the damages left on a part of the eyelids of one eye, or the eye-lash boldness left on it.
- 2 Those who have more than three teeth repaired dentally.
- 3 Those who have the deformed scars of the size of the palm left on the exposed side of the upper limbs.
- 4 Those who have the deformed scars of the size of the palm left on the exposed side of the lower limbs.
- 5 Those who have been disabled in the functions of the little finger of one hand.
- 6 Those who have lost a part of the finger-bones of the fingers of one hand except the thumb and the second finger.
- 7 Those who have been unable to extend and contract the last joints of the fingers of one hand except the thumb and the second finger.
- 8 Those who have been disabled in the functions of one or two toes of one foot except the first and second toes.
- 9 Those who have the nervous diseases left in the affected parts.

10. Those males who have the deformities left on the external appearance.
-

- Remarks:
1. The measurement of vision shall be made according to the international table of vision. In the cases of those with some derangement in refraction, it shall be measured with respect to the corrected vision.
 2. "Those who have lost the finger" shall be construed to mean those who have lost, as to the thumb, the part upward of the finger joint, and, as to the other fingers, the parts upward of the first joints.
 3. "Those who have been disabled in the function of the fingers" shall be construed to mean "those who have lost more than half of the extreme part of the fingers," or "those who have the remarkable motor impediments left in the palm-finger joints or the first finger-joints (as to the thumb, the finger-joint)".
 4. "Those who have lost the toes" shall be construed to mean "those who have lost all of them."
 5. "Those who have been disabled in the functions of the toes" shall be construed to mean "those who have lost, as to the first toe, more than half of the extreme part, and as to the other toes, the part of them upward of the extreme joints," or "those who have the remarkable motor impediments left in the sole-toe joints or in the first toe joints (as to the first toe, the toe joint).
 6. Any physical handicaps which, though not coming under any item of each grade, may be recognized as physical handicaps similar thereto shall be deemed to be those of the item of the grade to which they mostly approximate.

Annexed Table No. 2

Table of Payments in Instalment Plan and
the Number of Days

Classification	Compensation for Damage
Compensation for Physical handicaps	
1	240 days
2	213 "
3	118 "
4	164 "
5	142 "
6	120 "
7	100 "
8	80 "
9	63 "
10	48 "
11	36 "
12	25 "
13	16 "
14	9 "
Compe sa ion for Bereaved family	180 "

MINISTRY OF FINANCE
THE JAPANESE GOVERNMENT

Decided by ESS/Fin (master)
10/11/50.

Files
Accid Comp.

Task for Simple and Universal Application
of Indemnity System for Physical Injury
incurred during Public Services, as proposed

1. Problem of qualification for technical expert to judge the practical injury incurred in public services for Governmental indemnity;

In practical application, if any, of Governmental indemnity for physical injury incurred during employment in public services, we may herewith call herewith to refer, as for example, to the literary passage stating the case to fall into the mentioned category for remedy indemnity to the effect that in the event of the Government employee incurred physical injury or got his health injured, the State shall get him either applied to needful medical remedy or provided for expenses necessary for needful medical remedy, according to the provision under Article 10, of the Government Employee Disaster Indemnity Law (Bill). Whereas, in case such physical injury or such disease as actual incurred may be found doubtful whether or not incurred actually in the performance of public service (e.g. in the case of guards for communication machine or tools in service at Tele-Communication Ministry) the judgment of the case will inevitably call forth the good qualification of special enough information, ability, and so much sufficient experience with the person so to judge of the matter.

Under the status, as now is, in which the matter carried on by respective agency of Administration so far as the case be found to fall within its independent competency, less case for trouble of actual judgment calling for any particular additional collaboration of experts from outside will be felt,

G

10/11/50

50
2,000,000 U
109
25

MINISTRY OF FINANCE
THE JAPANESE GOVERNMENT

-2-

sufficing the respective event in its own jurisdiction with such experts as serving at each Ministry, or at its sub-Agency. While, under the proposed plan by the N.P.A., in which the mentioned Agency requires the matter for its exclusive administration, additional and permanent preparation at its structure for its own staff of experts, or extraordinary commitment of such those well qualified experts will necessarily be found indispensable as a matter of course.

Needless much to say of its poor management, including too much needless expense. And if the matter will be made actually applicable, referring to the opinions of the respective Ministry, no need of such upper-structure, calling for so much expense, will be found in any way or other.

2. Problem of how to keep fair balance in recognition of injury incurred during Public service;

As for probable unfairness doubted of actual recognition of injury incurred during public services, manner of medical remedy, and as for determination of the sum for indemnity, and such similar matters suggested by the proposer as probable with the case for application of remedy by respective Ministry, we will be justified to deem the universal standard as will be held up for such recognition of injuries by the mentioned Board only will suffice the demanded needs, if such standard be got duly, and faithfully observed, if encouraged by the mentioned Agency, say, no great unfairness will practically arise. And, in the event of such unfairness in practical application found, the legal provision given in the proposed Bill of Law,

MINISTRY OF FINANCE
THE JAPANESE GOVERNMENT

-3-

enabling the demurrant to make his objection to the recognition of injury incurred during the public service, or to the medical remedy allowed, or to the determination of the sum for indemnity, and such similar others, and to demand the N.P.A. for review of such objectionable decision in accordance with the Regulations of the mentioned Agency will sufficiently serve to help such circumstances.

3. Problem of travelling expenses for investigation involving the recognition of injuries incurred during public service;

In eventual necessity of visitorial investigation for actual recognition of injuries incurred during public service, if encouraged under present structure, in which the respective Ministry being authorised for survey, no too much travelling expenses will be found needful, with its detachment local agency sufficing for such probable needs. While under the proposed mechanic to be encouraged by the N.P.A., repetitions of visitorial review will, for the most part, unavoidable, involving so far long travels, and so much useless expense both of time and of money.

4. Problem for payment of indemnity;

(1) Referring to the actual payment of expenses for indemnity, again, promptitude will presumably expective of the present mechanic, in which sub-offices, at which beneficiaries are actually to serve, are immediately governed by respective Ministry than by the mentioned Agency holding only nine (9) regional offices in the country.

(2) With the casw of administration by regular Ministry, number of lots for actual payment is rather of small

MINISTRY OF FINANCE
THE JAPANESE GOVERNMENT

-4-

quantity, so that no extraordinary employment of particularly high-qualified experts being actually found necessary. While under the proposed mechanism now by the N.P.A. for exclusive treatment of payments, so more or less greater staff of special highly qualified experts at serve at respective regional offices will become necessary, so much needless expense of man-power.

(3) No fact for delay, bowing to the narrow frame for the concerned item on National budget, seen in the expenses for indemnity, which was supported by the proposer, has been effectively proved. In event of shortage in the sum for such item, however, appropriation for needful payment is possible, even under the current structure, as within the set frame of original budgetary measures.

5. Another problem for personnel matters, pays, and some similar others common to all Administration Agencies;

As is generally given to know, the N.P.A. are acting in such broad capacities as of matters, in general, governing the personnel field of Government servants, inclusive of position classification, pay, appointment, business ability, and ~~and~~ many similar others, and giving forth necessary ground directions, standards, procedures, regulations of all these matters, acting the sole agency for promoting programs, adjustment, reorganizations, unification of existing mechanics, involving the competency for needful enactments and the exclusive competency for recommendation to the National Diet of such those necessary legalizations, having respective Administrative Ministry under its structure to act in the competency for actual

MINISTRY OF FINANCE
THE JAPANESE GOVERNMENT

-5-

enforcement of such set ground principles regarding Personnel affairs. The indemnity system for injury of Government servants incurred during public services is, in accordance, will be found entitled to claim no exception, and so the principle will legitimately be kept up as it has been maintained with other matters covering personnel affairs for Governmental servants, i.e. the mentioned Agency is to act, as for the application of the mentioned indemnity system of injury, general guidance, unified adjustment of necessary particulars, having, as it has been the case till now, respective regular Administrative Ministries to do its enforcement agencies, and will, in addition, be authorized to give advices, in case of necessity, to the connected respective heads of regular Ministries, and in case demurred, seeing fit, if any, for its due reviews, passing needful decisions, hence no other extraordinary realization of further unification ideas necessary.

The Outline of Measures to Mr. Solter's
Opinion on the System of the Government
Employees' Accident Compensation

MS
September 1, 1950

*Files
Accid Comp.*

*Whole question is to
assure a
central fund
for financing
NPA seems
to incur.
MS*

It has been indicated from Mr. Solter in the 24 August, 1950 that the following three matters should be the basic elements on the system of compensation:

1. The National Personnel Authority: to take a step so that the medical organs in which all employees can receive medical treatment immediately in case they sustain injuries may exist precisely and thus to win confidence of employees.
2. To appropriate expenses on accident compensation en bloc in the budget of the National Personnel Authority, and to pay compensation from the budget.
3. To conduct studies so as to receive 100 per cent of pay by the Law concerning leave of absence or pay with regard to compensation (compensation for inability to work) during the period of medical treatment.

In these elements, 2 and 3, as there are different points from the accident compensation draft which has been definite up to this time, some revisions shall be needed for the bill.

Therefore, the following action shall be taken as to these three elements above.

1. As to relations between medical organs and employees, there existing the same circumstances not only for injury and illness incurred in line of duty but for private ones, it is necessary that the National Personnel Authority investigates and studies these relations as the questions of employees' health and welfare and takes a proper step thereunder,

in which case the Bureau of Efficiency shall be in charge of the settlement of questions as a central body keeping a good connection with the Bureau of compensation.

2. All the expenses on accident compensation to be borne by General Account, each Special Accounts, each Kodans, the Civilian Merchant Marine Committee and each Kokos (Banks) shall be appropriated in the budget of the National Personnel Authority. Therefore, the expenses on accident compensation to be borne by each Special Account shall be transferred to the General Account.

In case employees sustained injuries claims for compensation, as a rule, shall be submitted to the Regional Offices of the National Personnel Authority by way of his employing agency and his compensation shall be decided and paid at each Regional Office.

3. As the law concerning leave of absence become to have a close relation with the pension system and compensation system, the Bureau of Compensation is required to hurry its work of drafting.

As it has been decided to administer accident compensation by such methods as mentioned above, part of accident compensation bill shall be revised as stated in the annexed paper.

Revisions of Compensation Bill

September 9, 1950

Item 3 of Article 2 shall be revised to read as follows:

3. To make the Prime Minister's Office, any ministries and agencies of government attend to business required for the administration of compensation.

Item 4 of Article 2 shall be deleted and Item 5 of the said Article shall be revised by adding the following words at the head of the Item: "To take necessary measures of its own accord or" and Item 5 shall be renumbered Item 4 and other items below shall be moved up one by one.

Article 3 shall be revised to read as follows:

(Administrative Agency)

Article 3. The National Personnel Authority and the Prime Minister's Office, any ministries and agencies of government (hereinafter referred to as "administrative agency") shall, as provided for by this Law and the rules of the National Personnel Authority, attend to business concerning the administration of compensation.

