

Whistleblower Protection Act

(Purpose)

Article 1

The Purpose of this Act is to protect the Whistleblower and to promote compliance with the laws and regulations concerning the protection of the life, health, property, and any other interests of people by nullifying the dismissal of, and prohibiting any other disadvantageous treatment of, any Whistleblower by reason of his or her Whistleblowing and specifying the measures that the businesses and Administrative Organ shall take with regard to the Whistleblowing, and to contribute to the stability of people's lives and the sound development of the society and economy in Japan.

(Definitions)

Article 2

(1) For the purpose of this Act, the term "Whistleblowing" means any reporting made by a worker (in the sense of "worker" as defined in Article 9 of the Labor Standards Law (Law No. 49 of 1947); hereinafter the same), not for the purpose of gaining illegal benefits, causing damage to someone, or attaining any other illegal objective, about any Act Subject to Whistleblowing that occurs or is about to occur with regard to the Entity in Which the Worker Works (referring to any of the businesses (referring to a corporation, any other organization, or an individual engaged in business; hereinafter the same) listed in the following (i)-(iii); hereinafter the same) or, about any Act Subject to Whistleblowing relevant to business that occurs or is about to occur with regard to an executive, employee, agent, or any other person of the Entity in Which the Worker Works, to the Entity in Which the Worker Works or the person appointed by the Entity in Which the Worker Works (hereinafter referred to as "Entity in Which the Worker Works, etc."), or to an Administrative Organ authorized to impose a disposition (referring to such action as ordering, cancellation, or exercise of any other public authority; hereinafter the same) or give a recommendation, etc. (referring to a recommendation and any other action that is not considered as a disposition; hereinafter the same) on the Act Subject to Whistleblowing, or any person to whom such Whistleblowing is considered necessary to be made in order to prevent the occurrence of the Act Subject to Whistleblowing or the spread of damage caused by the Act Subject to Whistleblowing (including any person who suffers or might suffer damage from the Act Subject to Whistleblowing, but excluding any person who might damage the competitive position or any other legitimate interests of the Entity in Which the Worker Works; the same shall apply to Article 3 (iii)).

- (i) A business which employs the worker itself (excluding such businesses as specified in (ii));
 - (ii) In the case where the worker is a dispatched worker (in the sense of “dispatched worker” as defined in Article 2 (ii) of the Law for Securing the Proper Operation of Worker Dispatching Undertakings and Improved Working Conditions for Dispatched Workers (Law No. 88 of 1985; referred to as the “Worker Dispatch Law” in Article 4 hereof); hereinafter the same), a business which receives labor dispatch services (in the sense of labor dispatch as defined in Article 2(i); the same shall apply to Article 5(2) hereof) of the dispatched worker; or
 - (iii) In the case where the business specified in the preceding two Items do business based on a contract for work or any other contract with another business, and the worker engages in that business, such other business.
- (2) For the purpose of this Act, the term “Whistleblower” means a worker who has blown the whistle as specified in this Act.
- (3) For the purpose of this Act, the term “Act Subject to Whistleblowing” means —
- (i) Any criminal act related to such offense as specified in the laws (including the orders based on those laws; the same shall apply to the following Item) listed in the attached list as laws concerning the protection of individuals’ lives and health, the protection of consumer benefit, the protection of the environment and the protection of fair competition, and other laws concerning the protection of peoples’ lives, health, property and other interests ; or
 - (ii) In the case where a violation of a disposition imposed under any of the laws listed in the attached list constitutes an act specified in the preceding Item, the act due to which the disposition is imposed (In the case where the act due to which the disposition is imposed is a violation of another disposition imposed under any of the laws listed in the attached list or is the nonobservance of a recommendation, etc., made under any of the laws listed in the attached list, the act referred to in this Item includes the act due to which such another disposition is imposed or the act due to which the recommendation, etc., is made.).
- (4) For the purpose of this Act, the term “Administrative Organ” means —
- (i) The Cabinet Office, Imperial Household Agency, any organ specified in Article 49 (1) or (2) of the Law to Establish the Cabinet Office (Law No. 89 of 1999), any agency specified in Article 3(2) of the National Government Organization Law (Law No. 120 of 1948), any organ established under the supervision of the Cabinet based on laws, any organ that is established under these organ, or any staff member of these organ who is permitted by law to independently exercise his or her authority;
- or

- (ii) Any organization of a local municipal entity (excluding the assemblies).

