

## Counseling Q & A

**Q. Who is responsible for conducting consultations and giving legal advice?**

A. All consultations without exception are undertaken by attorneys who are registered with the Japanese bar association (bengoshikai). Advice is therefore extremely reliable and confidential.

**Q. Can consultations be conducted in a language other than Japanese?**

A. Yes. Consultations can be conducted in Chinese (Mandarin), Portuguese, Spanish, Vietnamese, Tagalog and English.

Those who want to have consultations ①should call the office and give his/her full name, telephone number and the language in which he/she wants to receive the replies. ② Within a few days after the call, an appointed interpreter will call the client directly. The client then can tell his/her content of consultation. ③The attorney who is an expert on the subject will give a response. The interpreter will pass the response to the client over the telephone.

**Q. How much does a consultation cost?**

A. The first call is free of charge. In some cases, counseling fees and translation costs may be incurred.

**Q. How confidential are consultations?**

A. The content of all consultations is strictly confidential. Japanese attorneys are required to maintain strict confidentiality in regard to clients and all personal information will be strongly protected.

**Q. Is it possible to be legally represented by an attorney as a result of the consultation?**

A. If there is the need for legal representation it is possible to be accepted as a client. If geographical position prevents the representation of a potential client, they can be, as far as circumstances allow, recommended to local attorneys or labor unions.

**Tel:**

**Osaka 06-4708-3631**

**Nagoya 052-414-5971**

**Reception Hours:**

**Mon-Fri (excluding national holidays),  
10:00-17:00**

## Migrant Worker Research Group

The Migrant Worker research Group consists of attorneys specializing in labor laws, labor union representatives and translators. The group offers legal support and researches problems surrounding foreign workers.

At the consultation room of the research group, attorneys well versed in legal problems concerning foreign workers offer counsel and legal advice in regard to legal incidents. Depending on the nature and circumstances of the problem they may decide on legal proceedings or offer introductions to various relevant groups or facilities.



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*Migrant Worker*  
Research Group

マイグラント  
研究会

There are some  
Problems

You just cannot solve  
Alone!

LEGAL  
CONSULTATIONS  
For  
FOREIGNERS

<http://migrant-worker.org>

The following are examples of the kinds of consultations accepted by the Migrant Worker Research Group.

### Unpaid Overtime

**[Consultation]** Client 'A' works 11 hours per day, 6 days a week, but the company refuses to pay overtime. (Cook)

**[Counsel]** If a person works more than 8 hours per day and total work hours exceed 40 hours per week they can demand overtime at a rate of 125% of normal hourly pay.

In order to file for unpaid overtime it is necessary to prove hours actually worked. However apart from determining work hours from the time card, precisely recorded notation of commencement and finishing times of work can be used as evidence in a court of law. Since pay claims are nullified after 2 years from the monthly date of pay, it is necessary to quickly file for back payment of unpaid overtime.

### Injured at Work

**[Consultation]** Three fingers of the consulting trainee had to be amputated after being caught in a press at work. However, apart from medical costs, the company refuses to pay compensation. (Foreign Trainee)

**[Counsel]** If a claim for worker compensation is filed it is possible to receive backpay for 80% of unpaid salary excluding medical costs. Depending on the circumstances it may be possible to demand compensation for damages. It is therefore advisable to seek the services of an attorney.

### Death from Overwork

**[Consultation]** A father who worked late everyday including Saturdays and Sundays suddenly dies of heart failure. (Relative of Manufacturing Employee)

**[Counsel]** If, including holidays, a person works over 80 hours per week on average, and suffers death to a heart or brain condition it is possible to consider overwork as the cause of death. In a case of *death due to overwork* it is possible to demand worker compensation from the bereaved relative's pension fund and compensation for damages from the company.

However, since there are exact and complex regulations regarding designation of cases of *death due to overwork*, it is highly recommended to seek the services of an attorney.

### Employment Suddenly Terminated by Company

**[Consultation]** Foreign employee working in Japan with a visa status of skilled laborer was suddenly informed by employer 2 months before expiration date of visa that employment was terminated. (Employee of Trading Company)

**[Counsel]** In such a situation it is impossible to obtain a source of income as well as obtain a change of visa status. It is therefore advisable to obtain the services of an attorney and seek quick recompense through a short term court case or a workers arbitration case. If it appears that will be able to find a new work position quickly, rather than demand solution money from the company, demand arbitration through resignation is another course of action.

### Son Killed in Car Accident

**[Consultation]** Son was hit by car and subsequently died. (Relative of Foreign Student)

**[Counsel]** In the case of foreigners residing for a short period in Japan calculation of compensation differs from that of Japanese nationals. In the case of loss of life due to an accident, compensation depends on factors such as inheritance rights and relevant laws of country of origin in deciding what laws to base the claim on. In such a case it is best to seek the counsel and representation of an attorney well versed in the legal problems of foreigners for negotiations and legal proceedings.

### Divorce from a Japanese Husband

**[Consultation]** Foreign national considering divorce from Japanese husband. The woman has a one year old child fathered by the husband. The woman wishes to continue living in Japan. (Foreign Woman With Spouse Visa)

**[Counsel]** In order to continue to reside in Japan after divorce a foreign national must show ability to support own existence as well as independently take care of own child. The person wishing to reside in Japan should have actual employment and the right of parentage is indispensable.

Since a foreign national is seeking the divorce, the problem lies with visa status as well as other relevant laws. It is therefore desirable to seek the services of an attorney well versed in legal problems facing foreigners.

The various problems introduced here such as labor related (refusal to pay wages, worker compensation, unjust termination of employment), traffic accident related, domestic problem related (divorce, parentage rights), money related, contract related, etc, are being accepted as consultations by the migrant worker research group.