In Paragraph 1 of Article 12, "In case an employee is unable to work because of injury or disease incurred in line of duty and receives medical treatment" shall be revised to read as "In case an employee is unable to work because of injury or

disease incurred in line of duty, receives medical treatment and does not receive his pay" and Paragraph 2 shall be deleted.

Art Article 33 shall be revised to read as follows:

(Defrayment of Expenditure)

Article 33. The expenses on accident compensation shall be defrayed from the National Treasury and appropriated in the budget of the National Personnel Authority in the annual General Account.

2. The expenses of the preceding paragraph shall be computed on the basis of the statistical studies on occupational accidents of the National Personnel Authority.

(Transfer from Each Special Account)

Article 34. Each Special Account shall, as prescribed in the annual budget, transfer the amount which is to be the burden on each Special Account concerned to the General Account for appropriation for payment of compensation for employees whose pay are defrayed by the Account concerned or their bereaved families.

(Payment by Kodans, etc.)

Article 35. For appropriation for payment of compensation for employees whose pay are defrayed by the Kodans under laws and orders, the Civilian Merchant Marine Committee, the People's Loan Corporation and the Housing Loan Corporation (hereinafter referred to as "Kodans, etc.") or their bereaved families, the amount which is to be the burden on Kodans, etc. concerned shall be paid to the General Account of the Government as prescribed in the annual budget.

(Amount of Transfer or Payment)

Article 36. The amount which is to be transferred or paid from each Special Account and Kodans, etc. to the General Account shall be the amount computed on the basis of the statistical studies of the National Personnel Authority.

Paragraph 1 of Supplementary Provisions shall be revised to read as follows:

(Date of Enforcement)

1. This law shall come into force as from April 1, 1951.

Paragraph 2 of Supplementary Provisions shall be revised to read as follows:

(Process Provision)

2. With respect to those which have occurred to the cause to be compensated up to March 31 of 1951, the same shall follow the instances heretofore in force.

National Personnel Authority

Files

September 1, 1950

Injury Compensation Section,
Bureau of Compensation

Plan for Organizational Structure of Agency for
Implementing Accident Compensation System

MS

Plan 1.

This plan contemplates that each ministry and agency which are administrative agencies will carry out the implementation of accident compensation in accordance with basic standards and procedures established by the National Personnel Authority, while the National Personnel Authority will conduct its coordination and integration.

The procedures to be taken in this case are as follows:

1. When an employee has incurred an accident, the head of his employing organization will submit a "Report of Death and Injury" to the local bureau which is an agency to determine accident compensation.

2. The local bureau will determine, according to the report, whether or not the case has been incurred in line of duty, and when it has been determined as having been incurred in line of duty, the bureau will immediately notify the employee concerned to that effect through his employing organization.

3. The employee will submit an application for accident compensation together with necessary documents to the local bureau through the employing organization.

4. The local bureau will determine the amount of accident compensation and immediately make a remittance to the employee through his employing organization.

In case there is an imprest officer in the employing organization, the local bureau will forward a "notice of determination of accident compensation" to the employing organization, and the latter will make payment to the employee.

5. The appropriations for accident compensation will be included in the budget of each ministry and agency, and their central office will allocate the budget beforehand to the local bureaus which are disbursing agencies of accident compensation.

6. When the payment of accident compensation has been completed, the local bureau will forwards its report to the central office.

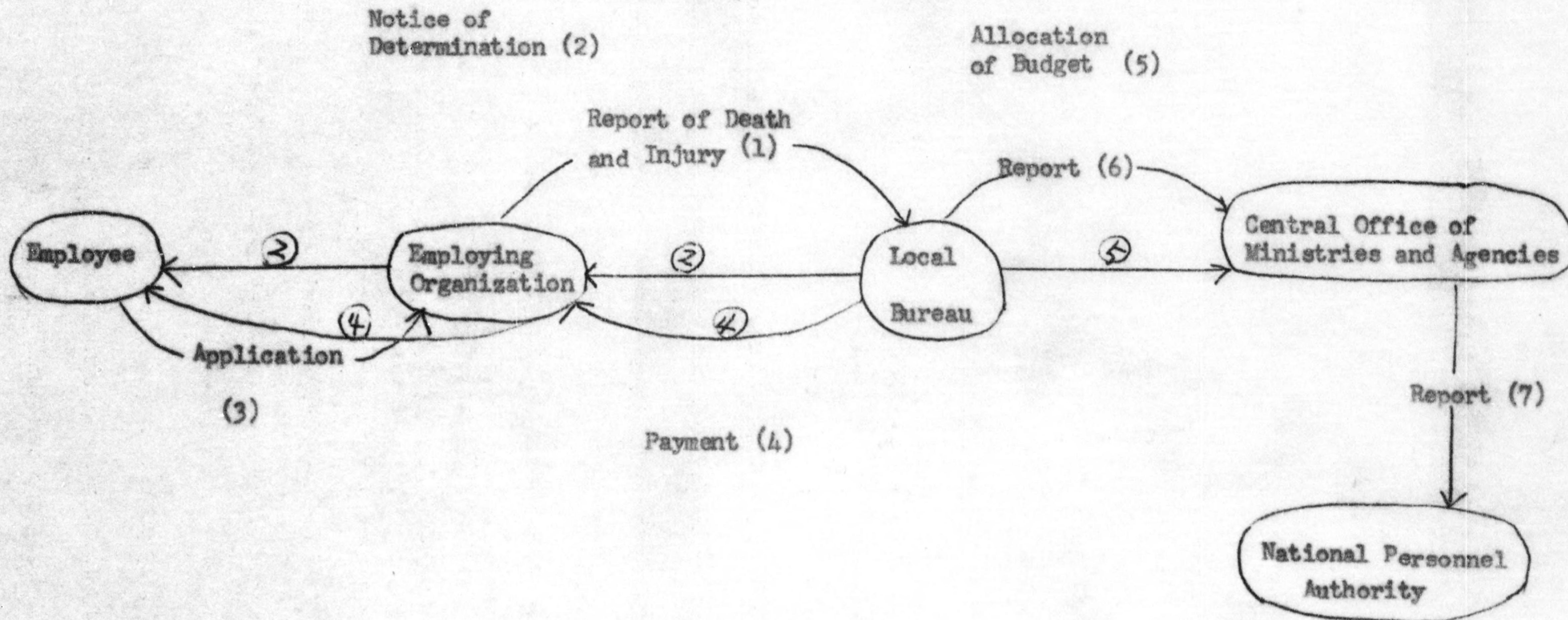
7. The central office of ministries and agencies will collect the reports from their local bureaus, and report monthly to the National Personnel Authority.

8. The National Personnel Authority will, according to these reports, conduct the coordination and integration of the implementation in all the ministries and agencies.

9. The central office and the regional offices of the National Personnel Authority will carry out the dissemination of the accident compensation system, guidance to the staffs in charge of the matter in the administrative agencies and spot surveys of accident compensation business.

Note: This plan envisages the use of the present administrative setup without any change.

Organization Chart of Administrative Agencies of Plan 1



Plan 2.

This plan contemplates that a local bureau of each ministry and agency will conduct the determination of accident compensation, forward a "notice of determination" to the regional office of the National Personnel Authority, and the regional office of the National Personnel Authority will make payment to the employee after verification. The appropriations for accident compensation will be included in the budget of the National Personnel Authority, and its central office will furnish its regional office with cash advance. The procedures to be taken in this case are as follows:

1. When an employee has incurred an accident, the head of his employing organization will submit a "Report of Death and Injury" to the local bureau which is an agency to determine accident compensation.

2. The local bureau will determine, according to the report, whether or not the case has been incurred in line of duty, and when it has been determined as having been incurred in line of duty, the local bureau will immediately notify the employee concerned accordingly through his employing organization.

The employee will submit an application for accident compensation together with necessary documents to the local bureau through the employing organization.

4. The local bureau will determine the amount of accident compensation, and will immediately forward a "notice of determination" to the regional office of the National Personnel Authority.

5. The regional office of the National Personnel Authority will verify it and will make payment of expenses for compensation benefit through the employing organization. At the same time, the regional office will notify the local bureau that the payment has been made, and will summarize the payments for each month and submit a "Report of Accidents" to its central office.

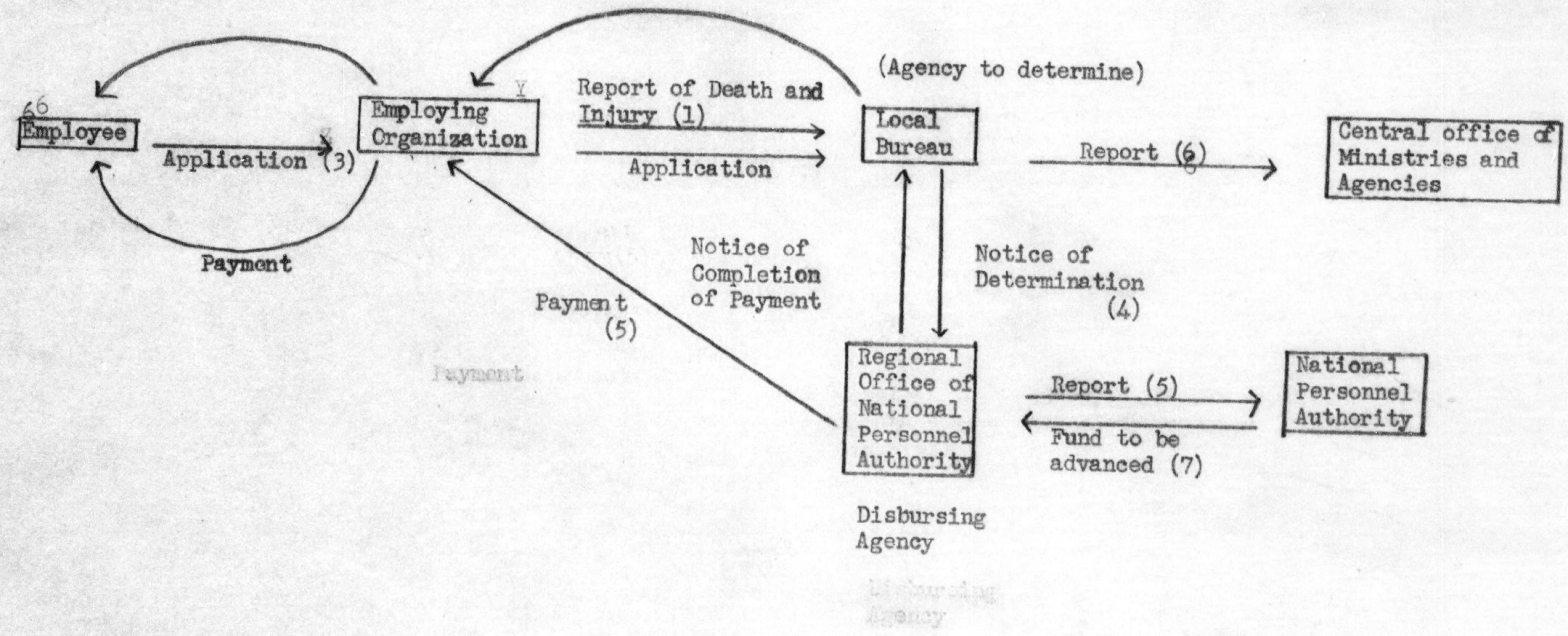
6. The local bureau, when it has received a notification from the regional office of the National Personnel Authority that the payment has been completed will report to its central office to that effect.