(Nullification of Dismissal)

Article 3

If a Whistleblower is dismissed by such business as specified in Article 2(1)(i) on the basis of such Whistleblowing made in such case as specified in each Item set forth below, the dismissal shall be null and void:

- (i) [In the case where an Act Subject to Whistleblowing is considered to occur or to be about to occur] Whistleblowing to the Entity in Which the Worker Works, etc.;

- (ii) [In the case where there is a sufficient reason for the Whistleblower to believe that an Act Subject to Whistleblowing occurs or is about to occur] Whistleblowing to an Administrative Organ authorized to impose a disposition or give a recommendation, etc., on the Act Subject to Whistleblowing; or

- (iii) [In the case where there is a sufficient reason for the Whistleblower to believe that an Act Subject to Whistleblowing occurs or is about to occur, and there is a situation that falls under any of the following subitems] Whistleblowing to any person to whom such Whistleblowing is considered necessary to be made in order to prevent the occurrence of the Act Subject to Whistleblowing or the spread of damage caused by the Act Subject to Whistleblowing:

- (a) In the event where the Whistleblower has a sufficient reason to believe that he or she will receive a dismissal or any other disadvantageous treatment if he or she reports an Act Subject to Whistleblowing as specified in the preceding two Items;

- (b) In the event where the Whistleblower has a sufficient reason to believe that the evidence as to the Act Subject to Whistleblowing might be concealed, falsified, or altered if he or she reports an Act Subject to Whistleblowing as specified in Item (i);

- (c) In the event where the Whistleblower was requested by the Entity in Which the Worker Works, without any justifiable reason, not to report an Act Subject to Whistleblowing as specified in the preceding two Items;

- (d) In the event where the Whistleblower does not receive notice from the Entity in Which the Worker Works, etc., about the commencement of an investigation on the Act Subject to Whistleblowing within twenty days although the Whistleblowing as specified in Item (i) was made by a means of written information (including a record made by electronic means, magnetic means or other means that cannot be directly perceived by human sense; the same shall apply to Article 9), or where the Entity in Which the Worker Works, etc., fails to

conduct an investigation on the Act Subject to Whistleblowing without any sufficient reason; or

(e) In the event where the Whistleblower has a sufficient reason to believe that some damage is caused or is about to be caused to the life or health of a person.

(Nullification of the Cancellation of a Worker Dispatch Agreement)

Article 4

In the case where a Whistleblower is a dispatched worker working under the supervision and instruction of such business as specified in Article 2 (1)(ii) hereof, and such business specified in Article 2(ii) cancels a worker dispatch agreement (in the sense of worker dispatch agreement as defined in Article 26(i) of the Worker Dispatch Law) on the basis of such Whistleblowing by the dispatched worker as specified in the Items of the preceding Article, such cancellation shall be null and void.

(Prohibition of Disadvantageous Treatment)

Article 5

(1) In addition to such disadvantageous treatment as specified in Article 3 hereof, such business as specified in Article 2(1)(i) hereof shall not give any Whistleblower who is or was an employee of the business disadvantageous treatment such as demotion or a salary cut on the basis of such Whistleblowing as specified in the Items of Article 3 hereof.

(2) In addition to such disadvantageous treatment as specified in the preceding Article, such business as specified in Article 2(1)(ii) hereof shall not give any Whistleblower who is a dispatched worker working under the supervision and instruction of the business disadvantageous treatment, such as asking the business dispatching the Whistleblower to replace him or her with another dispatched worker, on the basis of such Whistleblowing as specified in the Items of Article 3 hereof.

(Provision on Interpretation)

Article 6

(1) The provisions of the preceding three Articles shall not preclude the application of the provisions of other laws and regulations (referring to laws and orders based on laws; the same shall apply to Article 10(1) hereof) that prohibit a dismissal or any other disadvantageous treatment of any worker or dispatched worker on the basis of the fact that the worker has reported any Act Subject to Whistleblowing.

(2) The provisions of the Article 3 hereof shall not preclude the application of the provision of Article 18-2 of the Labor Standards Law.

(Treatment of National Public Employees in the Regular Service, etc.)

Article 7

Notwithstanding the provisions of Article 3 through Article 5 hereof, the National Public Service Law (Law No. 120 of 1947, including the case where the said law applies *mutatis mutandis* to the Temporary Measures Law Concerning Court Officials (Law No. 299 of 1951)), Diet Officials Law (Law No. 85 of 1947), Self-Defense Forces Law (Law No. 165 of 1954), and Local Public Service Law (Law No. 261 of 1950) shall apply a national public employee in the regular service, court official subject to the Temporary Measures Law Concerning Court Officials, Diet official subject to the Diet Officials Law, SDF personnel specified in Article 2(5) of the Self-Defense Forces Law, and a local public employee in the regular service (collectively referred to as “National Public Employee(s) in the Regular Service, etc.” in this Article) regarding the prohibition of dismissal or any other disadvantageous treatment of a National Public Employee in the Regular Service, etc., on the basis of such Whistleblowing as specified in the Items of Article 3 hereof. In this case, the persons authorized to appoint National Public Employees in the Regular Service, etc., and any other business specified in Article 2(1)(i) hereof shall apply the provisions of these laws in order to prevent dismissal or any other disadvantageous treatment of any National Public Employee in the Regular Service, etc., on the bases of the fact that he or she has engaged in such Whistleblowing as specified in the Items of Article 3 hereof.

(Protection of Legitimate Interests, etc., of Others)

Article 8

Any worker who engages in such Whistleblowing as specified in the Items of Article 3 hereof shall make efforts not to damage the legitimate interests of others and the interest of the public.

(Notification of Remedial Measures, etc.)

Article 9

Any business which receives from a Whistleblower a written report through such Whistleblowing as specified in Article 3(i) hereof shall make efforts to notify the Whistleblower, without delay, that the business has taken measures that are considered necessary to stop the Act Subject to Whistleblowing reported through the Whistleblowing or to otherwise remedy the Act Subject to Whistleblowing or that the business has not discovered the Act Subject to Whistleblowing reported through the Whistleblowing.

(Measures That Should Be Taken By the Administrative Organ)

Article 10

(1) Any Administrative Organ which receives from a Whistleblower a report through such Whistleblowing as specified in Article 3(ii) hereof shall conduct the necessary investigations. If such investigations confirm the existence of the Act Subject to Whistleblowing reported through the Whistleblowing, the Administrative Agency shall take appropriate measures such as the measures required by laws and regulations.

(2) If the Whistleblowing specified in the preceding Paragraph is about such criminal act as specified in Article 2(3)(i) hereof, provisions of the Code of Criminal Procedure (Law No. 131 of 1948) shall apply to the criminal investigation and public prosecution of the criminal act, notwithstanding the provision of the preceding Paragraph.

(Instructions)

Article 11

When an Administrative Organ receives information about an Act Subject to Whistleblowing through such Whistleblowing as specified in Paragraph 1 of the preceding Article, if the Administrative Organ is not authorized to impose a disposition or give a recommendation, etc., with regard to the Act Subject to Whistleblowing reported from the Whistleblower, the Administrative Organ shall inform the Whistleblower an Administrative Organ authorized to impose a disposition or give a recommendation, etc., with regard to the Act Subject to Whistleblowing reported through the Whistleblowing.

Supplementary Provisions

(Date of Enforcement)

Article 1

This Act shall be enforced on and from the day specified in a cabinet order, which shall be set within a two-year period starting from the promulgation date of this Act, and apply to Whistleblowing made after the enforcement date.

(Review)

Article 2

About five years after the enforcement of this Act, the government shall review the state of enforcement of this Act and take necessary measures based on the results of the review.

Attached List (related to Article 2 hereof)

1. Penal Code (Law No. 45 of 1907)
2. Food Sanitation Law (Law No. 233 of 1947)
3. Securities and Exchange Law (Law No. 25 of 1948)
4. Law Concerning Standardization and Proper Labeling of Agricultural and Forestry Products (Law No. 175 of 1950)
5. Air Pollution Control Law (Law No. 97 of 1968)
6. Waste Disposal and Cleaning Law (Law No. 137 of 1970)
7. Personal Information Protection Act (Law No. 57 of 2003)
8. Any laws other than those specified in the preceding Items that are specified in a cabinet order as laws concerning the protection of individuals' lives and health, the protection of consumer interests, the protection of the environment and the protection of fair competition, and other laws concerning the protection of people' lives, health, property and other interests.