7. The NPA central office will furnish its regional office with cash advance.

8. The NPA central office will conduct the guidance to the staff in charge of the matter in all the regional offices and the coordination and integration, while the central office and each regional office will carry out the dissemination of the system, guidance to the staff in charge of the matter of all the local bureaus of all the ministries and agencies and spot surveys of accident compensation business.

Organization Chart of Administrative Agencies of Plan 2.

Notice of Verification (2)



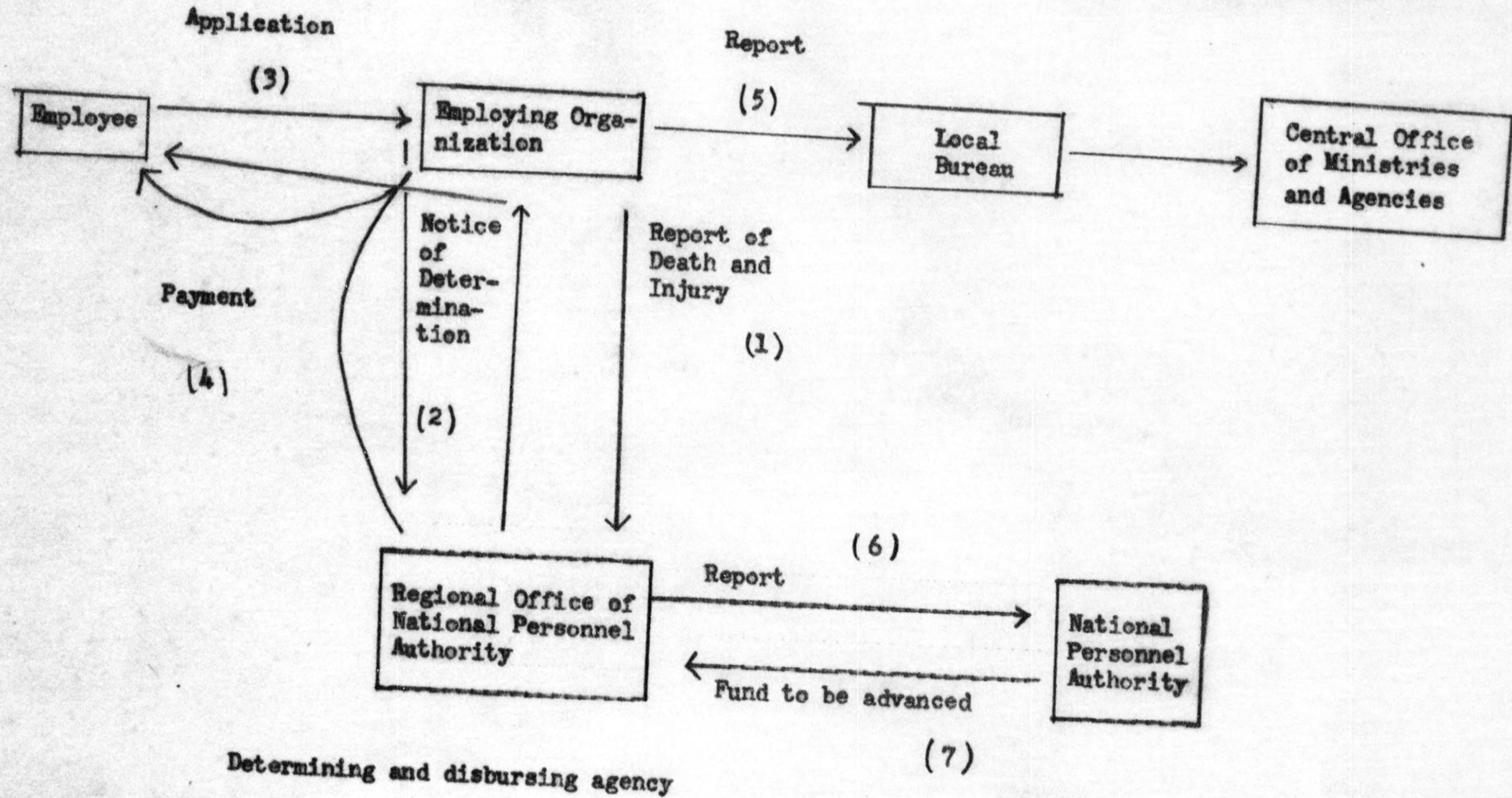
Plan 3-1.

This plan contemplates that a regional office of the National Personnel Authority will make the determination and payment of accident compensation, and an employing organization of an employee or a local bureau will conduct the procedures for filing applications for accident compensation. The appropriations for accident compensation will be included in the budget of the National Personnel Authority.

The procedures to be taken in this case are as follows:

1. When an employee has incurred an accident, the head of his employing organization will submit a "Report of Death and Injury" to the regional office of the National Personnel Authority which is an agency to determine accident compensation.
2. The regional office of the National Personnel Authority will determine, according to the report, whether or not the case has been incurred in line of duty, and when it has been determined as having been incurred in line of duty, the regional office will immediately notify the employee concerned accordingly through his employing organization.
3. The employee will submit an application for accident compensation together with necessary documents to the regional office of the National Personnel Authority through the employing organization.
4. The regional office of the National Personnel Authority will determine the amount of accident compensation, will immediately go through payment procedures and make a remittance to the employee concerned through his employing organization.
5. When the payment of accident compensation has been completed, the head of his employing organization will forward a report to the local bureau, and the local bureau will immediately report to its central office.
6. When the payment of accident compensation has been completed, the regional office of the National Personnel Authority will summarize the payments for each month and submit a "Report of Accidents" to its central office.
7. The central office of the National Personnel Authority will furnish its regional office with cash advance.

Organization Chart of Administration Agencies of Plan 3-1



Plan 3 - 2.

The compensation for medical treatment and compensation for inability to work as referred to in Plan 3-1 embrace problems relating to medical organizations which have close contacts with places of work, and they require ^{far} more urgent attention and the number of their cases are ^{far} ~~fer~~ more when compared with other kinds of accident compensation business. Accordingly, this plan contemplates that the employing organization or the local bureau will be authorized to conduct the business of determination and payment of accident compensation. In this case, cash advance will be made by the National Personnel Authority for necessary expenses.

Plan 4.

This plan contemplates that the central office of the National Personnel Authority will conduct the determination of accident compensation, and a regional office of the National Personnel Authority will make payment. The Appropriations for accident compensation will be included in the budget of the National Personnel Authority, and the regional office will be furnished with cash advance.

The procedures to be taken in this case are as follows:

1. When an employee has incurred an accident, the head of his employing organization will forward a "Report of Death and Injury" to the central office of the National Personnel Authority through its regional office.
2. The central office will determine, according to the report, whether or not the case has been incurred in line of duty, and when it has been determined as having been incurred in line of duty, it will notify the employee concerned accordingly through the regional office and his employing organization.
3. The employee will submit an application together with necessary documents to the central office of the National Personnel Authority through his

employing organization and the regional office.

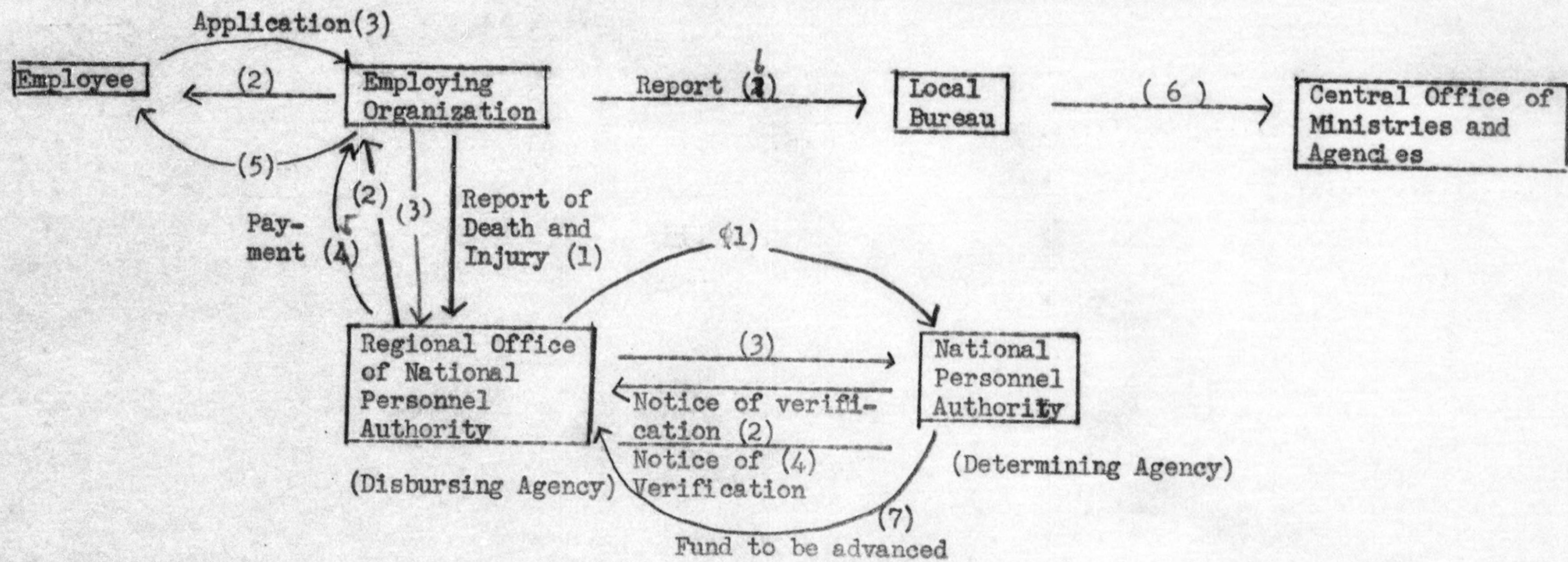
4. The central office of the National Personnel Authority will determine the amount of accident compensation and will forward a "notice of ~~dec~~ determination" to its regional office.

5. The regional office of the National Personnel Authority will, according to the notice received, go through payment procedures and make remittance to the employee concerned through his employing organization.

6. When the payment of accident compensation has been completed, the head of the employing organization will forward a report to the local bureau, and the local bureau will immediately report to its central office.

7. The central office of the National Personnel Authority will furnish its regional office with cash advance.

Organization Chart of Administrative Agencies of Plan 4



Plan 5.

This plan contemplates that a regional office of the National Personnel Authority will carry out the determination on the implementation of accident compensation in accordance with basic standards and procedures established by the National Personnel Authority, and an employing organization of each ministry and agency will make payment. The appropriations for accident compensation will be included in the budget of each ministry and agency, while their central office allocates the budget beforehand to the local bureau, and the latter furnishes the employing organization with cash advance. The procedures to be taken in this case are as follows:

1. When an employee has incurred an accident, the head of his employing organization will submit a "Report of Death and Injury" to the regional office of the National Personnel Authority which is an agency to determine accident compensation.
2. The regional office of the National Personnel Authority will determine, according to this report, whether or not the case has been incurred in line of duty, and when it has been determined as having been incurred in line of duty, the regional office will immediately notify the employee concerned accordingly through his employing organization.
3. The employee will submit an application for accident compensation together with necessary documents to his employing organization, and the latter will forward its copy to the regional office of the National Personnel Authority.
4. The regional office of the National Personnel Authority will determine the amount of accident compensation and immediately notify the employing organization accordingly.

5. The employing organization will make payment to the employee concerned in accordance with the notification and report to the local bureau, while the latter will report to its central office.

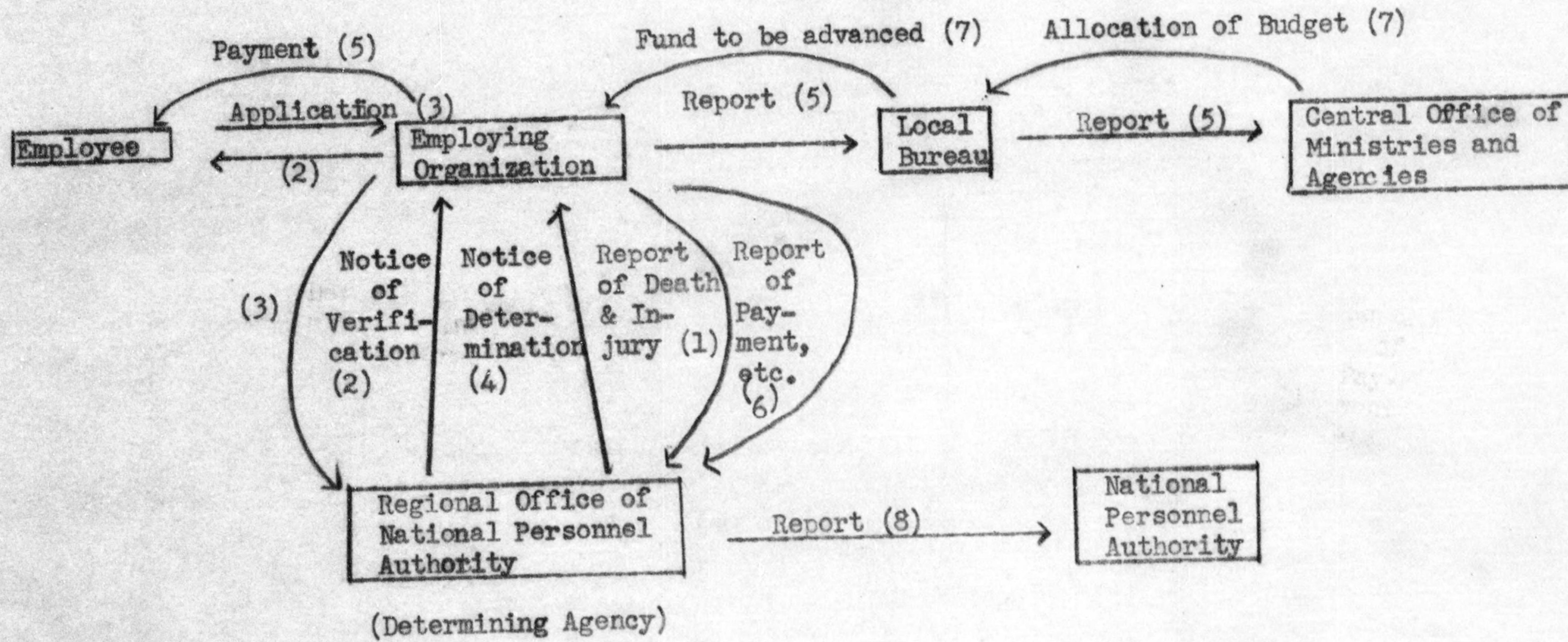
6. The employing organization will submit a report of payment, etc. to the regional office of the National Personnel Authority.

7. The appropriations will be included in the budget of each ministry and its central office will allocate the budget beforehand to the local bureau, while the latter will furnish the employing organization with cash advance.

8. The regional office of the National Personnel Authority will report to the National Personnel Authority every month.

9. The central office of the National Personnel Authority will conduct guidance to the staff in charge of the matter in its regional offices and the coordination and integration, and the central office and each regional office of the National Personnel Authority will conduct the dissemination of the accident compensation system, the guidance to the staff in charge of the matter in the employing organizations of each ministry and agency, and spot surveys of accident compensation business.

Organization Chart of Administrative Agencies of Plan 5



D R A F T

29 August 1950

MEMORANDUM FOR: The Record

SUBJECT : Basic Policy on Accident Compensation

1. During the past many months the National Personnel Authority has drafted Accident Compensation Legislation for the national public service. Conferences have been held with Ministry of Finance and other ministries relative to the development of the law and administrative procedures for its implementation.

2. As of this date, the following policies are being followed:

- a. The coverage will be for the regular service with additional groups of personnel included if so provided for by law.
- b. NPA shall have the full responsibility as required by National Public Service Law for the accident compensation program.
- c. Financing of the program to be handled through a central fund administered by NPA. From this fund will be paid:
 1. Expenses incurred in providing medical treatment where other government facilities are not available.
 2. Payment of lump sum benefits where permanent injury is involved.
 3. Reimbursement to individuals at a 60% rate of their current earnings where loss of earning power is involved.
- d. Decentralization of administrative procedures will be carried out to the greatest extent possible.
- e. Primary and secondary appeals will be made directly to NPA.
- f. Standardization of benefits and assurance of proper medical treatment will be enforced through NPA.

3. It is the intent and purpose of this law to assure the immediate availability of medical care for any employee in the regular service hurt anywhere in Japan while on duty. It will provide for financing where necessary of such medical facilities, the payment of indemnity where necessary, and preserving the earnings of employees during extended periods of recuperation resulting from injury on the job.

*Not in present
draft
NPA agrees to central
financing concept
9/8/50*

4. Outline of the program is understood by ESS. The use of a central fund for financing this program is definitely concurred in by ESS as the most inexpensive and equitable way of handling such financing.

5. Integration of leave provisions with accident compensations will be considered so that employees for a period of time related to length of employment could receive 100% of their earnings instead of the 60% provided under the law.

CIVIL SERVICE DIVISION
Government Section

Files 7-14-50
Accident Compensation
(procedures)

16 May 1950

MEMORANDUM FOR: Mr. W. Pierce MacCoy, Acting Chief
Civil Service Division

SUBJECT : Field Trip -- 9-12 May 1950 *WSP*

Sendai

At 2245, 8 May 1950, the Specialist departed with Mr. Rose and Mr. Sato, both of ESS, for Sendai and Fukushima for the purpose of making inquiries into the existing administration, and procedures related thereto, for the present Workmen's Accident Compensation Insurance Law. The Specialist arrived in Sendai at 0605, 9 May 1950. Upon arrival, he was billeted at Kauchi. After breakfast, he visited the Tohoku Civil Affairs Regional Team office. There, he was introduced by Mr. S. Satake to Mr. Hobson, formerly Major and now civilian assistant to the Chief of Command, Colonel Ayotte. During a brief conference held by Colonel Ayotte and Mr. Hobson with Mr. Rose and the Specialist, numerous inquiries were made concerning the progress of the NPA examination program. Particular inquiry was made concerning progress in the scoring and the results of previous examinations.

A staff car was placed at the disposal of the Specialist and Mr. Rose which was used to deliver them to the offices of the Sendai Labor Standards Bureau. At this place, a conference was held concerning the procedures related to Workmen's Accident Compensation and the organization of the Bureau office. Present during this conference were the Chief of the Bureau, each of five section chiefs and a number of the unit chiefs, including Chief of the Workmen's Accident Compensation Investigation Unit. Also present was the Chief of the Labor Ministry Labor Standards Bureau, Mr. Tashiro. In addition, a member of the NPA Regional Sendai office was present for a short time.

The earlier part of the conference concerned the organization of the Sendai Regional office. Mr. Rose made inquiries concerning certain operations and practices not in relation to Workmen's Accident Compensation. At this part of the conference, the Specialist requested that he be excused to confer briefly with members of the NPA, who had arrived from Tokyo in order to participate in a study of administrative procedures practiced by the Labor Standards Bureau and its inspection offices. The Specialist also met Mr. O. Yoshida, the Compensation Specialist in the NPA Regional office. He accompanied the latter individual to the Regional office itself, together with Mr. Imamura, interpreter for the Sendai CARO. There he conferred with the Director of the NPA Regional office, Mr. Matsuka, concerning the organization of his staff in connection with Position-Classification and Compensation problems. He was greatly astonished to discover that only one individual had been assigned to spend part-time work on position-classification

16 May 1950

and another individual to spend part-time work on compensation activities. Mr. Matsunaka presented him with the plans for future staffing of the Regional office. If position-classification activities and compensation functions expand to the volume anticipated, it is likely that future staffing plans may prove inadequate.

The Specialist then returned to the Sendai Labor Standards Bureau office where details were obtained concerning the volume of activities in relationship with the Workmen's Accident Compensation program and the number of employees to deal therewith.

The afternoon conference was held in the Sendai Local Labor Standards Inspection office. Present during this conference at the Local Inspection office were Mr. Tashiro, Chief of the Labor Ministry Labor Standards Bureau, Chief of the Sendai Labor Standards Bureau, several of the section chiefs of the Bureau office, Chief of the Inspection office and each of the Branch chiefs of the Inspection office. A portion of the early part of the conference was devoted to obtaining a detailed picture of the organization and the staff placement of this office. The remainder of the conference was devoted to one topic, namely, the procedures involved in processing an Accident Compensation claim. This conference covered the remainder of the day.

The following morning, the Specialist accompanied Mr. Rose to the Inspection office and the conference for the entire morning was devoted to the investigation of claims. This covered in detail the specific activities of an investigator in making his investigations. Upon completion of this phase of the discussion, inquiry was made concerning the procedures involved in processing the investigation results.

During the afternoon, Mr. Rose, Mr. Sato and the Specialist travelled to Fukushima. There they were met by a representative of the CIC for Fukushima. Arrangements were made for billeting and for conferring with the Fukushima Labor Standards Bureau people.

Fukushima

The first conference was held on the following morning, 11 May 1950, in the Fukushima Labor Standards Bureau office. Present during this conference were the Chief of the Fukushima Bureau office, Mr. Tashiro, each of the section chiefs, the Workmen's Accident Compensation referee, several of the unit chiefs, Mr. Sato, Mr. Rose and the Specialist. A detailed picture was obtained of that office and the placement of the staff. Upon completion of this topic, data was obtained concerning the volume of activity in this Prefecture.

The afternoon conference was held in the Fukushima Local Labor Standards Inspection office. Present during this conference were Mr. Tashiro, Chief of the Bureau office, Chief of the Inspection office, several of the section chiefs of the Bureau office and each of the Branch chiefs of the Inspection office. This conference covered the organization and staffing of the Inspection office, the extent of coverage within the Prefectural area and the

16 May 1950

volume of its activity. A portion of this conference dealt with the extent of welfare benefits utilized in connection with the claims.

The final conference was held during the morning of 12 May 1950. This was held in the Labor Standards Bureau office, and included nearly all of the people present during the conference of the preceding morning. At this time information was obtained concerning the extent of appeal activities. A picture of the volume of activities was obtained. Then the referee was requested to describe specifically his role in connection with appeals. The description of his activities was considerably elaborate and included a presentation of all his paper work, as well as a synoptical translation of one complete case. Other cases were generally discussed. Upon termination of this conference, Mr. Sato, Mr. Rose and the Specialist made arrangements to board the first train for return to Tokyo. The Specialist arrived at Ueno Station at 2100, 12 May 1950.

Sendai--Comment concerning the CARO

Both Mr. Hobson and Colonel Ayotte were extremely interested in the activities of the NPA. Mr. Hobson stated that they felt that their program could best be carried out if the principles and purposes of the NPA were fulfilled. Upon the departure of the Specialist, Mr. Hobson stated, in the event their office could do anything further to establish the activities and principles of the National Personnel Authority into effect, they would be perfectly willing to do so upon request.

WALTER P. DOMANOWSKI
Compensation Specialist

WPD:vr

Notes during First Conference in Sendai, 9 May 1950:

The Miyagi Prefectural Labor Standards Bureau is organized in the following fashion:

General Affairs Section

Inspection Section

Local Labor Standards Inspection Offices (6):

Furukawa Local Labor Standards Inspection Office
Ishinomaki Local Labor Standards Inspection Office
Kisemuma Local Labor Standards Inspection Office
Ogawara Local Labor Standards Inspection Office
Sendai Local Labor Standards Inspection Office
Semine Local Labor Standards Inspection Office

Workmen's Accident Compensation Section

Wage Section

Safety and Sanitation Section

The Inspection Section has staff supervision over the Inspection Offices. The other three sections following perform line supervision within their specific sphere of activity.

In the prefecture, there are 158,000 employees under the Labor Standards Law. Altogether, 58,675 employees in 3,808 establishments fall under the provisions of the Workmen's Accident Compensation Insurance Law. Where activities related to the latter law are concerned, there are 34 employees on this work, of whom 13 are investigators. Altogether, in the prefecture, there are 56 employees in the Prefectural Bureau and 88 in the Inspection Offices.

The employees in private enterprise entered 7,974 claims during the preceding fiscal year. This represents roughly about 3,500 accidents to individuals. The administrative cost of the program was ¥4,214,085. The benefits paid out amounted to ¥35,038,700. A total of ¥125,100. was the amount of refunded premiums, and a total of ¥234,000. remained in outstanding unpaid claims.

Notes during Conference in NPA Regional Office on 9 May 1950:

In the Tohoku Region there are 85,000 employees in the regular government service. To provide service to these employees, there is one person engaged in classification work on a part-time basis, and one individual to do compensation work, also on a part-time basis. To meet future needs, Mr. Matsuoka, Director of the Office, states that the Tokyo Office intends to increase the total personnel from 14 to 21, and to assign one additional person to each of the two major activities for which the Compensation Bureau is responsible. This number may not be adequate.

Second Sendai Conference, 9 May 1950

The second conference was held in the Sendai Local Labor Standards Inspection Office. The organization of this Office is presented below. The figures in parentheses indicate the number of personnel in each segment. The first figure is the total number of individuals. The second shows the number of clerical employees. The third indicates inspectorial assistants or aids. The final figures the number of inspectors. In the case of the Office itself, the enclosed figure reflects only the Office Chief.

Sendai Local Labor Standards Inspection Office (1)
 General Affairs Branch (8)
 General Affairs Unit (2: 2 / 0 / 0)
 Workmen's Accident Compensation Unit (6: 3 / 1 / 2)
 First Inspection Branch (8)
 Inspection Unit (4: 1 / 0 / 3)
 Safety and Sanitation Unit (4: 1 / 1 / 2)
 Second Inspection Branch (7)
 Inspection Unit (4: 1 / 0 / 3)
 Wage Unit (3: 1 / 2 / 0)

Under the scope of the Labor Standards Law, 5,632 establishments involving 84,268 employees come within the jurisdiction of this office. The Workmen's Accident Compensation Insurance Law involves 1,504 establishments with 25,167 employees. From 1 June 1949 to 1 May 1950, this office has processed 2,969 applications involving about 1,500 accidents to individuals.

Procedures

Thereafter, the procedures concerning accident compensation were discussed. The first form in connection with occupational accidents to come to the Inspection Office is the Report of Worker's Death and Injury. This form is filled out by an employer immediately after an accident in conformity with the Labor Standards Law. (An indication of the information presented in this report may be found in Form 26 of the Annexed Tables to the Enforcement Regulations of 30 August 1947 as presented in the Official Gazette.) This form is always sent in within a week by an employer whenever an accident occurs unless the accident is serious, involving death, a physical handicap, or an obviously extreme injury. In latter instances, a verbal report is immediately made to the Inspection Office, and the report form is sent soon after. Although the less serious accidents are supposedly in the Inspection Office within a week, in actual practice they take 15 to 20 days before reaching the office.

When an accident report form is received, it is sent to the General Affairs Unit for entry into a record book and for purposes of statistical recapitulation. It is then passed to Office Chief who looks over the case before passing it on to his Assistant Chief. It is then referred to the three Branch Chiefs who review the case to determine whether it falls within their sphere of influence. At that point, it is assigned to one of the investigation units where it is distributed to the proper investigator to investigate the reason for and the circumstances of the accident. When the investigation has been completed it is reviewed by the Branch Chief, the Assistant Chief, and the Chief, respectively. It is then recorded for statistical purposes. The entire procedure is completed in one day if everybody is in. However, it more typically takes two or three days to process this report. When the statistical recording has been made, the report is filed in a binder, and not used any more. No attempt is made to compare this report with the data on the claims form, unless both are submitted at the same time.

The second form submitted is the application or claim for benefits under the provisions of the Workmen's Accident Compensation Insurance Law. This form is differentiated by color as to the type of claim being made, those printed in blue being for medical care claims, those in red for physical handicaps, inability to work, and termination of installment payments, and those in black for bereaved family claims. Most accidents result in at least two of these claim forms being filed with the Inspection Office.

These claim forms are supposed to be filled out by the injured employee, or in cases resulting in death, by the bereaved family. In actual practice, they are filled out by the employer much more often than by the employee. In each form, there is provision for the employer's signature and comment, and this fact makes it very easy for the employer to fill out the entire form. Another factor in this practice is that very many of the employees concerned are illiterate or semiliterate. In addition to the employee's and employer's signature, if there has been a medical examination, then there is a comment by the attending doctor as well as his signature.

Very often the report form and the claim form come together. This is the more typical practice because both are sent in by the employer who often pays accident compensation to the employee on a loan basis until he starts receiving payment from the insurance fund. However, employers have been gradually getting low on cash funds which has made it more difficult for them to pay advance compensation. As a result, this has caused pressure for faster processing of claims. In every case, whether or not there have been advance payments by employers, compensation is always paid directly to the employee.

All claims are first received in the Workmen's Accident Compensation Unit where they are given a number and recorded in a register. In the second step of the Inspection Office procedure, they are referred to the Office Chief who reviews each claim, stamps his seal on it, and sends it to the Chief of Workmen's Accident Compensation Unit. The Chief of this unit reviews the claim to determine its effect upon the budget and to prepare an estimate of the amount needed in the event the claim should be valid. The form is then referred to the Senior Inspector of the unit who distributes it to one of the inspectors according to the area in which the accident occurred.

The inspector who receives the claim determines whether an on-the-spot investigation should be made. In either case, he determines the claim should be paid, and sends this determination to the Chief of the Office for approval. The Chief reviews the determination, and may decide to challenge it or to approve it. Upon approval, it is sent to the paymaster, a jimukan who does nothing but pay work. The claim is paid by means of a pay determination slip which serves as a check (see form No. 3) to those living within the city. Those living outside the City of Sendai are sent either a 77th Bank or Post Office payment form, which acts like a check save that it is not transferrable and may be cashed at either the bank or the Post Office by the employee himself. (See forms Nos. 4 and 5.) At the same time that the latter are filled out, the paymaster fills out a compensation distribution summary sheet (form No. 6) which, together with a check covering the total, is sent to the Bank of Japan. The Bank then releases funds and notifies both the local bank and the local post office that payment has been authorized to specific individuals.

Just before the paymaster makes out a check upon approval of the office chief, he fills out a claimant continuity card (see form No. 7). This card is maintained throughout the duration of payments made during a specific claim or series of claims for a specific accident. It identifies the individual receiving claims, has an entry designating the types of claims, and notations for the amounts of payment.

After the check has been made out, the claim form is filed in a binder according to the type of claim in chronological order. They are identified by a sort of table of contents. There are no reference cards of any sort to any of the cases, save the continuity card which does not contain any salient information. After the filing of the processed claim form, the only basis for continuation of payments is the continuity card. This card is maintained in an active file until, upon authorization of a doctor pronouncing an employee is cured and fit for work or upon return to employment, the case is considered closed. The card is then filed chronologically according to termination date in the inactive file boxes. Afterward, if an employee six months or more in the future puts in another claim, no effort is made to see if previous claims had been filed by the same individual, unless one of the personnel happens to remember that a previous claim had been filed.

Third Sendai Conference, 10 May 1950

The third conference was also held in the Sendai Local Labor Standards Inspection Office, with approximately the same people present as during the preceding one. The topic on this date concerned the investigation of claims.

In performing an investigation, the inspector goes to a place of accident to verify the time, date, cause, manner, circumstances, and details of an accident, as well as whether or not it occurred on duty. The first contact made is with the employer. If the injured employee is still at the place of accident and able to be interviewed, he is then contacted. Also, he interviews fellow employees of the injured worker who witnessed the accident and the immediate supervisor over the injured worker. Whenever necessary, the inspector obtains signed statements from all the parties interviewed. This is done when conflicting statements have been made, or when the accident is a serious one.

After all these interviews have been made, the inspector goes back to the personnel or employee's office to see all the records of the employee, such as his wages, period of employment, payment of premiums, and the like. If the employing agency has a health and safety supervisor, the inspector interviews him to check on the extent of compliance with safety and sanitation laws, the precautionary measures taken before and after the accident, and other pertinent information. If there is no health and safety supervisor, the employer is requested to provide this information.

After this visit to the place of employment, if the claim involves medical treatment, the inspector can expect a certain degree of seriousness in the accident. Consequently, he goes to the attending doctor in charge of the worker's medical treatment, and makes inquiry concerning the diagnosis and prognosis, the manner in which the doctor entered into the case, the nature of the treatments and the materials used therein, operations and extent of hospitalization and nursing care provided to the worker, transportation provided to the patient for bringing him to the place of medical, necessity for hot-spring and massage therapy, the good care and facilities provided, and the necessity for transportation after medical care. At the same time, the inspector reviews the patient's diagnosis card and other hospital records. All these are compared with the statements on the claim form. Usually the claim has a signed statement by the attending doctor which is sent in with the original claim application, particularly if any special treatment is needed.

In all cases of claims involving compensation for inability to work, the doctor is particularly requested to provide a professional opinion concerning the length of the treatment period. Sometimes, if the application for this compensation has come after other claim applications have been received, it is necessary to make a second visit to the doctor.

In cases involving physical handicaps, the inspector can recognize by the application itself that a handicap is involved. An on-the-spot check is made at some future time to determine the grade of the handicap for compensation purposes. The inspector interviews the claimant in the office, at his home, or at his place of treatment. The application form has the attending doctor's opinion concerning the case. However, the inspector may check on X-rays, if any, although he seldom interviews the doctor. The final determination concerning the grade of physical handicap is made by the Office Chief on the basis of the materials submitted by the inspector with his recommendation. In other words, the Office Chief reviews the recommendations made by the inspectors and is responsible for their pertinence to the actual facts and conditions.

Whenever an employee dies, it will usually involve bereaved family compensation claims. Upon any such death, a telephone report is received by one of the inspectors who immediately tries to determine if occupational causes are involved. In all occupational cases, or in doubtful cases, an inspector will go out into the field, usually prior to the receipt of any application for compensation claim. Therefore, when the application does come in, no spot check is needed in view of the fact that a field investigation has already been made. The investigations, in these cases, are similar, in so far as the checks made are concerned, to those described previously as being made at the establishments where accidents have occurred. At the time the inspector makes his investigation, the corpse is still present at the scene of accident.

When the application for bereaved family compensation does finally come, the inspector goes again to the establishment, this time to make a second check upon the wage and personnel records of the employee. Also, he tries to obtain family data in order to find out who is entitled to the compensation. After this visit, he goes to the deceased employee's home. If the applicant is the registered wife of the employee, there is no trouble. If she is an unregistered wife, or some other individual than a wife is the claimant, then difficulties arise, and the inspector may find it necessary to interview neighbors. The statement of a woman that she is a registered wife is verified by a copy of the official family registration which is usually attached to the application for verification.

The investigation of claims for compensation for funeral rites is considered to have been performed and completed at the same time that the one for bereaved family compensation is being made. However, it is additionally necessary to find out who performed the funeral rites. Toward this end, the inspector checks with the worker's family, friends, and employer. Usually, some family member has sponsored the funeral.

In every field investigation made, the inspector checks the office records to see whether premium payments have been made by the employer. Also, he checks to determine the responsibility for the accident, whether caused by employer negligence or employee carelessness. If the employer is completely at fault, no compensation is paid from the Insurance fund, and the employee obtains all accident compensation benefits directly from the employer in accordance with the provisions of the Labor Standards Law. Notwithstanding this, the employer is still required to pay all his premiums.

Another point the investigation attempts to uncover is the degree of responsibility of some third party. In all such cases, compensation benefits are paid to the employee, but an attempt is made to obtain indemnity from the third party. In some cases, the inspector finds it necessary to apportion the degree of responsibility.

As a guide to the inspectors, the Miyagi Prefectural Labor Standards Bureau has prepared an investigation guide sheet (Form No. 8) for them to use. This is also as a check sheet, providing space for brief answers to salient points. Attachments verifying specific points are added, and elaborations upon any topic are attached as needed. This form is not a standardized one as is the case in the previous seven, and all prefectural bureaus have developed their own corresponding form based upon material in the guide book on accident compensation insurance prepared by the Ministry Labor Standards Bureau. That Bureau, under the guidance of the Labor Division, is studying the need and use of a uniform guide sheet to be used in all prefectures and inspection offices.

According to the Prefectural Labor Standards Bureau Chief, there have been only three appeals on any of the determinations in the prefecture. The notice of determination, which is sent both to the employee and the employer, contains a printed statement concerning the right of appeal.

A peculiarity of Miyagi Prefecture is the Miyagi Labor Standards Association. This is a voluntary educational organization for the purpose of providing an increased understanding and knowledge to its members and the public of the functions, operations, implications, and effects of the Labor Standards Law, the Workmen's Accident Compensation Law, and other related laws, ordinances, and regulations. It serves to publicize this body of law and the derivative functions, and has, as one of its goals, the aim of advancing the level of the occupations, and their standards, which are based upon this body of law.

At the present time, there are 1200 to 1300 members in this Association. About 90% of the membership consists of employers. The remainder consist of employees, many of them union representatives, and public-spirited citizens who are interested in this type of activity. A peculiar fact is that employers are usually urged by the unions to become members. No employee of

the Prefectural Labor Standards Bureau or its Inspection Offices is a member of this Association, but many of the Section Chiefs and Office Chiefs, have, upon request, given lectures before meetings of this Association. The Association publishes a periodical, and various employees have contributed articles to it. Although the Association is a purely prefectural organization, it interchanges information with the National Safety Association.

All accident compensation cases are not given on-the-spot investigational treatment. Only about twenty percent of the medical treatment are given such treatment. Inability to work compensation claims are investigated only about ten percent of the time. However, if the period of inability seems too long or inconsistent with the medical diagnosis, or if the average wage appears too high for the type of occupation engaged in, then an investigation is made. A policy exists in the office for all cases involving doubtful points to be investigated without exception. Likewise, all major accidents, without any exception require an inspector to be sent out into the field. Cases involving physical handicaps also require hundred percent check, but this office is fortunate in not having to send out an inspector into the field in each instance. One of the Inspection Office employees is a doctor qualified to practice under Manchukuo laws. Although he does not have Japanese registry, it is a practice to call in physical handicap cases into the office wherever practicable. In all such cases, the Manchukuo doctor gives these individuals a thorough check where the claimed handicap is concerned.

Whenever an on-the-spot field investigation is required in a case, then everything is checked. In so doing, and in determining to what extent specific types of cases need to be investigated, the office is guided by a manual or guide on Accident Investigations which has been prepared by the Labor Ministry. In conformity with Ministerial policy, all completed cases are reported to the prefectural Bureau.

Again, it must be noted that there is no systematic filing of inactive cases. Accordingly, almost any claim can be reinitiated if a worker were to choose taking a chance that his former claim were forgotten.

Employers fill and send in, as a general practice, both the report form and the claim applications. Usually, they take from one week to one month in sending the latter in. Nor do related claims necessarily come in at the same time. Sometimes three or four claims on one case may be filed, each separately.

First Conference in Fukushima, 11 May 1950:

The first conference in this prefecture was held in the Fukushima Prefectural Labor Standards Bureau. The first subject discussed was the organization of the Bureau. This is organized as follows, with the personnel indicated in parentheses:

- Fukushima Prefectural Labor Standards Bureau (74)
 - General Affairs Section (18 including Bureau Chief)
 - General Affairs Unit (6)
 - Personnel Unit (2)
 - Accounting Unit (8)
 - Inspection Section (10)
 - Local Supervisors Unit (7 - functional activities)
 - Local Inspection Offices (193)
 - Aizu Local Inspection Office (19)
 - Fukushima Local Inspection Office* (15)
 - General Affairs Branch (3)
 - Business Branch (7)
 - Inspection Unit (2)
 - Wage Unit (2)
 - Workmen's Accident Compensation Unit (3)
 - Inspectors' Room (4)
 - Kitakata Local Inspection Office (14)
 - Koriyama Local Inspection Office (15)
 - Shirakawa Local Inspection Office (12)
 - Soma Local Inspection Office (10)
 - Sukagawa Local Inspection Office (12)
 - Taira Local Inspection Office (20)
 - Tomiooka Local Inspection Office (9)
 - General Inspection Unit (2)
 - Safety and Sanitation Section (7)
 - Safety Unit (3)
 - Sanitation Unit (3)
 - Wage Section (12)
 - Wage Unit (1)
 - Statistics Unit (3)
 - Commodity Rations Unit (7)
 - Workmen's Accident Compensation Unit (27)
 - General Affairs Unit (7)
 - Inspection Unit (4)
 - Collection Unit (5)
 - Determination Unit (8)
 - Local Office Supervisor (1)
 - Insurance Referee (1)

* Organization of Inspection Office obtained at later conference.

In Fukushima Prefecture, there are 15,257 establishments under the provisions of the Labor Standards Law, employing 220,373 workers. Covered by the provisions of the Workmen's Accident Compensation Insurance Law, there are 5,609 establishments employing 118,791 workers. To service these in accident compensation work, there are 7 Inspectors in the Bureau and 15 (including one vacancy) in the Inspection Offices. In addition, there are 4 Jimokan in the Bureau and 12 in the Local Offices. The claim load during the preceding fiscal year was 31,550 which represented 15,840 workers who had been injured in accidents. During that year ¥133,671,941.56 was paid out in accident claims. However, the Bureau found that it had insufficient funds, and 4,927 claims totalling to ¥29,011,222 were carried over into the present fiscal year. These comprise both determined and undetermined claim case. As of April 1, 1950, the oldest outstanding claim dated back to February.

Second Fukushima Conference, 11 May 1950:

The second conference was held in the Fukushima Local Labor Standards Inspection Office. The organization of this office was the first topic discussed. (See First Fukushima Conference Report for details on the organization.) In the area covered by this office there are 3,257 establishments involving 40,465 workers under the provisions of the Labor Standards Law. Under the Workmen's Accident Compensation Insurance Law, there are 459 establishments with 17,900 workers. The total population in the area is 304,648.

From 1 June 1949 to 1 April 1950, there were 1,498 claims embracing the sum of ¥5,755,238. These are broken down as follows:

Medical Treatment	893 claims	¥2,016,088
Inability to Work	528 "	1,156,139
Physical Handicap	65 "	1,713,190
Bereaved Family & Funeral Rite	10 "	869,866

This prefecture, as in Miyagi, also has developed a guide sheet for inspectors based on the Labor Ministry Book on procedure. However, it differs considerably from the one seen in Sendai.

Not many special benefits have been requested. Only two cases since 1 June 1949 have had prescribed and accepted assignments for Hot-Spring treatments. For eligibility, the case must be a surgical one involving an 8th degree or worse injury. It must be noted in such cases, while treatment is being provided at hot-springs, no inability to work payment is provided. No cases have resorted to the National Sanatorium in Iizaka, nor have there been any silicosis cases. No cases have required any rehabilitatory training. Of all cases processed in this office, only one has resulted in an appeal, and this was processed to the Bureau. The case involved an appeal from a determination placing it under the provisions of the Labor Standards Law instead of the Workmen's Accident Compensation Insurance Law.

An interesting feature of this Local Office is that one-half of the total working population is in government service, including National, Prefectural, City and Government Enterprise.

Third Fukushima Conference, 12 May 1950:

This conference was held in the Prefectural Labor Standards Bureau. The subject discussed was appeals on accident compensation cases. The following is an indication of the increasing volume of appeals in this prefecture:

<u>Calendar Year</u>	<u>Appeals Granted</u>	<u>Appeals Denied</u>	<u>Appeals Pending</u>	<u>Total</u>
1948	1	1	-	2
1949	6	2	-	8
1950	8	7	9	24
Total	15	10	9	34

Of the above 34 appeals, 7 appeals originated from employers. Five of these were appeals against restriction of payments from the insurance fund. One was an appeal on bereaved family payment. And one was an appeal from an employer who was occupationally injured, claiming compensation on the ground that he was his own employee. All the remaining appeals originated directly from employees, save one case in which an employee was assisted by his union. Of these, 17 were physical handicap cases in which recurrence or relapse was claimed as cause for reopening. Seven involved appeals on determinations as to whether an accident occurred on-duty or off-duty. Three were miscellaneous cases, including appeal for bereaved family compensation.

An appeal must be begun within thirty days of a determination. In actual practice, all appeals are initiated by letter or postcard. Upon receipt of an appeal, the referee goes into the field to do an on-the-spot investigation. Immediately prior to this step, he goes to the appropriate Local Inspection Office to review all the records in that office pertaining to the case. After making all his checks, he makes a detailed record of his investigation. Then, after all the data has been gathered and recorded, he uses his records to make out his decision sheet. When the decision sheet is made out, one copy is sent to the appellant, another to the Local Inspection Office Chief, a third to the Ministerial Labor Standards Bureau, another to his Bureau Chief, while the original draft is kept in the file on the case containing all his records and verifying data. The decision sheet indicates the name of the employee, the name of the original Inspection Office, the reason cited for the appeal and its nature, the decision itself, and the reasons for the decision. The covering memoranda or records contain the verifications for the reasons in the form of all findings made and all statements received from the employee, the attending doctor, and all other involved or interested parties.

Only one of the 34 appeals was against a decision that an accident fell more properly under the Labor Standards Law rather than the more narrow law. One case, although it did involve an appeal, did involve a reference of the matter to the Labor Ministry for policy decision. This case was considered an original decision. It involved the case of an employee killed as he was reporting to work. The employing agency claimed that had not reached his specific work location, and that therefore it had no responsibility for it. This case involved an employee of the Government Railway Enterprise, and was decided against the corporation.

Third Fukushima Conference, 12 May 1950:

This conference was held in the Prefectural Labor Standards Bureau. The subject discussed was appeals on accident compensation cases. The following is an indication of the increasing volume of appeals in this prefecture:

<u>Calendar Year</u>	<u>Appeals Granted</u>	<u>Appeals Denied</u>	<u>Appeals Pending</u>	<u>Total</u>
1948	1	1	-	2
1949	6	2	-	8
1950	8	7	9	24
Total	15	10	9	34

Of the above 34 appeals, 7 appeals originated from employers. Five of these were appeals against restriction of payments from the insurance fund. One was an appeal on bereaved family payment. And one was an appeal from an employer who was occupationally injured, claiming compensation on the ground that he was his own employee. All the remaining appeals originated directly from employees, save one case in which an employee was assisted by his union. Of these, 17 were physical handicap cases in which recurrence or relapse was claimed as cause for reopening. Seven involved appeals on determinations as to whether an accident occurred on-duty or off-duty. Three were miscellaneous cases, including appeal for bereaved family compensation.

An appeal must be begun within thirty days of a determination. In actual practice, all appeals are initiated by letter or postcard. Upon receipt of an appeal, the referee goes into the field to do an on-the-spot investigation. Immediately prior to this step, he goes to the appropriate Local Inspection Office to review all the records in that office pertaining to the case. After making all his checks, he makes a detailed record of his investigation. Then, after all the data has been gathered and recorded, he uses his records to make out his decision sheet. When the decision sheet is made out, one copy is sent to the appellant, another to the Local Inspection Office Chief, a third to the Ministerial Labor Standards Bureau, another to his Bureau Chief, while the original draft is kept in the file on the case containing all his records and verifying data. The decision sheet indicates the name of the employee, the name of the original Inspection Office, the reason cited for the appeal and its nature, the decision itself, and the reasons for the decision. The covering memoranda or records contain the verifications for the reasons in the form of all findings made and all statements received from the employee, the attending doctor, and all other involved or interested parties.

Only one of the 34 appeals was against a decision that an accident fell more properly under the Labor Standards Law rather than the more narrow law. One case, although it did involve an appeal, did involve a reference of the matter to the Labor Ministry for policy decision. This case was considered an original decision. It involved the case of an employee killed as he was reporting to work. The employing agency claimed that had not reached his specific work location, and that therefore it had no responsibility for it. This case involved an employee of the Government Railway Enterprise, and was decided against the corporation.

Second Fukushima Conference, 11 May 1950:

The second conference was held in the Fukushima Local Labor Standards Inspection Office. The organization of this office was the first topic discussed. (See First Fukushima Conference Report for details on the organization.) In the area covered by this office there are 3,257 establishments involving 40,465 workers under the provisions of the Labor Standards Law. Under the Workmen's Accident Compensation Insurance Law, there are 459 establishments with 17,900 workers. The total population in the area is 304,648.

From 1 June 1949 to 1 April 1950, there were 1,498 claims embracing the sum of ¥5,755,238. These are broken down as follows:

Medical Treatment	893 claims	¥2,016,088
Inability to Work	528 "	1,156,139
Physical Handicap	65 "	1,713,190
Bereaved Family & Funeral Rite	10 "	869,866

This prefecture, as in Miyagi, also has developed a guide sheet for inspectors based on the Labor Ministry Book on procedure. However, it differs considerably from the one seen in Sendai.

Not many special benefits have been requested. Only two cases since 1 June 1949 have had prescribed and accepted assignments for Hot-Spring treatments. For eligibility, the case must be a surgical one involving an 8th degree or worse injury. It must be noted in such cases, while treatment is being provided at hot-springs, no inability to work payment is provided. No cases have resorted to the National Sanatorium in Iizaka, nor have there been any silicosis cases. No cases have required any rehabilitory training. Of all cases processed in this office, only one has resulted in an appeal, and this was processed to the Bureau. The case involved an appeal from a determination placing it under the provisions of the Labor Standards Law instead of the Workmen's Accident Compensation Insurance Law.

An interesting feature of this Local Office is that one-half of the total working population is in government service, including National, Prefectural, City and Government Enterprise.

First Conference in Fukushima, 11 May 1950:

The first conference in this prefecture was held in the Fukushima Prefectural Labor Standards Bureau. The first subject discussed was the organization of the Bureau. This is organized as follows, with the personnel indicated in parentheses:

- Fukushima Prefectural Labor Standards Bureau (74)
 - General Affairs Section (18 including Bureau Chief)
 - General Affairs Unit (6)
 - Personnel Unit (2)
 - Accounting Unit (8)
 - Inspection Section (10)
 - Local Supervisors Unit (7 - functional activities)
 - Local Inspection Offices (193)
 - Aizu Local Inspection Office (19)
 - Fukushima Local Inspection Office* (15)
 - General Affairs Branch (3)
 - Business Branch (7)
 - Inspection Unit (2)
 - Wage Unit (2)
 - Workmen's Accident Compensation Unit (3)
 - Inspectors' Room (4)
 - Kitakata Local Inspection Office (14)
 - Koriyama Local Inspection Office (15)
 - Shirakawa Local Inspection Office (12)
 - Soma Local Inspection Office (10)
 - Sukagawa Local Inspection Office (12)
 - Taira Local Inspection Office (20)
 - Tomioka Local Inspection Office (9)
 - General Inspection Unit (2)
 - Safety and Sanitation Section (7)
 - Safety Unit (3)
 - Sanitation Unit (3)
 - Wage Section (12)
 - Wage Unit (1)
 - Statistics Unit (3)
 - Commodity Rations Unit (7)
 - Workmen's Accident Compensation Unit (27)
 - General Affairs Unit (7)
 - Inspection Unit (4)
 - Collection Unit (5)
 - Determination Unit (8)
 - Local Office Supervisor (1)
 - Insurance Referee (1)

* Organization of Inspection Office obtained at later conference.

In Fukushima Prefecture, there are 15,257 establishments under the provisions of the Labor Standards Law, employing 220,373 workers. Covered by the provisions of the Workmen's Accident Compensation Insurance Law, there are 5,609 establishments employing 118,791 workers. To service these in accident compensation work, there are 7 Inspectors in the Bureau and 15 (including one vacancy) in the Inspection Offices. In addition, there are 4 Jimokan in the Bureau and 12 in the Local Offices. The claim load during the preceding fiscal year was 31,550 which represented 15,840 workers who had been injured in accidents. During that year ¥133,671,941.56 was paid out in accident claims. However, the Bureau found that it had insufficient funds, and 4,927 claims totalling to ¥29,011,222 were carried over into the present fiscal year. These comprise both determined and undetermined claim case. As of April 1, 1950, the oldest outstanding claim dated back to February.

Third Sendai Conference, 10 May 1950

The third conference was also held in the Sendai Local Labor Standards Inspection Office, with approximately the same people present as during the preceding one. The topic on this date concerned the investigation of claims.

In performing an investigation, the inspector goes to a place of accident to verify the time, date, cause, manner, circumstances, and details of an accident, as well as whether or not it occurred on duty. The first contact made is with the employer. If the injured employee is still at the place of accident and able to be interviewed, he is then contacted. Also, he interviews fellow employees of the injured worker who witnessed the accident and the immediate supervisor over the injured worker. Whenever necessary, the inspector obtains signed statements from all the parties interviewed. This is done when conflicting statements have been made, or when the accident is a serious one.

After all these interviews have been made, the inspector goes back to the personnel or employee's office to see all the records of the employee, such as his wages, period of employment, payment of premiums, and the like. If the employing agency has a health and safety supervisor, the inspector interviews him to check on the extent of compliance with safety and sanitation laws, the precautionary measures taken before and after the accident, and other pertinent information. If there is no health and safety supervisor, the employer is requested to provide this information.

After this visit to the place of employment, if the claim involves medical treatment, the inspector can expect a certain degree of seriousness in the accident. Consequently, he goes to the attending doctor in charge of the worker's medical treatment, and makes inquiry concerning the diagnosis and prognosis, the manner in which the doctor entered into the case, the nature of the treatments and the materials used therein, operations and extent of hospitalization and nursing care provided to the worker, transportation provided to the patient for bringing him to the place of medical, necessity for hot-spring and massage therapy, the good care and facilities provided, and the necessity for transportation after medical care. At the same time, the inspector reviews the patient's diagnosis card and other hospital records. All these are compared with the statements on the claim form. Usually the claim has a signed statement by the attending doctor which is sent in with the original claim application, particularly if any special treatment is needed.

In all cases of claims involving compensation for inability to work, the doctor is particularly requested to provide a professional opinion concerning the length of the treatment period. Sometimes, if the application for this compensation has come after other claim applications have been received, it is necessary to make a second visit to the doctor.

In cases involving physical handicaps, the inspector can recognize by the application itself that a handicap is involved. An on-the-spot check is made at some future time to determine the grade of the handicap for compensation purposes. The inspector interviews the claimant in the office, at his home, or at his place of treatment. The application form has the attending doctor's opinion concerning the case. However, the inspector may check on X-rays, if any, although he seldom interviews the doctor. The final determination concerning the grade of physical handicap is made by the Office Chief on the basis of the materials submitted by the inspector with his recommendation. In other words, the Office Chief reviews the recommendations made by the inspectors and is responsible for their pertinence to the actual facts and conditions.

Whenever an employee dies, it will usually involve bereaved family compensation claims. Upon any such death, a telephone report is received by one of the inspectors who immediately tries to determine if occupational causes are involved. In all occupational cases, or in doubtful cases, an inspector will go out into the field, usually prior to the receipt of any application for compensation claim. Therefore, when the application does come in, no spot check is needed in view of the fact that a field investigation has already been made. The investigations, in these cases, are similar, in so far as the checks made are concerned, to those described previously as being made at the establishments where accidents have occurred. At the time the inspector makes his investigation, the corpse is still present at the scene of accident.

When the application for bereaved family compensation does finally come, the inspector goes again to the establishment, this time to make a second check upon the wage and personnel records of the employee. Also, he tries to obtain family data in order to find out who is entitled to the compensation. After this visit, he goes to the deceased employee's home. If the applicant is the registered wife of the employee, there is no trouble. If she is an unregistered wife, or some other individual than a wife is the claimant, then difficulties arise, and the inspector may find it necessary to interview neighbors. The statement of a woman that she is a registered wife is verified by a copy of the official family registration which is usually attached to the application for verification.

The investigation of claims for compensation for funeral rites is considered to have been performed and completed at the same time that the one for bereaved family compensation is being made. However, it is additionally necessary to find out who performed the funeral rites. Toward this end, the inspector checks with the worker's family, friends, and employer. Usually, some family member has sponsored the funeral.

In every field investigation made, the inspector checks the office records to see whether premium payments have been made by the employer. Also, he checks to determine the responsibility for the accident, whether caused by employer negligence or employee carelessness. If the employer is completely at fault, no compensation is paid from the Insurance fund, and the employee obtains all accident compensation benefits directly from the employer in accordance with the provisions of the Labor Standards Law. Notwithstanding this, the employer is still required to pay all his premiums.

Another point the investigation attempts to uncover is the degree of responsibility of some third party. In all such cases, compensation benefits are paid to the employee, but an attempt is made to obtain indemnity from the third party. In some cases, the inspector finds it necessary to apportion the degree of responsibility.

As a guide to the inspectors, the Miyagi Prefectural Labor Standards Bureau has prepared an investigation guide sheet (Form No. 8) for them to use. This is also as a check sheet, providing space for brief answers to salient points. Attachments verifying specific points are added, and elaborations upon any topic are attached as needed. This form is not a standardized one as is the case in the previous seven, and all prefectural bureaus have developed their own corresponding form based upon material in the guide book on accident compensation insurance prepared by the Ministry Labor Standards Bureau. That Bureau, under the guidance of the Labor Division, is studying the need and use of a uniform guide sheet to be used in all prefectures and inspection offices.

According to the Prefectural Labor Standards Bureau Chief, there have been only three appeals on any of the determinations in the prefecture. The notice of determination, which is sent both to the employee and the employer, contains a printed statement concerning the right of appeal.

A peculiarity of Miyagi Prefecture is the Miyagi Labor Standards Association. This is a voluntary educational organization for the purpose of providing an increased understanding and knowledge to its members and the public of the functions, operations, implications, and effects of the Labor Standards Law, the Workmen's Accident Compensation Law, and other related laws, ordinances, and regulations. It serves to publicize this body of law and the derivative functions, and has, as one of its goals, the aim of advancing the level of the occupations, and their standards, which are based upon this body of law.

At the present time, there are 1200 to 1300 members in this Association. About 90% of the membership consists of employers. The remainder consist of employees, many of them union representatives, and public-spirited citizens who are interested in this type of activity. A peculiar fact is that employers are usually urged by the unions to become members. No employee of

the Prefectural Labor Standards Bureau or its Inspection Offices is a member of this Association, but many of the Section Chiefs and Office Chiefs, have, upon request, given lectures before meetings of this Association. The Association publishes a periodical, and various employees have contributed articles to it. Although the Association is a purely prefectural organization, it interchanges information with the National Safety Association.

All accident compensation cases are not given on-the-spot investigational treatment. Only about twenty percent of the medical treatment are given such treatment. Inability to work compensation claims are investigated only about ten percent of the time. However, if the period of inability seems too long or inconsistent with the medical diagnosis, or if the average wage appears too high for the type of occupation engaged in, then an investigation is made. A policy exists in the office for all cases involving doubtful points to be investigated without exception. Likewise, all major accidents, without any exception require an inspector to be sent out into the field. Cases involving physical handicaps also require hundred percent check, but this office is fortunate in not having to send out an inspector into the field in each instance. One of the Inspection Office employees is a doctor qualified to practice under Manchukuo laws. Although he does not have Japanese registry, it is a practice to call in physical handicap cases into the office wherever practicable. In all such cases, the Manchukuo doctor gives these individuals a thorough check where the claimed handicap is concerned.

Whenever an on-the-spot field investigation is required in a case, then everything is checked. In so doing, and in determining to what extent specific types of cases need to be investigated, the office is guided by a manual or guide on Accident Investigations which has been prepared by the Labor Ministry. In conformity with Ministerial policy, all completed cases are reported to the prefectural Bureau.

Again, it must be noted that there is no systematic filing of inactive cases. Accordingly, almost any claim can be reinitiated if a worker were to choose taking a chance that his former claim were forgotten.

Employers fill and send in, as a general practice, both the report form and the claim applications. Usually, they take from one week to one month in sending the latter in. Nor do related claims necessarily come in at the same time. Sometimes three or four claims on one case may be filed, each separately.

Second Sendai Conference, 9 May 1950

The second conference was held in the Sendai Local Labor Standards Inspection Office. The organization of this Office is presented below. The figures in parentheses indicate the number of personnel in each segment. The first figure is the total number of individuals. The second shows the number of clerical employees. The third indicates inspectorial assistants or aids. The final figures the number of inspectors. In the case of the Office itself, the enclosed figure reflects only the Office Chief.

Sendai Local Labor Standards Inspection Office (1)
 General Affairs Branch (8)
 General Affairs Unit (2: 2 / 0 / 0)
 Workmen's Accident Compensation Unit (6: 3 / 1 / 2)
 First Inspection Branch (8)
 Inspection Unit (4: 1 / 0 / 3)
 Safety and Sanitation Unit (4: 1 / 1 / 2)
 Second Inspection Branch (7)
 Inspection Unit (4: 1 / 0 / 3)
 Wage Unit (3: 1 / 2 / 0)

Under the scope of the Labor Standards Law, 5,632 establishments involving 84,268 employees come within the jurisdiction of this office. The Workmen's Accident Compensation Insurance Law involves 1,504 establishments with 25,167 employees. From 1 June 1949 to 1 May 1950, this office has processed 2,969 applications involving about 1,500 accidents to individuals.

Procedures

Thereafter, the procedures concerning accident compensation were discussed. The first form in connection with occupational accidents to come to the Inspection Office is the Report of Worker's Death and Injury. This form is filled out by an employer immediately after an accident in conformity with the Labor Standards Law. (An indication of the information presented in this report may be found in Form 26 of the Annexed Tables to the Enforcement Regulations of 30 August 1947 as presented in the Official Gazette.) This form is always sent in within a week by an employer whenever an accident occurs unless the accident is serious, involving death, a physical handicap, or an obviously extreme injury. In latter instances, a verbal report is immediately made to the Inspection Office, and the report form is sent soon after. Although the less serious accidents are supposedly in the Inspection Office within a week, in actual practice they take 15 to 20 days before reaching the office.

When an accident report form is received, it is sent to the General Affairs Unit for entry into a record book and for purposes of statistical recapitulation. It is then passed to Office Chief who looks over the case before passing it on to his Assistant Chief. It is then referred to the three Branch Chiefs who review the case to determine whether it falls within their sphere of influence. At that point, it is assigned to one of the investigation units where it is distributed to the proper investigator to investigate the reason for and the circumstances of the accident. When the investigation has been completed it is reviewed by the Branch Chief, the Assistant Chief, and the Chief, respectively. It is then recorded for statistical purposes. The entire procedure is completed in one day if everybody is in. However, it more typically takes two or three days to process this report. When the statistical recording has been made, the report is filed in a binder, and not used any more. No attempt is made to compare this report with the data on the claims form, unless both are submitted at the same time.

The second form submitted is the application or claim for benefits under the provisions of the Workmen's Accident Compensation Insurance Law. This form is differentiated by color as to the type of claim being made, those printed in blue being for medical care claims, those in red for physical handicaps, inability to work, and termination of installment payments, and those in black for bereaved family claims. Most accidents result in at least two of these claim forms being filed with the Inspection Office.

These claim forms are supposed to be filled out by the injured employee, or in cases resulting in death, by the bereaved family. In actual practice, they are filled out by the employer much more often than by the employee. In each form, there is provision for the employer's signature and comment, and this fact makes it very easy for the employer to fill out the entire form. Another factor in this practice is that very many of the employees concerned are illiterate or semiliterate. In addition to the employee's and employer's signature, if there has been a medical examination, then there is a comment by the attending doctor as well as his signature.

Very often the report form and the claim form come together. This is the more typical practice because both are sent in by the employer who often pays accident compensation to the employee on a loan basis until he starts receiving payment from the insurance fund. However, employers have been gradually getting low on cash funds which has made it more difficult for them to pay advance compensation. As a result, this has caused pressure for faster processing of claims. In every case, whether or not there have been advance payments by employers, compensation is always paid directly to the employee.